

GIG HARBOR CITY COUNCIL MEETING

JANUARY 27, 1992

7:00 p.m., City Hall Council Chambers

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
JANUARY 27, 1992

PUBLIC COMMENT/DISCUSSION:

INTERVIEW OF COUNCIL CANDIDATES:

CALL TO ORDER:

PUBLIC HEARINGS:

1. Critical Areas Ordinance - 1st reading.

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. 1991 summary of Gig Harbor/Mary Bridge WIC program.
2. Letter from Pierce County regarding Olympic Drive/Point Fosdick Project.

OLD BUSINESS:

1. Utility Local Improvement District #3 ordinance - 2nd reading.
2. Appeal of Hearing Examiner's decision VAR91-24: Jerkovich.
3. Final plat approval - Regatta Subdivision (SUB90-01).
4. Ordinance establishing position of City Administrator - 2nd reading.
5. Rescind action to implement revised personnel policy.

NEW BUSINESS:

1. Request for vacation of street - Nick Jerkovich.
2. Request for sewer service - Brooks Cumbie.
3. Water service request - Emge/Torrens.
4. Hearing Examiner report and recommendation on PUD91-01: Rush Construction.
5. Hearing Examiner report and recommendation on SPR91-06: 7m Bagel and Deli.
6. Hearing Examiner report and recommendation on SDP91-06/ VAR91-25: Logan.
7. PTI franchise agreement. - Frank [Kusner]
8. Shore Acres contract.
9. Eden Systems computer system support contract.

- Ben 10. Ordinance transferring of a portion of Stinson Avenue from Pierce County - 1st reading. ✓
- Booker 11. Waterfront land acquisition ordinance - 1st reading.
- Booker 12. Election of Mayor Pro-tempore.
- Ben 13. Upgrade of Engineering Technician position.

DEPARTMENT MANAGERS' REPORTS:

- Ben 1. Public Works. *Bridge - Soundview Drive*
Waste Water Treatment Plant Project
Computerization Water Plant

COUNCIL COMMITTEE REPORTS:

MAYOR'S REPORT:

- 1. Appointment of Planning Commission member to fill vacancy.

ANNOUNCEMENTS OF OTHER MEETINGS:

- 1. Household hazardous waste turn-in day, Wednesday, January 29, 1992.
- 2. Pierce County regional support network six year plan, Wednesday, January 29, 1992.
- 3. Reception for Ken Moser, Tuesday, January 28, 1992.

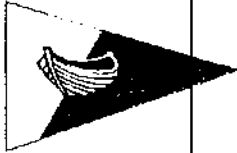
APPROVAL OF BILLS:

Warrants #8240 through #8242 and #8324 through #8384 in the amount of \$31,745.14.

EXECUTIVE SESSION:

- 1. Ellsworth lawsuit.
- 2. Personnel issues.

ADJOURN:



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

December 3, 1991

Mayor Gretchen Wilbert and Gig Harbor City Council
Gig Harbor City Hall
Gig Harbor, WA.

Dear Mayor Wilbert and Council Members:

Attached for your consideration and adoption is the Interim Critical Areas Ordinance for the City of Gig Harbor.

The proposed ordinance addresses the requirements of the Growth Management Act by providing management policy and regulations for development within or in proximity to geologically hazardous areas, flood hazard areas, seismic hazard areas, critical aquifer recharge areas and fish and wildlife habitat conservation areas.

Although the City currently utilizes the SEPA or site plan review process for mitigating potentially adverse impacts from construction and operation, there are not any adopted policy or standards to apply in determining where or what degree of mitigation is necessary to minimize or avoid impacts to these critical natural areas. The Planning Commission is confident that the proposed ordinance addresses these points in a reasonable and systematic manner.

The ordinance is based closely upon the guidelines developed by the State Department of Community Development for managing and regulating land-use and construction in identified critical areas. The ordinance seeks to minimize potential hazards to the general public by carefully managing and regulating development in areas that are identified as posing a potential hazard to life or property and providing protection to areas which provide important habitat for the area's fish and wildlife.

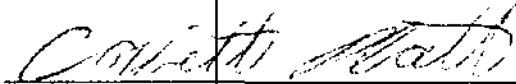
This ordinance is a "first step." As more data are obtained on critical areas within the community, the development of a detailed and comprehensive critical areas mapping program

Planning Commission Recommendation : Critical Areas Ordinance
PAGE 2

becomes essential. The ordinance provides a sound basis and a good set of "ground-rules" for any future mapping project that is accomplished to further the goals and objectives of the Comprehensive Plan and the Growth Management Act.

The Planning Commission respectfully recommends the adoption of this ordinance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corbett Platt", written over a horizontal line.

Corbett Platt
Chairman, City of Gig Harbor
Planning Commission

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 13, 1992

PRESENT: Councilmembers Frisbie, Platt, Hoppen, English, Markovich, and Mayor Wilbert.

CALL TO ORDER: 7:05 p.m.

PUBLIC HEARING:

1. Utility Local Improvement District No. 3.

Mayor Wilbert introduced the proposed ULID and Public Works Director Ben Yazici provided information and explained the process for formation of the ULID.

Dr. John Armenia, Deputy Superintendent for Peninsula School District, provided further information and spoke in favor of the project.

Cynthia Weed, bond counsel for the city, was available to answer questions and provided information as needed.

The public hearing was opened and property owners within the proposed ULID spoke. They were:

Speaking in favor of the project

Dave Cunningham, Pope Resources; Tom Tucci, Tucci and Sons; John Morrison, Canterwood; Walt Smith, Active Construction; Dave Morris, Purdy Realty; and Tom Semon, representing the school district, explained the map of the area to council.

Speaking against the project

There were no owners present speaking against the project.

Property owners outside the proposed ULID were asked to speak. There were no comments from any owners outside the ULID area.

Hearing no further comments, the public hearing was closed.

MINUTES:

MOTION: To approve the minutes of the meeting of November 25, 1991.
Frisbie/English - unanimously approved.

MOTION: To approve the minutes of the meeting of December 9, 1991.
English/Frisbie - unanimously approved.

MOTION: To approve the minutes of the special meeting of January 6, 1992.
Frisbie/Hoppen - approved by a vote of 4 - 0 with English abstaining.

CORRESPONDENCE:

1. Attorney General response to 1990 audit examination report.

OLD BUSINESS:

1. Ordinance for annexation on ANX91-02: Rainwater/Higgins - 2nd reading.

MOTION: To adopt Ordinance #615.
Frisbie/Hoppen - unanimously approved.

2. Ordinance for annexation on ANX91-06: Richardson - 2nd reading.

MOTION: To adopt Ordinance #616.
Frisbie/Hoppen - unanimously approved.

NEW BUSINESS:

1. Final plat approval - Ackerman Subdivision (SUB91-02). Planning Director Ray Gilmore presented the final plat for approval.

MOTION: To approve the final plat.
Frisbie/English - unanimously approved.

2. Final plat approval - Regatta Subdivision (SUB90-01). Mr. Gilmore presented the information on the final plat. Questions arose concerning lot size. The preliminary plat had been approved under a different set of conditions than are now in effect.

Paul Raydahl, applicant, requested council approve the plat at this meeting.

MOTION: To table this issue to the meeting of January 27, 1992, at which time council to be presented with the city's history of approving less than minimum lot sized plats, and a legal opinion from the city's attorney.
Frisbie/Platt - unanimously approved.

3. Appeal of Hearing Examiner's decision - VAR91-24:
Jerkovich.

Because the applicant was not available, council deferred this item to the end of the agenda.

4. Resolution amending personnel policies - job
description for Assistant Municipal Court Clerk.

MOTION: To approve Resolution #340.
English/Platt - approved by a vote of 4 - 1
with Frisbie voting against.

5. Appointment of Building Code Advisory Board members.

MOTION: To approve Resolution #3431.
Frisbie/English - unanimously approved.

6. Purchase of new water meters for the Shore Acres water
system.

Public Works Director Ben Yazici explained the need for the new meters.

MOTION: To approve the purchase.
Platt/Hoppen - unanimously approved.

7. Olympic Interchange commitment letter for improvements.

Mr. Yazici explained the improvements proposed for the Olympic Interchange and how each involved jurisdiction would assist in the financing. He requested council authorize the mayor to send a letter to the Transportation Improvement Account committing the city for \$50,000 financial participation on the project.

MOTION: To authorize the commitment letter.
English/Frisbie - unanimously approved.

8. Personal services contract - Dave Gago.

Mayor Wilbert explained why she felt the contract was necessary. Councilmembers Markovich and English questioned the need for the contract because they were not sure the new administrator would require such assistance.

MOTION: To approve the proposed contract as submitted with additional conditions:
1. His services will begin only when authorized by the mayor to start.
2. This agreement to be terminated on or

11. Transfer of liquor license - Hy Iu Hee Hee.
No action was taken.

(Return to item #3: Appeal of Hearing Examiner decision on VAR91-24.)

MOTION: To table this item to the meeting of January 27, 1992, to allow the applicant to be present.
Hoppen/English - approved by a vote of 4 - 1 with Markovich voting against.

DEPARTMENT MANAGERS' REPORTS:

1. Police:
Chief Denny Richards reported on the police department's monthly activity for the month of December.

COUNCIL COMMITTEE REPORTS:

1. Appointments of councilmembers to committees:
- a) Public Works Committee - Councilmembers Frisbie and English.
 - b) Finance Committee - Councilmembers Hoppen and Platt.
 - c) Public Health and Safety Committee - Councilmember Markovich.

MAYOR'S REPORT:

1. City Administrator/Clerk review process.
The mayor announced that she was prepared to give a report to the council on the interviews that she has completed. That report will be given in executive session.

PAYROLL:

MOTION: To approve payment of warrants #6566 through #6671 in the amount of \$147,934.00.
Frisbie/English - unanimously approved.

BILLS:

MOTION: To approve payment of warrants #8243 through #8323 in the amount of \$62,466.02 and authorize the expenditure of \$200 for the Public Works Director to pay a past due bill to Dr. Jon Kvinsland's property on the Westside.
English/Frisbie - unanimously approved.

EXECUTIVE SESSION:

MOTION: To go into executive session at 9:20 p.m. for the purpose of discussing the Ellsworth lawsuit, personnel issues, and real estate purchase.
Frisbie/Platt - unanimously approved.

MOTION: To return to regular session at 1:05 a.m.
Frisbie/English - unanimously approved.

The mayor acknowledges the receipt of the resignation of Mark Hoppen from his position on the Gig Harbor City Council effective immediately and wishes to thank him for his service these past two years.

MAYOR'S REPORT:

Mayor Wilbert announced the appointment of Mark Hoppen as City Administrator/Clerk for the City of Gig Harbor following his resignation from the City Council.

(Councilmembers Hoppen and Markovich were no longer in attendance.)

MOTION: To settle the claim with Ellsworth/Thornhill as drafted by Wayne Tanaka.
Frisbie/English - unanimously approved.

MOTION: To authorize the mayor to increase the city's offer by \$100,000.
Frisbie/English - unanimously approved.

MOTION: To table the claim by Mike Wilson.
Frisbie/Platt - unanimously approved.

MOTION: To adjourn at 1:10 a.m.
Frisbie/English - unanimously approved.

Minutes of 1/13/92
Page 7

Cassette recorder utilized.
Tape 261 Side A 294 - end
 Side B 000 - end
Tape 262 Side A 000 - end
 Side B 000 - 299.

Mayor

Mary Bridge Children's Hospital and Health Center

Medical excellence from MultiCare 

January 27, 1997

Honorable Gretchen Wilbert, Mayor
Gig Harbor City Hall
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98835

RE: 1996 Clinic and Client Activity Summary for the Gig Harbor/Idaho
Bridge WIC Program.

The following information is a summary of 1996 client and clinic
activity for the Mary Bridge WIC program in the Harbor:

Enrolled - Client has been certified and found eligible for WIC
services.
Vouchered - Client received food vouchers for a given month.
Participating - Client is eligible and participating in the WIC
program but not receiving a food package (i.e. a breast feeding
infant not being supplemented with formula).

	Enrolled	Vouchered	Participating
January	30	9	11
February	61	22	30
March	88	27	31
April	102	31	39
May	130	33	127
June	141	33	139
July	175	34	163
August	190	33	155
September	191	33	169
October	191	35	169
November	193	33	179
December	191	33	170
TOTAL:	1685	347	1573

The information above reflects the same clients coming monthly to
receive WIC services. The eligibility period for pregnant women is
for pregnancy duration plus 6 weeks after delivery. The eligibility
period for infants is the first 12 months of life. For children it
is every 6 months if they meet the income and medical/nutritional
risk eligibility criteria. For 1996, the Gig Harbor WIC Program was
able to serve children up to 12 1/2 years of age.

The Unduplicated number of clients served during the year was 1200

Food dollars spent by these clients in 1991 were: \$15,116.00

CLIENT PROFILE:

Woman 83.68% (941)
Infants 40.0% (112)
Children 26.32% (74)

ETHNIC GROUP:

WHITE 88.41%
HISPANIC 5.10%
BLACK 2.03%
ASIAN 2.11%
OTHER 1.55%

FAMILY INCOME SOURCE:

EMPLOYED 53.01%
MILITARY 1.98%
PUBLIC ASSISTANCE 31.80%
OTHER 13.20%

EXPENSES:

Mary Bridge Children's Hospital and Health Center
Program Direct Expenses:

Salaries: 11,276.00
Payroll Tax: 841.00
Supplies: 105.00
Capital Equipment 2,226.00
TOTAL: 14,608.00

MANHOURS:

596
In-Kind Donation \$ 3,888.00
(Betty Hoffman volunteered 168 hrs)
She is an R.N. and would be paid at least \$3.00/hr. if she were salaried.)

The 4 major grocery stores in the Harbor where WIC clients redeem their vouchers are:

1. Bag N Save
2. Stock Market
3. Safeway
4. Thriftway

If you require additional information or clarification please contact Julie Horschel, R.N. Manager, Mary Bridge WIC Program.

CERTIFICATE

This certificate is prepared and filed as the result of the adoption of a resolution by the City Council of the City of Gig Harbor, Washington, on November 25, 1991, initiating proceedings for the formation of Local Improvement District No. 3 [partly within the partly outside of] the area of the City. The undersigned has been designated to make preliminary assessments and the preliminary assessment roll and other estimates required by RCW 35.43.130.

I, Bunyamin Ben Yazici, of City of Gig Harbor, City Engineer for the City of Gig Harbor, Washington, DO HEREBY CERTIFY, as follows:

1. The total estimated cost and expense of the improvement proposed to be undertaken by Resolution No. 336 is \$1,627,923.00.

2. The exhibits attached hereto and incorporated herein are in each case the original or a true and correct copy of the original or a true and correct copy of the original documents:

a. All papers and information in my possession touching the improvements ("Exhibit A").

b. A description of the boundaries of the proposed Local Improvement District No. 3 ("Exhibit B"); and

c. Statement in detail of the local improvement

assessments outstanding and unpaid against the property in the proposed district ("Exhibit C").

3. The portion of the cost and expense of the proposed improvement which should be borne by the property within proposed Local Improvement District is \$1,627,923.00.

4. A diagram showing thereon all of the lots, tracts and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement are now of file int he offices of the City Clerk and available for public inspection during regular office hours.

DATED this ____ day of _____, 1992 and file with the City Council of the City of Gig Harbor, Washington, on the ____ day of _____, 1992.

Name

10/6/Forms 103001

CERTIFICATE

This certificate is prepared and filed as the result of the adoption of a resolution by the City Council of the City of Gig Harbor, Washington, on November 25, 1991, initiating proceedings for the formation of Local Improvement District No. 3 (partly within the partly outside of) the area of the City. The undersigned has been designated to make preliminary assessments and the preliminary assessment roll and other estimates required by RCW 35.43.130.

I, Bunyamin Ben Yazici, of City of Gig Harbor, City Engineer for the City of Gig Harbor, Washington, DO HEREBY CERTIFY, as follows:

1. The total estimated cost and expense of the improvement proposed to be undertaken by Resolution No. 336 is \$1,527,923.00.
2. The exhibits attached hereto and incorporated herein are in each case the original or a true and correct copy of the original or a true and correct copy of the original documents:
 - a. All papers and information in my possession touching the improvements ("Exhibit A").
 - b. A description of the boundaries of the proposed Local Improvement District No. 3 ("Exhibit B"); and
 - c. Statement in detail of the local improvement

OK
/s/ [Signature]

assessments outstanding and unpaid against the property in the proposed district ("Exhibit C").

3. The portion of the cost and expense of the proposed improvement which should be borne by the property within proposed Local Improvement District is \$1,627,925.00.

4. A diagram showing thereon all of the lots, tracts and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement are now of file int the offices of the City Clerk and available for public inspection during regular office hours.

DATED this _____ day of _____, 1992 and file with the City Council of the City of Big Harbor, Washington, on the _____ day of _____, 1992.

Name

CERTIFICATE

This certificate is prepared and filed as the result of the adoption of a resolution by the City Council of the City of Gig Harbor, Washington, on November, ¹⁹⁹¹ ~~1989~~, initiating proceedings for the formation of Local Improvement District No. 3 [partly within and partly outside of] the area of the City. The undersigned has been designated to make preliminary assessments and the preliminary assessment roll and other estimates required by RCW 35.43.130.

I, Benjamin Ben Yozici, of City of Gig Harbor, City Engineer ~~consulting engineers~~ for the City of Gig Harbor, Washington, DO HEREBY CERTIFY, as follows:

1. The total estimated cost and expense of the improvement proposed to be undertaken by Resolution No. 336 is \$ 1,627,923.00
2. The exhibits attached hereto and incorporated herein are in each case the original or a true and correct copy of the original or a true and correct copy of the original documents:
 - a. All papers and information in my possession touching the improvements ("Exhibit A").
 - b. A description of the boundaries of the proposed Local Improvement District No. 3 ("Exhibit B"); and
 - c. Statement in detail of the local improvement assessments outstanding and unpaid against the property in the proposed district ("Exhibit C").
3. The portion of the cost and expense of the proposed improvement which should be borne by the property within proposed Local Improvement District is \$ 1,622,923.00

4. A diagram showing thereon all of the lots, tracts and parcels of land and other property which will be specially benefited by the proposed improvement and the estimated amount of the cost and expense thereof to be borne by each lot, tract, or parcel of land or other property, together with a detailed copy of the preliminary assessment roll and the plans and assessment maps of the proposed improvement are now on file in the offices of the City Clerk and available for public inspection during regular office hours.

DATED this ___ day of _____, 19__ and filed with the City Council of the City of Griff Harbor, Washington, on the ___ day of ___, 19__.

Name: _____



Pierce County

Public Works Department
2401 South 35th Street, Room 150
Tacoma, Washington 98409
(206) 591-7250 • FAX (206) 596-2740

RECEIVED
JAN 16 1992
CITY OF GIG HARBOR

January 15, 1992

Mr. Ben Yazici, P.E.
City of Gig Harbor
3105 Judson Street-P.O. Box 145
Gig Harbor, WA 98335

Re: Olympic Drive Northwest/Point Fosdick Project

Dear Mr. Yazici:

The TIA application package for the subject project was delivered to the Transportation Improvement Board today. I have enclosed a copy for your files.

I really appreciate your effort in preparing the application-- there was very little left to complete it. I especially want to thank you for obtaining the letters of commitment; I know that there is much more involved than is apparent from the final product.

I hope this project ranks high on the TIA priority list. Results may not be available until early spring. Thanks again for your help. We'll keep in touch.

Very truly yours,

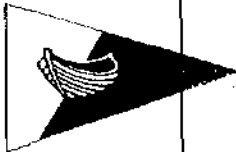
JOHN O. TRENT, P.E.
Public Works Director

SHARON GRIFFIN
Civil Engineer

JOT:SLG:slg
enc.

cc: Gretchen R. Wilbert, Mayor, City of Gig Harbor
Stevan E. Gorcester, Transportation Manager, Pierce County
File

*Thanks Ben!
Steve*



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: *BA* BEN YAZICI, PUBLIC WORKS DIRECTOR
RE: SECOND READING OF ORDINANCE FOR ULID #3
DATE: JANUARY 24, 1992

On January 13, 1992, City Council conducted a Public Hearing regarding the extension of Sanitary Sewer to the Peninsula High School Purdy Campus. After receiving favorable public comments, the hearing was closed.

The purpose of the second reading of the ordinance is for the Council to discuss and approve or disapprove the ordinance. As was mentioned at the last council meeting, this project serves the city's long term sanitary sewer needs without any cost to the city. We strongly recommend approval of this ordinance.

Since the last council meeting, we have revised the preliminary assessment roll by deleting the Department of Natural Resource property. All the properties assessed are in agreement with the new assessment roll.

In addition to the assessment roll, the ULID boundary map has been revised to reflect the DNR property exclusion.

1) Second Reading of the

ORDINANCE NO. _____

AN ORDINANCE of the City of Gig Harbor, Washington, ordering certain local improvements and creating a utility local improvement district; providing for the payment of the cost of such improvements by special assessments; and authorizing payment of such assessments into a revenue bond fund of the City.

WHEREAS, on November 25, 1991, the City Council of the City of Gig Harbor, Washington (the "City") adopted Resolution No. 366 declaring its intention to order certain local improvements within the City and to create a utility local improvement district; and

WHEREAS, a hearing was held on January 13, 1992 after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Council has determined to order the local improvements described below and to create a utility local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the utility local improvement district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against property in the proposed district and a diagram showing the lots, tracts and parcels to be benefited and other information pertaining to the proposed district, have been filed with the City Clerk and certified to the City Council;

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

Section 1. The City shall acquire, construct and install the following sewer improvements within the following described areas of the City: a sewer utility collection system extending from and including the Wood Hill pump station to the City's sewer treatment plant including the construction of force mains and sewer gravity lines and the upgrading of existing sewer lines on Burnham Drive. The foregoing improvements are hereafter referred to as the "Improvements." The above-described trunk and lateral sewers shall be installed complete with all necessary manholes, lampholes, wyes, ties, side sewers and other appurtenances necessary to the proper operation of the sewer system. The undertaking of the Improvements shall be subject to the conditions specified therefor in Section 4.

Section 2. The preliminary plans and specifications for the Improvements, as prepared by the City Engineer, and now on file in the Office of Public Works, are hereby adopted and approved. The Improvements, when completed, shall be in accordance with said plans, the provisions of this ordinance and any other ordinances as may hereafter be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope or costs of the Improvements will not require further approval.

Section 3. There is hereby established a utility local improvement district of the City to be known as "Utility Local Improvement District No. 3" (herein referred to as "ULID No. 3"). The boundaries of ULID No. 3 shall be as described in Exhibit A attached hereto and incorporated herein by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefited by the Improvements.

Section 4. The total cost and expense of the Improvements and all work necessary in connection therewith and incidental thereto is estimated to be \$1,627,923, of which 100% shall be borne by and assessed against the property within ULID No. 3 specially benefited by the Improvements. Assessments shall be made against the property within ULID No. 3 in accordance with the special benefits accruing to such property as a result of the Improvements. In order to provide additional security for the payment of assessments to be levied within ULID No. 3, the following conditions are imposed upon the ULID No. 3. Prior to commencing any work on the Improvements within ULID No. 3, and within 90 days of the final approval of this ordinance, the following conditions are required to be satisfied:

A. Each of the property owners within ULID No. 3 shall execute a waiver to the two-year foreclosure period for the payment of delinquent assessments in form satisfactory to the Director of Public Works;

B. The owners of any property that may be subject to farm and agricultural land exemptions pursuant to RCW 84.34.310 shall have filed waivers of such exemptions in form satisfactory to the Director of Public Works; and

C. The Director of Public Works shall be furnished with evidence that the assessed value (or appraised value) of each parcel of property subject to assessment within ULID No. 3 is equal to at least two times the proposed assessment against such property or in lieu thereof, with a letter of credit issued by a banking institution in an amount equal to at least 10% of the proposed assessment. The letter of credit shall be maintained until the value (assessed or appraised) of the property meets the foregoing limitations.

Section 1. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the City shall issue revenue bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by ordinance. Such assessments shall be paid into the City's revenue bond fund heretofore created for the payment of water and sewer revenue bonds of the City and shall be used solely for the

payment of the revenue bonds hereafter to be issued to defray the cost of the Improvements to be constructed in ULID No. 3.

Section 2. Effective Date. This ordinance shall be effective from and after the date of its final passage and publication as provided by law.

INTRODUCED on _____, 1992 and PASSED by the Council of the City of Gig Harbor, Washington, at a regular meeting thereof held this ____ day of _____, 1992.

CITY OF GIG HARBOR, WASHINGTON

By _____
Mayor

ATTEST:

City Clerk

CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified, and acting Clerk of the City of Gig Harbor Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance No. _____ (herein called the "Ordinance") is a true and correct copy of an ordinance of the City, introduced on _____, 1992 and finally passed at a meeting of the Council held on the _____ day of _____, 1992, and duly recorded in my office.

2. That said meetings were duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meetings was given; that a quorum was present throughout the meetings and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of _____, 1992.

City Clerk

[SEAL]

LID044 92/01/10

	R1C	R1E	R1W	R1X	R1Y	R1Z
T1A	1	2	3	4	5	6
T1B	7	8	9	10	11	12
T1C	13	14	15	16	17	18
T1D	19	20	21	22	23	24
T1E	25	26	27	28	29	30
T1F	31	32	33	34	35	36
T1G	37	38	39	40	41	42
T1H	43	44	45	46	47	48
T1I	49	50	51	52	53	54
T1J	55	56	57	58	59	60
T1K	61	62	63	64	65	66
T1L	67	68	69	70	71	72
T1M	73	74	75	76	77	78
T1N	79	80	81	82	83	84
T1O	85	86	87	88	89	90
T1P	91	92	93	94	95	96
T1Q	97	98	99	100		

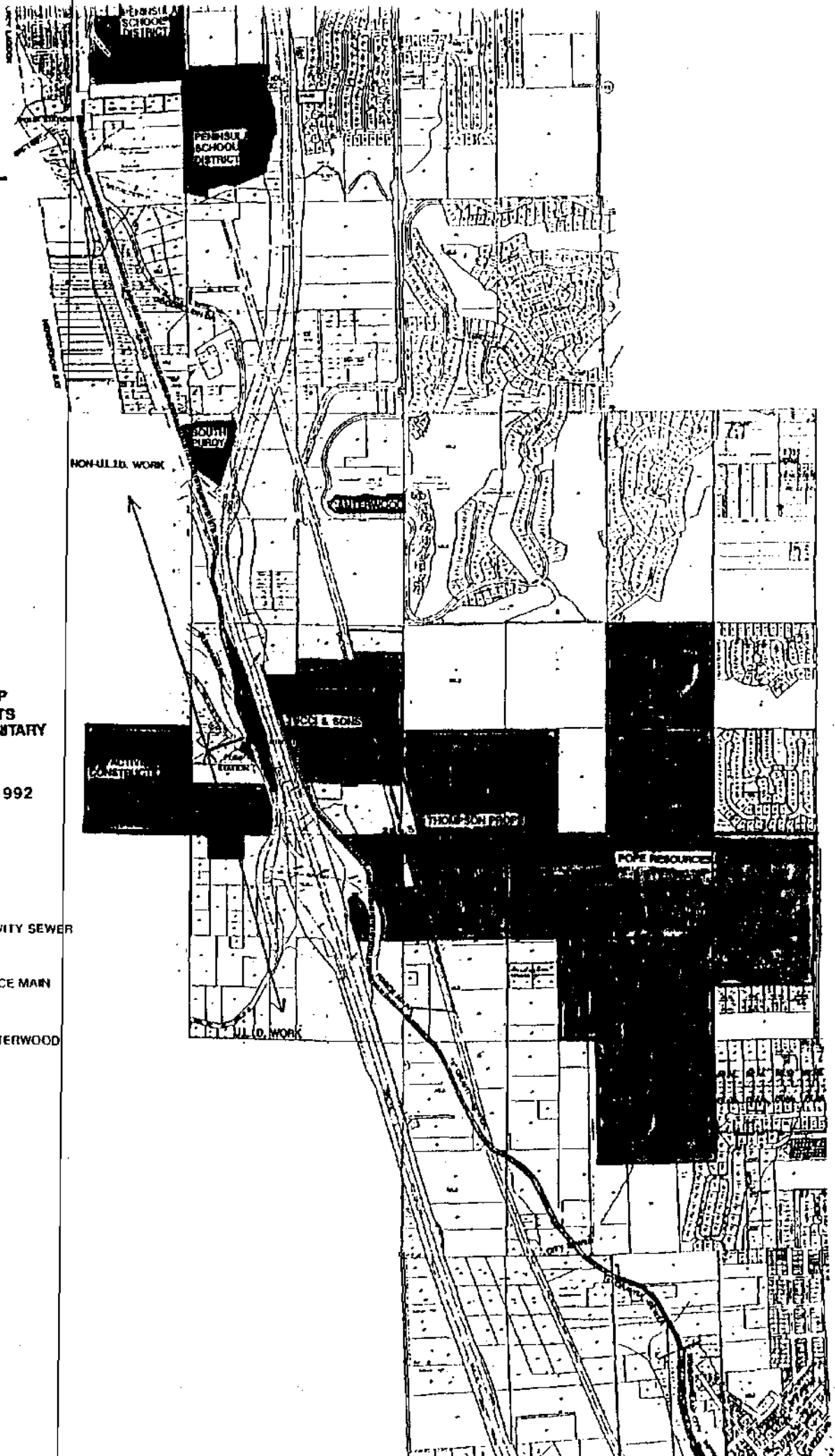


EXHIBIT "A"
ASSESSMENT MAP
U.L.I.D. PARTICIPANTS
PROPOSED PURDY SANITARY
SEWER SYSTEM
NOV. 21, 1991
REVISED JAN. 21, 1992

LEGEND

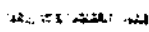

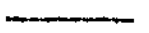
-  GRAVITY SEWER
-  FORCE MAIN
-  CANTERWOOD

EXHIBIT B

LEGAL DESCRIPTION FOR GIG HARBOR NORTH:

The Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30;

The Northeast Quarter and the East Half of the Southeast Quarter of the Northwest Quarter; the Northeast Quarter, the Northwest Quarter, the Southwest Quarter, and the North Half of the Southeast Quarter of the Northeast Quarter; the Northwest Quarter of the Southeast Quarter of Section 31;

All within Township 22 North, Range 2 East, WM, Pierce County.

EXHIBIT C

Thompson Properties Four

NOV 19 '91 10:41 THOMPSON PROPERTIES

P. 3/6

EXHIBIT C

Thompson Properties Four

Gig Harbor 34 Acres

The land referred to in this policy is situated in the State of Washington, County of Pierce and is described as follows:

PARCEL "A":

The South half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT that portion thereof conveyed to the City of Tacoma for power transmission line by Warranty Deed recorded August 13, 1923 under Auditor's No. 678953.

PARCEL "B":

The North half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT the East half of the East half thereof.

ALSO EXCEPT the following described property:

Beginning at the Northwest corner of Section 31, Township 22 North, Range 2 East of the Willamette Meridian; thence East on the North line thereof, a distance of 54 feet; thence South $14^{\circ}49'$ East on the East line of that certain property conveyed to the City of Tacoma by Warranty Deed recorded July 14, 1923 under Auditor's No. 675775, a distance of 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31; thence West on said South line, a distance of 238 feet to the West line of said Section 31; thence North on said West line 666 feet to the point of beginning.

PARCEL "C":

The East half of the Northeast quarter of Government Lot 1 in Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXHIBIT C

Thompson Properties Four

Gig Harbor 12 Acres

The Northeast quarter of the Northeast quarter of Section 36, Township 22 North, Range 1 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT Primary State Highway No. 14.

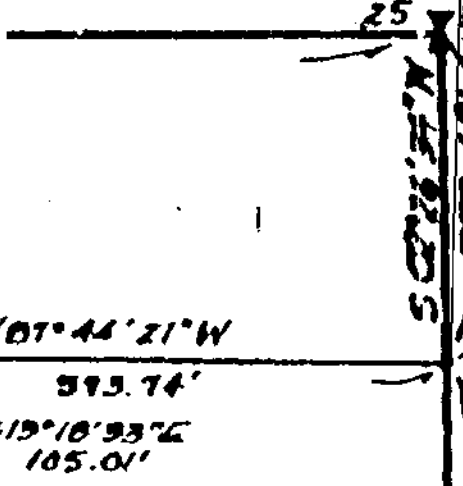
ALSO EXCEPT that portion conveyed to the State of Washington for State Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed recorded under Auditor's No. 2397369.

ALSO EXCEPT Gig Harbor-Longbranch-Purdy-Kitsap County Road.

ALSO EXCEPT Schmel County Road.

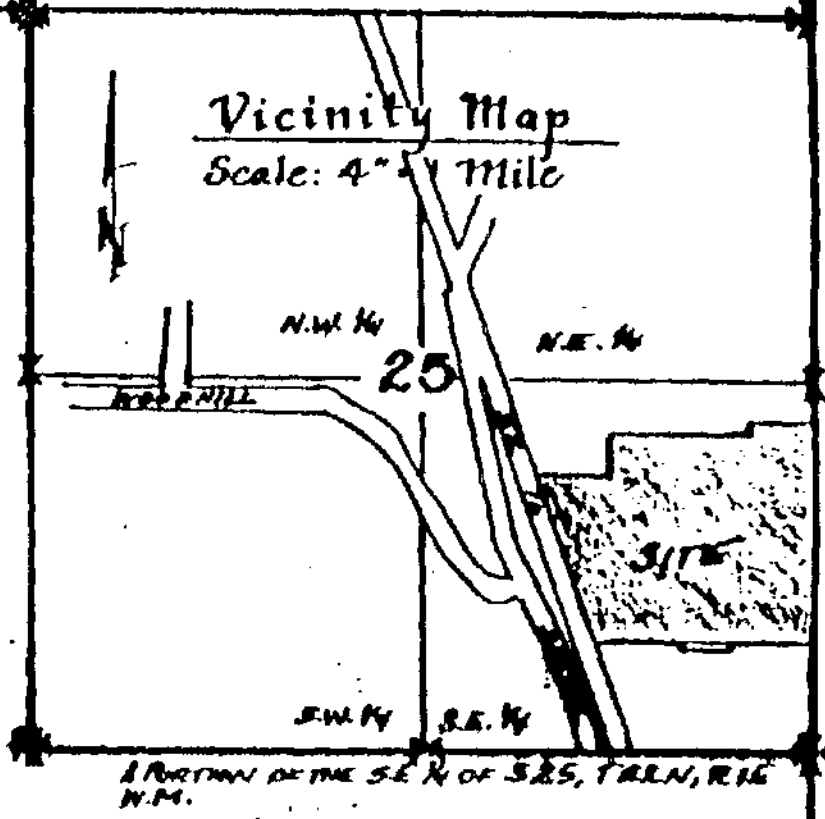
In Pierce County, Washington.

AS AT PAGE 20, PER
THE CORNER OF SEC.
THIS BECAME A
RECORD DISTANCE
A AND B.



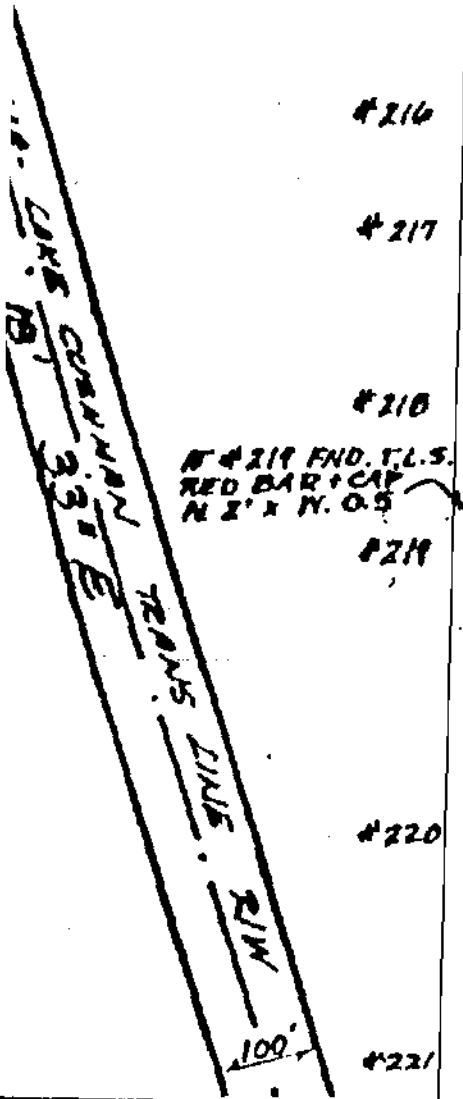
BELL MAN W/
BRASS DISC
D.V. 0-91

Vicinity Map
Scale: 4" = 1 Mile



SURVEYED BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25 TOWNSHIP 22 NORTH, RANGE 16 EAST, N.M., PIERCE COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:
 COMMENCING AT A 2 1/2" BRASS DISC SET BY TACOMA LIGHT TO MARK THE QUADRANT CORNER COMMON TO SECTIONS 25 AND 26;
 THENCE SOUTH 87°30'41" EAST ALONG THE LINE COMMON TO SECTIONS 25 AND 26, 2630.56 FEET TO A 2 1/2" BRASS DISC SET BY W.C.D.N.R. TO MARK THE CORNER COMMON TO SECTIONS 25, 30, 31 AND 26;
 THENCE N 02°26'34"E ALONG THE LINE COMMON TO SECTIONS 25 AND 30, 660.93' TO THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;
 THENCE CONTINUING N 02°26'34"E 1630.11';
 THENCE N 87°44'21" W, 593.94';
 THENCE S 13°10'33"E, 105.01';
 THENCE N 87°44'21" W, 749.00';
 THENCE S 02°28'14" N, 209.90';
 THENCE N 87°51'14" W, 382.81';
 THENCE S 15°31'06"E, 464.94';
 THENCE S 49°34'57"E, 374.02';
 THENCE S 85°34'34"E, 533.10';
 THENCE S 04°25'34" N, 300.00';
 THENCE S 85°34'34"E, 188.04';
 THENCE N 83°55'34"E, 34.46';
 THENCE S 85°34'34"E, 533.63' TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION. EXCEPTING: 58TH AVENUE NW AND TACOMA LAKE CUSHMAN TRANSMISSION LINE R.O.W.



