

RESOLUTION NO. 1107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE FINAL PLAT FOR THE PLAT OF FOX RUN, LOCATED AT 5713 38TH AVENUE NORTHWEST, AND CITY OF GIG HARBOR FILE NO. PL-FPLAT-17-0001.

WHEREAS, on May 29, 2007, the City of Gig Harbor Hearing Examiner conditionally granted preliminary plat to the Plat of Fox Run, located at 5713 38th Ave NW; Pierce County Assessor-Treasurer Parcel Number 0221172115 and 0221172122; and

WHEREAS, conditions of the preliminary plat required construction of a sewer lift station and a gravity sewer system into Basin #10 to serve the plat; and

WHEREAS, on July 13, 2015, the City Council conditionally passed Resolution No. 999 to amend the Wastewater Comprehensive Plan and providing for an interim point of discharge for the plat from Basin #10 to Basin #8.

WHEREAS, on November 16, 2016, the City of Gig Harbor Hearing Examiner issued a supplemental summary order revising the preliminary plat conditions requiring a sewer lift station and gravity sewer system, and allowed the plat to discharge sanitary waste from all lots into a different sewer basin via a sewer force main; and

WHEREAS, on March 1, 2017, the Planning Director conditionally approved a minor preliminary plat revision to allow the sewer force main through the perimeter landscaping buffer; and

WHEREAS, on March 10, 2017, the applicant received Civil Plan approval to begin work on constructing the roads and the public and private infrastructure required in the preliminary plat approval; and

WHEREAS, on June 22, 2017 the Planning Director conditionally approved another minor preliminary plat revision to allow the water main through the perimeter landscaping buffer; and

WHEREAS, the applicant posted a performance bond for the public and private infrastructure required in the civil construction of the plat; and

WHEREAS, on December 8, 2017, the City accepted the final record and survey drawings submitted by the applicant for the public and private infrastructures required in the civil construction of the plat; and

WHEREAS, an application for final plat approval was submitted to the City on May 16, 2017 and deemed complete on that same day; and

WHEREAS, the proposed final plat application materials were circulated to the appropriate departments of the City for review; and

WHEREAS, the street names within the plat were approved by the City on June 27, 2017; and

WHEREAS, the City requested revisions to the final plat drawing on August 30, 2017; and

WHEREAS, the applicant submitted the requested revisions on October 18, 2017; and

WHEREAS, the City identified requested revisions that were not completed with the resubmittal on November 21, 2017; and

WHEREAS, the applicant submitted the requested revisions on November 29, 2017; and

WHEREAS, the City requested minor revisions to the final plat drawing on November 30, 2017; and

WHEREAS, the final drawings of the proposed final plat and requested documents were circulated to the appropriate departments of the City and recommendations for approval were obtained; and

WHEREAS, the proposed plat certificate has been reviewed by the City Attorney and all certificates of completion as required by GHMC Section 16.06.001 have been received; and

WHEREAS, the City Council reviewed the application for the final plat at its regular meeting of December 11, 2017; Now, Therefore,

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

Section 1. Findings

A. The City Council hereby finds that, pursuant to Gig Harbor Municipal Code 16.06.005, the Plat of Fox Run, subject to the conditions imposed in Section 2:

1. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval; and
2. Conforms to all terms of the preliminary plat approval with a landscaping bond accepted in lieu of installation of the required and uncompleted landscaping; and
3. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, Title 16 GHMC, and all applicable ordinances which were in effect at the time of preliminary plat approval.

Section 2. Approval; Conditions

The City Council hereby approves the Plat of Fox Run, File No. PL-FPLAT-17-0001, subject to the following conditions:

1. Declaration of Covenants, Conditions and Restrictions for Fox Run shall be recorded with the County Auditor prior to the recording of the final plat; and
2. The remaining landscape improvements were secured for with a Bond and shall be completed by the applicant and accepted by the City within the timelines established with the agreement, unless an extension is granted by the Planning Director.
3. A Covenant noting the required connection by each lot to the City's gravity sewer main within 180 days of the dry sewer mains becoming active and accepted by the City for each lot within the Plat of Fox Run shall be recorded with the County Auditor immediately following recording of the Plat.

Section 3. The City Council directs the Mayor and all other appropriate City officials to inscribe and execute the City's written approval on the face of the plat.

Section 4. The City shall record the final plat with the County Auditor, at the expense of the applicant, after all inspections and approvals, and after all fees, charges and assessments due the City resulting from the subdivision development have been paid in full.

