

CITY OF GIG HARBOR  
RESOLUTION NO. 346

WHEREAS, Gordon Rush (Rush Construction) has requested preliminary approval of a forty-three (43) lot single family residential subdivision as a planned unit development consisting of twenty-one (21), zero lot-line detached dwellings and twenty-two (22), attached townhouse-style single family dwellings on 5.39 acres situated south of Hunt Street and West of SR-16; and,

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

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated November 13, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner (Pro-tem) conducted a public hearing on the application on November 20, 1991 to accept public comment on; and,

WHEREAS, the City of Gig Harbor Hearing Examiner (Pro-tem) has made specific findings and conclusions and has recommended denial of the application in his report dated December 9, 1991; and,

WHEREAS, the applicant, through his agent Geoff Moore of PAC-Tech Engineering and Development Services, filed a timely request for reconsideration of the Examiner's decision in a request dated December 19, 1991; and,

WHEREAS, the Hearing Examiner (Pro-tem), in consideration of the request filed by Mr. Moore, including exhibits, has made specific findings and conclusions in his report dated January 6, 1992, and which affirms the Examiner's original decision of denial of the application; and,

WHEREAS, the Gig Harbor City Council has reviewed the record of the Hearing Examiner (Pro-tem) and has concluded that the analysis and recommendation of the Planning Department is valid and appropriate for this specific application.

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 December 9, 1991 and January 6, 1992 are hereby REVERSED and the findings, conclusions and recommendations of the planning staff report of November 13, 1991, is adopted and the application for a Planned Unit Development Subdivision and preliminary plat is granted, subject to the following conditions:

1. The requirements of the Gig Harbor Fire Code must be provided as follows:

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 construct, or may contract to construct and complete, the installation of the required improvements.

PASSED this 10th day of February, 1992.

Gretchen A. Wilbert  
Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 1/23/92  
Passed by City Council: 2/10/92