TRUE POINT OF BEGINNING
 FOUND: 1/2" IRON PIPE + 10" BOARD
 N 68°04'02" W 0.11" SET

~~EXHIBIT A~~

012225-3-056 SW-25-22-01	S 1/2 OF SW OF NE OF SW SEC 25 AKA TR 4 OF SURVEY #1582 EASE OF RECORD OUT OF 3-041 SEG K-2452 SI JW
012225-3-008 SW-25-22-01	W 1/2 OF W 1/2 OF SE OF SW
012225-3-018 SW-25-22-01	S 1/2 OF SE OF NE OF SW
012225-3-020 SW-25-22-01	E 3/4 OF SE OF SW LESS E 30 FT OF E 1/2 OF W 1/2 OF SE OF SW
012225-4-027 SE-25-22-01	COM SW COR OF SE TH S 88 DEG 55 MIN 20 SEC E 707 FT TH N 01 DEG 04 MIN 40 SEC E 165 FT TO POB TH CONT N 01 DEG 04 MIN 40 SEC E 100 FT TH S 88 DEG 55 MIN 20 SEC E 100 FT TH S 01 DEG 4 MIN 40 SEC W 100 FT TH N 88 DEG 55 MIN 20 SEC W 100 FT TO POB EASE OF RECORD SE G E 9525
012225-4-037 SE-25-22-01	BEG 165 FT N OF SW COR OF SE TH N 231 FT TH E 640 FT TH S 100 FT TH E 430.24 FT M/L TO C/L GHLB CO RD TH SELY ALG SD C/L TO PT E OF BEG TH W 1000 FT M/L TO BEG EXC THAT POR THEREOF LY E OF FOLL DESC LI COM SW COR OF SE TH E ALG S LI OF SE 707 FT TH N 01 DEG 04 MIN 40 SEC E 165 FT TO POB TH CONT N 01 DEG 04 MIN 40 SEC E 131 FT TO TERM OF SD LI EASE OF RECORD SEG G 3275

EXHIBIT F

<p>01225-4-038 SE-25-22-01</p>	<p>BEG 165 FT N AND 807 FT E OF SW COR OF SE TH N 100 FT TH W 100 FT TH N 31 FT TH E TO W LI OF PROP DEEDED TO STATE OF WASH FOR STATE HWY #16 UNDER AUD FEE #2400280 TH SLY ALG SD WLY LI TO PT E OF BEG TH W TO BEG EASE OF RECORD SEG G 3275</p>
<p>01225-4-057 SE-25-22-01</p>	<p>W 707 FT OF S 165 FT OF SW OF SE SEC 25 TOG/W EASE OUT OF 4/045 SEG K0984 TK TP PP</p>
<p>01225-4-058 SE-25-22-01</p>	<p>S 165 FT OF SW OF SE LY WLY OF SR #16 EXC W 707 FT OUT OF 4/045 SEG K0984 TK TP PP</p>
<p>01225-4-075 SE-25-22-01</p>	<p>PARCEL "A" OF DBLR 85-08-09-0127 DESC AS FOLL BEG AT A PT 640 FT E AND 296 FT N OF SW COR OF SE TH N 115 FT THE E TO A PT ON C/L OF GIG HARBOR LONGBRANCH CO RD FORMERLY STATE HWY #14 (BURNHAM DR NORTHWEST) TH SELY ALG SD C/L TO APT E OF POB TH W 430.24 FT TO POB LE SS GIG HARBOR LONGBRANCH CO RD ALSO EXC THAT POR DEEDED FOR STATE RD #16 NARROWS BRIDGE TO OLYMPIC DR RECORDD UNDER APN 2393221 OUT OF 4-056 AND 4-005 SEG W-1249 SG ES</p>
<p>01225-4-076 SE-25-22-01</p>	<p>PARCEL "B" OF DBLR 85-08-09-0127 DES AS FOLL BEG ON W LI OF SE ATA PT 396 FT N OF SW COR OF SW OF SE TH E 640 FT TH N 15 FT TH E TO W LI A H BURNHAM CO RD TH NWLY ALGSD RD TO S LI OF A TR CYD TO EDWARD F BAHR BY DEED #101336 APN 1201192 TH W ALG SD LI TO W LI OF SE TH S ALG SD LI TO POB OUT OF 4-005 AND 4-056 SEG W 1249 SG ES</p>

EXHIBIT F

EXHIBIT F

012236-1-051 NE-36-22-01	N 330 FT OF W 410 FT OF E 1070 FT OF NW OF NE EASE OF REC SEG G 6470 TP
012236-2-000 NW-36-22-01	NE OF NW

EXHIBIT E

INDUCTIVE CONTRIBUTION TEL 107-400 012236-2-000

13:24

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT
SCHEDULE A
(Continued)Order No: 81884
Your No: PURDY REALTYLEGAL DESCRIPTION - WYNWOOD -

PARCEL A:

THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN LYING EAST OF THE EAST LINE OF THE GIG HARBOR-LONGBRANCH COUNTY ROAD AND LYING WEST OF THE WEST LINE S.R. #16 (FORMERLY STATE HIGHWAY #14).

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED DATED JULY 11, 1937 AND RECORDED JULY 24, 1937 UNDER AUDITOR'S FEE NO. 1792752.

ALSO EXCEPT THE SOUTH 10 RODS THEREOF.

ALSO EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT OF WAY PRIMARY STATE HIGHWAY NO. 14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1489.35 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUE NORTH 17 DEGREES 38 MINUTES WEST 250 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST TO THE EAST RIGHT OF WAY LINE OF THE GIG HARBOR-LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE, 250 FEET, MORE OR LESS, TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 22 MINUTES EAST 159 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON BY INSTRUMENT RECORDED UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2418598.

PARCEL B:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22, NORTH RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON; THENCE 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT-OF-WAY LINE OF PRIMARY STATE HIGHWAY #14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1489.35 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING NORTH 17 DEGREES 38 MINUTES WEST 150.00 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST 168 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF THE GIG HARBOR LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE 150 FEET, MORE OR LESS, TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING;

EXHIBIT G

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT
SCHEDULE A
(Continued)

Order No.: 81884
Your No.: PURDY REALTY

LEGAL DESCRIPTION - WYNWOOD - (Cont.)

THENCE NORTH 72 DEGREES 22 MINUTES EAST 159 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL C:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NO. 14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1639.35 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUE NORTH 17 DEGREES 38 MINUTES WEST 100.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST TO THE EAST RIGHT OF WAY LINE OF THE GIG-HARBOR LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE, 100.00 FEET TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 22 MINUTES EAST TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS A STRIP OF LAND 30 FEET IN WIDTH, CONTIGUOUS TO THE WESTERLY LINE OF PRIMARY STATE HIGHWAY NO. 14 AND RUNNING FROM THE NORTHERLY LINE OF THE TRACT COVEYED TO WILLIAM W. SHERROD AND ESTERH J. SHERROD, HUSBAND AND WIFE, BY DEED RECORDED OCTOBER 24, 1966 UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2166322, TO THE EXISTING DRIVEWAY FROM PRIMARY STATE HIGHWAY NO. 14 ADJACENT TO THE SOUTHERLY LINE OF THE TRACT COVEYED TO SHERROD AND WIFE BY DEED RECORDED JULY 9, 1965 UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2107989.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

ALSO PIERCE County PARCEL # 01-22-25-8-004

LEGAL DESCRIPTION

ALL THAT PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THAT PORTION OF THE NORTHWEST LOT 1 IN SECTION 35, TOWNSHIP 21 NORTH, RANGE 1 EAST OF THE 3RD 2ND MERIDIAN OF THE WESTERN LINE OF THE GRAND LONE SPRING - PUDON - HODGE COUNTY ROAD (OLD STATE HIGHWAY NO. 14) AND CURVE ENTERED OF THE PROCEEDING CASE OF HAINES STATE HIGHWAY NO. 16, IN BIRCHES COUNTY, WASHINGTON.

EXCEPT THE STATE HIGHWAY ACCESS ROAD NORTH OF AND ALONG THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL.

ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED OCTOBER 15, 1971 UNDER ALIENOR'S SEE NO. 271025.

SITUATE IN BIRCHES COUNTY, WASHINGTON.

SOUTH PARKY 8 PAGES -

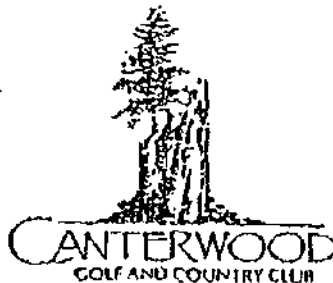
EXHIBIT 1

Memo to: Tom Samon
From: Eva Jacobson

Date: November 20, 1991

RE: Legal description for Canterwood participation in ULID

LOTS 1 THROUGH 8, INCLUSIVE OF CANTERWOOD REPLAT A OF CANTERWOOD
REPLAT A & B, RECORDED JULY 30, 1990 UNDER RECORDING NUMBER
9007300358, WHICH IS A REPLAT OF LOT 22 OF CANTERWOOD DIVISION
FIVE UNDER RECORDING NUMBER 8905170206, IN PIERCE COUNTY,
WASHINGTON.



RECORD OF SURVEY

A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M. PIERCE COUNTY, WASHINGTON

GAL DESCRIPTION

CEL 2

BEARS ON THE NORTH AND SOUTH LINE THROUGH THE CENTER OF TOWN 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, AT A POINT 664 FEET SOUTH OF THE NORTH WEST CORNER OF SAID SECTION THENCE CONTAINS ON SAID CENTER 1 SOUTH 200 FEET; THENCE SOUTH BY AN ARC 1000 FEET; THENCE BY AN ARC 1000 FEET; THENCE SOUTH BY AN ARC 1000 FEET TO THE NORTH LINE OF THE ROAD OF 100 FEET WIDE; THENCE SOUTH 400 FEET; THENCE BY AN ARC 1000 FEET; THENCE SOUTH 400 FEET; THENCE BY AN ARC 1000 FEET TO THE POINT OF BEGINNING.

EXCEPT THAT PORTION THEREOF CONVEYED TO GEORGE STANLEY BY DEED DATED DECEMBER 10, 1921 AND RECORDED DECEMBER 10, 1922 UNDER AUDITOR'S NO. 1170085.

EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 16, HANNOCK BRIDGE TO PUNY, BY DEED DATED AUGUST 30, 1927 AND RECORDED SEPTEMBER 22, 1927 UNDER AUDITOR'S NO. 1712178.

PARCEL A

THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF TAKEN FOR PRIMARY STATE HIGHWAY NO. 4, BY DEED DATED MARCH 21, 1928 UNDER PIERCE COUNTY SUPERIOR COURT CASE NO. 124441.

LESS EXCEPTING A PARCEL OF LAND IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M. LYING NORTHEAST OF THE CORNER MONUMENT AND MONUMENTED BOUNDARY, ACCORDING TO BOUNDARY LINE AGREEMENT RECORDED UNDER AUDITOR'S NO. 1693182, AND BY QUANTIFICATION OF SAID BOUNDARY LINE AGREEMENT BY INSTRUMENT RECORDED JANUARY 8, 1943 UNDER AUDITOR'S NO. 1943902, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 24; THENCE NORTH 89°10' WEST A DISTANCE OF 294.00 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 24; THENCE SOUTH 68°30' WEST A DISTANCE OF 346.18 FEET TO A CONCRETE MONUMENT RETURNED TO IN SAID BOUNDARY LINE AGREEMENT AND THE TRUE POINT OF BEGINNING; THENCE NORTH 68°30' WEST A DISTANCE OF 19.30 FEET TO THE SOUTH BOUNDARY LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24; THENCE ALONG SAID SOUTH BOUNDARY LINE NORTH 89°10' WEST A DISTANCE OF 346.18 FEET; THENCE SOUTH 11°40' WEST A DISTANCE OF 28.50 FEET TO A SECOND CONCRETE MONUMENT RETURNED TO IN SAID BOUNDARY LINE AGREEMENT; THENCE NORTH 89°10' WEST A DISTANCE OF 309.18 FEET; THENCE BY AN ARC 1000 FEET; THENCE SOUTH 400 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THE WEST 100 FEET THEREOF.

ALSO EXCEPTING THAT PORTION THEREOF CONVEYED TO PIERCE COUNTY, A POLITICAL SUBDIVISION, FOR BURN OF HIGHWAY FOR PUNY, BY DEED RECORDED UNDER AUDITOR'S NO. 201207310, RECORDS OF PIERCE COUNTY, WASHINGTON.

PARCEL B

THE EAST 704 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE NORTH 30 FEET THEREOF FOR PUNY-CRESCENT COUNTY ROAD, ALSO.

EXCEPT THAT PORTION THEREOF CONVEYED TO PIERCE COUNTY, FOR ADDITIONAL ROAD OF 100 FEET FOR 14191 STREET NORTHWEST, AND 2700 BURNING NORTHWEST, BY DEED RECORDED UNDER AUDITOR'S NO. 201207311, RECORDS OF PIERCE COUNTY, WASHINGTON.

PARCEL B

THE SOUTH 330 FEET OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF CONVEYED TO WILLIAM HANCOCK AND EMMA HANCOCK, HUSBAND AND WIFE, BY DEED DATED SEPTEMBER 24, 1922 AND RECORDED OCTOBER 28, 1923 UNDER AUDITOR'S NO. 1165543, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M.; THENCE WEST PARALLEL WITH THE NORTH BOUNDARY OF SAID QUARTER SECTION 240 FEET; THENCE NORTH PARALLEL WITH THE EAST BOUNDARY OF SAID QUARTER SECTION 300 FEET TO A POINT OF BEGINNING; THENCE NORTH PARALLEL WITH THE EAST BOUNDARY OF SAID QUARTER SECTION 30 FEET; THENCE WEST PARALLEL WITH THE SOUTH BOUNDARY OF SAID QUARTER SECTION 800 FEET; THENCE SOUTH PARALLEL WITH THE EAST BOUNDARY LINE OF SAID QUARTER SECTION 300 FEET; THENCE EAST PARALLEL WITH THE NORTH BOUNDARY OF SAID QUARTER SECTION 600 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION THEREOF, CONVEYED TO PIERCE COUNTY, WASHINGTON, FOR RIGHT OF WAY FOR 120TH AVENUE NORTHWEST, BY DEED RECORDED OCTOBER 19, 1928 UNDER AUDITOR'S NO. 188487, RECORDS OF PIERCE COUNTY, WASHINGTON.

PARCEL C

THE SOUTH 330 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR S.R. 16, HANNOCK BRIDGE TO OLYMPIA DRIVE, BY DEED DATED AUGUST 17, 1927 AND RECORDED DECEMBER 14, 1927 UNDER AUDITOR'S NO. 1712178.

PARCEL D

THE NORTH 825 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR S.R. 16, HANNOCK BRIDGE TO OLYMPIA DRIVE, BY DEED DATED AUGUST 17, 1927 AND RECORDED DECEMBER 14, 1927 UNDER AUDITOR'S NO. 1712178.

PARCEL E

THE EAST 104 FEET OF THE SOUTH 495 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF CONVEYED TO WILLIAM ELMORE, A SINGLE BOYER, BY DEED RECORDED DECEMBER 4, 1922 UNDER AUDITOR'S NO. 201207310, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST 104 FEET OF THE SOUTH 495 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M. LYING SOUTH OF THE BEDDING OF AN UNPAVED STREAM FLOWING THROUGH SAID PROPERTY.

EXCEPT PORTION CONVEYED TO STATE OF WASHINGTON FOR S.R. NO. 16.

EXCEPT PORTION APPROPRIATED BY THE CITY OF TACOMA FOR TRANSMISSION LINE UNDER PIERCE COUNTY SUPERIOR COURT CASE NO. 812341.

ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 16, HANNOCK BRIDGE TO OLYMPIA DRIVE, BY DEED DATED AUGUST 17, 1927 AND RECORDED DECEMBER 14, 1927 UNDER AUDITOR'S NO. 1712178.

PARCEL B

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY LYING NORTH OF THE BEDDING OF A STREAM FLOWING IN A WESTERLY DIRECTION THROUGH THE FOLLOWING DESCRIBED PROPERTY:

CORNER OF THE NORTHWEST CORNER OF THE SOUTH 495 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 250 FEET TO THE TRUE POINT OF BEGINNING; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 344 FEET, MORE OR LESS, TO INTERSECT A LINE RUNNING PARALLEL WITH AND 704 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE ON SAID PARALLEL LINE SOUTH TO THE NORTH LINE OF RIGHT OF WAY OF CUSHMAN-TACOMA TRANSMISSION LINE; THENCE WEST ALONG THE NORTHERLY LINE OF SAID CUSHMAN-TACOMA TRANSMISSION LINE, TO A POINT SOUTH OF THE TRUE POINT OF BEGINNING; THENCE NORTH TO THE TRUE POINT OF BEGINNING.

PARCEL C

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTH 495 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 330 FEET; THENCE SOUTH TO THE NORTHERLY LINE OF THE CUSHMAN-TACOMA TRANSMISSION LINE, TO A POINT SOUTH OF THE TRUE POINT OF BEGINNING; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID TRANSMISSION LINE TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE NORTH TO THE POINT OF BEGINNING.

PARCEL D

THE NORTH 150 FEET OF THE WEST 830 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR S.R. 16, HANNOCK BRIDGE TO OLYMPIA DRIVE, BY DEED DATED AUGUST 17, 1927 AND RECORDED DECEMBER 14, 1927 UNDER AUDITOR'S NO. 1712178 AND 1712179, RESPECTIVELY.

GIG HARBOR NORTH
ULID BUDGET

I. Expenditures

<u>Items</u>	<u>Amount</u>
Engineering	157,750
Construction	1,120,175
Change Orders/Contingency	141,758
WSST (7.8%)	98,432
Construction Management, Inspections	70,000
Easements	10,000
Administration Costs	10,000
SUBTOTAL	<u>\$1,608,115</u>

Bond Costs (interim, final)	45,000	-
Bond Attorney's Fees	5,000	≠ 10,000
Interest Expense (\$144,000 - \$102,000)	42,000	
Miscellaneous	10,000	
	<u>1,710,115</u>	

Less:

Preliminary engineering - Sitts & Hill, Peck & Associates	<u><58,170></u>
	<u>\$1,651,945</u>

II. Revenues:

Bond Anticipation Notes	1,651,945
Washington State Dept. of Corrections ULID Preliminary Assessments	<u><24,022></u>
	<u>\$1,627,923</u>

ULID NO. 3 PRELIMINARY ASSESSMENT ROLL


Revised: 1/20/92

Participants	Flow (gpd)/ERUs (%)	Assessment (%)
Peninsula School Dist.	101,000/437 ERUs (12.6%)	\$ 280,003 (17.2%)
Pope Resources	296,000/1281 ERUs (37%)	236,049 (14.5%)
Thompson Properties	150,000/649 ERUs (18.7%)	485,121 (29.8%)
Tucci and Sons	127,000/550 ERUs (15.9%)	410,237 (25.2%)
Active Construction	12,000/52 ERUs (1.5%)	39,070 (2.4%)
Wynwood Center	5,000/22 ERUs (.6%)	16,279 (1%)
South Purdy Associates	10,000/43 ERUs (1.2%)	32,558 (2%)
Canterwood (Lorigon)	75,000/325 ERUs (9.4%)	128,606 (7.9%)
	801,000/3,467 ERUs (100%)	\$1,627,923 (100%)



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
SUBJ.: Appeal of Hearing Examiner Decision -- VAR 91-24
(Reduced setback/increased height).
DATE: January 8, 1992

Nick and Nancy Jerkovich applied for a variance to permit the construction of a 1,200 square foot shop within the rear yard setback and to allow an addition to the house which would have a height of 22 feet. In a report dated October 23, 1991, staff recommended conditional approval of the height variance to a maximum of 17 feet 6 inches and denial of the rear yard setback request.

The hearing examiner, in a report dated December 7, 1991, denied both variance requests. A copy of the hearing examiner's findings and conclusions is attached. The applicant has filed a timely appeal and requests review of the examiner's decision before the City Council.

In accordance with Section 17.10.160, appeal of the hearing examiner's decision shall be based upon the record established at the hearing held by the examiner. No new information may be presented before the City Council at the appeal proceedings. The City Council may accept, modify or reject the examiner's decision, or may remand the matter to the hearing examiner for further hearings. The Council may request additional information of the appellant or the examiner in it's consideration of the appeal.

Each side in an appeal may be allowed up to a maximum of fifteen minutes of oral presentation. Upon completion of the Council's decision in this matter staff will prepare a resolution with Council's findings and conclusions for adoption at the next regular meeting of the Council.

RECEIVED

DEC 17 1991

CITY OF GIG HARBOR

December 17, 1991

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

RE: VAR 91-24

Dear Council Members:

I would like to appeal to the Gig Harbor City Council to review my request for a height variance at 3710 Harborview Drive.

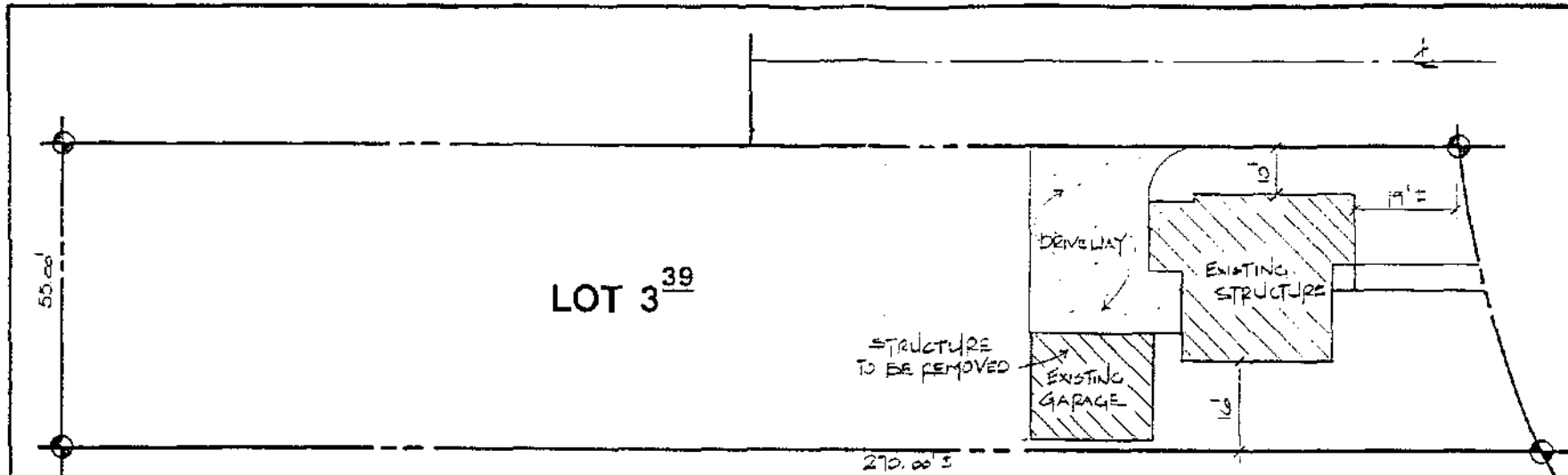
I feel this home will be a valuable addition to the City of Gig Harbor. However, to complete this project correctly, it is imperative to have a height variance. This is necessary to align the upper floors of the existing house with the addition and blend existing roof lines and style of this historic house. Being our Grandparent's home for sixty years, we have full intentions of preserving the quality and character of this house.

Please schedule a review at your next possible convenience.

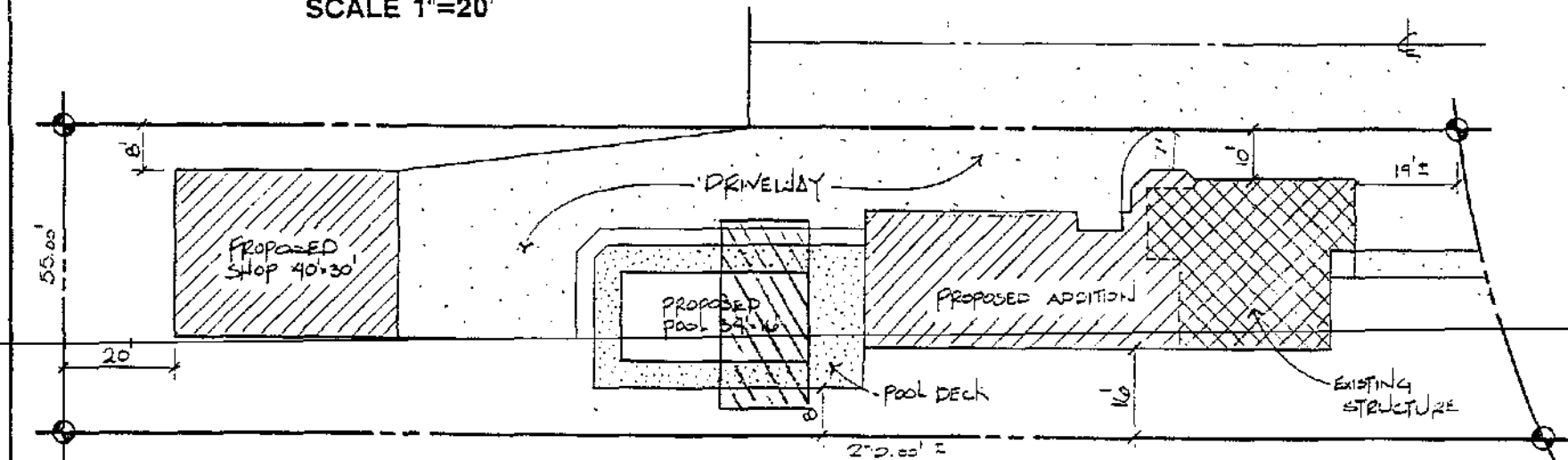
Thank you for your consideration.

Cordially,


Nancy Jerkovich



EXISTING SITE PLAN
SCALE 1"=20'



PROPOSED SITE PLAN
SCALE 1"=20'

LEGAL DESCRIPTION
 PARCEL # 02-21-05-3-039
 SITE ADDRESS: 5713 SOMMERVIEW DR.
 GIG HARBOR

PROPERTY SQ FT = 14,060 ±
 STRUCTURE SQ FT = 3,502
 CONCRETE SQ FT = 2,425
 TOTAL COVERAGE = 6,425 = 45%

CUSTOM HOME DESIGN & STOCK PLANS

KENT -- 2002 104th S.E. Suite E 858-7954
 GIG HARBOR -- 5773 Sommerview Dr. N.W. 831-9109
 KIRKLAND -- 1243 N.E. 85th 877-0036
 OLYMPIA -- 7405 Pacific Ave. S.E. 353-2072



DATE: REV:

DRWN:

SHEET OF

PLAN NUMBER

B090791

RECEIVED
DEC 11 1991
CITY OF GIG HARBOR

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS CONCLUSIONS AND DECISION

APPLICANT: Nick and Nancy Jerkovich, Jr.
CASE NO.: VAR 91-24
APPLICATION: Variance to encroach ten (10) feet into the required thirty (30) foot rear yard setback to allow construction of a 1,200 square foot shop.

SUMMARY OF RECOMMENDATION AND DECISION:

Planning Staff Recommendation:

- Variance from rear yard setback requirement: Denial of the requested variance;
- Variance from height limit: Approval with variance not to exceed the height limits allowed under an administrative variance;

Hearing Examiner Pro-tem Decision:

- Variance from rear yard setback requirement: Denial
- Variance from height limit: Denial

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner Pro-tem conducted a public hearing on the application. The hearing on the application was opened at 5:10 p.m., November 20, 1991, in City Hall, Gig Harbor, Washington, and closed at 5:20 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND DECISION:

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

I. FINDINGS:

- A. The information contained on pages 1, 2, 3, 4 and 5 of the Planning's Staff Advisory Report (Hearing Examiner Pro-tem Exhibit A) is found by the Hearing Examiner Pro-tem to be supported in part by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner Pro-tem's findings of fact with the following exceptions:

1. Part III, paragraph "C" contains information that an Administrative Variance under Section 17.66.020 A. 3. could allow up to twenty percent increase in the permitted forty percent lot area covered by impervious surface. This Section of the Zoning Code, in fact, limits an Administrative Variance to a ten percent increase of the allowed forty percent impervious surface of a lot.
2. Part III, paragraph "D" contains information that an Administrative Variance under Section 17.66.020 A. 3. allows a maximum increase the permitted height of twenty percent. This section of the Code, in fact, limits an Administrative Variance to a maximum increase of ten percent of the allowable height of buildings.

A copy of said report is available in the Planning Department.

B. Ms. Nancy Jerkovich, 9610 40th Avenue Court NW, Gig Harbor testified at the hearing as the Applicant and provided the following information concerning the application:

1. The highest point of the proposed addition joins the existing roof below the highest point of the existing roof which is twenty-seven feet high. The proposed addition will not be visible from Harborview Drive;
2. Height of the proposed addition is necessary to accommodate floor alignment of new and existing floors and to provide livable room heights in the addition;
3. The existing residence to the south of the subject property and most of the houses along Harborview Drive exceed the height limit allowed under the zoning code;
4. Narrowness of the subject lot requires building over the garage in order to expand living space;
5. The subject residence is a vintage structure that is part of the Applicants family heritage. The requested addition would maintain the integrity of the structure and preserve a notable residence in the community;

II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on page 4 and 5 of the Planning Staff's Advisory Report sets forth a portion of the conclusions of the Hearing Examiner Pro-tem as corrected in Part I above and by this reference is adopted as a portion of the Hearing Examiner Pro-tem's conclusions. A copy of said report is available in the Planning Department.
- B. The subject lot, while narrow, is not so narrow as to preclude the Applicant a reasonable use of the land when developed in conformance within adopted regulations.
- C. Legislated height limits are imposed with a long term view. Perpetuating a nonconforming condition beyond an expected term by enlarging the nonconforming condition is a

contradiction of legislated intent and does not conform to the criteria for granting a variance.

III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested variance (VAR 91-24) is DENIED.

Dated this 7th day of December, 1991.

A handwritten signature in black ink, appearing to read "Joe Wallis", is written over a horizontal line.

Joe Wallis
Hearing Examiner Pro-tem

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:

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.

Further action by the Examiner shall be within thirty (30) days of the reconsideration request.

**MINUTES OF THE NOVEMBER 20, 1991
HEARING ON THE JERKOVICH
APPLICATION**

E. Joseph Wallis was the Hearing Examiner Pro-tem for this matter. Participating in the hearing was: Gil Alvarado, Planning Assistant, representing the City of Gig Harbor.

The following exhibits were offered and entered into the record:

A. Planning Staff's Advisory Report.

PARTIES OF RECORD:

Nick and Nancy Jerkovich, Jr.
9610 40th Avenue Ct. NW
Gig Harbor, WA 98332

STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER

VAR 91-24: Nick and Nancy Jerkovich
October 23, 1991

PART I: GENERAL INFORMATION

- A. APPLICANT:
Nick and Nancy Jerkovich, Jr.
9610 40th Ave. Ct. NW
Gig Harbor, WA 98332
- B. OWNER:
Estate of John and Mary Jerkovich
7302 Soundview Drive
Gig Harbor, WA 98332
- C. AGENT:
Nancy Jerkovich
9610 40th Ave. Ct. NW
Gig Harbor, WA 98332
- D. REQUEST:
A Variance to encroach ten (10) feet within the rear yard setback to allow the construction of a 1,200 square foot shop, where the zoning code requires a thirty (30) foot rear yard setback.
- A Variance to allow the construction of a 1,425 square foot addition twenty-two (22) feet high, where the zoning code allows a maximum sixteen (16) foot height limit.
- E. PROPERTY DESCRIPTION:
1. Location:
The project site is located at 3710 Harborview Drive, assessor's tax parcel number 022105-3-039, which is within a portion of the SW 1/4 Section 5, Township 21N, Range 2E.
 2. Site Area/Acreage:
The parcel is 14,850 square feet in area or approximately .34 acres. Impervious lot coverage is estimated at 43 percent.

3. Physical Characteristics:

The subject property is underlain with Kitsap silt loam, with slopes ranging from eight to fifteen percent.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

North: Restaurant, zoned WM (Waterfront Millville)
East: Single-family residence, zoned R-1
South: Vacant Lot, zoned R-1
West: Commercial business, zoned R-1.

G. UTILITIES/ROAD ACCESS:

Access is provided to the parcel by Harborview Drive. Sewer and water are provided by the City of Gig Harbor, and power by Peninsula Light.

H. PUBLIC NOTICE:

Public notice was provided as follows:

Published in Peninsula Gateway: November 6, 1991

Mailed to property owners of record within 300 feet of the site: November 6, 1991

Posted in three conspicuous places in the vicinity of the property: November 13, 1991

PART II: ANALYSIS

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The area is designated low urban residential, as established under graphic 9, page 24. The proposed use of the site for a residence is consistent with the goals and policies of the Comprehensive Plan.

2. Zoning Ordinance:

Section 17.16.020 permits single-family dwellings in an R-1 district. The proposed addition to the residence is permitted under the zoning code.

Section 17.16.070 requires that a thirty (30) foot rear yard setback be maintained in an R-1 district.

Section 17.16.070 (f) allows a maximum impervious lot coverage of forty (40) percent in an R-1 district.

Section 17.04.160 allows a maximum height of sixteen (16) feet in an R-1 district.

Section 17.66.020 permits ^{or special to D.O.} administrative variances for deviations less than (twenty percent) as allowed under the zoning code. The proposed encroachment and height variance exceeds the amount allowable as an administrative variance.

3. Variance Criteria/Applicant's Justification:
Variances from the minimum standards to the zoning code may be granted if the applicant can successfully demonstrate that all of the following criteria can be met:
 - A) The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.
 - B) There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly.
 - C) That the special circumstances and conditions do not result from the actions of the applicant.
 - D) The granting of the variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone.
 - E) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
 - F) The hearing examiner shall make a further finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum necessary to make reasonable use of the land.

The applicant's justification, summarized, is as follows:

- A) No, this variance does not affect zoning.
- B) This property is long and narrow, being 55 feet, the only space for expansion is behind existing building. The proposed addition is garage space with bedrooms above for our children. We are adding the minimal amount of space necessary to meet our needs.
- C) We do not believe granting this variance would grant special privilege. The house is not located in a typical neighborhood situation. It is the last residential property on Harborview Drive, adjoining Gig Harbor Glass and the Gig Harbor Yacht Club. The proposed addition, seen by some areas west of Stinson Avenue, will not look out of proportion to the area. Dr. Kadzik added considerable square footage to our Great-Grandparent's house (3518 Harborview Drive) and increased the appeal of the neighborhood.
- D) Our neighboring property owners approve of our plans as this height variance will not prove hardship to anyone. It is not believed to block any view.
- E) We request this variance to preserve the historical value of the house, blending roof lines compatible with the steep pitch of the existing roof. We will construct the addition of stucco and correspond design to unite the project as one architectural style.

This house was built by our grandparents and was their home for sixty years. We have a strong attachment to the house and want to keep it in the Jerkovich family as our home.

PART III: FINDINGS AND CONCLUSIONS

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

- A) The proposed variance does amount to a rezone or authorize a use not allowed in the district.

- B) The subject parcel exhibits a special circumstance pertaining to the narrow shape of the parcel. As the applicant has stated, the parcel is narrow as shown on the site plan. The request to allow the proposed shop to encroach within the setbacks is predicated on the applicant's desire to locate a swimming pool directly in-line behind the proposed addition. There is no real hardship to locate the shop within the setback, which would warrant a granting of a variance. However, given the current surrounding land-use, encroaching within the rear yard setbacks will not adversely impact adjacent properties.
- C) The proposed improvements to the parcel will create forty-three (43) percent impervious lot coverage on the site. The zoning code only allows forty (40) percent maximum impervious lot coverage in an R-1 district. Under Section 17.66.020 an allowance of forty-eight (48) percent impervious lot coverage could be made as an Administrative Variance.
- D) The applicant's desire to exceed the City's height standard is not based on any special circumstances other than the need to create additional space. Under Section 17.66.020 an allowance of nineteen (19) feet two (2) inches could be made as an Administrative Variance.
- ✓ D) The granting of the encroachment variance will not constitute a grant of special privilege given the limitations imposed upon other properties in the vicinity which encroach within setbacks and exceed the current height standards.
- ✓ E) The granting of the variance will not be materially detrimental or injurious to the public welfare given the scope of the subject proposal.

PART IV: RECOMMENDATION

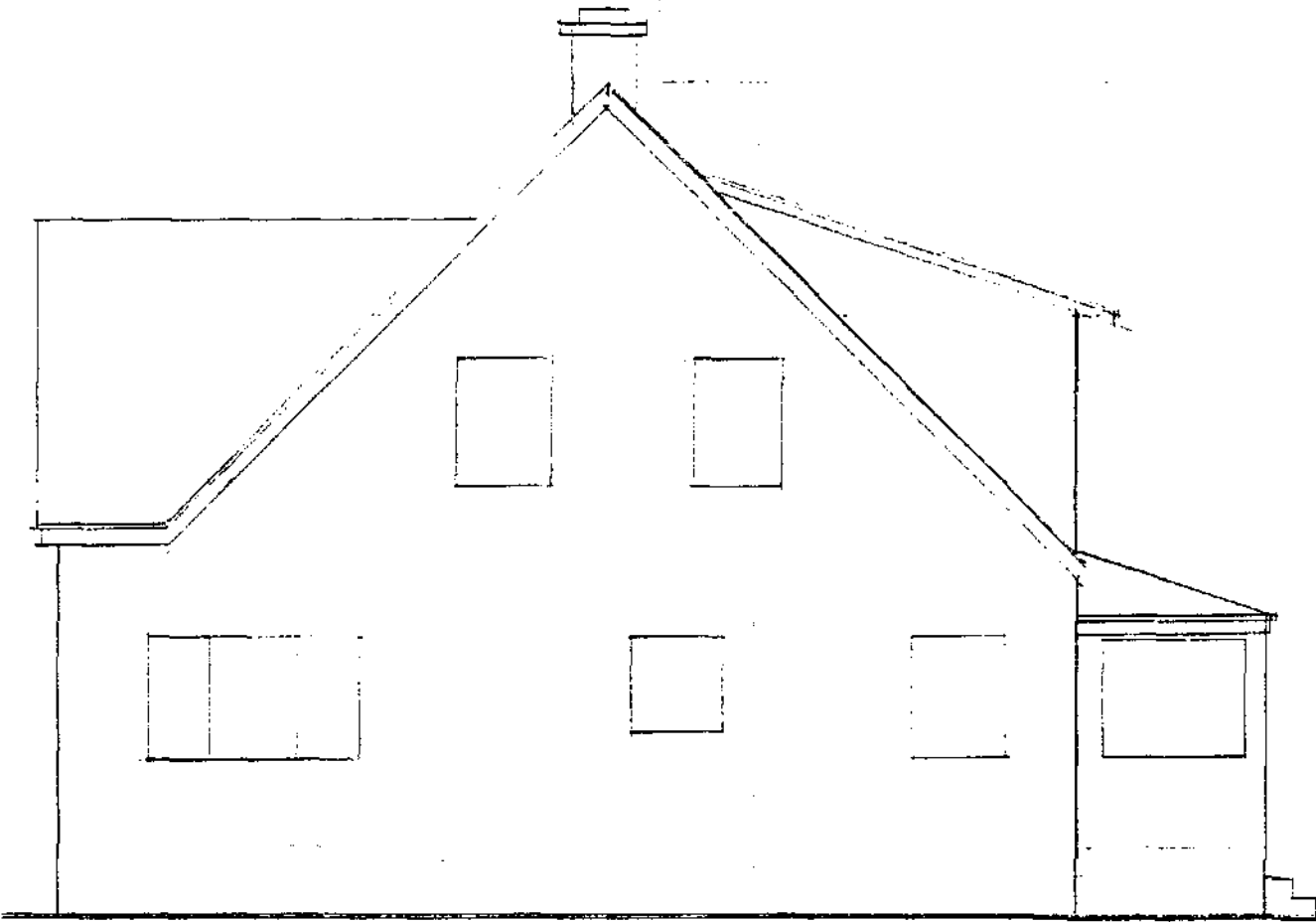
Based upon the analysis in Part III of this report, staff recommends approval of variance 91-24 subject to the following conditions:

Staff Report to the Hearing Examiner
VAR 91-24: Nick & Nancy Jerkovich
Page 6

1. The height of the proposed addition shall not exceed nineteen (19) feet two (2) inches as determined by the Building Official.
2. The proposed improvements shall not exceed forty-three (43) percent impervious lot coverage.