RESOLVED this 11th day of December, 2017.

APPROVED:



JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:



MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY

BY: 

Angela G. Summerfield

FILED WITH THE CITY CLERK: 12/06/17
PASSED BY THE CITY COUNCIL: 12/11/17
RESOLUTION NO. 1107



DEVELOPMENT SERVICES

TO: Mayor Guernsey and City Council
FROM: Jennifer Kester, Planning Director
SUBJECT: Closed Record Decision – Final Plat Approval – Fox Run
DATE: December 6, 2017

INFORMATION/BACKGROUND:

The applicant, WH Gig Harbor LLC, has requested final plat approval for the plat of Fox Run to allow the segregation of the site into 23 single-family lots, and the development of associated infrastructure and amenities required to serve the homes. The site is located at 5713 38th Avenue NW, approximately 550 feet north of the intersection with 56th Street NW.

The preliminary plat was approved by the City on May 29, 2007 to allow the subdivision of 2 parcels (6.98 acres of land) into 23 lots, subject to 21 conditions of approval. The City Hearing Examiner issued a Supplemental Summary Order on November 16, 2016 which revised conditions related to the construction of a sewer lift station and the plat being served by a gravity sewer system. The Planning Director has approved two minor revision to the preliminary plat on March 1, 2017 and June 22, 2017. The first revision allowed for a sewer force main to be installed for the plat rather than using a gravity system that required the owner to construct a sewer lift station, which was consistent with the Supplemental Summary Order issued by the Hearing Examiner. The second revision modified the water and sewer alignment as well as the stormwater outfall from the detention pond.

The following is an analysis of the request for consistency with the city's requirements for final plat approval and with the conditions of approval imposed upon the preliminary plat and subsequent revisions.

POLICY CONSIDERATIONS:

Staff has reviewed the request for consistency with the criteria for approval of the final plat as specified in Gig Harbor Municipal Code (GHMC) Chapter 16.06, and has determined that the applicant has met the criteria for approval of the final plat as follows:

GHMC 16.06.004-Recommendation as prerequisites for final plat approval:

Each preliminary plat submitted for final approval shall be accompanied by the following recommendations:

- A. Local health department or other agency furnishing sewage disposal and supplying water as to the adequacy of the proposed means of sewage disposal and water supply;

The City of Gig Harbor is furnishing sewage disposal to the site. The onsite sewage disposal system; which includes an interim force main and a dry gravity system, has been designed and installed in accordance with the City's Public Works Standards.

The plat is provided water by the Stroh's Water System. The Applicant has provided the City with a copy of the water availability letter documenting that the water system facilities necessary to adequately provide service to this site have been designed, approved and installed per WAC 246-290, in accordance with RCW 90.44 (Water Rights Permits) and Pierce County Ordinances 86-117S3 and 92. This documentation is contained in the final plat file.

- B. Planning director's recommendation as to compliance with all of the terms of preliminary plat approval of the proposed plat or subdivision;

The applicant has complied with all terms of the preliminary plat approval and subsequent revisions, as discussed below.

- C. Approval of the City Engineer.

The City Engineer recommends approval of the final plat as all required civil construction has been completed and all work has been found to be in compliance with the construction drawings approved by the City.

GHMC 16.06.005-Criteria for approval of subdivisions:

A final plat application shall be approved if the subdivision proposed for approval:

- A. Meets all general requirements for plat approval as set forth in Chapter 16.08 GHMC, General Requirements for Subdivision Approval;

The plat of Fox Run has met the requirements of the municipal code. The proposed subdivision conforms to all applicable zoning ordinances and the comprehensive plan. The applicant has complied with the requirements to dedicate streets, open space and utility and access easements. Construction of required improvements has complied with the city's adopted public works construction standards. In addition the final plat contains the required certificates from the owner, surveyor, and city and county officials.

- B. Conforms to all terms of the preliminary plat approval;

The Hearing Examiner's decision dated May 29, 2007, contained 21 conditions of approval. The proposed final plat of Fox Run has conformed to the conditions of the preliminary plat and preliminary plat revisions as follows:

HEX Condition 1: *Prior to issuance of the first building permit within the plat, the applicant shall erect a split rail fence to delineate the boundary between the individual rear yards and the perimeter buffer of the plat to ensure all vegetation is protected within the buffer area.*

This condition is noted on the final plat. The developer has installed the required fence prior to final plat approval.

