

## **RESOLUTION NO. 590**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, APPROVING THE FINAL PLAT AND FINAL PUD (SUB 94-02 AND SUB 01-03) OF THE MEADOWS AT 4410 ALASTRA LANE IN GIG HARBOR, SUBMITTED BY APPLICANT RUSH CONSTRUCTION.**

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WHEREAS, in 1994, applicant Rush Construction submitted applications for a preliminary plat and preliminary planned unit development (PUD) for a 28 lot subdivision on approximately five acres; and

WHEREAS, the preliminary plat was conditionally approved by Resolution No. 468 on April 8, 1996; and

WHEREAS, and preliminary PUD was conditionally approved in Resolution No. 440 on March 13, 1995; and

WHEREAS, after approval of the preliminary plat and preliminary PUD, the City amended the deadline for submission of applications for final plat and final PUD (GHMC Section 16.06.003); and

WHEREAS, after approval of the preliminary PUD, the City amended the procedures for approval of PUD's, and the code provisions applicable to residential PUD's are now included in chapter 17.89 of the Gig Harbor Municipal Code; and

WHEREAS, in 2001, Rush Construction sought to make application for final plat and final PUD, but also sought to modify some of the conditions of the preliminary approvals; and

WHEREAS, Rush Construction made application to the City for five amendments to the preliminary plat and preliminary PUD approval (SUB 01-04); and

WHEREAS, the Hearing Examiner granted preliminary plat and preliminary PUD amendment approval by decision dated November 1, 2001; and

WHEREAS, the City subsequently processed the application for final plat; and

WHEREAS, on June 10, 2002, the City Council considered the final plat application during its regular Council meeting without a hearing and heard the recommendation of City Staff; Now, Therefore,

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

Section 1. Appearance of Fairness. The Mayor asked the City Council whether any Council member had any conflicts of interest, ex parte contacts or appearance of fairness issues to disclose. Councilmember Young stated that in his work involving real estate sales, he had been contacted by people interested in purchasing property in the Meadows subdivision. None of these communications involved the plat approval itself, or the conditions of approval. When asked by the Mayor, Councilmember Young stated that he could render an impartial decision on the final plat. The Mayor then asked whether any member of the public had any objection to the participation of the Mayor or any City Council member in the final plat and final PUD meeting on these grounds. There was no response from any member of the public.

Section 2. Administrative Record. The administrative record consists of the Planning Department files on the preliminary plat, preliminary PUD, amendment to the preliminary plat and preliminary PUD and the final plat application. The documents relevant to the final plat application are Resolution No. 440, Resolution 468, the Findings, Conclusions and Decision of the Hearing Examiner, dated November 1, 2001, the plat map, and the Staff Report on the final plat and final PUD applications, dated June 6, 2002.

Section 3. Standard of Review.

A. **Final plat.** In order for the City Council to approve the final plat, it must make the following findings during its public meeting: (1) that the subdivision meets the requirements of chapter 58.17 RCW and the Gig Harbor Municipal Code Title 16; (2) that the subdivision meets the requirements of other applicable state laws; and (3) the subdivision satisfies all of the conditions of preliminary plat. GHMC Section 16.06.005.

**B. Final PUD.** In order for the City Council to approve the final PUD, it must make the following findings during its public meeting: (1) all features and amenities of the PUD have been constructed and/or are bonded for; (2) the public works director has documented that all conditions imposed on the PUD requiring public works approval have been constructed or improved to the satisfaction of the director; (3) the fire marshal has documented that all conditions imposed on the preliminary PUD requiring fire code approval have been constructed (or per the fire marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the fire marshal; (4) the planning director has documented that all conditions imposed on the preliminary PUD requiring planning department approval have been constructed to the satisfaction of the director; (5) that the preliminary PUD conforms to all terms of preliminary PUD approval and that the PUD meets the requirements of Chapter 17.89 and all other applicable codes and laws. GHMC Section 17.89.080.

Section 4. Findings.

**A. Final Plat.**

1. The City Council has reviewed the Staff Memo dated June 6, 2002 from Patricia Iolavera, Senior Planner. In this Staff Memo, the manner in which the application satisfies each preliminary plat condition has been described. The City Council hereby adopts the Staff Memo by reference as Exhibit A to this resolution, and finds that the final plat satisfies all preliminary plat conditions. At the time of preliminary plat, the application was found to conform to all applicable regulations of Title 16, the City's Subdivision Code, and Chapter 58.17 RCW, the State Subdivision Act. The Council finds that the applicant's compliance with conditions imposed pursuant to these laws demonstrates compliance with all applicable laws.

2. The City is specifically authorized to accept a bond or other method of security in lieu of actual improvements, pursuant to RCW 58.17.130. The City Council recognizes the applicant's bonding or use of a cash set aside agreement as compliance with the actual conditions.

3. The final plat is not subject to any public dedications of property for streets. The plat has private streets. The final plat dedicates easements to the City of Gig Harbor for the certain utilities, and the City Council accepts such easements as shown on the plat map.

**B. Final PUD.**

1. From the Staff Memo adopted by reference above, the City Council finds that the final PUD satisfies all preliminary PUD conditions. At the time of preliminary PUD, the application was found to conform to all applicable regulations of the City's existing PUD ordinance. Since that time, the City has changed its regulations, and approval of the final plat is governed by Chapter 17.89 GHMC. The City Council finds that the applicant's compliance with conditions imposed pursuant to the prior PUD ordinance constitutes compliance with the applicable laws.

2. The City Public Works Director and Planning Director, who is now John Vodopich, the Director of the Department of Community Development, has documented, through the Staff Memo, that all conditions imposed on the PUD have been constructed or bonded for to his satisfaction.

3. The City Fire Marshal has documented, through the Staff Memo, that all conditions imposed on the preliminary PUD have been constructed or bonded for to his satisfaction.

**Section 5. Mayor Authorized to Sign Plat.** The City Council hereby authorizes the Mayor to sign the face of the final plat. The original of the plat, after execution of all required certifications and the Mayor, shall be filed for record with the Pierce County Auditor. One reproducible copy shall be furnished to the City.

RESOLVED by the City Council this 10th day of June, 2002.

APPROVED:

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MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

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CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 6/6/02  
PASSED BY THE CITY COUNCIL: 6/11/02  
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**APPEALS:** This final plat and final PUD approval is the final decision of the City of Gig Harbor and is not administratively appealable. Judicial appeals may be filed as set forth in chapter 36.70C RCW.