Staff report prepared by: Gil Alvarado, Planning Assistant

_____ Date _____



21.0

EXISTING RIGHT ELEVATION 1/4"

REPRODUCTION OF THIS SHEET SHALL BE SUBJECT TO CIVIL OR FELONY PROSECUTION.

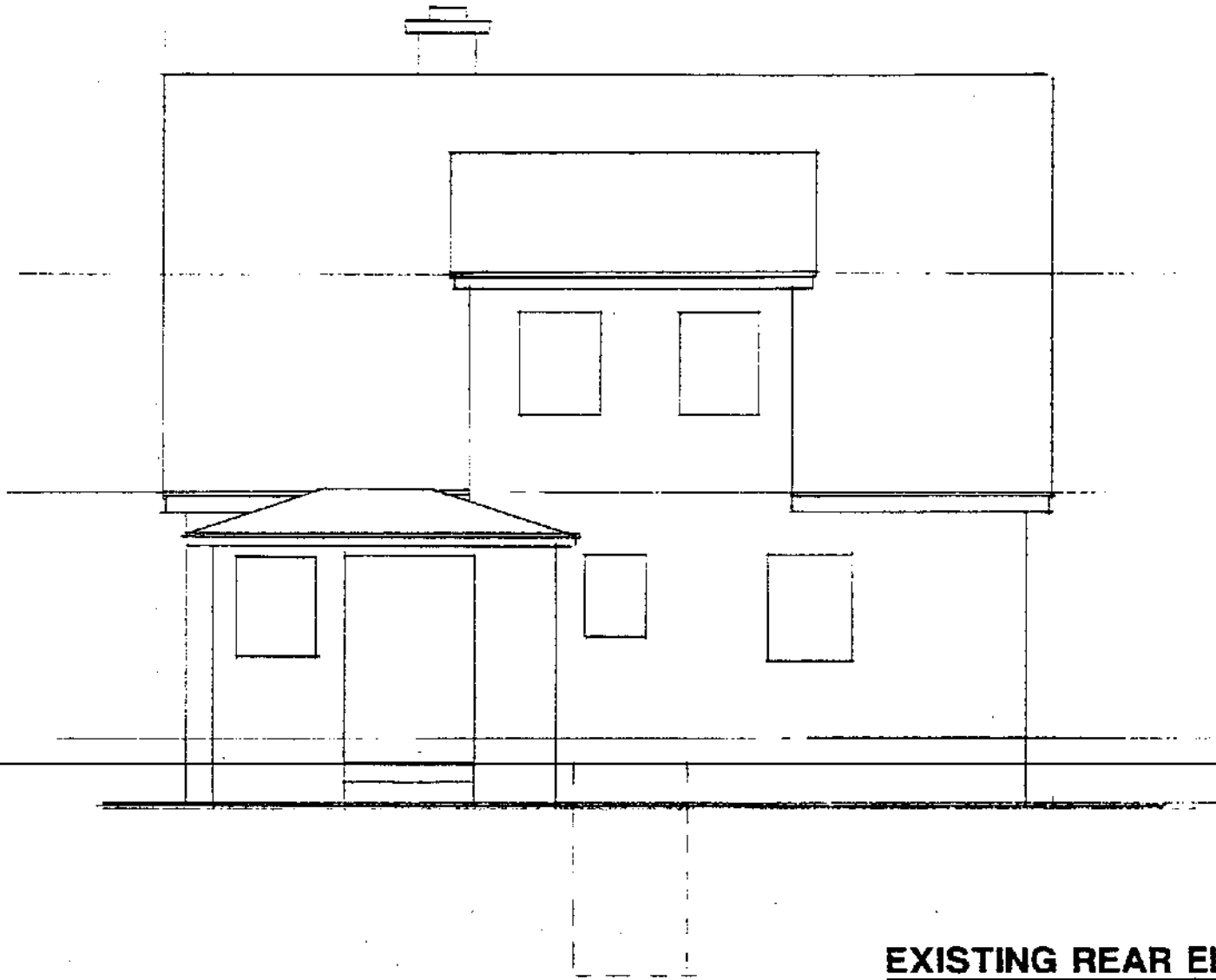


CUSTOM HOME DESIGN & STOCK PLANS

KENT — 25022 104th S.E. Suite E. Kent, WA 98032
GIG HARBOR — 8775 Sandstone Dr. N.W. 98151
KIRKLAND — 12481 N.E. 85th 98033

FOR:

DATE:	RE
DRWN:	
SHEET	



EXISTING REAR ELEV. 1/4"

COPYRIGHT©



Verified Prior To Construction.

REPRODUCTION OF THIS SHEET SHALL BE SUBJECT TO CIVIL OR FELONY PROSECUTIVE

FOR:

CUSTOM HOME DESIGN & STUCK PLANS
KENT — 75077 INDIA S.P. Suite # 809-2054



DATE:

DRWN

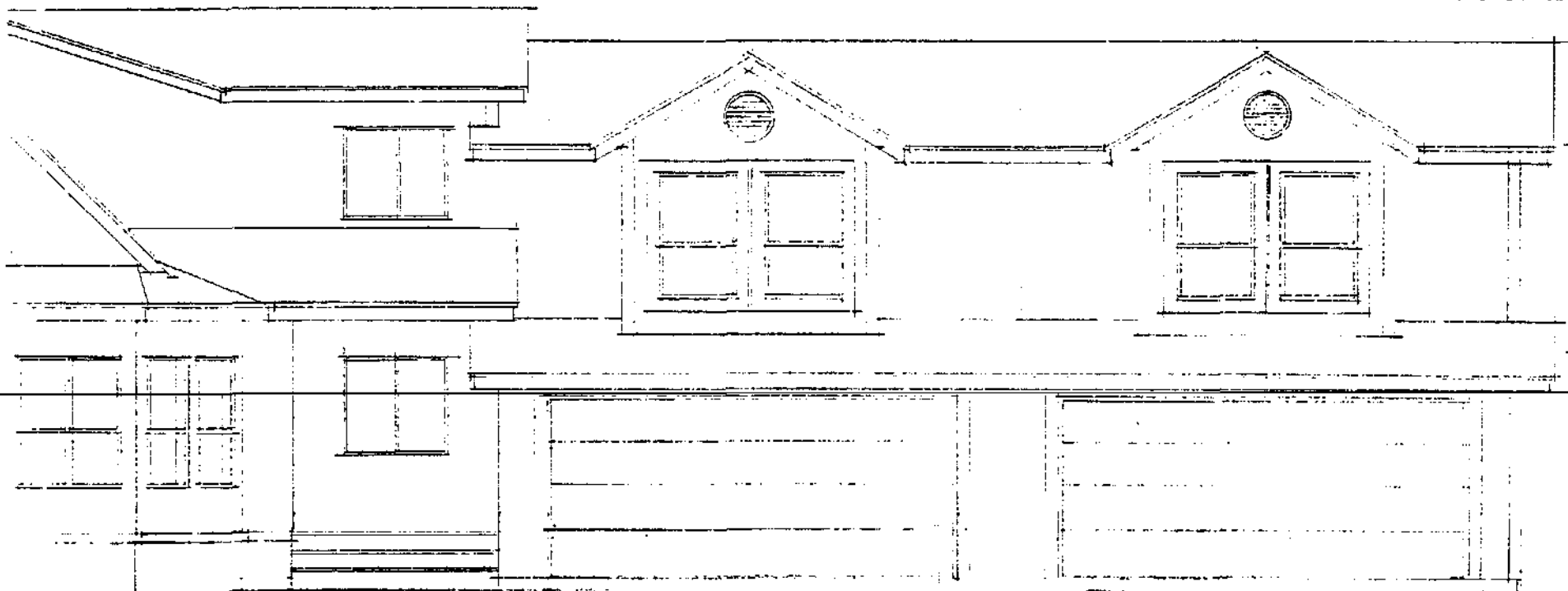
SHEE

PLAN I

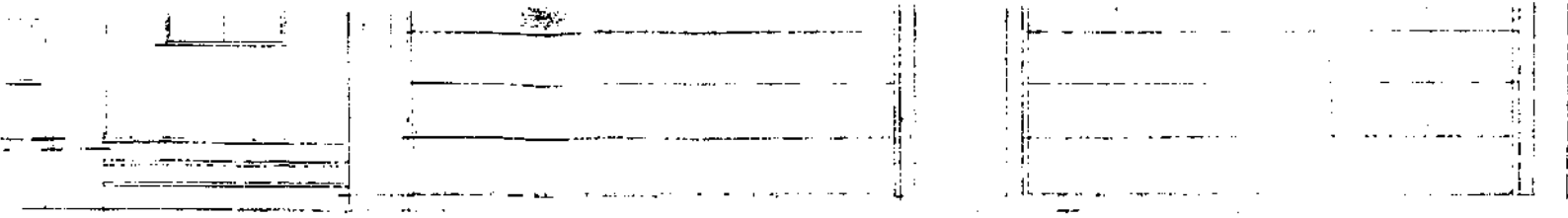
B09

ALL RIGHTS TO MATERIAL ON THIS SHEET — SUBJECT TO CRIMINAL PROSECUTION.

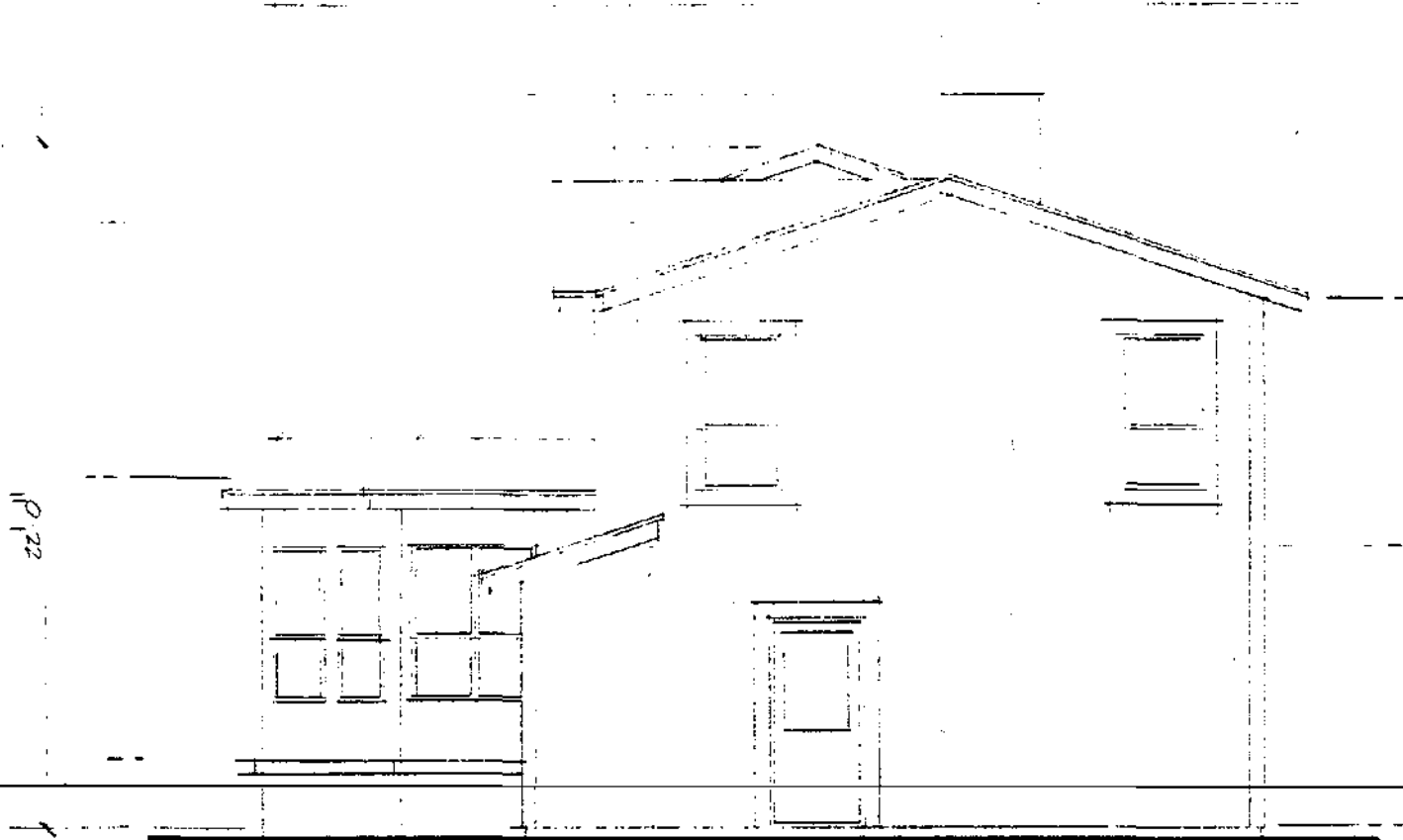
PRELIMINARY
PRELIMINARY
CONSTRUCTOR



PROPOSED RIGHT ELEV 1/4"



PROPOSED RIGHT ELEV 1/4"



PROPOSED REAR ELEVATION 1/4"

COPYRIGHT©

Prior To Construction.

--	--	--	--	--	--	--	--	--	--

REPRODUCTION OF THIS SHEET SHALL BE SUBJECT TO CIVIL OR FELONY

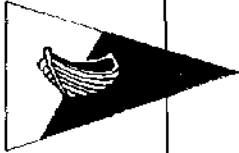
CUSTOM HOME DESIGN & STICK PLANS

KENT - 24022 104th S.E. Suite E 800-294
GRAND HARBOR - 5775 Shoreline Dr. N.W. 800-294
KIRKLAND - 12438 N.E. 25th 827-8200
OLYMPIA - 2405 Pacific Ave. E




DATE:	REV:
DRWN:	

SHEET OF
PLAN



City of Gig Harbor. The "Maritime" City."

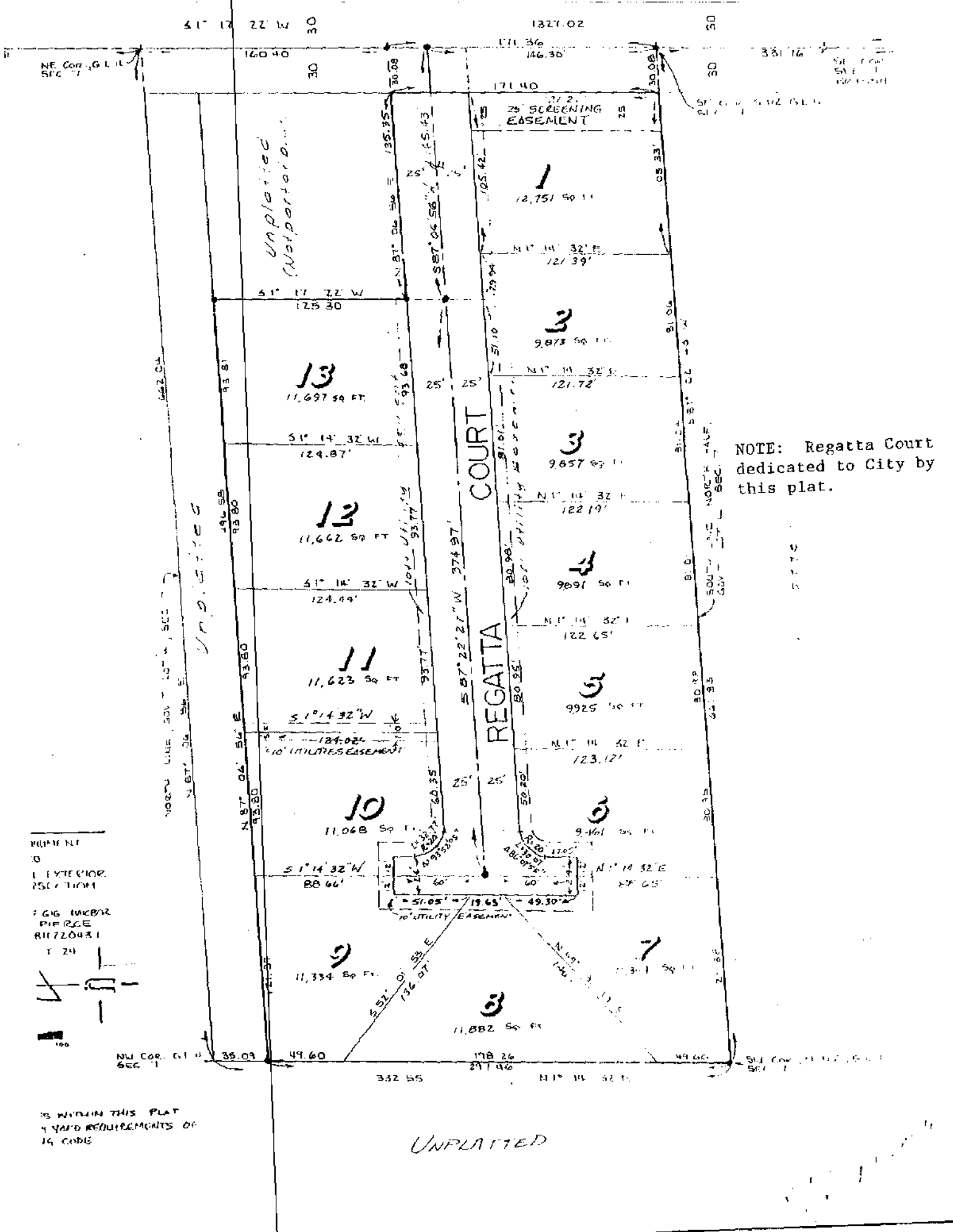
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT & CITY COUNCILMEMBERS
FROM:  RAY GILMORE, PLANNING DIRECTOR
DATE: JANUARY 23, 1992
SUBJECT: REGATTA PLAT -- LEGAL OPINION ON LOT SIZE

Attached is Wayne Tanaka's opinion regarding the minimum lot size issue of the Regatta Plat. Wayne's opinion substantiates staff's interpretation of determining minimum lot sizes for subdivisions prior to the amendments of the zoning code. The Regatta complies with the City's Comprehensive Plan and the zoning code which was in effect at the time preliminary approval was granted by the City.

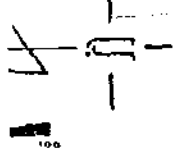
The final plat may be accepted and approved by Council. A resolution for acceptance and approval of the final plat is attached.

STINSON AVENUE SUB 89-01



NOTE: Regatta Court dedicated to City by this plat.

WARRANT
 10
 1 EXTERIOR
 2507 THOM
 2 GIG INCB72
 PIERCE
 R11720431
 T 24



IS WITHIN THIS PLAT
 4 YARD REQUIREMENTS OF
 14 CODE

UNPLATTED



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

CITY OF GIG HARBOR
RESOLUTION No. ____

WHEREAS, the owners of real property within the City of Gig Harbor, which real property is commonly referred to as the Regatta Subdivision, received preliminary plat approval on March 26, 1990, under Council Resolution 277; and,

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

WHEREAS, the final plat conforms to the City Comprehensive Plan respective to use and maximum allowable density; and,

WHEREAS, the final plat is consistent with the zoning code in effect at the time preliminary plat approval was granted by the City Council; and,

WHEREAS, the City Departments of Public Works and Finance have reviewed the final plat and find it consistent with applicable City policies and regulations; and,

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

That the final plat of the Regatta Subdivision is accepted and approved.

Resolution No.
Page 2

PASSED this 27th day of January, 1992.

ATTEST:

Gretchen A. Wilbert, Mayor

Dennis Richards
Acting City Clerk

Filed with City Clerk: 1/23/92
Passed by City Council: 1/27/92



ATTORNEYS AT LAW

RECEIVED
JAN 22 1992
CITY OF GIG HARBOR

Seattle Office:
2100 Westlake Center Tower
1601 Fifth Avenue
Seattle, WA 98101-1886
(206) 447-7000

FAX: (206) 447-0215

John D. Wallace	R. Miller Adams
Douglas E. Albright	Charles D. DeJong
Lee Corkrun	Robert T. Dollinger
Wayne D. Tanaka	Milton H. Dounit
Robert G. Andre	David A. Ellenhorn
Michael G. Wickstead	Kathleen C. Healy
Robert A. Klesz	Deanne C. Kopkas
Steven A. Reisler	Kent C. Meyer
W. Scott Snyder	Elizabeth C.Y. Peng
Christopher A. Washington	Jessica G. Rickard
James E. Haney	Theresa A. Rozzano
Phillip C. Raymond	Susan N. Sboecker
Charles D. Zimmerman	Gil Sparks
Carol D. Bernasconi	-----
William F. Joyce	Counsel to the Firm
Karen Sutherland	John J. O'Donnell
-----	Stanbery Foster, Jr.
Retired	Ross D. Jacobson
Raymond D. Ogden, Jr.	-----
	Of Counsel
	James A. Murphy

January 21, 1992

Ray Gilmore
City of Gig Harbor
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98335

Re: Regatta Plat

Dear Ray:

By letter of January 15 you have sent certain information regarding the Regatta Plat and specifically relating to the requirements for the minimum lot area. As I indicated at the council meeting, the law states that a subdivision application must be judged by the regulations in effect at the time of application. If the code is subsequently amended, the applicant is not required to comply with these new provisions.

Based on the information that you have provided, it appears that at the time this plat was approved the definition of lot area in Section 17.04.330 of the Gig Harbor Municipal Code did not exclude from lot area streets, roads or private lanes. Similarly, the definition of site area in 17.04.070 (which is now contained in 17.04.080) did not exclude internal roads. The code was later amended in 1990 to change the definitions of lot area and site area to exclude from calculation internal roads.

Your letter also indicates that dividing the site area by the number of dwelling units does not exceed the maximums allowed under the comprehensive plan or the zoning code. Furthermore, the size of the lot area including the road meets the 12,000 square foot minimums required in the zoning code.

Based on these facts it is my opinion that the Regatta Plat is valid and should be approved by the City Council despite the fact that it no longer complies with current provisions of the code with respect to minimum lot size. However as I indicated, these changes were approved after preliminary plat approval and therefore this

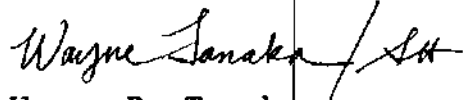
Ray Gilmore
January 21, 1992
Page 2

particular plat is "grandfathered" and cannot be judged on the current code provisions.

If you have any further questions, please don't hesitate to contact me.

Very truly yours,

OGDEN MURPHY WALLACE

A handwritten signature in cursive script that reads "Wayne Tanaka" followed by a stylized flourish.

Wayne D. Tanaka

WDT/srh
cc: Mayor Wilbert
WDT11635.1L/0008.90000

CITY OF GIG HARBOR
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 2.10 TO THE GIG HARBOR MUNICIPAL CODE AUTHORIZING THE APPOINTMENT OF A CITY ADMINISTRATOR AND SETTING OUT THE DUTIES AND AUTHORITY OF THE OFFICE.

The City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The City Council hereby adopts a new Chapter 2.10 entitled "City Administrator" to read as follows:

CHAPTER 2.10

CITY ADMINISTRATOR

2.10.010 Office Created. The Mayor is hereby authorized to appoint a qualified person to the office of City Administrator.

2.10.020 Duties. The City Administrator shall assist the Mayor in the performance of his or her administrative responsibilities, implement the policies set forth by the Mayor and City Council as directed by them; report to the Mayor and City Council concerning the affairs of the City; and such other duties as may be assigned from time to time by the Mayor.

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.

Ordinance creating City Administrator position
Page 2

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular City
Council meeting held on the ____ day of _____, 1992.

Gretchen A. Wilbert, Mayor

ATTEST:

City Administrator/Clerk

Filed with city clerk: 12/6/91
Passed by city council:
Date published:
Date effective:



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*
RE: STREET VACATION
DATE: JANUARY 23, 1992

We received the attached letter from Mr. & Mrs. Nick Jerkovich requesting the City of Gig Harbor vacate a twenty five foot strip of public alley.

The property to be vacated is approximately 130 feet long and surrounded by Jerkovich's property, Gig Harbor Glass Company, Gig Harbor Yacht Club and Harborview Drive. Presently, it is being used to provide access to Jerkovich's property only. The use of this public property is not expected to change in the near future.

If the Council considers vacating this property to relieve the city from maintenance responsibility, the attached resolution sets forth the process for the vacation process and public hearing.

February 24, 1992
7:00 P.M.

RECOMMENDATION:

Public Works Director recommends a Council Motion to adopt the resolution to vacate the public alley located south of Harborview Drive and east of Stinson Avenue.

Nick and Nancy Jerkovich
9610 40th Ave. Ct. NW
Gig Harbor, WA 98332
October 2, 1991

Ben Yazici, P.E.
Gig Harbor City Council
3105 Judson Street
Gig Harbor, WA 98332

Gentlemen:

We are in the process of buying our Grandparents (John and Mary Jerkovich) property from their estate to make our family home. The property is located at 3710 Harborview Drive.

As per the attached map the driveway for the house belongs to the City of Gig Harbor for a road easement. We would like to request the city vacate this twenty five foot strip and include it on the tax parcel of the Jerkovich home. We would like to replace the existing asphalt with cement and install a fence between the driveway and the Gig Harbor Glass property.

We plan to improve this sixty year old family home to be a beautiful addition to Gig Harbor.

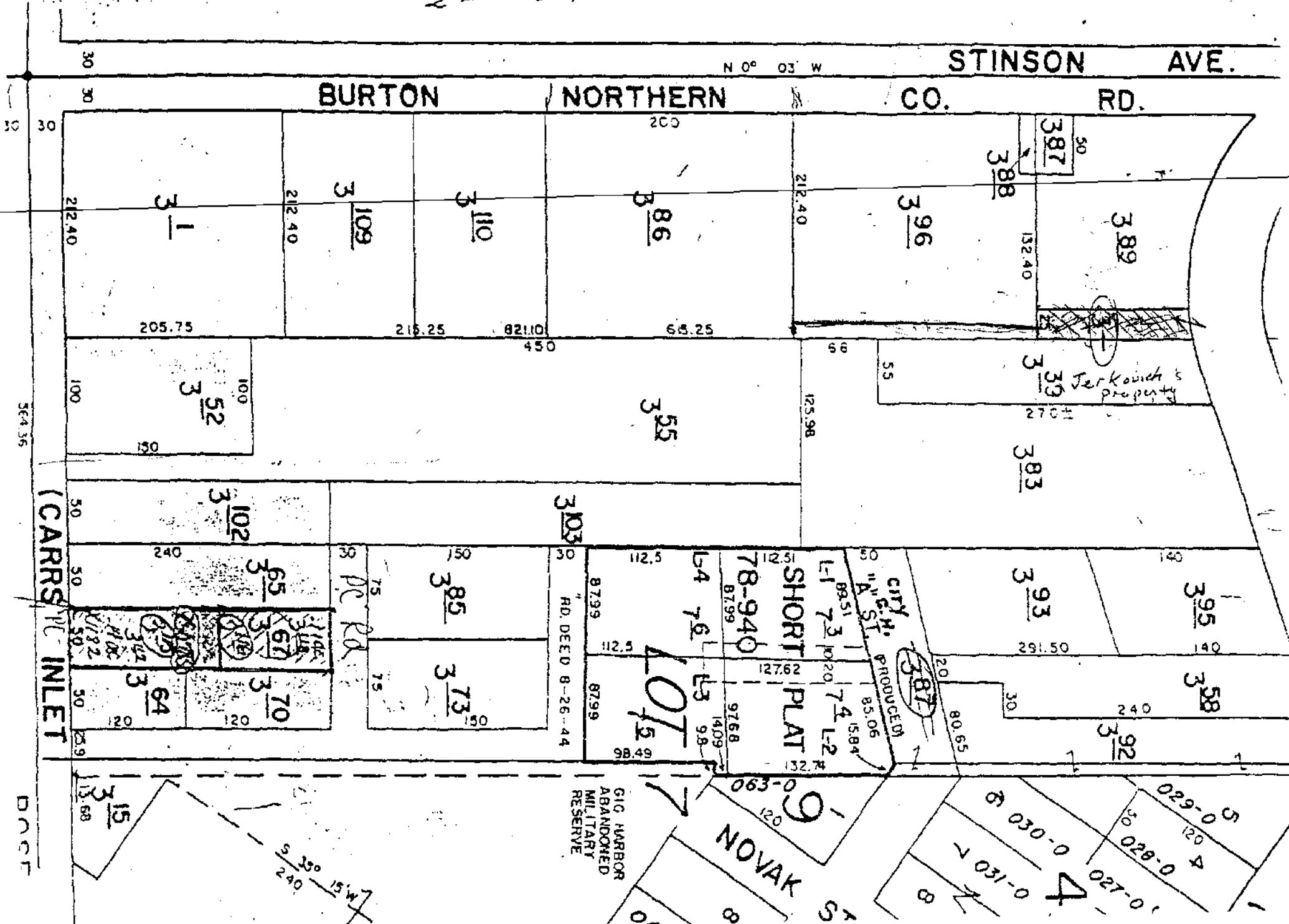
Please call if I can be of assistance.

Sincerely,

Nancy Jerkovich

851-2663

2E-21-55W



GIG HARBOR
ABANDONED
MILITARY
RESERVE

NOVAK ST

4

9

029-0 5

028-0 4

027-0 1

030-0 0

031-0 7

032-0 8

063-0 120

064-0 120

065-0 120

CITY OF GIG HARBOR

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, TO INITIATE THE PROCEDURE FOR THE VACATION OF A PUBLIC ALLEY LYING SOUTH OF HARBORVIEW DRIVE AND EAST STINSON AVENUE.

WHEREAS, the City Council desires to initiate the procedure for the vacation of the portion of the public alley, which lies south of Harborview Drive and east of Stinson Avenue and described in Exhibit 'A' attached here and incorporated in full by this reference.

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

Section 1. A public hearing upon such public alley vacation shall be held in the council chambers of Gig Harbor City Hall on Monday, February 24, 1992, at 7:00 p.m., at which hearing all persons interested in said street vacation are invited to appear.

Section 2. The City Clerk is directed to post notices of the hearing in three public places and on the public alley to be vacated and the mail notices to all owners of any property abutting the portion of street to be vacated, pursuant to RCW 35.79.020.

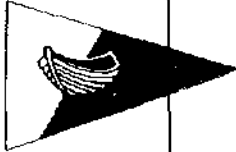
PASSED this 27th day of January, 1992.

Gretchen A. Wilbert, Mayor

ATTEST:

Dennis Richards
Acting City Clerk

Filed with city clerk: 1/24/92
Passed by city council:



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BBY*
RE: SANITARY SEWER REQUEST
DATE: JANUARY 23, 1992

The attached letter and map was received from Mr. Brooks Cumbie, requesting sanitary sewer extension to his 28 acres located north of city limits, east of Burnham Drive, west of Peacock Hill Avenue and south of North Gig Harbor properties.

The property is located within the future city annexation boundaries and the sewer can be served with the proposed ULID #3 sanitary sewer line. The line will have sufficient capacity to provide the requested 15,000 gallons per day flow.

If Mr. Cumbie's request is approved by the Council, he will have to pay \$14,357 to the City of Gig Harbor in order to execute the Sanitary Sewer Capacity and Commitment Agreement. The agreement will be valid for three years from the date it is fully executed.

RECOMMENDATION:

The Public Works Director recommends Council motion to approve the request and authorize staff to prepare the Capacity Commitment Agreement for the Mayor's signature.

January 20, 1992

Mr. Ben Yazici
Public Works Dir.
City of Gig Harbor

Dear Sir,

Please accept this letter as a request for a 15000 gal. sewer commitment into the planned Purdy sewer line.

The property to be served is a 28 acre parcel laying adjacent to Burnham Business Park on the South and proposed Gig Harbor North along the north line and part of the east line. Access to the property is 50 th Av. which is a gravel road at this time.

I have been in touch with Mr. Greg Waddell in regards to a petition for annexation to the City which he is working on at this time. I will be asking, along with others in that area, to be annexed into the City.

It has been my hopes since purchasing this property in 1968 that the Burnham Corridor become an orderly area of Commercial development, It seems now that this may be within our grasp.

Please find enclosed a clipping from the Gig Harbor Gateway that shows the location of my Property.

Thank You,

Brooks Cumbie
3103 Coatsworth Dr. N.W.

More About Gig Harbor North

Continued from Page 2A
use categories will remain undefined until months of public review is complete.

"We're not going to have a lot of answers up front," said Pulliam. "It's a different way to go about this, but we hope it will be helpful."

Indeed, the approach breaks with the more traditional methods of the site plan permit process in Pierce County. The property owners hope to use the public review process to help shape specific development plans, according to Pulliam.

"We hope this process will give us more flexibility," he said.

The group also has discussed possible plans for a future public school, parks and an outdoor amphitheater for the local theater group, Performance Circle.

A 3-way approach

The team approach to development of the area began years ago. Pulliam said the property owners were asked by the City of Gig Harbor to begin the planning effort. City officials have been anxious for for a county road running east-west, to the north of the city. This would ease much of commuter traffic now running through the city from the Peacock Hill and Crescent Valley areas.

The three land holders then embarked on the planning work, especially plans for a possible east-west road.

Pope Resources, a limited partnership and timber management company, owns 330 acres of the proposed community development. The company, one of the largest single land owners in the Peninsula

area, is known for its community development at Port Ludlow on Hood Canal.

Thompson Properties Inc., a Seattle-based limited partnership for real estate, purchased 102 acres of the property during the mid-1980s when the Swede Hill interchange was in planning stages. The partnership has attracted investors from Washington state, including several from Gig Harbor.

Thomas Tucci, whose family has been developing property in the Peninsula area for 20 years, owns about 50 acres of the overall package. Tucci currently is developing Gem Heights, a 450-unit residential community in Puyallup's South Hill area.

A long-term plan

The team of property owners began unveiling their preliminary plans earlier this week. Last week, they met with top officials at Pierce County and the City of Gig Harbor. So far, response to the gradual planning process has been favorable.

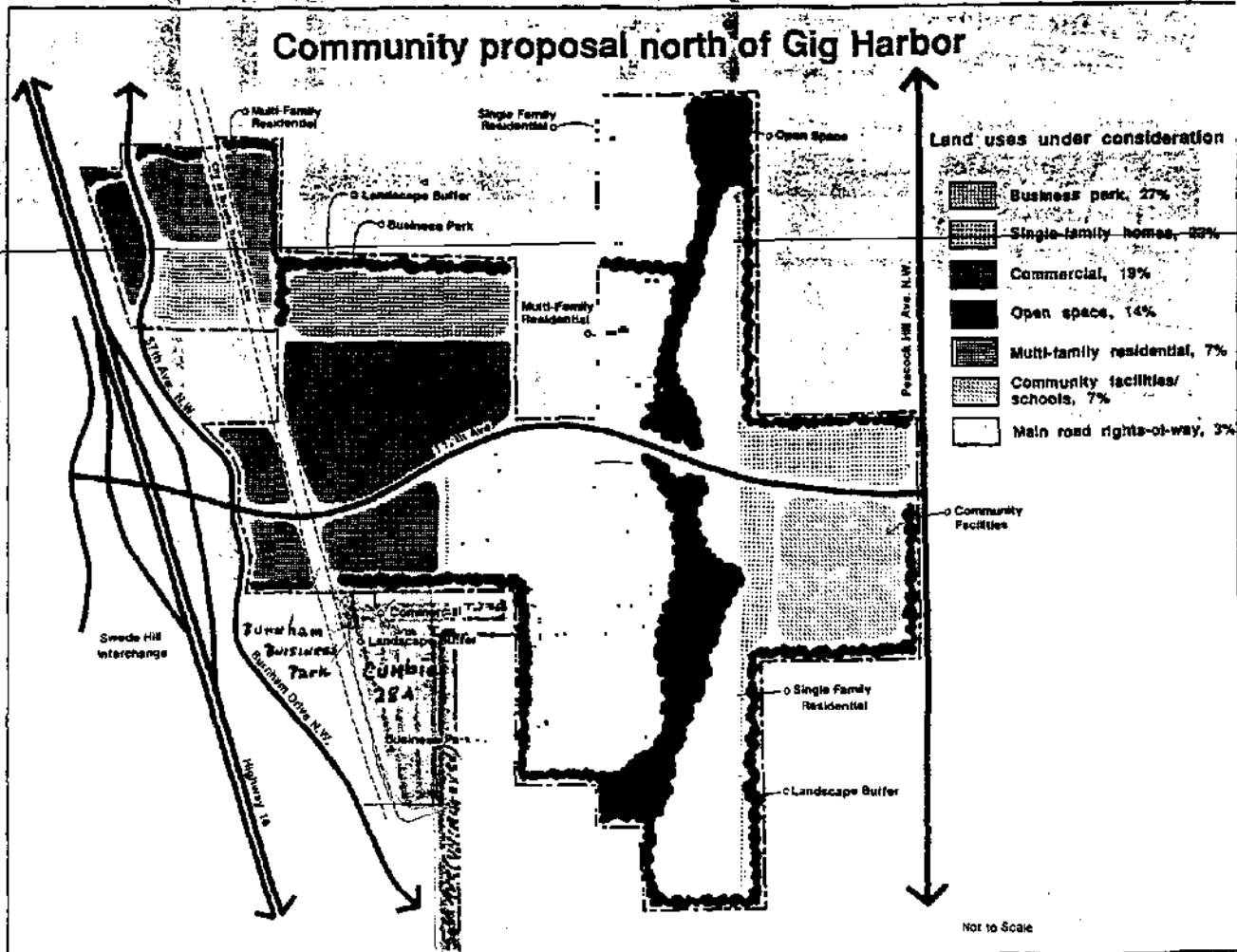
"I was excited about the public process they outlined," said Pierce County Councilman Paul Cyr. "And for the opportunity for public input."

