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COURT OF APPEALS,
DIVISION II
OF THE STATE OF WASHINGTON

CITY OF GIG HARBOR, a Washington municipal
Corporation, Appellant,

v.

NORTH PACIFIC DESIGN,
a Washington corporation, Respondent

APPELLANT'S AMENDED REPLY BRIEF

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TABLE OF CONTENTS

I. **Reply** 1

A. NPD submitted a conditional use permit to Increase the density allowed over that *conditionally* Permitted in the RB-2 zone in a PRD, which is Prohibited by GHMC Section 17.89.100. 1

B. NPD erroneously states that the City Staff recommended approval of its application. 5

C. There are no factual findings of the Hearing Examiner that are relevant to this appeal. 5

D. The superior court's decision is irrelevant To this appeal. 6

E. Even if the superior court's decision is Found to be relevant in some respect, it was based On faulty reasoning and should be disregarded 6

F There is no need for the City to challenge Whether or not NPD satisfied the CUP criteria Because the City has appealed the Hearing Examiner's erroneous decision that the CUP Procedure could be used to increase density in a PRD 7

G. Contrary to NPD's argument, the City Cited case law in support of its argument Regarding the inapplicability of NPD's "mixing And matching" development standards in Different zones to obtain the highest possible Density on the property. 8

H. The PRD's Density Bonus provision Governs any increase in density in a PRD because 12 dwelling units per acre was not a "permitted Use" in the underlying zone. 10

I. The City strenuously objects to NPD's New characterization of the density of the Courtyards at Skansie project as less than 12

Dwelling units per acre. 12

J. GHMC Section 17.100(B) prohibits an Increase in density for the Courtyard's property Because residential use is inconsistent with the Underlying comprehensive land use designation For the property. 14

K. The City has not argued that NPD was Required to submit a rezone application. 15

L. Because PRDs are rezones, NPD must Comply with all of the development standards in The new zone, not just the ones NPD likes. 16

M. The Hearing Examiner erred by "harmonizing" the provisions of the RB-2 zone and The PRD zone relating to an increase in density, And then ignoring the latter. 21

N. The required perimeter setbacks, which Must be established in accordance with the front Yard setbacks of the underlying zone, had to be Included in the open space calculation. 22

II. Appendix.

Exhibit A -- Hearing Examiner Exhibit 1
Exhibit B -- Hearing Examiner Exhibit 45

TABLE OF AUTHORITIES

Table of Washington Cases

Cingular Wireless v. Thurston County, 131 Wn. App. 756, 129 P.3d 300 (2006) 15

Citizens Against Tolls v. Murphy, 151 Wn.2d 226, 242, 88 P.3d 375 (2004) 21

Hansen v. Chelan County, 81 Wn. App. 133, 913 P.2d 409 (1996) 4

Lutz v. Longview, 83 Wn.2d 566, 520 P.2d 1374 (1974) 28, 29

State v. Seattle, 66 Wn.2d 329, 333, 402 P.2d 486 (1965) 4

State ex rel. v. Kadow v. Board of Adjustment, 77 Wn.2d 587, 646 P.2d 418 (1970) 4

Washington Shell Fish, Inc. v. Pierce County, 132 Wn. App. 239, 255, 131 P.3d 326 (2006) 4

Wellington River Hollow LLC v. King County, 113 Wn. App. 474, 54 P.3d 213 (2002) 6

Table of Cases – Outside Jurisdictions

Brennick v. Planning and Zoning Com'n of Town Of Newington, 41 Conn. Supp. 593, 597 A.2d 346 (1991) 9

Michaels Development Co., Inc. v. Benzinger Twnshp. Bd. Of Supervisors, 50 Pa Cmwlth. 281, 413 A.2d 743 (1980) 9

Orinda Homeowners Committee Bd. Of Super-Visors of Contra Costa County, 11 Cal. App.3d 768, 90 Cal. Rptr. 88, 43 A.L.R.3d 880 (1970) 9

Statutes

Chapter 58.17 RCW 30

Gig Harbor Municipal Codes

Title 16 GHMC 30

GHMC Section 16.01.050 24

GHMC Section 16.01.090 24

GHMC 17.04.880 23

Chapter 17.05 GHMC 13

GHMC Section 17.05.030 13

GHMC 17.64.040 . . . . . 2, 3

Chapter 17.89 GHMC 12, 15

GHMC 17.89.050 . . . . . 10, 11

GHMC 17.89.060 22

GHMC 17.89.100 . . . . . 1, 2, 4, 7, 11
22

GHMC 17.89.100(A) 22, 23

GHMC 17.89.100(A)(1) 14

GHMC 17.89.100(A)(2) 14, 18

GHMC 17.89.100(B) 14

GHMC 17.89.110(A) 29

I. REPLY TO NORTH PACIFIC DESIGN'S RESPONDENT'S BRIEF.

A. NPD submitted a conditional use permit to increase the density allowed over that *conditionally* permitted in the RB-2 zone in a PRD, which is prohibited by GHMC Section 17.89.100.

