

GIG HARBOR CITY COUNCIL MEETING

FEBRUARY 11, 1991

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING OF:
FEBRUARY 11, 1991

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARINGS:

1. Planning Commission Recommendations and First Reading on Ordinance repealing and/or amending portions of Chapter 17 and enacting a new chapter to Chapter 17 of the Gig Harbor Municipal Code.

~~APPEALS:~~

APPROVAL OF MINUTES: (January 14, 1991; January 28, 1991)

CORRESPONDENCE:

1. Letter from Richard T. Kennedy, AWC Board of Directors, At-Large (Western)

ACTION ITEMS:

OLD BUSINESS:

1. Late-Comer's Agreement - John Brewer
2. Urban Area Agreement with Pierce County

NEW BUSINESS:

1. Official naming of the former Gig Harbor Library building.
2. New street names for "the Ridge"
3. Request for Time Extension (Paul Gustafson, Dorotich Marina)

DEPARTMENT MANAGERS' REPORTS:

1. Police Department - Monthly Statistics
2. Public Works

MAYOR'S REPORT:

1. Update on growth possibilities at the Washington Correction Center for Women (W.C.C.W.)

COMMITTEE REPORTS:

ANNOUNCEMENT OF OTHER MEETINGS:

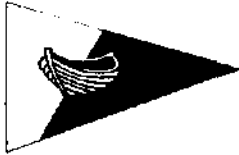
APPROVAL OF PAYROLL:

APPROVAL OF BILLS:

EXECUTIVE SESSION:

1. Ancich Property
2. Allmer Claim for Damages

ADJOURN: 3) PNA - Visitation item



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 THE CITY COUNCIL
FROM: PLANNING COMMISSION
SUBJ.: RECOMMENDATIONS AND FINDINGS ON PROPOSED CHANGES
TO THE ZONING CODE AND ZONING DISTRICT MAP.
DATE: FEBRUARY 7, 1991

In accordance with the Mayor's directive, the Planning Commission conducted a public hearing on January 29, 1991, to accept public comment on proposed changes to the zoning code text and map. The proposed changes consisted of those amendments of the Planning Commission's original recommendations which were adopted by Council on December 10, 1991, but later vetoed by the Mayor.

The Planning Commission, in consideration of the public testimony received and an independent analysis by the Planning Commission, recommends that the proposed ordinance be adopted. The ordinance presented essentially retains the new WM district adopted by the Council, with the exception of the 28 foot height allowance and the impervious coverage incentive performance standards, Sections 5A and 5B, and supports the zoning map changes made by the Council, with two exceptions.

Proposed Text Changes

The Planning Commission felt very uncomfortable in recommending a height increase that offer's absolutely no assurance that views could be protected or maintained along the waterfront. The Planning Commission feels that increased height in this area could be more effectively addressed through some form of an architectural review process. The incentive for increased height through the provision of a waterview-water access opportunity, as currently envisioned, does not insure that overall view quality in the Millville area would not be severely impacted.

The Planning Commission does not recommend any increase in impervious cover beyond what was originally recommended in the WRM district. The incentive approach on increased impervious coverage, as initially recommended, was intended for the waterfront commercial (WC) district, which allows a higher intensity and larger diversity of uses. The WM district, on the other hand, is not intended to serve as a commercial district and the Planning Commission does not feel increased coverage for this district is warranted.

for the waterfront commercial (WC) district, which allows a higher intensity and larger diversity of uses. The WM district, on the other hand, is not intended to serve as a commercial district and the Planning Commission does not feel increased coverage for this district is warranted.

The Planning Commission made some changes to the intent section of the WM section to reflect comments and concerns expressed at the public hearing. These changes lend support to the permitted uses and performance standards within the WM section and more accurately reflect what the Planning Commission feels is the vision for the Millville area.

Proposed Map Changes

Based upon the public comments received, there was no support for a commercial district along Rosedale near SR-16. Several comments were received that supported a lower intensity of uses, such as would be provided by an RB-2 designation. Therefore, the Planning Commission recommends that those areas initially adopted by Council (prior to the veto) as B-2 be designated as RB-2. Specifically, these areas include the properties south of Rosedale, west of SR-16, and on either side of Skansi Avenue, and the property between Mitts Lane and SR-16, north of Rosedale.

The Planning Commission refers to its original findings and conclusions of August 1990 in support of the RB-2 designation in the Mitts Lane area (see attached). An RB-2 for the Telephone Utilities property and the other properties south of Rosedale is appropriate, as an RB-2 would maintain the conformity of the T.U. property and would serve as a reasonable transition district between the freeway and nearby residential areas along Rosedale.

The Planning Commission respectfully requests Council's consideration of the ordinance.

Sincerely,

Kae Paterson

Kae Paterson
Chair, City of Gig Harbor
Planning Commission

ATTACHMENT

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Proposed Amendments to the Zoning Code Text

The planning commission recommends several changes and additions to the zoning code text, based upon public comment received during the workshop meetings and the public hearing:

WC (Waterfront Commercial) Section - The planning commission recommends the addition of four permitted uses: restaurants, professional offices, residential triplex/fourplex and general retail sales. An expanded WC section would provide for the desired level and intensity of mixed commercial activity along the more intensely developed waterfront area, but would preclude any new industrial activity, as is currently allowed in the C-1 district. The planning commission also recommends the incorporation of the public access incentive standards, through increased impervious coverage. This performance incentive was initially proposed by the city council in early 1990 and the planning commission supports this incentive approach in the WC districts.

WRM (Waterfront Residential-Millville) Section - The planning commission recognizes the need for an additional waterfront district that offers a combination and variety of uses permitted in the WC and WR sections, but at an intensity and scale weighted toward a residential-recreational environment. The proposed WRM district is applied exclusively to the historic Millville waterfront area and it is considered a reasonable compromise which balances the desires of landowners to have a variety of development options while protecting the overall residential-recreational uses existing.

B-1 (Light Commercial) Section - The planning commission proposed the retention of the B-1 section, recognizing its value as a limited commercial transition buffer. In order to maintain consistency and uniformity between commercial districts, the planning commission recommends incorporating a requirement for a thirty-foot buffer between B-1 and residential districts and the establishment of a seventy percent impervious cover limit.

General Statement on the GS Districts

It is proposed that GS zones be deleted and replaced by district designations that reflect greater compatibility with adjacent zones and which would further the goals and objectives of the City's 1986 comprehensive plan. The current GS districts were established in the mid-60's when Pierce County had adopted general zoning districts along the

highway corridor. The Planning Commission does not feel that a general zoning district established in the 1960' is appropriate nor desirable in the 1990's. The Planning Commission proposes that the current GS districts be amended as follows:

The current GS districts along Rosedale Street near SR-16 are proposed to be replaced by RB-1 and RB-2 districts.

The GS district north of Rosedale and west of SR-16 (Peninsula School District and Telephone Utilities property) is proposed to be replaced by an R-1 district.

The GS district at the southwest corner of Stinson and Grandview is proposed to be replaced by a B-2 district.

Specific Area Rezone Recommendations

1. B-2 districts on the south side of the Rosedale-Stinson intersection are proposed to be redesignated to an RB-1 district.