Once the group completes its round of meetings with small neighborhood groups, larger public meetings will be scheduled, said Pulliam.

The community development is designed to be completed in numerous phases over a 10-15-year period, he said.

"We don't plan to be done with this in a year," said Pulliam.

Options for how the development will occur also remain wide open,



THIS SITE map shows proposed land-use classifications for about 480 acres near the Swede Hill interchange north of Gig Harbor. Owners of the property hope to see a planned community development take shape here during the next 10

said members of the planning team. Some land may be developed by the property owners themselves, while other parcels may be jointly developed, leased, or sold to outside de-

velopers. "Regardless of who is doing it, there will be the same covenants overall," said planning consultant Greg Waddell.

years. Meanwhile, county officials are studying the prospects of an east-west road, here shown as 112th Avenue.

In addition, items such as roads, sewers, water, and drainage are identified as issues which must be addressed in the planning process. While the group anticipates hooking

up to the City of Gig Harbor sewer system, such arrangements must still be negotiated.

"No final decision has been made in that area," said Pulliam.

January 10, 1992

Subdivision Development & Design, Inc.
8811 Harborview Drive
Gig Harbor, WA 98335 (851-6451)

Ben Yaciczi, Director
City of Gig Harbor Public Works
3105 Judson Street
Gig Harbor, WA 98335

RE: Water Service Request
Emge/Torrens @ City Shops

Dear Ben;

The subject property is located east of and adjoining the City shops (Lot 4), and is Lot 3 of Pierce County Short Plat recorded under AFN 8405310234 (Assessor Parcel # 02-21-06-6-004). The site was approved for use as an auto body/mini-warehousing site by Pierce County on May 21, 1990 under case #SPR 38-89. City water mains were brought into the short plat to serve the City shops, and an existing fire hydrant is located at the northwest corner of the property.

Mr. Emge has for now abandoned that proposal and has contracted to sell the property to a Mr. Tom Torrens, who manufactures ornamental landscape sculptures, as depicted in the following attachments. This use would require a re-alignment of the proposed main structure, which would be processed by the County as an Administrative Site Plan Review, or minor amendment. This concept has been pre-filed with the County and has been favorably received. The proposed use would be of an equal or lesser intensity than the approved body shop or the City's own shops, and would generate a very small volume of traffic.

The remaining open question relates to the availability of commercial fire flow for the project. With City mains and a hydrant already in the ground at the project site, it seems natural to request and obtain the City's approval for both fire flow and potable water service. The proposed use would consume an estimated 250 gpd, or approximately 0.7 E.R.U.'s. Sanitary sewer service from the City is neither requested, nor currently available at the site. The low water usage of the proposal can be accommodated with a conventional on-site septic system, which has been incorporated into the project design, as attached.

The co-applicants therefor request that the City Council approve the site for commercial fire flow and potable water use, and agree to the standard terms for City utility extension agreements, if approved. The terms of the County land use approval (as attached) meet or exceed the City's same standards for similar types of uses. The applicants also agree to participate without protest in any pending or future proposals to annex this area to the City of Gig Harbor.

We hope that you will forward an affirmative recommendation to the City Council at your earliest opportunity, and that the Council will accept the proposed "paying connection" to the existing infrastructure.

Yours in anticipation,

James Richardson

James Richardson



City of Gig Harbor. The "Maritime" City."
3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR
RE: WATER UTILITY EXTENSION REQUESTS *BAY*
DATE: JANUARY 23, 1992

Attached is a request from Mr. James Richardson for water utility extension outside the city limits to property located east of and adjoining the City Shop.

The city water main line is located in front of this property, and is capable of providing sufficient water flow.

Historically, the Council has rejected other water requests in this area, and has indicated that sanitary sewer should be part of the extension. The closest sanitary sewer line is approximately 1,000 feet away and could be very costly for the property owner to connect to this line.

The site was approved by Pierce County for use as an auto body/mini-warehouse facility on May 21, 1990. The property owner, Mr. Enge has abandoned that project and has contracted to sell the property to Mr. Tom Torrrens, who manufactures ornamental landscape sculptures. At this time, the new proposed usage has not been approved by Pierce County.

The Public Works and Planning Departments reviewed this project and sent comments to Pierce County when it was in their review process. In those comments, the city requested that curbs, gutters and sidewalks be constructed along the street frontage of this property. That request has not been included in the conditions of approval of this project by Pierce County.

RECOMMENDATION:

In the past, the Council has approved water utility extension requests contingent upon extension of the sanitary sewer for this area. This proposal does not meet city standards and the owner does not want sanitary sewer utility, therefore, I recommend that the City Council deny this request.



PIERCE COUNTY

STEPHEN K. CAUSSEUX, JR.
Pierce County Hearing Examiner

May 7, 1990

Alfons and Terri Emge
PO Box 1895
Gig Harbor WA 98335

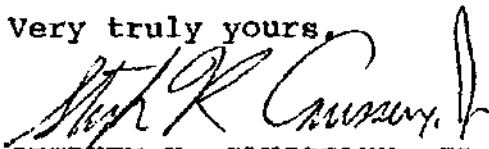
Re: SPR38-89, Harbor Collision Repair

Dear Alfons & Terri Emge:

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

Unless reconsideration is requested or an appeal is filed, this decision will become effective on May 21, 1990.

Very truly yours,



STEPHEN K. CAUSSEUX, JR.
Hearing Examiner

SKC:lw
Enclosure

cc: Pierce County Planning Division
Pierce County Public Works Department
Pierce County Building Division
Pierce County Utilities
Tacoma-Pierce County Health Department
Fire Prevention Bureau
Pierce County Council

OFFICE OF THE HEARING EXAMINER

PIERCE COUNTY

REPORT AND DECISION

CASE NO.: SPR38-89, Harbor Collision Repair

FPB NO.: 4806

APPLICANT: Alfons and Terri Emge

SUMMARY OF REQUEST:

Applicant requests Site Plan Review to establish a body repair and paint facility and 50 mini-warehouse units on a 1.99 acre parcel designated with an Urban and Residential Environment, located at the southwest corner of the intersection of the SR-16 Frontage Road and 89th Street Court NW in the southwest quarter of the northwest quarter of Section 6, Township 21N, Range 2E, W.M., in Gig Harbor area of Pierce County, Washington, Council District #7.

SUMMARY OF DECISION:

Request approved, subject to conditions.

PUBLIC HEARING:

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

The hearing was opened on April 18, 1990, at 2:00 p.m.

Parties wishing to testify were sworn in by the Examiner.

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

EXHIBIT "1- 1H" - Planning and Natural Resource Management Staff Report and attachments

ANNA-MARIE SIBON of Pierce County Planning and Natural Resource Management appeared and presented the staff report. This is a transitional area between Residential and Urban. It meets the criteria for the Urban Environment. Sixty-five percent impervious coverage is proposed for the site. The Department of Transportation indicated that the applicant could plant on state right-of-way if an easement is not necessary. The PAC recommended the change to the Urban Environment as well as several new conditions. The staff agrees with the PAC recommended change to Condition number 2.

JAMES RICHARDSON appeared on behalf of the applicant and stated that the City of Gig Harbor owns the property to the west. The city site was slipped through four years ago. The City denuded the property and did not install water or sidewalks. The County has a sidewalk standard, but there is no need for sidewalks in this area. This is part of an urban area located between the city limits and the Purdy Correction Center. Only

one tree is on the site. All new vegetation will be planted. There will be no problems in working with the state to establish a vegetation screen. They will do so on the state right-of-way. There will be enclosed storage for painted cars. A solid wall of buildings along the south will serve as a noise buffer. There will not be much noise as it will be masked by the SR-16 traffic. There is an agreement with the PAC on the recommended conditions. The fire flow is already present. An on-site septic tank system will be used but will be sized at only 150 gallons per days. They do not need sewer service and are not obligated to connect an on-site system to sewers. The water well will be used for irrigation only.

not correct

This does not have a sufficient capacity for a single family home?

No one spoke in opposition to this matter and so the Examiner took the request under advisement and the hearing was concluded at 2:20 p.m.

NOTE: A complete record of this hearing is available in the office of the Pierce County Planning and Natural Resource Management.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has viewed the property, heard testimony and taken this matter under advisement.
2. Based upon the evidence presented, it appears that the environmental evaluation of the Planning Division is adequate.
3. The Planning and Natural Resource Management staff report accurately sets forth the issues, general findings of fact, and applicable policies and provisions in this matter and is hereby marked as Exhibit "1" and is incorporated into this report by reference as if set forth in full herein.
4. The applicant has a possessory ownership interest in a 1.99 acre parcel of property located at the southwest corner of the intersection of the SR-16 frontage road and 89th Street Court NW between the city limits of Gig Harbor and the Purdy Correction Center. Half of the site is located in the Urban Environment and half in the Residential Environment of the Gig Harbor Peninsula Comprehensive Plan. The applicant is proposing to designate the entire site as in the Urban Environment and develop the site into an automobile collision repair facility and mini-warehouse units. This site is also subject to the urban area agreement between of the City of Gig Harbor and Pierce County. The City's Comprehensive Plan designates the site as an employment center.
5. The site is presently vacant and void of significant vegetation. The applicant proposes impervious site coverage of 65% with the balance in landscaping and screening. The open space around the perimeter of the site and the submittal of a detailed landscape plan qualifies the applicant for the increase from the basic site coverage of 50% to the requested 65%. The applicant's site plan satisfies all of the requirements of the developmental regulations.
6. A view of the site along with the surrounding uses reveals that it should definitely be placed in the Urban

Environment. There will be no adverse impacts, material or otherwise, to the area if the site is designated as urban and such designation will likewise not conflict with the urban area agreement.

7. The Examiner agrees with the PAC and planning staff that sidewalks, curbs, and gutters along the street frontage are not appropriate for this site. This condition was requested by the City of Gig Harbor. However, the city has located its shops immediately to the west and has not provided any sidewalks, curbs, or gutters for its site.
8. This application was heard by the PAC at its regular meeting of March 28, 1990. The Examiner has adopted all recommendations of the PAC and included them in the conditions of approval.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. If the applicant follows the conditions of approval, this proposal will be compatible with the surrounding area and will satisfy the requirements of the Gig Harbor Peninsula Comprehensive Plan and the Developmental Regulations. This site also conforms with the City of Gig Harbor's Comprehensive Plan and the urban area agreement. Therefore, the site plan for Harbor Collision Repair should be approved subject to the following conditions:
 - a. The following are requirements of the City of Gig Harbor:
 1. The project has not been granted water service from the City. Requests for water service must be directed to the city council. As a part of water service, the city recommends that sewer service also be requested;
 2. It is not clear, from the information provided, how the proponent intends to address storm drainage, particularly in respect to vectoring drainage of the detention pond west of lot 4 (which is City property). This must be specifically addressed.
 - b. Since the areas to be left in open space clearly do not contain sufficient material to be used for either screening or buffering, a landscape plan must be submitted. The landscaping plan must be prepared by a registered landscape architect and shall be submitted for approval to the Planning and Natural resource Management department prior to final site plan approval. Plant types shall be indigenous to the Pacific Northwest and the plan shall identify the plant species by their common and scientific names. The site shall be completely screened from SR-16. (Where the topography would preclude complete screening from SR-16, the screening requirements may be partially waived.) Plant materials shall be alternately at least six (6) feet and three (3) feet high when planted and be of such species as will produce ultimately a dense visual screen (not less than fifty percent except along the east side of the property which faces SR-16 which must be completely screened) at a height necessary to completely screen

the site from SR-16. The screen shall be broken only at points of vehicle or pedestrian entrance. The screen planting shall be maintained permanently and any plant material which does not live shall be replaced within one (1) year. The screen planting shall be in place prior to the issuance of an occupancy permit for the facility on site.

- c. A Memorandum of Agreement shall be executed between the applicant and the Director of Pierce County Planning and Natural Resource Management and shall be recorded by the applicant with the Pierce County Auditor prior to the issuance of final site plan approval and building permits. This Memorandum of Agreement shall contain as an attachment the conditions of approval adopted by the Pierce County Hearing Examiner.
- d. A final site plan incorporating all of the conditions referenced herein shall be approved in writing by the Pierce County Planning and Natural Resource Management within two (2) years of the effective date of the Hearing Examiner's decision for this proposal. Failure to submit a final site plan within the time limit specified will automatically render all approvals granted herein null and void.
- e. A design for controlling stormwater runoff and erosion must be prepared by a Professional Engineer and submitted to the Development Engineering Section for review and approval. The system should be designed in accordance with guidelines established in the Pierce County Storm Drainage Ordinance.
- f. A topographic map of the project site must be prepared based on a recent survey. Existing and proposed contours should be shown at intervals of five (5) feet or less. Elevations must be based on Pierce County or USC&G Bench Marks, if available within one-half mile. Plans should include estimates of cut and fill quantities.
- g. The applicant shall maintain the necessary facilities onsite to prevent debris, dust and mud from accumulating on the County right-of-way during construction.
- h. A Grading, Filling and Clearing Permit is required. Permit fees are based on the quantity of earth to be moved, and impervious surface area to be created. Application may be made at the Development Center.
- i. The proposed project must conform to all restrictions imposed by Pierce County Short Plat No. 8405310234. Amendment of the plat will be required if any aspect of the project is at variance with the recorded plat.
- j. Landscaping and final grading must preserve adequate entering sight distance at all access locations in accordance with the Pierce County Road Approach Control Ordinance.
- k. All fences, pillars, signs, structures, etc., must be located on private property and must not impair entering sight distance to the County road.
- l. Although this project does not in itself create a significant impact on the County road system, the

cumulative impact of similar projects will be significant. Therefore, the property owner shall be required to enter into a covenant in support of a County Road Improvement District.

Conditions "e" and "l" above must be completed before the Development Engineering Section will approve the issuance of any building permits.

- m. In the event that hazardous materials are stored on-site, a spills management and prevention plan must be developed for use by all employees responsible for containing and/or cleaning up spills of hazardous materials. The plan must include methods to prevent hazardous materials from entering floor drains, catch basins or flowing upon the surface of the ground. It must also address notification procedures, cleanup procedures, storage and waste material disposal.
- n. Hazardous wastes must be stored in accordance with Washington Administrative Code (WAC) 173-303 (Washington Dangerous Waste Regulations).
- o. All hazardous wastes generated from automotive maintenance must be handled in accordance with Washington Administrative Code (WAC) 173-303 (Washington Dangerous Waste Codes).
- p. The adequacy of the proposal to be served by on-site sewage disposal has not been demonstrated to the satisfaction of the Tacoma-Pierce County Health Department. Engineering justification must be provided which shows that the project will meet the intent of Washington Administrative Code (WAC) 248-96 which deals with one-site sewage disposal requirements. Only by providing this justification can an assessment of the adequacy of on-site sewage disposal be determined.
- q. The water system to be utilized must be the minimum requirements of WAC 248-54 (Rules and Regulations Regarding Public Water System), and the requirements of Pierce County Code 86-11654 (The Coordinated Water System Plan).
- r. The well on-site shall not be connected to any fixtures which are being supplied water from the public system without prior approval of the City of Gig Harbor and the State Department of Health. Unless the well is approved as a public supply per WAC 248-54 it must not be used for any purposes other than irrigation.
- s. The minimum amount of water necessary to satisfy the fire flow requirements shall be 1000 gallons per minute at 20 psi for a period of 60 minutes from any hydrant serving this project. Pierce County Code, Sec. 15.40.020(10) (Ord. #86-108)
- t. Fire hydrants shall be installed: A hydrant shall be located within 150 feet of the building(s) and no portion of the building(s) shall be more than 300 feet from a hydrant. Pierce County Code, Sec. 15.40.060(I & J) (Ord. #86-108)
- u. Hydrant flow test results and water system "As Built" plans (when required) shall be submitted to and approved by the Office of Fire Prevention and Arson

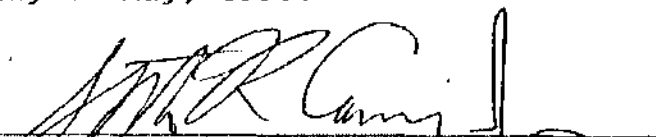
Control prior to issuance of building permits. Pierce County Code, Section 15.40.050 (Ordinance #86-108).

- v. Prior to preliminary and final plat approval, requirements of Minimum Standards for Fire Flows, Water Mains and Fire Hydrants, Pierce County Code, Sec. 15.40.050 - Procedure for Compliance (Ordinance 86-108) shall be met.
- w. Minimum requirements for driveway and/or street width and gradient must be complied with. All private roads in excess of 150 feet shall have a gradient of 12% or less or have an approved turnaround installed at the end of the access road. The outside turning radius shall be not less than 45 feet with an inside turning radius of not less than 20 feet. A 24 foot roadway driving surface shall be installed and maintained. A 20 foot wide designated one way access may be allowed. A fire access road shall extend to within 150 feet of any portion of any building/area on the site. Uniform Fire Code, Section 10.207 (Ordinance #84-90).
- x. Due to the proximity of building to property lines or other structures exterior wall protection and/or opening protection may be required.
- y. Permits shall be required from the FPB.
- z. Install fire alarm system per UFC, Article 14.
- aa. Install fire extinguishers per NFPA #10.
- bb. All requirements of the Pierce County Building Department must be met prior to the issuance of building permits for the development of the lots.
- cc. The buildings, including roofs, will be finished in earth tones to blend in with the natural environment.
- dd. The applicant is encouraged to investigate the option of planting trees in the State-owned area between SR-16 and the frontage road.

DECISION:

The request for site plan approval for Harbor Collision Repair is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 7th day of May, 1990.


STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 7th day of May, 1990, to the following:

APPLICANT: Alfons and Terri Emge
PO Box 1895
Gig Harbor WA 98335

AGENT: James Richardson
Subdivision Development and Design
8811 Harborview Dr
Gig Harbor WA 98335

PIERCE COUNTY PLANNING DIVISION
PIERCE COUNTY BUILDING DIVISION
PIERCE COUNTY PUBLIC WORKS DEPARTMENT
PIERCE COUNTY UTILITIES DEPARTMENT
TACOMA-PIERCE COUNTY HEALTH DEPARTMENT
FIRE PREVENTION BUREAU
PIERCE COUNTY COUNCIL

Peninsula Advisory Commission
P. O. Box 710
Gig Harbor, WA 98335




City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: January 23, 1992
SUBJ.: Hearing Examiner Recommendation -- PUD 91-01/SUB
91-03.

Attached for your review and consideration is the report and recommendation of the hearing examiner (Pro-tem) regarding an application by Gordon Rush to develop a 43-lot single family planned unit development subdivision. The hearing examiner has recommended that the proposal be denied.

A request for consideration of the examiner's decision was filed on December 19 by Mr. Rush's agent, Mr. Geoff Moore of PAC-Tech. The Hearing Examiner (Pro-tem) for the City of Gig Harbor issued a report of findings and conclusions in this request for reconsideration of his decision of December 9, 1991 regarding PUD 91-01/SUB 91-03. In his findings, conclusion and decision of January 6, 1992, the examiner has ruled that his previous decision is unchanged and that the original recommendation of denial of the project stands.

In accordance with the City Zoning Code, the examiner's decision in this case is a recommendation to the City Council. As such, an appeal to the City Council is not necessary. The Council may review only that information that has been established on the record at the examiner's public hearing as well as the request for reconsideration. New information may not be presented to the Council at it's consideration on January 27, 1992.

Council members are requested to review the staff analysis and recommendation on this proposal, the examiner's findings and conclusions on the proposal and reconsideration and Mr. Moore's request for reconsideration to the examiner. Pending Council's decision on this matter, a resolution with appropriate findings will be presented at the next regular meeting.

RECEIVED
JAN 09 1992

CITY OF GIG HARBOR CITY OF GIG HARBOR
REQUEST FOR RECONSIDERATION
FINDINGS, CONCLUSIONS AND DECISION

I FINDINGS:

A. Geoffrey V. Moore requested a reconsideration of my decision on File No. PUD 91-01/SUB91-03. His letter, dated December 19, 1991, stated his reasons for reconsideration are:

1. The Hearing Examiner Pro-tem "erred in reviewing the application in light of the requirements of Chapter 17.89 (PRD) of the Zoning Code, as opposed to Chapter 17.90 (PUD) and the underlying R2 Zone Classification".
2. The Hearing Examiner Pro-tem erred in "analysis of the surrounding uses, their intensity, as well as adequacy of access to the project site".
3. The Hearing Examiner Pro-tem's conclusion that access to the project site is not adequate "is not supported by the record and findings".
4. The Hearing Examiner Pro-tem erred in the matter of density of dwelling units proposed and reference to detrimental effect on the existing condominium to the north of the subject site.

B. Two drawings were included in the request for reconsideration and have been included here as follows:

Reconsideration Exhibit 1 - Original Exhibit "G" with dimensions added;

Reconsideration Exhibit 2 - Assessors Map with densities noted for the subject property and adjoining properties to the north, east and south.

C. The following findings are included here for response to the request for reconsideration.

1. Section 17.90.050 B. requires the Hearing Examiner to make the following finding:

"That the site for the proposed use **relates to streets**, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate utilities are available to serve the proposal;"

2. Section 16.20.110 Private Lanes states in part the following:

"A. Land may be subdivided where access is provided between the building sites and a public street via a private lane when such lane **shall serve a maximum of three building sites or less**".(emphasis added)

3. Section 16.20.090 Street -- Rights-of-way states in part the following:

"B. Through streets and dead-end streets over six hundred feet in length shall have a minimum right-of-way of sixty feet;"

4. Section 17.04.660 Planned unit development is defined as follows:

" 'Planned Unit Development' means a development in a district on a parcel of land under single ownership, in a a manner that makes possible greater **variety and diversification** in the relationships between building, **open space**, and uses, in order to encourage the conservation and retention of historical and natural topographic features, while meeting the purposes and objectives of the comprehensive plan". (emphasis added)

I CONCLUSIONS:

A. The purpose of Planned Unit Development is to extend to the applicant a measure of flexibility in the development of land while complying with development requirements that conform to the spirit and intent of the comprehensive plan and maintain protection of the public health, safety and welfare. The intent section of the Planned Unit Development (PUD) indicates that certain benefits are to flow from the PUD when flexibility in development is allowed. Such benefits include, as examples, "conservation and retention of historical and natural topographic features". Prominent reference in the regulations of PUD's to "The location, shape, size and character of the common open space" for planned unit development implies that the quantity and quality of such open space is to be one benefit considered in the approval of PUD's.

Where open space requirements have not been expressly stated for the PUD section of the Code, it is valid to refer to the Planned Residential Development (PRD) section of the Code for legislated guidance. Such a reference is especially applicable in the subject application where the PUD is residential uses on residentially zoned land, a condition that coincides with the PRD regulations.

The R-2 zoning permits 6.2 dwelling units per net acre. The proposed PUD relies on references to the Comprehensive Plan in the PUD section of the Code as justification for increasing the density of the proposed PUD to 7.9 dwelling units per net acre, a twenty seven percent increase in allowable density.

It is the opinion of this Examiner that the subject application is an attempt to leverage additional density through use of the PUD without providing benefits commensurate with the proposed additional density.

B. A waiver has been granted by the City Building Advisory Code Commission for a second access for emergency vehicles in favor of a 28 foot wide road surface, with the provision that on-street parking be allowed only on one side of the road. This provision does not address the requirement of Section 16.20.110 that limits the number of building sites served by a private lane to three. Further, interior street widths do not conform to the requirements of Section 16.20.090. The Applicants representative refers to a traffic report that identifies traffic impacts of the proposed PUD. The impacts of the traffic report are oriented to traffic impacts on the street system of the City. The Code is very specific concerning the requirements for the number of building sites that can be served by a private street and the width of streets for development. These requirements are directly related to emergency vehicle access for public safety which requires careful consideration here there is no alternative emergency access.

Access to the subject site does not conform with the City Code. The proposed access jeopardizes the public safety of the residents of the proposed PUD and the residents of the existing condominium northeast of the subject site when compared with access that conforms to the City's Code.

III. DECISION:

After reconsideration based upon the foregoing findings and conclusions, the Recommendation in file PUD 91-01/SUB91-03 remains unchanged.

Dated this 6th day of January, 1992.

A handwritten signature in black ink, appearing to read "Joe Wallis", written in a cursive style.

Joe Wallis
Hearing Examiner Pro-tem

(M.B. HUNT CO. RD.) HUNT ST N.W.

253
STROH'S
SEED & FEED
2 28

HARBOR
RENTAL

7.6 DUS/AC
HARBOR
SUNSET
SHORT
CONDOMINIUM
435400-
001-0 1000 015-0

SHORT PLAT
82-05-3 24-010B
L-2 6 15
L-2 6 5
PLAT 76-575

ISLANDVIEW

TERRACE

1
001-0
2
007-0
3
003-0
4
004-0
5
005-0

030th AVENUE N.W.

PARCEL "A"
0100

(PROPOSED)
HARBOR SUNSET
7.9 DUS/AC
2 70

HARBOR VILLAGE
9.7 DUS/AC 2 68

HARBORWOOD WEST
9.3 DUS/AC 2 96

SR-16

STATE HWY. NO. 16

TACOMA-LAKE

CUSHMAN

TRANSMISSION LINE

L-1 6 10
SHORT PLAT

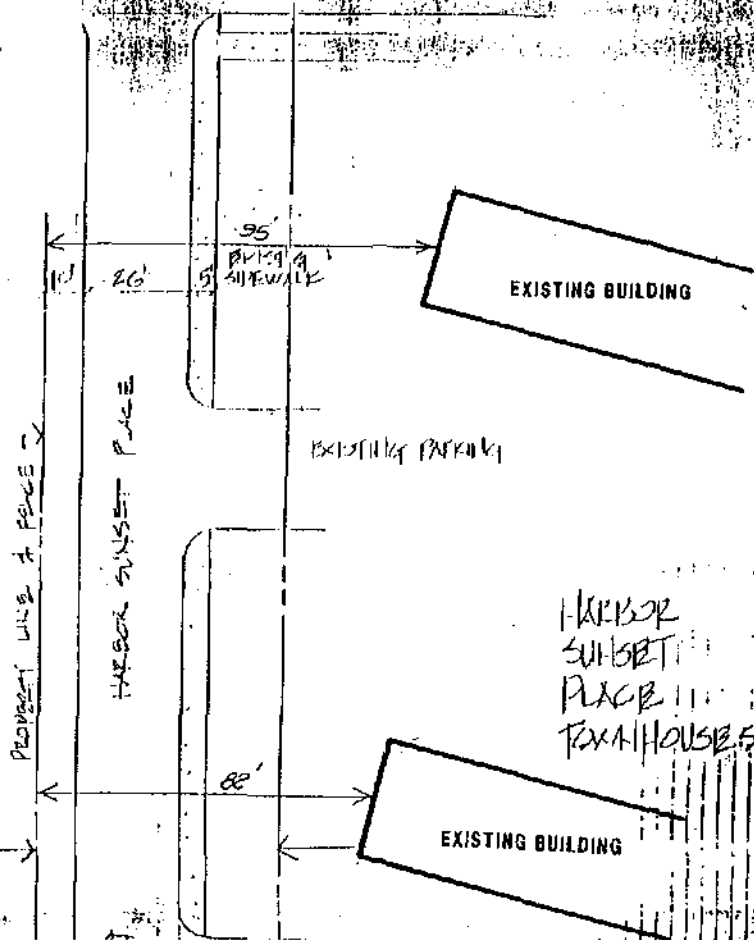
80-08-25-0209

L-2 6 25

PT. FOSDICK TO GIG HARBOR ROAD 30TH AVE N.W.

RECON - DATED 2-1-80

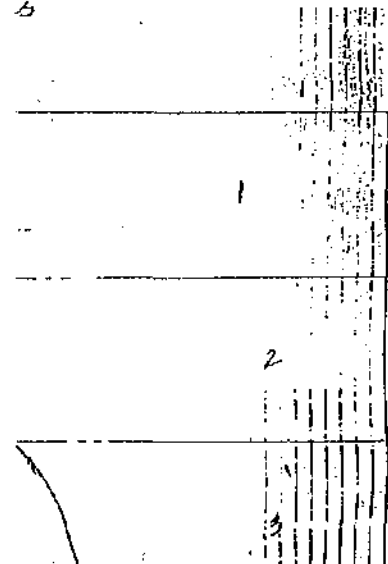
HUNT STREET



HARBOR SUNSET PLACE TRAIL HOUSES

TRAIL PARKING

22 FT WIDE





RECEIVED

DEC 19 1991

CITY OF GIG HARBOR

Examiner Joe Wallis
Hearing Examiner Pro-Tem
Gig Harbor City Hall
P.O. Box 145
Gig Harbor, WA 98335

Reference: Case No. PUD 91-01/SUB 91-03
Harbor Sunset PUD

Dear Examiner Wallis:

This letter will acknowledge receipt and review of your decision, dated December 9, 1991, concerning the Harbor Sunset application. After careful review, the applicant is respectfully requesting reconsideration of your decision, based on errors of facts and judgement, and will offer new evidence in support of this request.

The applicant submits that you have erred in reviewing the application in light of the requirements of Chapter 17.89 (PRD) of the Zoning Code, as opposed to Chapter 17.90 (PUD) and the underlying R2 Zone Classification. In addition, you have erred in your analysis of the surrounding uses, their intensity, as well as the adequacy of access to the project site.

In reviewing your decision, I noted that you recognized the applicant has applied for a PUD and subdivision of the Harbor Sunset site. In addition, you note that the property is residentially zoned (currently R2) and the applicant is seeking approval of an R2 PUD, which he intends to subdivide. You note that open space is provided on the PUD plan and then error in looking to the PRD Section of the Zoning Code for guidance in the amount of open space that should be provided. This is in conflict with the stated intent of the PUD Chapter, as found in 17.90.010 and adopted as a finding by you through Finding A of your report. Review of the Intent Section (in part) indicates that, "To accomplish this purpose, the underlying district regulations such as, but not limited to, setback lines, density, use, and height and bulk of buildings may be varied." It is clear that the code is intended to allow flexibility of the underlying zone (R2) and does not reference the PRD Section as you suggest. The R2 section of the code does not require any open space and therefore, the allocation of a park area in excess of 7,000 square feet exceeds the requirements of the underlying zoning. This is further supported by the fact that both the PUD and PRD Sections of the code were recently developed and adopted by the City and were both adopted simultaneously with the new Zoning Code. If the City fathers had anticipated the two chapters to work together, this would have been stated or the two chapters combined at the time of adoption. It is unreasonable to conclude now that the legislative body did not know or properly articulate what it was doing at the time of adoption of these chapters. In

Examiner Joe Wallis
December 19, 1991
File #15891
Page 2

addition, prior to filing the application, we reviewed both these sections with the Town Planner, Mr. Gilmore, who was involved in development and adoption of these specific zones. His staff report illustrates that the Planning staff, who is normally afforded a great weight in interpretation matters such as this, does not share the opinion of the Examiner. From a design standpoint, the PRD Chapter does not work well for development of plans reflecting low density attached housing, as imposition of the 30 percent open space requirement requires clustering into larger buildings and is inconsistent with the character of the development intended here. I believe it is also important to note that both the PUD and PRD classifications require initiation by an individual property owner (i.e. they are not applied in an area wide manner) and are tied to specific development plans with significantly different design features. It is unreasonable to believe that the drafters of the PUD Section would have intended the allocation of 30 percent of the site as open space, which is a significant design constraint, and not have stated such in that chapter.

You go on to conclude that the access to the project site is not adequate and this conclusion is not supported by the record and your findings. Finding A, adopting the staff report, adopts the findings of the Building Official/Fire Marshal, Department of Public Works, and Planning Department concerning their review of the subdivision application. It indicates that the issue of access was reviewed by all these parties after the applicant was required to provide a traffic study, prepared by a traffic engineer. Their findings indicate that the traffic report indicates that the primary impact of the project would occur on the eastbound interchange ramp intersection with Wollochet Drive (Pioneer Way). Review of the report indicates that the impact is minor and the Public Works Director has recommended a condition (suggested Condition 6) which is, in his opinion, adequate to handle that off-site impact. In addition, the Building Official/Fire Marshal and Pierce County Fire Protection District #5 has reviewed the matter and approved a specific entrance plan for the project and waive the requirement for a secondary access. No expert testimony was offered that would refute or contest the opinion of the City's experts in this matter. You go on to find (Finding F3), based on uncorroborated testimony that the "proposed access easement allegedly includes structures of the existing condominium". This conclusion is in direct conflict with the findings of the City staff and Exhibit "G", which is the plan approved by the City and Fire Protection District for access to the site. Attached you will find a copy of Exhibit "G" that we have added the field measured location of the structures too and would like included as Exhibit "I". Exhibit "I" shows the northerly building to be 95 feet from the western property line and the southerly building 82 feet from the westerly property building, both structures being well outside the 60 foot access easement serving the Harbor Sunset property. It should be further noted that the applicant offered to relocate at his cost the dumpster and mailboxes (if desired) if that were the wish of the adjacent Homeowner's Association. There is simply no evidence to support a finding that the access is not adequate.

Examiner Joe Wallis
December 19, 1991
File #15891
Page 3

Finally, the issue of density. You note that the proposed density potentially would adversely affect the condominium properties to the north. As you know from review of the site and surrounding area, the project property is bounded on the north by commercial and multi-family development, on the east by multi-family development, on the south by multi-family development, and on the west by the power line/SR-16 right-of-way. I have attached a Pierce County Assessor's map upon which I have illustrated these projects and their density, and would like it entered as Exhibit "J". You will note that the condominium project is developed at a density of 7.6 dwelling units per acre, and it, coupled with the existing commercial activities, forms our northern property line. Gig Harbor Village, multi-family project to the east, is developed at 9.7 units per acre and Harborwood West, on the south, at 9.3 units per acre. The Harbor Sunset Planned Unit Development has a proposed density of 7.9 dwelling units per acre, which is lower than the 8 units per acre permitted by the Comprehensive Plan, lower than the projects to the south and east, and comparable to the existing condominiums to the north. It would seem reasonable to conclude that this density is consistent with the development of the area, which is multi-family and commercial in nature, and less than permitted by the Comprehensive Plan, as evidenced in Exhibit "D" of your record.

In conclusion, the applicant believes the Examiner has erred in seeking guidance from the PRD Section of the Zoning Code, as opposed to the underlying zoning, as required by the Intent Section of the PUD Chapter. In addition, the Examiner has erred in concluding that the density may adversely effect adjacent projects, which are developed at similar or higher density levels, particularly when recognizing the applicant's plan is less than that allowed by the Comprehensive Plan. Finally, the Examiner has erred in concluding that adequate access has not been provided or the easement has been impaired through prior development activity when the record, agency recommendations and exhibits all clearly indicate the contrary. The applicant respectfully requests that you reconsider your decision in light of the information provided, enter the two additional exhibits, and revise your decision to recommend approval, subject to the conditions outlined in the Planning Department staff report.

Sincerely,



Geoffrey V. Moore
Director of Planning

GVM/ms

c: Mr. Gordon Rush

(M. B. HUNT CO. RD)

HUNT ST NW

263
**STROH'S
SEED & FEED**
228

**HARBOR
RENTAL**

7.6 DUS/AC
**HARBOR
SUNSET
SHORT
CONDOMINIUM**
435400-
001-0 148 046-0

SHORT
82-05-3
L-1 6¹⁴
L-2 6¹⁶
L-2 6⁵
PLAT 76-575

ISLANDVIEW

TERRACE

OSORN AVENUE NW
1 001-0
2 002-0
3 003-0
4 004-0
5 005-0
6 006-0
7 007-0
8 008-0
475540-

PARCEL "A"
0100

(PROPOSED)
HARBOR SUNSET
7.9 DUS/AC
219

HARBOR VILLAGE
269 9.7 DUS/AC 268

HARBORWOOD WEST
9.3 DUS/AC 296

SR-16

STATE HWY. NO. 14

TACOMA-LAKE CUSHMAN TRANSMISSION LINE

SE LINE

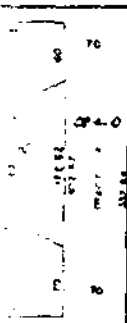
TRANSMISSION LINE

L-1 6¹⁰
SHORT PLAT

80-08-25-0209

L-2 6²⁴

PT. FOSDICK RD 30TH AVE N.W.



RECEIVED

DEC 11 1991

CITY OF GIG HARBOR

CITY OF GIG HARBOR
HEARING EXAMINER

FINDINGS CONCLUSIONS AND RECOMMENDATION

APPLICANT: Gordon Rush (Rush Construction)

CASE NO.: PUD 91-01/SUB91-03

APPLICATION: Preliminary plat approval for HARBOR SUNSET forty-three (43) lot planned unit subdivision on 5.39 acres.

SUMMARY OF RECOMMENDATIONS:

Planning Staff Recommendation: Approval with extensive conditions.

Hearing Examiner Pro-tem Recommendation: Denial

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner Pro-tem conducted a public hearing on the application. The hearing on the HARBOR SUNSET PLANNED UNIT DEVELOPMENT application was opened at 5:31 p.m., November 20, 1991, in City Hall Gig Harbor, Washington, and closed at 6:25 pm. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND RECOMMENDATION:

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

I. FINDINGS:

- A. The information contained on pages 1 through 5 and a portion of page 6 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit H) is found by the Hearing Examiner Pro-tem to be supported by the evidence presented during the hearing and by this reference and is adopted as a part of the Hearing Examiner Pro-tem's findings of fact except as noted herein. A copy of said report is available in the Planning Department.
- B. Section 17.90.010 Intent of Planned Unit Development (PUD) states in part "A planned nit development may be allowed in any district." In Section 17.39.020, planned residential developments (PRD) is permitted in "All residential districts (R-1, R-2, R-3)" and "Waterfront residential".
- C. Section 17.90.040 D. notes that "No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:
 1. The location, shape, size, and character is suitable for the planned unit development.