The City has argued that the PRD process was used by NPD to gain an increase in density over that allowed outright in the underlying zone (RB-2 zone), contrary to the language of the code relating to PRD's. Again, here is the code:

> **17.89.100 Density bonus.**
> A. The density may be increased in a PRD over that **permitted** in the underlying zone but only if (1) consistent with the underlying comprehensive plan designation for the property; and (2) the density increase will not exceed 30 percent over the density allowed in the underlying zone. . . .

(Emphasis added.)

NPD argues that this section didn't apply to its development, even though it submitted an application to increase density in a PRD over that permitted in the underlying zone. According to NPD, the "maximum density of dwelling units per acre in the RB-2 zone" is not the maximum density permitted outright in the zone, but is instead the density that could be achieved if a conditional use permit is approved.

However, in order to accept NPD's argument, this Court would have to insert language into GHMC 17.89.100 that does not exist – the code would have to read: "The density may be increased in a PRD over that permitted <u>or allowed through a conditional use permit</u> in the underlying zone, but only if . . ."

If a use or density is permitted in the underlying zone, no additional criteria are evaluated by the decision-maker to determine whether the use or density may be approved in the permitting process – it is simply allowed "outright." If a use or density may be authorized through the conditional use permit (CUP) process, this means that the decision-maker must use his/her discretion to determine whether the CUP should be granted under the criteria in GHMC Section 17.64.040 (cited in Respondent's Brief at p. 25). As stated in the intent section of the chapter on the subject of conditional uses, they are classified as conditional uses "because of their unusual size, infrequent occurrence, special requirements, possible safety hazards <u>or detrimental effect on surrounding properties."</u> GHMC Section 17.64.010 (emphasis added).

The Gig Harbor City Council likely determined that an increase of density in a development utilizing the standards in the RB-2 zone would require additional scrutiny through the conditional

use permit process because of the "detrimental effect on surrounding properties." It therefore classified an increase in density from 8 to 12 dwelling units per acre for developments utilizing the standards in the RB-2 zone for conditional use permits so that the decision-maker could make a fact-specific determination whether the additional density was appropriate on an individual piece of property. This ordinance was adopted in 1989. In 2004, the City Council adopted the ordinance which included GHMC Section 17.89.100 – expressly limiting increases in density within PRD's to the procedure set forth in the PRD chapter. In GHMC Section 17.89.100, the City Council specifically determined that within PRD's, an increase in density could only be allowed over the density permitted outright in the underlying zone[1], <u>not the density that could be achieved if the property owner first applied for and was granted a conditional use permit.</u>

NPD's argument ignores the fact that uses and densities permitted outright in the underlying zone are treated differently from uses and densities permitted through the conditional use permit process in many, if not all zoning codes. Such dissimilar treatment has also been recognized by the courts in many cases dating back

[1] Under certain circumstances.

to 1965. In these cases, where the term "permitted" or "permitted outright" is used in the code, conditional uses are treated in a substantially different manner. "'Permitted outright' is a technical term specifically related to the type of activity presumptively allowed in certain zones . . . if a specific use is 'permitted outright,' a party is not required to obtain a conditional use permit, . . ." *Washington Shell Fish, Inc. v. Pierce County,* 132 Wn. App. 239, 255, 131 P.3d 326 (2006). In all cases, a conditional use requires the exercise of discretion on behalf of the decision-maker(s), and the criteria for approval are broad. *See, Hansen v. Chelan County*, 81 Wn. App. 133, 913 P.2d 409 (1996); *State ex rel. Kadow v. Board of Adjustment,* 77 Wn.2d 587, 464 P.2d 418 (1970); *State v. Seattle*, 66 Wn.2d 329, 333, 402 P.2d 486 (1965) (distinguishing uses permitted outright from conditional uses).