[The Comprehensive Plan identifies this area as urban residential. A portion of this area is the Spadoni Brother's heavy equipment/construction yard, which is considered an industrial activity. A purely commercial designation is not considered appropriate, even for the current use, but a transitional designation, compatible with residential areas, is desirable. It is the planning commission's finding that the uses on the southeast corner of the intersection would be conforming to an RB-1 district, while the Spadoni Brother's industrial use, which precedes the zoning code, would be non-conforming. Due to surrounding residential uses north, west and south of the site, the RB-1 designation is considered appropriate for these parcels.]

2. The R-1 district lying between SR-16 and the City of Tacoma right-of-way, west of Foster Street, currently designated R-3 and that area lying between Grandview and Northview Terrace, is proposed to be redesignated to an RB-1 district.

[The Comprehensive Plan identifies this area as medium density residential. The Planning Commission does not feel that this area is suitable strictly for residential development due to the presence of SR-16 on the west and the city of Tacoma transmission lines to the east. Also, the presence of several professional services adjacent to Stinson does not warrant a purely residential designation. The Planning Commission feels

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH THE ZONING CODE, ENACTING A NEW CHAPTER TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING A PORTION OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF GIG HARBOR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor City Council directed the City of Gig Harbor Planning Commission to conduct subarea meetings throughout the City in the furtherance of the refinement and implementation of the City of Gig Harbor Comprehensive Plan of 1986, and;

WHEREAS, the City of Gig Harbor Planning Commission conducted numerous work sessions in 1989 and 1990, four subarea meetings in April and May of 1990, a public hearing on June 19, 1990 and three work sessions in July and August of 1990 regarding proposed changes to Title 17 of the City of Gig Harbor Municipal Code in respect to text amendments and revisions to the zoning district map, and;

WHEREAS, the City of Gig Harbor Planning Commission in its Findings, Conclusions and Recommendations of August 1990 to the City Council did recommend twenty-eight changes to the zoning district map, two amendments to the Comprehensive Plan map and four revisions to the zoning code text, Title 17 of the City of Gig Harbor Municipal Code, and;

WHEREAS, upon referral by the Mayor for public comment, the Planning Commission conducted one additional public hearing on January 29, 1991, for consideration of changes to the zoning code text and map as proposed by Council, and;

WHEREAS, the adoption of the revised zoning code and zoning district map furthers the goals and objectives of the 1986 City of Gig Harbor Comprehensive Plan and promotes the public's health, safety and welfare,

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

Section 1. The following chapters of Title 17 of the Gig

Harbor Municipal Code are hereby repealed: 17.44 (Waterfront District 1), 17.48 (Waterfront District 2), 17.52 (Waterfront District 3) and 17.56 (General Services).

SECTION 2. The following chapters are hereby enacted:

CHAPTER 17.48

WATERFRONT MILLVILLE (WM)

SECTIONS

- 17.48.010 Intent
- 17.48.020 Permitted Uses
- 17.48.030 Conditional Uses
- 17.48.035 Hours of Operation
- 17.48.037 Prohibited Uses
- 17.48.040 Development Standards
- 17.48.050 Site Plans
- 17.48.060 Maximum Height
- 17.48.070 Parking and Loading Requirements
- 17.48.080 Signs
- 17.48.090 Performance Standards

17.48.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium density residential, marine dependent and marine related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.

17.48.020 Permitted Uses

1. Single family and two-family (duplex) structures.
2. Marinas and boat launch facilities.
3. Boat Repair and sales facilities
4. Marine related sales.
5. Delicatessens.
6. Public park and access facilities.
7. Professional offices.
8. Wholesale and retail sales of fisheries products for human consumption.
9. Live bait sales.
10. Piers, docks, wharfs and associated buildings.
11. Commercial fishing net sheds.

17.48.030 Conditional Uses

Subject to the standards and procedures for conditional uses as set forth in Section 17.64, the following uses may be authorized in this district:

1. Triplex and fourplex residential structures.
2. Yacht Clubs.
3. Bed and Breakfasts.
4. Public utilities and services.
5. Boat construction, not to exceed one boat per calendar year.
6. Coffee houses, not to exceed 1,000 square feet in total size.

17.48.035 Hours of Operation

The following uses shall be limited to operating between the hours of 7:00 am to 7:00 P.M., daily:

1. Sales.
2. Delicatessens.
3. Boat construction.
4. Coffee houses.

17.48.037 Prohibited Uses

The following uses are prohibited in this district:

1. Outdoor public telephones.

17.48.040 Development Standards

	Single Family	Multi-family (duplex-fourplex)	Non-Res.
1. Min. lot area	12,000	15,000-21,000	12,000
2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear and/or side yard abutting Tidelands	0	0	0
5. Min. int. side setback	8'	8'	10'
6. Min. street side setback	10'	10'	10'
7. Max. Impervious coverage	50%	55%	70%
8. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.			

17.48.050 Site Plans

Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision.

17.48.060 Height

The maximum building height is 16 feet, except as provided for under Section 17.62.

17.48.070 Parking and Loading Facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Section 17.72, except that where there are properties serving multiple uses, parking shall be provided for the combined

total of the individual uses.

17.48.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.48.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing related equipment is exempt from this standard.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)

Section 3. The following chapters of the Gig Harbor Municipal Code are modified as follows:

...

17.04 Definitions

...

17.04.265 Coffee House - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

17.04.268 Delicatessen - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

...

17.12.010 Districts Established

- ~~K. Waterfront Residential District (W-1) WR~~
- ~~L. Waterfront Millville Use District A (W-2) WM~~
- ~~M. Waterfront Commercial Use District B (W-3) WC~~
- ~~N. General Service Use District (GS)~~

17.32.045 Impervious Coverage

The maximum impervious coverage in a B-1 district shall be 70 percent.

...

17.32.050 Front Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.060 Rear Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.070 Side Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

...

17.46.040 Development Standards (Waterfront Residential)

	—Single —Family	7000- 12,000	less than 7,000	Duplex	Non- Res.
4. Minimum Rear Yard Setback if Tidelands Not Owned	20'	20'	15'	20'	30'
5. Minimum Rear and/or Side Yard Setback to Owned-Abutting Tidelands.	0	0	0	0	0

...

17.50.020 Permitted Uses (Waterfront Commercial)

- 9. Restaurants, taverns and lounges
- 10. Professional Offices
- 11. Residential, up to a fourplex
- 12. General Retail Sales

...

17.50.030 Conditional Uses

- ~~1. Residential development, up to a fourplex.~~
- 2-1. Guest accommodations
- 3-2. Public facilities
- 4-2. Parking lots for related shoreline uses
- 5-4. Restaurants, taverns and lounges
- 6-5. Processing of fisheries products for off-premise human consumption.
- 7-6. Boat construction

...

17.50.040 Performance Standards

10A. Maximum impervious lot coverage may be increased upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

<u>Maximum Imp. Coverage</u>	<u>Number of Waterview</u>
<u>Opportunities</u>	<u>Access</u>
a. <u>50/55/70</u>	<u>-0-</u>
b. <u>+10%</u>	<u>1</u>
c. <u>+10%</u>	<u>2</u>
d. <u>+10%</u>	<u>3</u>

10B. Waterview / Harbor Access Opportunities

- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the Street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City

Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.

- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot

boats and which must have a minimum water depth of eight feet and which must be easily

accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

Section 4. The official zoning district map for the City of Gig Harbor is hereby modified as indicated on the attached Exhibit "A".

Section 5. Those properties in the City of Gig Harbor so affected by zoning district changes established under this ordinance shall not be considered for any additional zoning district change for a period of twelve (12) months from the date of adoption of this ordinance, pursuant to Section 17.100.020 (D).

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

Section 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the Council held on this 25th day of February, 1991.

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 02/07/91
Passed by City Council:
Date published:
Date effective:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 28, 1991.

PRESENT: Mayor Wilbert, Councilmembers Davis, English
Frisbie, Hoppen, Perrow.

PUBLIC COMMENT/DISCUSSION:

Mayor Wilbert opened the meeting to public comment and discussion at 7:05. Gordon Wolfiel spoke to Council regarding Item #4 on the Agenda, the WIC Program Lease of the Bogue Building. His primary concern was the issue of dedicated space per user and that it be as small as possible thus ensuring that the Bogue Building be available to as many users as possible.

CALL TO ORDER: The meeting was called to order at 7:12 P.M.

PUBLIC HEARINGS: There were no public hearings scheduled.

APPEALS: There were no appeals scheduled.

APPROVAL OF MINUTES:

MOTION: To set aside approval of the minutes until the next council meeting. English/Perrow. Motion carried. Unanimous.

CORRESPONDENCE:

Mayor Wilbert read the letter of thanks from the Pierce County Fire Department commending the Public Works Department for their road work during the recent cold weather. Mayor Wilbert added her commendation for a job well done in meeting the many emergencies.

ACTION ITEMS:

OLD BUSINESS:

1. Latecomer's Agreement - John Brewer.

City Administrator, Michael R. Wilson, presented the background information, and advised the council of the requirements for a hearing on the issue. In addition, he suggested this item be tabled due to late notice of the affected property owners.

MOTION: To table this until the February 11 meeting. English\Frisbie. Motion carried, 4-1. Perrow opposed.

2. Request to Expand Sewer Utility Connections - Jenny & Bob Cochran (KOA)

City Administrator Wilson presented the issue. This item was continued from the January 14, 1991 meeting to allow for a full presentation of completed design documents. Wilson explained that this was not a normal sewer service extension in that KOA already had sewer service, but they were requesting added capacity in order to complete their plans to change KOA into a manufactured home development. Current zoning laws do not allow manufactured/homes in residential developments, however, they were allowed prior to the change in zoning laws. The issue is made more complex by the fact that while sewer extension service is under city jurisdiction, the site approval for this plan is under the jurisdiction of Pierce County, which has approved the plan. Wilson made the recommendation that the city move forward and approve the contract for sewer extension. Public Works Director, Ben Yazici assured that the storm drainage system was adequate. Bob Cochran presented the site plan to the council and answered questions concerning a buffer zone; Jim Richards spoke on behalf of the applicants' plan and compared the county/city vegetation, buffer zone, etc. requirements and regulations.

MOTION: To approve the contract for expanding sewer utility connection to the former KOA campground. Davis\Perrow.

AMENDMENT TO MOTION: 1. That the plan meet the most restrictive of the city/county definitions of buffer.
2. That the developer comply with, or exceed the city landscaping ordinance.
Frisbie\Davis.

Amendment to Motion carried
4-1. Hoppen opposed.

AMENDMENT TO AMENDMENT: That Cochran install curbs, gutters and sidewalks along

Burnham Drive as approved by
Pierce County. Perrow\
Frisbie. Amendment to
Amendment to Motion carried,
3-2. Davis and English
opposed.

MOTION: To remove the original motion from the table:

(as recorded in the minutes of January
14, 1991 meeting, at page 7,

"..expansion agreement not be approved
and the flow not be allowed to go above
13 ERU's." Frisbie\English.)

Frisbie\English. Motion carried. Unanimous.

MOTION: Motion to approve the contract as presented
with the amendments. Davis\Perrow. Motion
carried 4-1. Hoppen opposed with the
following statement on record: "While I am in
favor of reasonable housing, I am not in favor
of being a party to developing mobile home
parks or apartments." (217B-52)

3. Engineering Technician - Salary Range.

City Administrator Wilson presented general
information re the salary range for this type of
position and deferred to the Finance Committee for
comments.

MOTION: That \$2440 be the salary range for the
position of Engineering Technician.
Davis\English. Motion carried.
Unanimous.

4. WIC Program Lease of Bogue Building

City Administrator Wilson explained the draft lease
arrangements. The original agreement had been a
Memorandum of Understanding which was inadequate;
the attorney for WIC then put the agreement on a
standard lease form, which still did not meet the
situation without alteration; Wilson explained the
suggested changes.

MOTION: That we table consideration of this lease
until such time as the lease with the
Chamber of Commerce is fully executed.
Frisbie\Davis.

MOTION: To remove motion from the table.
Frisbie\English. Motion carried,
4-1. Davis opposed.

MOTION: After execution of the Chamber of
Commerce lease, Mayor be authorized to
sign a lease with WIC upon approval of
such lease by the Chamber of Commerce,
Mayor and City Administrator. Frisbie\
English. Motion carried. Unanimous.

5. Resolution: Affirmation of Council Decision on
Administrative Appeal, 90-03, Ellsworth/Thornhill)

MOTION: To approve Resolution 304, affirming
council decision on Administrative
Appeal, 90-03. Frisbie\English. Motion
carried, 4-0, Davis abstaining.

6. Resolution: Affirmative of Council Decision on
Appeal of Variance 90-07, (Western Clinic)

MOTION: To adopt Resolution 305 affirming the
findings of the Hearing Examiner, with
the exclusion of Finding G. Motion
carried, 4-0, Davis abstaining. 90-07.

7. Ordinance: Second Reading - Adoption of 1988 UBC.

MOTION: To adopt Ordinance 597, adopting the
Washington State Building Code. Perrow\
Davis. Motion carried. Unanimous.

NEW BUSINESS:

1. Review Liquor License Applications (2)

No problem with renewal (Harbor Inn and Shoreline).
No action taken.

2. Hearing Examiner - Employment Agreement

Wilson explained the agreement, the rates, and
comparisons with other jurisdictions. He recom-
mended retaining Ron McConnell as the Hearing
Examiner and asked that the City Administrator be
allowed to negotiate an agreement up to \$75.00 per
hour.

MOTION: To accept the recommendations of the City
Administrator.

AMENDMENT TO MOTION: That the words ... "for possible consideration of a salary adjustment not to exceed 3%" be stricken from Item D of the Hearing Examiner Employment Agreement.
Hoppen\English. Motion carried. Unanimous.

AMENDMENT TO MOTION: To add to the Employment Agreement, as Item F, the ability of the staff and Council to withhold the Examiner's compensation for all cases where we find the Hearing Examiner has failed to follow up on cases that he has postponed, held over, etc. Payments held by City shall then be released upon receipt of Hearing Examiner's final written statement on subject case. Motion died for lack of a second. Frisbie

AMENDMENT TO MOTION: Examiner agrees to submit written findings on all cases heard within 14 calendar days of the hearing and within 7 calendar days of all appeals.
Frisbie\English.

