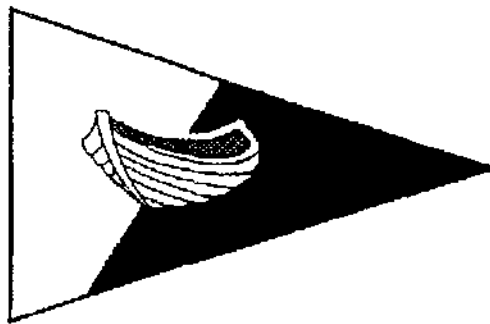


**GIG HARBOR
CITY COUNCIL MEETING**



September 11, 1995

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

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
September 11, 1995 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

PUBLIC HEARING: Chapel Hill Presbyterian Church - Site Plan.

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Washington Finance Officers Association - certification of Professional Finance Officer for Tom Enlow.
2. Washington Finance Officers Association - certification of Professional Finance Officer for Fumiko Tamaru.

OLD BUSINESS:

1. Resolution - Appeal of Right-of-Way Permit Denial - Doug Sorensen.

NEW BUSINESS:

1. 1995 Budget Amendment for Debt Redemption.
2. Special Occasion Liquor License - Fall Harvest Festival, St. Nicholas Church.

MAYOR'S REPORT:

Commencement Bay Maritime Fest.

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: None.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF AUGUST 28, 1995

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

PUBLIC COMMENT / DISCUSSION:

Larry Burcar - 8910 Franklin Avenue. Mr. Burcar shared his concerns about the increased traffic speeding down Franklin. He said it has created a dangerous situation and gave an example of an elderly lady who was almost run down recently. He added that he is aware that the police cannot be there all the time, but suggested they increase their patrol during commute hours. He also suggested placing a three-way stop at the intersection of Fuller and Franklin. He asked that something be done before there was a fatality.

Councilman Ekberg asked Mark Hoppen to check with the Police Department on how many tickets had been issued in this area and to report back to Council with that information.

Jim Boge - 6606 Soundview Drive. Mr. Boge said that two months ago he came to Council with his concerns about the faded crosswalks and had been told something was going to be done soon. He said he checked this afternoon, and the crosswalks at Jerisich Park and in front of Dunlap's Deli had not been done. He added it was a shame that summer was almost over and it had not been done.

Mark Hoppen explained that the contracts had just been signed and work should begin within a week. Councilman Ekberg added that the striping project had been delayed to wait for the completion of the Harborview Drive project, and that the longer-lasting material would prevent the fading of the crosswalks so quickly.

Carl Sletto - 3216 Shyleen. Mr. Sletto said he had information regarding the request by Jim Richardson to remove the judgement against his property. Mr. Hoppen informed Mr. Sletto that this issue was going to be added as an item under New Business this evening, and his testimony would be accepted at that time.

CALL TO ORDER: 7:10 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the August 14, 1995 meeting with correction.
Picinich/Platt - unanimously approved.

CORRESPONDENCE:

1. Jail Capacity Presentation - Andrew Neiditz, Executive Director of Public Safety. Mayor Wilbert presented this letter thanking the Mayor and Councilmembers for inviting him to present a jail capacity report. She added that this remains a high profile issue.

2. Request for Proposal for Grants - State Growth Management Services. Mayor Wilbert introduced Carol Morris, legal counsel, to comment on this request for grant proposals. Ms. Morris said that with Council's approval she would be making grant application not only for the City of Gig Harbor, but for other cities to develop a model ordinance for regulatory reform, and hopefully would receive some of the available funds to cover her legal fees.

Ray Gilmore, Planning Director, added that the Department of Community, Trade and Economic Development had been awarded 3.5 million by the legislature to assist local communities with the Growth Management Act and Regulatory Reform. He added that only \$150,000 was being awarded with this request for proposals for grants. He suggested that the Mayor pen a letter to request additional funds for this task.

3. Regional Transit Authority / Citizen's Forum. Mayor Wilbert asked if anyone had any suggestions for the Regional Transit Authority. She added that it would once again be coming up for a vote, and she didn't expect residents on this side of the bridge to be included in the voting process, as they were not included previously.

OLD BUSINESS:

1. Howard Dahl - Rezone Request, Second Reading of Ordinance. Ray Gilmore introduced the second reading of this ordinance for a rezone of the property located at 7715 Skansie Avenue from a R-1, single family, to a RB-2, residential business.

MOTION: Move to approve Ordinance No. 695.
Markovich/Ekberg - unanimously approved.

2. Resolution for Appeal of Right-of-Way Permit Denial - Doug Sorensen. Mark Hoppen asked Carol Morris to present the resolution she drafted at Council's direction. Ms. Morris stated she had drafted this resolution stating findings and facts that are specific to this approval to provide a history for granting this permit. She said that she understood that Council had not placed any conditions upon the approval, but added that if Council wanted to add specific conditions, they could rescind their decision and consider the permit again. She said that there is a question of whether or not Mr. Sorensen actually owns a portion of the property where he proposes to place the fence. She said that if this were so, the ordinance states that Mr. Sorensen would have to provide the City with assurance from the neighbor that he has possessory use of the property. Ms. Morris suggested that if Council were to approve the Resolution before them, that they change it to read "the fence is approved *up to 100 feet*" in case Mr. Sorensen is unable to get approval from his neighbor and he is forced to only build 50 feet of fence.

Councilman Picinich suggested waiting to act until Mr. Sorensen was able to get permission from his neighbor for the additional 50 feet of fence so the blanks in the resolution regarding placement of the fence could be filled in.

MOTION: Move we approve Resolution No. 453 with the amendment to Section 2 that we allow from 50 up to 100 feet in length and six feet in height to be placed along 9409 North Harborview Drive.
Markovich/Picinich -

Councilmember Platt said he was not in favor of granting this fence on city right-of-way. He added that he is not comfortable with the approval, especially with the fence being placed in front of another's property. Councilmember Ekberg added that because of the unique situation the applicant should be able to put something back, but he didn't believe that a structure six feet high was necessary. He said he thought privacy could be restored without a six foot fence.

Carol Morris said that because Council had recommended approval at the last council meeting with a resolution, that if they decide to change their mind and add conditions, they need to rescind their previous decision and confront the application at another time in order to give the applicant a chance to prepare for a meeting to consider the application.

Councilmember Markovich noted there was a motion on the table. Mayor Wilbert asked for a vote on whether to call for the question and stop discussion. Councilmember Markovich voted in favor of calling for the question and stopping the discussion. Councilmembers Owel, Platt, Ekberg, and Picinich voted in favor of keeping discussion open. The motion to continue discussing the issues was carried.

Councilmember Owel said she didn't feel that the Sorensens had initiated the situation for which they were asking for remedy. She added that in reviewing the GHMC, the applicant's do not have many avenues open to them, other than a major remodel or site plan modification, which may not be available to them. She said that if it were commercial property, the owner would be required to provide precisely that kind of screening. Councilmember Owel added that the steep terrain is common throughout the City, and there are not many avenues to address this situation except through resolution, making it site-specific. She said her final concern is that the City needs to address these incremental impacts on citizens due to traffic. She stressed that this property is solely residential, not commercial, and that Mr. Sorensen has a legitimate need to restore his privacy.

Councilmember Markovich said he supported everything Councilmember Owel had said. Councilman Picinich said he also agreed but his concern is the second party in control of the fifty foot section.

Mayor Wilbert suggested tabling the issue to place the proper language in the resolution and having any questions answered. Councilmember Picinich asked Doug Sorensen whether or not he had permission to place a fence in front of their neighbor's property.

Doug Sorensen attempted to clarify the layout of the property and where the fence would be located. He said the property was on a corner, and that the fence would front his property, not the neighbor's. He said he could get permission from the property owner, who would be agreeable.

Councilmember Owel asked for the length of Mr. Sorensen's property frontage on North Harborview. He answered that it is 105 feet. Mark Hoppen asked if Mr. Sorensen's driveway is on his property or on an easement, because he plans to place the fence in front of his driveway. Mr. Sorensen responded that the driveway is on all on City property but fronts approximately 50' on the neighbor's property. He clarified that it is complicated because of the pie-shape, and if you look at it from the street, it looks like his property, but it's really his neighbor's.

AMENDED MOTION: Move we table any action on this until we have an exact site plan showing the properties and where the fence is going to be placed. Ekberg/Platt - four voted in favor. Councilmember Markovich voted against.

NEW BUSINESS:

1. Request for Time Extension - Design Guidelines Technical Committee; Revised Resolution. Ray Gilmore, Planning Director, gave a history on the appointment of the Committee and explained that although they have made substantial progress to do a complete and thorough job will require more time. He requested that Council approve a Resolution allowing the Committee more time by extending the deadline to December 31, 1995. Carol Morris added that if 164 is adopted by the voters, and the Council gives a recommendation to present the guidelines to the Planning Commission after the adoption of 164, an economic impact analysis on these regulations will probably have to be done.

Rick Gagliano - 8607 56th Ave. NW. Mr. Gagliano introduced himself as the Chairman of the Design Guidelines Technical Committee. He said that they had spent the last month working closely with the Planning Commission to make sure their recommendations would not be in conflict with the new zoning amendments. If the zoning amendments are in place before 164 is passed, they wanted to be sure that the design guidelines that they recommend will be consistent and not of dire impact.

Mr. Gilmore said the Staff is aware that extending the deadline to December 31st may result in an EIS being required, but the alternative would be to submit an incomplete product, and that the Planning Commission would prefer to have a completed guideline. Councilman Platt asked for an Executive Summary of the progress of the Committee to be presented at the Budget Workshop on Wednesday.

MOTION: Move adoption of Resolution #454.
Markovich/Ekberg - unanimously approved.

2. Assigned Counsel Contract - Pierce County. Mark Hoppen explained that because the contract came so late in the year, a higher price had not been negotiated by Pierce County. He said that the price was the same as the previous year.

MOTION: Move we approve the Assigned Counsel Agreement for an amount not to exceed \$15,750 annually.
Markovich/Platt - unanimously approved.

3. Liquor License Renewals - Bartell Drug Co.; Olympic Village BP; Gig Harbor Yacht Club.
No action taken.

Mayor Wilbert asked if Mark Hoppen would gather information regarding the specific classes of liquor license and distribute to Councilmembers for future reference.

4. James Richardson Judgement. Mark Hoppen gave a brief history of the judgement placed upon Mr. Richardson's property to assure that he built his addition in compliance to the height and building code after he had begun construction, without permits or a variance, for 30" over the height limit. He added that Mr. Richardson would like the \$30,000 judgement that had been placed on his property by the City be removed to allow him to obtain a loan to finish the construction. Mr. Hoppen explained that there is another, much larger obligation, that may be removed some time this week. Carol Morris added that Mr. Richardson had not yet paid anything toward the judgement or the interest that had been accruing. She said that Council had the option to forgive the judgement or to subordinate it to the new loan.

Carl Sletto - Arabella's Landing. Mr. Sletto said he is attempting to broker a mortgage for Mr. Richardson to allow him to refinance his house to complete the repairs that he had begun. He said the title came back with the \$30,000 judgement by the City and another \$400,000 judgement against his company and property, and that Mr. Richardson is in the process of satisfying the other, larger judgement. Mr. Sletto said that they are attempting to refinance his house to pay off the existing loan with Key Bank, leaving him with approximately \$11,000 to complete the improvements on the home. He said the property as it stands is worth approximately \$122,000, but with the completed repairs it could be worth up to \$140,000 with a mortgage of \$65,000. He said it would be a good investment for the City if they insisted on taking the \$30,000 back.

Councilmember Platt pointed out that this was the same Jim Richardson who was quoted in the newspaper as saying "The City didn't get nothing from me" in regards to the judgement placed upon his property.

Councilmember Ekberg stressed that one of the reasons the City has an agenda with a cut-off date is to enable Council to do research on an agenda item. He added that he was not prepared to make any decisions on this request and suggested it be brought back on the next agenda. Mr. Hoppen said he agreed and added that he had requested Mr. Richardson to provide evidence that the other judgement had been removed, but that had not been received.

MAYOR'S REPORT

The City of Gig Harbor 50 Year Anniversary Celebration. Mayor Wilbert said she had sent a letter to the Historical Society and other past, public officials asking for assistance with gathering information. Councilmember Markovich said he thought this was a wonderful opportunity to bring together the City government, business community, and service community to celebrate this community-wide event. Mayor Wilbert asked Councilmembers Picinich and Markovich to be on a planning committee.

STAFF REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS:

Budget Workshop - Wednesday, August 30th, 3 p.m. to 6 p.m. at North by Northwest.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14615 through #14654 in the amount of \$31,698.62.

Platt/Ekberg - unanimously approved.

MOTION: Move approval of warrant #14581 in the amount of \$148.75.

Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION: None.

SPECIAL PRESENTATION:

Mayor Wilbert introduced Claire Petrich. Ms. Petrich, one of the founders and organizers of the Commencement Bay Maritime Fest, gave a brief description of the upcoming festival to be held September 22nd through the 24th on the Thea Foss Waterway in Tacoma. She explained that activities would include tugboat races, which had been reinstated after 40 years, a parade of fishing boats, and other festivities during the two-day festival. She added that a celebration at the Eleventh Street Bridge would be commemorating the 100th year anniversary of the building of the first bridge at that location.

ADJOURN:

MOTION: Move to adjourn at 8:04 p.m.

Platt/Ekberg - unanimously approved.

Cassette recorder utilized.

Tape 397 Side B 135 - end.

Tape 398 Side A 000 - end.

Tape 398 Side B 000 - 137.

Mayor

City Administrator

RECEIVED

SEP - 5 1995



WASHINGTON FINANCE OFFICERS ASSOCIATION

Professional Finance Officers Award

Mail Stop 610, 3000 Rockefeller Avenue, Everett WA 98201-4046, (206)388-3308

CITY OF GIG HARBOR

MS. GRETCHEN WILBERT
MAYOR
CITY OF GIG HARBOR
3105 JUPSON STREET
GIG HARBOR WA 98335

AUGUST 28, 1995

Dear MS. GRETCHEN WILBERT

It is with great pleasure that I inform you that

TOM ENLOW
FINANCE DIRECTOR

has been certified as a "PROFESSIONAL FINANCE OFFICER" for the State of Washington by the Washington Finance Officers' Association (WFOA). This annual certification requires ongoing education and professional excellence.

Successful certification is a commitment to excellence which WFOA strives for and we do not automatically grant this award.

WFOA would like to thank you for your support and encourage you to, in some manner, recognize this accomplishment.

Sincerely,

Ken Johnson, Chairperson
Professional Finance Officer Award Program
WFOA Awards Committee



WASHINGTON FINANCE OFFICERS ASSOCIATION

Professional Finance Officers Award

Mail Stop 610, 3000 Rockefeller Avenue, Everett WA 98201-4046, (206)388-3308

MS. GRETCHEN WILBERT
MAYOR
CITY OF GIG HARBOR
2109 59TH AVE NW
GIG HARBOR WA 98335

AUGUST 28, 1995

Dear MS. GRETCHEN WILBERT

It is with great pleasure that I inform you that


FUMIKO TAMARU
ACCOUNTING CLERK

has been certified as a "PROFESSIONAL FINANCE OFFICER" for the State of Washington by the Washington Finance Officers' Association (WFOA). This annual certification requires ongoing education and professional excellence.

Successful certification is a commitment to excellence which WFOA strives for and we do not automatically grant this award.

WFOA would like to thank you for your support and encourage you to, in some manner, recognize this accomplishment.

Sincerely,



Ken Johnson, Chairperson
Professional Finance Officer Award Program
WFOA Awards Committee



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: PROPERTY DESCRIPTION/SORENSEN
DATE: AUGUST 21, 1995

INFORMATION/BACKGROUND

At the last Council Meeting, Council instructed staff to clarify property considerations regarding possession of property adjoining North Harborview. Mr. Sorensen has provided documentation to this effect. A staff engineering drawing confirms Mr. Sorensen's map submission (attached).

POLICY CONSIDERATIONS

Normally, fencing is only permitted on or adjacent to the owners frontage, even at a 3' height. GHMC Section 12.02.020 requires that an applicant must provide information on the application "including but not limited to evidence that the applicant is either the owner or entitled to possession of the property adjoining the place sought to be used." Because we are not reviewing the easement Mr. Sorensen has with his neighbor to determine if the easement would legally allow him to install a fence there, the applicant must provide written documentation of his right to possession.

Staff contends, unlike Mr. Sorensen's contention in his letter, that he is not entitled to possession of any property fronting the Currier property. His driveway is a use, not a possession. Moreover, Mr. Sorensen has submitted evidence, which appears valid, that due to the Otter St. Vacation a common user easement on each side of the centerline line of Otter Street also requires Mr. Sorensen's neighbor's concurrence in any application for residential fencing. In other words, it appears the neighbor possesses the right to deny Mr. Sorensen residential fencing adjacent to five feet of Mr. Sorensen's property, if the neighbor so chooses.

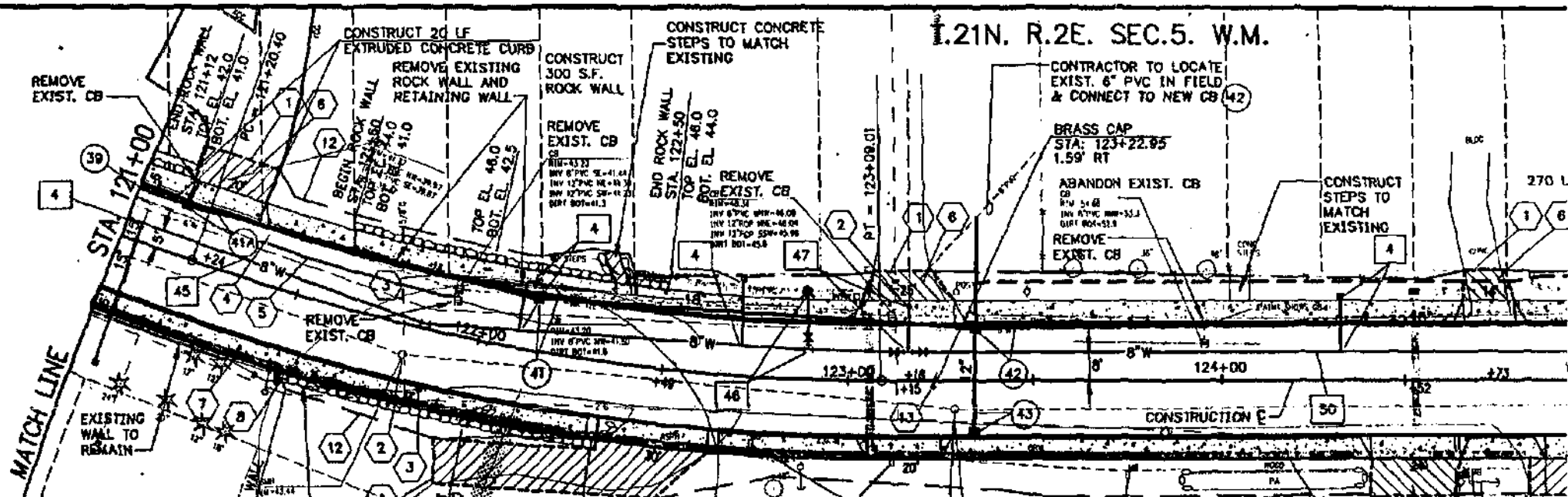
FISCAL CONSIDERATIONS

The Sorensens would be completely responsible for any alterations to the currently constructed hand rail along this stretch of North Harborview Drive.

RECOMMENDATION

Mr. Sorensen must demonstrate that he either has exclusive control over the Otter Street area or all other "common users" must be co-applicants. Likewise, the owner of the Currier property must be a co-applicant because the owner of the Currier property is the one with the possessory interest in the other portion of the property adjoining the right-of-way.

T.21N. R.2E. SEC.5. W.M.



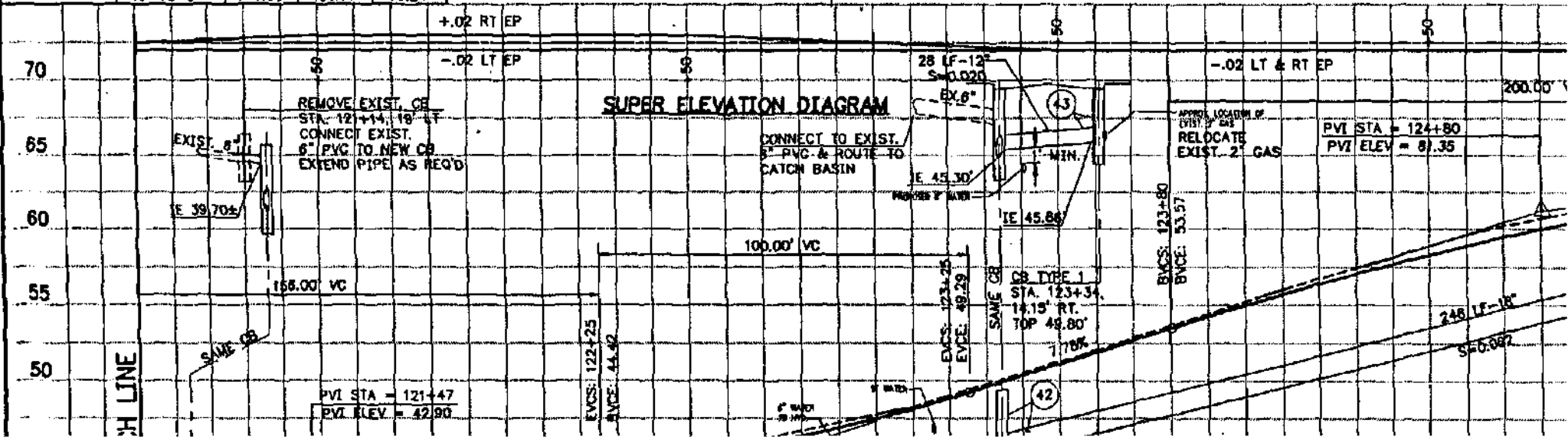
CONSTRUCTION NOTES

- ① SAWCUT, TACK AND MATCH
- ② ADJUST TO GRADE
- ③ TO BE REMOVED, RELOCATED OR ADJUSTED BY OTHERS
- ④ REMOVE 122 LF. OF CURB AND GUTTER
- ⑤ REMOVE 55 S.Y. OF SIDEWALK
- ⑥ REMOVE AND RECONSTRUCT EXISTING DRIVEWAY. SEE SCHEDULE SHEET 13
- ⑦ CONSTRUCT WOOD RAILING STA. 120+90 TO 122+30, 'RT
- ⑧ RELOCATE MAILBOXES SEE SCHEDULE SHEET 13
- ⑨ CONSTRUCT ASPHALT RAMP SEE DETAIL SHEET 13
- ⑩ FOR INTERSECTION LAYOUTS SEE SHEET 12 & 13
- ⑫ CLEARING LIMITS
- ⑬ RESET EXISTING MONUMENT. SET CASE AND COVER
- ⓪ WATER NOTES, SEE SHEET 15
- ⓪⓪ STORM DRAINAGE NOTES

CENTERLINE CURVE DATA

PI - STATION	Δ	RADIUS	LENGTH	TANGENT
122+15.64	19° 38' 53"	550.00'	188.61'	95.24'

SUPER ELEVATION DIAGRAM



Northwesterly line of
vacated FRONT STREET
N. 22°-15'-18" E. 105'

100' proposed fence

RUST ST.

PLAT OF TOWN OF ARTENA
GIG HARBOR, WASHINGTON

N. 22°-15'-18" E.

AVE. NORTH

1/2" Nail

Fold Pipe - Set new pipe

FRONT ST. 105' 0"

LOT 12
Sorenson
Property
Lots

Carrier
Property
centerline of vacated
other street.

60 ft. width other street
Vacated Dec 14, 1912
C. Comm. Records Vol. 162.

Scale 1" = 50'

Other st. subject to COMMON USER
Easement 5 ft. on each side of
centerline of street.

N. 26°-41'-58" E. 197.4'
Balanced Headfall
Line.

Fold pipe

SURVEYOR'S
This map corre

9409 N. Harborview Dr.
Gig Harbor, WA 98332
September 7, 1995

RECEIVED
SEP 7 1995
CITY OF GIG HARBOR

Mark Hoppen
City Administrator
P.O. Box 145
Gig Harbor, WA 98335

Dear Mr. Hoppen:


Please review the enclosed copy of my application for a Right-Of-Way Use Permit dated 7/12/95. The form asked for proof of ownership of which I have enclosed a copy of my warranty deed and a 1973 survey. The title and survey together indicate that I am "the owner (and) am entitled to possession of the property adjoining the public right-of-way identified above."

The 50' easement also "adjoins" my property on the Northeast corner and does not touch or "adjoin" the neighbor's property. The North 50' portion of the fence adjoins the West side of my easement (driveway) and not on the portion of North Harborview Drive that adjoins my neighbor. There is a four foot portion of North Harborview Drive that adjoins or fronts my neighbor's property and the distance increases as you go Northward on our easement (driveway). In other words, the fence is adjoining our easement and not our neighbor's property.

Please also note that the permit form states, "Insurance Required: For all uses except for Residential-Construction of Fence . . ." The indemnification clause takes care of all claims that may be raised against the City. Therefore, insurance should not be an issue with this residential fence.

I hope that this information will help clarify the concerns expressed by the Council and yourself.

Sincerely,


Douglas Sorensen

cc: City Council Members

2476455

Transamerica Title Insurance Co



A Service of
Transamerica Corporation

THIS SPACE RESERVED FOR RECORDER'S USE:

RECORDED

VOL. _____ OF _____

PAGE _____ REQUEST OF _____

6 AM 8:30

M. Belmont

PIERCE COUNTY WASH. DEPUTY

Filed for Record at Request of

Name Tacoma Title Company, Inc.
ESCROW DEPARTMENT 72 DEC

Address 1111 "A" Street

City and State Tacoma, Washington 99401

SEND TAX STATEMENTS TO: Douglas H. Sorensen
c/o Tacoma Savings and Loan Association
P. O. Box 2037
Tacoma, Washington 98401 Loan No. 511-21266

T.T.
219273
DEC 5 1972

Form 457 1-REV

Statutory Warranty Deed

THE GRANTOR HARVEY L. PLAIN and ELAINE F. PLAIN, husband and wife

for and in consideration of Ten and No/100 Dollars and other good and valuable consideration

in hand paid, conveys and warrants to DOUGLAS H. SORENSEN and JEANETTE M. SORENSEN, husband and wife

the following described real estate, situated in the County of Pierce, State of Washington:

Commencing at the junction of the center lines of Front Street and Otter Street in PLAT OF THE TOWN OF ARTENA, PIERCE CO., WASH., as per map thereof recorded in Book 5 of Plats at Page 68, records of Pierce County Auditor; thence at 90° to the center line of Front Street South 67°44'42" East 30 feet to the point of beginning; thence continuing along the center line of vacated Otter Street vacated under Volume 31, Page 162 of Commissioners Records of Pierce County, Washington, South 67°44'42" East 126.00 feet to the Southeasterly line of Lot 1, Block 12, extended; thence across vacated Otter Street and along said Easterly line extended and of Lot 1, Block 12, South 22°15'18" West 58.40 feet to the balanced Government meander line; thence along said meander line, South 26°41'58" West 46.74 feet to the Southerly line of Lot 2, Block 12; thence along said Southerly line of Lot 2, North 67°44'42" West 122.38 feet to the Easterly line of Harborview Avenue, being the Northwesternly line of a 6 foot strip of Front Street vacated under Volume 31, Page 155 of Commissioners Records of Pierce County, Washington; thence along said Northwesternly line North 22°15'18" East 105.00 feet to the point of beginning.



Public Works Department
Right of Way Use Permit Application

RIGHT OF WAY PERMIT REQUIRED: No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, or maintain in, on, over or under any public right-of-way, street, sidewalk, or other similar public place, any building, fence, retaining wall, structure, scaffolding, or object in such a way as to obstruct a public parking strip, sidewalk, street, or right-of-way within the City. (Ord. No. 653)

RIGHT-OF-WAY LOCATION: fronting 9409 N. Harborview Dr.

DESCRIPTION OF USAGE REQUESTED:
Reconstruct a 100', six foot high privacy fence in the same location as our recently removed 100', six foot high combination fence and shrub

PROOF OF OWNERSHIP: Attach to this application evidence that applicant is either the owner or entitled to possession of the property adjoining the public right-of-way identified above.