NPD's development did not request the "maximum density of dwelling units per acre in the RB-2 zone," because the maximum density in the RB-2 zone is 8 dwelling units per acre. NPD asked for a conditional use permit to achieve a density that was higher than the maximum of 8 dwelling units per acre, so that it could develop its property with 12 dwelling units per acre without following any of the development standards in a RB-2 zone. The

City's argument is confirmed by the City staff report, which accurately states: "The request includes a Conditional Use Permit for increasing the maximum density from eight dwelling units an acre to 12 dwelling units per acre." Hearing Examiner Ex. 1, p. 1, attached hereto as Exhibit A.

B. NPD erroneously states that the City staff recommended approval of its application.

City staff processed NPD's application, but did not recommend approval. In the "Recommendations" section of the staff report, the following appears: "Staff recommends the following conditions if the Examiner decides to approve the proposed preliminary plat and planned residential development." Hearing Examiner Ex. 1, attached hereto as Exhibit A. NPD's statement to the contrary on page 7 of Respondent's Brief is not accurate. In each statement made by NPD which NPD believes is the staff's "recommendation" of approval, the staff is simply making a conclusion and re-stating a code criterion.

C. There are no factual findings of the Hearing Examiner that are relevant to this appeal.

NPD repeatedly notes that the City did not challenge the factual findings of the Hearing Examiner as if this were some flaw in

the appeal. However, the City filed this appeal based upon the Examiner's erroneous legal interpretation of the City's codes.

D. **The superior court's decision is irrelevant to this appeal.**

The questions of law presented here are reviewed by this Court *de novo*, and the Court is limited to a review of the record before the Hearing Examiner. The decision of the trial court should be disregarded as surplusage. *Wellington River Hollow, LLC v. King County*, 113 Wn. App. 574, 54 P.3d 213 (2002).

E. **Even if the superior court's decision is found to be relevant in some respect, it was based on faulty reasoning and should be disregarded.**

The superior court looked at the R-2 and R-3 zones in the City's code, even though these zones are not implicated at all here, and noted that there was no process in these zones for increased density through the conditional use permit process. However, nothing in the rules of statutory interpretation require analysis of each zone in the City's Zoning Code, so that conclusions can be drawn from the absence of certain language in inapplicable codes. The superior court's summary conclusion was that the absence in other code sections must have "some meaning." We could speculate on what that meaning is, depending on what code

section is analyzed. For example, we could easily speculate that the reason the City Council included the conditional use permit process as a method to increase density in the RB-2 zone, yet determined that the PRD to be the sole manner of increasing density in the R-2 and R-3 zones, is simply related to timing of adoption of these codes. The RB-2 zone was adopted in 1989. The PRD procedure was adopted in 1990. The procedure for increasing density in PRD's was adopted in 2004. Therefore, the obvious answer to the superior court's question is that the R-2 and R-3 zones refer to the later adopted PRD density increase procedure because they were amended after adoption of the PRD procedure, unlike the RB-2 zone. However, what this Court should be reviewing is not what language has been omitted from these sections of the code, but the language that exists.

F. There is no need for the City to challenge whether or not NPD satisfied the CUP criteria because the City has appealed the Hearing Examiner's erroneous decision that the CUP procedure could be used to increase density in a PRD.

NPD claims that the City didn't challenge the Hearing Examiner's factual findings or the conclusions relating to the approval of the CUP. There is no need to do so. The City has argued that the clear language of GHMC Section 17.89.100 states

that it is the exclusive means of increasing density in a PRD, and that two criteria must be met if density is increased over that permitted in the underlying zone. The CUP is simply not the proper procedure for increasing density in a PRD, and the Court should find that the Examiner's decision on the applications must be reversed.

G. Contrary to NPD's argument, the City cited case law in support of its argument regarding the inapplicability of NPD's "mixing and matching" development standards in different zones to obtain the highest possible density on the property.

NPD makes the completely false statement that "North Pacific Design has not engaged in any inappropriate 'mixing and matching' of code provisions and the City candidly admits it found no case law in support of that argument." (Respondent's Brief, p. 17.) Here is the language from the City's brief at the page referenced by NPD:

> While no Washington cases were found on the issue whether an applicant could "mix and match" preferred development regulations outside a PRD in order to intensely develop property, courts in other jurisdictions have considered the issue.