Wilson and Planning Director, Ray Gilmore, provided information on the hearings process and explained that while the hearing may be closed, the record is still open.

MOTION WITHDRAWN: Frisbie

AMENDMENT TO MOTION: That the Employment Agreement be approved with the following amendment added as Item F:
"Examiner shall perform his work under the conditions and time-frame established under Chapter 17.10 of the Gig Harbor Municipal Code and Rules of Procedure.
Frisbie\English. Motion carried. Unanimous.

DEPARTMENT MANAGERS' REPORTS:

1. Stinson\Harborview Improvements

Ben Yazici, Public Works Director, explained the objectives and costs of the Harborview Drive and Stinson Avenue intersection improvements. He also outlined the improvements schedule and the possible DOT transfer of funds from the Grandview/Pioneer project to this one.

MOTION: To authorize the staff to continue to work with DOT for implementation of the first phase of the Stinson Avenue and Harborview intersection improvements. Frisbie\Davis. Motion carried. Unanimous.

2. Sludge Composting Facility.

Ben Yazici explained the proposal from Purdy Topsoil and Gravel, Inc. In return for city sponsorship of their efforts to obtain grants for construction of a co-composting facility, Purdy Topsoil would collect and process the sludge from the wastewater treatment plant at minimal cost. Yazici also briefed on the technology of vericomposting for sludge disposal. Wilson explained the risk/liability factors and methods of restricting them.

MOTION: To move towards a Letter of Understanding with Purdy Topsoil & Gravel, Inc.

AMENDMENT TO MOTION: To include in the Letter of Understanding that, (1) in addition to the 15 year term, the City be granted a second 15 year term; and, (2) that the city be charged the lowest rate charged anyone. Frisbie. Motion carried. Unanimous.

MAYOR'S REPORT:

1. Appointment of a Planning Commission Member:

Mayor Wilbert recommended that Jeanne Stevens-Taylor be appointed to the Planning Commission to serve Carl Schleusing's unexpired term.

MOTION: To accept the Mayor's recommendation. Perrow\Frisbie. Motion carried. Unanimous.

COMMITTEE REPORTS:

The Technical Design Committee meets Wednesday at 3:30 PM.

ANNOUNCEMENT OF OTHER MEETINGS:

Planning Commission meeting, Tuesday evening at 7:00 P.M.

APPROVAL OF BILLS:

MOTION: To approve bills in the total amount of \$60,462.00 (Warrant numbers 6746-6799). Perrow\English. Motion carried. Unanimous.

EXECUTIVE SESSION:

Council did not adjourn to executive session.

ADJOURN:

MOTION: To adjourn. Davis\Perrow. 9:35 PM.

Tapes 217, 218A(to 564)

APPROVED:

Gretchen S. Wilbert

Date

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JANUARY 14, 1991

PRESENT: Mayor Wilbert, Councilmembers English, Frisbie, Hoppen, Perrow. Councilwoman Davis, Absent.

PUBLIC COMMENT\DISCUSSIONS:

Mayor Wilbert opened the meeting to public comment and discussion at 7:04 P.M. Mike McGimpsey, the proprietor of Roundtable Pizza, addressed the issue of sewage fee hook-up as related to restaurants. Michael R. Wilson, City Administrator explained the formulae of ERU's as applied to commercial uses in general and rates for restaurants. Ben Yacizi provided additional information.

Referred to Staff: Mike Wilson and Ben Yazici will review the ordinance, various data, and Mr. McGimpsey's past records from other Roundtable restaurants to see if anything supports the contention that the Roundtable Pizza qualifies for a lesser rate.

Jake Bujacich addressed his concern over the impervious coverage and 28 ft height limitations of the proposed mapping and zoning ordinance 594.

Public Comment\Discussion Session Closed.

CALL TO ORDER: The meeting was called to order at 7:20 PM.

PUBLIC HEARINGS: There were no public hearings scheduled.

APPEALS:

1. Appeal of Hearing Examiner's Decision: Ellsworth/Thornhill (Administrative Appeal 90-03).

Planning Director, Ray Gilmore provided background information. At issue was whether the Glomar Shaft, currently being used as moorage, was a "vessel" or a dock for purposes of ordinance and code enforcement. Nick Markovich spoke on behalf of the appellants, claiming that the Glomar Shaft was a legitimate vessel, appropriately registered as a vessel pursuant to Coast Guard Regulations and that the city's insistence that the vessel was, in reality, a dock, was an erroneous interpretation and application of the law and that the decision of the Hearing Examiner was arbitrary.

City Attorney Tanaka contended the real question was "when is a vessel a dock?", and the fact that something is a vessel does not mean it cannot be defined in another way (i.e. building/structure/apartment). The point was, the vessel was being used as a dock, not as a vessel, and there were not proper permits for it.

MOTION: To uphold the finding and conclusions of the Hearing Examiner with the exception of Item G, under II. Frisbie/Hoppen. Approved unanimously.

MINUTES:

MOTION: To accept the minutes of December 10, 1990 with the following amendment.

1. Under Public Hearings, Item 1, the fourth sentence, which begins "Dick Allen addressed. . .", be clarified to read as follows: " Dick Allen addressed removing the current intent of the WM Zone and replacing it with the intent of the W-2 Zone."
2. Add under New Business, Item 4: Council authorized the staff to proceed with the letting of the contract at Stinson and Pioneer so long as those bids opened within the approved budget. English/Frisbie. Minutes approved as amended. Unanimous.

CORRESPONDENCE:

There was no correspondence scheduled for review.

ACTION ITEMS:

OLD BUSINESS:

1. Veto of Ordinance 594 (Zoning and Mapping Designations).

Councilman Frisbie requested City Attorney Tanaka address the concerns that had been raised by Jake Bujacich during the public comments segment. Those concerns related specifically to the 28-foot height and the 90% impervious coverage requirements, and the requirement for Planning Commission review on certain changes of the ordinance. The City Attorney's opinion was that he did not believe that either of those issues are sufficient cause for requiring the ordinance be returned to the Planning Commission for review. He stated it is not required that each and every Council amendment for change to the zoning code

be reviewed by the Planning Commission and he stated that the Council retains the authority to make modifications, adjustments and changes to the proposals of the Planning Commission; that only in a case where the changes were extremely at variance with Planning Commission recommendations, would there be an argument, however, the two items in question did not warrant return of the ordinance to the Planning Commission for review.

Mayor Wilbert read her memo of January 22 to the City Council re the January 8 meeting of the Planning Commission at her request, and asked the Council to sustain her veto of proposed Ordinance 594 for the following reasons: To allow due process review of the proposed Waterfront Millville Zone and to allow for public comment before the Planning Commission. Mayor Wilbert stated that while her proposal would open the entire zoning ordinance and map for review, the chair will encourage comments be limited to new testimony only. Mayor Wilbert informed council that further discussion of the Rosedale/SR16 area and proposed map designations was anticipated; however, no other areas of concern had come to her attention.