INSURANCE REQUIRED: For all uses except for Residential - Construction of Fence/Retaining Wall, the applicant shall maintain public liability and property damage insurance in the following amounts \$300,000 Bodily Injury Liability; \$300,000 Property Damage Liability, or \$600,000 Combined Single Limit Bodily Injury and Property Damage. Attach to this application a certificate of insurance naming the City of Gig Harbor as an additional insured.

INDEMNIFICATION: The applicant agrees to indemnify and hold the City harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.

TERM AND PERMIT FEE: This permit is granted for the following term:

	TERM	PERMIT FEE
<input checked="" type="checkbox"/> Residential - Construction of Fence/Retaining Wall	Indefinite	\$50.00
<input type="checkbox"/> Residential - Other use	12 Months	\$50.00
<input type="checkbox"/> Commercial	12 Months	\$50.00
<input type="checkbox"/> Temporary and/or use which involves the obstruction of a public sidewalk or other walkway	30 Days	\$25.00

I certify that I have read this application and state that the above information is correct. I agree to comply with City of Gig Harbor Ordinance No. 653 governing right-of-way permits, and all other City Ordinances and state laws which relate to building construction and work within the City of Gig Harbor Right-of-Way. I also agree to save, indemnify, and keep harmless the City of Gig Harbor, against all liabilities, judgments, costs, and expenses which may in any way accrue against said City in consequence of the granting of this permit.

Applicant: Douglas H. Sorensen
9409 N. Harborview Dr. Gig Harbor 98332 858-2993

Applicant's Signature: Douglas H. Sorensen Address: _____ Phone No: _____
 Date: 7/12/95

Approved By: _____ Date: _____
 Public Works Director

Permit Expires: _____



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: TOM ENLOW
SUBJECT: 1995 BUDGET AMENDMENT FOR DEBT REDEMPTION
DATE: September 4, 1995

INTRODUCTION

The remaining 1985 Water/Sewer Advance Refunding Bonds may be redeemed on or after December 1, 1995. There will be \$230,000 in outstanding bonds at that time with interest rates ranging from 9.2% - 9.75%.

Additionally, the 1995 budget was adopted before the Employee and Police Guild contracts were finalized. The salary schedule included with the budget ordinance did not reflect adjustments to salary ranges for positions covered under those contracts.

FINANCIAL IMPACT

We have adequate reserves in dedicated revenue bond funds to redeem these bonds and maintain sufficient reserves to satisfy bond covenants.

We would save \$101,779 in interest costs over the remaining 5 years until maturity.

The corrected salary schedule has no financial impact since it merely reflects salaries already approved by the council.

RECOMMENDATION

Staff recommends adoption of the attached budget amendment ordinance to authorize the transfer of funds and redemption of the remaining 1985 Water/Sewer Advance Refunding Bonds and Attachment A, the updated 1995 salary schedule.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 1995 BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, adjustments to the 1995 annual appropriations are necessary to conduct city business,

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

Section 1.

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

<u>Fund/Dept.</u>	<u>Original Appropriations</u>	<u>Amendment</u>	<u>Amended Appropriations</u>
408-Utility Bond Redemption	653,000	230,000	883,000
413-Adv. Refunding Bond Redemption	76,147	230,000	306,147

Section 2. The following interfund transfers are within 1995 appropriations, as amended above, and are hereby authorized:

<u>Originating Fund</u>	<u>Receiving Fund</u>	<u>Amount</u>
408-Utility Bond Redemption	413-Adv. Ref. Bond Redemption	230,000

Section 3. Attachment "A" is adopted as the updated 1995 personnel salary schedule, retroactive to January 1, 1995.

Section 4. This ordinance shall be in force and take effect five(5) days after publication of a summary according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this day of , 1995.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark Hoppen
City Administrator/Clerk

Filed with city clerk: 9/5/95
Passed by the city council:
Date published:
Date effective:

ATTACHMENT "A"
1995 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,564	\$5,706
Public Works Director	4,087	5,109
Chief of Police	3,867	4,833
Planning Director	3,603	4,503
Finance Director	3,476	4,344
Police Lieutenant	3,321	4,152
Police Sergeant	3,056	3,820
Public Works Supervisor	3,196	3,995
Sewer Plant Supervisor	3,059	3,823
Fire Marshal/Building Official	3,155	3,945
Construction Inspector	2,655	3,318
Associate Planner	2,700	3,375
Police Officer	2,653	3,316
Sewer Plant Operator	2,614	3,269
Equipment Operator	2,588	3,234
Maintenance Operator	2,422	3,027
Engineering Technician	2,361	2,951
Administrative Assistant	2,287	2,859
Public Works Assistant	2,287	2,859
Court Administrator	2,207	2,758
Laborer	2,051	2,564
Court Clerk	2,001	2,501
Police Services Specialist	1,919	2,399
Accounting Clerk	2,089	2,611
Utility Clerk	2,089	2,611
Office Clerk	1,778	2,222
Administrative Receptionist	1,811	2,121

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

TO: MAYOR OF GIG HARBOR

8-29-95

SPECIAL OCCASION #360342

CLASS: GJ

ST. NICHOLAS CATHOLIC CHURCH
FALL HARVEST FESTIVAL
3510 ROSEDALE ST
GIG HARBOR, WA 98335

DATE/TIME: SEPTEMBER 30, 1995 7:30AM TO 11PM

PLACE: ST. NICHOLAS PARISH HALL

CONTACT: MARK MC KIBBEN 858-2920

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

- * G - License to sell beer on a specified date for consumption at specific place.
- * J ___ License to sell wine on a specific date for consumption at a specific place.
___ Wine in unopened bottle or package in limited quantity for off premises consumption.
- * K - Spirituous liquor by the individual glass for consumption at a specific place.
- * I - Class I, to class H licensed restaurant to sell spirituous liquor by the glass, beer and wine to members and guests of a society or organization away from its premises.
- * I - Annual license for added locations for special events (Class H only)

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

1. Do you approve of applicant? YES__ NO__
2. Do you approve of location? YES__ NO__
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES__ NO__

OPTIONAL CHECK LIST	EXPLANATION	YES__ NO__
LAW ENFORCEMENT	_____	YES__ NO__
HEALTH & SANITATION	_____	YES__ NO__
FIRE, BUILDING, ZONING	_____	YES__ NO__
OTHER:	_____	YES__ NO__

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

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

MAYOR'S REPORT
September 11, 1995

COMMENCEMENT BAY MARITIME FEST
September 22 - 24, 1995

For the second consecutive year, the Gig Harbor Commercial Fishermen's Civic Club will be asked to join with the celebrants at the Commencement Bay Maritime Fest commemorating the lives and labors of the many individuals whose livelihood depends upon the water.

The 1994 event included a parade of fishing boats from Gig Harbor to Thea Foss Waterway. As the boats left the Harbor, they circled and paused as the Mayor placed a wreath upon the water in memory of the fishermen who had gone before.

Following the day's events and as we returned to Gig Harbor, I heard comments about "how nice it is to have a *Blessing of the Fleet* as we did in the past." As this year's event takes shape, you will see that happen again. The fleet will congregate at Jerisich Park Dock and receive the Blessing before departing the Harbor in Parade.

The Fishing Boat Parade is scheduled for Saturday, September 23rd. The boats will depart from Gig Harbor at 10:30 a.m. following the blessing. The fleet will circle for the laying of the wreath, and cruise along Ruston Way. They plan to arrive at Thea Foss Waterway about noon. The oldest vessel will lead the parade, followed in order of their years, with the youngest vessel at the end.

Let me know if you would be interested in participating in the event. I will not be available the weekend of September 22 - 24. It would be great if Councilmembers could represent the City aboard a purse seiner in this annual event.

THIRD ANNUAL



September 22-24, 1995

Thea Foss Waterway
Port of Tacoma
Gig Harbor

*Celebrating the lives and
labors of the many individuals
whose livelihood depends
upon the water.*

for more information, call
**COMMENCEMENT BAY
MARITIME FEST
383-2429**

FRIDAY, SEPTEMBER 22

- Lunch Cruise aboard the *Silver Swan* 572-1001.
- Voice of the Whale: Song of the Sea* Concert at Union Station. 8 p.m. Tickets \$9. 272-2481

SATURDAY, SEPTEMBER 23

- Fishing Boat Parade: Departs Gig Harbor 10:30, Ruston Way, arrives Thea Foss Waterway at Noon.
- Parade aboard the Historic Tugboat *Arthur Foss*: Tacoma Historical Society. Donation. 572-2210.
- "Paddle the Puyallup" by Kayak/Canoe. Bring your own or rent. Tahoma Outdoor Pursuits, 474-8155.
- Work Boat Display & Deep Sea Diving Demo 15th & Dock. Citizens for a Healthy Bay 383-2429.
- Celebrate the 100th Anniversary of the building of the first Eleventh Street Bridge. Beer Garden and Salmon Bake at Petrich Marine Dock all day until 9.

SUNDAY, SEPTEMBER 24

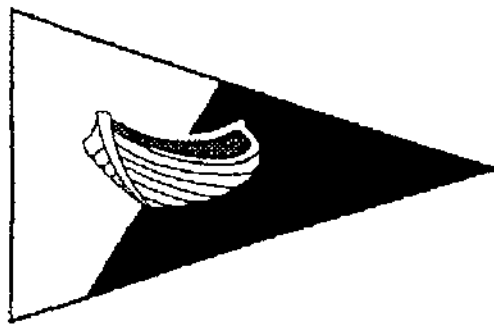
- Boat Tours of the Port of Tacoma. Storytelling while you wait. 9-4. One Sicum Plaza. 383-5841.
- Bicycle Tour of the Tidelands with Citizens for a Healthy Bay. Depart 10 a.m. So. 9th & A St.
- The Longest Tugboat Race in the World Starts at 1 p.m. Thea Foss Waterway to Les Davis Pier.
- Classic Wooden Boat Parade. 3 p.m. Ruston Way to Thea Foss Waterway. 752-6085

ALL WEEK-END

- Catch the big one!* Fishing Derby 272-0108
- Commencement Maritime Center Open House 705 Dock Street. 272-2750.
- Metropolitan Park District Juried Art Show at Dock Street Landing.
- Sea Explorers Open House aboard the *Curtis* and the *Odyssey* 12th & Dock Street
- Kayaks and Canoes for rent on Thea Foss
- Salmon Bake, Beer Garden & Entertainment Petrich Marine Dock, Under 11th Street Bridge
- Waterway Taxis at Dock Street Landing, City Dock So. 15th & Dock St. and Petrich Marine Dock, East side, under 11th Street Bridge.
- Transit vans between East and West sides of Thea Foss Waterway, East Side Neighborhood Center (Saturday only) & Port of Tacoma (Sunday only).

Steering Committee: Port of Tacoma, Odyssey, Petrich Marine Dock, Citizens for a Healthy Bay, Tacoma Little Theater, Thea Foss Waterway, Maritime Center, Metropolitan Park District

**GIG HARBOR
CITY COUNCIL MEETING**



August 28, 1995

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

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

August 28, 1995 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Jail Capacity Presentation - Andrew Neiditz, Executive Director of Public Safety.
2. Request for Proposal for Grants - P.C. Growth Management Services.
3. Regional Transit Authority / Citizen's Forum.

OLD BUSINESS:

1. Second Reading - Ordinance, Howard Dahl - Rezone.
2. Resolution - Appeal of Right-of-Way Permit Denial - Doug Sorenson.

NEW BUSINESS:

1. Request for Time Extension - Design Guidelines Technical Committee; Revised Resolution.
2. Assigned Counsel Contract - Pierce County.
3. Liquor License Renewals - Bartell Drug Co.; Olympic Village BP; Gig Harbor Yacht Club.

MAYOR'S REPORT:

The City of Gig Harbor 50 Year Anniversary Celebration.

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

Budget Workshop - Wednesday, August 30th at 3:00 p.m. - North by Northwest.

APPROVAL OF BILLS:

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

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF AUGUST 14, 1995

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

PUBLIC COMMENT / DISCUSSION: None.

CALL TO ORDER: 7:47 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the July 24, 1995 meeting as presented.
Picinich/Platt - unanimously approved.

CORRESPONDENCE:

1. WFOA - 1995 Budget Award. Mayor Wilbert commented on this letter announcing that Gig Harbor's 1995 Budget had earned the Washington Finance Officers Association Distinguished Budget Award. She congratulated Tom Enlow, Finance Director, for his hard work in preparing the budget.
2. Nuclear Waste Policy - President Clinton. Mayor Wilbert briefly touched on this letter from the President to Mark Hoppen, City Administrator, thanking him for sharing his views on the Nuclear Waste Policy Act of 1982.
3. Open Positions on the P.C. Solid Waste Advisory Committee. Mayor Wilbert announced that if any member of the community was interested in serving in these two positions, she would be happy to submit their names for consideration.
4. 1996/1996 Count of Pierce County Homeless Community. Mayor Wilbert reported on this letter announcing the coordinated attempt to count the homeless in Pierce County to be done on September 26th and 27th and asking for assistance in behalf of our community .
5. Advisory on Referendum 48, Stan Finkelstein, AWC Executive Director. Mayor Wilbert introduced this advisory announcing that enough signatures had been obtained to place Referendum 48 on the November 7th ballot.

OLD BUSINESS:

1. Howard Dahl - Rezone Request, First Reading of Ordinance. Ray Gilmore introduced the ordinance for a rezone of the property located at 7715 Skansie Avenue from a R-1, single family, to a RB-2, residential business, which had a public hearing at the last council meeting. The second reading of the ordinance to approve the rezone will be presented at the next City Council meeting.
2. Second Reading - Ordinance Adopting Changes to City Traffic Code. Mark Hoppen summarized the second reading of this ordinance to amend the City Municipal Code to keep the City's traffic code current with the State Statutes.

MOTION: Move to adopt Ordinance 694 amending the City Traffic Code.
Markovich/Picinich - unanimously approved.

NEW BUSINESS:

1. Appeal of Right-of-Way Permit Denial - Doug Sorensen. Mark Hoppen gave a history of this appeal of the right-of-way use permit applied for by Mr. Doug Sorensen to reconstruct a fence that was removed during the new construction of North Harborview Drive. Because the fence does not meet zoning requirements on adjacent private property, the application was denied. Mr. Sorensen appealed the denial due to privacy issues.

Legal counsel, Carol Morris, explained that the "grandfathering clause" did not apply to any public property, and because the fence would be located on the public right-of-way, was not a valid argument in this case. Councilmember Owel said she has walked that area and agrees with the privacy concerns and that there were site-specific issues for this particular property.

Doug Sorensen - 9409 No. Harborview Dr. - Mr. Sorensen stated that his property was unique in that it was the only property in town where the fence had been taken down by the city and not allowed to be put back up. He added that a neighbor had been allowed to replace their shrubs which were paid for by the city. He said that these shrubs are non-conforming because they are over four feet tall and located on city property. He passed out a picture showing other non-conforming fences in the city, and pictures illustrating the lack of privacy on his property since the removal of his shrubs and fence.

Glenna Malanca - 7922 Goodman Drive NW - Ms. Malanca explained that she was a friend of the Sorensens. She applauded the North Harborview Drive project of which her friends seemed victims because of the fence issue. She asked if staff could act on the appeal process, since were it not for the road project, the Sorensen's fence would still be there.

MOTION: Move we approve the right-of-way permit for Mr. Sorensen to construct up to a six foot high fence to replace the fence and shrubs that were there before the North Harborview roadway project.
Markovich/Ekberg -

Councilman Ekberg asked if the city had paid for shrubs to be replaced on another property affected by the road project. Mr. Yazici explained that yes, some landscaping had been replaced, but that the conditions were different due to the fact there was more room to replant that was not available on the Sorensen property. Councilman Owel suggested placing conditions on the right-of-way permit to make it site specific to prevent setting a precedence for other non-conforming fences to be built in the right-of-way. Carol Morris said she could draft a resolution citing the specific conditions so the approval of this permit would be on record for future reference.

AMENDED MOTION: Amend the motion to approve the right-of-way permit through resolution form stating site specific reasons.
Owel/Picinich - unanimously approved.

2. Recommended Building Code Change - Frank Ruffo. Ray Gilmore, Planning Director, gave a brief history of this proposed building permit renewal fee schedule. Mr. Frank Ruffo sent a letter of protest for having to renew an expired building permit to have a final inspection on the deck of their home. He paid the fees but requested Council's consideration to change the code to allow flexibility in cases such as his, and requested a refund of the \$743.63 renewal fee.

Mr. Gilmore explained that a building permit is good for one year from date of issue and briefly outlined the process required to keep a building permit active for that year. He added that if a permit is renewed before expiration, there is no charge for renewal. Only when the permit is allowed to expire, does the code require a new application in the amount of one-half the original fee.

After discussion, Council decided to take no action and to leave the code as is.

3. Juror Services Contract. Mark Hoppen introduced this contract for pre-qualified jury members for the municipal court. He pointed out that an increase from 500 jurors to 750 was necessary due to the shortage of qualified jurors during the last year.

MOTION: Move that we approve the Juror Services Contract for 750 qualified jurors in an amount not to exceed \$2,443.75, and that the Mayor be authorized to execute this contract on behalf of the city.
Markovich/Ekberg - unanimously approved.

4. Rosedale Street / Chapel Hill Church Street Improvements. Ben Yazici, Public Works Director, explained that one of the conditions of the previous Chapel Hill expansion project was to build curbs, gutters and sidewalk improvements. In lieu of making these improvements, he suggested Chapel Hill make a contribution toward the Rosedale Street project to be completed next year. He added that the Church was in agreement with this suggestion and is ready to deposit \$29,684.37 toward the project. Mr. Yazici asked for Council's approval for this change.

MOTION: Move we authorize the City Administrator to collect \$29,684.37 from the Chapel Hill Church for the curbs, gutters, and sidewalk improvements and to release the Church from the responsibility of building such improvements.
Picinich/Owel - unanimously approved.

5. Transportation Impact Fee Program - Professional Service Contract, KJS Associates. Ben Yazici asked for Council's approval to award this contract to KJS Associates to assist in the development of the Transportation Impact Fee Program.

MOTION: Move to award the professional services contract to KJS Associates, Inc. to develop a Transportation Impact Fee Program for the City of Gig Harbor for a cost not to exceed \$34,000.
Picinich/Markovich - unanimously approved.

Mr. Yazici added that he had run an ad in the paper to find interested parties to serve on the Transportation and Park Impact Fees programs committee, but had not received much interest. He asked if any Councilmembers could suggest someone who would be interested in serving on the committee, and added that the park impact fees would require three to four meetings, and the transportation impact fees would require four. He said that the meetings could be held consecutively on the same day to save time.

6. Hearing Examiner Recommendation, SP 95-01 - Steve Zuvela, (for Walter Morris & Randy Eaton). Ray Gilmore presented the Hearing Examiner's recommendation for approval to construct a private, joint-use, sixty-foot recreational pier.

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. She then asked the representative for the project, Walter Morris, to take an oath of honesty in any testimony that he may give, to which he answered affirmatively.

MOTION: Move that SP 95-01 be approved subject to the conditions set forth in the Hearing Examiner's Findings and Recommendations.
Markovich/Picinich - unanimously approved.

7. St. John's Episcopal Church - SPR - 95-04. Ray Gilmore presented the Hearing Examiner's approval of a conditional use permit for St. John's Episcopal Church to utilize their facility for the Holy Family School, and the recommendation to approve the site plan, subject to conditions.

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. She then asked the representative for the project, Catherine McGee, to take an oath of honesty in any testimony that she may give, to which she answered affirmatively.

MOTION: Move adoption of Resolution #452 for site plan approval of Holy Family School to operate in the existing church facility at 7701 Skansie Avenue.
Picinich/Markovich - unanimously approved.

MAYOR'S REPORT:

Pedestrian / Bicycle Safety - Mayor Wilbert said that there are several issues that have been brought to her attention regarding pedestrian, bicycle and automobile safety issues, and that they could be addressed through a meeting of the Public Safety Committee, or on an individual basis as they come to her attention. Councilmember Owel asked who served on the committee, and Mayor Wilbert responded that it was made up of the Public Works Director, Police Chief, City Administrator, Councilman Picinich and Councilman Platt. Councilman Ekberg suggested this would be a good spot to begin dealing with these issues. Councilman Platt asked who would replace Chief Richards

on the committee, and it was suggested to ask Lt. Colberg to fill in. Mayor Wilbert said these issues would be brought before the Public Safety Committee.

Mayor Wilbert then addressed the memo from the Pierce County Regional Council, to which the city is responding with two recommendations. One recommendation is to send the Mayor back asking for the Executive Committee to have a simple majority quorum rather than a one-third minority quorum. Councilmember Markovich asked if the Executive Committee's actions are recommendations to the full council or are they empowered to make decisions independently of the council. Mark Hoppen explained that they are required to obtain approval of the full council, but that they do carry a great deal of influence. Mayor Wilbert added that the second recommendation is to submit all the Councilmembers as alternates to attend in her absence, to eliminate the problem of someone being available to attend. The Councilmembers agreed to this.

STAFF REPORT:

Mark Hoppen passed out a copy of the letter from the Department of Natural Resources responding to his letter requesting the State to require the vessel "Sea Star" to find alternate moorage outside of Gig Harbor Bay. He added that a proposal to create an anchorage in the east side of the bay was currently before DNR and they seem positive toward the proposal. He said that the maritime police patrol is working with Pierce County to facilitate the removal of unwanted buoys in the bay and enforcing unleased buoy moorage in the bay.

ANNOUNCEMENT OF OTHER MEETINGS:

Budget Workshop - Wednesday, August 30th, 3 p.m. to 6 p.m. at North by Northwest.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14421 through #14614 except warrant #14581 in the amount of \$483,451.93.
Platt/Markovich - unanimously approved.

APPROVAL OF PAYROLL:

MOTION: Move approval of warrants #11424 through #11551 in the amount of \$182,125.40.
Platt/Markovich - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 8:45 p.m. for the purpose of discussing property acquisition for approximately 10 minutes.
Picinich/Platt - unanimously approved.

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

ADJOURN:

MOTION: Move to adjourn at 8:50 p.m.
Ekberg/Markovich - unanimously approved.

Cassette recorder utilized.
Tape 396 Side A 029 - end.
Tape 396 Side B 000 - end.
Tape 397 Side A 000 - 134.

Mayor

City Administrator



Pierce County

Office of the County Executive

930 Tacoma Avenue South, Room 737
Tacoma, Washington 98402-2120
(206) 596-2992
FAX (206) 596-6628

ANDREW NEIDITZ
Executive Director of Public Safety

August 8, 1995

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

RECEIVED
AUG 11 1995
CITY OF GIG HARBOR

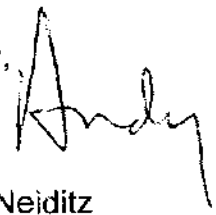
Dear Mayor Wilbert and Members of the Council:

Thank you for inviting me to present our jail capacity report at your Council meeting. I appreciated the opportunity to meet with you personally and to answer questions.

The Executive and County Council are anxious to have your active support as we continue through the jail project development effort, and especially as we prepare for a ballot issue on the one-tenth percent sales tax option. A letter or formal resolution of your support would certainly be appreciated.

As I mentioned at your meeting, we are receptive to suggestions and further input. Please feel free to call.

And, again, thank you for your hospitality at your meeting on July 24th.

Sincerely,


Andrew Neiditz
Executive Director of Public Safety





RECEIVED

AUG 22 1995

STATE OF WASHINGTON
DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT
906 Columbia St. SW • PO Box 48300 • Olympia, Washington 98504-8300 • (360) 753-2200

August 21, 1995

Dear Planning Director or Elected Official:

Good News! We have funding available to help expedite a few local projects that could be used as models of good permit processes.

Background:

In July, I wrote to you about how the passage of ESHB 1724 helped implement many of the recommendations of the Governor's Task Force on Regulatory Reform and the tight deadlines that it sets for a series of important actions that local governments need to take this spring. These actions include:

- By March 31, 1996, each local government planning under RCW 36.70A.040 will establish an integrated and consolidated project permit process, combining the environmental review process with the review of project permits and, except for the appeal of a determination of significance, provide no more than one open record hearing and one closed record hearing.
- By April 1, 1996, each local government planning under RCW 36.70A.040 will begin notifying the public and the departments and agencies with jurisdiction of each permit application received and will issue its notice of final decision on each permit application within 120 days after the application is complete.

Need for funding:

In talking to many of you throughout the state, we have determined that the immediate development of several models integrating the environmental review process and the permit process would be helpful to you in meeting these deadlines. Different models are needed to show different approaches, recognizing that jurisdiction vary in size and permitting complexity. We have also discovered that a number of cities and counties are well on their way to meeting these deadlines. Therefore, we have decided to make available \$150,000 of the \$3 million that the Legislature appropriated for further SEPA-GMA integration projects for grants to several local governments to help them accelerate and complete the development of



ESHB 1724 Letter
August 21, 1995
Page Two

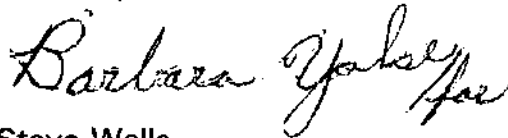
their integrated permit processes by December 15, 1995. The several models produced will be made available to other jurisdictions throughout the state during the first quarter of 1996.

Enclosed is a Request For Proposals for these grants. The deadline for proposals is September 15, 1995. Grants will be announced by September 25, 1995.

I continue to be impressed and encouraged by local governments' continued enthusiasm and perseverance in stepping up to the opportunities and challenges that implementation of GMA presents, and look forward to working with you to make GMA work.

If you have questions about ESHB 1724 or this proposal, please contact Growth Management Services at (360) 753-2222.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Yalvey".

Steve Wells
Assistant Director
Growth Management Services

SW:jm
Enclosure

RFP for Grants To Produce Models For Integrating the Environmental Review and Permit Process Per the Requirements of ESHB 1724

Purpose of the project: To produce several models integrating the environmental review process and the permit process appropriate for jurisdictions of various size and permit processing complexity. Growth Management Services will be looking for models that reflect diversity in population, permit complexity, urban or rural character, number of permits processed, and geographic location.

The concept is to grant several counties and/or cities funds to produce models which are appropriate for their jurisdiction. Growth Management Services intends that jurisdictions receiving funds will accelerate and complete the development of their integrated permit processes by December 15, 1995. The several models produced will be used to assist other jurisdictions throughout the state during the first quarter of 1996.

Description: Each model should be consistent with ESHB 1724, especially sections 202,406, 407, and 413, respectively, and contain the following elements:

- an ordinance or resolution that implements the process;
- a description of a complete permit application;
- a description and a camera-ready flow chart describing the jurisdiction's permit tracking process;
- a description and outline of the public involvement process the jurisdiction would use to involve various stakeholders in developing, reviewing, and adopting the integrated process. Included with this should be camera-ready artwork of pamphlets/brochures/handouts used to educate the public and/or various interest groups; and
- a description of any staff training to implement the integrated process and a copy of such training material.

Deliverables: Each proposal should address the following deliverables:

- a detailed strategy for completing the above tasks;
- a budget strategy for completing the above tasks;
- a time line for completing the above tasks by December 15, 1995;
- a declaration that if selected as a grant recipient your agency's senior staff will be available for at least six public training presentations during 1995 and 1996 at workshops and conferences;

- A description of your jurisdiction's current permitting situation, including: types of development permits required, number of development permits processed in 1994 (additional years optional), length of time to process the different types of permits, who makes permitting decisions, and any specific permit problems that your jurisdiction is seeking to resolve; and
- A description of the goals or objectives that you expect your new process to meet.

Eligibility: All counties and cities planning under the Growth Management Act (GMA) that are making substantial compliance in meeting the requirements of GMA. ESHB 1724 defines "not making substantial compliance" as a county or city that is more than 6 months out of compliance with the requirements of GMA.

Joint projects that are collaborative projects of several jurisdictions are encouraged.

Amount Available: CTED has set aside \$150,000 for these grants from the \$3 million allocated for SEPA-GMA grants. Grants may range from \$10,000 to \$50,000. We would like each proposal to contain a strategy to address all the elements listed above, but may consider funding parts of proposals or specific elements from various proposals if tasks from various applications can be combined into a workable model.

Time line: Proposals must be received by the end of the working day of September 15, 1995, or postmarked by September 13, 1995. CTED needs five (5) copies of the proposal and no faxed copies will be accepted.

Grants will be announced by September 25, 1995, and awarded shortly thereafter.