(Appellant's Opening Brief, p. 31.) The City then cited to three cases outside Washington, where the courts have determined that in a PUD or PRD, the development standards applicable to the

development are those contained in the PUD or PRD ordinance – not the underlying zone. These cases are: *Michaels Development Co. Inc. v. Benzinger Township Bd. Of Supervisors*, 50 Pa. Cmwlth. 281, 413 A.2d 743, 747 (1980); *Brennick v. Planning and Zonning Comm'n of Town of Newington*, 41 Conn. Supp. 593, 597 A.2d 346 (1991); *Orinda Homeowners Committee Bd. Of Sup'rs v. Contra Costa County*, 11 Cal. App.3d 768, 90 Cal. Rptr. 88, 90, 43 A.L.R.3d 880 (1970).

These cases are in addition to the many Washington cases provided by the City on the bigger question whether the PRD is a rezone.[2] As the cases cited by the City demonstrate, the legal effect of a PRD is that of rezoning, and as a result, the only development regulations applicable to a PRD application are those included in the PRD ordinance or chapter 17.89 GHMC. There is no authority to support NPD's position that the developer can use his/her discretion and choose to comply with some, but not all of the PRD regulations. NPD has cited to no authority to support its argument that it can "mix and match" from the underlying zone or the PRD zone, in order to evade code compliance and/or avoid the

[2] Thes cases are summarized on pages 25-29 of the Appellant's Opening Brief.

necessity of providing the additional amenities that are required for PRD's (and density increases in a PRD).

H. The PRD's Density Bonus provision governs any increase in density in a PRD because 12 dwelling units per acre was not a "permitted use" in the underlying zone.

NPD acknowledges that the allowed uses in the PRD zone[3] include those "primary, accessory or conditional uses permitted in the underlying zoning district," but asks the Court to ignore the definition of the word "uses." In addition, in order for NPD's strained interpretation of the code to work, the Court would have to add the word "density" in this code provision.

Here is the actual language from the code:

> **17.89.050 Types of uses permitted.**
>
> The following **uses** are permitted in a PRD:
> A. Those primary, accessory and conditional **uses** permitted in the underlying zoning district; . . .

(Emphasis added.) NPD disregards the rules of statutory interpretation, and claims that the language of the code should be interpreted to add language that doesn't exist, to read:

> ***17.89.050 Types of uses and densities permitted.***

[3] Significantly, NPD used the term "PRD zone" on page 18 of the Respondents' Brief. This acknowledges the City's argument that a PRD is a rezone.

> *The following uses <u>and densities</u> are permitted in a PRD:*
> *A. Those primary, accessory and conditional uses, <u>and the densities conditionally</u> permitted in the underlying zoning district; . . .*

"Use" is not "density." NPD is being purposefully obtuse in its argument which asks this Court to recognize a particular density as a "use" of property. The Court must refer to the City's Zoning Code definition of "use," which clearly does not include "density," and then apply the rules of statutory interpretation to GHMC Section 17.89.050. The City's argument on this issue appears at pages 40-42 in the City's Appellant's Brief.

Next, NPD responds to an argument that the City hasn't made -- NPD asserts:

> The City is asking the Court to ignore the language of GHMC 17.89.050(A) (that primary, accessory and conditional uses are 'permitted' within a PRD) and rule that density allowed as a conditional use must be considered 'other . . . residential uses' under GHMC 17.89.050(B) and a 'density bonus' under GHMC 17.89.100.

(Respondent's brief, p. 18.) The City is not arguing that GHMC 17.89.050(B) applies. The City has never argued that NPD had to submit a rezone application with the PRD application, which is the effect of that subsection.

I. The City strenuously objects to NPD's new characterization of the density of the Courtyards at Skansie project as less than 12 dwelling units per acre.

There are two issues in this appeal -- density and open space. The City has argued that NPD cannot use the conditional use permit process to increase density in a PRD to 12 dwelling units per acre, and that any density increases must follow the procedures in the PRD ordinance (chapter 17.89 GHMC). Now, NPD informs the Court that the Courtyards at Skansie development is not proposed to be developed at 12 dwelling units per acre. (Respondent's Brief, p. 19.) NPD's Respondent's Brief includes new facts in this case -- stating that that the density in the development will actually be, according to their new calculations, only 9.25 dwelling units per acre.