MOTION: To override the Mayor's veto of Ordinance 594. Perrow\Frisbie. 2-2-1. English and Hoppen opposed. Motion defeated, Veto sustained.

2. Addendum to Contract: Incarceration of City Prisoners, Kitsap County/City of Gig Harbor.

Police Chief, Denny Richards, explained the cost difference between incarcerating prisoners with Kitsap County versus Pierce County.

MOTION: To approve the Addendum to Contract. Frisbie\Perrow. Approved Unanimously.

3. 1991 Salary Schedule Adjustment.

City Administrator, Mike Wilson, restated his request that the following positions be salaried at the originally recommended levels for the budget year 1991: Court Clerk, Building Official, Finance Officer, and the Engineering Technician.

MOTION: To adopt the Court Clerk, Finance Officer

and Building Official salary recommendation, holding the Engineering Technician position for later discussion. English/Hoppen.

After further discussion of the salary survey and the specific responsibilities of each position, Councilman Frisbie stated he preferred to address and discuss each position separately.

MOTION: To approve the Finance Officer position salary at the recommended level. English\Hoppen. 2-2-1. Perrow and Frisbie opposed. Mayor breaking tie, in favor. Motion Passed.

MOTION: To approve the Court Clerk position salary at the recommended level. English\Perrow. Motion approved 3-1. Frisbie opposed.

MOTION: To approve the Building Official/Fire Marshal position salary at the recommended level. English\Frisbie. Approved 2-2-1. Hoppen and Perrow opposed. Mayor Wilbert breaking tie in favor.

MOTION: To defer the Engineering Technician position to the Finance Committee. English\Frisbie. Approved 3-1.

4. Personnel - Addition of a Maintenance Worker:

MOTION: To approve the addition of the Maintenance Worker position. Approved unanimously.

NEW BUSINESS:

1. Solid Waste Interlocal Agreement.

Ben Yazici gave the history, the background, and an explanation of Resolution 300 regarding the Solid Waste Interlocal Agreement. He then introduced Sally Sharrad of Pierce County. Ms. Sharrad reviewed various state and federal regulations regarding solid waste management, the revision of certain chapters of the agreement, and the recycling/solid waste management, procurement and timeline objectives of Pierce County, as well as the costs of the program.

MOTION: To adopt Resolution 300 approving the City County Interlocal Agreement for Solid Waste Management. Approved Unanimously.

NOTE: Impossible to determine from tape who made this motion. When the call for the motion was made, voices answered in unison. It sounds as if Mayor made the motion, but no second is apparent, but the vote is clear.

(Items 2 and three of New Business were switched)

3. Appeal of Hearing Examiner's Decision - Variance 90-07 Western Clinic.

Ray Gilmore explained the background of the decision. At issue was a variance granted to Western Clinic, to erect a temporary 8 x 12 sign to serve as publicity for Western Clinic. Tom Morfee, President of the Peninsula Neighborhood Association spoke on behalf of the appellants, their primary concern being that erecting a billboard sized sign, even temporarily, violated aesthetic standards, and set a bad precedent. Lois Hartwig of Citizens Against Litter (CAL) shared the view that it set a bad aesthetic precedent and called it another form of litter ("litter on a stick"). Wade Moberg presented Western Clinic's point of view, reiterating that the sign was of a temporary nature, its purpose being to publicize Western Clinic to the community.

MOTION: To overturn the decision of the Hearing Examiner and to uphold the appeal.
English\Frisbie. Approved Unanimously.
(English\Perrow)

2. Hearing Examiner Recommendation -- SPR 90/11/VAR 90-14 (Dan and Sharon Snuffin) (Resolution 301).

Ray Gilmore presented background information and conditions relating to the variance. Approval of a site plan and a variance to turn a residence at 7101 Stinson into a catering business was requested. Also requested, was a variance to increase the impervious

coverage in order to permit sufficient parking as required of a restaurant under the zoning code. In response to Council query, Ben Yazici discussed the impact to the Stinson and Pioneer intersection and the freeway as well as shared access arrangements.

Bob Frisbie asked if there were any costs (to the City) associated with the access questions.

MOTION: To adopt the findings of the Hearing Examiner and Resolution 301 with the following amendments: (1) To add the requirement, under item 8, that " if there any future LID's in this area they would be required to participate (Frisbie); and 2) Landscaping must be maintained at all times. (Perrow). Frisbie\Perrow. Approved as amended. Unanimous.

4. Adoption of the State Building Codes (UBC) (First Reading of Ordinance 597)

The first reading of Ordinance 597 , Adoption of the State Building Codes (UBC). No Comments, questions, or discussion. First reading completed.

5. Appointment of Members to the City of Gig Harbor Building Code Advisory Board - Resolution 302)..

MOTION: To adopt Resolution 302. Perrow\Frisbie. Approved unanimously.

6. City Attorney Agreement - Ogden, Murphy & Wallace.

The City Administrator addressed Councilman Perrow's question regarding current rates

MOTION: To approve the City Attorney Agreement with Ogden, Murphy & Wallace Frisbie\English. Motion carried. Unanimous.

7. Request for Expansion of Sewer Service - KOA Campground.

City Administrator Mike Wilson presented information to the council concerning the request. Jim Richardson spoke on behalf of the applicants, Mr. and Mrs. Jack Cochran 9515 Burnham Drive, and explained that KOA currently had 13 ERU's and was requesting 41

more with the intention of developing the former campground into a retirement community of manufactured (vs mobile) homes. There was considerable discussion regarding the appropriateness of the project under current governing zoning laws. City staff addressed the various options open to the council. Jake Bujacich spoke in behalf of the applicants as did Mr. Cochran himself. Mr. Cochran requested that the project be judged on its merits rather than his semantical error in calling the structures mobile homes when they were in fact, manufactured, modular homes.

MOTION: For purposes of discussion, Councilman Frisbie made a motion the expansion agreement not be approved and the flow not be allowed to go above 13 ERU's. Frisbie\English.

After further discussion of the zoning issue, the motion was restated as follows:

MOTION: To table this issue so that design documents could be completed, and a full presentation of the design documents on this facility be presented at the next meeting.
Frisbie\English.

8. Sidewalks Construction Requirements - Discussion of Policy.

Ben Yazici, Public Works Director presented the issue. The current zoning ordinance requires developers to install sidewalks in a given area which would enhance adequate storm drainage, safety, and enforcement. Mayor Wilbert presented her views to Council and suggested an alternative whereby developers/homeowners would be allowed the option of participating in a fair share cost at the time a comprehensive, continuous sidewalk project is planned for the entire area (as opposed to the bits & pieces put in development by development). Jake Bujacich offered his views; Councilman Perrow and Police Chief Richards provided additional input on the subject. No further action take at this time.

9. Personnel Polices (Resolution 303:

City Administrator Wilson explained the proposed changes. They were: (1) Establishing a job

description for an Engineering Technician; (2) increasing the travel rate from \$.24 to \$.26; and, (3) clarifying the provisions of the nepotism policy to allow for hiring of family members in a temporary capacity.

MOTION: To approve Resolution 303 with the following amendment to the nepotism section: . . .for no more than 90 days in any 365 day period. Frisbie\English. Approved unanimously.