Send proposals to:

Dick Fryhling
Washington Department of Community, Trade and Economic Development
Growth Management Services
P.O. Box 48300
Olympia, WA 98504-8300



Regional Transit Authority

821 Second Ave., M.S. 151

Seattle, WA 98104-1598

(206) 684-6776

FAX (206) 684-1234

RECEIVED

AUG 23 1995

CITY OF OLYMPIA

Chair

August 18, 1995

Bruce Laing

King County Councilmember

Vice Chairs

Dave Earling

Edmonds Councilmember

Paul Miller

Tacoma Councilmember

Martha Choe

Seattle Councilmember

Don Davidson

Bellevue Mayor

Bob Drewel

Snohomish County Executive

Mary Gates

Federal Way Mayor

Jane Hague

King County Councilmember

Ed Hansen

Everett Mayor

Gary Locke

King County Executive

Ken Madsen

Pierce County Councilmember

Sid Morrison

Washington State Department
of Transportation Secretary

Greg Nickels

King County Councilmember

Norm Rice

Seattle Mayor

Sill Stoner

Pierce County Councilmember

Cynthia Sullivan

King County Councilmember

Doug Sutherland

Pierce County Executive

Jim White

Kent Mayor

Executive Director

Thomas G. Matoff

REGARDING: September 21 Regional Transit Authority/Citizen Forum

Dear Community Leader:

The Regional Transit Authority invites you to be part of the RTA/Citizen Forum Thursday, September 21, 4 to 9 p.m. in the Snoqualmie Room at the Seattle Center, First Avenue N. and Republican Street.

The forum is an opportunity to listen to and discuss citizen proposals and suggestions for a revised Phase I regional transit system. We'll begin the forum with input from citizen "consensus groups" representing diverse interests in the region who have been preparing consensus proposals or position statements. Once we've heard from all the participating consensus groups we'll open the forum to specific interest groups and to individuals wishing to address the RTA Board or comment on proposals presented. Please RSVP if you would like to present a proposal, position statement, or comments at the forum.

The RTA's schedule for developing a revised ballot proposal to present to voters next spring is attached. The RTA Board expects to adopt a proposal in early December. This forum is one of two key public events that will lead to adoption of a Phase I transit system proposal. It will be an opportunity to get all citizen ideas before the RTA Board. Working from these ideas and continued discussions with citizen groups, the board will prepare a draft proposal by mid-November. The second key public involvement event will be a series of public hearings before a final proposal is adopted in December.

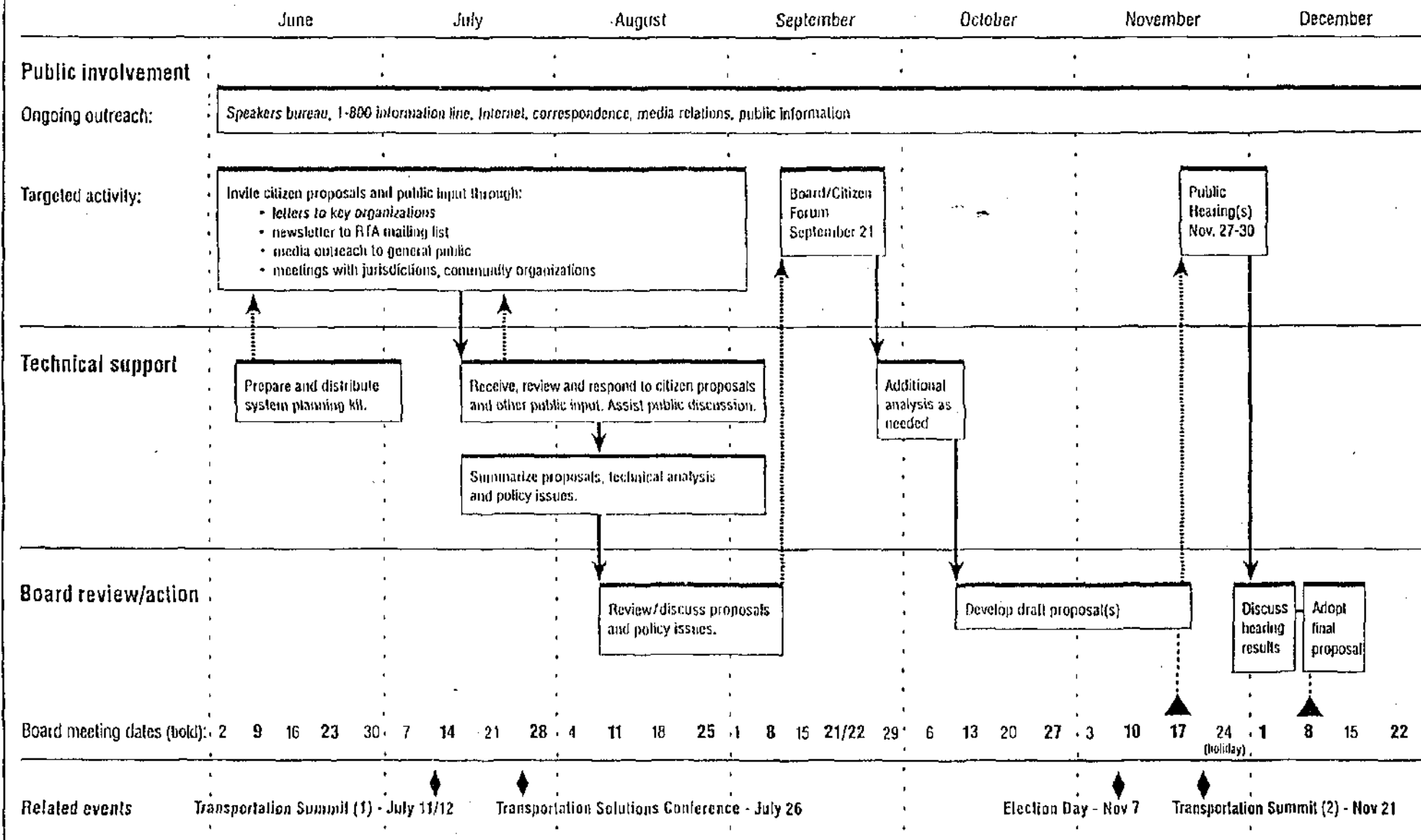
Please RSVP by calling Irene Fjaerestad at 684-1377 to let us know if you would like to present a proposal, position statement or comments at the forum. This will help us structure the forum to allow everyone who wishes to address the board an opportunity to do so. Please RSVP by September 12th. We look forward to hearing from you.

Sincerely,

Bruce Laing, Chair
Regional Transit Authority Board

FORUM.DOC
BL:cch

RTA process for developing revised regional transit system ballot proposal



Revised 8/16/95





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 22, 1995
SUBJECT: REZ 95-01 - HOWARD DAHL REZONE REQUEST - SECOND (FINAL)
READING OF ORDINANCE

INTRODUCTION/BACKGROUND

Attached for the Council's consideration is a draft ordinance approving a rezone of Mr. Howard Dahl's property located at 7715 Skansie Avenue. The request is to rezone the property from R-1 (single family) to RB-2 (residential business) (see attached reports and illustrations).

RECOMMENDATION

This is the second reading of the ordinance and Council may take final action on ordinance. The ordinance for the adoption of this rezone is attached.

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

AN ORDINANCE TO AMEND THE CITY'S ZONING MAP BY REZONING FROM R-1 TO RB-2 TWO PARCELS OF LAND LOCATED AT 7715 SKANSIE AVENUE

WHEREAS, Howard Dahl has requested that his property located at 7715 Skansie Avenue, tax assessor's parcel 02-21-07-1-114 & 115 be rezoned from R-1 to RB-2; and

WHEREAS, a public hearing was held on June 21, 1995 at which time no public input was given; and

WHEREAS, Section 17.100.040 of the Gig Harbor Municipal Code outlines specific findings for considering amendments to the City's zoning map; and

WHEREAS, the Hearing Examiner has considered information contained in the staff report dated June 21, 1995 and the statement of the applicant who finds that his property is no longer suitable for single family use; and

WHEREAS, the Hearing Examiner has made the following specific findings contained in his report dated June 21, 1995 and which reflect the findings contained in the staff report, to wit:

A. That the subject parcel is designated as Employment Center on the City's Comprehensive Land Use Plan Map and the request for reclassification is consistent with this designation and would therefore further the goals, policies and objectives of the comprehensive plan;

B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. Changed conditions include development of both the St. John's and Chapel Hill churches, and the commercial development of parcels to the north and east. Said conditions constitute a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning.

C. That the requested classification will further the public's health, safety and general welfare; and

WHEREAS, the Gig Harbor City Council has reviewed the record of the Hearing Examiner's decision on July 24, August 14th and August 28th; and

WHEREAS, the Council agrees with the findings and recommendation of the Hearing Examiner;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** that the following described property be rezoned from R-1 (single family) to RB-2 (residential business):

PARCEL 0221071114 -- E 115 FT OF S 636 FT OF W 1/2 OF W 1/2 OF NW OF NE OF SEC 7 SEG G 6021 TP.

PARCEL 0221071115 -- COM AT 1/4 MON ON N LI OF SEC TH S 01 DEG 06 MIN W ALG C/L OF SEC 550 FT TO POB TH CONT S 01 DEG 06 MIN W ALG C/L OF SEC TO SW COR OF W 1/2 OF W 1/2 OF NW OF NE TH ELY ALG SLY LI OF SD SUBD TO SE COR THEREOF TH ALG E LI OF SD SUBD N TO A PT 175 FT S OF S LI OF STATE HWY # 14 APPR RD TH N 88 DEG 54 MIN W TO A PT 143 FT E OF C/L OF SEC TH N 01 DEG 06 MIN E TO A PT S 88 DEG 54 MIN E 145 FT FROM POB TH N 88 DEG 54 MIN W 145 FT TO POB EXC S 531 FT THEREOF & EXC THAT POR LY N OF A LI 660 FT S OF N LI OF SEC ALSO EXC E 115 FT OF N 105 FT OF S 636 FT OF W 1/2 OF W 1/2 OF NW OF NE EXC RDS EASE OF RECORD SEG G 6021 TP.

PASSED this 28th day of August, 1995.

GRETCHEN A. WILBERT, MAYOR

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1995
Ordinance Adopted:
Date Published:
Effective Date:



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
SUBJECT: APPEAL TO RIGHT-OF-WAY USE PERMIT DENIAL/SORENSEN
DATE: AUGUST 21, 1995

INFORMATION/BACKGROUND

At the last Council Meeting, Doug and Jeanette Sorensen requested Council to over-turn the Public Works Director's denial of a right-of-way use permit request. Formerly, the Sorensen's enjoyed 50' of fence which provided significant visual screening and 50' of partially-grown photinia bushes which provided less visual screening than the current hand rail. This screening and vegetation was removed as part of the North Harborview Drive project. At the last Council Meeting, Council instructed Legal Counsel to construct site specific facts as part of a resolution designed to grant the permit. The resolution is attached.

POLICY CONSIDERATIONS

The Public Works Director's denial was based on the right-of-way use ordinance's requirement that the requested use *must meet* "the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed, or maintained." The zoning regulations pertaining to the adjacent property only allow a 3' high fence in the frontyard setback area. Therefore, the request to construct a six foot fence along 100' of public walkway was denied.

The 100' fence will place 6' high fencing along the Sorensen easement and in front of property not owned by Sorensens, but by the easement grantor. Normally, fencing is only permitted on or adjacent to the owners frontage, even at a 3' height. GHMC Section 12.02.020 requires that an applicant must provide information on the application "including but not limited to evidence that the applicant is either the owner or entitled to possession of the property adjoining the place sought to be used.." Because we are not reviewing the easement Mr. Sorensen has with his neighbor to determine if the easement would legally allow him to install a fence there, the applicant must provide written documentation of his neighbor's permission. Otherwise, we would be giving legal advice to the Sorensens about whether or not the fence could be installed under the terms of the easement. This information has been included in the proposed resolution by Carol Morris.

FISCAL CONSIDERATIONS

The Sorensens would be completely responsible for any alterations to the currently constructed hand rail along this stretch of North Harborview Drive.

RECOMMENDATION

Staff had recommended denial of the permit.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING A STREET USE PERMIT TO DOUG AND JEAN SORENSEN TO PLACE A FENCE IN THE RIGHT-OF-WAY ALONG NORTH HARBORVIEW DRIVE IN GIG HARBOR.

WHEREAS, Doug and Jean Sorensen (the "Sorensens") of 9409 N. Harborview Drive, constructed a fifty foot long fence in the City right-of-way along North Harborview Drive; and

WHEREAS, the City's construction of certain improvements along North Harborview Drive necessitated the removal of the Sorensens' fence, as well as vegetation which provided visual screening of the Sorensen's house from the street; and

WHEREAS, the Sorensens desire to replace the fifty foot fence along Harborview Drive, to add another fifty feet of fencing, and to construct the entire fence to a height of six feet; and

WHEREAS, because the Sorensen's previous fence was located in City right-of-way, the Sorensens had no vested right to replace the fence and were required to obtain a right-of-way use permit under Gig Harbor Municipal Code chapter 12.02; and

WHEREAS, GHMC Section 12.02.020 requires that the applicant for a right-of-way use permit present evidence to the City that the applicant is either the owner or entitled to possession of the property adjoining the public right-of-way or place sought to be used; and

WHEREAS, GHMC Section 12.02.030(C) requires that the requested use meet all other applicable requirements of the Gig Harbor Code, including, but not limited to, the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted;

WHEREAS, GHMC Section 17.08.010(C) prohibits the installation of a fence in the front yard which exceeds three feet in height; and

WHEREAS, on July 17, 1995, the Public Works Director denied the Sorensen's application for a right-of-way use permit as inconsistent with the underlying zoning regulations; and

WHEREAS, on July 25, 1995, the Sorensens timely appealed the Public Works Director's decision and paid the required appeal fee pursuant to GHMC Section 12.02.060; and

WHEREAS, on July 31, 1995, the City Council considered the application and related materials, and heard testimony by the City Staff and the applicant on the permit denial; now, therefore,

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

Section 1. The City Council makes the following findings of fact with regard to the Sorensen application for a right-of-way permit:

1. The City right-of-way directly abutting the Sorensen's property is steeply sloped, and placement of a fence in front of the Sorensen residence on the City right-of-way is necessary for safety reasons;
2. The City has constructed a three foot high fence on the City right-of-way, but this fence does not provide adequate privacy to the Sorensens, due to the steepness of the property's slope;
3. The steep slope further prevents the Sorensens from installing a fence on their own property which would provide the necessary protection and maintain privacy;
4. Although the maintenance of public view corridors are an important objective of the City, the objective must be balanced against a property owner's reasonable expectation of privacy; and furthermore, the placement of the desired fence in the City right-of-way would not block the view corridor at the driveway entrance;
5. The applicants' need for a fence is not at issue, but rather its height;
6. The Public Works Director has not expressed any concerns related to sight distance or safety with the fence proposed by the Sorensens, either in the planned location or to a height of six feet; and
7. The public safety interests can be served and the privacy concerns of the applicant can be satisfied by the granting of the street use permit to the height requested by the applicant.

Section 2. Based upon the above findings of fact, the City Council hereby reverses the decision of the Public Works Director and grants the Sorensens' application for a right-of-way use permit for a fence of one hundred feet in length and six feet in height, to be placed beginning at _____ and ending at _____.

The applicant shall comply with all requirements of chapter 12.02 GHMC for issuance of a street right-of-way use permit. In particular, the applicants shall demonstrate that they are either the owner or entitled to possession of the property adjoining the entire length of the public right-of-way where the fence will be installed.

Section 3. This Resolution shall be incorporated by reference and become a part of the street right-of-way use permit. All other conditions of chapter 12.02 GHMC shall apply to such permit including Section 12.02.050 pertaining to revocation.

RESOLVED by the City Council this ____ day of _____, 1995.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:

BY: _____

FILED WITH THE CITY CLERK: 8/23/95
PASSED BY THE CITY COUNCIL:
RESOLUTION NO.



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: STEVE OSGUTHORPE, ASSOCIATE PLANNER *S.O.*
DATE: AUGUST 27, 1995
SUBJECT: TIME EXTENSION FOR DESIGN GUIDELINES TECHNICAL COMMITTEE

INTRODUCTION/BACKGROUND

Early this year, the City Council approved formation of a design guidelines technical committee (DGTC) which would convene in April and sunset in September 1995. The DGTC has made substantial progress toward developing a preliminary draft of design guidelines, and has held a worksession with the planning commission to discuss pertinent sections of the draft. Due to the complexities of design guideline issues, and because a comprehensive approach to design guidelines for the City and its urban growth area is a substantial undertaking, the DGTC is requesting more time to develop its recommendation to the Planning Commission. The DGTC requests that its sunset date be extended to December 31, 1995.

RECOMMENDATION

The staff believes that more time will enable the DGTC to formulate a more thoughtfully conceived document than they would achieve under the current deadline. The staff recommends that the deadline be extended to December 31, 1995, at which time a recommendation will be presented to the Planning Commission.

A draft resolution which approves the extended deadline is attached for the Council's consideration.

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR AUTHORIZING THE FORMATION OF A CITIZENS COMMITTEE TO DEVELOP A DESIGN GUIDELINES MANUAL WHICH IMPLEMENTS THE COMMUNITY DESIGN ELEMENT OF THE REVISED CITY OF GIG HARBOR COMPREHENSIVE PLAN.

WHEREAS, the City of Gig Harbor Planning Commission, in its role as the citizens land-use advisory commission for the City of Gig Harbor, needs to allocate sufficient time to accomplish assigned tasks for 1995; and,

WHEREAS, the Planning Commission's work schedule for 1995 requires that several tasks be accomplished within the first six months of the year; and,

WHEREAS, an efficient and timely method of accomplishing multiple planning tasks is the use of planning commission subcommittees and/or ad-hoc citizens technical/advisory committees; and,

WHEREAS, the development of design guidelines should be undertaken by a group of interested citizens who have varied experience, backgrounds and interests in construction, development and design; and

WHEREAS, a design guidelines technical committee was convened in April of 1995 and commenced work on a design guidelines manual for the City; and,

WHEREAS, substantial progress has been made on the development of a preliminary draft, the complexities of design guideline issues and need for a comprehensive approach to design guidelines for the City and its urban growth area is of such a substantial undertaking that the design guidelines technical committee needs more time in order to develop its recommendation to the City Planning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1 Formation of Design Guidelines Technical Committee. There shall be formed an ad-hoc committee (Design Guidelines Technical Committee) to develop a Design Guidelines Manual for presentation to the City of Gig Harbor Planning Commission. The Mayor shall provide public notice on the formation of the adhoc committee and shall request interested citizens to submit a statement or letter of interest which includes relevant expertise. A statement or letter of interest must be submitted by no later than February 15, 1995. The City Council shall review all letters of interest submitted and, following review at a special meeting, shall submit its preference to the Mayor. Membership shall be by appointment of the Mayor and by approval of

the City Council, by no later than March 1, 1995.

Section 2 Representation on the Design Guidelines Technical Committee. The Design Review Technical Committee shall be composed of the following:

- ♦ Two members of the City of Gig Harbor Planning Commission.
- ♦ One professional building designer, engineer or land-use planning specialist.
- ♦ One licensed professional architect.
- ♦ One professional contractor or builder.
- ♦ Two lay citizens residing within the City who have displayed an interest in community design.

Section 3. Responsibilities of the Design Guidelines Technical Committee. The Design Guidelines Technical Committee shall develop, with assistance provided by the City of Gig Harbor Planning-Building staff, a design guidelines manual which implements the goals and policies of the City of Gig Harbor Comprehensive Plan Community Design Element. The Technical Committee shall provide a recommendation to the City of Gig Harbor Planning Commission on the proposed design guidelines manual. The Technical Committee may meet as often as it deems necessary and all meetings shall be in accordance with the Open Public Meetings Act. A recommendation to the Planning Commission shall be submitted by no later than December 31, 1995. Upon a final recommendation of the Planning Commission to the City Council, the Design Guidelines Technical Committee's responsibilities shall terminate and the committee shall be dissolved.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 28th day of August, 1995.

Gretchen Wilbert, Mayor

ATTEST:

Mark E. Hoppen, City Administrator
Filed with City Clerk: August 23, 1995
Passed by City Council: August 28, 1995



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR^{ACT}
SUBJECT: ASSIGNED COUNSEL AGREEMENT
DATE: AUGUST 28, 1995

INFORMATION/BACKGROUND

RCW, Rules for Court of Limited Jurisdiction JCR 2.11 requires legal counsel to be furnished every indigent defendant charged in the Gig Harbor Municipal Court with an offense that upon conviction could be punished by imprisonment. The City has contracted with Pierce County for these services since 1994. This contract runs from January to January, and after several attempts to obtain a current contract, the attached contract finally arrived for your approval.

FISCAL CONSIDERATIONS

There is no increase over last year's contract. The contract amount for this 1995 year remains at \$15,750 annually, to be paid in quarterly installments of \$3937.50 for services rendered.

RECOMMENDATION

Approval of the enclosed Assigned Counsel Agreement for an amount not to exceed \$15,750 annually.



Pierce County

Department of Assigned Counsel

JOHN H. HILL
Director

949 Market Street, Suite 334
Tacoma, Washington 98402-3696
(206) 591-6062 • FAX (206) 596-6715

RECEIVED
AUG 21 1995

City of Gig Harbor
3105 Judson Street
PO Box 145
Gig Harbor, WA 98335

Attention: City Manager

Enclosed please find three originals of the contract between Pierce County and the City of Gig Harbor for indigent defense services for calendar year 1995. Please sign all three copies and return them as soon as possible.

If you have any questions, please feel free to contact me at 596-6970.

Sincerely,

A handwritten signature in cursive script that reads "Karis Crocco".

Karis Crocco
Program Manager

Enclosure (3)



ASSIGNED COUNSEL

AGREEMENT

THIS AGREEMENT, made and entered into this ____ day of _____, 1995, by and between the City of Gig Harbor, (hereinafter called the "City"), and Pierce County, (hereinafter called the "County").

WITNESSETH:

WHEREAS, the Revised Code of Washington, Rules for Courts of Limited Jurisdiction JCR 2.11 requires legal counsel to be furnished every indigent defendant charged in the Gig Harbor Municipal Court with an offense whereby upon conviction may be punished by imprisonment, and

WHEREAS, the Gig Harbor Municipal Court Judge and City Administrator determined that the Pierce County Department of Assigned Counsel is capable and qualified to provide the necessary and required legal services, and

WHEREAS, said Judge and City Administrator have evaluated the performance of the above-named Department and found the requirements of the Rules for Courts of Limited Jurisdiction met by providing the necessary and qualified legal services to indigent defendants, thereby satisfying the requirements of the Judge of the Municipal Court, and

WHEREAS, the Pierce County Department of Assigned Counsel indicated their willingness to enter into a contractual agreement to furnish such services for the period beginning January 1, 1995, and ending December 31, 1995.

NOW, THEREFORE,

1. The department will provide legal counsel services to the Gig Harbor Municipal Court for the 1995 calendar year. Such services will include, but are not limited to, legal services to all indigent defendants charged with misdemeanor crimes, including, where appropriate, interviewing defendants held in custody, representation at arraignments as requested by the Court, and at all subsequent proceedings in the Municipal Court.
2. In return for the services rendered to the City and to those indigent defendants represented by the Department, the City agrees to pay the County a sum not to exceed \$15,750 annually, commencing January 1, 1995, and ending December 31, 1996. Payments shall be due and payable in the amount of \$3,937.509 the end of each quarter for those services rendered.

3. This agreement may be reviewed quarterly to determine whether the costs contemplated to the Department of Assigned Counsel have been materially altered. If at any such review it is determined that the projected expenses of Assigned Counsel have been materially increased/decreased, then the payment provisions of this contract shall be renegotiated or voided at the election of either party upon 90 days written notice.
4. The Department will comply with such reporting and project evaluation requirements as may be established by the City to enable it to appraise the effectiveness of the Department's services.
5. The Department will not subcontract any of its responsibilities or activities required hereunder without the prior written approval of the Judge(s) of the Municipal Court of Gig Harbor and the City Administrator.
6. The Department shall carry on its activities pursuant to this agreement at all times in full compliance with all applicable laws, rules and regulations of the United States Government, the State of Washington, the County of Pierce, and the City of Gig Harbor.
7. In all hiring or employment made possible by or resulting from this contract, (1) there will not be any discrimination against any employee or applicant for employment because of race, color, religion, sex, or national origin, (2) affirmative action will be taken to assure that applicants are employed and that employees are treated during employment, without regarding to their race, color, religion, sex, age, national origin, or marital status, and (3) the contractor agrees to comply with Section 504 of the Rehabilitation Act of 1973, thereby assuring that no person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or other be subjected to discrimination under any program, service, or activity provided by this Department as part of this contract.
8. None of the funds, materials, property, or services provided directly or indirectly in this contract shall be used in the performance of this contract for any partisan political activity, or to further the elation or defeat of any candidate for public office. None of the funds provided under this contract shall be used for publicity or propaganda purposes designed to defeat or support legislation pending before any legislative body.

This agreement shall be in effect until the 31st day of December, 1995, provided that it amy be renewable or renegotiable on or

before such termination date. This agreement may be terminated by either party in writing.

Termination shall be by written notice and shall be effective thirty (30) days from the receipt of written notice by the other party, unless otherwise agreed to by both parties.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the day and year above written.

CITY OF GIG HARBOR

PIERCE COUNTY

MAYOR



DIRECTOR OF DAC

CITY ADMINISTRATOR

PIERCE COUNTY EXECUTIVE

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on OCTOBER 31, 1995. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

As provided in law, before the Washington State Liquor Control Board shall issue a license, notice regarding the application must be provided the chief executive officer of the incorporated city or town or the board of county commissioners if the location is outside the boundaries of an incorporated city or town.

Your comments and recommendations regarding the approval or disapproval for the enclosed listed licensees would be appreciated. If no response is received, it will be assumed that you have no objection to the reissuance of the license to the applicants and locations listed. In the event of disapproval of the applicant or the location or both, please identify by location and file number and submit a statement of all facts upon which such objections are based (please see RCW 66.24.010(8)). If you disapprove then the Board shall contemplate issuing said license, let us know if you desire a hearing before final action is taken.

In the event of an administrative hearing, you or your representative will be expected to present evidence in support of your objections to the renewal of the liquor license. The applicant would presumably want to present evidence in opposition to the objections and in support of the application. The final determination whether to grant or deny the license would be made by the Board after reviewing the record of the administrative hearing.

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and OCTOBER 31, 1995, your office will be notified on an individual case basis.

Your continued assistance and cooperation in these licensing matters is greatly appreciated by the Liquor Control Board.

LESTER C. DALRYMPLE, Supervisor
License Division
Enclosures

MAYOR OF GIG HARBOR
P.O. BOX 145
GIG HARBOR

WA 983350145

RECEIVED

AUG 7 1995

CITY OF GIG HARBOR

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
FOR EXPIRATION DATE OF 10/31/95

	LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1	THE BARTELL DRUG COMPANY	BARTELL DRUG COMPANY #39 5500 OLYMPIC DR GIG HARBOR WA 98335 0000	077055	E F
2	KRAY, WILLIAM CHRISTIAN KRAY, NAOMI C.	OLYMPIC VILLAGE BP 5555 SOUNDVIEW DR NW GIG HARBOR WA 98335 0000	071544	E F
3	THE GIG HARBOR YACHT CLUB	THE GIG HARBOR YACHT CLUB 8209 STINSON AVE GIG HARBOR WA 98335 0000	077100	H

MAYOR'S REPORT

August 28, 1995



A FIFTY YEAR ANNIVERSARY

Fifty year anniversary celebrations have always made news over the years. We celebrated the 50 year anniversary of the Narrows Bridge in 1990. The past month, the world recognized the 50th anniversary of the end of World War II. Lo and behold, we have another 50th anniversary coming up, the incorporation of Gig Harbor. This one we can celebrate!

On July 24, 1946 Gig Harbor became an official Town in the State of Washington. As with all history, there were events that led up to that historic event. Those events, discussions, debates, and activist movements are unrecorded.

It is my hope that we could reconstruct those events from the memories of our citizens "who were there." During the next eight months I would like to capture those memories on video tape. These tapes would be shown during a week of celebration next year.

For the past three years, Maureen Della Maggiora, the City's very efficient Utility Clerk, has been collecting and organizing memorabilia from former elected officials and city employees. Genealogy and history are her hobbies. Significant City events and pictures relevant to City official functions have been clipped from the local newspapers. Maureen is organizing an historical record of these events in what little spare time she has while performing her regular duties. How fortunate we are in having Maureen volunteer to create this record of the town and now City of Gig Harbor.