HEX Condition 2: *This development must comply with all Public Work Standards including provisions in the Wastewater Comprehensive Plan, as amended in the adopted Final Supplemental Environmental Impact Statement. Specifically, sewer facilities must connect to the planned facilities as shown in Figure 7 of the Final Supplemental EIS titled Hammond Collier Wade Sewer Map.*

This condition was removed by the Hearing Examiner's Supplemental Summary Order, issued on November 16, 2016.

HEX Condition 3: *Prior to issuance of building permits for each lot, the applicant shall pay the City's traffic impact fee in accordance with Chapter 19.12 of the Gig Harbor Municipal Code. Prior to final plat approval, specified street improvements must be provided for, including a left-turn pocket southbound on 38th Avenue approaching the intersection with 56th Street, in accordance with the City of Gig Harbor's City Street Project (CSP-0133).*

This condition is noted on the final plat. Compliance will be required prior to the issuance of the first building permit within the plat.

HEX Condition 4: *The alternative mitigation to constructing the one left turn pocket southbound on 38th Avenue at 56th Street, first detailed in the SEPA MDNS and addressed in the SEPA addendum is: Pay one percent of the cost of the corridor improvements planned for 56th Street/Olympic Drive. This payment shall be made to the City prior to approval of the civil plans for the proposed development*

This condition is no longer applicable. The City has fully funded the construction of the left turn pocket prior to approval of the developer's civil plans for the proposed development. The revised MDNS issued on October 6, 2016 documents that the developer has no obligation to construct said improvements or pay 1% of the cost.

HEX Condition 5: *The SEPA determination for the proposed project references public facility improvements as site specific mitigation in accordance with the City of Gig Harbor's 2005 Comprehensive Plan Amendments Final Supplemental Environmental Impact Statement (FSEIS). The sewer main referenced in the FSEIS*

shall be installed at a depth such that all lots in the proposed The SEPA determination for the proposed project references public facility development will convey sewer flows from the lots to the sewer lift station by means of gravity. As a result, no lots in the proposed development shall connect to the sewer main by means of pressurized sewer.

This condition was removed by the Hearing Examiner's Supplemental Summary Order, issued on November 16, 2016.

HEX Condition 6: *All references on the site plans to lots being served by grinder pumps shall be removed prior to civil plan approval.*

This condition was removed by the Hearing Examiner's Supplemental Summary Order, issued on November 16, 2016.

HEX Condition 7: *Provide the City both a final record drawing and final record survey of the proposed development after the City accepts the construction improvements shown on the civil plans but prior to the certificate of occupancy for any single family residences located on the plat.*

The Civil as-built drawings have been submitted and accepted by the City on December 6, 2017. A copy of the as-built drawings were provided by the applicant for the final plat file.

HEX Condition 8: *Proposed water and sewer utility designs, stormwater facility designs, and roadway designs shall conform to the City's Public Works Standards and Stormwater Design Manual. These Standards shall address specific City design requirements such as restoration of the City right-of-way and traffic control.*

This condition is informational in nature and the applicant has acknowledged this requirement and the proposed water and sewer utility designs and roadway designs were constructed in conformance with the City's Public Works Standards.

HEX Condition 9: *Erosion shall be controlled throughout the construction of the project per the City Standards.*

Erosion control measures were implemented and maintained throughout the construction of the plat.

HEX Condition 10: *City forces may remove any traffic control device constructed within the City right-of-way not approved by this Engineering Division. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.*

This condition is informational in nature and the applicant has acknowledge this requirement.

HEX Condition 11: *A road encroachment permit shall be acquired from the City prior to any construction within City right-of-way, including utility work, improvements to the curb, gutter, and sidewalk, roadway shoulders and ditches, and installation of culverts. All work within the City right-of-way shall conform to the City Standards. These standards address specific design requirements such as restoration of the City right-of-way and traffic control.*

All right-of-way permits were obtained for site development.

HEX Condition 12: *Permanent survey control monuments shall be placed to establish all public street centerlines, intersections, angle points, curves, subdivision boundaries and other points of control. Permanent survey control monuments shall be installed in accordance with the City Standards.*

Permanent survey control monuments were installed in all public street centerlines, intersection, angle points, cures, subdivision boundaries and other points of control, in accordance with the Gig Harbor Public Works Standards.