10. Lease Agreement - WIC Program.

The WIC program Lease Agreement had not yet been received by city staff. No action could be taken.

Mayor Wilbert inquired whether there were any more concerns by that public still in attendance. Jake Bujacich addressed the question of signage and reported a continuing violation. Councilman Frisbie requested staff opinion as to the violation and requested staff take action as appropriate.

DEPARTMENT MANAGERS' REPORTS:

1. Police Report: Police Chief, Denny Richards gave a year-end update of 1990 accomplishments, which included initiation of 24-hour police service and the forthcoming expansion of the D.A.R.E. program in 1991, and a schedule of D.A.R.E. graduation assemblies to which he invited council. He also reiterated the department's continued emphasis on drug enforcement and discouraging DWI activity through strong enforcement.
2. Public Works Department: Ben Yazici brought the council up to date on the final bid of the Stinson Avenue contract. The finished signs for City Hall, the park, and the police department were shown to council.

MAYOR'S REPORT: None.

ANNOUNCEMENT OF OTHER MEETINGS: Ben Yazici announced the forthcoming public meeting re Soundview Drive to the council.

APPROVAL OF PAYROLL:

MOTION: To approve the November payroll in the amount of \$126,158.41 (Warrant numbers 5115 through 5204) and the December payroll in the amount of \$131,701.63 (Warrant numbers 5205 through 5311). Frisbie\English. Motion carried. Unanimous.

APPROVAL OF BILLS:

MOTION: To approve bills in the total amount of \$70,009.97. Perrow\Frisbie. Motion carried. Unanimous.

EXECUTIVE SESSION: Council opted not to go into Executive Session for the discussion of the following items:

1. Carpenter Claim:

MOTION: To approve the Carpenter claim. English_____. Motion Carried.

2. Personnel Matter - Karin Ashabraner.

City Administrator Wilson explained current options available under the city's insurance program and recommended that the city continue her dependent insurance coverage for vision and dental, and continue her life insurance coverage while she is on military leave and on active duty service with Desert Storm.

MOTION: That the recommendation be accepted and approved. Perrow\English. Approved unanimously.

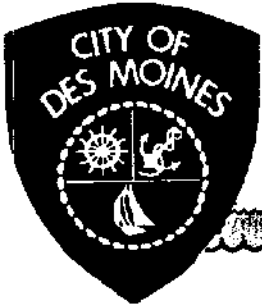
ADJOURN:

MOTION: To adjourn, at 11:20 P.M. Frisbie_____.

(Tapes 214,215,216)

Approved:


Gretchen Wilbert, Mayor



City of Des Moines

THE "Waterland" CITY

DES MOINES, WASHINGTON 98198

RECEIVED

FEB 4 1991

CITY OF GIG HARBOR



February 1, 1991

The Honorable Gretchen Wilbert, Mayor
City of Gig Harbor
P. O. Box 145
Gig Harbor, WA 98335

Your Honor:

I have just passed the half-way point in my first term as your At-Large Position #1 (Western) representative to the Association of Washington Cities (AWC) Board of Directors. During this time, the activities of the AWC Board of Directors have been detailed in mailings from the AWC.

While these mailings tell you what the AWC Board of Directors and the AWC are doing in behalf of Washington's cities and towns, they do not tell me the problems and needs of your jurisdiction. With over one hundred cities and towns in my district, I cannot hope to personally visit all of them.

The purpose of this letter is to solicit any problems and needs you might have so that I may make them known to the AWC Board of Directors. Please do not hesitate to write me or call me on Monday or Wednesday evenings at my home (206-824-2635).

Please distribute a copy of this letter to your Council. I look forward to hearing from you.

Sincerely
Richard T. Kennedy

Richard T. Kennedy,
AWC Board of Directors
At-Large Position #1 (Western)

Enclosure

CITY HALL 21830 11TH AVE. SO. 878-4595	POLICE DEPT. 21840 11TH AVE. SO. 878-3301	MUNICIPAL COURT 21830 11TH AVE. SO. 878-4597	MARINA 22307 DOCK AVE. SO. 824-5760	PUBLIC WORKS & BLDG. DEPT. 21850 11TH AVE. SO. 878-8826	SENIOR SERVICES P.O. BOX 88576 878-1842
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City of Gig Harbor. The "Maritime City."
3105 HUDSON STREET • P.O. BOX 145
GIG HARBOR, WASHINGTON 98335
(206) 851-8136

TO: Mayor Wilbert and City Council
FROM: Michael R. Wilson, City Administrator *M.R.W.*
SUBJECT: Latecomer's Agreement-John Brewer
DATE: January 25, 1991

Attached is a latecomer's agreement for the extension of sewer utility service to property owned by Mr. John Brewer and other contributory property. Although the utility extension portion of the agreement does not apply to Mr. Brewer's case since he is located within the city limits, this agreement form is being used because of the latecomer's provision within the agreement.

This matter was brought before the city council in April, 1989 for consideration; however, it was tabled and had never been rescheduled for a hearing. With the extension of this sewer line, there are two property owners affected by this utility extension who would be responsible for paying their proportionate share of the cost (half each) of the sewer line extension, in addition to the cost of connecting to the system. As noted in the attached agreement, the total cost to be reimbursed is \$3,045.80.

As required by state law, whenever the cost of any sewer improvement is to be assessed against the owners of real estate, a hearing must be conducted in order for the property owner's to review the engineer's estimates and comment to the city council. The estimate/cost that was prepared does reflect a pro-rata share due from such sewer utility improvements. Such notification has been provided to the affected property owners.

LATE COME AND

UTILITY EXTENSION AND CAPACITY AGREEMENT

THIS AGREEMENT is entered into on this _____ day of _____, 19____, between the City of Gig Harbor, Washington, hereinafter referred to as "the City" and Mr. John Brewer, hereinafter referred to as "the Owner".

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

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

WHEREAS, the Owner desires to connect to the City sewer utility system, hereinafter referred to as "the utility" and the City is willing to allow connection only upon certain terms and conditions in accord with City Resolutions 164 and 173, as now enacted or hereinafter amended, NOW, THEREFORE,

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

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

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Ross Avenue (street or right-of-way) at the following location:

between manholes #3-34 and 3-35.

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

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

reserves to the Owner the right to discharge to the City's sewerage system N/A gallons per day average flow. It is understood that these capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of _____ months ending on N/A , provided this agreement is signed and payment for sewer capacity commitment received within 45 days after city council approval of extending sewer capacity to the Owner's property.

5. Commitment Payment. The Owner agrees to pay the City N/A dollars (\$ _____) to reserve sewer capacity for the period of time established above in Section 4 in accordance with the rate structure set forth below:

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

Sewer capacity shall not be committed by the city to an Owner beyond a three year period.

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date established in Section 4, such capacity commitment shall be released by the City and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve the City extending sewer utility service to the Owner or the Owner's property is annexed to the City prior to the expiration of the commitment period as set forth above, the Owner shall be entitled to a full refund from the City of his/her capacity commitment payment.