2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes and uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography, and the numbers and type of dwelling provided;
- D. The proposed PUD is a residential use on residentially zoned land. The portion of the site area required for open space of a PUD is not stated as a percent of the site area whereas the percent of site area required for open space for a PRD is explicitly stated at thirty percent (paragraph 17.89.110 A). Open space equal to thirty percent of the subject site would be 70,436 square feet. Proposed open space of the subject site is 7,561 square feet (Tract B) and 18,480 square feet (Tract C).
- E. Chapter 17.90, Planned Unit Development, does not address specific uses related to zoning districts, but addresses compatibility with existing uses and the comprehensive plan.
- F. Section 17.90.050 stipulates that certain findings be made prerequisite to approving the preliminary development plans "conditionally or otherwise". The following address the required findings listed under Section 17.90.050:
1. The site of the proposed use is not adequate to accommodate the number of units proposed, adequate open space and street widths required for public safety.
 2. The site for the proposed use does not relate to streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses. Public utilities appear to be adequate and available to serve the proposed use.
 3. The proposed density of use will potentially have significant adverse affect on the existing condominium complex to the northeast of the proposed development. The proposed access easement allegedly includes structures of the existing condominium.
 4. The establishment, maintenance and/or conducting of the uses for which the subject development plan will, under the circumstances proposed in this particular case, be detrimental to the public welfare by not following minimum access standards for emergency purposes. The proposed use, with less density, is consistent with the neighborhood, however, development of the access to the proposed development has the potential of disrupting the established condominium complex to the northeast of the proposed PUD .
- H. Mr. Geoff Moore, PAC-Tech Engineering, 2601 South 35th Street, Tacoma, testified representing the Applicant. Mr. Moore addressed the following issues concerning the subject application:
1. Two applications are under consideration in this hearing, (1) rezone to a Planned Residential Development (PRD) and (2) approval of a subdivision;

2. The proposed development is intended to provide affordable residences with detached, residential character;
 3. All dwelling units, both detached and attached, are on separate lots;
 4. Dwelling unit size for the proposed development will be 1200 to 1600 square feet per unit;
 5. An excerpt from the City of Gig Harbor Comprehensive Plan, Table 3 and Graphic 9 was presented indicating eight dwelling units per acre designated for the subject area under the Comprehensive Plan. The information submitted was marked "Exhibit D" for the record;
 6. Access to the proposed PUD is to be over a private street to Hunt Street NW in a sixty foot easement;
 7. Proximity to S.R. 16 to the west is a concern. Existing trees are to remain to act as a noise filter and a sound fence on a graded berm is to be installed to mitigate noise impacts for PUD residents and benefits other residents to the east of the proposed development;
 8. Sound fences are to be installed along the north and south property lines and a residential fence will be installed along the east property line of the proposed development;
 9. Common areas of the proposed development are to be landscaped in conformance with the zoning code;
 10. Mr. Moore submitted Section 17.90.010 Intent of the Gig Harbor Zoning Code with portions of the paragraph highlighted and the submission was marked "Exhibit 'E'" for the record. He also submitted photographs of the site attached to three pages that were marked "Exhibit 'F'" for the record;
- I. Mr. Jim Gee, Unit # 4, Harbor Sunset Place, Gig Harbor, testified concerning the following issues:
1. Mr. Gee represents sixteen owners of Harbor Sunset Condominiums to the northeast of the subject site;
 2. He is not here to stop development but to express concerns for adverse affects the proposed development may have on the owners of existing Condominiums;
 3. Mr. Gee indicated that he had measured the distance of the sixty foot access easement starting with the fence on the west side of the easement and found that the easterly boundary extended into units of the existing condominiums;
 4. He expressed concerns about the access impact on the existing condominiums such as the present dumpster and mail box location interferes with the proposed access,

established landscaping will be destroyed when the proposed access is extended and traffic will adversely impact the lifestyles of owners of existing condominiums;

5. Mr. Gee suggested two alternative access points to the proposed development that would not be as disruptive. Suggested alternative access to the proposed PUD was from Strow Street and Harborwood West alongside the apartment complex.
 6. Later, Mr. Gee questioned Mr. Moore as to proposed change to the existing drive that serves the existing condominiums and will structures be shown prior to final approval of the proposed development.
- J. Mr. John Bugay, 4213 27 Avenue NW, Gig Harbor, and owner of Harbor Village to the east of the proposed development testified to the following concerns:
1. He questioned property line location in relation to the buffer to the east;
 2. Storm water run-off from the proposed development is of concern as his property is downhill from the proposed development;
 3. He questioned the proposed density as being ambitious for the subject site;
 4. The sound barrier will benefit his property, however, if the berm is created by filling against existing fir trees, the trees will not survive such filling. Later, Mr. Bugay questioned the time for installation of the berm and fences proposed.
- K. Mr. Gail Hilstad, Harbor Sunset Condominiums, Gig Harbor questioned changes to the current configuration to the existing drive serving the existing condominiums.
- L. Ms. Kathleen Gee, Unit # 4, Harbor Sunset Place, Gig Harbor, testified to the following concerns about the proposed development:
1. The proposed access is a small for sixteen units and adding forty-three units will impact the street beyond its capacity;
 2. Ms. Gee questioned Mr. Moore as to the buffering proposed between the proposed development and the existing condominiums;
 3. She questioned how the existing condominium residents would get access to the mail boxes that are now on the west side of the access drive.
- M. Mr. Moore responded to questions raised during the hearing as follows:
1. All lots will be staked in the field by a licensed surveyor to assure adjoining property owners of accurate development limits;
 2. Storm water run-off will drain to north and west to a point in the northwest corner of the subject site where a retention system will be installed to release storm water at the designed rate into the power line right-of-way.
 3. The berm to be graded on the west side of the subject site will be inside the existing vegetation which is within twenty-seven feet of the property line. The berm will be

three to four feet high and the six to eight foot sound fence will be constructed on top of the berm.

4. Mr. Moore distributed copies of the access configuration between Hunt Street and the proposed development. One copy was marked "Exhibit 'G'" for the record. He also agreed that the Applicant would make alternative provisions mail boxes and dumpsters in the existing private easement.
5. Fire department access will be over the private access and the Applicant has received a waiver from the requirement for a second access for emergency vehicles in favor of a twenty-eight foot wide road surface with parking restricted to one side.

II. CONCLUSIONS:

A. The staff evaluation prepared by the Planning Staff and set forth on pages 6 and 7 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner Pro-tem and by this reference is adopted as a portion of the Hearing Examiner Pro-tem's conclusions. A copy of said report is available in the Planning Department.

B. Adopted regulations of Chapter 17.89, Planned Residential Development, provides a guide for planned residential development on residentially zoned land. Chapter 17.90, Planned Unit Development, is much broader in that it allows uses that are "compatible with" and "no more detrimental than" uses allowed in the zoning district.

It is reasonable to interpret these chapters so that a PUD of planned residential development on residentially zoned land is to substantially follow the requirements of Chapter 17.89.

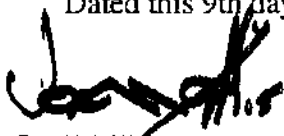
C. The proposed PUD does not comply with adopted City standards including the following:

1. Inadequate access required by Section 16.20.110., paragraph A that limits the numbers of lots served by a private access to these lots;
2. Inadequate street widths required for the length of streets within and access to the proposed PUD as stipulated in Section 16.20.090;
3. Inadequate open space required by Section 17.89.110.
4. The proposed PUD does not comply with findings the Hearing Examiner is required to make adopted in Section 17.90.050. (See paragraph F under I. Findings above)

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested preliminary approval of a 43-lot Planned Unit Development (PUD 91-01/SUB 91-03) be DENIED.

Dated this 9th day of December, 1991.



Joe Wallis
Hearing Examiner Pro-tem

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 this action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance for 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 rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action.

**MINUTES OF THE NOVEMBER 20, 1991
HEARING ON THE RUSH CONSTRUCTION
APPLICATION**

E. Joseph Wallis was the Hearing Examiner Pro-tem for this matter. Participating in the hearing was: Gil Alvarado, representing the City of Gig Harbor.

The following exhibits were offered and entered into the record:

- A. Harbor Sunset Architectural and Landscape Plan
- B. Harbor Sunset Preliminary Plat
- C. Harbor Sunset Unit Plans and Elevations
- D. Table 3, Residential Holding Capacity and Graphic 9, Land Use Plan
- E. Zoning Code Section 17.90.010 Intent
- F. Site and Access Photographs (three pages)
- G. Harbor Sunset Entrance and Access Plan
- H. Planning Staff's Advisory Report.

PARTIES OF RECORD:

Gordon Rush (Rush Construction)
1318 Sunset Drive South
Tacoma, WA 98409

Geoff Moore
PAC-Tech Engineering
Tacoma WA 98409

Jim and Kathleen Gee
Unit #4
Harbor Sunset Place Court
Gig Harbor, WA

John Bugay
4213 27th Avenue NW
Gig Harbor, WA

Gail Hilstad
Unit #15
Harbor Sunset Place Court
Gig Harbor, WA

STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER

PRELIMINARY PLAT OF HARBOR SUNSET PLANNED UNIT DEVELOPMENT
(PUD 91-01/SUB 91-03)
NOVEMBER 13, 1991

PART I: GENERAL INFORMATION

A. APPLICANT:

Gordon Rush (Rush Construction)
1318 Sunset Drive South
Tacoma, Wa 98467

B. OWNER:

Same as above

C. AGENT:

Geoff Moore, PAC-Tech Engineering
2601 South 35th Street
Tacoma WA 98409
PH: 851-6451

D. REQUEST:

Preliminary plat approval for a 43-lot planned unit development subdivision on 5.39 acres, for single family residences. Development would consist of a zero lot-line and attached single-family (townhouse configuration) units on lot sizes averaging approximately 4,036 square feet. Total impervious coverage would be approximately 53%, with approximately 12% in open space and 35% in yards and buffer areas.

E. PROPERTY DESCRIPTION:

1. Location:

The property is located on the south side of Hunt Street, east of SR-16 and west of the Harbor Village apartments. The property is more particularly described as a portion of the NW 1/4 of Section 17, Township 21N, Range 2E, assessor's tax parcel number 02-21-17-2-070.

2. Site Area/Acreage:
The site is 5.39 acres/ 234,760 square feet.
3. Physical Characteristics:
According to the Pierce County Soil Survey, the site is underlain by Harstene gravelly-sandy loam with 0 to 15% slope. Drainage on the property is toward the north (Hunt Street), with an average gradient of 6%. The site is vegetated with a mixed stand of cedar and fir, with the densest stand on the west perimeter of the property, parallel to the Tacoma Light right-of-way.

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

- North: Commercial feed store, nursery and landscape supplies (Stroh's), designated as Urban Environment in the Gig Harbor Peninsula Comprehensive Plan (1975).
- West: SR-16, Residential Environment (west of SR-16), Gig Harbor Peninsula Comprehensive Plan (1975).
- South: Multi-family residential (Harbor Village Apartments), zoned R-3.
- East: Multi-family residential (Harborwood West Apartments), zoned R-3.

G. UTILITIES/ROAD ACCESS:

Access is provided by way of Hunt Street. Sewer and water is provided by the City of Gig Harbor.

H. PUBLIC NOTICE:

Public notice was provided as follows:
Published in Peninsula Gateway: November 6, 1991.
Mailed to property owners of record within 300 feet of the site: November 8, 1991.
Posted in three conspicuous places in the vicinity of the property: November 13, 1991.

PART II: ANALYSIS

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

Fire equipment access must be provided by a twenty

four foot wide all weather road, with provisions for a second access point for emergency vehicles; fire hydrants and eight-inch water mains shall be provided within 150 feet of all portions of each building; fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide. By action of the City Building Advisory Code Commission, a waiver was granted for the requirement of a second access for emergency vehicles in favor of a 28' wide road surface, with the provision that on-street parking be allowed only on one side of the road. If the interior street is private, the designation of "Lane" must be used as opposed to "Circle".

2. Department of Public Works

Letter of November 4, 1991, to Christopher Brown and Associates regarding October 18, 1991 traffic study. Impacts would occur primarily to the eastbound on ramp intersection with Wollochet Drive (Pioneer Way). Coordination with Dept. of Transportation for impact mitigation. Sidewalks, curbs and gutters not required if road remains private. Water and sewer lines must be separated by ten (10) feet of horizontal separation. Final detailed plans for stormwater management, sewer and water, prepared by a licensed engineer (Washington State) shall be required for review and approval prior to final plat approval. All required improvements shall be installed in accordance with the approved plans.

3. Tacoma Public Utilities

Letter of October 24, 1991 from E.E. Coates :
Light and Water Divisions have no comments.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The City of Gig Harbor Comprehensive Plan designates this area as medium density urban residential. The type of use and density proposed is considered appropriate for this area and there are not any identified environmental capability limitations for this area. Relevant sections of

the Plan are as follows:

- A. Land use -- Site area is designated as medium density urban residential, with a maximum density of 8.0 dwelling units per acre.
- B. Land use, Goal #9 -- Expand housing district and code definitions to allow a broad choice of housing types, locations and tenures.

2. Zoning Ordinance:

The proposed subdivision site is designated as R-2 (medium density residential) per the City of Gig Harbor zoning map.

Section 17.20.010 (Intent) states that an R-2 district is intended to provide for a moderate density of land use than is permitted in the R-2 district but which is less than permitted in the R-3 district. An R-2 district provides a transition between a higher density residential district in order to preserve the primarily residential character of existing residential areas.

Section 17.20.020 (Permitted Uses) establishes single family detached dwellings and duplexes as permitted uses in this district.

Section 17.20.040 establishes a minimum lot size of 7,000 square feet, excluding road right-of-way (public or private) and a maximum density of 6.0 dwelling units per acre.

Section 17.28.050 (Minimum Development Standards) establishes minimum development standards for uses in respect to yards (F 25', S 7', R 25'), impervious coverage (40%), and minimum street frontage (20'). The project site is within a height overlay district which permits a maximum height of 28 feet for single family dwellings.

Section 17.90 addresses minimum requirements for consideration of planned unit developments.

Section 17.90.010 states that the intent of a planned unit development (PUD) is to allow and make possible greater variety and diversity in the

relationships between buildings, open spaces and uses and historical and natural features while meeting the purposes and objectives of the Comprehensive Plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, setbacks, density, uses and height and bulk of buildings may be varied, provided such variance shall not conflict with the comprehensive plan and existing uses nor create adverse environmental effects. A PUD may be allowed in any district.

Section 17.90.030 (Parcel Characteristics) provides for special consideration of three criteria if a PUD site is less than two acres (not applicable).

Section 17.90.040 (Requirements) provides minimum requirements for private roads, parking, open space and landscaping.

Section 17.90.050 (Findings) provides that the hearing examiner shall find that all of the following conditions exist for the approval or conditional approval of a PUD:

1. That the site of the proposed use is adequate in space and size to accommodate such use and that all yards, spaces, walls and fences, parking and loading, landscaping and other features necessary to insure compatibility with the underlying district.
2. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal.
3. That the proposed use will have no significant adverse effect on existing uses or permitted uses.
4. That the establishment, maintenance and/or conducting of the uses for which the development plan review is sought will not be detrimental to the public welfare, injurious to the environment, nor shall the use be

inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

Section 17.90.060 (Approval) requires that a final plan of a PUD must be filed with the City Council within three years of the preliminary approval date and authorizes the City to seek adequate guarantees of compliance with the final plan through the acquisition of a bond or other form of security.

Section 17.90.080 (Duration of Approval) requires that construction on a project must commence within one year of final approval or the final approval becomes void.

3. Subdivision Ordinance:

The City of Gig Harbor subdivision ordinance, Section 16.04, establishes minimum standards for the development of residential subdivisions. The proposed preliminary plat conforms to the general requirements of Section 16.20 in respect to street layout, grades, provision of utilities including water, sewer and underground power. Prior to final approval of the subdivision, all improvements as required by the subdivision ordinance, Section 16.20 and 16.24 must be constructed and installed.

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 proposed use of the site for single family detached dwellings and duplexes is a permitted use in an R-2 district. Twenty-one of the lots would accommodate zero lot-line detached structures and twenty-two would accommodate attached single family units (town-house configuration). Under the provisions of a PUD, this type of configuration is permitted.
2. The proposal is consistent with the City of Gig Harbor Comprehensive Plan (1986).

3. The density of the project is 7.9 units per acre. The zoning code allows 6.0 units per acre in an R-2 district, while the Comprehensive Plan would allow a maximum of 8.0 units per acre in this area. Under the provisions of a PUD, density requirements may be waived, per Section 17.90.010.
4. Minimum requirements of the underlying district pertinent to setbacks, lot coverage, bulk and height may be waived in the consideration of this project as a PUD, per Section 17.90.010.
5. Environmental impacts identified relevant to construction and operation associated with the proposed development would not have an adverse impact upon the quality of the environment. Based upon the environmental checklist submitted with the application, and upon review of other pertinent information on file, a determination of environmental non-significance was issued by the SEPA responsible official on October 14, 1991.
6. The proposal is consistent with the preliminary plat requirements of Section 16.16 (Subdivision Ordinance).
7. The applicant has submitted a letter (October 1, 1991) which describes the goals and objectives of the project.
8. The project site is bordered on the east and south by multifamily developments, on the north by multifamily and commercial and on the west by SR-16. The proposed PUD would be a reasonable and appropriate use for the site and would be compatible with, and complimentary to, surrounding uses.
9. The proposed design and layout of the project is consistent with the requirements of Section 17.90 of the zoning code.

PART IV: RECOMMENDATION

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
 - A. Fire equipment access must be provided by

a twenty (eight) foot wide paved road. Parking shall not be permitted on one side of the street and this area shall be clearly delineated as "No Parking, Fire Lane" in accordance with the standards established by the Fire District.

B. Fire hydrants and eight-inch water mains shall be provided within 150 feet of all portions of each building.

C. Fire hydrants and water mains must conform to Gig Harbor Public Works Department and Fire Marshal requirements and fire flow must conform to 1974 ISO Guide.

D. The private road designation must have a "Lane" designation as opposed to "Circle".

2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to final plat approval.
3. Water and sewer lines must be separated by ten (10) feet of horizontal separation. Final detailed plans for stormwater retention, sewer and water, as prepared by a licensed engineer (Washington State) shall be required for review and approval prior to final plat approval. All required improvements shall be installed in accordance with the approved plans.
4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are to be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. Maintenance of all privately owned common facilities within the subdivision shall be the responsibility of the developer of the subdivision

or a home owners association. If common facilities are to be maintained by a home owners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:

- A. The enforcement of covenants imposed by the landowner or developer.
 - B. The levying and collection of assessments against all lots to accomplish the association's responsibilities.
 - C. The collection of delinquent assessments through the courts.
 - D. The letting of contracts to build, maintain and manage common facilities.
6. Based upon the traffic study prepared by Christopher Brown and Associates (October 18, 1991) for this project, the project proponent shall coordinate with the Washington Department of Transportation in participating on a fair share basis for necessary improvements to enhance the "F" level of service condition on the SR-16 eastbound/Pioneer Way intersection. Prior to final plat approval, the applicant shall provide written verification from the Department of Transportation that this condition has been satisfied.
 7. Pursuant to R.C.W. 58.17.140, a final plat for the subdivision shall be filed within three (3) years of the preliminary approval date.
 8. All minimum improvements as required in accordance with the City of Gig Harbor Subdivision Code (Title 16) shall be installed prior to final plat approval.
 9. A final landscaping plan for the common areas within the plat shall be submitted to the Planning Department prior to finalization of the plat. The plan shall include provisions for a mechanical irrigation system. Landscaping shall be installed within one year of final plat approval.
 10. In lieu of construction of required improvements

prior to final plat approval, a bond equal to an amount of 120% of a contractors bid for all improvements required under the preliminary plat approval shall be posted with the city. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements within the time specified to City standards shall result in the city's foreclosure of the bond. Upon foreclosure, the City shall shall construct, or may contract to construct and complete, the installation of the required improvements.

Documents pertinent to your review are attached.

Staff report prepared by: *RG* Ray Gilmore, Planning Director

Date: November 13, 1991

RECEIVED

OCT 09 1991

CITY OF GIG HARBOR

George D. Bush



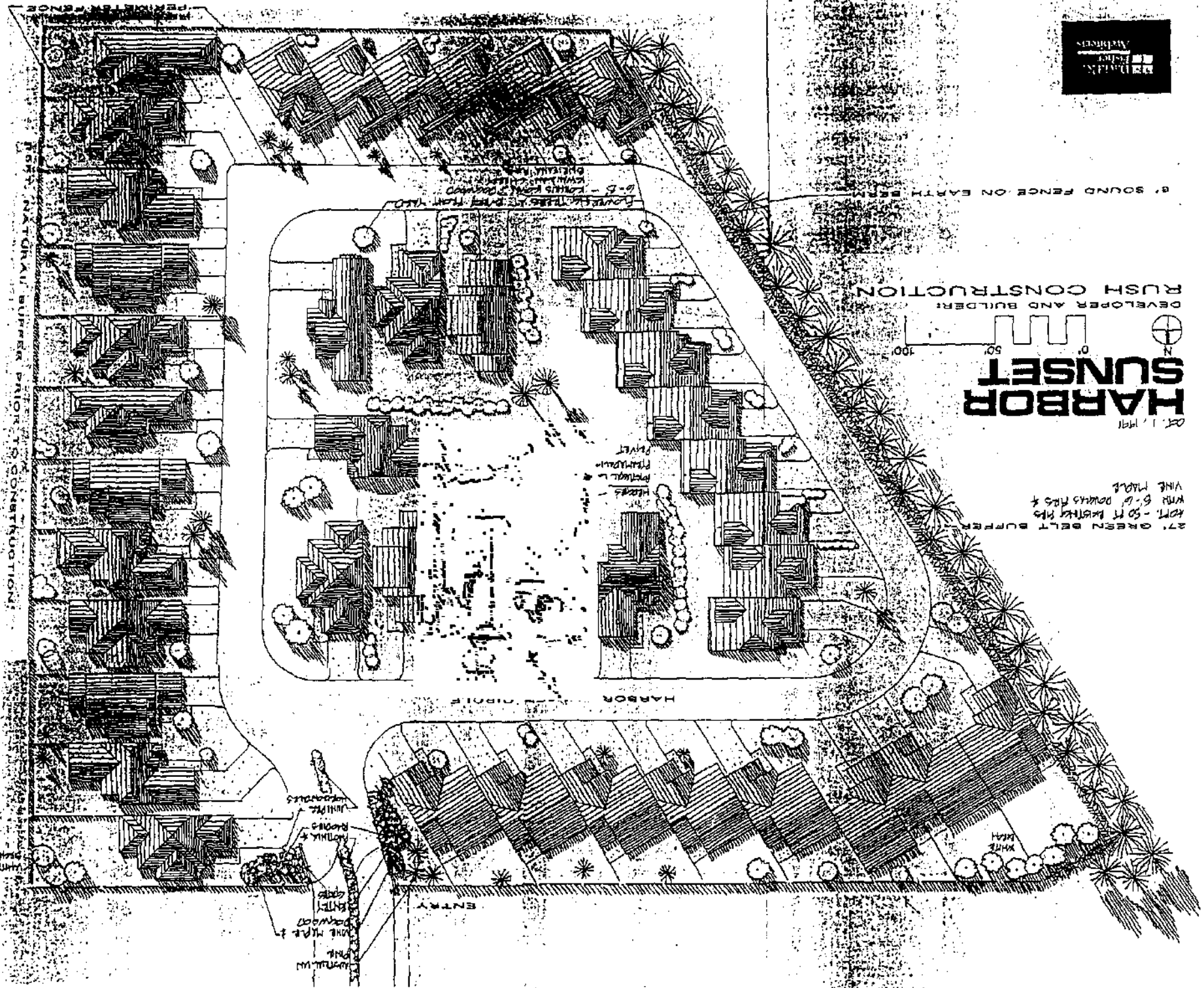
8' SOUND FENCE ON EARTH BERM
DEVELOPER AND BUILDER:
RUSH CONSTRUCTION



HARBOR SUNSET

OCT. 1, 1991

27' GREEN BELT BUFFER -
40 FT. - 50 FT. BERTHED PLS &
W/IN 6'-12' DOCKS PLS &
W/IN TYPICAL





City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council
FROM: *RG* Ray Gilmore
DATE: January 23, 1992
SUBJ.: Hearing Examiner Recommendation -- SPR 91-06, 7m
Bagel and Deli.

Attached for your review are the findings and conclusions of the hearing examiner respective to a site plan request for the development of a bakery and deli on North Harborview Drive. In his report of January 6, 1992, the examiner has recommended approval of the application to the City Council.

A copy of the staff's analysis along with a resolution incorporating the examiners conditions of approval is also enclosed.

CITY OF GIG HARBOR
RESOLUTION No. _____

WHEREAS, Angela Puzon has requested site plan approval for the construction and operation of a 3,600 square foot bakery and delicatessen on North Harborview Drive; 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 December 11, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on December 18, 1991 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 in his reports dated January 6, 1992; and,

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 reports dated January 6, 1992 are hereby adopted and the site plan is approved subject to the following conditions:

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:

- A. A fire hydrant shall be provided within 150 feet of all portions of the building.
 - B. A minimum 24 feet of internal road width clearance is required between parking stall ends for emergency equipment access.
2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to occupancy of the building.
3. A final landscape plan shall be submitted to the Planning Department for review and approval. The landscape plan shall incorporate provisions for a mechanical irrigation system. Landscaping shall be installed prior to issuance of an occupancy permit for the structure.
4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are to be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. The performance standards established per Section 17.36.120 for exterior mechanical devices, outdoor storage of materials and trash receptacles shall be adhered to.
6. In lieu of improvements required by the zoning code, a cash assignment or a bond in the amount of 110% of a contractor's bid for the improvements

shall be posted with the City prior to occupancy. Upon satisfactory completion of the improvements, the cash assignment or bond will be released by the City. Failure to complete the required improvements within one-year of occupancy will serve as sufficient cause for the city to foreclose on the bond or cash assignment and complete the required improvements.

7. The architectural rendition as depicted on the site plan as submitted is accepted as the approved design. Any substantial alteration to this design shall warrant review and approval by the City Council.
8. Although the stream bordering the property is within Pierce County, the applicant shall coordinate with the Department of Fisheries in meeting any requirements of H.P.A. approval and for the maintenance of water quality.

PASSED this 27th day of January, 1992.

Gretchen A. Wilbert, Mayor

ATTEST:

Dennis Richards
Acting City Clerk

Filed with City Clerk: 1/23/92
Passed by City Council: 1/27/92



City of Gig Harbor. The "Maritime" City."

3105 HUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

January 9, 1992

Angela Puzon
8310-71st Street
Gig Harbor, WA 98335

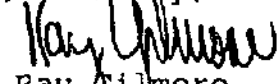
RE: Hearing Examiner Decision -- SPR 91-06 (7M Bagel
and Deli)

Dear MS. Puzon:

The hearing examiner has issued findings and conclusions
respective to your site plan approval request. In his
report of January 6, 1992, the examiner has recommended
approval of your application to the City Council. A copy of
the examiner's report is attached.

The City Council will be considering the hearing examiner's
recommendation at the January 27th City Council meeting at
7:00pm, Gig Harbor City Hall. You or your agent may wish to
be present at this meeting to answer any questions which may
be presented by the Council.

Cordially,


Ray Gilmore
Planning Director

c: Parties of record:
Jim Copeland, Copeland Design

RECEIVED

CITY OF GIG HARBOR

JAN 07 1992

HEARING EXAMINER CITY OF GIG HARBOR

FINDINGS CONCLUSIONS AND RECOMMENDATION

APPLICANT: Angela Puzon**CASE NO.:** SPR 91-06**APPLICATION:** Request for site plan approval to allow the construction of a 3,607 square foot deli and bakery, located in the 4000 block of Harborview Drive, and to provide associated parking spaces.**SUMMARY OF RECOMMENDATIONS:**

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

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Puzon application was opened at 5:40 pm December 18, 1991, in City Hall Gig Harbor, Washington, and closed at 5:47 pm. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

FINDINGS CONCLUSIONS AND RECOMMENDATION:

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

I. FINDINGS:

- A. The information contained on pages 1 to 4 of the Planning's 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. The applicants representative testified at the hearing that the design of the building is intended to be of an English motif, but consistent with a fishing village. He said living quarters will be on the second floor and the first floor will accommodate about 30 patrons and 3 to 5 employees.

II. CONCLUSIONS:

- A. The findings and conclusions prepared by the Planning Staff and set forth on page 4 of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference are adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the requested site plan be approved subject to the following conditions:

1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
 - A. A fire hydrant shall be provided within 150 feet of all portions of the building.
 - B. A minimum 24 feet of internal road width clearance is required between parking stall ends for emergency equipment access.
2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to occupancy of the building.
3. A final landscape plan shall be submitted to the Planning Department for review and approval. The landscape plan shall incorporate provisions for a mechanical irrigation system. Landscaping shall be installed prior to issuance of an occupancy permit for the structure.
4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are to be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
5. The performance standards established per Section 17.36.120 for exterior mechanical devices, outdoor storage of materials and trash receptacles shall be adhered to.
6. In lieu of improvements required by the zoning code, a cash assignment or a bond in the amount of 110% of a contractor's bid for the improvements shall be posted with the City prior to occupancy. Upon satisfactory completion of the improvements, the cash assignment or bond will be released by the City. Failure to complete the required improvements within one-year of occupancy will serve as sufficient cause for the city to foreclose on the bond or cash assignment and complete the required improvements.

7. The architectural rendition as depicted on the site plan as submitted is accepted as the approved design. Any substantial alteration to this design shall warrant review and approval by the City Council.
8. Although the stream bordering the property is within Pierce County , the applicant shall coordinate with the Department of Fisheries in meeting any requirements of H.P.A. approval and for the maintenance of water quality.

Dated this 6th day of January, 1992.

A handwritten signature in cursive script that reads "Ron McConnell". The signature is written in black ink and is positioned above the printed name and title.

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 this action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance for 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 rejecting a decision of the Examiner, shall be final and conclusive, unless within twenty (20) days from the date of the Council action an aggrieved party or person applies for a writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action.

**MINUTES OF THE DECEMBER 18, 1991
HEARING ON THE
PUZON APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Ray Gilmore, representing the City of Gig Harbor, and Jim Copeland, representing the applicant.

The following exhibits were offered and entered into the record:

A. Planning Staff's Advisory Report with attachments.

PARTIES OF RECORD:

Angela Puzon
8310 - 71st Street
Gig Harbor, WA 98335

Jim Copeland
5424 S. Steele, Suite 25
Tacoma, WA 98409



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

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

SPR 91-06: Jim Copeland Designing (for Angela
Puzon, 7M Bagel and Deli)
December 11, 1991

PART I: GENERAL INFORMATION

- A. **APPLICANT:**
Angela B. Puzon
8310 71st Street
Gig Harbor, WA 98335
Ph: 858-3348
- B. **OWNER:**
same as above
- C. **AGENT:**
Jim Copeland Designing
5424 S. Steele Suite 25
Tacoma, WA 98409
Ph: 474-3439
- D. **REQUEST:**
Request for Site Plan approval to allow the
construction of a 3,607 square foot deli and bakery,
located in the 4000 block of Harborview Drive, and to
provide associated parking spaces.
- E. **PROPERTY DESCRIPTION:**
1. **Location:**
The project is located on property described as
assessor's tax parcel numbers
022106-1-083/107/108, which is within a portion of
the NE 1/4 Section 6, Township 21 Range 2 E.WM.
 2. **Site Area/Acreage:**
The parcel is approximately 26,861 square feet,
or .61 Acre. Total impervious coverage is
estimated at 59 percent.
 3. **Physical Characteristics:**
The property is underlain with Harstine gravelly

sandy loam, with slopes ranging from six to fifteen percent. This soil type is considered stable for construction purposes, provided appropriate erosion containment practices are implemented during and after construction phases. The property does not exhibit any indication of geological instability or signs of erosion. There is a Type 4 stream bordering the property to the west.

- F. SURROUNDING LAND-USE/ZONING DESIGNATION:
North: Wooded, undeveloped, zoned B-2 (Commercial) and R-1 (Residential single family).
East: Commercial, zoned B-2.
South: Undeveloped woodlot, zoned B-2.
West: Undeveloped woodlot, Pierce County.

G. UTILITIES/ROAD ACCESS:

This parcel is accessed off of Burnham Drive. Sewer and water are provided by the City of Gig Harbor, and Peninsula Light.

- H. PUBLIC NOTICE:
Public notice was provided as follows:
Published in Peninsula Gateway: December 4, 1991
Mailed to property owners of record within 300 feet of the site: December 6, 1991
Posted in three conspicuous places in the vicinity of the property: December 11, 1991

PART II: ANALYSIS

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

Must have fire flow and a minimum 24 foot wide emergency vehicle equipment clearance in parking lot between stalls. Must have fire hydrant located within 150 feet of all portions of the building. Must have mitigation to mitigate the mitigation.

2. Department of Public Works

A storm drainage plan prepared by a qualified engineer must be submitted for review and approval

prior to issuance of a building permit; storm drainage improvements must be installed prior to occupancy. Sidewalks, curbs and gutters required along Harborview Drive frontage. Traffic impacts are not significant and do not warrant additional mitigation. Minor brush clearing should be performed in the right-of-way on the northeast portion of the site to assure maximum site visibility to vehicles.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The area is designated commercial, as established under graphic 9, page 24. The proposed use of the site for business is consistent with the goals and policies of the Comprehensive plan.

2. Zoning Ordinance:

The property is zoned as B-2 (Commercial District). The following sections are applicable:

Section 17.36.020 permits restaurant (delis) and retail and wholesale uses in B-2 districts.

Section 17.36.050 states that before a building permit will be issued in the B-2 district, the site plan review process as specified in Chapter 17.96 shall be followed.

Section 17.36.060 establishes a setback of 30 feet with dense vegetative screening when a B-2 district abuts residential development. The proposed bakery and deli abuts an R-1 district to the North. However, the property consists of a vacant woodlot.

Section 17.36.120 (D) establishes an outdoor lighting standard for B-2 parcels within 100 feet of any residential zone or use. Outdoor lighting and aerial floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be confined to the property boundaries of the light source

Section 17.72.030 (K) establishes an off-street parking standard of one off-street parking space for every three seats based upon the maximum seating capacity as determined by the provisions of the Uniform Building Code. Two parking spaces are required for the owners residential quarters and staff has determined that two additional parking spaces must be available for the bakery employees, based upon the requirements for businesses in 17.72.030. 18 off-street parking stalls are proposed.

Section 17.78.070 (2)(B) requires that a landscaped buffer area be provided when a commercial development is contiguous to a residential zoning district. The buffer must extend the full width of the yard.

The project site is within a height overlay district. Section 17.62 allows commercial structures up to a maximum height of 35 feet.

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 proposed use is permitted in an B-2 District.
- 2) The project, as conditioned, is consistent with the applicable sections of the zoning code.
- 3) Sufficient parking is available on-site to accomodate required off-street parking.

PART IV: RECOMMENDATION

Based upon the preceeding analysis, staff recommends approval, subject to the following conditions:


1. In accordance with the requirements of the City of Gig Harbor fire codes, the following must be provided:
 - A. A fire hydrant shall be provided within 150 feet of all portions of the building.

- B. A minimum 24 feet of internal road width clearance is required between parking stall ends for emergency equipment access.
2. A storm water management plan shall be submitted to the Department of Public Works for review. Any improvements required to mitigate storm water runoff shall be installed as per the requirements of the City of Gig Harbor prior to occupancy of the building.
 3. A final landscape plan shall be submitted to the Planning Department for review and approval. The landscape plan shall incorporate provisions for a mechanical irrigation system. Landscaping shall be installed prior to issuance of an occupancy permit for the structure.
 4. A clearing and grading plan shall be submitted to the city prior to any site clearing or construction. The plan shall include provisions for temporary erosion control and dust abatement. Trees which are to be retained as vegetative buffers shall be identified on the plan and clearly marked on the site. No grading shall be allowed within ten feet of the designated buffer areas.
 5. The performance standards established per Section 17.36.120 for exterior mechanical devices, outdoor storage of materials and trash receptacles shall be adhered to.
 6. In lieu of improvements required by the zoning code, a cash assignment or a bond in the amount of 110% of a contractor's bid for the improvements shall be posted with the City prior to occupancy. Upon satisfactory completion of the improvements, the cash assignment or bond will be released by the City. Failure to complete the required improvements within one-year of occupancy will serve as sufficient cause for the city to foreclose on the bond or cash assignment and complete the required improvements.
 7. The architectural rendition as depicted on the site plan as submitted is accepted as the approved design. Any substantial alteration to this design

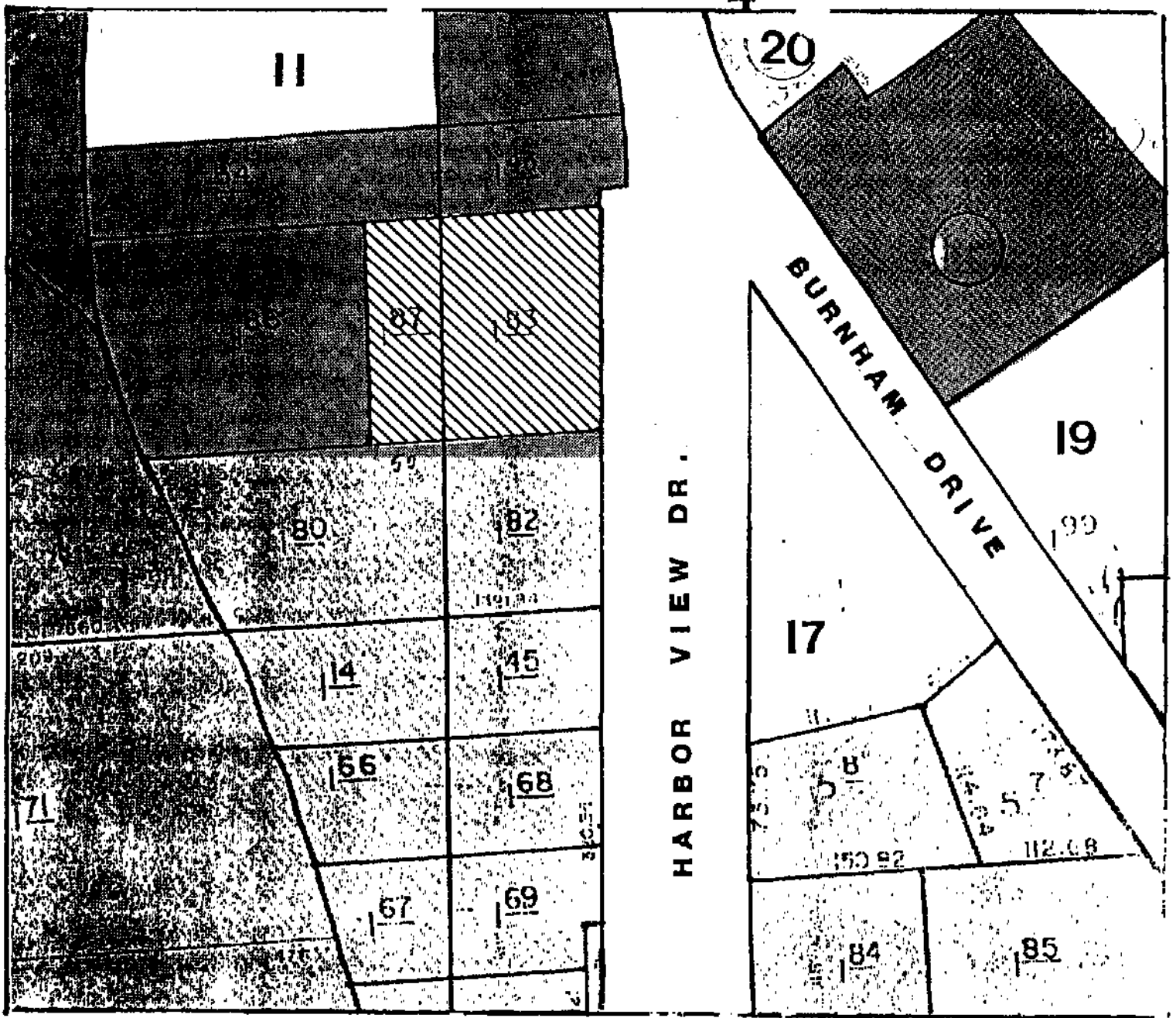
shall warrant review and approval by the City Council.