HEX Condition 13: *Irrigation and maintenance of landscaping within the public right-of-way shall be provided by the property owner(s) or heirs or assigns. Landscaping within the right-of-way shall be completed and accepted by the City prior to final engineering of civil improvements.*

A Homeowners Association with a Declaration of Covenants, Conditions and Restrictions for Fox Run has been proposed with the final plat. The declaration states that the Association is responsible for maintaining the irrigation system for street landscaping.

HEX Condition 14: *This approval does not relieve the Permittee from compliance with all other local, state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this approval is issued. Any additional permits and/or approvals shall be the responsibility of the Permittee.*

This condition is informational in nature and the applicant has acknowledged their responsibility to comply any other local, state and/or federal approvals, permits, and/or laws necessary to complete the project.

HEX Condition 15: *Impact fees shall be paid for each single family dwelling, detached or attached, located in the proposed plat prior to building permit issuance.*

This condition is informational in nature and the applicant has included this requirement in the plat notes on Sheet 2 of the final plat. Payment of impact fees will be required at the issuance of each building permit.

HEX Condition 16: *The on-site water systems shall be designed and installed to provide the required flows as prescribed under IFC Appendix Chapter B.*

The fire flow test has documented compliance with this condition. The Fire Marshal provided an approval of the final plat on November 30, 2017.

HEX Condition 17: *The water system for this plat, including fire flow and hydrants, must be installed and operational prior to any combustible construction.*

This condition has been met. The Fire Marshal provided an approval of the final plat on November 30, 2017.

HEX Condition 18: *Approved fire lane markings will be required to prevent parking on the road that would reduce the clear width to less than 20 feet.*

Fire lane details and markings were provided at the time of civil plan review and have been approved and installed.

HEX Condition 19: *All stormwater must be managed through an approved detainment and conveyance system.*

Compliance with this condition was determined prior to civil permit approval.

HEX Condition 20: *Since the plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individuals(s), religious society(ies) or to any corporation, public or private, as shown on the plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.*

This dedication language and required notary block are included on Sheet 1 of the final plat.

HEX Condition 21: *The final plat map shall note the following:*

- a) *"WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described within this plat."*
- b) *"Increased storm water runoff from the road(s), building, driveway and parking areas shall be retained on site and shall not be directed to City infrastructure."*
- c) *"Where seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted."*

- d) *Delineate the access restrictions by showing a "No access" strip, written and hatched along the frontage of 38th Avenue, except the City approved access points.*
- e) *Stormwater provisions for runoff from building and parking surfaces shall be shown on individual building lots, including drywell sizing or storm drain connection points.*
- f) *"At the time of permit application, the plat shall conform to the respective sections(s) of current City of Gig Harbor Public Works Standard(s)."*
- g) *"This plat is subject to stormwater maintenance agreement recorded under Auditor's recording number (enter AFN here)."*
- h) *"Stormwater/Drainage easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on this plat map. No encroachment will be placed within the easements shown on the plat which may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and the expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or heirs or assigns, as noted under the stormwater maintenance agreement for the plat.*

The required notes have been included on the final plat.

Supplemental HEX Condition 1: *The developer shall record a deed of restriction for each of the lots within the plat on a form approved by the City noting required connections by each lot to the City's gravity sewer main within 180 days of the dry sewer mains becoming active and accepted by the City within basin #10, along with payment of any sewer latecomers fee and/or payment of any local improvement district fees.*

This condition is noted on Sheet 2 of the final plat. The developer has provided a covenant that is approved by the City in compliance with this condition. The developer must record a covenant against each lot immediately following recording of the final plat or prior.

Supplemental HEX Condition 2: *The developer shall construct dry sewer lines within the plat to the frontage at 38th Avenue at a depth to allow gravity sewer flows from all lots to the existing dry sewer main located at the intersection of 56th Street and 38th Avenue.*

This condition has been met. The Civil as-built drawings have been submitted and accepted by the City on December 6, 2017.

1st Minor Revision Condition 1: *The approval of this [minor revision] application is limited to the revisions requested as part of this application. Omission of any details within the revised plan does not remove or substantially modify the required features of the preliminary plat, the finding and conditions of the hearing examiner's original*

decision, the conditions and requirements of the SEPA determination, nor any previously approved application and conditions therein.

This condition is informational in nature and the applicant has acknowledge this requirement.

1st Minor Revision Condition 2: *The applicant shall following the recommendations for guided boring through the 25' perimeter landscape buffer within the tree evaluation prepared by Washington Forestry Consultants, Inc., dated May 18, 2016.*

This condition was removed through the minor preliminary plat revision, file # PL-PPLATR-17-0002, issued on June 22, 2017.