The City strenuously objects to NPD's new characterization of the development, contrary to the documents in the administrative record, including NPD's own submittals. Here is the actual language from NPD's own application materials:

> **Conditional Use Permit (Submittal Package) for the Preliminary Plat of the Courtyards at Skansie Park,** Prepared by North Pacific Design, dated March 26, 2006, Hearing Examiner Exhibit No. 45

> "The proposed development takes advantage of the higher density allowance of 12 dwelling units per acre based on the "net buildable area" of the site." Page 1.
>
> "As previously noted, our proposed development takes advantage of the higher density of 12-units per acre which is allowed with the RB-2 zoning district under a Conditional Use Permit." Page 6.
>
> "Our proposed plat takes advantage of the higher density of 12-units per acre of detached homes, based upon 'net buildable area' and thus requires a conditional use permit." Page 7.
>
> "Although this proposed plat takes advantage of the highest density allowed in the zone . . ." Page 10.
>
> "The Courtyards at Skansie Park residential development takes advantage of the higher density allowance within the RB- 2 zoning district. The higher density development of 12 units per acre must be justified under a conditional use permit." Page 11.

Hearing Examiner Ex. 45, attached hereto as Exhibit B.

Density calculations must be made as set forth in chapter 17.05 GHMC. According to GHMC Section 17.05.030, "when determining the allowed density for any given lot in the City, the net buildable land area of the site is used." This section describes what areas on the property are excluded from the "net buildable land area." NPD should not be allowed to assert, on appeal for the first time, that the density of the project is different the density that it requested in its own application materials, or that the method for

calculating the density should be different from that set forth in the City's code.

J. GHMC Section 17.89.100(B) prohibits an increase in density for the Courtyards' property, because residential use is inconsistent with the underlying comprehensive land use designation for the property.

NPD contends that "it is a bit late for the City to be complaining that no residential development could occur in the area the Comprehensive Plan labels Employment Center." (Respondent's Brief, p. 23.) The City hasn't made this argument at all. The City has stated that in a PRD, density may only be increased over that permitted in the underlying zone (not over that density which is conditionally permitted in the underlying zone) if the application is consistent with GHMC 17.89.100(A)(1) and (2). In GHMC 17.89.100(A)(1), there is a prohibition on any density increases if the density increase is not consistent with the comprehensive plan.

Here, the underlying comprehensive plan designation for the property is Employment Center. (City staff report, Ex. 1, attached hereto as Exhibit A, p. 2.) Residential uses are not identified as intended uses within the Employment Center land use designation. Therefore, an increase in density in a residential PRD is

inconsistent with the underlying Employment Center land use designation and would have been denied.

In another extension of an argument that the City never advanced, NPD claims that the City wouldn't be able to prohibit additional density on the Courtyards property because a specific zoning ordinance will prevail over an inconsistent comprehensive plan. However, the City argued that if it has a zoning code provision which states that if additional density is requested for a PRD, then this additional density must be consistent with the underlying comprehensive plan. The argument actually made by the City is supported by *Cingular Wireless v. Thurston County*, 131 Wash. App. 756, 129 P.3d 300 (2006). Here is the portion of that case pertinent to the City's argument:

> To the extent a comprehensive plan prohibits a use that the zoning code permits, the use is permitted. **But where, as here, the zoning code itself expressly requires that a proposed use comply with a comprehensive plan, the proposed use must satisfy both the zoning code and the comprehensive plan**.

Cingular Wireless, 131 Wash. App. at 770, emphasis added, citations omitted. Thus, no density increase should have been allowed for the Courtyards at Skansie PRD.

K. The City has not argued that NPD was required to submit a rezone application.

In yet another response to an argument never advanced by the City, NPD contends that it did not need to submit a rezone application for this development. The City has not argued that a rezone application was required, so all parties are in agreement.

L. Because PRDs are rezones, the developer must comply with all of the development standards in the new zone, not just the ones the developer likes.

When a developer requests a rezone and submits a development application for the development of property in a new zone, the application must show compliance with <u>all of the pertinent</u> development standards in the new zone. The developer cannot submit an application which shows compliance with some standards from the old zone and compliance with some standards in the new zone. There is no procedure in the City's (or in any code adopted by any other municipality) that allows a developer to pick and choose from the old zone and the new zone to come up with a development that is the most advantageous to him/her. This is what NPD has done with the Courtyards at Skansie development.

Such an intense development as Courtyards at Skansie was never contemplated by the Gig Harbor City Council when it adopted

the RB-2 zone and the procedure for a conditional use permit to allow 12 dwelling units per acre. All the Council imagined it was allowing in 1989 (which was prior to the adoption of any PRD or PUD ordinance) was that the property would be developed under the regulations in the RB-2 zone, even if a CUP was granted to allow 12 units per acre. This would mean that the 12 dwelling unit per acre development would still have a maximum lot area of 12,000 square feet, the lot width would be 70 feet, the front yard setback would be 20 feet, the side yard setback would be 8 feet and the rear yard setback would be 30 feet. This could have been accomplished with the multi-family use that is allowed in the RB-2 zone.[4]

However, if NPD applied for a development utilizing these standards, NPD couldn't make as much money. Therefore, NPD decided to develop the property as a PRD, because it could then vary from the development standards in the RB-2 zone. NPD admits that its proposed intense development could not have been constructed if it complied with the standards in the RB-2 zone alone:

---

[4] The City acknowledges that the Concomitant Agreement signed by the property owners and the City prohibited multi-family development.