6. Connection Charges. As a condition of connecting to the City utility system, the Owner agrees to pay connection charges at the rate schedule applicable at the time the Owner requests to actually connect his property to the sewer utility system, in addition to any costs of construction. Any commitment payment that has not been forfeited shall be applied to the City's connection charge(s).

7. Service Charges. In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the City limits as such rates exist, or as they may be hereafter adjusted.

8. Intervening Properties. In the event Owner's property lies more than one-quarter mile from the point at which connection to the City's utility system is to be made, and prior to any connection to the City utility system being allowed, Owner shall secure participation in, and connection to, the extended line from all intervening property owners located within 200 feet of the extended line through an agreement between the City and such intervening property owners with mutually agreeable terms and conditions for connecting to the system.

9. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense, any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by Pierce County or other jurisdictions.

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

A. As built plans or drawings in a form acceptable to the City Public Works Director;

B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such main line by the City, in a form approved by the City Attorney;

C. A bill of sale in a form approved by the City Attorney; and

D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the main line and/or other capital facilities will remain free from defects in workmanship and materials for a period of N/A years.

11. Annexation. The Owner agrees to sign a petition for annexation to the City of the property described on Exhibit "A" as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees that the City may execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and that the signature of the Owner on this agreement shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. This agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexation.

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

a. The use of the property will be restricted to (check one):

- Single Family
- Commercial
- Industrial
- Multiple Family

- b. The development or redevelopment shall comply with all requirements of the City comprehensive land use plan, zoning code and building regulations for similar development or redevelopment in effect at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall not result in a development which does not conform to City standards.

13. Other Terms and Conditions. The Owner agrees to abide by and comply with other terms and conditions that the City has established as set forth below:

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

15. Late-Comer Reimbursement. The City agrees to provide reimbursement payment(s) to the Owner for the costs incurred in the installation of certain of the required water and sewerage improvements all in accordance with the following terms:

- a. Term:

The duty to reimburse shall extend for ten (10) years from the date the engineering plans for the extension work have been approved by the City and thereupon shall terminate.

b. Notice:

It shall be the responsibility of the Owner to provide the City with notice of entitlement of reimbursement before the City will be obligated for disbursement of late-comer reimbursement monies.

c. Amount:

The amount subject to reimbursement shall equal the actual provable cost of the following components of construction:

- i) The costs of sewerage or water improvements installed within the city limits extending from the existing city sewerage or water systems to the Owner's property identified above in Section 2.
- ii) The costs of sewerage or water construction within the state right-of-way.
- iii) The cost associated with added sizes of sewerage or water facilities which are above the minimums required to adequately serve the needs of the subject properties and listed uses as determined by the City. Owners shall provide invoices of actual expense to the City for approval prior to establishment of the amounts subject to reimbursement. The cost shall be determined upon final acceptance by the City.
- iv) Lines and equipment to be subject to late-comer reimbursement shall be identified as such on as-built plans submitted to the City.

d. Contributory Area:

Reimbursement payments shall be required prior to actual connection of water or sewer service to any property located within the "contributory area" as outlined in the drawing marked Exhibit "B" for water and Exhibit "C" for sewer, both of which are attached hereto and fully incorporated herein by this reference.

e. Amount of Reimbursement:

Reimbursement shall be on an acreage basis in accordance with the results of the application of the following formula:

$$\frac{\text{No. of Acres to be Connected}}{\text{Total Acres Within Contributory Area}} = \frac{\text{Amount to be Reimbursed}}{\text{Total Cost of Reimbursable Expense}}$$

The City shall assess a five percent (5%) administrative fee for maintaining late-comer reimbursement records and files which shall be deducted from the amount(s) reimbursed to the Owner. Reimbursement may be deferred by the City until the total of all sums due Owners at any one time is at least One Hundred Dollars (\$100.00).

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

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

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

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

CITY OF GIG HARBOR

OWNER

Mayor

ATTEST:

City Administrator/Clerk

APPROVED AS TO FORM:

City Attorney

ACKNOWLEDGMENT

STATE OF WASHINGTON)
)ss:
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ signed this instrument and acknowledged it to be (his/her) free and voluntary act for the purposes mentioned in this instrument.

DATED this _____ day of _____, 19__.

NOTARY PUBLIC for the state
of Washington residing at

My commission expires _____.

STATE OF WASHINGTON)
)ss:
COUNTY OF _____)

I certify that I know or have satisfactory evidence that _____ signed this instrument, on oath stated that _____ (he/she) _____ was authorized to execute the instrument and acknowledged it as the _____ (title) of _____ (name of party on behalf of whom instrument was executed) to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED this _____ day of _____, 19__.

NOTARY PUBLIC for the state
of Washington residing at

My commission expires _____.

ACCEPTED by the City of Gig Harbor this _____ day of _____, 19__.

Mayor
-9-

SCHEDULE A

Amount of Insurance: \$ 85000.00

Order No.: 8833187

Premium: \$ 440.00

Date of Policy: December 15, 1988 at 4:30 P.M.

1. Name of Insured:

John A. Brewer and Shirley A. Brewer, husband and wife

2. The estate or interest in the land described herein and which is covered by this policy is fee simple and is at Date of Policy vested in:

THE NAMED INSURED

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

Lots 1 through 4 of Pierce County Short Plat 78-940, according to the plat recorded in Volume 31 of Short Plats at page 77, records of Pierce County;

Situate in the County of Pierce, State of Washington.

3/6/89
John Brewer

EXHIBIT "C" - SUPPLEMENT

Amount of Reimbursement

1. Number of acres to be connected:
.516 acres = 0.516

2. Number of acres within contributory area:
1.406 acres = 1.406

3. Total cost of reimbursable expense:
\$8,299.20

4. Cost to be reimbursed:
\$3,045.80

SCHEIDT & COMPANY

AMERICAN SAVINGS CENTER • 3RD FLOOR
 820 A STREET • TACOMA, WASHINGTON 98402
 TELEPHONE (206) 383-1031

THIS SKETCH IS PROVIDED AS A COURTESY FOR THE SOLE PURPOSE OF ASSISTING
 IN LOCATING THE SUBJECT PROPERTY AND NO LIABILITY IS ASSUMED FOR
 INACCURACIES WITHIN THE SKETCH. REFERENCE SHOULD BE MADE TO A SURVEY
 FOR FURTHER INFORMATION.