I would be remiss if I did not mention the many hours contributed by Molly Towslee, Administrative Assistant, in reviewing and securing the proper organization of all official records of the City of Gig Harbor. As with any organization, items that at first appear to be missing are often found filed in the wrong place. Thanks to the dedication of Molly, the official historical records are being secured in appropriate order.

Molly and Maureen are a great team when it comes to assuring an accurate history for the City of Gig Harbor. We, the City Councilmembers, and citizens of our city need to assist in the continuation of their effort. I'd like to do this with the creation of a group interested in putting together a 50 Year Anniversary Celebration.

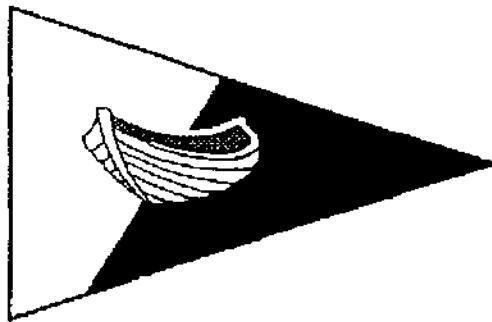
A letter will soon go out to all former employees and elected officials still living in the City asking them to participate in the recording of their memories of Gig Harbor's colorful past. We will ask them to share with us their opinions on the "progress" of the City during the past 50 years...the good and the bad, the likes and the dislikes, and where we should go from here.

Maureen Della Maggiora has accepted my invitation to chair the 50 Year Celebration Committee. Any and all who wish to do so are invited to join in the planning by calling City Hall at 851-8136. Just say "50 Years Anniversary" and you will be connected to Maureen or Molly. Councilmembers are encouraged to give suggestions for events and persons to contact to gather

information. Councilmembers are, of course, invited to become members of the 50 Year Celebration Committee.

The Planning Committee will not be completely formed until the Gig Harbor commercial fishing fleet returns home. The history shared by the ancestors of these young skippers will give direction to those of us in charge of guiding the City during the next 50 years.

**GIG HARBOR
CITY COUNCIL MEETING**



August 14, 1995

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

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
August 14, 1995 - 7:00 p.m.

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. WFOA - 1995 Budget Award.
2. Nuclear Waste Policy - President Clinton.
3. Open Positions on the P.C. Solid Waste Advisory Committee.
4. 1996/1996 Count of Pierce County Homeless Community.
5. Advisory on Referendum 48, Stan Finkelstein, AWC Executive Director.

OLD BUSINESS:

1. First Reading - Ordinance, Howard Dahl - Rezone.
2. Second Reading - Ordinance Adopting Changes to City Traffic Code.

NEW BUSINESS:

1. Appeal of Right-of-Way Permit Denial - Doug Sorenson.
2. Recommended Building Code Change - Frank Ruffo.
3. Juror Services Contract.
4. Rosedale Street / Chapel Hill Church Street Improvements.
5. Transportation Impact Fee Program - Professional Service Contract, KJS Associates.
6. Hearing Examiner Recommendation, SP 95-01 - Steve Zuvela, *(for Walter Morris & Randy Eaton)*.
7. St. John's Episcopal Church - SPR - 95-04.

MAYOR'S REPORT:

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

APPROVAL OF PAYROLL:

EXECUTIVE SESSION: Pending litigation and property acquisition.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 24, 1995

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

PUBLIC COMMENT / DISCUSSION:

Jim Boge - 6606 Soundview Drive. Mr. Boge asked that if a sign code variance were applied for, if there would there be any citizen input allowed before the decision was made. Ray Gilmore, Planning Director, explained that any variance request would go before the Hearing Examiner, and that the new code did not allow for administrative decisions in this area.

Don Thompson - 9716 43rd NW. Mr. Thompson briefed the Council on the attempt by his neighborhood, Avalon Woods, to annex to the City of Gig Harbor. He explained that when their neighborhood joined the Gig Harbor North annexation effort, they were not aware that there would be the lengthy delays involved, and that Statute 35A.14.230 would not allow them to break away from an annexation effort. He added that for approximately four years the neighborhood has had city sewer, storm drain, and water in anticipation of annexation, and asked if Council would explore the option of allowing them to break away from the Gig Harbor North annexation efforts to avoid further delays and allow them to annex on their own.

Mark Hoppen, City Administrator, explained the elements involved in the Gig Harbor North annexation effort, and how the delays were being handled. He added that he was expecting a response from the applicant by the end of this week and that he would be bringing the issue to Council soon.

Mr. Thompson asked that if something concrete had not occurred within 60 days, then would Council consider allowing Avalon Woods to come forth with their own annexation petition. Mr. Hoppen will keep Mr. Thompson informed of the progress.

SPECIAL PRESENTATION:

Pierce County Jail Services and Capacity Recommendation - Andrew Neiditz. Mr. Neiditz, Executive Director of Public Safety for Pierce County, handed out the Jail Services and Capacity Recommendations and gave an overview of what methods had been explored to rectify the problem of overcrowding in the existing facilities. He asked for support in the upcoming year to pass a 1/10 of one cent increase in sales tax to pay for the proposed "no frills" jail and juvenile facilities.

PUBLIC HEARING:

Six Year Transportation Plan. Mayor Wilbert opened the public hearing portion of the meeting at 6:30 p.m. Ben Yazici, Public Works Director, presented an overview of the projects slated to be completed within the next six years. He added that the plan includes several projects to be initiated in 1996; Pioneer Way/Kimball Drive project, a carry over from 1995, Judson Street improvements, Rosedale Street improvements, and others as time and the budget permits. He added that we would receive approximately \$600,000 in grant funds for the Rosedale project.

Mayor Wilbert asked if anyone in the audience had any comments on the Transportation Plan. No one came forward to speak. She then asked Councilmembers for comments. Councilman Ekberg asked if the East/West Road should be included in the plan. Mr. Yazici said it was an oversight, and yes, that it should be included because no grant funding could be obtained for a project unless it was included in the City's Six Year Transportation Plan. Mayor Wilbert suggested including the Hunt Street Overpass, and a frontage road connecting Kimball Drive with Olympic Village to the project list as well. Councilman Picinich agreed with the inclusion of the Hunt Street Overpass, and asked questions regarding the frontage road. Mr. Yazici stated that there appears to be sufficient room to facilitate this road. He added that these two projects, if included in the Six Year Plan, would be slated for the fourth, fifth, and sixth years due to funding. With no further comments from the audience or Council, the public hearing was closed at 7:47 p.m.

CALL TO ORDER: 7:47 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the July 10, 1995 meeting as presented. Markovich/Ekberg - unanimously approved.

CORRESPONDENCE: None.

OLD BUSINESS: None.

NEW BUSINESS:

1. Resolution - Six Year Transportation Plan.

MOTION: Move to approve Resolution #450 adopting the Six Year Transportation Plan, with the addition of items 9, the East/West Road, item 10, Hunt Overpass, and 11, a frontage road connecting Kimball Drive to Olympic Village. Platt/Owel - unanimously approved.

2. Award of Contract for Street Striping - Apply A Line, Inc. Ben Yazici presented this contract to restripe all the streets and crosswalks. He added that a thermoplastic striping would be used on the crosswalks, which would approximately six times longer than paint. He explained that though the low bid from Apply-A-Line, Inc. was \$1,500 more than had been budgeted for, the savings from the North Harborview Drive/Harborview Drive project would make up the difference.

MOTION: Move to award the Street Striping contract to Apply-A-Line, Inc. for \$10,071.12, including all applicable taxes. Picinich/Platt - unanimously approved.

3. Parks and Recreation Impact Fee Program. Ben Yazici explained that Council allocated \$20,000 in this year's budget to develop this program. He added that the purpose of the impact fee was not to increase the current level of service, but only to assure that future

development would not diminish the existing parks standard. He asked Council to authorize a professional services contract with The Beckwith Consulting Group to assist in developing a Parks and Recreation Impact Fee Program. The contract would include the development of a Comprehensive Park Plan, Comprehensive Capital Improvement Plan, and an Impact Fee Program for Parks and Recreation for the amount of \$19,379.00. Ben assured the Council that The Beckwith Consulting Group was very experienced in this area, and had done work for the city previously, and that he was pleased with the quality of their work.

MOTION: Move to award the professional services contract to The Beckwith Consulting Group to develop a Comprehensive Park Plan, Capital Improvement Plan and Impact Fee Program for the City of Gig Harbor Parks & Recreation Department, for a cost not to exceed \$19,379.00.
Markovich/Picinich - unanimously approved.

4. Impact Fee Programs, Citizens Committee. Mr. Yazici presented this resolution authorizing the formation of a citizens committee to develop transportation and park impact fee programs. He explained the committee was to be made up of two members of the Planning Commission, one accountant or finance person, one license professional engineer, one professional contractor or builder, and two lay citizens residing within the City displaying an interest in impact fees. He added that he also felt that he should be included in the group to facilitate the process. He explained the method of choosing the committee and outlined the process the committee would take in order to bring a recommendation before the Council.

Mayor Wilbert stated that the Planning Commission was extremely busy, and asked that the provision for two Planning Commission members be changed to one. Councilman Ekberg said it should be modified to read "up to two" Planning Commission members in case two were available and interested in participating.

Councilman Picinich voiced his concern that the October 15th deadline was insufficient to get through the process. He asked if progress had been made in choosing a consultant to develop the Transportation Impact Fees. Ben explained that currently he was in the negotiation process to choose a consultant to perform that task. He added that the October 15th target date was optimistic.

Carol Morris, legal counsel, emphasized that the impact fee program must be on-line and the ordinance adopted before December 7, 1995, in case Initiative 164 goes into effect on December 7th, which would require an economic impact analysis on every ordinance adopted after that date. She advised adhering to the existing schedule of October 15th to meet that deadline.

MOTION: Move adoption of Resolution #451, with the inclusion of the Public Works Director on the committee, and the words, "up to two" be added to the Planning Commission member requirement.
Markovich/Ekberg - unanimously approved.

5. Water Intertie with Harbor Water Company. Mr. Yazici presented this request from Harbor Water Company to intertie with the city water system in the Swede Hill Interchange area. He explained that since 1988, 36 residences on Peacock Hill had been served by Harbor Water, as the city did not have sufficient pressure to serve this area. Harbor Water was allowed to use the City-owned water tank on Peacock Hill, and the City billed and collected revenues from the customers receiving Harbor Company water. In this request Harbor Water is asking to install a waterline, at their cost, to intertie with the city water lines and provide fireflow to the area at Swede Hill, in lieu of building their own water tank. Ben explained that he wanted to reach an agreement with Harbor Water that would be mutually beneficial to both parties, and gave an overview of the provisions. Mark Hoppen pointed out that an additional benefit would be lower water rates over time.

Betty Garrison - PO Box 527. Ms. Garrison asked if the fireflow support would only be extended to the Bujacich / Sehmel intersection, or if it could be extended to the surrounding area. Mr. Yazici assured her that fireflow support could be extended past that intersection. Ms. Garrison urged Councilmembers to make a decision at this meeting as the area needed a timely solution to their fireflow problems.

MOTION: Move to authorize the City Attorney and the Public Works Director to draft an agreement consistent with the issues identified to establish the intertie at the Swede Hill and Sehmel Drive intersection, to be brought back before Council for approval and the Mayor's signature.
Markovich/Ekberg - unanimously approved.

6. Vernhardson Street/Goodman Avenue Overlay Contract Award. Mr. Yazici presented this contract to overlay Vernhardson Street and pave Goodman Avenue. He gave a brief overview of the bid results and answered questions.

MOTION: Move we award the Vernhardson Street Overlay and Goodman Avenue Paving projects to Woodworth & Company Inc. for a lump sum amount of \$53,000.
Picinich/Ekberg - unanimously approved.

7. Chapel Hill Presbyterian Proposed Expansion - Resolution. 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. She then asked the applicant's representative, William Lynn, to stand and take an oath of truth in any testimony given by him at this meeting, which he did.

Ray Gilmore, Planning Director, gave an overview of the project. He added that staff had recommended denial of the variance because there was no site-specific hardship to warrant the additional 24.5 feet height above the maximum height of the zone. He explained that the Hearing Examiner, after two public hearings, had approved both the height variance and conditional use permit for this project. Ray said that several requirements regarding firecode/building code and ADA were not incorporated into the Hearing Examiner's

conditions of approval, but had been added to the resolution for consideration.

Councilmember Owel stated that she could not see where the site plan application has addressed compatibility with the City's Comprehensive Plan. Mr. Gilmore said that was one of the issues brought up in the staff report. He summarized the land use policies pertinent to this project and emphasized that the City's Comprehensive Plan states that new structures should maintain a small town scale.

Carol Morris, legal counsel, pointed out that in the Hearing Examiner's Findings, the examiner specifically states compatibility with the City's Comprehensive Plan even though the staff report points out that the Comprehensive Plan requires a small town scale for new structures, which was inconsistent with the Comprehensive Plan. Councilman Owel said she would like to see this issue addressed.

Councilmember Markovich commented that the portion of the Comprehensive Plan requiring small town structures may be a critical problem because Gig Harbor, especially our urban growth area, is so diversified, and included much more than the downtown area. He added that he felt there was nothing wrong with the church. He added that there are other large scale buildings in that area, such as the high school.

Councilmember Ekberg asked for clarification for the conditional use permit. He added that his only concern was that he could see no justification for the height variance and that the Hearing Examiner didn't meet these conditions. Council then discussed which way to proceed. Carol Morris advised them that the conditional use permit and the height variance were final, and only the site plan was being considered. She added that site plan conditions could be considered not met by Council if the Council decided the conditions of the Comprehensive Plan had not been met, and the Hearing Examiner's Recommendations for approval could be modified or rejected.

Councilmember Owel suggested having the applicant re-submit a more comprehensive site-plan addressing this issue more completely. Carol Morris advised Council they could modify or reject the recommendation by the Hearing Examiner and hold their own public hearing on the site plan and adopt their own findings and conclusions based on the criteria for site-plan approval and the issue of compatibility with the Comprehensive Plan. Council would be making their own findings and would not be bound to the Hearing Examiner's Findings in regard to any of the criteria for the site plan.

William Lynn requested permission to make a procedural point, and Councilman Markovich asked to hear what he had to say.

William Lynn - 2200 First Interstate Plaza, Seattle. Mr. Lynn stressed that making a decision without all the testimony that was presented to the Hearing Examiner would be premature. He said that before Council decides that the Hearing Examiner didn't have enough evidence for his findings, and to decide that this building is out of scale, all the pertinent information should be reviewed. He offered to make a presentation of the information to council. He said that the presentation that had been made to the Hearing Examiner was extensive, up to two hours long, and included aerial photos, photos from the

freeway, and several letters of support from the surrounding property owners. He added that no one objected to the project. He said this information is why the Examiner was able to find that this building was not going to be highly visible from the freeway, and that the building was in scale with the neighborhood.

Carol Morris asked Mr. Lynn if he recommend Council hold another hearing. Mr. Lynn said it is within their prerogative, and before Council makes a decision they should see all the evidence that the Hearing Examiner had.

Councilmember Platt stated that if Council were to have their own hearing, it would set the project back a few weeks, but in a project of this scope, wouldn't be a major setback. He added that he was present at the first hearing and was surprised at the amount of public support. He heard no opposition to the project.

MOTION: Move we adopt the Hearing Examiner's Recommendations.
Markovich / No second to the motion. The motion died for lack of a second.

MOTION: Move we reject the Hearing Examiner's Decision and hold a new public hearing on the site plan to be held on September 11, 1995, as agreed to by the Applicant.
Picinich/Platt - unanimously approved.

8. Howard Dahl - Rezone. Ray Gilmore introduced this application for a rezone of the property located at 7715 Skansi Avenue from a R-1, single family, to a RB-2, residential business. He described the surrounding properties as St. John's Episcopal Church, Chapel Hill Presbyterian, the PTI storage area, and Shoreline Glass. He added that the Hearing Examiner held a public hearing, and recommended approval of the rezone as it is consistent with the Comprehensive Plan. He said the first reading of the ordinance to approve the rezone would be presented at the next City Council meeting.
9. Regulatory Reform Act -- I-164. Carol Morris, legal counsel, talked about the Regulatory Reform Act in effect and how it affects the City's code and permit hearings. She said that sufficient signatures had been collected for verification to put Initiative 164 on the November ballot, and if passed, it will go into effect on December 7th. Because Regulatory Reform requires the City to adopt several new ordinances which could be interpreted as a restraint on land use, Ms. Morris advised Council to adopt any of these ordinances prior to 164 going into effect, so that an economic impact analysis would not have to be done on the ordinances. She provided a handout outlining the permitting process under Regulatory Reform and gave an overview of the process.
10. First Reading - Ordinance Adopting Changes to City Traffic Code. Mark Hoppen briefly introduced the first reading of this ordinance to amend the City Municipal Code to keep the City's traffic code current with the State Statutes. This ordinance will return for a second reading at the next council meeting.
11. Liquor License Renewals: Captains Terrace; Emerald Star; Hunan Garden; Kinza Teriyaki; and Green Turtle. Councilmember Picinich asked that staff contact the liquor board and ask

that they measure the distance from Kinza Teryaki to the Henderson Bay School grounds to see if the restaurant is within the 500 feet limit. No other action taken.

ANNOUNCEMENT OF OTHER MEETINGS:

Planning Commission Public Hearing on the Zoning Code Update - Thursday, August 3rd, 7:00 p.m. at City Hall.

APPROVAL OF BILLS:

MOTION: Move approval of warrants #14417 through #14508 in the amount of \$733,605.98.
Platt/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session at 9:31 p.m. for the purpose of discussing pending litigation and potential litigation for approximately 20 minutes.
Platt/Picinich - unanimously approved.

MOTION: Move to return to Regular Session at 9:47 p.m.
Picinich/Platt - unanimously approved.

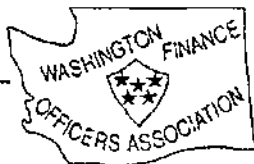
ADJOURN:

MOTION: Move to adjourn at 9:47 p.m.
Platt/Picinich - unanimously approved.

Cassette recorder utilized.
Tape 393 Side B 200 - end.
Tape 394 Both Sides.
Tape 395 Both Sides.
Tape 396 Side A 000 - 028.

Mayor

City Administrator



WASHINGTON FINANCE OFFICERS ASSOCIATION

10517 NE 38th Place • Kirkland, Washington 98033-7926 • (206) 827-4334

June 28, 1995

Gretchen Wilbert
City of Gig Harbor
3105 Judson St
Gig Harbor WA 98335

Dear Ms Wilbert:

This is to notify you that the City of Gig Harbor's 1995 Budget has earned the Washington Finance Officers Association Distinguished Budget Award. This award is patterned after the Government Finance Officers' Program and is the highest form of recognition in fiscal planning and budgeting within the State of Washington. In order to earn this award, the budget documents are critiqued by at least two reviewers who return a favorable response. I have received favorable responses from the reviewers of your 1995 document. (A summary of the responses will be mailed under separate cover to the official requesting the results.)

The budget document is judged on meeting program criteria covering policies, operations, financial planning and communications. The receipt of this recognition is evidence of an interest in effective fiscal management programs to the benefit of the residents in Gig Harbor. You and your staff are to be commended for such an interest.

A plaque and certificates will be presented to the City of Gig Harbor at the WFOA conference in Pasco in September. We hope you will continue to participate in the programs of WFOA and GFOA.

Sincerely,

Peggy Morant

Peggy Morant
WFOA Budget Awards Chair
%City of Chehalis
PO Box 871
Chehalis, WA 98532
(360) 748-6664

THE WHITE HOUSE

WASHINGTON

July 25, 1995

Mr. Mark E. Hoppen
Administrator
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98332

Dear Mark:

Thank you for writing about the Nuclear Waste Policy Act of 1982. I appreciate knowing your views on this important topic.

My Administration remains committed to developing a plan for permanent nuclear waste disposal. In my fiscal 1996 budget, I sent Congress a new financial proposal to help achieve permanent storage in a timely manner. Secretary O'Leary is working with Congress to help ensure that our proposal is enacted.

I value your insight on issues involving permanent and interim storage, and I hope you will continue to share your thoughts.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Clinton". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

PIERCE COUNTY DEPARTMENT OF PUBLIC WORKS & UTILITIES

Gravelly Lake Plaza
9116 Gravelly Lake Drive Southwest
Tacoma, WA 98499-3190
(206) 593-4050

RECEIVED

AUG 1 1995

CITY OF GIG HARBOR

July 26, 1995

MEMORANDUM

TO: Pierce County Local Government Solid Waste and Recycling Coordinators

FROM: Steve Wamback, Solid Waste Analyst *Steve Wamback*

SUBJECT: Open Positions on the Pierce County Solid Waste Advisory Committee (SWAC)

Pierce County is looking for applicants to fill two positions representing public interest groups, and one position representing the business community, on the Solid Waste Advisory Committee. The SWAC advises the Pierce County Council on matters relating to how Pierce County manages solid waste disposal and recycling services. The Pierce County Executive appoints, and the County Council confirms, eleven individuals to serve three year terms on this body.

I am sending this announcement to city and town government solid waste and recycling coordinators in the hope that you may know of someone interested in applying for one of these positions.

Attached is a two page information sheet about the SWAC and the qualifications to fill the vacant positions. If you have any questions, please feel free to call me at the Pierce County Solid Waste Division, 593-4050. Thanks.

CORS\S01080.SCW

Current Vacancies

Current vacancies exist for a representative of the business community, and two representatives of public interest groups.

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. The business community representative must have a business interest in the County.

The **Public Interest Group** slots are reserved for Pierce County citizens serving as *bona fide* representatives of an interest group active in Pierce County. Previous holders of this position have represented groups such as the Tahoma Audubon, Sierra Club, League of Women Voters, and Washington Citizens for Recycling. To be appointed to the position, the applicant should be nominated by the Board of Directors of the interest group (or a substantially similar means) to authorize service as a representative of the organization.

Time Commitment: once drafts of the solid waste plan become available for review, 5 - 10 hours per month, including meeting times and preparation; until then, 5 hours per month. The SWAC has been meeting on the second Wednesday of each month from 6 to 8 pm. The committee sets a meeting schedule at the beginning of each year.

Length of term: 3 years; opportunity to be reappointed 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.

Deadline: All applications must be postmarked no later than August 18, 1995.

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

What is the Solid Waste Advisory Committee?

The Pierce County Solid Waste Advisory Committee, commonly referred to as the SWAC, advises the Pierce County Council on matters relating to how Pierce County manages solid waste disposal and recycling services. The Pierce County Executive appoints, and the County Council confirms, eleven individuals to serve three year terms on this body. Members represent a cross section of our County:

- Three members represent Pierce County citizens
- Two members represent Public Interest Groups
- Two members represent the Pierce County Business Community
- Two members represent the Waste Management Industry
- One member represents the government of the City of Tacoma
- One member represents other local governments

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 avenues for comment will be in the review of the Tacoma-Pierce County Solid Waste Management Plan and review of the results of the County's Landfill Siting Study. 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 documents should be adopted as statements of County Policy.

The SWAC **is not expected** to play a significant role in decision-making relating to the private proposal by Resource Investments, Inc. (RII) to site a municipal solid waste landfill at the intersection of 304th Street and Meridian near Kapowsin.

The SWAC **may** be 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.

Representatives from the Pierce County Solid Waste Division, the Pierce County Council, the Tacoma-Pierce County Health Department, the Port of Tacoma, 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.



Pierce County

Office of the County Executive
930 Tacoma Avenue South, Room 737
Tacoma, Washington 98402
(206)591-7477 • 1-800-992-2456 • FAX (206)596-6628
TDD/Voice 1-800-833-6388

RECEIVED

AUG 1 1995

CITY OF GIG HARBOR

DAISY STALLWORTH
Executive Director
Community and Human Services

July 24, 1995

Mayor Gretchen Swayze Wilbert
City of Gig Harbor
PO Box 145
Gig Harbor WA 98335

Subject: 1995/1996 Count of Pierce County Homeless Community

Dear Mayor Swayze Wilbert:

On January 25 and 26, 1995 the Tacoma/Pierce County Coalition for the Homeless in partnership with Pierce County Community Services and the City of Tacoma Planning and Development Services conducted a 24 hour count of the number of homeless people living in Pierce County. Approximately 200 volunteers surveyed over 1,600 homeless persons in 39 Pierce County census tracts. The information generated from this effort has been provided to the Department of Housing and Urban Development and has been used by services providers and the local media to promote services which assist homeless people to access permanent housing.

Pierce County will be undertaking another count of the homeless on September 26th and 27th this year. The information gathered from this count will be an integral part of a plan for a system of coordinated services for the homeless in Pierce County called the Continuum of Care. Crews of volunteers are being recruited to count the homeless in every census tract of Pierce County. Business people, school district employees, sheriffs and police officers, social workers, and other community leaders are being asked to take a leadership role in their community on September 26th and 27th to count the homeless. This community participation is critical to achieving an accurate representation of the number of homeless people. An accurate representation is crucial to obtaining funds to meet the needs of the homeless in each of our communities.

Irene R. Fruzzetti is the lead staff person for this effort. As a Co-Chair of the Tacoma/Pierce County Coalition for the Homeless and a Housing Counselor for Pierce County Community Services, Ms. Fruzzetti, is able to organize the emergency shelter providers and a number of social service providers to help with the count of the homeless. However, the help of people like you in your own neighborhood/community will be critical to the success of this effort. We need your help. Irene R. Fruzzetti or a representative for the Coalition for the Homeless will be contacting you in the next few weeks to ask you directly for your help. If you would like to contact her directly she can be reached at 591-7240, extension 5087, weekdays from 8:30 a.m. to 4:30 p.m.

We greatly appreciate any effort you might make on behalf of your community to assist in this comprehensive count of homeless people.

Sincerely,

Daisy Stallworth
Executive Director
Community and Human Services



Referendum 48 **ADVISORY**

RECEIVED
AUG 1 1995
CITY CLERK TAYLOR

July 28, 1995

TO: City Officials
FROM: Stan Finkelstein, AWC Executive Director
RE: Initiative 164 = Referendum 48

Last Friday, the No on Referendum 48 campaign officially delivered over 231,000 petition signatures (well in excess of the 91,000 valid signatures needed) to the Secretary of State, requiring that Referendum 48 be placed on the November 7th ballot. It's anticipated that the signatures will be certified by August 5. **This places Initiative 164 on hold until December 7.**

Referendum 48 gives voters the opportunity to repeal Initiative 164. Referendum 48 does not alter I-164 in any way. The initiative may have changed its name but its potential impacts on cities remain the same.

AWC's position on Referendum 48: During the AWC's annual business meeting on June 30 in Seattle, the membership adopted Resolution #7 which opposes Initiative 164 and Referendum 48. I want to thank the members, both pro and con, for their active participation in AWC's policy process. Resolution #7 specifically:

- Supports placing Referendum 48 on the ballot.
- Opposes Referendum 48 which if defeated, overturns I-164.
- Continues AWC's support for regulatory reform and urges a balanced approach to legitimate land use concerns.

With the membership's vote, AWC has a firm directive to oppose Referendum 48.

Need for local contingency planning: At AWC's Initiative 164 Implementation Workshop at the annual meeting, a panel of municipal attorneys stressed the requirement for contingency planning in each city. The attorneys pointed out that local officials have a fiduciary responsibility to protect their cities' resources from the financial impact of Initiative 164/Referendum 48. They also pointed out that because of the vagueness of Initiative 164 this will not be an easy or quick task. Fortunately, cities now have four additional months to accomplish this task.

(over)

Association of Washington Cities

1076 Franklin Street SE, Olympia, WA 98501 • 360/753-4137, FAX 360/753-4896

In most cases, it should not be necessary to actually adopt any implementing ordinances prior to the election. There will be a 30 day window between the election and effective date to actually adopt any needed ordinances. Cities may find it prudent to incorporate some work on Initiative 164/Referendum 48 in their budget process, especially if they are considering a contingency plan that attempts to maintain a significant number of land use and building restrictions. Because contingency plans may call for substantial changes in local planning and land use, cities may want to provide for public participation in this process.

AWC's role in contingency planning and education: We will continue to provide you with information to help you and your city evaluate the ramifications of Initiative 164/Referendum 48. You'll receive updates and educational materials you may find useful to educate yourself and your community.