> The development standards under Section 17.30 Residential and Business District (RB-2), Subsection 17.30.050, lists the minimum design requirements for standard residential or commercial lots and structures within the district. ***It is physically impossible to meet these standards with a high-density, detached residential development at 12-units per acre*** . . . For example, the standard lot area listed of 12,000 square feet is equivalent to less than 4 units per acre, which is half of the outright density of 8 units per acre in the zoning district.

(Submittal Package for Conditional Use Permit for the Preliminary Plat of Courtyards at Skansie Park, prepared by North Pacific Design, Hearing Examiner's Ex. 45, attached hereto as Exhibit B, p. 4.) Because the RB-2 zone allows duplexes and multi-family dwellings, the maximum density permitted outright of 8 dwelling units per acre could be satisfied with the 12,000 square foot lot size. The Concomitant Agreement, which was executed by the owners of the property and the City, did not allow multi-family dwellings. Therefore, in order to get the most bang for its buck, NPD sought to combine the development standards from two separate zones, which would result in a development unlike anything contemplated by the City Council when it adopted the RB-2 zone, or the PRD regulations, or when the Council executed the Concomitant Agreement.

Throughout its Response Brief, NPD has alleged that the increase in density to 12 dwelling units with a conditional use permit isn't really just "density," it is actually a "use." NPD also admits that the *Lutz* court determined that the effect of a PUD or PRD is a rezone. However, NPD now adopts the circular argument that *Lutz* doesn't apply to this case, because the increase in density from the permitted 8 dwelling units per acre to the 12 dwelling units per acre under a CUP doesn't involve a "change in use."

The City has argued that if NPD wants to develop the property as a PRD, then it must recognize that the legal effect of a PRD is that of a rezone. This means that in order to develop the property, NPD will have to conform to the PRD standards, not the RB-2 zone standards. Also, once a PRD is approved, the property will have a new zone -- the PRD zoning designation -- and any changes to the development will have to comply with the approved development regulations for the PRD (not the standards in the RB-2 zone).

NPD's response to the City's citation of the Washington PRD cases is off the mark. The City has not argued "that a rezone is required under all circumstances where a PRD is used."

(Response Brief, p. 29.) The City has not argued that NPD needs to submit a rezone application.

NPD distinguishes all of the cases cited by the City as involving different codes, different fact patterns and irrelevant. (Response Brief, p. 30.) However, the reason these cases were cited to the Court by the City is because they all demonstrate one thing -- the legal effect of a PUD/PRD is that of a rezone, even if a change in use is not involved. Therefore, a developer cannot decide to conform to some of the regulations in the old zone and some of the regulations in the new zone, so that the resulting development is something never contemplated by the City Council at the time it adopted the individual codes.

NPD claims that the Hearing Examiner approved the CUP for 12 dwelling units per acre in the RB-2 zone because "the RB-2 already permits single family density up to 12 units per acre." It argues that because the Gig Harbor City Council made a "legislative decision to allow 12 units per acre and the review criteria by which such density is achieved" then there is no reason for the City Council to now complain when a developer attempts to combine this 12 dwelling units per acre in the RB-2 zone with the regulations from a totally different zone, to come up with a

development that will have houses on 2,317 square foot lots, 34 feet wide with side yards of 3 feet, rear yards of 3 feet and front yards of 6 feet. The Court should refer to the timing of adoption of each of the applicable codes so that it is aware that the City Council never contemplated the Courtyards result. *See*, Appellant's Opening Brief at p. 45.

M. The Hearing Examiner erred by "harmonizing" the provisions of the RB-2 zone and the PRD zone relating to an increase in density, and then ignoring the latter.