8. Although the stream bordering the property is within Pierce County, the applicant shall coordinate with the Department of Fisheries in meeting any requirements of H.P.A. approval and for the maintenance of water quality.

Documents pertinent to your review are attached.

Staff report prepared by:  Ray Gilmore, Planning Director

Date: 12-11-91

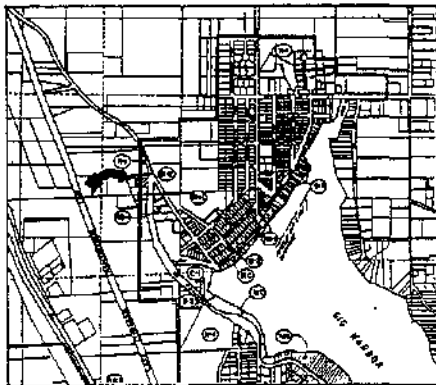


PROJECT SITE _____	
VACANT LAND _____	
SINGLE FAMILY RES. _____	11
RESTAURANT _____	17
CREDIT UNION _____	19
EAGLES HALL _____	4
TAVERN _____	20

6M Bagel & Deli

OWNER: ANGELA PUZON
ADDRESS: HARBORVIEW DR.
 GIG HARBOR, WA 98

PARCEL NO. 022106 108 3 & 022106 108 7



LOCATION MAP

LEGAL DESCRIPTION

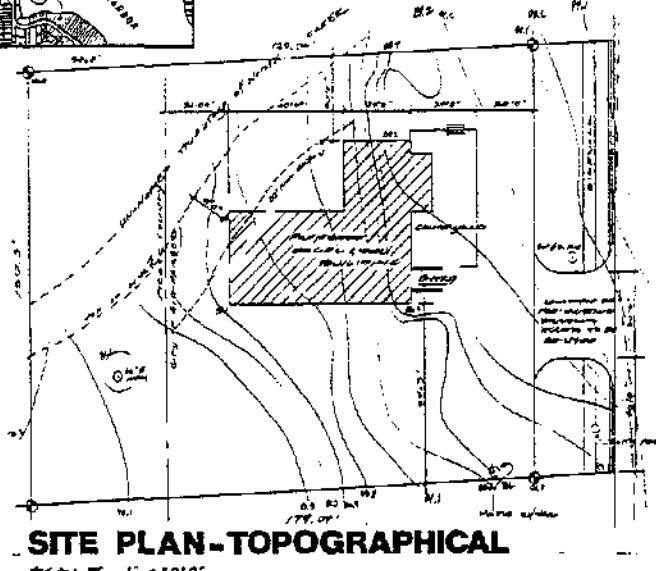
THAT PORTION OF THE FOLLOWING LYING INSIDE THE TOWN OF GIG HARBOR THAT PART OF THE NORTH 150 FEET OF THE SOUTH 270 FEET OF THE FOLLOWING DESCRIBED PROPERTY WHICH LIES EAST OF THE MAIN CHANNEL OF NORTH CREEK; THE SOUTH 330 FEET OF THE EAST 650 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN LYING WESTERLY OF THE GIG HARBOR PUD COUNTY ROAD AS MEASURED ALONG THE SOUTH LINE OF SAID SUBDIVISION AND THAT PORTION OF THE FOLLOWING LYING OUTSIDE THE TOWN OF GIG HARBOR THAT PART OF THE NORTH 150 FEET OF THE SOUTH 270 FEET OF THE FOLLOWING DESCRIBED PROPERTY WHICH LIES EAST OF THE MAIN CHANNEL OF NORTH CREEK; THE SOUTH 330 FEET OF THE EAST 650 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN LYING WESTERLY OF THE GIG HARBOR PUD COUNTY ROAD AS MEASURED ALONG THE SOUTH LINE OF SAID SUBDIVISION EXCEPT THE FOLLOWING: BEGINNING AT THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE EAST 150 FEET; THENCE NORTH 150 FEET; THENCE WEST TO THE CENTERLINE OF NORTH CREEK; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE OF CREEK TO THE POINT OF BEGINNING.

SQUARE FOOT CALCS.		
ITEM	AREA	SQ. FEET
A MAIN LEVEL		
1. KITCHEN		124.00
2. SERVICE AREA		124.00
3. BAR/GRILL AREA		124.00
4. RESTROOM		124.00
TOTAL MAIN LEVEL		500.00
B UPPER LEVEL		
1. BALCONY (PRIVATE)		124.00
2. DUNES QUARTER		124.00
TOTAL UPPER LEVEL		248.00
C EXTERIOR		
1. COVER DECK		124.00
2. UPPER DECK		124.00
3. COURTYARD		124.00
4. PAVED DRIVEWAYS		124.00
5. SIDEWALK		124.00
6. WALKWAY		124.00
TOTAL BUILDING COVERAGE		1240.00
TOTAL UNPERMISSIBLE AREA		1240.00

PAGE DESCRIPTION	
PAGE	DESCRIPTION
1	COVER PAGE-MISC. INFO.
2	SITE PLAN
3	EAST & SOUTH ELEVATIONS
4	WEST & NORTH ELEVATIONS
5	MAIN LEVEL FLOOR PLAN
6	UPPER LEVEL FLOOR PLAN
7	FOUNDATION PLAN
8	MAIN LEVEL FLOOR FRAMING PLAN
9	UPPER LEV. FLR. FR. PLAN/SEC. B & C
10	ROOF FRAMING PLAN
11	MAIN FLOOR ELECTRICAL PLAN
12	UPPER LEVEL ELECTRICAL PLAN
13	SECTION A/ FOUNDATION DETAILS
14	SECTION D/INTERIOR ELEVATIONS
15	EROSION CONTROL PLAN
16	LANDSCAPE PLAN
17	GENERAL NOTES AND DETAILS

HEAT LOSS INFORMATION		
ITEM	DESCRIPTION	SQ. FEET
A INSULATION		
	INTERIOR WALLS (INCLUDES WROTH & COOPER)	572
	NORTH	572
	SOUTH	572
	EAST	572
	WEST	572
	CEILING	720
B FLOOR INSULATION (R=30)		
	ATCHES-CORNER W-SEC. DETAIL	120
	OTHER AREAS (SEE PLAN)	720
C WALLS (R=30)		
D PERIMETER BARRIERS TO EXTERIOR WALL AREAS		
	EXTERIOR WALL GLAZING	240
E COVERED EXTERIOR LIGHTING		
	TOTAL FLOOR AREA	124
	TOTAL GLAZING	124
F OPEN EXTERIOR VENTILATION		
	TOTAL FLOOR AREA	124
	TOTAL VENTED AREA	124
G NON PERMISSIBLE COVERAGE		
	TOTAL LOT AREA	2480
	TOTAL COVERAGE FROM ABOVE	2480
	COVERED DECK, COURTYARD, WALKWAY, WALKWAY, SIDEWALK, DRIVEWAY	1240

LIGHTING & VENTILATION		
ELEV.	WINDOW SIZE	SQ. FEET
SOUTH	40' 0" x 10' 0"	7.00
	40' 0" x 10' 0"	7.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
EAST	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
WEST	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
NORTH	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
	10' 0" x 10' 0"	1.00
TOTAL		24.00



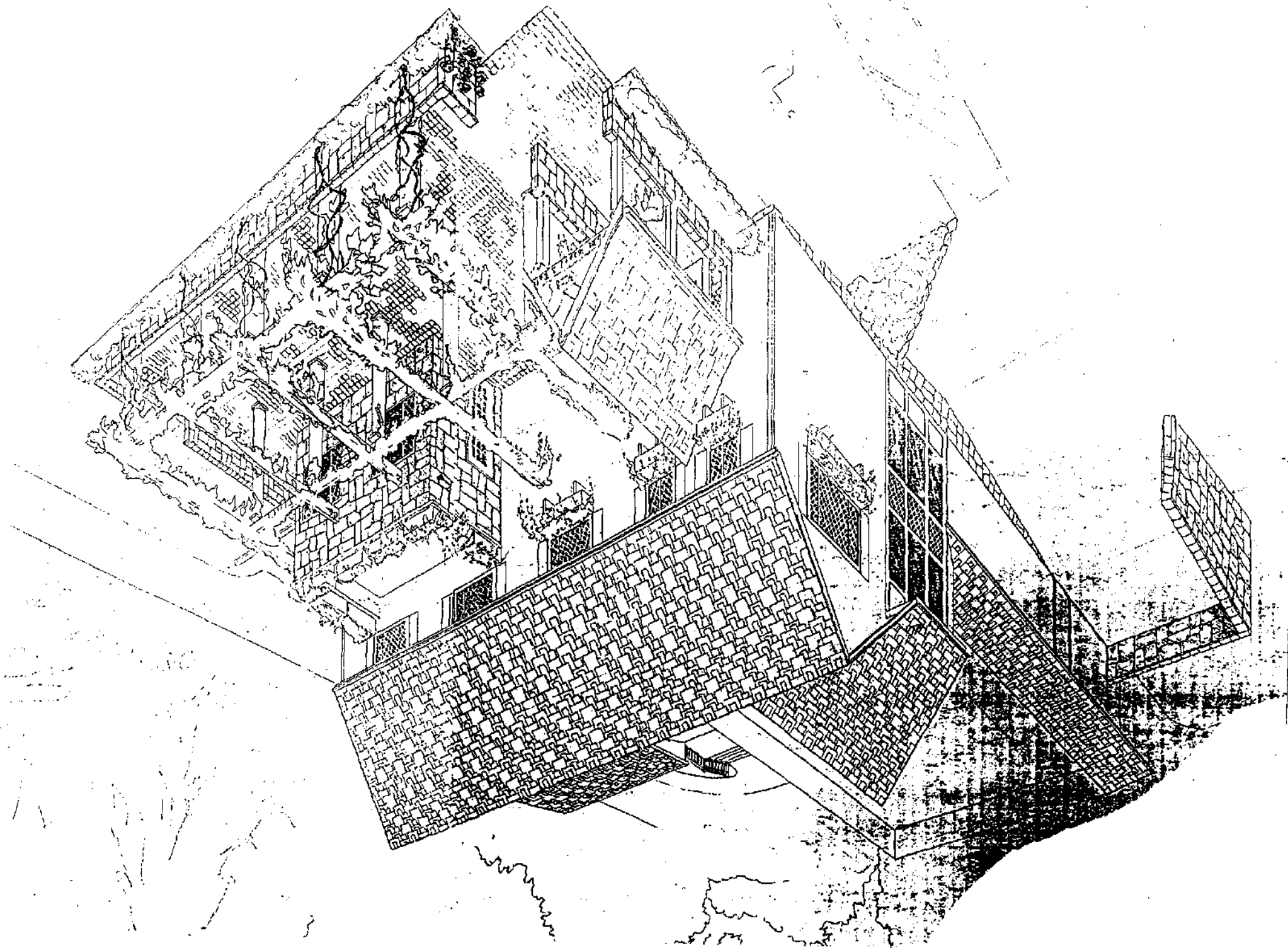
SITE PLAN-TOPOGRAPHICAL
 SCALE 1" = 20' 0"

8224 SO. STUBBLE ST. TACOMA, WA. 98406
NEW AND REMODEL
 NO WAITING IN LINE
 If you are in a hurry, or need a meeting, CALL US!
 COURTEOUS - EXPERIENCED - THOROUGH!

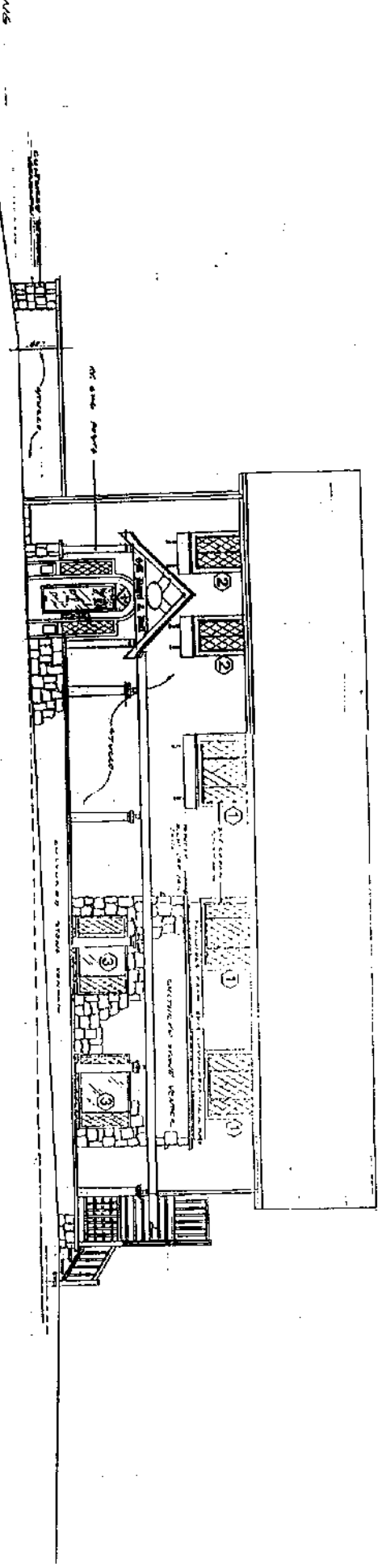
JIM COPELAND DESIGNING
 (206) 474-9439

8224 SO. STUBBLE ST. TACOMA, WA. 98406
NEW AND REMODEL
 NO WAITING IN LINE
 If you are in a hurry, or need a meeting, CALL US!
 COURTEOUS - EXPERIENCED - THOROUGH!

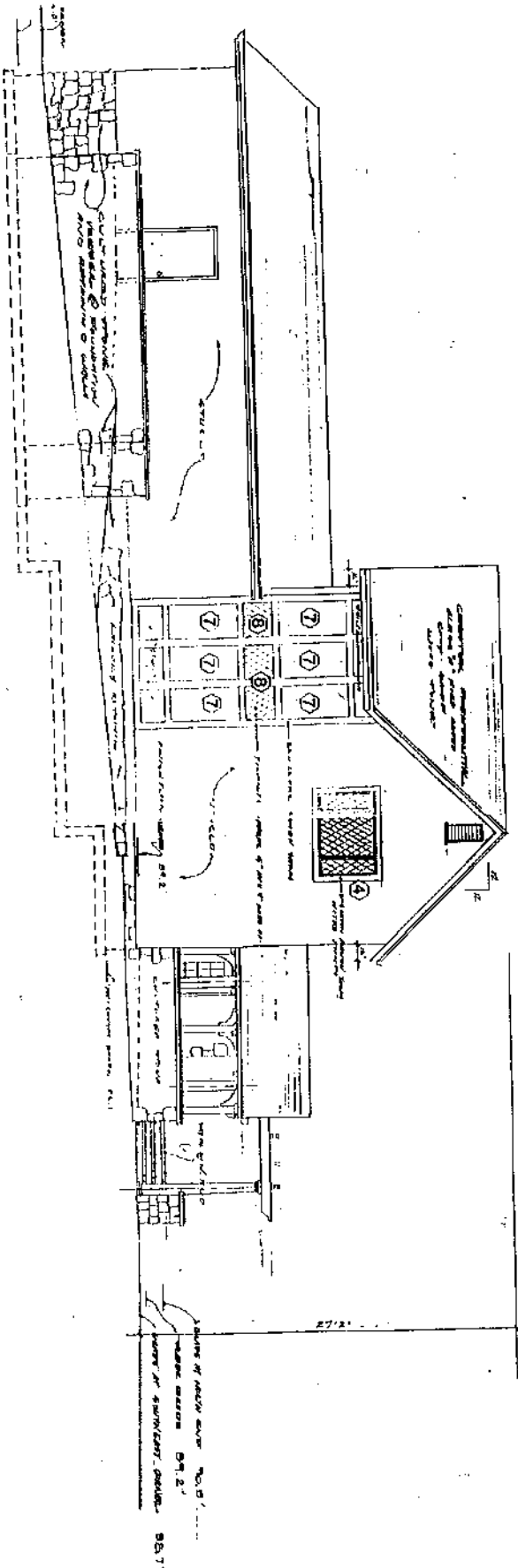
6 M BAGEL & DELI
 FOR: ANGELA PUZON
 8224 SO. STUBBLE ST.
 TACOMA, WA. 98406
 Jim Copeland Designing



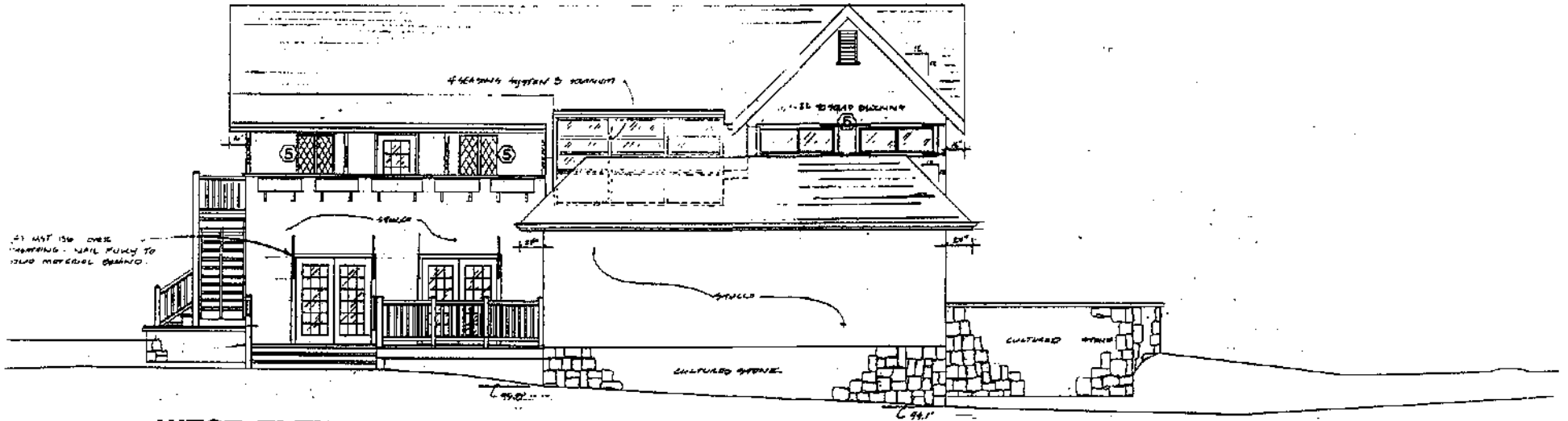
EAST ELEV. SCALE=1/4"=1'0"



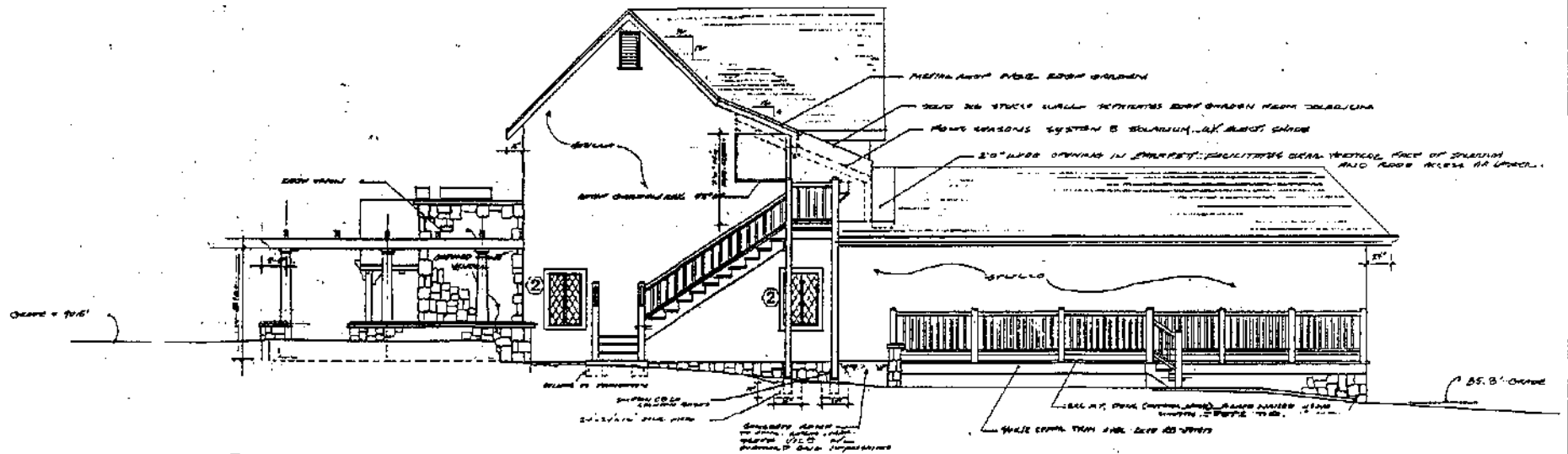
SOUTH ELEV. SCALE=1/4"=1'0"



7M BAGEL & DELL	
ARCHITECT	DATE
FOR: ANGELA FURZOM	PROJECT NO.
AND JIM COPPELAND	NO. 1
JIM COPPELAND DESIGNING	3-8-17

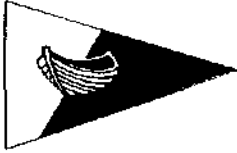


WEST ELEV. SCALE=1/4"=1'0"



NORTH ELEV. SCALE=1/4"=1'0"

7M BAGEL & DELI			
SCALE:	DATE:	PROJECT:	NO.:
FOR: ANGELA PUGH 2800 7TH STREET 310 BARBOUR, WA 98110			
Jim Copeland Designing			4 of 17



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council
FROM: ~~RS~~ Ray Gilmore
DATE: January 23, 1992
SUBJ.: Hearing Examiner Recommendation -- SDP 91-06/VAR
91-25, Logan.

Attached for your review and consideration is the hearing examiner's findings and conclusions respective to a shoreline variance permit and zoning variance permit request. The applicant's, Warren and Dorcas Logan, are requesting a shoreline variance permit to remodel a residence which is located waterward of ordinary high water and a height variance from the zoning code to accommodate the remodel/addition project.

In his report of January 6, 1992, the examiner has recommended approval of the applications to the City Council. A copy of the staff recommendation, appropriate resolution and shoreline variance permit form is enclosed.

CITY OF GIG HARBOR
RESOLUTION No. ____

WHEREAS, Warren and Dorcas Logan have requested a Shoreline Management Variance permit and height variance approval to permit the construction and remodel of an addition to a single family dwelling located waterward of ordinary high water; and,

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

WHEREAS, the Planning Department for the City of Gig Harbor has recommended approval of the project, in a staff report dated October 30, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on December 18, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated January 6, 1992; and,

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 reports dated January 6, 1992 are hereby adopted and the application for a Shoreline Management Variance permit and zoning variance for allowable height is granted.

Resolution No.
Page 2

PASSED this 27 day of January, 1992.

Gretchen A. Wilbert, Mayor

ATTEST:

Dennis Richards
Acting City Clerk

Filed with City Clerk: 1/23/92
Passed by City Council: 1/27/92

CITY OF GIG HARBOR
SHORELINE MANAGEMENT ACT OF 1971
PERMIT FOR SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT,
CONDITIONAL USE, OR VARIANCE

- Substantial Development Permit
 Conditional Use
 Variance

Application No. SDP 91-06

Administering Agency City of Gig Harbor

Date Received October 11, 1991

Approved _____ Denied _____

Date of Issuance _____

Date of Expiration _____

Pursuant to RCW 90.58, a permit is hereby granted/denied to

Warren and Dorcas Logan

(name of applicant)

7007 Craig Lane, Gig Harbor, WA 98335

(address)

to undertake the following development remodel existing
single family dwelling, which is located waterward of ordinary
high water per attached plans.

upon the following property SE 1/4 of Section 8, Township 21 North,
(Section, Township, Range)

Range 2E

Within Puget Sound (Narrows) and/or its associated
wetlands. The project will not be within shorelines
(be/not be)

of statewide significance (RCW 90.58.030). The project will
be located within an Urban designation.
(environment)

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

This permit is granted pursuant to the Shoreline Management Act of 1971 and 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 (Chapter 90.58 RCW).

This permit may be rescinded pursuant to RCW 90.68.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

CONSTRUCTION PURSUANT TO THIS PERMIT WILL NOT BEGIN OR IS NOT AUTHORIZED UNTIL THIRTY DAYS FROM THE DATE OF FILING AS DEFINED IN RCW 90.58.140(6) AND WAC 173-14-090, OR UNTIL ALL REVIEW PROCEEDINGS INITIATED WITHIN THIRTY DAYS FROM THE DATE OF SUCH FILING HAVE TERMINATED; EXCEPT AS PROVIDED IN RCS 90.58.140(5)(a)(b)(c).

(Date) Mayor, City of Gig Harbor

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

Date received by the department _____

Approved _____ Denied _____

This conditional use/variance permit is approved/denied by the department pursuant to chapter 90.58 RCW.

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

(Date) (Signature of Authorized Department Official)

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS CONCLUSIONS AND DECISION

APPLICANT: Warren and Dorcas Logan

CASE NO.: SDP 91-06/VAR 91-25

APPLICATION: Shoreline variance permit application to allow the construction of a 221 square foot addition to the existing residence which is located on pilings waterward of the ordinary high water mark.

SUMMARY OF RECOMMENDATION AND DECISION:

Planning Staff Recommendation: Approve
Hearing Examiner Decision: Approve

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Logan application was opened at 5:31 p.m., December 18, 1991, in City Hall, Gig Harbor, Washington, and closed at 5:40 pm. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

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 on pages 1 to 6 of the Planning's 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 petition signed by eight persons was submitted (Exhibit B). Those who signed the petition indicated they had no objections to the requested variance. The petition stated "The small addition to the home actually improves the total looks of the home and gives it a finished look."

II. CONCLUSIONS:

A. The findings and conclusions prepared by the Planning Staff and set forth on pages 6 and 7 of the Planning Staff's Advisory Report accurately set forth 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.

III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested application is approved.

Dated this 6th day of January, 1992.



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:

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.

Further action by the Examiner shall be within thirty (30) days of the reconsideration request.

**MINUTES OF THE DECEMBER 18, 1991
HEARING ON THE LOGAN
APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Ray Gilmore, representing the City of Gig Harbor, and Warren Logan, the applicant.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report, with attachments.
- B. Petition dated October 4, 1991

PARTIES OF RECORD:

Warren and Dorcas Logan
7007 Craig Lane
Gig Harbor, WA 98332

STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER
(Revised 12-11-91)

SDP 91-06/VAR 91-25: Warren and Dorcas Logan
October 30, 1991

PART I: GENERAL INFORMATION

- A. APPLICANT:
Warren and Dorcas Logan
7007 Craig Lane
Gig Harbor, WA 98332
- B. OWNER:
same as above
- C. AGENT:
Does not apply.
- D. REQUEST:
A shoreline variance permit application to allow the construction of a 221 square foot addition to the existing residence which is located on pilings waterward of the ordinary high water mark. Additional over water construction is not proposed. A variance from the 16 foot height limit to allow the construction of the proposed addition 24 feet above grade. The improvement subject of this report has been previously constructed and was the subject of a stop-work order issued in August of this year.
- E. PROPERTY DESCRIPTION:
1. Location:
The project site is located at 7007 Craig Lane, assessor's tax parcel number 022108-4-115, which is within a portion of the SE 1/4 Section 8, Township 21, Range 2E.
 2. Site Area/Acreage:
The parcel is 12,600 square feet in area or approximately .28 acres.
 3. Physical Characteristics:
The subject property is designated Coastal Beach under the U.S.D.A. Soil Survey. The property

exhibits a grade of approximately 40 percent towards the East and does not show any indications of geologic instability. Normal erosive conditions are exhibited at the land-shore interface.

- F. SURROUNDING LAND-USE/ZONING DESIGNATION:
North: Single-family residence, zoned R-1
East: Puget Sound
South: Single-family residence, zoned R-1
West: Single-family residence, zoned R-1.
- G. UTILITIES/ROAD ACCESS:
Access is provided to the parcel by Craig Lane. Water is provided by the City of Gig Harbor, and power by Peninsula Light. Sewer service is not provided by the City of Gig Harbor.
- H. PUBLIC NOTICE:
Public notice was provided as follows:
Published in Peninsula Gateway: November 6, November 29 and December 4, 1991
Mailed to property owners of record within 300 feet of the site: November 6 and December 6, 1991.
Posted in three conspicuous places in the vicinity of the property: November 13, 1991.

PART II: ANALYSIS

- B. APPLICABLE LAND-USE POLICIES/CODES
1. Comprehensive Plan:
The area is designated low urban residential, as established under graphic 9, page 24. The proposed use of the site for a residence is consistent with the goals and policies of the Comprehensive Plan.
 2. Zoning Ordinance:
Section 17.16.020 permits single-family dwellings in an R-1 district. The proposed addition to the residence is permitted under the zoning code.

Section 17.04.160 allows a maximum height of sixteen (16) feet above natural grade in an R-1 district.

Section 17.66.020 permits administrative variances for deviations up to ten percent as allowed under the zoning code. The proposed height variance exceeds the amount allowable as an administrative variance.

3. Variance Criteria/Applicant's Justification:
Variances from the minimum standards to the zoning code may be granted if the applicant can successfully demonstrate that all of the following criteria can be met:
 - A) The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.
 - B) There are special conditions and circumstances applicable to the property such as size, shape, topography or location, not applicable to land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties similarly.
 - C) That the special circumstances and conditions do not result from the actions of the applicant.
 - D) The granting of the variance will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and zone.
 - E) That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated.
 - F) The hearing examiner shall make a further finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum necessary to make reasonable use of the land.
4. City of Gig Harbor Shoreline Master Program
The City Shoreline Master Program does not

incorporate any standards for residential construction over the water other than the requirement for shoreline variance. Therefore, the proposed reconstruction of a portion of the residence which is currently over-the-water is subject to the state shoreline management act (WAC 173-14-150) review criteria for a variance. The criteria states that:

1. Extraordinary circumstances must be shown and that the public interest shall suffer no substantial detrimental effect.
2. Variances for construction over water may be authorized provided the applicant can demonstrate all of the following:
 - a) The strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes or significantly interferes with a reasonable use of the property not otherwise prohibited by the master program;
 - b) That the hardship described is specifically related to the property and is the result of unique conditions such as irregular lot size, shape or natural features and not from deed restrictions or the applicant's own actions;
 - c) That the design of the project is compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment;
 - d) That the requested variance does not constitute a grant of special privilege not enjoyed by other properties in the area and is the minimum necessary to afford relief;
 - e) That the public interest will suffer no substantial detrimental effect;
 - f) That the public rights of navigation and use of the shorelines will not be adversely affected.

The applicant's justification, summarized, is as follows:

7007 Craig Lane is a single family dwelling. The addition of the small bedroom and changing the flat roof to a peaked, shaked roof will not change the authorized use of properties, in this location.

7007 Craig Lane is located on pilings on the beach. There is a very high hill in back of the home of approximately 65 feet with a parking lot on top and another 60 feet of very high hill up to the next homes (Ryans and Manleys). No views could possible be obstructed.

The original home was built approximately 50 years ago by Ruth and Roy Craig (relatives of Warren Logan) and the master bedroom was never finished. Ruth and Roy Craig used the small loft-type room upstairs for sleeping (summers only). This room had no closets, doors, or insulation. It also had a flat roof which has become increasingly difficult to maintain through the ten years we have lived permanently in the home.

The Galligan home directly adjacent to us is identical except their master bedroom was finished. Other homes on the beach on pilings have bedrooms, some have been remodeled or added on to and even one new home was built by the family of Bill Rush, attorney.

The bedroom we are asking for is within the outside perimeter of the home, not extending over the water, and within the height variance allowed within the height overlay district, 17.62.030.

The applicants have had nothing to do with the existing topography or location and had no say in the way the home was originally constructed.

As stated above, others have added on to their existing homes and at least two new structures have been built within the past few years.

The improvements to this home have enhanced the looks of the homes along the shore and entrance to the harbor. In no way could it be considered materially detrimental to the public welfare or injurious to the property or improvements in the vicinity.

PART III: FINDINGS AND CONCLUSIONS

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

- A) The proposed variance does ^{NOT} amount to a rezone or authorize a use not allowed in the district.
- B) The applicant has demonstrated that there is a special circumstance pertaining to the topography of the parcel. As the applicant has stated, the parcel was developed prior to current ownership. The original development occurred before the state Shoreline Management Act and the Gig Harbor Shoreline Master Program were adopted. Given the topography of the site and the over-water construction, development under current state and city shoreline regulations would not have allowed the existing use. Given the existing circumstances, the proposed 221 square foot addition is warranted in order to make reasonable use of the residence.
- C) The applicant's desire to exceed the City's height standard is based on circumstances relating to the original development of the site. In order for the applicant to provide a reasonable use of the existing residence without the ability to increase the footprint of the structure, a bedroom addition of 221 square feet would necessitate a vertical addition to the existing residence. This would exceed the current height standards. The proposal is a modest addition to the existing structure and is considered the minimum necessary to afford relief.
- D) The granting of the height variance will not constitute a grant of special privilege given the limitations imposed upon other properties in the

vicinity. The adjacent over-water residence and others in the immediate vicinity have constructed additional square footage to their respective structures.

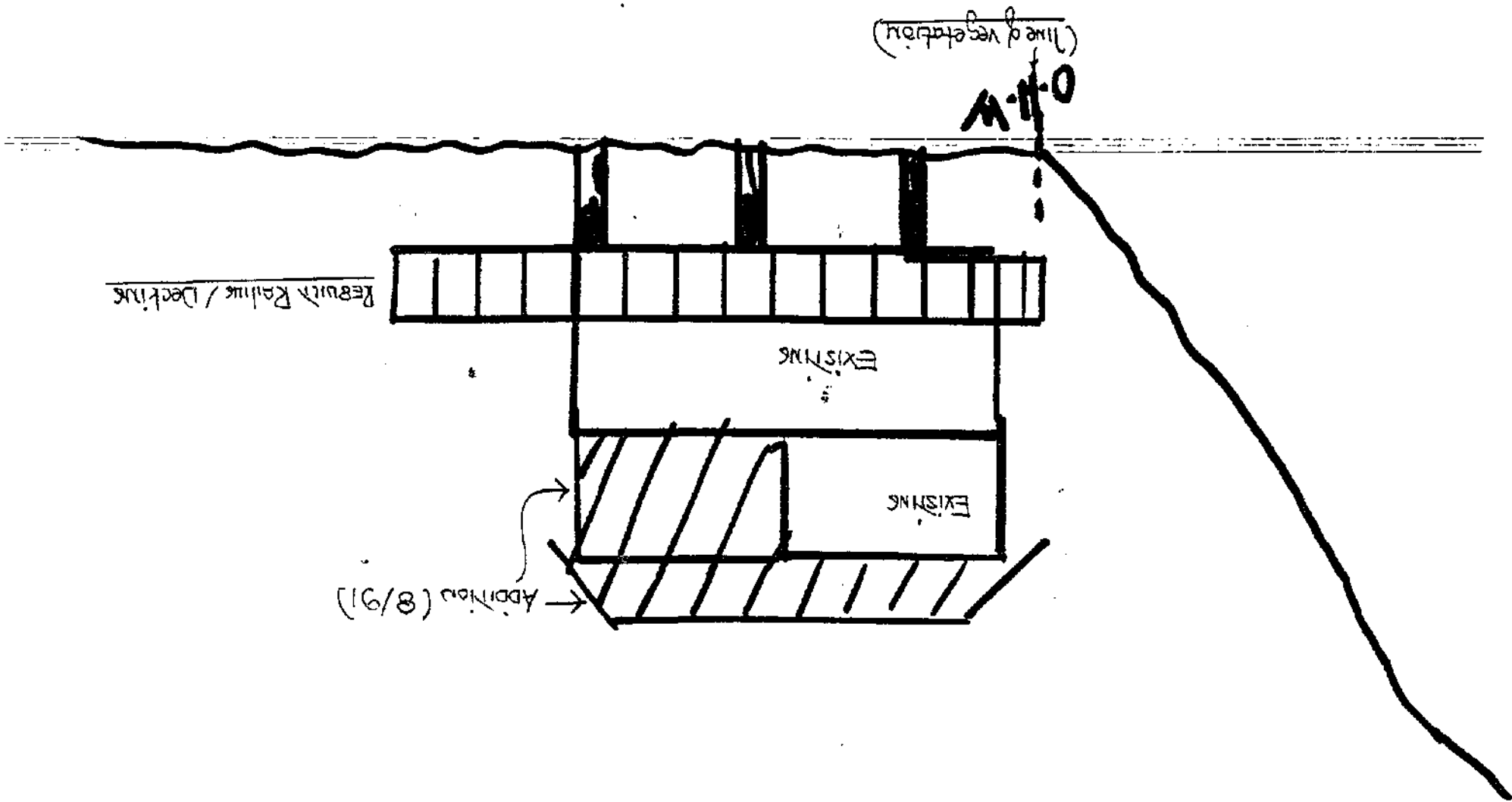
- E) The granting of the variance will not be materially detrimental or injurious to the public welfare given the scope of the subject proposal and the location. The 221 square foot addition will have little, if any, negative impacts on adjacent properties and shorelines of Gig Harbor.
- F) The City Shoreline Master Program does not contain criteria for construction of a residence over water.
- G) The hardship described is an inability to build further out over the water. This can be considered a unique circumstance as building out over the water would not currently be permitted for a single family dwelling.
- H) The design of this project is compatible with other permitted uses in the area and would not cause adverse effects to adjacent properties.
- I) The requested variance does not constitute a grant of special privilege as other adjacent properties share the same limitations.
- J) The public interest will suffer no substantial detrimental effect.
- K) The public ^{RIGHTS} rates of navigation and use of the shorelines will not be adversely affected.