A technical advisory group of elected and appointed city officials will continue to meet with AWC during the summer to discuss contingency plans. Updated information and materials prepared by individual cities continue to be available through MRSC's I-164 Clearinghouse (1-800-933-MRSC). Please remember to send or FAX (206-827-5002) documents prepared by your city so that we continue to provide assistance to interested cities.

You can get immediate updates on the referendum campaign by calling AWC's Referendum 48 hotline (360) 753-4137 or 1-800-562-8981. During regular business hours, the receptionist will transfer you to the hotline; please listen to recorded instructions after hours. If you have any questions regarding the referendum, please call AWC staff at (360) 753-4137.

We urge all of you to re-read the AWC guidance sheet on limits on campaign participation by local officials.



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 *JC.*
DATE: AUGUST 14, 1995
SUBJECT: REZ 95-01 - HOWARD DAHL REZONE REQUEST - FIRST READING OF ORDINANCE

INTRODUCTION/BACKGROUND

Attached for the Council's consideration is a draft ordinance approving a rezone of Mr. Howard Dahl's property located at 7715 Skansie Avenue. The request is to rezone the property from R-1 (single family) to RB-2 (residential business) (see attached reports and illustrations).

RECOMMENDATION

This is the first reading of the ordinance and no action will be taken at this meeting. The staff reminds Council that this is not a public hearing.

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

AN ORDINANCE TO AMEND THE CITY'S ZONING MAP BY REZONING FROM R-1 TO RB-2 TWO PARCELS OF LAND LOCATED AT 7715 SKANSIE AVENUE

WHEREAS, Howard Dahl has requested that his property located at 7715 Skansie Avenue, tax assessor's parcel 02-21-07-1-114 & 115 be rezoned from R-1 to RB-2; and

WHEREAS, a public hearing was held on June 21, 1995 at which time no public input was given; and

WHEREAS, Section 17.100.040 of the Gig Harbor Municipal Code outlines specific findings for considering amendments to the City's zoning map; and

WHEREAS, the Hearing Examiner has considered information contained in the staff report dated June 21, 1995 and the statement of the applicant who finds that his property is no longer suitable for single family use; and

WHEREAS, the Hearing Examiner has made the following specific findings contained in his report dated June 21, 1995 and which reflect the findings contained in the staff report, to wit:

- A. That the subject parcel is designated as Employment Center on the City's Comprehensive Land Use Plan Map and the request for reclassification is consistent with this designation and would therefore further the goals, policies and objectives of the comprehensive plan;

- B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. Changed conditions include development of both the St. John's and Chapel Hill churches, and the commercial development of parcels to the north and east. Said conditions constitute a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning.

- C. That the requested classification will further the public's health, safety and general welfare; and

WHEREAS, the Gig Harbor City Council has reviewed the record of the Hearing Examiner's decision on July 24, August 14th and August 28th; and

WHEREAS, the Council agrees with the findings and recommendation of the Hearing Examiner;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, **ORDAINS** that the following described property be rezoned from R-1 (single family) to RB-2 (residential business):

PARCEL 0221071114 -- E 115 FT OF S 636 FT OF W 1/2 OF W 1/2 OFNW OF NE OF SEC 7 SEG G 6021 TP.

PARCEL 0221071115 -- COM AT 1/4 MON ON N LI OF SEC TH S 01 DEG 06 MIN W ALG C/L OF SEC 550 FT TO POB TH CONT S 01 DEG 06 MIN W ALG C/L OF SEC TO SW COR OF W 1/2 OF W 1/2 OF NW OF NE TH ELY ALG SLY LI OF SD SUBD TO SE COR THEREOF TH ALG E LI OF SD SUBD N TO A PT 175 FT S OF S LI OF STATE HWY # 14 APPR RD TH N 88 DEG 54 MIN W TO A PT 143 FT E OF C/L OF SEC TH N 01 DEG 06 MIN E TO A PT S 88 DEG 54 MIN E 145 FT FROM POB TH N 88 DEG 54 MIN W 145 FT TO POB EXC S 531 FT THEREOF & EXC THAT POR LY N OF A LI 660 FT S OF N LI OF SEC ALSO EXC E 115 FT OF N 105 FT OF S 636 FT OF W 1/2 OF W 1/2 OF NW OF NE EXC RDS EASE OF RECORD SEG G 6021 TP.

PASSED this 28th day of August, 1995.

GRETCHEN A. WILBERT, MAYOR

ATTEST:

Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1995
Ordinance Adopted:
Date Published:
Effective Date:

NOTICE

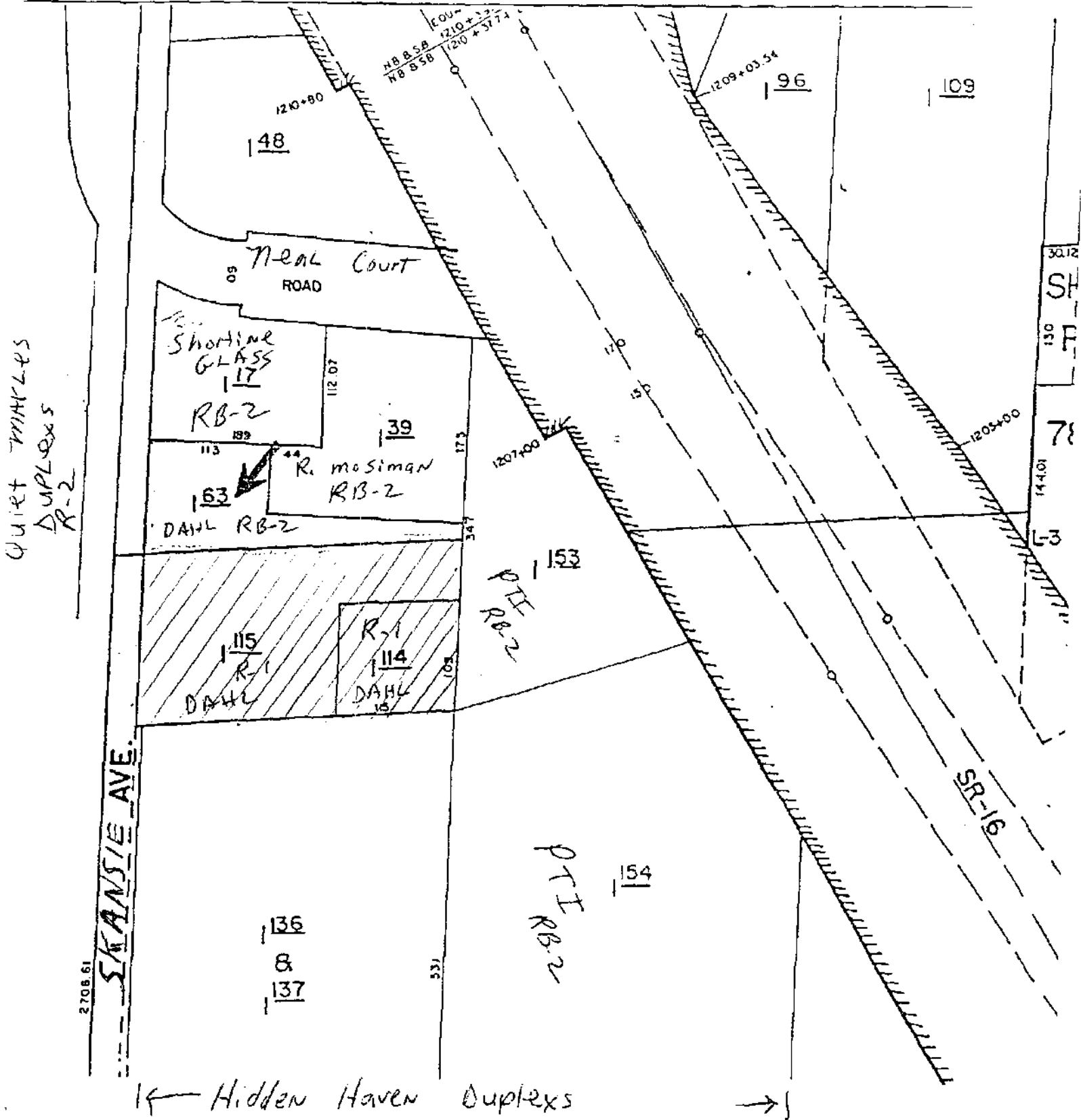
This Sketch is furnished as a courtesy only by First American Title Insurance Company and it is **NOT** a part of any title commitment or policy of title insurance.

This sketch is furnished solely for the purpose of assisting in locating the premises and does not purport to show all highways, roads, or easements affecting the property. No reliance should be placed upon this sketch for the location or dimensions of the property and no liability is assumed for the correctness thereof.

ORDER NO. _____
SUBDIVISION _____
RCDG NO./VOL. & PG. _____
QTR/4 SEC 7 TOWNSHIP 21 N RANGE 2



ROSEDALE ST.





City of Gig Harbor. The "Maritime City."

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

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**

TO: Hearing Examiner
FROM: Planning Staff
DATE: June 21, 1995

RE: REZ 95-01 - Howard Dahl - Request to rezone 1+ acre from R-1 (single family) to RB-2 (residential business) 7715 Skansie Avenue.

I. GENERAL INFORMATION

APPLICANT: Howard B. Dahl
7715 Skansie Avenue
Gig Harbor, WA 98335

OWNER: (same)

AGENT: N/A

II. PROPERTY DESCRIPTION

1. **Location:** 7715 Skansie Avenue
Tax assessor's parcel 02-21-07-1-114 & 115

2. **Site Area/Acreage:** 1+ acre

3. **Natural Site Characteristics:**

- i. **Soil Type:** Kitsap silt loam
- ii. **Slope:** gentle slope toward the east
- iii. **Drainage:** easterly
- iv. **Vegetation:** primarily domestic landscaping

4. **Zoning:**

i. **Subject parcel:** R-1 (single family)

ii. **Adjacent zoning and land use:**

North: RB-2 (residential/business) -- Shoreline Glass

South: R-1 -- St. John's Episcopal Church

East: RB-2 -- PTI storage & warehouse yard

West: R-1 -- Chapel Hill property, developed and undeveloped

5. **Utilities/road access:** The parcel is served by City sewer and water and is accessed off of Skansie Avenue - a City street.

III. **APPLICABLE LAND-USE POLICIES/CODES**

1. **Comprehensive Plan:**

The Comprehensive Plan Land Use Map designates this area as employment center.

Pg. 8 Employment Centers

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following:

- * Wholesale distribution facilities
- * Manufacturing and assembly
- * Business offices/business complexes
- * Telecommunication services
- * Transportation services and facilities
- * Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities.

2. **Zoning Ordinance:**

17.16 - SINGLE FAMILY RESIDENTIAL (R-1)

Section 17.16.010 - Intent - An R-1 district is intended to provide for low density, single-family residential development for certain community services and facilities while preserving the character of the existing single-family residential areas.

17.30 - RESIDENTIAL AND BUSINESS DISTRICT (RB-2)

Section 17.30.010 - Intent - The RB-2 district is intended to provide a mix of medium density residential uses with certain specified business, personal and professional services. It is intended to serve as a transitional buffer between high intensity commercial areas and lower intensity residential areas. The RB-2 zone is similar in construction to the RB-1 zone while allowing a higher percentage of impervious coverage and multifamily residential development. Furthermore, the RB-2 zone would serve to minimize impacts to adjacent residential uses by limiting general operational impacts of a use to that portion of the site between the structure(s) and the fronting road.

17.100 - AMENDMENTS

Section 17.100.040 - Report to the City Council - The City Council shall consider the report and recommendation of the hearing examiner or planning commission on any proposed change or amendment regardless of the manner in which such change is initiated. Such report shall base its conclusion on the following criteria:

- A. That the request for reclassification furthers the goals, policies and objectives of the comprehensive plan;
- B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. A changed condition constitutes a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning.
- C. That the requested classification will further the public's health, safety and general welfare.

IV. BACKGROUND INFORMATION:

The subject parcel is zoned R-1 (single family) and has a single family house on it. However, the property is completely surrounded by non-residential development including the St. John's church to the south, the PTI warehouse to the east, Shoreline Glass to the north, and Chapel Hill church property to the west.

V. REQUEST/PROJECT DESCRIPTION:

The current request is to rezone the property from R-1 to RB-2. The applicant has submitted the following statement (shown in *italics*) in support of his request:

I would like to request a re-zone of two parcels of land that lie within the city limits of Gig Harbor.

I own 3 parcels of adjoining land, of which 1 parcel borders Shoreline Glass Co. is zoned RB-2, and is vacant. The second parcel bordering PTI has a garage and a RV port, and zoned R-1. On the 3rd parcel is a house of which I reside, also bordering PTI and zoned R-1.

My entire north boundary abuts Shoreline Glass Co. and Roger Mosiman's dwelling, and my entire East border adjoins PTI, of which is all zoned RB2. My south boundary is St. John's church, consisting of a large building and large parking areas. To my west (across Skansie Ave). is a large vacant parcel recently purchased by Presbytery of Olympia. Quite maples Duplex apartments are to my northwest border.

To the south of St. John's Church is Hidden Haven, which consists of numerous more duplex rental units. These 2 parcels re-zoned to RB-2 designation would provide a natural land use flow with the surrounding business and multi-family units.

This request for re-classification does further the goals, policies, and objectives of the comprehensive plan by:

- (1) allowing a location for an employment center, which would help create job opportunities within the local area, therefore eliminating the amount of commuters across the Tacoma Narrows Bridge.*
- (2) create a location for multifamily housing near the SR16 corridor.*
- (3) opportunities for home based occupations and business.*

I have lived at this address for 24 years. Over the years, my immediate area has changed drastically from home owners and vacant, wooded land, to commercial business and multifamily dwellings. For these reasons, I feel my house and property is not ideal, compatible, or suitable for continuation as a single family residence. Also, it appears to be a strong possibility that a Rosedale/SR16 interchange will be necessary in the not-so-distant future. I do not feel this re-zone would significantly impact any established single family, multifamily, church, or commercial business in my area.

Thanks for understanding and considering this re-zone request...

VI. PUBLIC NOTICE:

The property was posted and legal notice was sent to the Peninsula Gateway for publication and to property owners within 300 feet of the site. As of 6-12-95, no public input has been received.

VII. ANALYSIS:

For reasons stated in the background information and in the applicant's statement, the staff agrees that the site is no longer suitable for single family development. St. John's Episcopal Church is a better transition point into the R-1 zone than Mr. Dahl's house and will provide adequate buffering between future commercial development of Mr. Dahl's property and the residences to the south of the church.

Additional Staff and/or agency comments are as follows:

1. Building Official: (no comments solicited)
2. Public Works: (no comments solicited)
3. SEPA Responsible Official: A determination of non-significance was issued on May 1, 1995.

VIII. FINDINGS AND CONCLUSIONS:

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds as follows:

A. That the subject parcel is designated as Employment Center on the City's Comprehensive Land Use Plan Map and the request for reclassification is consistent with this designation and would therefore further the goals, policies and objectives of the comprehensive plan;

B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. Changed conditions include development of both the St. John's and Chapel Hill churches, and the commercial development of parcels to the north and east. Said conditions constitute a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning.

C. That the requested classification will further the public's health, safety and general welfare.

IX. RECOMMENDATION:

The staff recommends that the Hearing Examiner forward to the City Council a recommendation to approve the requested rezone as proposed.

Project Planner: Steve Osguthorpe, Associate Planner

Date: _____

**CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION**

APPLICANT: Howard Dahl

CASE NO.: REZ 95-01

LOCATION: 7715 Skansie Avenue

APPLICATION: Request to rezone 1+ acre from R-1 (single family) to RB-2 (residential business).

SUMMARY OF RECOMMENDATIONS:

Staff Recommendation: Approve

Hearing Examiner Recommendation: Approve

PUBLIC HEARING:

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Dahl application was opened at 5:15 pm, June 21, 1995, in the City Hall, Gig Harbor, Washington, and closed at 5:15 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

HEARING COMMENTS:

From the City:

Steve Osguthorpe represented the City.

From the Applicant:

Howard Dahl concurred with the staff report.

From the Community:

No one from the general public spoke either in favor of or in opposition to the request.

WRITTEN COMMENTS:

No written comments were submitted.

FINDINGS, CONCLUSIONS AND RECOMMENDATION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS:

The information contained in Sections I through VII of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

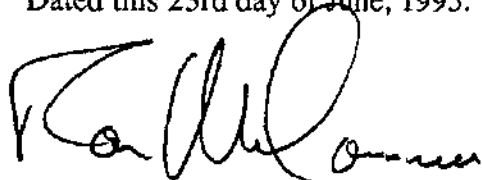
B. CONCLUSIONS:

The conclusions prepared by the Planning Staff and contained in Section VIII of the Planning Staff's Advisory Report accurately set forth the conclusions of the Hearing Examiner and by this reference is adopted as the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

C. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the application for a rezone to RB-2 (residential busines) be approved.

Dated this 23rd day of June, 1995.

A handwritten signature in black ink, appearing to read "Ron McConnell". The signature is stylized with a large initial "R" and a cursive "M".

Ron McConnell
Hearing Examiner

RECONSIDERATION:

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

COUNCIL ACTION:

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezoning of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

MINUTES OF THE HEARING ON THE APPLICATION:

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing was Steve Osguthorpe, representing the City of Gig Harbor; Howard Dahl, the applicant.

EXHIBITS:

The following exhibits were offered and entered into the record:

A. Planning Staff Advisory Report

PARTIES OF RECORD:

Howard B. Dahl
7715 Skansie Avenue
Gig Harbor, WA 98335



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

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*
SUBJECT: ORDINANCE AMENDING CITY TRAFFIC CODE
DATE: JULY 17, 1995

INFORMATION/BACKGROUND:

This is the first reading of an ordinance amending Section 10.04.010 of the Gig Harbor Municipal Code, which is made necessary by recent amendments to the Washington State Statutes adopted by Gig Harbor through Ordinance No. 673.

This is purely a housekeeping item to keep the City's traffic code current with the State Statutes.

RECOMMENDATION:

I recommend a motion to approve this Ordinance at its second reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S TRAFFIC CODE, AMENDING SECTION GHMC 10.04.010 TO INCLUDE REFERENCES TO NEWLY CODIFIED STATE STATUTES ADOPTED IN GIG HARBOR ORDINANCE NO. 673.

WHEREAS, in 1994, the City was required to adopt the Model Traffic Ordinance before certain new state statutes had appeared in the Revised Code of Washington in their codified versions; and

WHEREAS, GHMC Section 10.04.010 should be amended to eliminate the references to the Laws of 1994 and insert the new codified statute numbers; NOW, THEREFORE,

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

Section 1. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

10.04.010 Statutes adopted by reference. The following state statutes, including all future amendments, repeals or additions thereto, are hereby adopted by reference as if set forth in full:

RCW

- 46.01.230 ~~and the Laws of 1994, Chapter 262, Section 1, 5. Payment by check or money order - Regulations - Penalty for nonsurrender upon cancellation - Handling fee for dishonored checks.~~
- 46.01.260 Destruction of records by director.
- 46.04.015 Alcohol concentration.
- 46.04.127 Collegiate license plates.
- 46.04.440 Definition of railroad.
- 46.08.065 Publicly owned vehicles to be marked - Exceptions.
- 46.08.066 Publicly owned vehicles - Confidential license plates, issuance rules governing.
- 46.08.067 Publicly owned vehicles - Violations concerning marking and confidential license plates.
- 46.08.068 Publicly owned vehicles - Remarking not required, when.
- 46.08.070 Nonresidents, applications to.
- 46.08.190 Jurisdiction of judges of district, municipal and superior court.

- 46.12.160 and the Laws of 1994, Chapter 262, Section 1.5. Refusal or cancellation of certificate-Notice-Penalty for subsequent operation.
- 46.12.270 ~~and the Laws of 1994, Chapter 139, Sections 2, 4. Penalty for violation of RCW 46.12.250 or 46.12.260.~~
- 46.16.381 and the Laws of 1994, Chapter 194, Section 1.6. Special parking privileges for disabled persons-Penalties for unauthorized use or parking.
- 46.20.309 Driver under twenty-one Alcohol in system Implied consent Penalties.
- 46.20.355 Alcohol violator Probationary license.
- 46.20.710 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Ignition interlocks, biological, technical devices Legislative finding.~~
- 46.20.720 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Ignition interlocks, biological, technical devices Drivers convicted of alcohol offenses.~~
- 46.20.730 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Ignition interlocks, biological, technical devices Definitions.~~
- 46.20.740 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Ignition interlocks, biological, technical devices Notation on driver's license.~~
- 46.37.380 Horns, warning devices and theft alarms.
- 46.37.390 Mufflers, prevention of noise - Smoke and air contaminants - Standards and definitions.
- 46.37.400 Mirrors.
- 46.37.410 Windshields required, exception - Must be unobstructed and equipped with wipers.
- 46.44.110 Liability for damage to highways, bridges, etc.
- 46.55.113 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Removal by police officer~~
- 46.61.5051 Alcohol violator with regular license - Penalties.
- 46.61.5052 Alcohol violator with probationary license - Penalties.
- 46.61.5053 Alcohol violator with suspended or revoked license - Penalties.
- 46.61.5054 Alcohol violators - Additional fee - Distribution.
- 46.61.5056 Alcohol violators - Information school - Evaluation and treatment.
- 46.61.5057 Driver under twenty one - Duties upon being stopped by law enforcement officer.
- 46.61.5058 Alcohol violators - Vehicle seizure and forfeiture.

- 46.61.5151 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Sentences - Intermittent fulfillment - Restriction~~
- 46.61.5152 ~~and the Laws of 1994, Chapter 275, Sections 1, 14, 10, 21, 22, 23, 24, 32, 49, 39, 40. Attendance at program focusing on victims;~~
- 46.61.527 ~~The Laws of 1994, Chapter 141, Section 1. Roadway construction zones.~~
- 46.64.030 Procedure governing arrest and prosecution.
- 47.36.130 Meddling with signs prohibited.
- 47.52.010 Limited access facility defined.
- 47.52.011 "Existing highway" defined.
- 47.52.040 Design - Ingress and egress restricted, closure of intersection roads.
- 47.52.110 Marking of facility with signs.
- 47.52.120 Violations specified - Exceptions, penalty.

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

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

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: July 10, 1995

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 _____, 1995, 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 THE CITY'S TRAFFIC CODE, AMENDING SECTION GHMC 10.04.010 TO INCLUDE REFERENCES TO NEWLY CODIFIED STATE STATUTES ADOPTED IN GIG HARBOR ORDINANCE NO. 673.

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

DATED this _____ day of _____, 1995.

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: APPEAL TO RIGHT-OF-WAY USE PERMIT DENIAL/SORENSEN
DATE: JULY 31, 1995

INFORMATION/BACKGROUND

Doug and Jeanette Sorenson have written a letter asking Council to over-turn the Public Works Director's denial of a right-of-way use permit request. The Sorenson's are asking to "re-construct" 100' of visual screening between the public right-of-way and their waterfront property. Formerly, the Sorenson's enjoyed 50' of fence which provided significant visual screening and 50' of partially-grown photinia bushes which provided less visual screening than the current hand rail. This screening and vegetation was removed as part of the North Harborview Drive project.

POLICY CONSIDERATIONS

The Public Works Director's denial is based on the right-of-way use ordinance's requirement that the requested use must meet "the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed, or maintained." The zoning regulations pertaining to the adjacent property only allow a 3 foot high fence in the frontyard setback area. Therefore, the request to construct a six foot fence was denied.

Mr. Yazici's letter of denial, attached, explains that the city has built similar hand rails throughout the city's public right-of-way, as well as on North Harborview Drive and on the adjacent property. In locations where Public Works has built hand rails for safety purposes, such as this site, this standard hand rail design has been used uniformly. The Council may consider whether this particular home owner's privacy is a greater need than the pedestrian public's enjoyment of this particular view. Additionally, the Council may also consider whether, on one hand, the current rail is necessary and aesthetically consistent or, on the other hand, some other design might function well in spite of its inconsistency.

FISCAL CONSIDERATIONS

The Sorensons would be completely responsible for any alterations to the currently constructed hand rail along this stretch of North Harborview Drive.

RECOMMENDATION

Staff does not believe there is justification under the code for a six foot fence on the public right-of-way adjacent to the frontyard setback area.

Chapter 12.02

RIGHT-OF-WAY USE PERMITS

Sections:

- 12.02.010 Permit required.
- 12.02.020 Applications.
- 12.02.030 Issuance of permit.
- 12.02.040 Term of permit.
- 12.02.050 Revocation.
- 12.02.060 Appeal.
- 12.02.070 Existing uses.
- 12.02.080 Penalty for violation.

12.02.010 Permit required.

No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, place or maintain in, on, over or under any public right-of-way, street, sidewalk or other similar public place, any fence and scaffolding or objects for commercial uses. (Ord. 685 § 1, 1994; Ord. 653 § 1, 1993).

12.02.020 Applications.

Application shall be made to the director of public works on a format as prescribed and provided by the director. The application shall contain such information as the director deems necessary, including but not limited to evidence that the applicant is either the owner or entitled to possession of the property adjoining the public right-of-way or place sought to be used, and a full and complete description of the use to be made of the public right-of-way or place by the applicant and the duration of such proposed use. The decision to issue or not issue a right-of-way use permit, as authorized under this chapter, shall be at the sole discretion of the city. This chapter shall in no way be construed as granting or creating a right in any applicant to obtain a right-of-way use permit. An application fee shall be paid at the time of filing of the application with the city. The fee shall be in such amount as established from time to time by the city council, by ordinance, or by resolution. (Ord. 653 § 1, 1993).

12.02.030 Issuance of permit.

All permits shall be issued by the director of public works, or the director's designee. The permit may be issued to the applicant if all requirements deemed relevant by the director of public works are met. Requirements shall include, but are not limited, to the following:

A. The proposed use will not protrude into or over any portion of a public right-of-way or public place open to vehicle or pedestrian travel in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic.

B. The proposed use will not protrude into or over any public utility lines including water, sewer, storm drainage, cable, gas, power, or will not block access to the utility lines.

C. The requested use must meet all other applicable requirements of this code, including, but not limited to, the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed or maintained.

D. The applicant shall be required to indemnify and hold the city harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.

E. During all periods of use for temporary and commercial permits, the applicant shall maintain public liability and property damage insurance acceptable to the city and/or other insurance necessary to protect the public and the city on premises to be used unless waived by the director of public works. The limits of the insurance shall be established by the director of public works. A certificate evidencing the existence of the insurance or, upon written request of the director of public works, a duplicate copy of the policy shall be provided to the city as evidence of the existence of the insurance protection. The insurance shall not be cancelable or reduced without prior written notice to the city, not less than 30 days in advance of the cancellation or alteration. The insurance shall name the city as a named or additional insured and shall be primary as to any other insurance available to the city.

F. Such other conditions as may be imposed by the director of public works to reasonably assure that the requested use does not in any way create a likelihood of endangering those who are lawfully using the public right-of-way or public place.

G. All conditions shall be subscribed on or attached to the permit.

H. Applicant shall consent that in the event the city is required to take enforcement actions to enforce the terms and conditions of the permit, that the city shall be entitled to recover its costs, disbursements, and expenses including its attorneys fees, which sums may be filed as a lien against applicant's premises and enforceable in the manner provided for the enforcement of mortgages on real property. (Ord. 685 § 2, 1994; Ord. 653 § 1, 1993).

12.02.040 Term of permit.

Notwithstanding the provisions of GHMC 12.02.050, Revocation, right-of-way use permits shall be issued for varying terms, at the discretion of the director of public works and as generally set forth below:

A. Right-of-Way Permit – Residential. A residential right-of-way permit issued for construction of any fence or retaining wall shall be valid indefinitely unless revoked under GHMC 12.02.050. Any other noncommercial use of the public right-of-way will require a right-of-way permit issued under the same terms as described under subsection B of this section.

B. Right-of-Way Permit – Commercial. A commercial right-of-way permit issued for any use of the right-of-way (as defined in GHMC 12.02.010) in connection with the operation of a business in the city shall be for a period of 12 months from the date of approval. Property owners may make application to renew the right-of-way permit upon permit expiration.

C. Right-of-Way Permit – Temporary. A temporary right-of-way permit issued to property owners for uses of the right-of-way of a temporary nature and which involves the obstruction of a portion of a public sidewalk or other walkway, shall be issued for a period not to exceed 30 days. Property owners may make application to renew the right-of-way permit upon expiration. (Ord. 653 § 1, 1993).