According to NPD, the Examiner did exactly what courts do: read all related provisions of an ordinance first and then declare an ambiguity. Here is the applicable law:

> The meaning of a statute is a question of law reviewed de novo. The court's fundamental objective is to ascertain and carry out the legislature's intent, and if the statute's meaning is plain on its face, then the court must give effect to that plain meaning as an expression of legislative intent. Under this plain meaning rule, examination of the statute in which the provision at issue is found, as well as related statutes or other provisions of the same act in which the provision is found, is appropriate as part of the determination whether a plain meaning can be ascertained. If, after this inquiry, the statute remains susceptible to more than one reasonable meaning, the statute is ambiguous and it is appropriate to resort to construction aides, including legislative history.

Citizens against Tolls v. Murphy, 151 Wn.2d 226, 242, 88 P.3d 375 (2004).

Implementing the above rules, the Examiner should have recognized that a developer can't pick and choose between zones to determine which development standards are applicable to the project, because this is contrary to law, under the cases cited by the City (the legal effect of a PUD/PRD is a rezone). In addition, the Examiner should have read GHMC Section 17.89.100, which states that it is the only method for increasing density over that permitted in the underlying zone. Because the permitted density in the underlying zone is 8 dwelling units per acre, the Examiner should have concluded that NPD's desire to increase the density to 12 dwelling units per acre with a CUP under the BR-2 zone was prohibited by GHMC Section 17.89.100. The plain language of this section made it the exclusive method to increase density in a PRD.

N. The required perimeter setbacks, which must be established in accordance with the front yard setbacks of the underlying zone, had to be included in the open space calculation.

The code requires that the structures located on the perimeter of the PRD must be set back in accordance with the front yard setbacks of the underlying zone. GHMC Section 17.89.060. In GHMC Section 17.89.110(A), there is a description of what may not be included in the open space, and "required yards for buildings

and structures" is listed here. Therefore, NPD was required to exclude the perimeter setback of the PRD from the open space calculation.

NPD notes that "setback," "yard" and "lot" are defined in the code, and NPD does not believe they are "interchangeable." Apparently, NPD's argument is based on the fact that in the code, there is a space between the words "set" and "back." This is a distinction without a difference.

The code definition of "yard" is:

> 'Yard' means a required open space that is on the same lot with the principal use and is unoccupied or unobstructed by any portion of a structure; . . .

GHMC Section 17.04.880. Thus, the size of this "yard" is determined by using the front yard setback in the RB-2 zone. However, a "yard" is by definition in the Code "required." Because it is the "required yard" for the structures, the common open space cannot include this area. GHMC Section 17.89.110(A).

According to NPD, the definition of "yard" doesn't apply, because it refers to a yard "that is on the same lot with the principal use" NPD contends that because the Courtyards at Skansie will have 174 individual building lots within the PRD, the definition is inapplicable.

However, there are no "individual building lots" in the PRD application. Only a preliminary plat application or subdivision may approve division of property into lots (*see,* chapter 58.17 RCW, GHMC Section 16.01.050, 16.01.090.) The PRD application applies to the entire parcel as one lot, even though the developer may seek, through a separate application, division of the lots.

The Gig Harbor planning staff is required to evaluate each application under the regulations applicable to that application. The PRD application may be submitted without a preliminary plat application (for example, as an apartment complex), and at any time NPD could have withdrawn the preliminary plat application. Therefore, the City staff evaluates at the PRD application, not the preliminary plat application, to determine if the PRD requirements are met. There are no individual building lots established with a PRD, and therefore, the property is one lot for purposes of determining the open space requirements.

CONCLUSION

This Court should reverse the Hearing Examiner's decision approving the PRD because NPD improperly used the CUP process from the RB-2 zone to increase density in a PRD. The PRD regulations applicable to density would not allow the increase

in density sought by NPD and the application does not even show compliance with the PRD's requirement for open space. The Hearing Examiner's decision on the open space should be affirmed.

Dated this ~~8~~12th day of May, 2008.

LAW OFFICE OF CAROL A. MORRIS, P.C.

By _____
Carol A. Morris, WSBA #19241
Attorney for appellant City of Gig Harbor

EXHIBIT A

GIG HARBOR
"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

TO: Hearing Examiner
FROM: Planning Staff
DATE: December 6, 2006

RE: SUB 06-1248 and CUP 06-1251 – The Courtyards at Skansie Park
Preliminary Plat and Conditional Use Permit
Public Hearing Date: December 16, 2006

I. GENERAL INFORMATION

A. Applicant: North Pacific Design
c/o Thair Jorgenson, P.E.
2727 Hollycroft St. Suite 410
Gig Harbor, WA 98335

B. Owner: Hunt Skansie Land LLC
Gordon Rush, Managing Member
2727 Hollycroft St, Suite 410
Gig Harbor, WA 98335

II. APPLICANT'S REQUEST

The applicant has applied for a 174-lot residential preliminary plat and planned residential development on approximately 18.8 acres located on the northeast corner of Hunt Street and Skansie Avenue. The request includes a Conditional Use Permit for increasing the maximum density from eight dwelling units an acre to 12 dwelling units an acre. All of the structures on site would be single family structures with garages. A wetland and its buffer will be retained on site and three neighborhood parks are included with this proposal.