PART IV: RECOMMENDATION

Based upon the analysis in Part III of this report, staff recommends approval of Variance 91-25.

Staff report prepared by: Gil Alvarado, Planning Assistant
Revised by: Ray Gilmore, Planning Director

Date DH/91



(line of vegetation)

0-1-0

Rebuild Railing / Decking

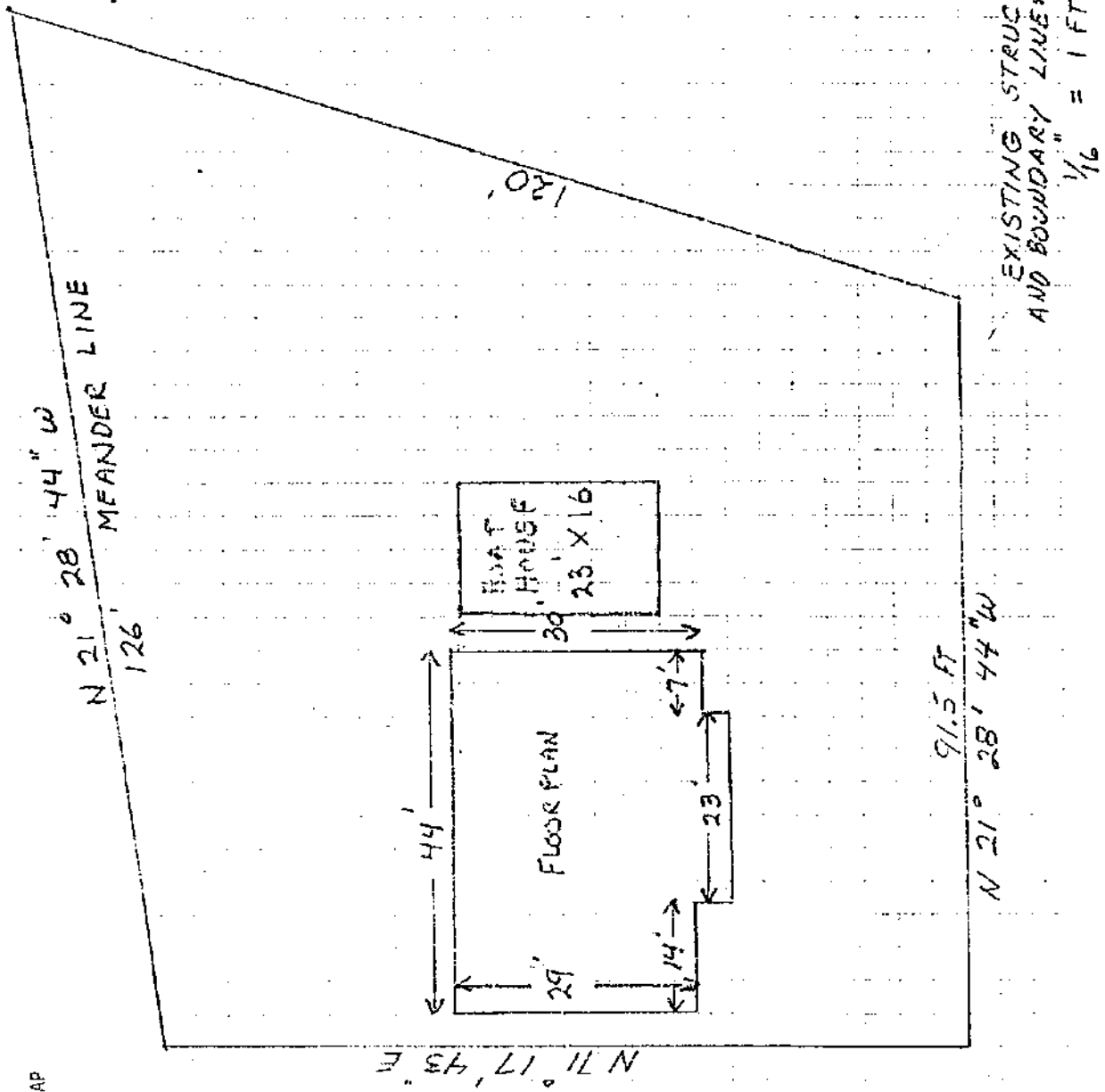
EXISTING

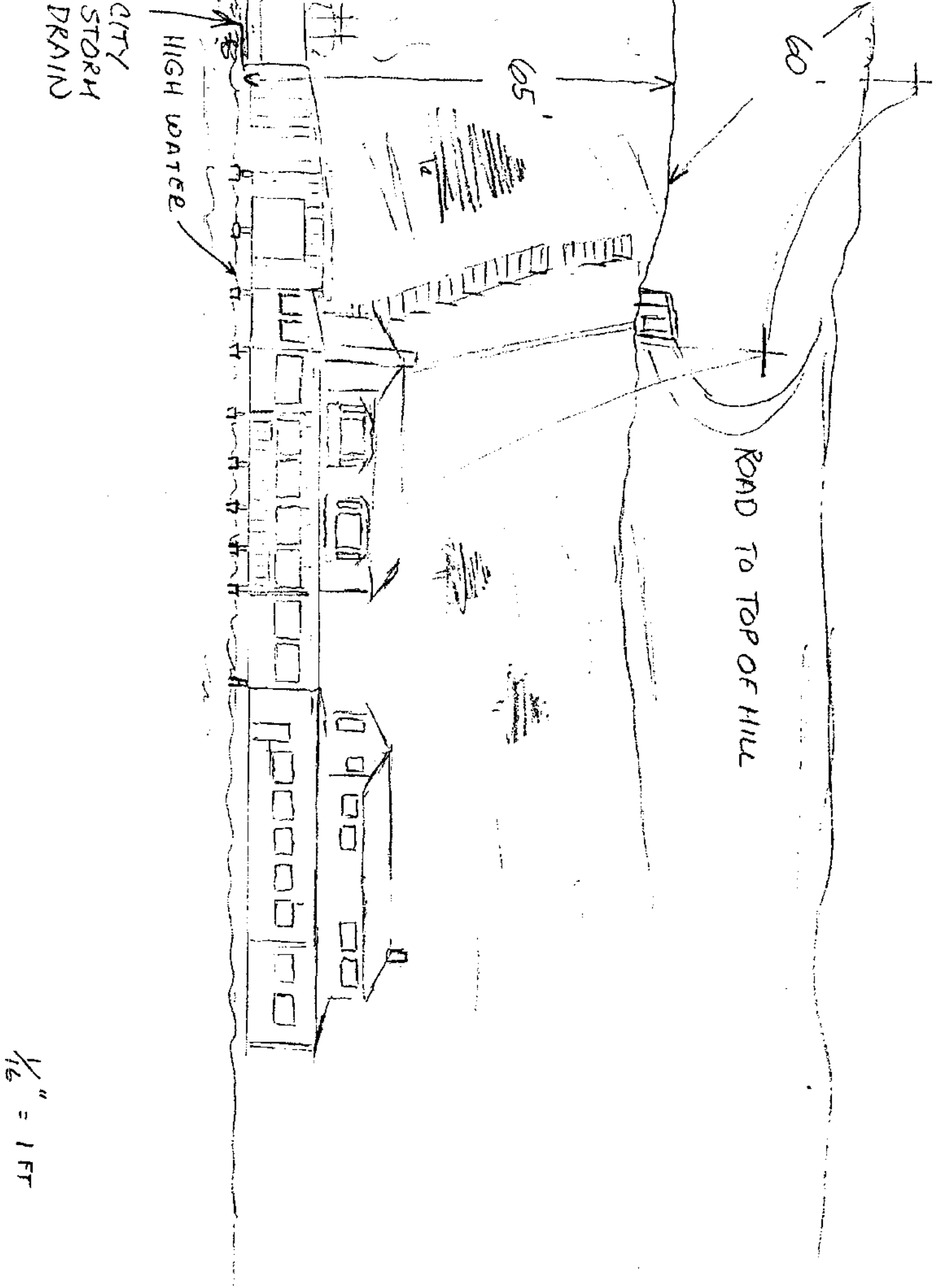
EXISTING

→ Addition (8/91)

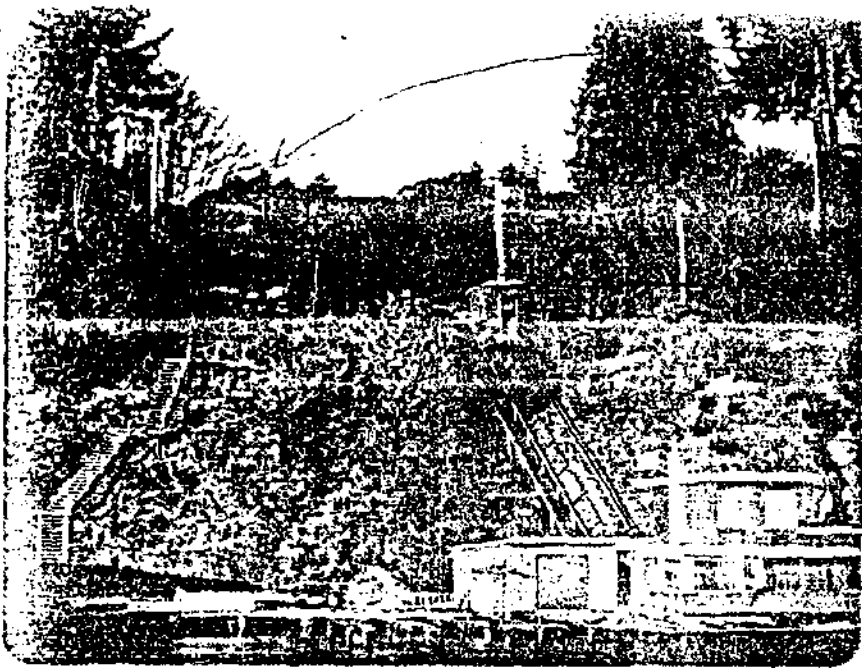
SITE PLAN MAP

A - 1





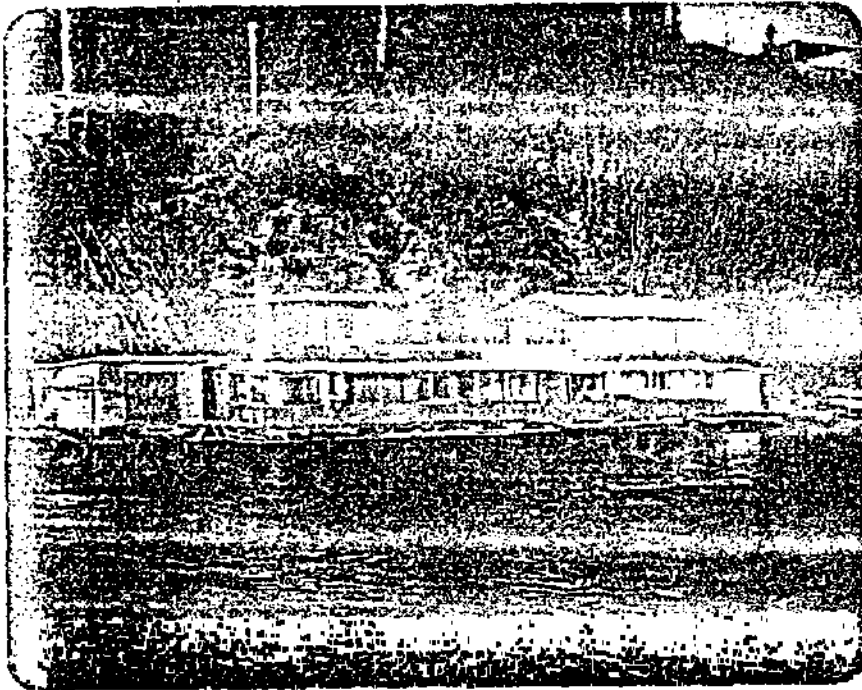
1/16" = 1 FT



RYA HOI - next closest residence above (approximately 130')

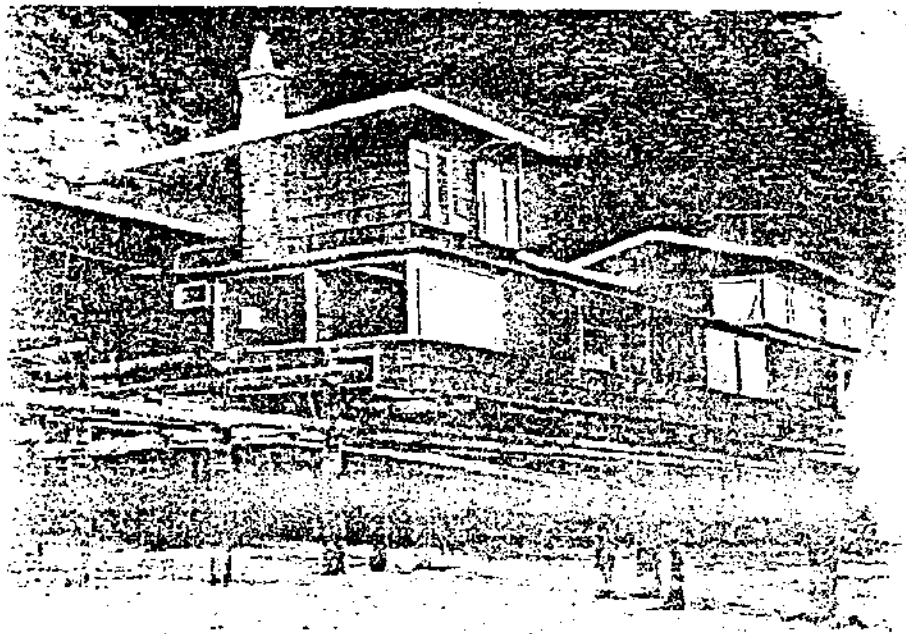
LOGAN/GALLIGAN private parking lot

LOGAN HOME



LOGAN and GALLIGAN HOMES

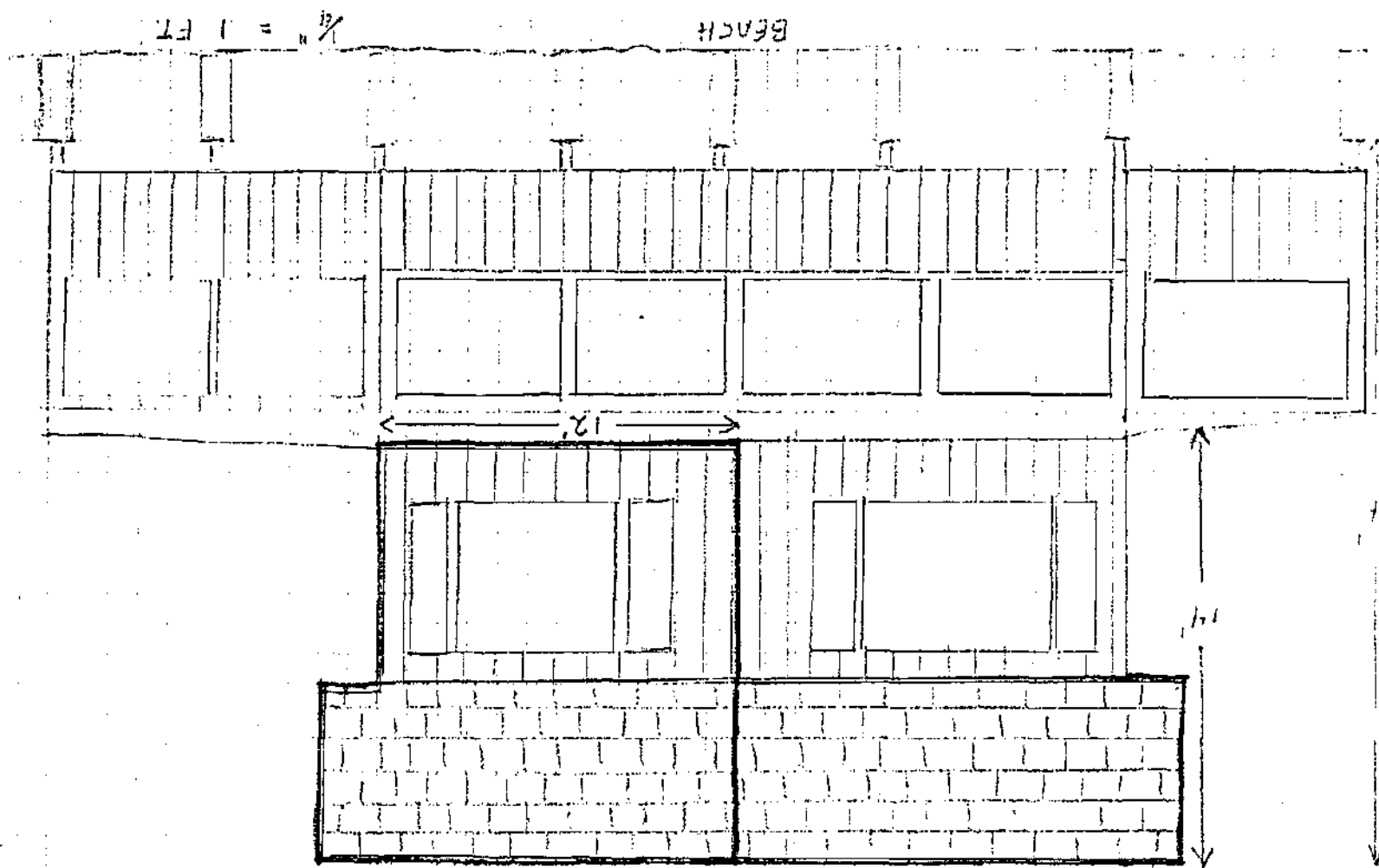
High Tide



CLOSE UP LOGAN and GALLIGAN HOME

Low Tide

A 2 (i)



DIRT(S) SIDES OF STUCCO
 RED SHOWS WHAT HAS BEEN DONE
 A 3 + 6



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BY*
RE: PTI FRANCHISE AGREEMENT
DATE: JANUARY 23, 1992

Telephone Utilities does not have a franchise agreement with the City of Gig Harbor. At their request, we have developed the enclosed ordinance which grant franchise to them.

This franchise is very similar to the one that we presented to Peninsula Light Company. The terms of the agreement is for 25 years.

The agreement was reviewed with our City Attorney and the necessary changes were made to minimize the City's liability.

RECOMMENDATION:

The Public Works Director recommends a council motion to approve the enclosed Ordinance which grants Telephone Utilities of Washington a franchise to operate within the city right of way.

0008.080.002
WDT/srh
12/18/91
r:1/23/92

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO TELEPHONE UTILITIES OF WASHINGTON, INC., A WASHINGTON CORPORATION, d/b/a PTI COMMUNICATIONS COMPANY, INC., A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN AERIAL AND UNDERGROUND TELECOMMUNICATIONS EQUIPMENT, ELECTRONICS, HARDWARE OR DEVICES OF ANY KIND USED FOR THE PURPOSE OF PROVIDING TELECOMMUNICATIONS SERVICES ON, UNDER, ALONG, OVER AND ACROSS THE PUBLIC STREETS AND ALLEYS OF THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public streets and rights-of-way, and

WHEREAS, this ordinance has been introduced more than five (5) days prior to its passage by the City Council, and

WHEREAS, this ordinance has been submitted to the City Attorney and has received at least a majority vote of the entire City Council, now, therefore,

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

Section 1. Telephone Utilities of Washington, Inc., dba PTI Communications, a Washington corporation, hereafter designated as PTI Communications, its successors or assigns, are hereby given and granted the nonexclusive right and franchise to construct, operate and maintain aerial and underground telecommunications equipment, electronics, hardware or devices of any kind used for

the purpose of providing telecommunications services under, along, across and over all of the City streets and alleys as now existing or whether hereafter constructed or dedicated.

Section 2. Said franchise encompasses all existing communication lines, and authorizes construction and maintenance of such new lines and underground communications cables as may hereafter be constructed by PTI Communications for providing communication services to private citizens, public bodies, or any other entity requesting communication service.

Section 3. General Construction Limitations and Conditions.

A. PTI Communications's facilities shall be so located or relocated and so erected so as to interfere as little as possible with traffic or with such streets, avenues, highways, bridges and other public places and egress, ingress to abutting property, provided, however, PTI Communications shall not break up, block or disturb any streets or other public thoroughfare without prior written permission from the City. All such construction and installation work, whenever same crosses any of the public properties, shall be done under the supervision of and upon the inspection of the City and PTI Communications shall timely submit to the City, prior to any such work, detailed plans and specifications of any such proposed work. The location of any franchise property in a street or other public area shall be subject to the approval of the City and such approval shall be given in writing and PTI Communications shall be subject to all

applicable ordinances, regulations, permits or licenses as provided by the ordinances of the City as they now exist or as they are amended.

B. During any period of construction, all surface structures, if any, shall be erected and used in such places and positions within said public right-of-way and other public properties so as to interfere as little as possible with the free passage of traffic and the free use of adjoining property, and PTI Communications shall at all times post and maintain proper barricades during any such period of construction as is required by the laws and statutes of the State of Washington and the City. Any portion of the streets so excavated shall within a reasonable time as quickly as possible after said excavation be restored and replaced by PTI Communications at its sole cost and expense in at least as good condition as it was immediately prior to the time of such excavation and to be performed in accordance with the applicable rules and regulations of the City.

Section 4. Temporary Removal and Relocations by PTI Communications. PTI Communications agrees and covenants, at its sole cost and expense, to protect, support, temporarily disconnect, relocate or remove from any street or other public property any of its installation when so required by the City by reason of traffic condition, public safety, street vacation, dedications of new rights-of-way and the establishment or improvement thereof, including widening, freeway construction, change or establishment of street grade or the construction of any public improvement or

structure by any governmental agency acting in a governmental capacity, provided that PTI Communications shall in all such cases have the privilege to temporarily bypass or permanently relocate, in the authorized portion of the same street or right-of-way upon approval by the City, any section of its cable or appurtenances to be so temporarily disconnected or removed.

Section 5. Raising and Moving Wires. If the raising or moving of wires is required by any party other than the City, at any time to enable use of the streets, or other public rights-of-way or properties, such party shall make written application at least fifteen days in advance of such required use, and PTI Communications shall raise or move said cable, wires and/or other equipment at the expense of the applicant, payable in advance. If the request is made by the City, PTI Communications shall raise or move the same at no charge to the City.

Section 6. The City of Gig Harbor, in the granting of this franchise, does not waive any rights which it now holds or hereafter may acquire to regulate the use and control of the City streets and alleys covered by this franchise.

Section 7. PTI Communications shall indemnify, defend, and hold harmless the City of Gig Harbor, its officers, agents and employees from any and all claims, suits, demands and judgments for damages, costs and reasonable attorney's fees incurred or alleged to have been incurred by any person, including PTI Communications's own employees, and alleged to have arisen directly or indirectly, in whole or in part, from any act or omission on the part of PTI

Communications, its officers, agents, contractors and employees, including, without limitation, the placement, maintenance, repair of electrical poles, appurtenances, wires and other equipment, regardless of whether it is also alleged the City of Gig Harbor, its officers, agents and employees caused or contributed thereto; provided, however this indemnity shall not apply if said damages result from the sole negligence of the City of Gig Harbor, its officers, agents and employees.

Section 8. If at any time the City of Gig Harbor shall change the width, grade or location of its streets, sidewalks or alleys, or install or change its underground utilities or install or change its open drainage facilities, PTI Communications shall upon request of the City, upon thirty (30) days written notice, at its sole expense relocate its facilities maintained pursuant to this franchise in the manner and at the location as directed by the City.

Section 9. This franchise is non-exclusive and does not divest the City of Gig Harbor of the power to grant other franchises for the same or other purposes upon the streets and alleys of the City.

Section 10. Public Liability Insurance. PTI Communications shall maintain in full force and effect during the life of this franchise issued pursuant to this ordinance commercial general insurance naming the City, its officials, employees and agents as additional insureds, and requiring thirty (30) days written notice to the City of any cancellation or material change

thereof, with an insurance company authorized to do business in the State of Washington, in amounts as determined by the City but in no event shall the coverage be less than six million dollars (\$6,000,000) per occurrence, combined single limit for property damage and bodily injury. A certificate or certificates evidencing the effectiveness of said policy or policies, authenticated by the insurance carrier or carriers shall be filed with the City Clerk and likewise authenticated proof of renewals shall be filed showing the above coverage for the duration of the franchise.

Section 11. Where new poles are placed upon the streets and alleys of the City, they shall be placed and located, unless otherwise permitted by the City authority, centered six feet from the right-of-way line. And unless otherwise permitted by such authority the minimum vertical clearance for new or rebuilt overhead electrical power lines upon said streets and alleys shall be 18. The measurement to be from the high point of the street or alley for crossing lines and from ground level on non-crossing lines.

Section 12. Where underground cables and appurtenances are installed or constructed by PTI Communications under the streets and alleys of the City, PTI Communications shall, unless otherwise permitted by the authority of the City, install and construct the same as follows:

A. Underground communication cables shall cross said streets or alleys at a minimum depth of 36 inches below the surface of the finished roadway. Said cables shall be in metal or schedule

80 PVC conduit under said finished roadway. When trenches are cut for placement of above, the cut roadway shall be patched with a like roadway surface material.

B. Underground communication cables placed longitudinally on the streets or alleys shall be confined on a five foot wide strip abutting the right-of-way line. Said cables shall be buried a minimum depth of 30 inches below the ground (street) line.

C. Fiber optic cable may be installed under the terms of this franchise under such conditions are approved by the Public Works Director of the City, provided however, that PTI Communications hereby releases the City from any claim for damage, lost profits and other expenses arising from damage to said fiber optic cables unless said damage is solely caused by any negligent act of the City.

Section 13. The term of this franchise shall be for twenty-five (25) years, commencing the ____ day of _____ 199_, and ending the ____ day of _____, 2016, conditioned upon the acceptance in writing thirty (30) days by PTI Communications of the terms and conditions herein imposed.

Section 14. Revocation. PTI Communications covenants and agrees, for itself, its successors and assigns, that in the event of any neglect, failure, refusal or omission to comply with any of the terms, conditions and regulations of any franchise and the rules and ordinances of the City, that the City may give notice

of such default, and if such default has not been corrected or the conditions of the franchise have not be complied with within thirty (30) days after receipt of such a notice, then any franchise and all rights accruing thereunder shall be immediately subject to forfeiture and termination, at the option of the City. PTI Communications shall thereupon immediately and at its sole expense, remove all lines, poles and other appurtenances from the City right of way, and restore the right of way to its prior condition.

Section 15. 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 16. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK,

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: BEN YAZICI, PUBLIC WORKS DIRECTOR *BBY*
RE: SHORE ACRES WATER COMPANY
DATE: JANUARY 24, 1992

In May of 1982, the City of Gig Harbor executed an agreement to sell water to Shore Acres Water Company. Either the agreement must be revised or it will be renewed automatically until 1996.

Following are reasons why I believe the agreement should be rewritten:

- 1) We do not bill the Shore Acres Water Company on a monthly basis as stated in the agreement. We bill them bi-monthly.
- 2) There are a total of 208 connections within the Shore Acres Water Company, contrary to the 195 connections stated in the agreement.
- 3) The City of Gig Harbor surcharges 150% to any other outside water and sewer customers outside city limits. We are only surcharging Shore Acres customers 125%. Perhaps we should increase this surcharge to 150%.

If the Council wishes to review this agreement, we must send a notice to Shore Acres Water Company no later than February 10, 1992.

RECOMMENDATION:

The Public Works Director recommends a Council Motion to authorize staff to prepare a revised agreement to sell water to Shore Acres Water Company to bring back to the Council for review and approval. The revised agreement should include the three items above.

AGREEMENT

1
2 THIS AGREEMENT, made and entered into this 10 day of MAY,
3 1984, by and between the CITY OF GIG HARBOR, a municipal corporation
4 of the State of Washington, for and on behalf of its Water Division,
5 hereinafter called the "CITY"; and SHORE ACRES WATER COMPANY,
6 a mutual corporation organized and existing under the laws of
7 the State of Washington, hereinafter called "Purchaser".

WITNESSETH:

8
9 That the parties heretofore and in consideration of the mutual
10 covenants herein contained, agree as follows:

1. Agreement to Sell and Purchase.

11
12 The City will deliver at the point or points of delivery
13 herein specified, and will sell to the Purchaser, all water re-
14 quired by the Purchaser as a distributing utility for its members,
15 at the rates and otherwise upon and subject to the terms and condi-
16 tions herein set forth.

2. Term of Contract.

17
18 a. This contract shall be deemed effective as of
19 MAY 10, 1984, and shall terminate MAY 10
20 1988. Without further action by either of the parties hereto,
21 this contract shall be renewed and continued in full force and
22 effect for additional terms of four year periods, unless the
23 Purchaser or City on or before ninety (90) days prior to the
24 termination of this contract, or on or before ninety (90) days
25 prior to the termination of any renewal period, gives written
26 notice that the contract will not be renewed.

3. Point of Delivery and Character of Service.

27
28 The City will deliver or make available to the Purchaser,
29 at the two master meters serving Shore Acres Water Company near
30

1 the City's corporate limits or at such other sites as the City
2 and the Purchaser may agree upon, wholesome water for residential
3 and fire extinguishing uses. The water supplied shall be of
4 the same quality as that distributed by the City to its users
5 and supplied in sufficient quantities and sufficient pressure
6 for the residential and fire extinguishing uses by the members
7 of Shore Acres Water Company at the point of connection between
8 the City's and the Purchaser's systems. The City will, throughout
9 the term and under the conditions of this contract, deliver or
10 make available to the Purchaser that amount of water needed to
11 adequately supply the members of Shore Acres Water Company.

12 4. Payment for Water and Connection Fees.

13 Water delivered under this contract shall be billed by
14 the City and paid by the Purchaser monthly. The rate shall be
15 125% of the City's residential rate which has been set by City
16 Ordinance No. 388, or as amended in the future. All
17 conditions of payment which apply to City customers shall apply
18 equally to the Purchaser.

19 The Purchaser shall pay to the City for each new connection
20 to the Purchaser's system a connection fee equal to 125% of the
21 connection fees charged by the City to its customers at the time
22 of connection to the Purchaser's system.

23 5. Presumed Number of Connections.

24 For purposes of calculating billing from the City to
25 the Purchaser it shall be conclusively presumed that there are
26 currently 195 connections to the Purchaser's system. This presump-
27 tion shall be reviewed and adjusted to reflect actual number
28 of connections on the first day of December of each year this
29 agreement shall remain in force.

1 6. Master Meter System.

2 The City shall each month read the two master meters
3 in existence and the bill payable to the City shall be calculated
4 upon that reading. The monthly bill shall be computed as follows:

5 a. Determine the total water consumed each month by
6 reading the master meters.

7 b. Apply a residential rate for each residential member's
8 meter and reduce the total by the allowable minimum cubic feet
9 for residential users of Gig Harbor.

10 c. Apply the equivalent excess charge for all water
11 consumed in excess of the allowable minimum cubic feet for each
12 member's meter.

13 7. Load Changes.

14 The Purchaser shall not extend new service to a structure
15 which is larger than a single family dwelling, without prior
16 written approval from the City Council allowing the Purchaser
17 to extend service to the structure or meter serving the structure.

18 8. Resale of Water.

19 The Purchaser agrees that all water delivered by the
20 City hereunder will be used for its own purposes as a distributing
21 utility to distribute water to its members and that none will
22 be delivered or sold to another distributing utility for resale.

23 9. Interruption of Service for Causes Beyond Control of Parties.

24 If the operation of the City's source of water or means of
25 distribution or the operation of the Purchaser's service is sus-
26 pended, interrupted or interfered with for any cause beyond
27 the City's control, including but not by way of limitation, the
28 failure or breakdown or interruption of electrical power, floods,
29 fires, acts of God or the public enemy, or other causes beyond
30 the control of the parties, but expressly excluding business

1 recessions, depressions, strikes, etc., the City need not deliver
2 water for such period of time to the extent that such suspension,
3 interruption or interference makes it reasonably impractical
4 to deliver such water; and monthly bills for any such period,
5 including any such suspension, interruption of interference,
6 shall be pro-rated by reducing the billing demand in the ratio
7 of days of suspension of service to the total days in the billing
8 period.

9
10 The City shall have reasonable time to repair any accident,
11 leaks or breaks in the plant. Such repairs shall be made with
12 due diligence and dispatch without unnecessary delay.

13 10. Flushing.

14 The City shall notify the Purchaser prior to flushing
15 any lines which will effect the quality of the water delivered
16 to the Purchaser.

17 11. Area Served.

18 The Purchaser shall only serve members within the follow-
19 ing described area:

20 BEGINNING at the Northeast corner of the
21 Southeast quarter of the Southwest quarter
22 of Section 8, Township 21 North, Range 2
23 East of W.M.;

24 THENCE West 30 feet more or less to the
25 West line of Wickersham County Road;

26 THENCE Southerly along the West line of
27 Wickersham County Road to the North line
28 of the Southwest quarter of Section 17,
29 Township 21 North, Range 2 East W.M.;

30 THENCE Easterly along the North line of
31 Southwest quarter and the Southeast quarter
32 of Section 17 to the point of intersection
with the Government Meander line;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

THENCE Northwesterly along the Government Meander line to the City limits of the City of Gig Harbor;

THENCE Westerly along said city limits to the point of beginning.

Excluding any area which has been annexed to the City of Gig Harbor.

12. Assignment.

This agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto; provided, however, that neither this contract nor any interest herein shall be transferred or assigned by the Purchaser without the prior written consent of the City Council.

13. Arbitration.

Any controversy or claim arising out of or relating to this agreement, including any dispute involving an increase in the rates, shall be settled by arbitration in accordance with the rules of the American Arbitration Association.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in triplicate, each by signatures and attest of its duly authorized officers, as of the day and date first above written.

CITY OF GIG HARBOR

SHORE ACRES WATER COMPANY

By: Ruth M. Logue
Mayor

By: William Stugh
President

Attested

By: [Signature]
City Clerk

By: [Signature]
Secretary

**EDEN SYSTEMS, INC
SOFTWARE SUPPORT AGREEMENT
1992**

CUSTOMER NAME CITY OF GIG HARBOR

CUSTOMER ADDRESS 3105 Judson

CITY/STATE/ZIP Gig Harbor, WA 98335

Terms and Conditions

The customer agrees to pay, in advance, the assessed support fee mentioned herein, for the period from January 1, 1992 to December 31, 1992 and said support fee will be subject to those conditions detailed in Appendix A incorporated herein.

The amount of the software support fee is \$3675.00 which covers currently installed and accepted application software. Software products installed during the support period will be charged on a prorated basis, for that part of the support period in use, at the prorated annual rate of 15% of the license fees for each software product.

The customer will pay all invoices for support coverage within 30 days of the invoice date. In the case of past due support fees, Eden reserves the right to void this Software Support Agreement and the customer shall forfeit all fees paid to date as well as any other conditions or rights under this Software Support Agreement.

Customers covered under this Software Support Agreement will be given first priority over customers not covered and will receive additional services at the rate of \$90.00.

Customers not covered under this Software Support Agreement will be charged for services at the rate of \$150.00 per hour with a minimum of \$150.00 per call in addition to any applicable travel and out of pocket expenses.

Travel and out of pocket expenses include but are not limited to airplane fare, lodging, car rental and/or mileage, meals and other charges incurred as a normal process of doing business.

Support and Service


Telephone support will be provided between the hours of 6:00AM and 5:00PM excluding weekends and holidays. Support provided other than normal hours or during holidays will be charged to the customer at twice Eden's normal hourly rate.

Customer agrees to provide necessary modem equipment in good working order throughout the term of this agreement.

During the term of this Agreement, Eden will maintain a complete and current copy of the source code for the customer in Eden offices.

THIS AGREEMENT SUPERSEDES ALL PRIOR SUPPORT AGREEMENTS WHETHER ORAL OR WRITTEN AND IS THE SOLE BASIS ON WHICH ANY SUPPORT IS TO BE PROVIDED THE CUSTOMER UNLESS SPECIFICALLY DESCRIBED IN APPENDIX B INCORPORATED HEREIN.

By: _____ Date: _____
Customer Authorized Signature

By:  Date: 11/30/91
Eden Systems, Inc.

Appendix A General Terms of Coverage

What Is Covered:

Telephone assistance in operating a specific application program supplied by Eden.

Assistance in determining the nature of application program error messages displayed from an Eden-supplied program.

Assistance in determining the nature and resolution of abnormal termination of Eden application programs.

Discussion of the flow of information through any portion of the Eden system or application program.

What Is Not Covered:

Any and all assistance relating to equipment (terminals, processors, printers, tape drives, etc.), operating systems, other third party software products other than supplied by Eden.

Any and all assistance related to recovery from operational error, equipment failure, electrical failure and other similar actions and occurrences.

Programs which have been altered by customer's staff without the prior consent of Eden.

Required local and state standards which may change during the course of the support year.

Appendix B
Exceptions to This Agreement

There are no exceptions or special considerations affecting this agreement.

OGDEN
MURPHY
WALLACE

ATTORNEYS AT LAW

Seattle Office:
2100 Westlake Center Tower
1801 Fifth Avenue
Seattle, WA 98101-1686
(206) 447-7000

FAX: (206) 447-0215

RECEIVED

JAN - 6 1992

CITY OF GIG HARBOR

John D. Wallace
Douglas E. Albright
Lee Corkrum
Wayne D. Tanaka
Robert G. Andre
Michael G. Wickstead
Robert A. Kiesz
Steven A. Reisler
W. Scott Snyder
Christopher A. Washington
James E. Haney
Phillip C. Raymond
Charles D. Zimmerman
Carol D. Bernasconi
William F. Joyce
Karen Sutherland
Retired
Raymond D. Ogden, Jr.