12.02.050 Revocation.

A. All permits issued pursuant to this chapter shall be temporary, shall vest no permanent right in the applicant, and may be revoked by the director of public works upon the occurrence of any of the following:

1. Immediate revocation in the event of a violation of any of the terms and conditions of the permit;
2. Immediate revocation, in event such use becomes, for any reason, dangerous or any structure or obstruction permitted becomes insecure or unsafe;
3. Upon 30 days' notice if the permit is not otherwise for a specified period of time and is not covered by the preceding subsections.

B. If any use or occupancy for which the permit has been revoked is not immediately discontinued, the director of public works may remove any such structure or obstruction or cause to be made to such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, the cost and expense of which shall be assessed against

the permittee, including all fees, costs, and expenses incurred, including attorneys fees associated with the enforcement of or collection of the same. (Ord. 653 § 1, 1993).

12.02.060 Appeal.

Any decision of the director of public works or the director's designee, with respect to the issuance, refusal to issue, or revocation or refusal to revoke a permit may be appealed to the city council by filing a notice of intent to appeal such decision with the city administrator/clerk within 10 days of the date of issuance of the decision being appealed. If an appeal from any such decision is taken, the appellant shall be required to pay a nonrefundable appeal fee in an amount of not less than \$100.00. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The appeal shall be filed with the city administrator/clerk within 10 days of the date of issuance of the decision being appealed. (Ord. 653 § 1, 1993).

12.02.070 Existing uses.

A right-of-way permit will be required for any existing use of any public right-of-way, street, sidewalk, or other public place. The owner or person entitled to possession of commercial property adjoining the public right-of-way that is responsible for the existing use, must make application for the appropriate right-of-way permit within 90 days of the effective date of the ordinance codified in this chapter in order to continue this use. Residential owners must obtain a permit within 730 days. Owners seeking temporary use of city right-of-way must obtain a permit before the use begins. (Ord. 653 § 3, 1993).

12.02.080 Penalty for violation.

Any person violating any of the provisions of this chapter shall, upon conviction, be subject to a penalty of \$100.00 as provided in GHMC 1.16.010D3 and for any costs incurred by the city relative to any violation. (Ord. 653 § 4, 1993).

9409 N. Harborview Dr.
Gig Harbor, WA 98332
July 25, 1995

RECEIVED
JUL 25 1995
CITY OF GIG HARBOR

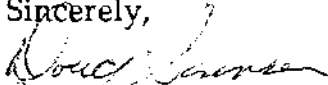
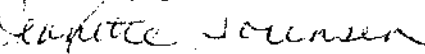
Mark Hoppen
City Administrator
P.O. Box 145
Gig Harbor, WA 98335

Dear Mr. Hoppen:

Enclosed is a letter to the City Council explaining why we feel Mr. Yazici's decision to deny the right-of-way use permit should be overturned. I have also included a copy of Mr. Yazici's letter of denial, the Right-Of-Way Use Permit application and a check for \$100.

We would appreciate being on the August 14th agenda if it is possible.

Sincerely,



Doug and Jeanette Sorensen

9409 N. Harborview Dr.
Gig Harbor, WA 98332
July 25, 1995

RECEIVED

JUL 25 1995

CITY OF GIG HARBOR

Gig Harbor City Council
P.O. Box 145
Gig Harbor, WA 98335

Dear Council members:

I am requesting permission to reconstruct on public right-of-way a 100', six foot high privacy fence in the same location as our recently removed 100', six foot high combination fence and shrubs.

Mr. Yazici's denial of my request is based on the new ordinance filed on November 9, 1994. The ordinance states, ". . . The permit may be issued to the applicant if all requirements deemed relevant by the director of public works are met." The requirement which Mr. Yazici deems relevant is subsection C, which states, "The requested use must meet all other applicable requirements of this code, including, but not limited to, the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed or maintained." The zoning regulation which Mr. Yazici is referring to in his letter of denial dated July 17, 1995 is ordinance 17.08.010 subsection C: . . . "Within the front yard, a fence not exceeding three feet in height may be constructed to the side yard property lines . . ." It is interesting to note that ordinance 17.08.010 refers only to the height of a fence or shrub on a residential "front yard" and not to the height of a fence or shrub on the City right-of-way.

We have lived in Gig Harbor at this same location for almost twenty-three years. Our privacy was once provided by alder, maple and fir trees until ten years ago when the Peninsula Light Company removed most of the screening. It was in 1985 that we had a 50' by six foot high fence built and a 50' photinia hedge planted. They have existed continuously without complaints from neighbors or the City of Gig Harbor. In fact, we have received compliments on the fence.

It is our belief that our 100' privacy fence and shrub that have existed for ten years should be grandfathered and not subject to this new ordinance. Like ours, the majority of fences and shrubs located in Gig Harbor fail to meet the zoning ordinances regulating fences and shrubs. The City has traditionally chosen to not regulate the height of fences as long as they pose no hazard nor receive complaints. Ordinance 17.04.770 regards a fence as ". . . a minor character . . . which is not regulated by the building code of the city."

We feel that to allow other residential, non-conforming fences on both public and private property in Gig Harbor to continue to exist while selectively enforcing the new ordinance is unfair. To deny us the opportunity to replace our privacy screen is not being consistent with past practices by the City.

We are asking the City to allow us to replace our privacy fence and shrubs with another privacy fence. Our privacy fence and shrub would exist today if it had not been removed in order to build the new sidewalk. Fortunately, the sidewalk edge with its post brackets is in the same location as the removed fence and shrubs. Unfortunately, the shrub area is now all concrete and can only be replaced with a fence. It is for that reason that we are requesting a continuous fence, since there is no feasible place to plant shrubs.

North Harborview Drive is a major thoroughfare with nearly 8,000 cars a day, not including pedestrians who walk, jog, bike, roller blade and skateboard. Without this fence, we are subjected to an unreasonable amount of vehicle noise, fumes, lights, and litter as well as a direct viewing into our home (deck, kitchen, bedroom, sport court, and backyard) as if it were a fishbowl. The topography allows a direct view from cars traveling West on North Harborview Drive. Our major living area during the nicer weather is our deck which is only 17' from pedestrians who often stand and watch us as we eat dinner and visit. The City has essentially invited large numbers to intrude into our once private living area.

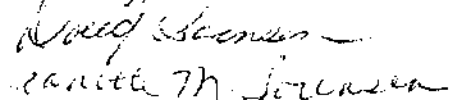
Denying the fence will only give pedestrians a limited view of the mud flats, but a full view of our private living area. Pedestrians will still have the opportunity to view the mud flats from the open space of our driveway entrance.

Other citizens with six foot front yard fences and shrubs on public and private property have been allowed by the City to retain their privacy without being subjected to this process and I would hope that we will receive the same consideration. Furthermore, we are willing to pay the cost to rebuild the fence and do so to City standards. We will also remove the fence if it proves to be a hazard.

In conclusion, we do not believe it was ever the intention of past or present lawmakers to deprive its citizens from their right to quiet use and enjoyment of their property. We feel that Mr. Yazici would be correct in requiring us to appeal his decision had any of the following conditions prevailed: 1. There had never existed a privacy fence or shrub at this location for ten years, 2. The fence had been destroyed or removed for a lengthy time with no intention of replacing, 3. There were complaints from neighbors or others, 4. The fence was voluntarily removed, 5. There was a proposed height or location change, 6. There was a safety issue to consider, and finally, 7. Every citizen with an existing fence or shrub on public property was required to immediately remove there privacy screen and request from the public works director a Right-of-Way Use Permit.

Based on the reasons stated above, we are asking the City Council to approve our request for a Right of Way Use Permit in order to reconstruct our privacy fence.

Sincerely,



Doug and Jeanette Sorensen

enclosure: check for \$100



City of Gig Harbor. The "Maritime City."

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

RECEIVED

JUL 25 1995

CITY OF GIG HARBOR

July 17, 1995

Mr. Doug Sorenson
9409 N. Harborview Drive
Gig Harbor, Washington 98335

Subject: Right-of-Way Use Permit

Dear Mr. Sorenson:

I am sorry to inform you that your right-of-way use permit application has been denied.

The right-of-way use ordinance requires that the requested use must meet "the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted, constructed or maintained." The zoning regulations only allows a 3 feet high fence in the front setback area. Your request to construct a 6 feet high fence is significantly higher than what the zoning regulations allow. Therefore, your request is denied.

We have built hand rails throughout the City, certainly on North Harborview Drive, in places similar to your condition. As I previously discussed with you, we were planing to build a similar hand rail in front of your property also. The street will be open to full traffic use this week. I am at a point that I cannot wait any longer to build this rail, as there are significant pedestrian safety problems that exist at this location if we do not build the rail. There is an average of a 6 foot vertical drop, behind the sidewalk, and in front of your property. This is a significant safety concern for me, once the street is open to traffic.

You may appeal my decision to the City Council. If the Council overturns my decision, you would then build the fence after the rail is removed, and the rail material is delivered to the City Shop.

Should you have any questions or need additional information, please feel free to call me.

Sincerely,

Ben Yazici, P.E.
Director of Public Works

cc: Mayor Gretchen Wilbert
Mr. Mark Hoppen, City Administrator



**Public Works Department
Right of Way Use Permit Application**

RECEIVED
JUL 25 1995
CITY OF GIG HARBOR

RIGHT OF WAY PERMIT REQUIRED: No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, or maintain in, on, over or under any public right-of-way, street, sidewalk, or other similar public place, any building, fence, retaining wall, structure, scaffolding, or object in such a way as to obstruct a public parking strip, sidewalk, street, or right-of-way within the City. (Ord. No. 653)

RIGHT-OF-WAY LOCATION: fronting 9409 N. Harborview Dr.

DESCRIPTION OF USAGE REQUESTED:
Reconstruct a 100', six foot high privacy fence in the same location as our recently removed 100', six foot high combination fence and shrub

PROOF OF OWNERSHIP: Attach to this application evidence that applicant is either the owner or entitled to possession of the property adjoining the public right-of-way identified above.

INSURANCE REQUIRED: For all uses except for Residential - Construction of Fence/Retaining Wall, the applicant shall maintain public liability and property damage insurance in the following amounts \$300,000 Bodily Injury Liability; \$300,000 Property Damage Liability, or \$600,000 Combined Single Limit Bodily Injury and Property Damage. Attach to this application a certificate of insurance naming the City of Gig Harbor as an additional insured.

INDEMNIFICATION: The applicant agrees to indemnify and hold the City harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.

TERM AND PERMIT FEE: This permit is granted for the following term:

	<u>TERM</u>	<u>PERMIT FEE</u>
<input checked="" type="checkbox"/> Residential - Construction of Fence/Retaining Wall	Indefinite	\$50.00
<input type="checkbox"/> Residential - Other use	12 Months	\$50.00
<input type="checkbox"/> Commercial	12 Months	\$50.00
<input type="checkbox"/> Temporary and/or use which involves the obstruction of a public sidewalk or other walkway	30 Days	\$25.00

I certify that I have read this application and state that the above information is correct. I agree to comply with City of Gig Harbor Ordinance No. 653 governing right-of-way permits, and all other City Ordinances and state laws which relate to building construction and work within the City of Gig Harbor Right-of-Way. I also agree to save, indemnify, and keep harmless the City of Gig Harbor, against all liabilities, judgments, costs, and expenses which may in any way accrue against said City in consequence of the granting of this permit.

Applicant: Douglas H. Sorenson
9409 N. Harborview Dr. Gig Harbor 98332 858-2993
Address Phone No.

Applicant's Signature: Douglas H. Sorenson Date: 7/12/95

Approved By: _____ Date: _____
Public Works Director

Permit Expires: _____



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: *B* STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL
DATE: JULY 26, 1995
SUBJECT: BUILDING PERMIT RENEWAL FEE SCHEDULE

HISTORY:

The following are comments to Mr. Ruffo's letter dated July 19, 1995:

1. The building permit was issued on June 15, 1994 and expired on June 15, 1995.
2. The deck could have been constructed prior to June 15, 1995. Due to scheduling determined by the contractor and property owner the deck was not constructed and has not been completed as of this date. The completion of the deck did not prohibit the property owner from obtaining a final inspection prior to June 15, 1995.
3. The property owner did move into their home without a final inspection and certificate of occupancy. It is true that many people do move into their homes before a final inspection and certificate of occupancy are issued. Mr. Ruffo was not authorized to move into his new home by the Planning and Building Department.
4. After receiving a request for a final inspection and upon review of the building records it was determined that the building permit had expired. The contractor was notified that the permit must be renewed and fees paid in accordance with the 1994 Uniform Building Code fee schedule. A courtesy inspection was completed on July 10, 1995 to allow the contractor and property owner to complete the necessary corrections and obtain a certificate of occupancy. Corrections were completed as requested. Rather than completing the deck, the property owner elected to secure the exterior door leading to the future deck.
5. It was clearly communicated to Mr. Ruffo and his contractor Mr. Carl Knecht on July 13, 1995 that Mr. Ruffo would be obligated to pay 1/2 the basic building permit fee for renewing his expired building permit. It was further communicated that the city administrator had contacted the assistant city attorney to obtain a clear interpretation of the GHMC which required additional permit fees for expired permits.

COMMENTS:

The city council may revise the code to:

1. Eliminate the fees required to renew a permit
2. Modify the fee schedule to allow for a graduated scale similar to what was used prior to the adoption of the latest building code ordinance.
3. Modify the fee schedule to allow for the applicant to pay for the cost of inspection based on an per hour rate.

RECOMMENDATION:

It is recommended that if the city council elects to modify the fee schedule, the fee schedule should be modified to allow for a graduated scale.

If the building is at the following stage of construction and the listed inspection or certificate of occupancy is required, the percent of basic building permit fee shall be represented as follows:

FOOTING INSPECTION (INSP.)	10%
FOUNDATION INSP.	10%
FRAMING/MECH./PLUMBING INSP.	40%
INSULATION/ENERGY INSP.	10%
SHEETROCK/CEILING INSP.	10%
FINAL INSP./CERTIFICATE OF OCCUPANCY	20%

A draft ordinance will be submitted at the next city council meeting, if the Planning-Building Department is so directed.

FRANK A RUFFO 2767 Holly Bluff Ct. Gig Harbor, WA 98335
(206) 858-9289

RECEIVED

JUL 18 1995

CITY OF GIG HARBOR

July 16, 1995

Gretchen Wilbert, Mayor
Council Member Ekberg
Council Member Markovich
Council Member Owel
Council Member Picinich
Council Member Platt
3105 Judson Street
Gig Harbor, Wa. 98335

Dear Sirs/Madames:

On Thursday, July 13, 1995, my builder, Carl Knecht, and I met with Mark Hoppen and Steve Bowman to try to convince them to conduct a final inspection on my house without me having to pay an additional fee for a new building permit. We were unsuccessful, although Mr. Hoppen was sympathetic to our argument. I have now paid the fee under protest.

Here are the facts regarding this matter:

1. A building permit was issued to construct my house on June 15, 1994.
2. Construction began in August 1994 and was substantially completed in April 1995. An exterior deck remained to be constructed, but, due to the unique shape of the lot, it could not be constructed until the driveway and landscaping were completed.
3. On April 13, 1995, We occupied our house after being told by the City Planning Department that "people move in to their homes many times before a final inspection is conducted".
4. The driveways and landscaping were completed about July 7, and we immediately notified the City that we would like our final inspection to receive a Certificate Of Occupancy. Mr. Bowman told us that he could not conduct a final inspection since our building permit had expired on June 15, 1995. However, on Monday, July 10, 1995, Mr. Bowman did conduct an inspection and issued a report on items needing correction, apparently before a final could be conducted. Those items were immediately corrected.

Gig Harbor, page 2

5. On Wednesday, July 12, we then asked for a meeting on Thursday, July 13, to discuss why it was necessary to pay another fee to purchase a new building permit on a house the was already completed and occupied since April.

At last Thursday's meeting, Mr. Hoppen reviewed applicable code with us and concluded that under his interpretation (and the City Attorney's), we were indeed obligated to pay one half of the permit fee before a final inspection could be conducted and a certificate of occupancy issued.

Mr. Hoppen agreed that in my situation this was not the "humanly correct conclusion" but that his hands were tied under his interpretation of the code. He further stated that in this area of the code he had no flexibility to deal with a unique situation such as mine without action from the council, and I had no choice but to pay the fee.

In discussion, I felt that to require me to purchase a new permit for a home which was completed and occupied prior to the permit's expiration was unfair, extremely punitive and onerous and not the intent of the law. I further suggested that the Mayor and council need to correct this matter. Mr. Hoppen stated that I have the right to bring the matter to the Council's attention.

Although I'm hopeful this letter serves that purpose, I took exception to why I had to bring this to the Council's attention. I feel it is Mr. Hoppen's responsibility as the public official who administers the code to recommend a code change rather than continue to acquiesce to the current code with which he disagrees. He agreed.

I will be watching with much interest to see if Mr. Hoppen follows through with this. I respectfully request the Mayor and the council change the code or act on its application to situations like mine so Mr. Hoppen has the flexibility to do what is justly correct. I also request a refund of the fee (\$743.63) when you complete your action on this.

Enclosed is a copy of the new building permit and letter which accompanied my payment. Thank you for your diligence and consideration of this matter.

Sincerely,


Frank A. Ruffo, Jr.

cc: Mark Hoppen

FRANK A RUFFO 2767 Holly Bluff Ct. Gig Harbor, WA 98335
(206) 858-9289

July 14, 1995

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

Dear Mr. Hoppen:

Attached is my check in the amount of ^{\$}143.63, which represents 1/2 of the amount of the basic building permit fee. By copy of this letter to Steve Bowman, I am asking him to conduct a final inspection on my home and to issue me a certificate of occupancy as soon as he can coordinate a visit with my builder, Carl Knecht (#858-2269).

Please be advised I am paying this fee under protest subject to a review by the mayor and city council (letter to follow).

Sincerely,

Frank A. Ruffo

cc: Steve Bowman

CITY OF GIG HARBOR — DEPARTMENT OF COMMUNITY DEVELOPMENT

APPLICATION NO.

3105 JUDSON STREET POST OFFICE BOX 145

PERMIT NO.

GIG HARBOR, WASHINGTON 98335

TELEPHONE (206) 851-8135

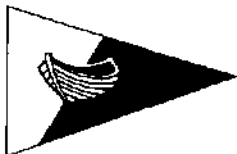
FAX (206) 851-8563

003025

APPLICATION AND PERMIT

94-055

ASSESSOR PARCEL NUMBER 454700002-0		ZONING R-1	BUILDING PERMIT								
Sec. SE 8 T. 21 N R. 2E Dia. No.		SQ. FT. 2802	OCC.	TYPE	VALUATION						
BUILDING ADDRESS 277 HULLY BLUFF CT. G. Harbor					182966						
LOT NO.	SUBDIVISION NAME	SHORT PLAT			29499						
	HULLY BLUFF		100	PORCH	1190						
OWNER	TELEPHONE		288	DECK	1512						
FRANK A. RUFFO			Fireplace (Stove)		5269						
OWNER'S MAILING ADDRESS			Total Valuation		\$ 219916						
3216 SHYFEN GIG HARBOR WA 98335			Wash. State Fees (BCC)		\$ 4.50						
CONTRACTOR'S NAME	TELEPHONE		Basic Fee		\$ 1059.50						
CARL KNANE CONSL.	358-2267		Plan Checking Fee		\$ 688.67						
CONTRACTOR'S MAILING ADDRESS			Royalty RADON KIT		\$ 15.00						
P.O. BOX 647 GIG HARBOR WA 98335			Permit Fee		\$ 1969.67						
ARCHITECT OR ENGINEER	TELEPHONE		PLUMBING PERMIT								
John Oya, P.E.	537-7128		Filing Fee	20.00							
ARCHITECT OR ENGINEER'S MAILING ADDRESS			Each Trap	19 133.00							
12302 PACIFIC AVE S.			Water piping	7.00							
LOAN LENDER <input type="checkbox"/> FIRM HOLDING THE PAYMENT BOND <input type="checkbox"/>		LICENSE NO.	Each water heater or vent	2 14.00							
N.A.		13488	Gas piping system 1 - 4 outlets	10 10.00							
MAILING ADDRESS	TELEPHONE		Building sewer								
			Permit Fee	\$ 184.00							
USE OF STRUCTURE DWELLING		C-404 No.	Contractor								
SPECIFY 101			MECHANICAL PERMIT								
TYPE OF WORK			Filing Fee	15.00							
New <input checked="" type="checkbox"/>	Addition <input type="checkbox"/>	Remodel <input type="checkbox"/>	Heating	9.00							
Describe work: CONVERTED SINGLE FAMILY HOME WITH			Cooling	9.00							
			Hood								
			Ventilation	8 36.00							
			Gas Piping System 1-4 Outlets								
			Permit Fee	\$ 69.00							
			Contractor								
			GRADING PERMIT								
			Cut	Fill	CU. YDS.						
			Basic Fee	\$							
			Plan Checking Fee	\$							
			Permit Fee	\$							
			Contractor								
			FIRE CODE PERMIT								
			Permit Fee	\$							
			Inspl. Fee	\$							
			Total Fee	\$							
			ENCROACHMENT PERMIT								
			Basic Fee	\$							
			Sewer Stub	\$							
				\$							
			Permit Fee	\$							
			Bond No.								
			Bond Company								
			TOTAL PERMIT FEE								
			\$ 2020.67								
			SITE PLAN	P/W	SDP	FIRE	UTIL	PARCEL	PD	HD	ISSUE
			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
			This permit is hereby issued under the applicable provisions of the Gig Harbor code and/or resolutions to do work indicated above for which fees have been paid.								
			GIG HARBOR BUILDING OFFICIAL								
			By John D. Bowman Date 6/15/94								
			PERMIT EXPIRES Date 6/15/95								
I certify that I have read this application and state that the above information is correct. I agree to comply with all City Ordinances and State Laws relating to building construction, and work within Gig Harbor Right of Way, and hereby authorize representatives of the City of Gig Harbor to enter upon the above-mentioned property for inspection purposes.											
I also agree to save, indemnify, and keep harmless the City of Gig Harbor, against all liabilities, judgements, costs, and expenses which may in any way accrue against said city in consequence of the granting of this permit.											
I declare under penalty of perjury (check one): <input type="checkbox"/> I am registered under provisions of Chapter 18.27 RCW and my registration is in full force and effect. Registration No. CARL KNANE 12280 Classification G.C. <input type="checkbox"/> I, as the owner, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale.											
I am aware that the State Contractors Registration Act requires all persons doing any work as contractors to obtain a certificate of registration from the Washington State Department of Labor and Industries. I am aware that it is unlawful to do any work as a contractor without a certificate of registration and that a violation of this requirement is a criminal misdemeanor. <input type="checkbox"/> I, as owner, am exclusively contracting with licensed contractors.											
Notice to Applicant If after making this statement, should you become subject to Chapter 18.27 RCW, you must forthwith comply with such provisions or this permit shall be deemed revoked.											
Signature of Applicant — Owner <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Agent <input type="checkbox"/> X Frank A. Ruffo Date 5/27/94											
An OSHA permit is required for excavations over 5'0" deep and demolition or construction of structures over 3 stories in height.											
Receipt No. 24718 5/27/94 2 Danman/12267											
WHITE-CITY, YELLOW-ASSESSOR, PINK-ASSESSOR, GOLDENROD-APPLICANT											



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT, CITY COUNCIL
FROM: MARK HOPPEN, CITY ADMINISTRATOR
SUBJECT: JUROR SERVICES CONTRACT
DATE: AUGUST 14, 1995

INFORMATION/BACKGROUND

Last year, Superior Court advised the city that they would no longer provide pre-qualified jurors at no cost, and would require reimbursement for this service.

POLICY CONSIDERATIONS

For 1995 the city expected to pre-qualify 500 jurors. This number of qualifications was found to be inadequate due to the volume of juries demanded, and in several instances, jury members had to be "borrowed" from other courts. We would like to increase the number of pre-qualified jurors to 750 to prevent future shortages.

FISCAL CONSIDERATIONS

In the 1995 budget \$2,500 was allotted for pre-qualification expenses. The enclosed contracts are for the upcoming year, and the 1996 budget.

RECOMMENDATION

Approval of the enclosed Juror Services Contract for 750 qualified jurors in an amount not to exceed \$2,443.75.

**Estimated cost for providing pre-qualified jurors for:
Gig Harbor Municipal Court**

Forms	\$0.21	Labor = \$11.50 per hour @ 3 min. processing per qualification questionnaire
Postage	\$0.46	
Labor	\$0.58	
Total	\$1.25	

1993 Mailed	1993 Qualified	1993 Yield
800	320	40.0%

1994 Request	1994 To Mail	1994 \$ Estimate	20% Yield	30% Yield	40% Yield	50% Yield	60% Yield
50	125	\$256.25	\$412.50	\$308.33	\$256.25	\$225.00	\$204.17
100	250	\$412.50	\$725.00	\$516.67	\$412.50	\$350.00	\$308.33
200	500	\$725.00	\$1,350.00	\$933.33	\$725.00	\$600.00	\$516.67
300	750	\$1,037.50	\$1,975.00	\$1,350.00	\$1,037.50	\$850.00	\$725.00
400	1000	\$1,350.00	\$2,600.00	\$1,766.67	\$1,350.00	\$1,100.00	\$933.33
500	1250	\$1,662.50	\$3,225.00	\$2,183.33	\$1,662.50	\$1,350.00	\$1,141.67
750	1875	\$2,443.75	\$4,787.50	\$3,225.00	\$2,443.75	\$1,975.00	\$1,662.50
1000	2500	\$3,225.00	\$6,350.00	\$4,266.67	\$3,225.00	\$2,600.00	\$2,183.33
1250	3125	\$4,006.25	\$7,912.50	\$5,308.33	\$4,006.25	\$3,225.00	\$2,704.17
1500	3750	\$4,787.50	\$9,475.00	\$6,350.00	\$4,787.50	\$3,850.00	\$3,225.00

AGREEMENT

THIS AGREEMENT MADE AND ENTERED INTO by and between the City of Gig Harbor (City), the Municipal Court of Gig Harbor (Municipal Court), Pierce County (County), and the Superior Court of Washington in Pierce County (Superior Court).

WITNESSETH:

WHEREAS City and Municipal Court desire to utilize the services of County and Superior Court in providing a list of pre-qualified jurors for Municipal Court use;

WHEREAS County and Superior Court agree to provide the desired services on the terms and conditions hereinafter set forth:

IT IS MUTUALLY AGREED AS FOLLOWS:

(1) County and Superior Court will provide to Municipal Court a sufficient number of pre-qualified jurors as determined by Municipal Court on an annual basis. For the 1995-1996 year, the requested number of qualified jurors is _____.

(2) That Superior Court will provide the necessary jurors drawn in the same manner, procedure, and methods as done by and for Superior Court with the exception that all jurors will be drawn based upon zip codes in the locale of the Municipal Court. Superior Court will mail to each juror drawn a pre-qualification questionnaire and upon return of the questionnaire to Superior Court, Superior Court will determine whether each juror meets the criteria for qualification as a juror in Washington State.

(3) That City will pay County a fee in the sum of \$100.00 per year plus an additional \$1.25 dollars for each juror pre-qualification questionnaire mailed on behalf of Municipal Court by Superior Court. This is reimbursement for computer maintenance, data processing supplies and forms, postage and labor expenses incurred by Superior Court on behalf of Municipal Court.

(4) The total number of pre-qualification questionnaires mailed will be determined by Superior Court based upon the number of pre-qualification questionnaires historically required to yield the number of pre-qualified jurors requested by Municipal Court as contained in paragraph (1).

(5) Superior Court shall furnish City and Municipal Court an itemized statement listing the number of jurors mailed questionnaires, the number of questionnaires returned as "undeliverable," and the number of non-qualified questionnaires returned to Superior Court.

(6) This agreement shall remain in effect from September 1, 1995 until August 31, 1996. Thereafter, the parties may renew this Agreement for one year terms beginning September 1 and ending August 31 until the Agreement is terminated. The City shall give notice of intent to renew at least sixty (60) days prior to the termination date.

(7) Either party may terminate this Agreement by giving written notice of not less than ninety (90) days to the other party.

(8) That upon non-renewal or termination of the Agreement by either party, Superior Court will furnish to Municipal Court on September 1 of each year a list prospective jurors drawn in the same manner, procedure, and methods as done by and for Superior Court with the exception that all jurors for Municipal Court will be drawn based upon zip codes in the locale of the Municipal Court.