1st Minor Revision Condition 3: *The applicant shall comply with all conditions of the Mitigated Determination of Nonsignificance (MDNS), issued on October 6, 2016.*

The Revised MDNS issued for the proposal included three mitigation requirements:

- 1 *Prior to issuance of the first building permit within the plat, the applicant shall erect a split rail fence to delineate the boundary between the individual rear yards and the perimeter buffer of the plat to ensure all vegetation is retained within the buffer area.*

This condition is noted on Sheet 2 of the final plat. Compliance will be required prior to the issuance of the first building permit within the plat.

- 2 *The developer shall record a deed of restriction for each of the lots within the plat on a form approved by the City noting required connections by each lot to the City's gravity sewer main within 180 days of the dry sewer mains becoming active and accepted by the City within basin #10, along with payment of any sewer latecomers fee and/or payment of any local improvement district fees.*

This condition is noted on Sheet 2 of the final plat. The developer has provided covenant that are approved by the City in compliance with this condition. The developer will record a covenant against each lot immediately following recording of the final plat.

- 3 *The developer shall construct dry sewer lines within the plat to the frontage at 38th Avenue at a depth to allow gravity sewer flows from all lots to the existing dry sewer main located at the intersection of 56th Street and 38th Avenue.*

This condition has been met. The Civil as-built drawings have been submitted and accepted by the City on December 6, 2017.

1st Minor Revision Condition 4: *The final plat map shall note (where quoted) and delineate the easement for the force main passing through the 25' buffer in substantial conformance with the following:*

"The 15' sanitary force main sewer easement as showing shall be to the benefit of the Homeowners Association for the Plat of Fox Run. Easement through noted 25' perimeter landscape buffer allows only for emergency maintenance of the sewer force main at the approval of the City of Gig Harbor. Any disturbance of the buffer as a result of emergency repairs shall be restored to pre-disturbed conditions. Ingress, egress, and land clearing shall not be allowed within the 15' easement without the approval of City of Gig Harbor. Maintenance activities within the buffer are limited to the removal of invasive plant species, or the removal of dead, substantially diseased or damages, or hazards tress upon submission of written verification by a qualified arborist and approval of the City of Gig Harbor. When the Plat of Fox Run is connected to the public sewer gravity main and the force main is officially deemed abandoned by the City of Gig Harbor, this 15' sanitary force main easement will be relinquished from Lot 23 and the perimeter landscape buffer."

This condition was amended through the minor preliminary plat revision, file #PL-PPLATR-17-0002, issued on June 22, 2017. The amended condition is represented in "2nd Minor Revision Condition 3" below.

2nd Minor Revision Condition 1: *The approval of this [minor revision] application is limited to the revisions requested as part of this application. Omission of any details within the revised plan does not remove or substantially modify the required features of the preliminary plat, the finding and conditions of the hearing examiner's original decision, the conditions and requirements of the SEPA determination, nor any previously approved application and conditions therein. All conditions imposed by Administrative Approval (PL-PPLATR-16-0001) shall remain in full force and effect, with the exception of Condition #2 and #4, which have been administratively amended by this approval.*

This condition is informational in nature and the applicant has acknowledge this requirement.

2nd Minor Revision Condition 2: *The applicant shall ensure that the 25' landscape and screening buffer in the areas of the utility easement are replanted/screened in a manner consistent with the City's definition of "dense vegetative screen."*

The 25' landscape and screening buffers comply with this condition. Staff has reviewed the screening within the perimeter buffers, reviewed the landscape plans approved on June 21, 2007, and determined that the landscape performance bond includes the necessary plantings needed to achieve the required screening.

2nd Minor Revision Condition 3: *The final plat map shall note (where quoted) and delineate the easement (a minimum width of 20') for the water and sewer main passing through the 25' buffer in substantial conformance with the following:*