R. Miller Adams
Charles D. DeJung
Robert T. Dollinger
Milton H. Doumit
David A. Ellenhorn
Kathleen C. Healy
Deanne C. Kopas
Kent C. Meyer
Elizabeth C.Y. Peng
Jessica G. Rickard
Theresa A. Rozzano
Susan N. Slonecker
Gil Sparks
Counsel to the Firm
John J. O'Donnell
Stanbery Foster, Jr.
Ross D. Jacobson
Of Counsel
James A. Murphy

January 2, 1992

Mayor Gretchen Wilbert
City of Gig Harbor
3105 Judson Street
P.O. Box 145
Gig Harbor, WA 98335

Re: Stinson Avenue

Dear Mayor Wilbert:

You have asked me to review certain documents that were sent to the City by Mr. Hess, from the Pierce County Prosecutor's Office. The documents relate to an annexation of a portion of Stinson Avenue. The original documents apparently contained an error, and Mr. Hess was sending the corrected documents, plus a requested agreement, that should be approved by ordinance. I have reviewed the documents, and find them to be in order. Of course, I did not review the legal descriptions. You might ask Ben to review the legals to make sure that everything is in order. I also enclose an ordinance that will authorize you to sign the agreement.

If you have any questions, please call.

Very truly yours,

OGDEN MURPHY WALLACE


Wayne D. Tanaka

Enclosure
WDT10057.1L/0008.90000

0008.020.002
WDT/srh
01/02/92

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH PIERCE COUNTY FOR THE ANNEXATION OF A SEGMENT OF 38TH AVENUE NORTHWEST, ALSO KNOWN AS STINSON AVENUE.

WHEREAS, the City of Gig Harbor and Pierce County have agreed to an adjustment of the City's boundary to encompass a portion of 38th Avenue Northwest (also known as Stinson Avenue), and

WHEREAS, Pierce County has enacted Ordinance No. 91-112 which authorized the Pierce County Executive to sign an agreement with the City of Gig Harbor to adjust the boundary of the City, pursuant to RCW 35.21.790, and

WHEREAS, the City Council finds that the proposed boundary line adjustment will be in the best interest of the public health, safety and general welfare, now, therefore,

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

Section 1. The Mayor is hereby authorized to sign that certain agreement signed by the Pierce County Executive on November 26, 1991 and which is attached hereto as Exhibit A and incorporated herein by this reference as if set forth in full.

Section 2. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

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

APPROVED:

MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK,

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

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

COPY RECEIVED

NOV 14 1991

JOHN W. LUTHERBERG
PIERCE COUNTY PUBLIC WORKS ATTORNEY

1
2
3
4 FILE NO. 66

PROPOSAL NO. 91-112

5 Sponsored by: Councilmember Paul Cyr

6 Requested by: Pierce County Executive/Public Works Department

7
8 ORDINANCE NO. 91-112

9 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL APPROVING AND AUTHORIZING
10 THE PIERCE COUNTY EXECUTIVE TO SIGN AN AGREEMENT WITH THE
11 CITY OF GIG HARBOR FOR THE ANNEXATION OF A SEGMENT OF
12 38TH AVENUE N.W., A COUNTY ROAD.

13 WHEREAS, the State of Washington re-constructed State Road No. 16
14 in a manner that has caused 38th Avenue N.W., a county road, to become
15 a dead-end on each side of State Road No. 16; and

16 WHEREAS, the segment of 38th Avenue N.W. on the easterly side of
17 State Road No. 16 (the easterly segment) no longer connects to the
18 Pierce County road system; and

19 WHEREAS, the City of Gig Harbor desires the easterly segment to
20 become part of its street system; and

21 WHEREAS, it would serve the public use and necessity and provide
22 for the public health, safety, and welfare if the easterly segment
23 would become a part of the street system of the City of Gig Harbor;
24 and

25 WHEREAS, RCW 35.21.790 expressly provides for the revision of
26 municipal corporate limits by agreement between the affected county
27 and city or town so as to include or exclude a segment of a public
28 street, road, or highway from the corporate limits of the city or
town;

NOW, THEREFORE, BE IT ORDAINED by the Council of Pierce County:

Section 1. The Council of Pierce County hereby approves the
agreement with the City of Gig Harbor as set forth in Exhibit "A"
attached hereto and made a part hereof by this reference.

Section 2. The Pierce County Executive is hereby authorized to
sign said Agreement and to send it to the City of Gig Harbor Council

1 ORDINANCE NO. 91-112 continued

2
3
4 for approval and signature.

5 PASSED this 5th day of November, 1991.

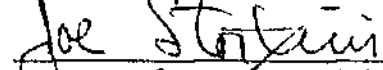
6 PIERCE COUNTY COUNCIL
Pierce County, Washington

7 
8 Council Chair

8 ATTEST:

9 
10 Clerk of the Council

11 PIERCE COUNTY EXECUTIVE

12 
Approved Vetoed
this 12th day of Nov.,
1991.

12 Approved As To Form Only:

13  7.2.91

14 Deputy Prosecuting Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 1991, by and between PIERCE COUNTY, a municipal subdivision of the State of Washington and CITY OF GIG HARBOR, A MUNICIPAL CORPORATION .

WHEREAS, The State of Washington re-constructed State Road No. 16 in such a manner so as to cause 38th Avenue N.W., a county road, to become a dead-end on each side of State Road No. 16; and

WHEREAS, the segment of 38th Avenue N.W. on the easterly side of State Road No. 16 (the easterly segment) no longer connects to the Pierce County road system; and

WHEREAS, the easterly segment is a continuation of Stinson Avenue, a City of Gig Harbor street; and

WHEREAS, the City of Gig Harbor desires the easterly segment to become part of it street system;

WHEREAS, it would serve the public use and necessity and provide for the public health, safety and welfare if the easterly segment would become a part of the street system of the City of Gig Harbor; and

WHEREAS, R.C.W. 35.21.790 expressly provides for the revision of a municipal corporate limits by agreement between the affected county and city or town so as to include or exclude a segment of a public street, road or highway from the corporate limits of the city or town;

NOW, THEREFORE, in consideration of the mutual promises, and

EXHIBIT "A" TO 91-112 (cont'd)

1 benefits to be derived by each of the parties, it is

2 **HEREBY AGREED AS FOLLOWS:**

3 1. The corporate limits of the City of Gig Harbor shall hereby be
4 revised to include the following described segment of 38th Avenue
5 N.W.:

6 That portion of 38th Avenue N.W. lying south of the City of Gig
7 Harbor limits and northerly of a line parallel with and 70 feet
8 northeasterly of the CR3 line of State Road No. 16 as shown on
9 that certain map of definite location now of record and on file
10 in the Office of the Director of Highways at Olympia, Washington,
11 bearing the date of March 19, 1970 and revised May 26, 1972. All
12 being in the southeast quarter of Section 7 and in the southwest
13 quarter of Section 8, Township 21 North, Range 2 east of the
14 Willamette Meridian.

15 2. This agreement shall be effective when approved by ordinance of
16 the City of Gig Harbor and by ordinance of Pierce County.

17
18 **IN WITNESS WHEREOF,** the parties hereto have caused this contract
19 to be duly executed, such parties acting by their representatives
20 being thereunto duly authorized.

21
22 **CITY OF GIG HARBOR**

23 By: _____
24 Gretchen S. Wilbert, Mayor

25 Signed this _____ day of
26 _____, 1991.

27 **ATTEST:**

28 _____
Michael R. Wilson
City Administrator

Signed this _____ day of
_____, 1991

EXHIBIT "A" TO 91-112 (cont'd)

1 PIERCE COUNTY

2 By: Joe Stortini
3 JOE STORTINI
Pierce County Executive

4 Signed this 17th day of
5 Nov., 1991.

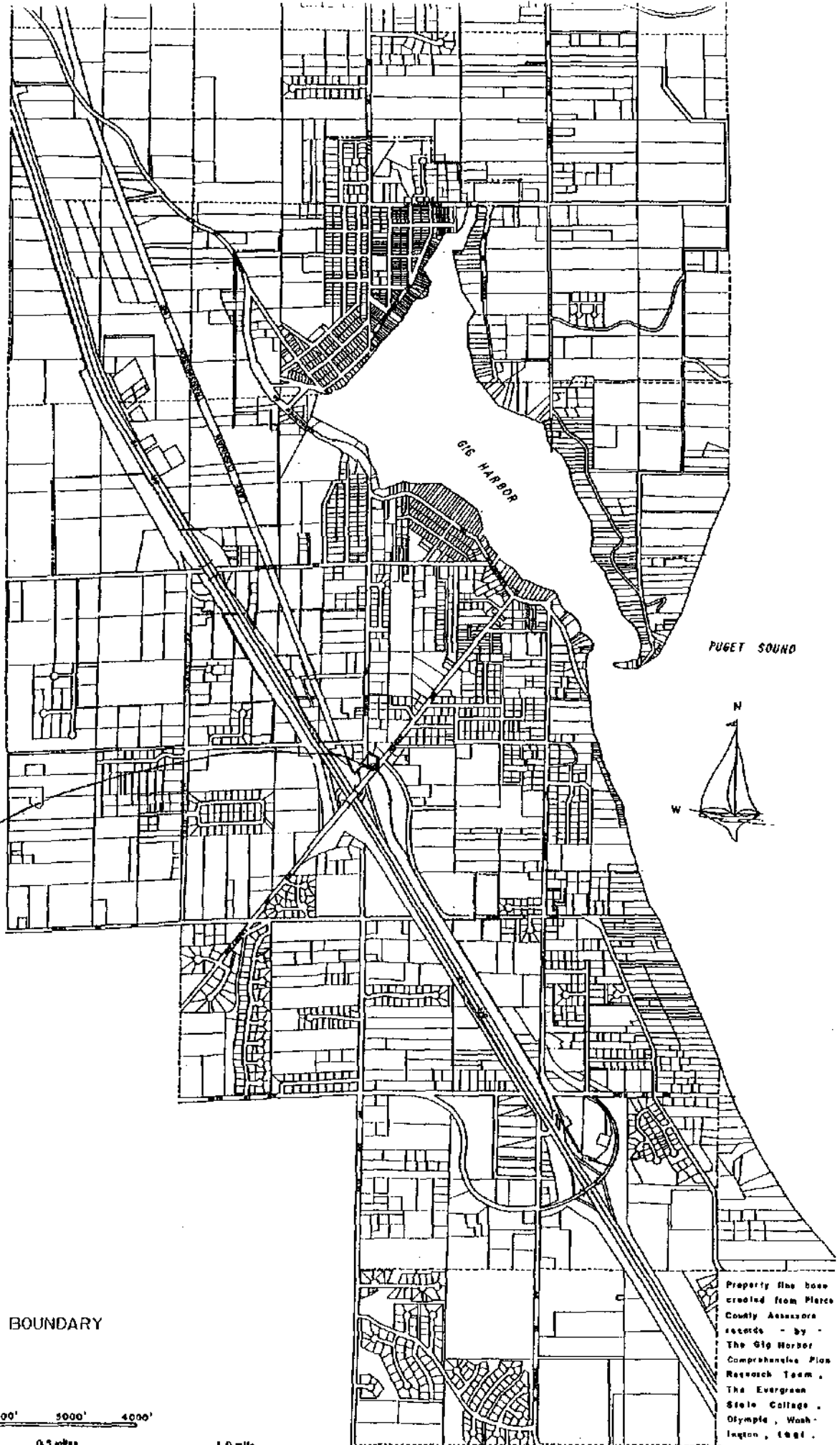
6 APPROVED AS TO FORM:
7
8 William L. Hess
9 WILLIAM L. HESS
Deputy Prosecuting Attorney

ATTEST:
Gene Benwater
Clerk of the Council

10 APPROVED BY:
11 Joe Stortini
12 Pierce County Department Head

14 gigagree.bh

16
17 RECEIVED
18 ROOM 946
19 NOV 13 1991
20
21
22
23
24
25
26
27
28



GIG HARBOR

PUGET SOUND



Area

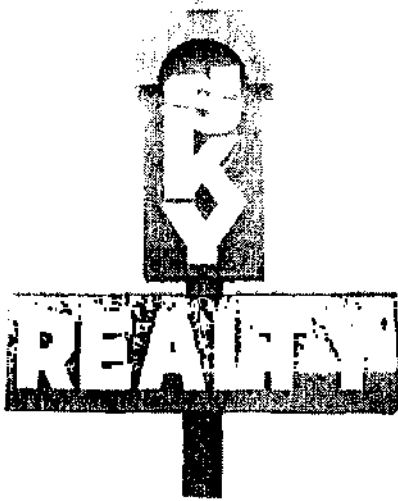
— CITY BOUNDARY

000' 2000' 5000' 4000'

0.5 miles

1.0 mile

Property line been
 created from Pierce
 County Assessor's
 records - by -
 The Gig Harbor
 Comprehensive Plan
 Research Team,
 The Evergreen
 State College,
 Olympia, Wash-
 ington, 1981.



851-9144 — Gig Harbor
272-2105 — Tacoma
P. O. Box 481
Gig Harbor, WA 98335

January 8, 1992

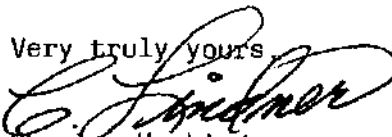
The Honorable Gretchen Wilbert
Mayor, City of Gig Harbor
P. O. Box 145
Gig Harbor, Washington 98335

Dear Mayor Wilbert:

This letter is an acknowledgement that I have, as nominee for the City of Gig Harbor, entered into an earnest money agreement to purchase from Monument Construction, Inc. certain premises on Harborview Avenue in Gig Harbor.

In the event that I should die or become incapacitated before assigning my rights thereunder to the City, my personal representative is hereby directed, on receipt of written request from the City of Gig Harbor, to assign to it all rights held by me under such agreement.

The legal description of the property is attached as Addendum A.

Very truly yours,

Charles H. Lindner
Broker
SKY REALTY, INC

CHL:lr

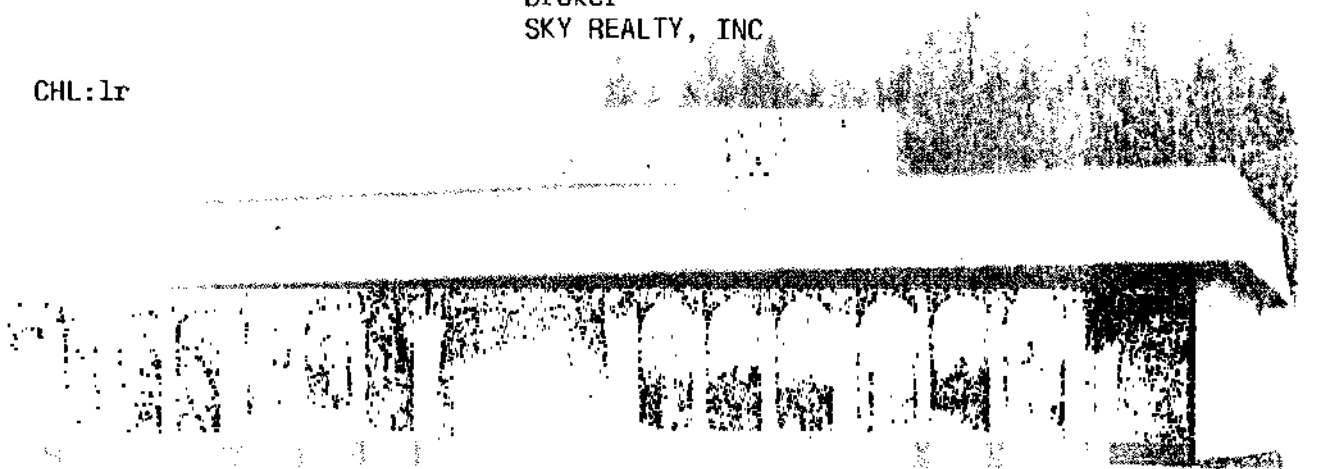


EXHIBIT A

PARCEL A:

Lots 5, 6, 7 and 8, Block 1, TOWN OF MILVILLE, according to plat recorded in book 2 of plats at page 23, in Pierce County, Washington.

TOGETHER WITH lands lying between the above described lands and the meander line and between the Northwesterly and Southeasterly side lines of said lands extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.

ALSO a tract of land lying between the Easterly line of First Street as shown on said plat and the meander line, and between the side lines of said First Street extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.

PARCEL B:

A parcel of aquatic lands in Gig Harbor, lying between the inner and outer harbor lines in SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST of the W.M., in Pierce County, Washington, more particularly described as follows:

Beginning at the most Southeasterly corner of Lot 5, Block 1, TOWN OF MILVILLE (GIG HARBOR), recorded in book 2 of plats at page 23, in Pierce County, Washington; thence North $35^{\circ}51'49''$ East 309.47 feet to a point on the Government meander line; thence North $52^{\circ}51'49''$ East 94.23 feet to a point on the inner harbor line and the true point of beginning of the parcel herein described; thence Northwesterly along said inner harbor line North $26^{\circ}01'22''$ West 156.39 feet; thence continuing Northwesterly along said inner harbor line North $60^{\circ}50'22''$ West 132.83 feet; thence North $44^{\circ}10'38''$ East 77.65 feet; thence North $35^{\circ}51'49''$ East 127.17 feet to a point on the outer harbor line; thence Southeasterly along said outer harbor line South $43^{\circ}15'22''$ East 355.43 feet; thence South $52^{\circ}51'49''$ West 218.79 feet to a point on said inner harbor line; thence Northwesterly along said inner harbor line North $26^{\circ}01'22''$ West 29.97 feet to the true point of beginning.

EXCEPT that portion, if any, lying within the aquatic lands leased by the State of Washington to Antona Stanich, et al, by Lease recorded October 25, 1983 under Auditor's No. 8310250016.

PARCEL C:

The Northwesterly 25 feet of Lot 4, Block 1, TOWN OF MILVILLE, according to plat recorded in book 2 of plats at page 23, in Pierce County, Washington.

TOGETHER WITH lands lying between the above described lands and the meander line and between the Northwesterly and Southeasterly side lines of said lands extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.



851-9144 -- Gig Harbor
272-2105 -- Tacoma
P. O. Box 481
Gig Harbor, WA 98335

The Honorable Gretchen Wilbert, Mayor and
Council Members, City of Gig Harbor
P. O. Box 145
Gig Harbor, Washington 98335

Dear Mayor Wilbert and Council Members:

This letter is in response to the question of disbursement of the Real Estate Commission on the Kerr-MCI property, known as Dorotich Marina.

This property is currently listed with Investment Realty, Inc. from Tacoma, who will receive 50% of the commission, Sky Realty, Inc. will receive the other 50%.

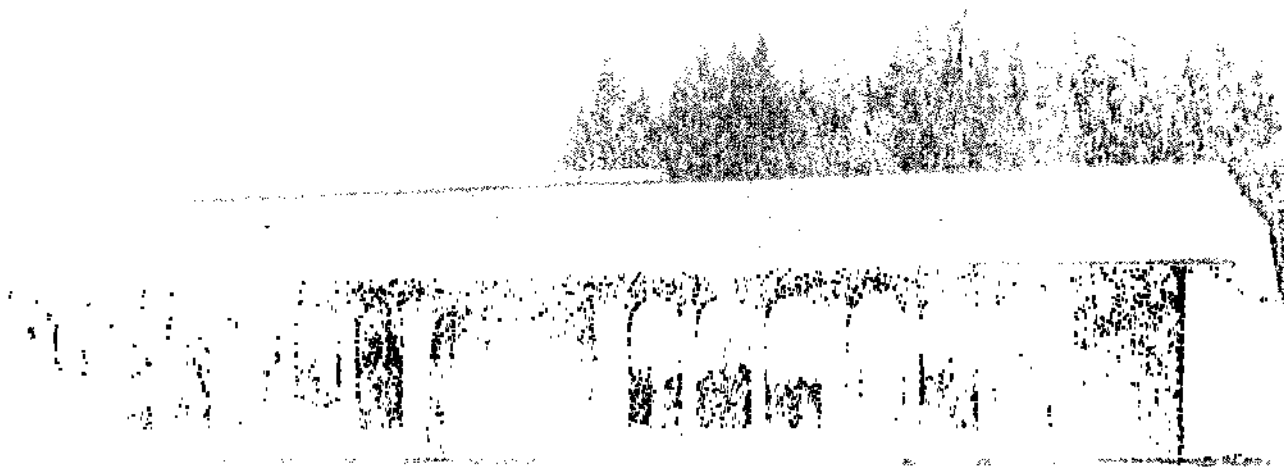
The monies received by Sky Realty, Inc. will be disbursed to Sky Realty, Inc. and Charles Lindner, according to our standard office regulations.

I hope this information resolves the question.

Sincerely yours,

Charles H. Lindner
Broker - Salesman
SKY REALTY, INC

CHL:lr



**PRESTON
THORGRIMSON
SHIDLER
GATES & ELLIS**

ATTORNEYS AT LAW

1500 FIRST INTERSTATE PLAZA
1201 PACIFIC AVENUE
TACOMA, WA 98402-4301
TELEPHONE: (206) 272-1500
FACSIMILE: (206) 272-2913

RECEIVED
JAN 10 1992 2:15 pm
CITY OF GIG HARBOR

Writer's Direct Dial No.
(206) 467-2701

January 10, 1992

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

Re: Park Bond Election Proceedings

Dear Mayor Wilbert:

Enclosed is a draft of election proceedings for the proposed bond issue. Section 2 of the ordinance also permits the City, if available funds are sufficient, to use remaining bond proceeds for other capital improvements as designated by the City Council. We have recommended the inclusion of this clause, because circumstances occasionally change after bonds are issued.

Section 3 of the ordinance specifies the total dollar amount of the proposed bond issue. Although a maximum dollar amount of bonds is specified, the City may issue less than the specified dollar amount and/or may sell the bonds all at one time or may authorize and sell the bonds in a number of series as the need for funds arises.

Section 4 of the ordinance establishes the general terms of the bonds. The maximum maturity for the bonds is set in the election ordinance, and we have specified 20 years as the maximum term. Although 20 years is the most common term for a bond issue, a city occasionally will select a shorter maximum term. As you know, the specific bond terms, such as interest rates are not set until the bonds actually are issued and sold.

With your approval, as well as that of your counsel and other City officials, the enclosed ordinance may be introduced at the January 13 meeting. The original ordinance should be retained by the City for its records. Could you please return one copy to us for our files. The third copy should be delivered to the Pierce County Auditor's office.

SEATTLE, WA
(206) 421-7580
Columbia Ctr. Fax: (206) 423-7022
1st International Fax: (206) 422-5110

BELLEVUE, WA
(206) 453-0300
Fax: (206) 446-3081

SPOKANE, WA
(509) 834-2100
Fax: (509) 416-0146

ANCHORAGE, AK
(907) 274-1949
Fax: (907) 276-1345

PORTLAND, OR
(503) 228-7100
Fax: (503) 248-9085

WASHINGTON, DC
(202) 638-1700
Fax: (202) 331-1024

Also enclosed are forms of the ballot, the order for the special election and the order of the County Auditor, assuming jurisdiction over the election. Could you please have the County Auditor sign the original and both copies and return one copy to us. The second copy is for the City, and the original is for the County Auditor.

Please do not hesitate to call if there are any other questions regarding the election process.

Very truly yours,

PRESTON THORGRIMSON
SHIDLER GATES & ELLIS

By
Cynthia M. Weed

CMW:mkj

Enclosure

c:\CMW\18690-00.002\qq1wilb.13r

ORDINANCE NO. _____

AN ORDINANCE of the City of Gig Harbor, Washington, providing for the submission to the qualified electors of the City at a special election to be held therein on April 7, 1992, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$2,000,000, for the purpose of providing funds to acquire land for a waterfront park.

WHEREAS, the best interests and welfare of the inhabitants of the City of Gig Harbor, Washington (the "City") requires the City to acquire land for a waterfront park; and

WHEREAS, in order to provide financing for the construction and furnishing of such facilities, it is deemed necessary and advisable that the City issue and sell its unlimited tax levy general obligation bonds in the principal amount not to exceed \$2,000,000; and

WHEREAS, the constitution and laws of the State of Washington provide that the question of whether or not the City may issue such bonds be submitted to the qualified electors of the City for their ratification or rejection;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN, as follows:

Section 1. Findings. The City Council hereby finds that the best interests and welfare of the inhabitants of the City require the City to undertake the Project hereinafter described at the time or times and in the order and in the manner deemed most necessary and advisable by the City Council.

Section 2. Authorization of Project and Bonds.

The City shall acquire land to be improved and developed as a waterfront park (the "Project"). The cost of all necessary consulting services, inspection and testing, administrative expenses, on- and off-site utilities and other costs incurred in connection with the Project shall be deemed a part of the costs of the Project. The Project shall be completed with all necessary appurtenances and related facilities.

For the purpose of providing part of the funds necessary to pay the costs of the Project, including all costs of financial, legal and other services lawfully incurred incident thereto, and to the issuance of bonds, the City shall issue and sell its general obligation bonds in the aggregate principal amount of not to exceed \$2,000,000 (the "Bonds"). The Bonds shall be issued in an aggregate principal amount not exceeding the amount approved by the qualified electors of the City. Both the principal of and interest on the Bonds, unless paid from other sources, shall be payable out of annual tax levies to be made on all the taxable property within the City without limitation or amount. None of the proceeds of said Bonds shall be used for the replacement of equipment or for other than a capital purpose.

The expenditure of Bond proceeds shall be made in accordance with its budgets as duly approved from time to time.

If the City Council shall determine that it has become impractical to accomplish the Project substantially, by reason of changed

conditions or increased costs, the City Council may make such changes in the size, timing, scope or details of the Project as it shall deem reasonable or, if for such reasons the City Council deems it in the best interests of the City, the City Council shall not be required to accomplish any portion of the Project and may apply unexpended Bond proceeds to the payment of principal of or interest on the Bonds.

If available funds are sufficient, the City shall acquire, construct and equip other capital improvements, as determined necessary by the City Council or shall apply proceeds of the Bonds or to the payment of principal of or interest on the Bonds, as the City Council in its discretion shall determine.

The Bonds to be issued shall be issued in such amounts and at such time or times as found necessary and advisable by the City Council. The Bonds may be issued in one or more series and shall bear interest payable at a rate or rates not to exceed a maximum rate authorized by the City Council. The Bonds shall mature in such amounts and at such times within a maximum term of 20 years from date of issue, but may mature at an earlier date or dates as authorized by the City Council and as provided by law. The exact date, form, terms, options of redemption, maturities and conditions of sale of the Bonds shall be as hereafter fixed by ordinance or ordinances of the City Council passed for such purpose. After voter approval of the bond proposition and in anticipation of the

issuance of the Bonds, the City may issue short term obligations as authorized by Chapter 39.50 RCW.

Section 3. Bond Election. It is hereby found and declared that an emergency exists requiring the submission to the qualified electors of the City of a proposition authorizing the City to issue bonds for the purpose of undertaking the Project, at a special election to be held therein on the 7th day of April, 1992. The Pierce County Auditor as ex officio supervisor of elections is hereby requested also to find the existence of such emergency and to assume jurisdiction of and to call and conduct said special election to be held within the City and to submit to the qualified electors of the City the proposition hereinafter set forth.

The City Clerk is hereby authorized and directed to certify the following proposition to the Pierce County Auditor in the following form:

CITY OF GIG HARBOR

PROPOSITION NO. 1

PARK BONDS - \$2,000,000

For the purpose of acquiring land for a waterfront park, shall the City of Gig Harbor issue up to \$2,000,000 of general obligation bonds payable, both principal and interest, out of annual property tax levies in excess of constitutional or statutory tax limitations, maturing within a maximum term of 20 years, all as provided in Ordinance # _____ of the City?

BONDS, YES []

BONDS, NO []

Certification of such proposition by the City Clerk to the Pierce County Auditor, in accordance with law, prior to the date of such election on April 7, 1992, and any other act consistent with this authority and prior to the effective date of this ordinance, are hereby ratified and confirmed.

Section 4. Levy Authorized. The City shall annually levy a tax on all the taxable property within the City, in excess of regular property tax levies, in an amount sufficient, together with other funds available for such purposes, to pay principal and interest on the Bonds.

Section 5. Severability. In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provision of this ordinance or the Bonds, but this ordinance and the Bonds shall be construed and enforced as if such invalid provision had not been contained herein; provided, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section 6. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

INTRODUCED on January ____, 1992 and PASSED by the Council of the City of Gig Harbor, Washington, at a regular meeting thereof, held on the ____ day of _____, 1992.

CITY OF GIG HARBOR, WASHINGTON

By _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CERTIFICATE

I, the undersigned, Clerk of the City of Gig Harbor, Washington (the "City"), and keeper of the records of the City Council (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. ____ of the Council (herein called the "Ordinance"), introduced at a regular meeting on _____, 1992 and passed at a regular meeting held on the ____ day of _____, 1992.

2. That said meetings were duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meetings was given; that a legal quorum was present throughout the meetings and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this _____ day of February, 1992.

City Clerk

[CITY SEAL]

ORDINANCE NO. _____

CITY OF GIG HARBOR, WASHINGTON

AN ORDINANCE of the City of Gig Harbor, Washington, providing for the submission to the qualified electors of the City at a special election to be held therein on April 7, 1992, of a proposition authorizing the City to issue its general obligation bonds in the aggregate principal amount of not to exceed \$2,000,000, providing funds to acquire land for a waterfront park.

Introduced on _____, 1992
Passed on _____, 1992

Prepared by:

PRESTON THORGRIMSON SHIDLER GATES & ELLIS

Seattle, Washington

TABLE OF CONTENTS*

	<u>Page</u>
Section 1. Findings	1
Section 2. Authorization of Project and Bonds	2
Section 3. Bond Election	4
Section 4. Levy Authorized	5
Section 5. Severability	5
Section 6. Effective Date	5

* The Cover Page and this Table of Contents are not part of this Ordinance and are provided for convenience of the reader only.

CITY OF GIG HARBOR

O F F I C I A L B A L L O T

PARK BONDS

April 7, 1992

INSTRUCTION TO VOTERS: To vote in favor of the following proposition, place a cross (X) in the square opposite the words "BONDS, YES"; to vote against the following proposition, place a cross (X) in the square opposite the words "BONDS, NO."

PROPOSITION NO. 1

PARK BONDS - \$2,000,000

For the purpose of acquiring land for a waterfront park, shall the City of Gig Harbor issue up to \$2,000,000 of general obligation bonds payable, both principal and interest, out of annual property tax levies in excess of constitutional or statutory tax limitations, maturing within a maximum term of 20 years, all as provided in Ordinance # _____ of the City?

BONDS, YES []

BONDS, NO []

NOTICE OF SPECIAL ELECTION

CITY OF GIG HARBOR
PARK BONDS

April 7, 1992

NOTICE IS HEREBY GIVEN that on Tuesday, April 7, 1992, a special election will be held in the above-named city for the submission to the qualified electors of said city of the following proposition:

PROPOSITION NO. 1

PARK BONDS - \$2,000,000

For the purpose of acquiring land for a waterfront park, shall the City of Gig Harbor issue up to \$2,000,000 of general obligation bonds payable, both principal and interest, out of annual property tax levies in excess of constitutional or statutory tax limitations, maturing within a maximum term of 20 years, all as provided in Ordinance # _____ of the City?

BONDS, YES []

BONDS, NO []

The special election shall be held at the regular polling places in each precinct within the City at the following addresses:

Precincts

Polling Places

Said polling places shall be open from 7:00 o'clock a.m. to 8:00 o'clock p.m.

Pierce County Auditor

OFFICE OF THE COUNTY AUDITOR

OF

PIERCE COUNTY, WASHINGTON

WHEREAS, the undersigned as the duly elected, qualified and acting Auditor of Pierce County, Washington, has jurisdiction of and is required by law to conduct all special elections for cities within the county; and

WHEREAS, the City of Gig Harbor lies entirely within the boundaries of Pierce County; and

WHEREAS, the City Council of said City by ordinance passed January __, 1992, a certified copy of which has been delivered to the undersigned, has found that an emergency exists requiring the holding of a special election on April 7, 1992; and

WHEREAS, said City by said ordinance has authorized and directed the undersigned to assume jurisdiction of and conduct said special election;

NOW, THEREFORE, it is authorized and ordered as follows:

The undersigned concurs in the finding of an emergency and does hereby assume jurisdiction of the above-mentioned special election of the City of Gig Harbor, authorized and ordered by an ordinance of its City Council passed on January __, 1992, and will conduct said special election to be held April 7, 1992.

DATED at Tacoma, Washington, this ____ day of _____, 1992.

Pierce County Auditor



City of Gig Harbor. The "Maritime" City."

3105 JUDSON STREET - P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: CITY COUNCILMEMBERS
FROM: GRETCHEN WILBERT, MAYOR
RE: PROCESS FOR PLANNING COMMISSION MEMBER SELECTION
DATE: JANUARY 24, 1992

Occasionally a request is made of the Peninsula Gateway to run an information bit extending an invitation for interested members of the Gig Harbor community to volunteer to serve in the capacity of a Planning Commission member. Letters of interest are received, a thank you letter is sent, and a file is kept of those interested persons. I wish to thank the Gateway for this service.

Larry Storset's letter has been in my file for a while. He responded to my invitation to accept a position on the Planning Commission with a hesitation - said he'd check with his wife and call me back.

He did call back and indicated an interest in serving. I thanked him.

It's with pleasure I introduce you to a fellow Gig Harborite and recommend confirmation of the appointment of Mr. Larry Storset to the Gig Harbor Planning Commission. He will fill the vacated seat of councilmember Corbett Platt. The term runs until June, 1997.

January 11, 1990

City of Gig Harbor
Gig Harbor City Hall
P.O.Box 145
Gig Harbor, Washington 98335

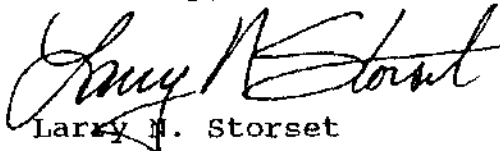
Attn: Gretchen Wilbert, Mayor

In response to your request for resumes to fill the vacant seat on the Gig Harbor Planning Commission, please accept the attached resume for your consideration. My family and I have lived in the City of Gig Harbor since 1975 and are very interested in the quality of life within the city.

My background as a practicing consulting engineer in commercial building design and construction provides a problem solving approach to present and future concerns the City of Gig Harbor faces.

I look forward to talking with you and the commission.

Sincerely,



Larry M. Storset

RESUME

LARRY N. STORSET

7507 Soundview Drive
Gig Harbor, Washington 98335

Personal

Married to Robin; son Aaron, daughters Emily, Rebecca.
Born and raised in the Pacific Northwest. Moved to
Gig Harbor in 1975 when we purchased our present home.

Registration

Professional Mechanical Engineer, Washington 1977

Education

M.S. in Mechanical Engineering, University of Washington, 1974
National Science Foundation Scholarship, 1970-1971
B.S. in Mechanical Engineering, University of Washington, 1970
Assoc. of Science, Olympic College, 1968

Associations

Tau Beta Pi, Washington Alpha
Member, National Society of Professional Engineers (NSPE)
Member, American Society of Heating, Refrigerating and Air
Conditioning Engineers (ASHRAE)
Member, National Fire Protection Association (NFPA)

Professional Experience

Larry has been active in the Consulting Engineering Field since 1978 working as Project Mechanical Engineer and then Chief Mechanical Engineer for Seifert and Forbes, P.S. of Tacoma until forming L. N. Storset and Associates in 1985. As a consulting engineer Larry has been responsible for design and design supervision of schools, hospitals, industrial facilities, medical clinics, office buildings and numerous other commercial, industrial and institution facilities. Larry's experience from 1971 through 1978 was with the Department of the Navy at Puget Sound Naval Shipyard working as a Shift Refueling Engineer and Test Planning Engineer in the Nuclear Engineering Department.



RECEIVED
JAN 13 1992
CITY OF GIG HARBOR

Household Hazardous Waste Turn-In Day

Wednesday, January 29, 1992

Pierce County, the City of Tacoma, and the Tacoma Home and Garden Show will present a free Household Hazardous Waste Turn-In Day on Wednesday, January 29, from Noon to 7:00 p.m. in the Tacoma Dome upper parking lot.

Bring your pesticides, household cleaners, motor oil, oil base paint, etc., to the Tacoma Dome and receive a two for one adult admission coupon to the Home & Garden Show. Coupons are good for Wednesday and Thursday only.

For more information please call the Tacoma-Pierce County Hazardous Waste Hotline at 1-800-287-6429, or the Pierce County Solid Waste Division at 593-4050.

****PLEASE POST****

PUBLIC HEARING

PIERCE COUNTY REGIONAL SUPPORT NETWORK

SIX YEAR PLAN

The Pierce County Mental Health Advisory Board is soliciting public comment on the DRAFT Regional Support Network (RSN) Six Year Plan for mental health services. Public comment will be accepted at a meeting on

Wednesday; January 29, 1992

from 5:00 - 7:00 p.m.

at

Pierce County Human Services

8815 South Tacoma Way, Tacoma, WA.

in the large conference room to the right of the front entrance to the building.

Copies of the RSN Six Year Plan will be available at the Pierce County Social Services office, 8811 South Tacoma Way, Second Floor on Wednesday, January 22.

Please call Pierce County Social Services at 591-7202 if you have any questions.

****PLEASE POST****



Puget Sound Bank

RECEIVED

JAN 20 1992

CITY OF GIG HARBOR

January 17, 1992

Please join us at a reception for "Soundkeeper" Ken Moser on Tuesday, January 28, from 5:30 to 7:00 p.m. at the Port of Tacoma Administrative Building, One Sitcum Plaza. Appetizers and refreshments will be served.

As the Soundkeeper, Ken patrols Puget Sound in a 26-foot boat assisting individuals, businesses and government in correcting practices that pollute the Sound. The effort was started last summer by the Puget Sound Alliance with a grant from the Puget Sound Water Quality Authority. It is modeled after successful programs in San Francisco Bay, Long Island Sound and the Hudson River.

Ken Moser will offer his observations on the state of the Sound, particularly Commencement Bay. He will also discuss how business, government and citizen groups can and should work together to complete current cleanup efforts and protect Puget Sound from further damage.

If you would like to attend, please RSVP to Stacey McGillivary (597-4878) at Puget Sound Bank by Monday, January 27.

Sincerely,

David Parent
Administrator, Puget Sound Fund
Puget Sound Bank

John Terpstra
Executive Director
Port of Tacoma

Enclosure