ORDER NO. 8833107 CUSTOMER NO. _____ VOL. _____ PAGE _____

SECTION 5 SW 5 TOWNSHIP 21 RANGE 2E

3/6/99
John Bremer

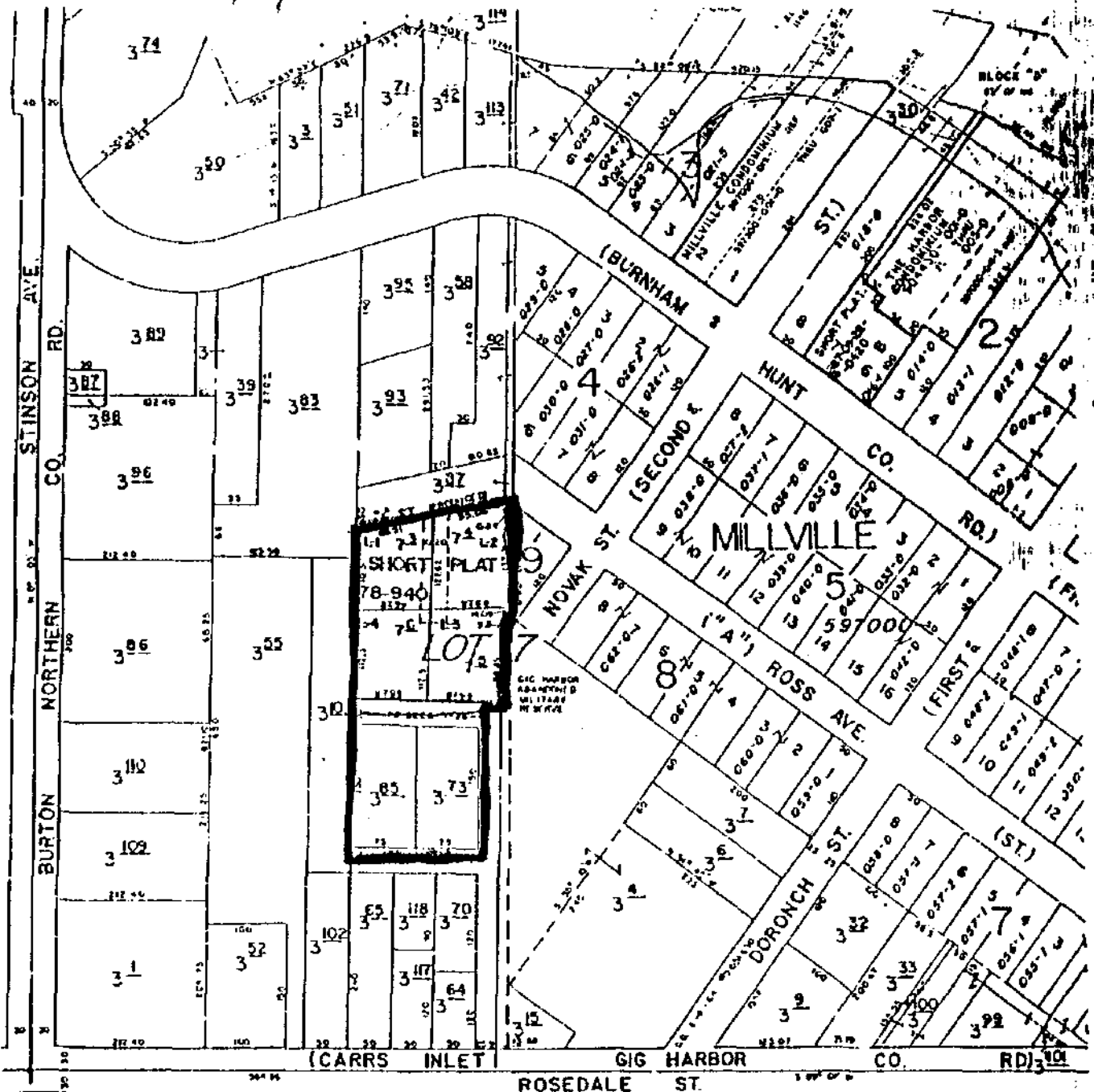
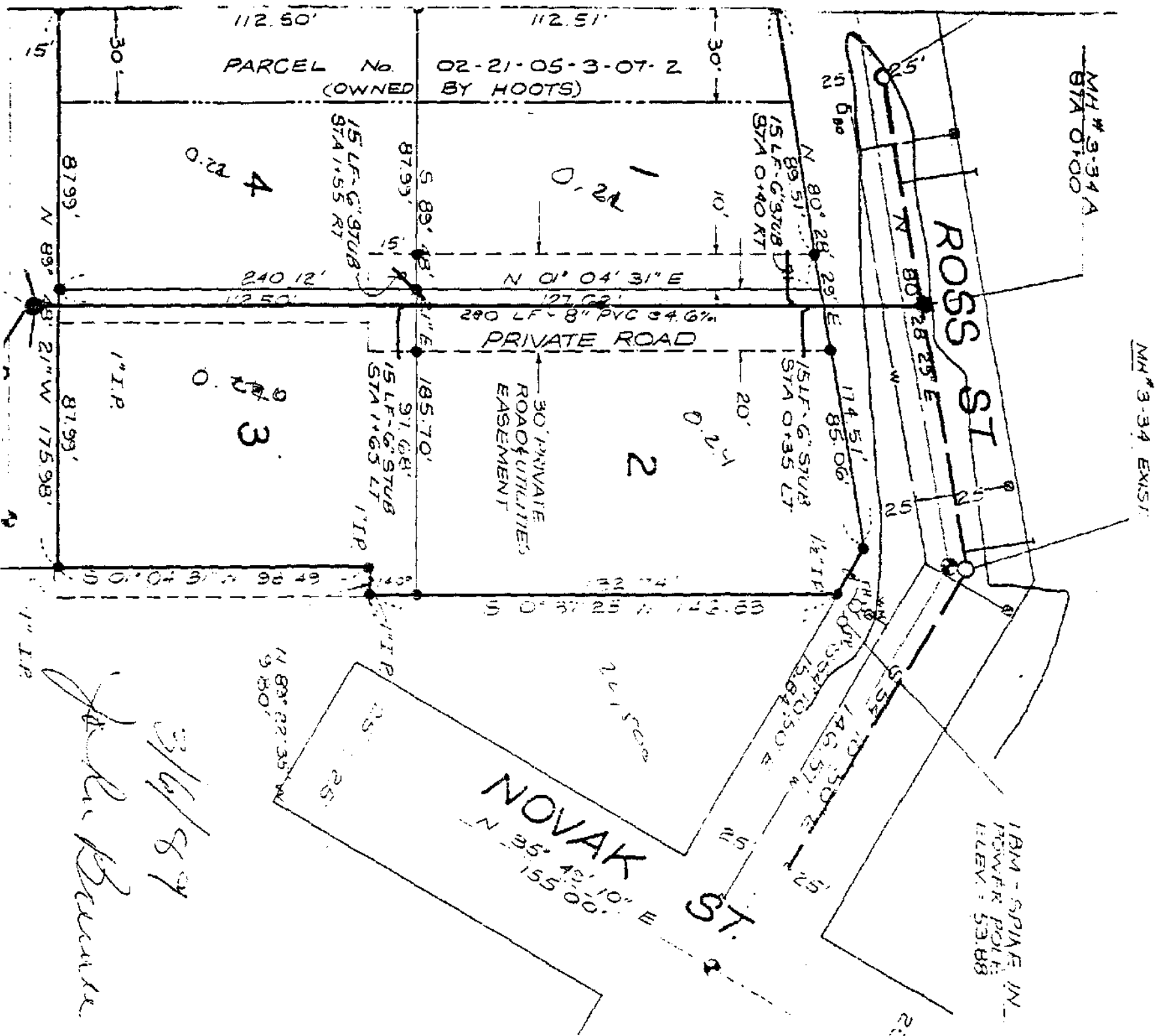


EXHIBIT C SCHEIDT & COMPANY

SHELDON

BREWERY SECTION 5, TOW



3/6/89

John Beane