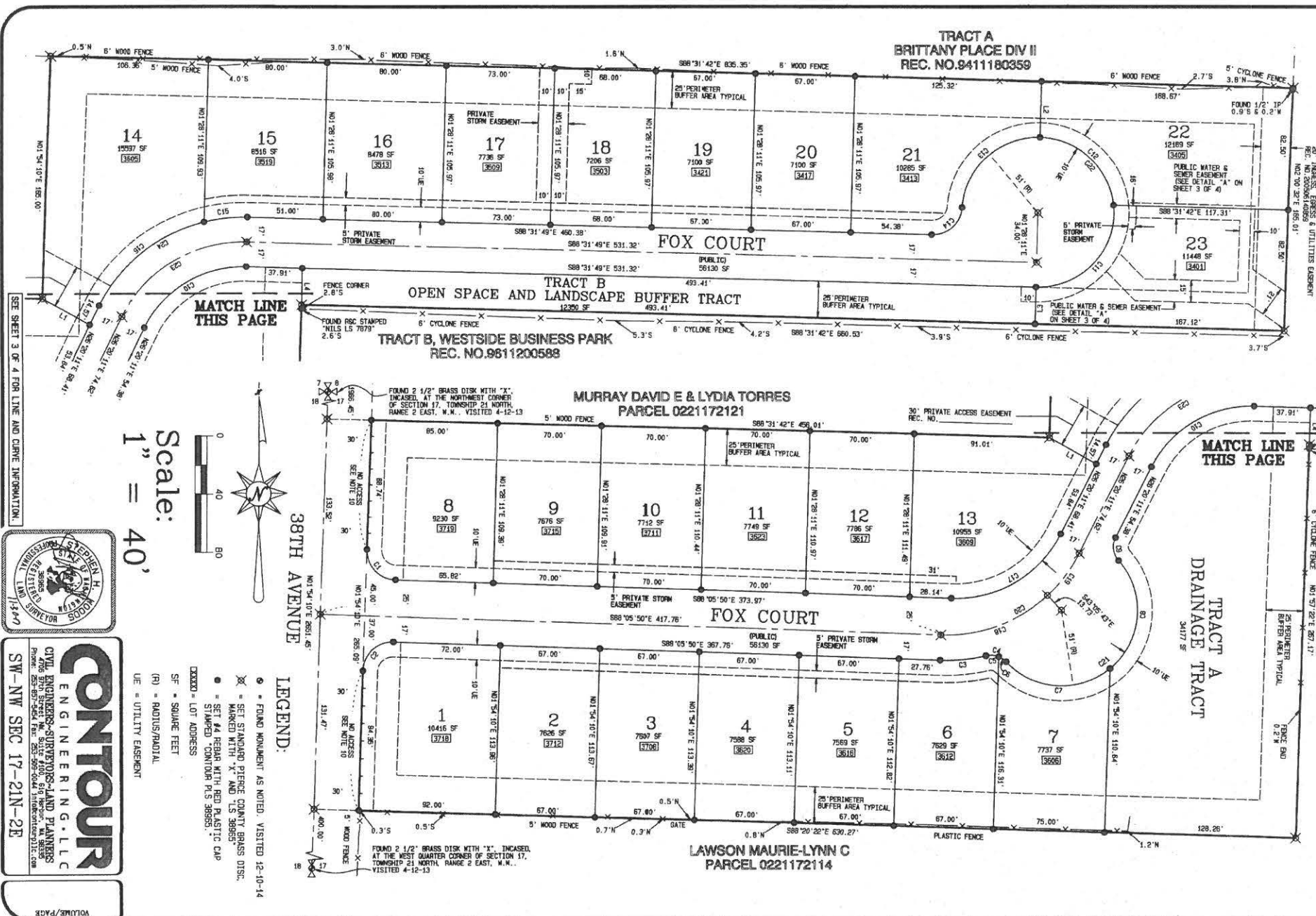
“The 20’ public water and sewer easement as shown shall be to the benefit of the Homeowners Association for the Plat of Fox Run. Easements through noted 25’ perimeter landscape buffer allows only for emergency maintenance of the water and sewer force main at the approval of the City of Gig Harbor. Any disturbance of the buffer as a result of emergency repairs shall be restored to pre-disturbed conditions. Ingress, egress, and land clearing shall not be allowed within the easements without the approval of City of Gig Harbor. Maintenance activity within the buffer is limited to the removal of invasive plant species, or the removal of dead, substantially diseased or damages, or hazards tress upon submission of written verification by a qualified arborist and approval of the City of Gig Harbor.”

The language in substantial conformance with this requirement has been included on Sheet 2 of the final plat.

- C. Meets the requirements of Chapter 58.17 RCW, other applicable state laws, this title and any other applicable city ordinances which were in effect at the time of preliminary plat approval.

The proposed final plat meets the requirements of Chapter 58.17 RCW, the requirements of Title 16 and those of other applicable city ordinances.

- D. **Director’s Decision:** Jennifer Kester, Planning Director, recommends that the City Council move to adopt the resolution approving the final plat of Fox Run.



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