IN WITNESS WHEREOF, the parties have executed this Agreement this _____ day of _____, 19____.

MUNICIPALITY

PIERCE COUNTY

Court Administrator Date

Department Director Date

City Attorney Date

Prosecuting Attorney Date

Mayor Date

Budget and Finance Date



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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*
SUBJECT: CHAPEL HILL CHURCH, ROSEDALE STREET IMPROVEMENTS
DATE: JULY 31, 1995

INTRODUCTION

One of the conditions of Chapel Hill Church's previous expansion plan, was to build curbs, gutters and sidewalk improvements. What we are suggesting to the Church, is instead of building these improvements that they make a contribution to our Rosedale Street Project. This project is scheduled for completion next year. The Church is in agreement with this suggestion and ready to deposit \$29,684.37 to the City. The purpose of this memorandum is to obtain your approval for the Church to deposit this amount to the City, in lieu of completing the improvements.

BACKGROUND/ISSUES

Chapel Hill Church had applied for the expansion of their facilities in 1992. When the permit was granted, the Church was required to build curbs, gutters and sidewalk along the entire frontage of the Church on Rosedale Street. They have been working with us to implement these conditions. They designed the project and received approval from the Public Works Department. As they were ready to build the improvements, they were also in the process to apply for another expansion project, which is currently being reviewed by the City Council.

The Church was required to complete a traffic study for the latest expansion project. This traffic study was planning to address if there were any other improvements that needed to be done on Rosedale Street in addition to the curbs, gutters and sidewalk. The new traffic study was not conclusive, as it did not show any other additional improvements, such as a left turn pocket at the Rosedale Street/Skansie Avenue intersection. The study suggested that there may be a need for a third lane, and a determination will be made for the third lane improvements two years after the new expansion project is occupied. At such time, a new traffic study will be prepared and will address the third lane needs at Rosedale Street at the Skansie intersection.

We have suggested to the Church, that perhaps they should consider building the third lane on Rosedale Street now. Otherwise, the new curbs, gutters and sidewalk that they are currently proposing to build will have to be removed and replaced for the third lane widening, if the future traffic study suggests that a third lane is needed. Because of the financial concerns, the Church has decided to build the sidewalk improvements now and not build the third lane at this time.

While these issues were being discussed with the Church, we learned that we will be the recipients of an ISTEA grant for the Rosedale Street Improvements. We then advised the Church, that if it is agreeable with them, we would like them to deposit with the City, the funds for the cost of curbs,

gutters and sidewalk, in order to build them as part of the Rosedale Street Improvements. The Church obtained bids and shared with us the cost of the improvements. The Church representatives indicated that they are in agreement with our offer, as it makes a great deal of sense to them also.

I reviewed the bids and found them to be very reasonable. The bids did not include Washington State Sales Tax, which we have added. I believe that we can complete the required improvements for \$29,684.37. Therefore, we are asking your authorization to have Chapel Hill Church deposit this amount with the City for us to build curbs, gutters and sidewalk for the Church in 1996.

POLICY ISSUES

If the Church receives the Council's approval for their latest expansion proposal, we will then ask the Church provide us a Performance Bond for the third lane improvements on Rosedale Street. Two years after the expansion project has been completed and occupied, we would then complete a traffic study, with the cost to be paid by the Church. At that time, it will be determined if there is any need for the third lane improvements. If the study finds that such improvement is not needed, we then will release the bond.

FISCAL IMPACT

There is no fiscal impact to the City. Chapel Hill Church will pay the City \$29,684.37 for the cost of the curbs, gutters and sidewalk improvements.

RECOMMENDATION

I recommend a Council motion to authorize the City Administrator to collect \$29,684.37 from the Chapel Hill Church for the curbs, gutters and sidewalk improvements and to release the Church from the responsibility of building such improvements.



CHAPEL HILL CHURCH

DR. MARK J. TOONE
PASTOR

REV. STUART W. BOND
PROGRAM PASTOR

REV. GRENVILLE A. DAUN
VISITATION PASTOR

July 10, 1995

Mr. Ben Yacizi, P.E.
Public Works Director
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

RE: Chapel Hill Presbyterian Church
4814 Rosedale Street
Gig Harbor, Washington 98335

Dear Mr. Yacizi,

We wish to submit the enclosed bid from Hunter Construction Co. for the Rosedale Street improvements required by our Site Plan approval.

In a recent conversation, you informed us the City has obtained a grant to fund improvements to Rosedale Street from Harborview Drive to the City Limits. It is our understanding, you will have us contribute the amount of our bid to the project fund, provided it is more than the bid price you received for this segment of the work.

The portion of the street improvements for which Chapel Hill is responsible would then become part of the overall project the City would undertake in the near future.

Please advise if our understanding is correct, and if so, how this will affect the commitment we have made to do the work this summer.

Sincerely,

CHAPEL HILL PRESBYTERIAN CHURCH

By: 

John Nichols
Building Committee, Chairman

c: Ray Gilmore, Planning Department
c: Steve Osguthorpe, Planning Department



hunter construction, inc.
7117 Stinson Ave.
P.O. Box 410
Gig Harbor, WA 98335
(206) 851-3329
FAX 851-2715
License No. CC01-HUNTEI*238K3

August 10, 1994

Mr. John Nichols
Chapel Hill Presbyterian Church
4814 Rosedale Street NW
Gig Harbor, Wa. 98335

RE: Rosedale Street, Curbs, Gutters & Sidewalks

Please find a breakdown below for the above mentioned work on Rosedale Street. The prices are based on the plans by Richard Brown Jr. September 1991, approved by the City of Gig Harbor November 21, 1991, and as revised by Ben Yazici, August 10, 1994 to include a "standard" city driveway entrance detail.

Quote One

Looker & Assoc.

Clear & Grub	
Pavement Sawing	
Storm	
Concrete curb, gutter & sidewalk	
Pavement Patch	\$24,040.00
Hunter Const.	
Stake and control for grade	\$ 320.00
Remove & relocate Sign	\$ 500.00
Stripping @ fog line	\$ 150.00
Sub Total	\$25,010.00
Overhead & Profit	\$ 2,501.00

Total \$27,511.00

Tax 2,173.37

Quote Two

Guttormsen Bros.

Clear & Grub	
Pavement Sawing	
Storm	
Asphalt Patch	\$19,155.00
Tyee Concrete	
Concrete curb, gutter & sidewalk	\$ 5,909.00
Hunter Const.	
Stake & Control for grade	\$ 320.00
Remove & relocate sign	\$ 500.00
Stripping @ fog line	\$ 150.00
Sub Total	\$26,034.00
Overhead & Profit	\$ 2,603.00

Total \$28,637.00

Tax 2,262.32

Total 30,899.32.



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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*
SUBJECT: TRANSPORTATION IMPACT FEE PROGRAM
DATE: JULY 31, 1995

INTRODUCTION

The City Council allocated \$40,000, in our 1995 budget, to develop a Transportation Impact Fee Program. We have selected KJS Associates, Inc. to assist us in the development of this program. The purpose of this memorandum is to receive your authorization to award the Professional Services Contract to KJS Associates Inc. to develop a Transportation Impact Fee Program for the City, at a cost not to exceed \$34,000.

BACKGROUND/ISSUES

We solicited statement of qualifications from consultants. Mr. Ray Gilmore, Planning Director, Mr. Thomas Enlow, Finance Director and myself interviewed three firms. We prioritized the firms based upon their qualifications and presentations at these interviews.

We began negotiations with KJS Associates, Inc., the most qualified firm, and completed the negotiation process. The firm will develop the City of Gig Harbor Transportation Impact Fee program for \$34,000.

KJS Associates, Inc. worked for us in the past, completing our Comprehensive Transportation Plan. Since the adoption of the Transportation Plan, we changed the Urban Planning area. The firm will first make the necessary adjustments to the trip generation and distribution of the Comprehensive Transportation Plan, consistent with the newly adjusted Urban Planning boundaries. If the new trip rates make any difference to the existing project improvement list, a new list will be prepared for the Impact Fee program. The Impact Fee will then be prepared, based upon the Citizens Committee, the staff's input and the new technical information.

KJS Associates Inc. has done similar work for other jurisdictions also. They have completed impact fee programs for the City of Olympia, the City of Puyallup, and Kitsap County. I am confident of their qualifications to develop an Impact Fee Program for us.

POLICY ISSUES

The City of Gig Harbor Transportation Impact Fee Program will be developed consistent with state laws and the City of Gig Harbor policies. We expect the program will be developed and submitted to the City Council in November. This schedule is consistent with our budget objectives, to be completed in 1995.

FISCAL IMPACT

Awarding the Transportation Impact Fee Program professional services contract to KJS Associates, Inc. for \$34,000 will not have any significant adverse impact on the City budget, as we have budgeted \$40,000 to complete this task.

Once the program is developed, it will generate additional revenues for the City to assist us in maintaining the current level of services for our streets. The program will not be developed to upgrade our street standards, rather the fee program will be developed strictly to offset the impact of new development.

RECOMMENDATION

I recommend a Council motion to award the professional services contract to KJS Associates, Inc. to develop a Transportation Impact Fee Program for the City of Gig Harbor for a cost not to exceed \$34,000.



City of Gig Harbor. The "Maritime City."

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

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: Ray Gilmore
DATE: August 1, 1995
SUBJ.: Hearing Examiner Recommendation for Approval - Shoreline Permit 95-01
(Steve Zuvela for Morris/Eaton)

Attached for your review is the Gig Harbor Hearing Examiner's findings, conclusions and recommendation on the above referenced shoreline permit application. The project consists of a private, joint use pier for the use of two single family residences at 9301 and 9303 North Harborview Drive. The Examiner's approval is conditioned to assure consistency with the City of Gig Harbor Shoreline Master Program.

Documents pertinent to your review are attached.

**CITY OF GIG HARBOR
SHORELINE MANAGEMENT
SUBSTANTIAL DEVELOPMENT PERMIT**

Substantial Development

Conditional Use

Variance

Application No: SDP 95-02

Date Received: May 3, 1995

Approved: XXXX

Denied:

Date of Issuance: August 14, 1995

Date of Expiration: August 14, 2000

Pursuant to RCW 90.58, a permit is hereby granted to:

Steve Zuvella, Waterfront Construction
75 State Street
Kirkland, WA 98033

in behalf of:

Walter Morris, 9303 N. Harborview Drive, Gig Harbor, WA 98335
Randy Eaton, 9301 N. Harborview Drive, Gig Harbor, WA 98335

To undertake the following development:

Construct 60 foot-long private moorage pier and float for joint use of two single family residences, as per attached plans and specifications.

Upon the following property:

Located at 9301 and 9303 North Harborview Drive, Gig Harbor, WA, which is within a portion of the NW 1/4 of Section 5, Township 21 North, Range 2 E.Wm.

On the Gig Harbor Bay Shoreline and/or its associated wetlands. The project will not be within shorelines of Statewide Significance per RCW 90.58.030 and is within an Urban Environment designation.

Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

1. The contractor shall provide adequate and appropriate erosion control measures and these shall be in place prior to excavation or construction. Erosion control measures must be adequate to prevent soil from being carried into surface water by stormwater runoff.
2. The applicant or contractor shall secure an HPA approval from the Washington State Department of Fisheries and Wildlife prior to construction.
3. The applicant or contractor shall obtain the necessary authorization from the U.S. Army Corps of Engineers prior to construction.
4. Any construction debris or overburden shall be disposed of at an authorized upland disposal site.
5. The total overall length and width of the completed structure shall not exceed the dimensions as stated on the application site plan, page 1 of 2, dated April 12, 1995, by Waterfront Construction Company, Inc. of Kirkland, Washington.
6. Prior to issuance of the building permit for this structure, the property owners shall file with the Pierce County Auditor the city-approved joint use agreement. A copy of the filed agreement shall be submitted to the city prior to issuance of the building permit.
7. Pile driving shall only be allowed during normal construction hours on Thursdays and Fridays.

Findings for the Approval of this Shoreline Management Permit are as follows:

1. Residential development and private moorage piers (as ancillary uses) are a permitted use in the WR zoning district.
2. The City of Gig Harbor Shoreline Master Program states that:

Section 3.11, Regulation #7 - All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. **Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land.** The intent of this regulation is to provide a minimum ingress/egress of

twenty-four (24)feet. All space greater then twenty-four feet in width is intended to be provided by the applicant or through an agreement with the adjacent property owner/lessee.

The applicant has submitted a draft of a joint-use agreement with the shoreline permit application.

3. The proposed private pier is in conformance with the general standards of the City of Gig Harbor Shoreline Master Program.

This permit is granted pursuant to the Shoreline Management Act of 1972 and the City of Gig Harbor 1994 Shoreline Master Program. Nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

(Date)

Mayor, City of Gig Harbor

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD
TO A CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: _____

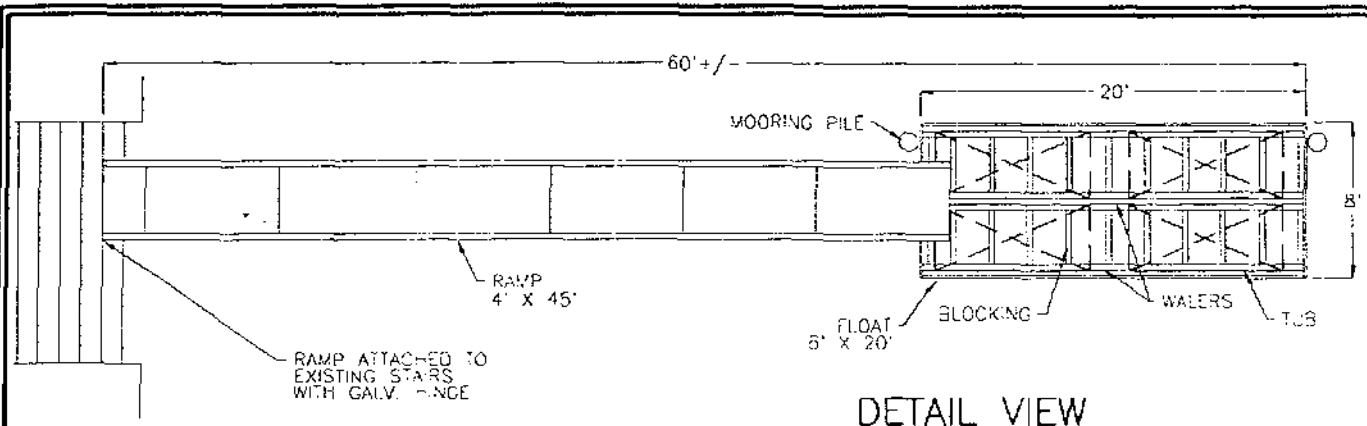
Approved _____

Denied _____

Development shall be undertaken pursuant to the following additional terms and conditions:

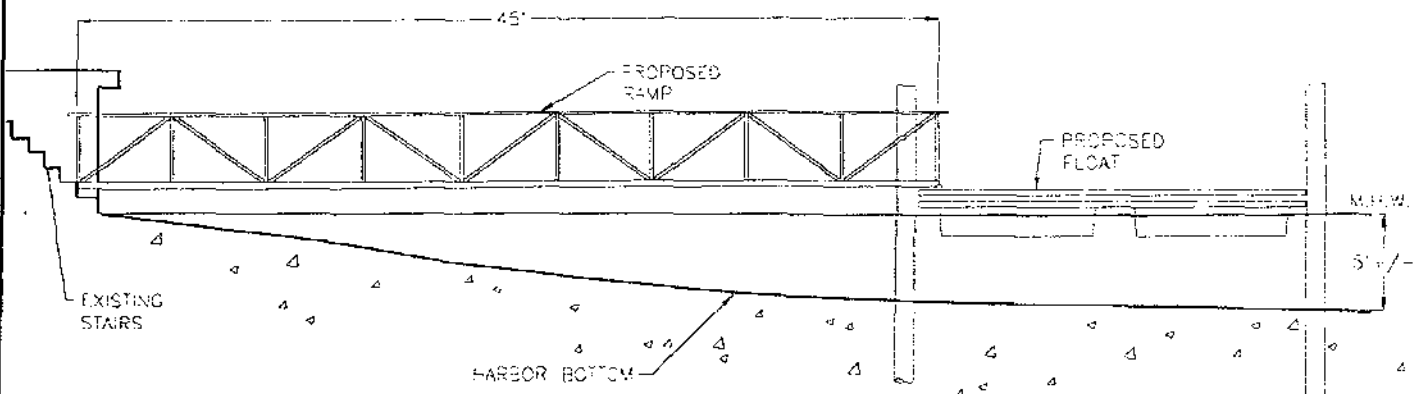
Date

Signature of Authorized Department Official



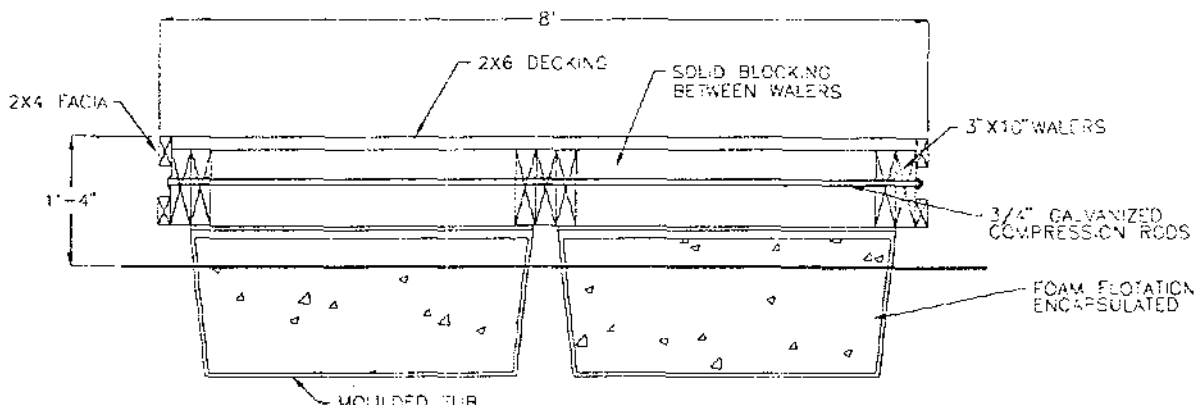
DETAIL VIEW

0 2 4 6 8 10
 CONSTRUCT NEW PIER 60' X 8' OVER-ALL, CONSISTING OF A 20' X 6' FLOAT AND A 45' X 4' RAMP



ELEVATION VIEW

0 2 4 6 8 10
 ALL PILING TO BE DOUGLAS FIR TREATED WITH CREOSOTE AND DRIVEN TO 10,000 LBS OR PRACTICAL REFUSAL.



FLOAT SECTION

0 1 2 3 4 5
 ALL DECKING AND FACIA TO BE #1 AND SELECT DF TREATED WITH COPPER-8-QUINOLINOLATE. ALL STRUCTURAL LUMBER TO BE #2 AND BETTER DF TREATED WITH CHEMONITE (ACZA). ALL HARDWARE TO BE HOT DIPPED GALVANIZED.

PROPOSED:
 CONSTRUCT NEW PIER 60' X 8' OVER-ALL.

IN: GIG HARBOR
 AT: GIG HARBOR
 COUNTY OF: PIERCE STATE: WASHINGTON
 APPL. BY: DR. RANDY EATON
 PAGE: 2 OF 2 DATE: 3-9-95

LEGAL DESCRIPTION

EATON:226000 0451
 ARTENA ADD RTSQ -2-21-05-2-2
 S 19 FT OF LOT 18 & ALL LOT 19 & 20 &
 N 3 FT OF LOT 41, ALL OF LOT 42 & 43 &
 S 19 FT OF LOT 44 BLK 12 OF ARTENA ADD
 TOG/W TDLS ABUTTING OUT OF 044-0 & 044-5
 NW 05-21-02E SEG L-2227 GD EG

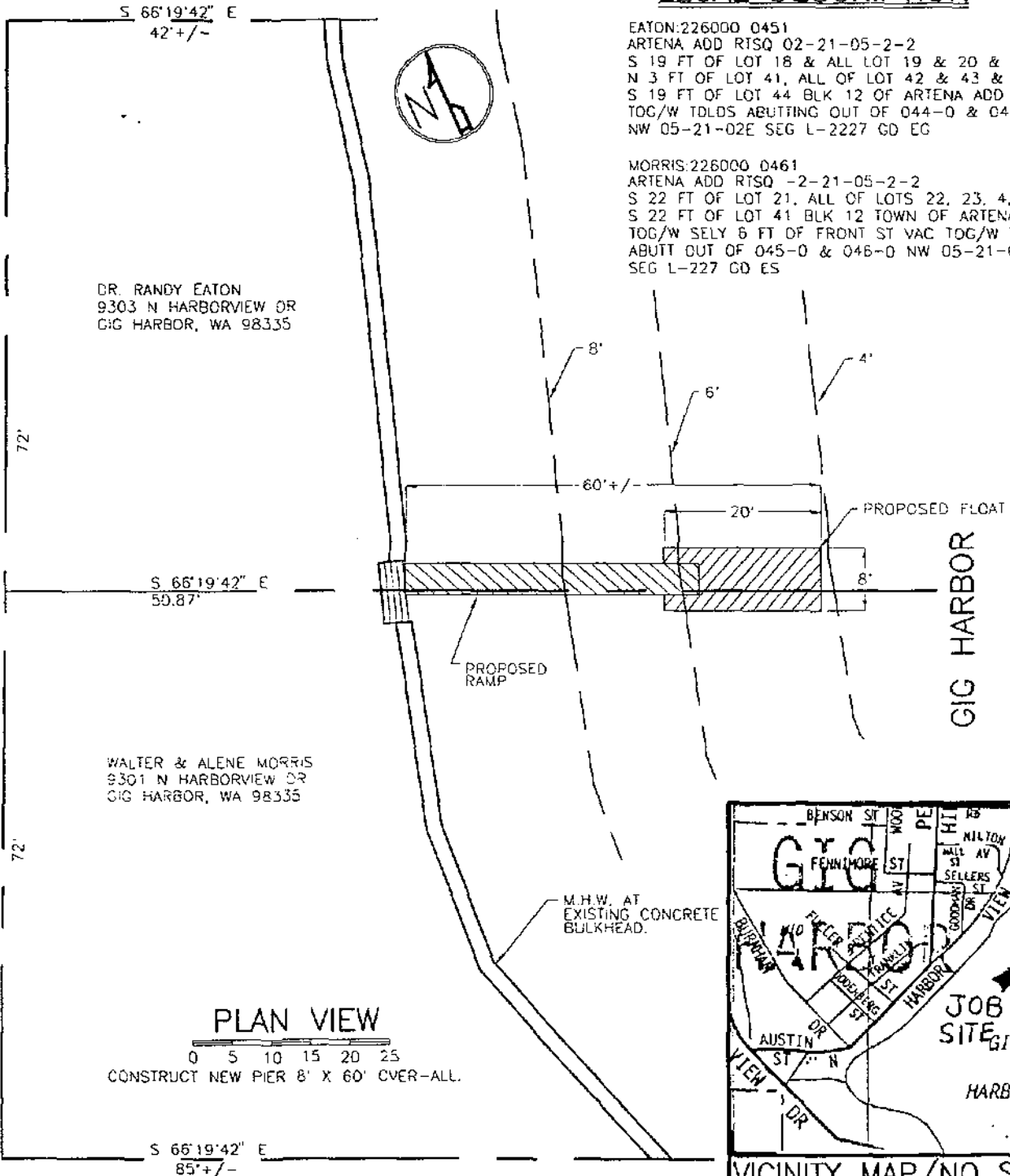
MORRIS:226000 0461
 ARTENA ADD RTSQ -2-21-05-2-2
 S 22 FT OF LOT 21, ALL OF LOTS 22, 23, 4, &
 S 22 FT OF LOT 41 BLK 12 TOWN OF ARTENA
 TOG/W SELY 5 FT OF FRONT ST VAC TOG/W TDLS
 ABUTT OUT OF 045-0 & 046-0 NW 05-21-02E
 SEG L-2227 GD ES

DR. RANDY EATON
 9303 N HARBORVIEW DR
 GIG HARBOR, WA 98335

WALTER & ALENE MORRIS
 9301 N HARBORVIEW DR
 GIG HARBOR, WA 98335

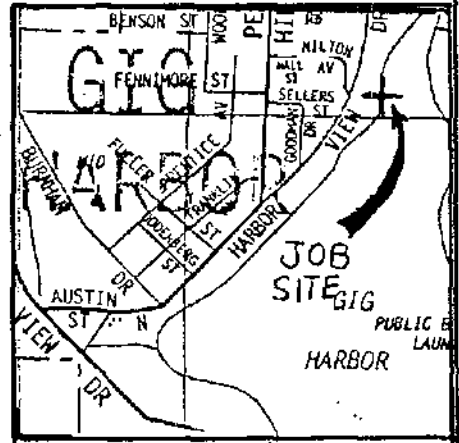
N HARBORVIEW DR

GIG HARBOR



PLAN VIEW

0 5 10 15 20 25
 CONSTRUCT NEW PIER 8' X 60' OVER-ALL.



VICINITY MAP/NO SCALE

PURPOSE:
 PROVIDE FOR JOINT USE MOORAGE.
 DATUM: C.O.E. 0.0' EST. 1919

WATERFRONT
 CONSTRUCTION COMPANY INC.
 KIRKLAND, WA PH. 206-828-3600

PROPOSED:
 CONSTRUCT NEW PIER 60' X 8' OVER-ALL.

ADJACENT PROPERTY OWNERS:

JOB NAME: EATON/MORIS
 MAIL ADD: 9303 N HARBORVIEW DR
 GIG HARBOR, WA 98335
 SITE ADD: 9303 N HARBORVIEW DR
 GIG HARBOR, WA 98335

IN: PUGET SOUND
 AT: GIG HARBOR
 COUNTY OF: PIERCE STATE: WASHINGTON
 APPL. BY: DR. RANDY EATON
 PAGE: 1 OF 2 DATE: 4-12-95

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND RECOMMENDATION

APPLICANT: Waterfront Construction (Steve Zuvela) for Randy Eaton and Walter Morris.

CASE NO.: SDP 95-01

LOCATION: On the shore between 9301 and 9303 North Harborview Drive

APPLICATION: Shoreline substantial development permit to construct a 60 foot long joint use pier to be used by two adjoining single family residences for private moorage and as a swim platform. Improvements would specifically consist of:

- 2 mooring piles
- 8' X 20' floating pier
- 4' X 45' ramp

SUMMARY OF RECOMMENDATIONS:

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Waterfront Construction application was opened at 5:00 pm, July 19, 1995, in the City Hall, Gig Harbor, Washington, and closed at 5:10 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

HEARING COMMENTS:

The following is a summary of the comments offered at the public hearing:

From the City: Ray Gilmore, Planning Director, reviewed the staff report which recommended approval of the request, with conditions.

From the Applicant: Randy Eaton, Applicant, said the proposed dock will be used for kayaks and said he concurred with the conditions recommended by staff.

From the Community: John Helgate, neighbor, said he lives nearby and he works nights. He said he had no problem with the proposal if the pile driving is done on Thursdays and Fridays, which are his days off.

Response from the Applicant: Randy Eaton concurred with the request to do pile driving only on Thursdays and Fridays.

WRITTEN COMMENTS: No written comments were received from members of the general public.

FINDINGS, CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

- A. The information contained in Sections I and II of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. A joint use agreement requested by staff recommended condition #6 has been submitted. Therefore, staff recommended condition #6 has been complied with and is no longer necessary.

II. CONCLUSIONS:


- A. The conclusions prepared by the Planning Staff and contained in Section III of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. The request to conduct pile driving only on Thursdays and Fridays is reasonable and should be included as a condition of approval.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the application for Shoreline Permit 95-01 be approved, subject to the following conditions:

1. The contractor shall provide adequate and appropriate erosion control measures and these must be in place prior to excavation or construction. Erosion control measures must be adequate to prevent soil from being carried into surface water by stormwater runoff.
2. The applicant or contractor shall secure an HPA approval from the Washington State Department of Fisheries and Wildlife prior to construction.
3. The applicant or contractor shall obtain the necessary authorization from the U.S. Army Corps of Engineers prior to construction.
4. Any construction debris or overburden shall be disposed of at an authorized upland disposal date.
5. The total overall length and width of the completed structure shall not exceed the dimensions as stated on the application site plan, page 1 of 2, dated April 12, 1995, by Waterfront Construction Company, Inc. of Kirkland, Washington.
6. Pile driving shall only be allowed during normal construction hours on Thursdays and Fridays.

Dated this 31st day of July, 1995.


Ron McConnell
Hearing Examiner

RECONSIDERATION:

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

COUNCIL ACTION:

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezone of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

EXHIBIT:

The following exhibit was offered and entered into the record:

A. Staff Report

PARTIES OF RECORD:

Steve Zuvela
Waterfront Construction
75 State Street
Kirkland, WA 98033

Walter Morris
9301 N. Harborview Drive
Gig Harbor, WA 98335

Randy Eaton
9303 N. Harborview Drive
Gig Harbor, WA 98335

John Helgate
9353 N. Harborview Drive
Gig Harbor, WA 98335



City of Gig Harbor. The "Maritime City."

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

**STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER**

Waterfront Construction (Steve Zuvela)
Joint Use Pier for Two Single Family Dwellings
July 12, 1995

PART I: GENERAL INFORMATION

A. APPLICANT:

Waterfront Construction (Steve Zuvela)
75 State Street
Kirkland, WA 98033
Ph: (206) 828-3600

B. OWNER:

Randy Eaton
9303 N. Harborview Drive
Walter Morris
9301 N. Harborview Drive
Gig Harbor, WA 98335

C. AGENT:

Same as applicant.

D. REQUEST:

Shoreline substantial development permit to construct a 60 foot long joint use pier to be used by two adjoining single family residences for private moorage and as a swim platform. Improvements would specifically consist of:

- 2 mooring piles
- 8' x 20' floating pier
- 4' x 45' ramp

E. PROPERTY DESCRIPTION:

1. Location:

The property is located at North Harborview Drive, which is within a portion of the

NW 1/4 of Section 5, Township 21N, Range 2 E.

2. Site Area/Acreage:

The total site area is approximately 1.1 acres, inclusive of tidelands.

3. Physical Characteristics:

The existing facility consists of two single family dwellings on the north shore of Gig Harbor Bay.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

The entire project area is predominantly residential along this portion of North Harborview Drive.

G. UTILITIES/ROAD ACCESS:

Access is provided by way of North Harborview Drive.

H. PUBLIC NOTICE:

Public notice was provided as follows:

- Published twice in Peninsula Gateway:
June 7 and 14, 1995.
- Mailed to property owners of record within 300 feet of the site:
July 7, 1995.
- Posted in three conspicuous places in the vicinity of the property:
July 7, 1995.

PART II: ANALYSIS

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

A building permit is required for the new construction.

2. Department of Ecology - Letter of May 26, 1995.

- A. The proposed project must be consistent with the City's Shoreline Master Program.
- B. The applicant should contact the U.S. Army Corps of Engineers in Seattle regarding permit information.
- C. Disposal of construction debris cannot enter Gig Harbor Bay or cause water quality degradation of State waters.
- D. All piling and lumber treated with creosote or other protective material shall be completely dry before use in or near the waterway. DOE discourages the use of timber treated with protective materials. Where

feasible, the use of pilings made from recycled plastic, steel, concrete or other material is recommended.

- E. Work in Gig Harbor Bay shall be done so as to minimize turbidity, erosion and other water quality impacts.

- 3. Washington Department of Fish and Wildlife -
H.P.A. permit required prior to construction.

Other Correspondence Received

NONE.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The City of Gig Harbor Comprehensive Plan designates the area as waterfront. Pertinent goals and policies are as follows:

Shoreline Management

- A) Goal, page 35 -- Protect Natural Quality: Preserve and protect the unique, interdependent relationship between the water, land and cultural heritage.
- B) Goal, page 36 -- Mixed Use Waterfront: Retain a mixed-use waterfront including those fishing, boating, tourist and residential uses which provide the shoreline's unique appeal.
 - C) 2. Pleasure Boating and Marinas (Page 36)
Permit uncovered moorage and encourage the development of temporary docking facilities for visiting boats.
 - D) 5. Recreation (Page 36)
Create a mixture of active and passive public facilities that do not intrude on the natural features of the shoreline.

2. Zoning Ordinance:

The existing facility is located within a WR. Residential use and private residential boat moorage(ancillary to a residential use) are permitted uses.

Respective to boat moorage, Section 17.76 requires the following:

- A. The approval of the City Engineer as to structural stability and safety.
- B. Moorage on private property must be at least 12 feet from a side property

- line.
- C. Fences or other obstruction to the view from adjacent properties or the street shall not be permitted.
- D. Parking for activities related to watercraft shall be provided with the following ratio of off-street automobile parking spaces to moorage:
 - 1. Moorage/slip less than 45 feet, one space for every two berths
 - 2. Moorage/slip 45 feet or longer, one space for every berth.
 - 3. All moorage facilities shall provide a minimum of two parking spaces.

Parking is provided on-site by each single family residence.

City of Gig Harbor Shoreline Master Program

The following sections of the City of Gig Harbor Shoreline Master Program are applicable to this project:

Part 2: Goal Statements

1. **Character**
The Shorelines of the City of Gig Harbor support its fishing, boating and tourist activities as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.
6. **Pleasure Boating and Marinas**
Permit uncovered moorage and the development of temporary docking facilities for visiting vessels while retaining the open surface water area for watercraft circulation.
9. **Recreation and Public Use**
Maximize use of publicly owned shoreline locations and to provide for additional public access.

Part 3.01: Overall Statements Applicable to All Use Activities in the Shoreline Area (pertinent to this proposal)

1. New structures should not dominate the shoreline in terms of size, use, location or appearance.
2. Shoreline developments should provide visual access to the water
3. All developments should be designed to minimize their adverse effect on surrounding areas.
4. Sites undergoing development shall be landscaped consistent with the City Zoning Code
5. No new and/or additional covered moorage shall be allowed on or over the surface waters within the City of Gig Harbor.

Part 3.11 Marinas, Moorage Facilities, Piers, Docks and Floats

Marinas and moorage facilities provide commercial moorage, launching, storage for watercraft, including services, supplies, parking and other supporting activities. Due to the commercial nature of marina activities, marinas should also be consistent with policies and regulations for commercial development.

GOALS: Piers, Floats and Moorage should meet the overall goals of this Master Program as well as conform to the goals for Recreation (Section 3.14).

Policies (as pertinent to this proposal):

5. Piers and floats should be designed so that they will have minimum interference with the public use of the water's surface and access along the water's edge.
7. Adjoining waterfront property owners should be encouraged to share a common pier or float.

REGULATIONS(as pertinent to the proposal):

7. All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. **Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land.** The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24)feet. All space greater than twenty-four feet in width is intended to be provided by the applicant or through an agreement with the adjacent property owner/lessee.
8. All authorized piers and floats shall be for the purpose of conducting water related or water-dependent activities.

Section 3.15 Residential Development

REGULATIONS:

4. Private residential piers shall comply with the standards established under Section 3.11.

PART III: FINDINGS AND CONCLUSIONS

Based upon the analysis in Section II of this report, staff recommends that the Hearing Examiner find as follows:

1. Residential development and private moorage piers (as ancillary uses) are a permitted use in the WR district.
2. The City of Gig Harbor Shoreline Master Program states that:

Section 3.11, Regulation #7 - All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. **Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land.** The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24)feet. All space greater then twenty-four feet in width is intended to be provided by the applicant or *through an agreement with the adjacent property owner/lessee.*

The applicant has submitted a draft of a joint-use agreement with the shoreline permit application.

3. The proposed private pier is in conformance with the general standards of the City of Gig Harbor Shoreline Master Program.

PART IV: RECOMMENDATION

Based upon the findings presented in Section III, staff recommends that Shoreline Permit 95-01 be approved, subject to the following conditions:

1. The contractor shall provide adequate and appropriate erosion control measures and these shall be in place prior to excavation or construction. Erosion control measures must be adequate to prevent soil from being carried into surface water by stormwater runoff.
2. The applicant or contractor shall secure an HPA approval from the Washington State Department of Fisheries and Wildlife prior to construction.
3. The applicant or contractor shall obtain the necessary authorization from the U.S. Army Corps of Engineers prior to construction.
4. Any construction debris or overburden shall be disposed of at an authorized

upland disposal site.

5. The total overall length and width of the completed structure shall not exceed the dimensions as stated on the application site plan, page 1 of 2, dated April 12, 1995, by Waterfront Construction Company, Inc. of Kirkland, Washington.

6. Prior to issuance of the building permit for this structure, the property owners shall file with the Pierce County Auditor the city-approved joint use agreement. A copy of the filed agreement shall be submitted to the city prior to issuance of the building permit.

Documents pertinent to the Hearing Examiner's review are attached.

Staff report prepared by:  Gilmore, Planning Director

DATE: July 12, 1995



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 2, 1995
SUBJECT: SPR 95-04 -- HOLY FAMILY SCHOOL ASSOCIATION - USE OF ST. JOHN'S EPISCOPAL CHURCH FOR SCHOOL

Holy Family School Association is proposing to utilize the St. John's Episcopal Church facility for school use during the week days. The school would be limited to 49 students, maximum. No external changes to the building are proposed. However, because school use represents a change of occupancy according to Uniform Building Code, site plan review is required. A conditional use permit is required as churches and schools may only be authorized as a conditional use in an R-1 district.

Following the public hearing, the Hearing Examiner approved the conditional use permit, as recommended by the planning staff. The staff and Hearing Examiner are recommending approval of the site plan, subject to conditions. A copy of the staff report to the Hearing Examiner, the Hearing Examiner's recommendation to the City Council, and a draft resolution approving the site plan are attached for the Council's consideration.

CITY OF GIG HARBOR
RESOLUTION # _____

WHEREAS, Holy Family School Association has requested site plan approval to operate a school in the existing church facility at 7701 Skansie Avenue; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 14, 1995; and

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 21, 1995 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 21, 1995; and,

WHEREAS, the City Council, during its regular meeting of August 14, 1995 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

WHEREAS, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

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

That the findings, conclusions and recommendations of the hearing Examiner in his report dated July 21, 1995, are hereby adopted and the site plan is approved subject to the following conditions:

1. If the school increases the number of students beyond a maximum of 25, or extends the use beyond five years of the final date of this decision, the applicant shall submit a new traffic study to identify traffic impacts. If traffic impacts are identified, the applicant shall be responsible for mitigating the identified impacts.
2. If the school increases the number of students beyond a maximum of 49 or extends the use beyond five years of the final date of this decision, the applicant shall be responsible for providing curbs, gutters and sidewalks along Skansie

Avenue along the property frontage of St. John's Episcopal Church.

3. The applicant shall provide a letter from the Tacoma-Pierce County Health Department regarding the adequacy of the existing drainfield for the increased use at the church site. If the Health Department determines that the existing septic system is not adequate to serve the additional use, the church facility shall be required to connect to the sanitary sewer system

PASSED, by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of August, 1995.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Submitted to the City Clerk: 8/3/95
Passed by City Council: 8/14/95

**CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION/
RECOMMENDATIONS**

APPLICANT: Holy Family School Association
CASE NO.: CUP 95-03/SPR 95-04
LOCATION: 7701 Skansie Avenue
APPLICATION: Conditional use permit for the operation of a private school at St. John's Episcopal Church. Total attendance will not exceed 49 students. Exterior alteration of structures is not required as existing facilities will be used for the classrooms. Site plan review is also required due to the change in occupancy of the existing structure proposed for the use.

SUMMARY OF RECOMMENDATIONS:

Staff Recommendation: Approve with conditions
Hearing Examiner Recommendation: Approve with conditions

PUBLIC HEARING:

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Holy Family School Association application was opened at 5:00 p.m., June 21, 1995, in the City Hall, Gig Harbor, Washington, and closed for oral testimony at 5:07 p.m. The hearing was held open administratively to obtain additional information from the Director of Public Works. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department.

HEARING COMMENTS:

The following is a summary of the comments offered at the public hearing:

From the City: Steve Osguthorpe, Associate Planner, reviewed the staff report and recommended approval, with conditions.

From the Applicant: Leonard Spadoni and Kathryn McGhee represented the applicant. They said they do not plan to change the structure at all, but only plan to change the use. They plan to have the school at St. John's for five years or less because they are limited on how big the school can be at that site. They indicated they had submitted a traffic study to the City for review. Finally, they noted that they hope the requirement for curb, gutter and sidewalk can be eliminated. They said if they are required to install curbs, gutters and sidewalks, the expense would kill the project.

From the Community: No one from the general public spoke either in favor of or in opposition to the application.

WRITTEN COMMENTS: No written comments were submitted by members of the general public

FINDINGS, CONCLUSIONS AND DECISION/RECOMMENDATION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

I. FINDINGS:

- A. The information contained in Parts I and II of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. Exhibit B was submitted by the Director of Public Works and it was noted that the traffic study, which was submitted, assumed the school will have a maximum of 25 students. At that level, only 8 peak hour trips would be generated and no traffic mitigation would be required.

Exhibit B also addressed future growth of the school and recommended conditions if the school increases the number of students or extends the temporary use beyond five years.

Finally, Exhibit B addressed the existing septic system on the site and asked that the applicant provide a letter from the Tacoma-Pierce County Health Department regarding its adequacy. If it is determined the existing septic system is not adequate, the City will require the Church to connect to the sanitary sewer system.

II. CONCLUSIONS:

- A. The conclusions prepared by the Planning Staff and contained in Part III of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions except as modified below. A copy of said report is available in the Planning Department.
- B. If approved subject to the conditions recommend below, the project will meet the criteria established by the City for approval of both the conditional use permit and the site plan.

III. RECOMMENDATION/DECISION:

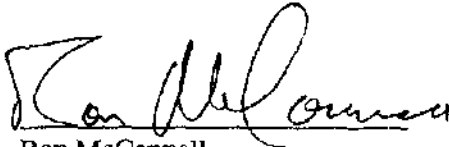
Based upon the foregoing findings of fact and conclusions,

- A. The conditional Use Permit (CUP 95-03) is approved, subject to the following condition:
 - 1. Should the proponent elect to provide an outdoor recreational area, it must be located on the east side of the building to minimize any possibility of traffic hazards to students.

B. It is recommended that the site plan (SPR 95-04) be approved, subject to the following conditions:

1. If the school increases the number of students beyond a maximum of 25, or extends the use beyond five years of the final date of this decision, the applicant shall submit a new traffic study to identify traffic impacts. If traffic impacts are identified, the applicant shall be responsible for mitigating the identified impacts.
2. If the school increases the number of students beyond a maximum of 49, or extends the use beyond five years of the final date of this decision, the applicant shall be responsible for providing curbs, gutters and sidewalks along Skansie Avenue, along the property frontage of St. John's Episcopal Church.
3. The applicant shall provide a letter from the Tacoma-Pierce County Health Department regarding the adequacy of the existing drainfield for the increased use at the church site. If the Health Department determines that the existing septic system is not adequate to serve the additional use, the church facility shall be required to connect to the sanitary sewer system.

Dated this 21st day of July, 1995



Ron McConnell
Hearing Examiner

RECONSIDERATION:

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

APPEAL OF EXAMINER'S DECISION ON THE CONDITIONAL USE PERMIT:

Any party who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Gig Harbor Planning Director within fourteen (14) days from the date the final decision of the Examiner is rendered, requesting a review of such decision.

Such appeal shall be upon the record, established and made at the hearing held by the Examiner. Whenever a decision of the Examiner is reviewed by the City Council pursuant to this section, other parties of record may submit written memoranda in support of their position. In addition, the Council shall allow each side no more than fifteen minutes of oral presentation. However, no new evidence or testimony shall be presented to the Council during such oral presentation. The City Council shall accept, modify or reject any findings or conclusions, or remand the decisions of the Examiner for

conclusions, or remand the decisions of the Examiner for further hearing; provided that any decision of the City Council shall be based on the record of the hearing conducted by the Examiner; however, the Council may publicly request additional information of the appellant and the Examiner at its discretion.

Upon such written appeal being filed within the time period allotted and upon payment of fees as required, a review shall be held by the City Council. Such review shall be held in accordance with appeal procedures adopted by the City Council by resolution. If the Examiner has recommended approval of the proposal, such recommendation shall be considered by the City Council at the same time as the consideration of the appeal.

COUNCIL ACTION:

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which supports its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezone of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of Certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

EXHIBITS:

The following exhibits were offered and entered into the record:

- A. Staff Report
- B. Memo from Ben Yazici, dated 6/30/95.

PARTIES OF RECORD:

Kathryn McGhee
Holy Family School Assoc.
8121 86th Avenue N.W.
Gig Harbor, WA 98335

St. John's Episcopal Church
7701 Skansie Avenue
Gig Harbor, WA 98335

Leonard Spadoni
13415 Crescent Valley Drive
Gig Harbor, WA 98335



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

**STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER**

**Holy Family School Association (CUP 95-03/SPR95-04)
June 14, 1995**

PART I: GENERAL INFORMATION

A. APPLICANT:

Holy Family School Association
8121 - 86th Ave NW
Gig Harbor, WA 98335
PH: 851-9445

B. OWNER:

St. John's Episcopal Church
7701 Skansie Avenue
Gig Harbor, WA 98335

C. AGENT:

Kathryn McGhee, Agent
St. John's Episcopal Church
7701 Skansie Avenue
Gig Harbor, WA 98335

D. REQUEST:

Conditional use permit for the operation of a private school at St. John's Episcopal Church. Total attendance will not exceed 49 students. Exterior alteration of structures is not required as existing facilities will be used for the classrooms. Site plan review is also required due to the change in occupancy of the existing structure proposed for the use.

E. PROPERTY DESCRIPTION:

1. Location:

The property is located at 7701 Skansie Avenue. The project site is situated within a portion of the NW 1/4 of the NE 1/4 of Section 7, Township 21, Range 2 East and is more particularly described as being located on Assessor's tax parcel 0221071136 and 137.

2. Site Area/Acreage:

The total site area is 3.65 acres, of which .

3. Site/Physical Characteristics:

The site has slopes less than 10 %. According to the Pierce County Soil Survey, the site is underlain by Harstene gravelly-sandy loam with slopes ranging from 6-15%. No wetlands have been identified on the site. The east half of the property is heavily wooded. Current impervious coverage is 17% of the total site. The site has 22 paved parking spaces on the north side of the building, with an additional 30 paved spaces in the south end of the site.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

North: Commercial and business, zoned RB-2.
West: Chapel Hill Church and Quiet Maples residential development, zoned R-1 and R-2.
South: Single family and duplex residential, zoned R-1.
East: PTI storage yard, zoned RB-2.

G. UTILITIES/ROAD ACCESS:

Access is provided by Skansie Avenue, which is an arterial street.

H. PUBLIC NOTICE:

Public notice was provided as follows:

Published in Peninsula Gateway: June 7, 1995
Mailed to property owners of record within 300 feet of the site: June 9, 1995
Posted in three conspicuous places in the vicinity of the property: June 12, 1995.

PART II: ANALYSIS

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

Will be required to comply with applicable provisions of the city building and fire codes. A copy of the Building Official's comments are attached.

2. Department of Public Works

If proposal generates more than 10 peak hour trips, a traffic study will be required. The traffic study must be reviewed by the City Engineer and any conditions to mitigate identified impacts will be presented to the hearing examiner before a decision is rendered on this project.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The Comprehensive Plan designates this area as an employment center. Employment centers are broadly intended to serve as areas to meet longterm employment needs of the community.

2. Zoning Ordinance:

The following sections of the zoning code are relevant to this proposal:

17.01.080 Curbs and sidewalks.

Concrete sidewalks having a width of six feet (measured from the face of the curb) shall be provided along the street side(s) of any development, along with concrete curbs and gutters and street paving to connect the new walk to the adjacent street.

17.16.030 Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-1 district:

- A. Child care facilities serving more than six children outside of a home in an institution;
- B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities;
- C. Schools, including playgrounds and athletic fields incidental thereto;**
- D. Houses of religious worship, rectories and parish houses;

17.16.070 Development standards. In an R-1 district, the minimum lot requirements are as follows:

- A. Minimum lot area per building site in square feet 12,000
- B. Minimum lot width 70'
- C. Minimum front yard setback 25'
- D. Minimum rear yard setback 30'

E. Minimum side yard setback	8'
F. Maximum impervious lot coverage	40%
G. Minimum street frontage	20'

17.64.040 Review criteria.

Each determination granting a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met:

A. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;

B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

The applicant's letter of justification is attached and is summarized as follows:

1. The use of the building as a small school is conditionally permitted.
2. The proposal will be a benefit and not a detriment to the public health, safety, comfort, convenience and general welfare. The proposal will not affect the established character of the neighborhood and will generate minimal traffic.
3. The proposed school is properly located in relation to other land uses and to transportation and service facilities.
4. The site has adequate area for the proposed school.

17.72.020 Off-street parking design standards.

A. The off-street parking required for the uses specified herein shall be for use only by the automobiles of the residents, employees and customers of the activity served by the off-street parking.

B. Off-street parking requirements shall be met on the same lot as the building served by the off-street parking or on a lot that is within 100 feet of the building or facility served by the off-street parking and is specially reserved for the service of such building. Notwithstanding the above, off-street parking facilities for independent and separate buildings and uses may be provided collectively on a common lot if these

facilities are not less than the total requirements of the independent and separate uses, and if all other requirements are met.

C. All off-street parking spaces shall be at least nine feet in width and at least 19 feet in length, both exclusive of access drives, yards, and ramps. Such spaces shall have a vertical clearance of at least seven feet.

D. Off-street parking spaces may be located in any required yard unless otherwise indicated in Chapter 17.72 GHMC.

E. All off-street parking spaces and access areas shall be surfaced with portland cement concrete or asphaltic concrete paving to the standards established by the city.

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

17.72.030. . .

G. For schools, as follows:

1. For elementary and junior high schools, one off-street parking space for every five seats in the main auditorium or assembly room. . .

17.78.020 Landscape Standards - Applicability.

The standards as required by this chapter shall apply to all nonresidential and nonagricultural uses of land, to the construction or location of any multifamily structure of three or more attached dwelling units and to any new subdivision plat.

The proposal is exempt from SEPA, pursuant to WAC 197-11-800(6)(b).

PART III: FINDINGS AND CONCLUSIONS

Based upon a site inspection and the analysis contained in Part III of this report, staff finds as follows:

1. The establishment and operation of a school within the R-1 district and within the existing structure is conditionally allowed.
2. The site is adequate in size and layout to accommodate the proposed use of a school for 49 students. No provisions are identified for outdoor recreation for the students.
3. Adequate parking exists for the operation of the school. Based upon the standards in the code, a total of 10 parking spaces would be needed for the school during the school week. A total of 52 parking spaces are available during the school week.
4. A traffic study has not been prepared for this proposal. The applicant has stated that in lieu of a traffic study, the school will bus the students to the facility.

5. The proposal will not cause any detrimental impact on surrounding uses and is adequately buffered to minimize impacts to adjacent residential properties.
6. The proposal is consistent with the relevant sections of the zoning code specific to bulk and dimensional standards.
7. The site is extensively landscaped, particularly along the Skansie Avenue frontage. Additional landscaping is not warranted by this proposal.

PART IV: RECOMMENDATION

Based upon the information contained in Part II of this report and the findings as stated in Part III, staff recommends that conditional use permit CUP 95-03 be approved, subject to the following condition:

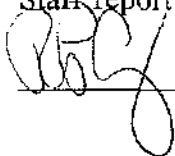
1. Should the proponent elect to provide an outdoor recreational area, it must be located on the east side of the building to minimize any possibility of traffic hazards to students.

Staff recommends that site plan SPR 95-04 be approved, subject to the following conditions:

1. Consistent with Section 17.01.080, concrete sidewalks, curbs and gutters shall be provided along the Skansi Avenue frontage of the property. In lieu of construction, a performance bond may be posted with the City, upon the approval of the Director of Public Works.
2. A traffic study shall be prepared and submitted to the City Engineer for review and comment. Prior to the examiner's decision on the application, the comments of the City Engineer will be incorporated as conditions to the site plan to mitigate any identified traffic impacts. This condition may be waived if the proponent agrees, in writing, to bus the students to the site.

Documents pertinent to your review are attached.

Staff report prepared by: Ray Gilmore, Planning-Building Director



_____, June 14, 1995.



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

TO: STEVE OSGUTHORPE, ASSOCIATE PLANNER
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS
SUBJECT: HOLY FAMILY SCHOOL, ST. JOHN'S EPISCOPAL CHURCH
DATE: JUNE 30, 1995

We have reviewed the traffic study for the Holy Family School and concur with the findings of the study.

The City Council Resolution, related to traffic studies, states that any development generating more than 10 peak hour trips, must identify the traffic impact and mitigation. The traffic study prepared for the school shows that they will only generate 8 peak hour trips. Therefore, the school does not need to provide any traffic mitigation.

We will not require this school to build curbs, gutters and sidewalk along Skansie Avenue, in front of the school, for the following reasons:

- 1) The school is not adding any structure to the existing church building;
- 2) The school is utilizing the existing church facilities to operate the school functions;
- 3) The school is stating that this additional use, at the existing church site, will be on a temporary basis, for a maximum of 5 years;
- 4) The traffic study for the school use indicates there is no traffic impact associated with the school use of the church property.

Therefore, we are not requiring this project to provide curbs, gutters and sidewalk improvements.

Please note that our comments on this project are based upon two key assumptions; the school will have a maximum of 25 students and the use will only be a maximum of five years. If the school increases the number of students or extends the temporary use beyond five years, we will ask that the school submit a new traffic study to identify any traffic impact. If the school increases the number of students beyond 49 or extends the temporary use beyond 5 years, we will ask that the school provide curbs, gutters and sidewalk along Skansie Avenue, along the property frontage of St. John's Episcopal Church.

It is also my understanding that the Church is currently on a septic system. We ask that the church provide a letter from Tacoma - Pierce County Health Department regarding the adequacy of the existing drainfield for the increased use at the church site. If the Health Department determines that the existing septic system is not adequate to serve this additional use, we will then require the Church to connect to the sanitary sewer system.

Gig Harbor City Council Agenda Items and Deadlines

Meeting Date of **August 14**

Deadline for submission to staff for all items:
August 1

Deadline for submission to Clerk:
August 2

Continued Items:

Steve D 1st Reading of Ordinance - Dahl Rezone (R-1 to RB-2)

New Items:

- ✓ Hearing Examiner Recommendation - SDP 95-01 (Steve Zuvela for Morris/Eaton)
- ✓ Hearing Examiner Recommendation - SPR 95-04 (St Johns Episcopal Church School)
- ✓ Memo from Staff - Proposal to Amend Fee Structure for Building Permit Renewals

MAYOR'S REPORT

August 14, 1995

Pedestrian / Bicycle Safety

Recently Bill and I took the opportunity to "play tourist" in Gig Harbor. We walked the streets, sat on the nice new benches and did a little people watching. During the week, we observed tour buses almost daily, cars with out-of-state license plates and friendly smiling people. We watched them gaze in "awe" as they discovered the beauty of Gig Harbor Bay.

On the weekends the "walker" seems to take over. We observed local residents walking briskly and overtaking the slower moving visitors. All in all, our sidewalks provide a safe place for a very healthy walking activity and would offer some proof to the statement I recently heard at a meeting of the Economic Development Board that Gig Harbor is the number 2 tourist attraction in Pierce County.

The pedestrians are safe, that is, until they wish to cross a street. I have discussed the pros and cons of marked crosswalks with Ben. Crosswalks required certain standards provided in the Model Traffic Code. We will be working with residents who live on the major arterials of Harborview, Rosedale, Stinson, Pioneer, Soundview and Peacock Hill who have shared with me safety concerns as they attempt to cross the street to pick up their mail. Crosswalks seem not to be the answer. Last year, a city staff member was struck by an auto while in the crosswalk on Rosedale at the Harborview intersection. A bike rider was hit while riding her bicycle across a crosswalk by Finholm's Grocery. She should have been walking her bicycle across instead of riding. Soundview Drive and Pioneer Avenue crossing at Judson are two other real problem areas.

Any proposal probably will suggest signage. Some signs can be authorized by the Public Works Director. Others may require an ordinance. We will work with legal counsel before presenting a proposal to Council.

The bicycle safety issue will be addressed also. Some parts of the city road system provide identified route areas. Other roads will need to give reminders to drivers to proceed with caution to protect the safety of bicycle riders.

Signage for bicycle and pedestrian safety will be a part of our recommendation. I invite Councilmembers' comments on any safety concerns citizens may have mentioned to them and any suggestions each of you might have for staff to consider to implement a plan for a bicycle and pedestrian friendly town.