Exhibit A

APP___SUB 06-1248___
Exhibit__1__

3510 GRANDVIEW STREET • GIG HARBOR, WASHINGTON 98335 • (253) 851-6170 • WWW.CITYOFGIGHARBOR.NET

III. SITE DESCRIPTION

A. Location: The NE corner of Hunt Street and Skansie Avenue in Gig Harbor
Assessor's Parcels #0221074050 and 0221074072

B. Site Area/Acreage: Total Site: 18.8 acres

C. Existing Site Characteristics:

1. **Topography:** The site generally slopes up from west to east at approximately a seven percent slope; however, steeper slopes with inclines between 15-25 percent are located on the eastern portion of the site.
2. **Vegetation:** The site is heavily vegetated with deciduous and evergreen trees, and understory.
3. **Wetlands and Critical Areas:** A Category III wetland is located on the western portion of the site. No other regulated critical areas exist on the site.

D. Zoning:

1. **Subject parcel:** RB-2 with Concomitant Agreement
2. **Adjacent zoning and current use:**
   a. **North:** R-1 – Single-Family Residences
   b. **East:** RB-2 – Wollochet Professional Park
   c. **South:** Pierce County – Single Family Res.
   d. **West:** R-1 – Single Family Residences

E. Utilities / Road Access: The interior roads would be accessed off of Hunt Street and Skansie Avenue. The City of Gig Harbor is the water and sewer purveyor for the site. If the preliminary plat is approved, a new public loop road and several new private court roads will be built within the plat. For more information regarding the roads, please see Part IX below. The plat also includes a storm water detention vault and new water, sewer and other utility lines.

IV. APPLICABLE CODES AND POLICIES

A. Comprehensive Plan: The site is designated as Employment Centers land use on the City of Gig Harbor Comprehensive Plan Land Use Map. Residential uses are not identified as intended uses within this land use designation; however, the proposed use would be consistent with the zoning designation and a Concomitant Agreement that the property is subject to. The Land Use Element of the Comprehensive Plan is applicable (pp2-1 – 2-12).

B. Gig Harbor Municipal Code

Preliminary Plats: GHMC Section 16.05.003 lists the criteria the hearing examiner shall consider when reviewing a preliminary plat.

Subdivisions: All subdivisions must meet the general requirements for approval of subdivisions listed in GHMC Section 16.08.001.

Zoning Code: The proposed preliminary plat / planned residential development is located in the Residential Business (RB-2) zone. Chapter 17.30 GHMC contains requirements and performance standards for development in the RB-2 district. Additionally, this property is subject to a Concomitant Agreement that modifies some of the zoning requirements.

Conditional Use Permit: The applicant is seeking a conditional use permit to increase the permitted density from eight dwelling units an acre to 12 dwelling units an acre. Chapter 17.64 GHMC contains the requirements for granting a conditional use permit.

Planned Residential Development Zone Standards: Chapter 17.89 GHMC contains the requirements and standards for a planned residential development, in particular GHMC Sections 17.89.020, 17.89.050, 17.89.060, 17.89.070, 17.89.090 and 17.89.110.

Design Manual: The Design Review process is defined under GMHC 17.98. Section 17.98.030 GHMC states that Chapter 17.99, Design Manual, applies to all proposals to subdivide land under the provisions of GHMC Title 16.

Wetland Management Regulations: Chapter 18.08 GHMC contains the guidelines, criteria, standards and requirements designed to analyze and mitigate potential impacts to city wetland resources.

V. BACKGROUND INFORMATION

The proposed development is located on two parcels of land that are subject to a Concomitant Zoning Agreement for the Tallman Annexation, adopted by City Council Resolution No. 398-ANX 91-07 (Concomitant Agreement) (attachment 2). This agreement contains some use regulations and development limitations that are slighlty different from the Gig Harbor Municpal Code. With the exception of a single family structure, the subject site is undeveloped.

VI. DESIGN REVIEW:

The project received Director's review for all categories of design review. Having met the applicable specific requirements of the Design Manual, the staff administratively approved the project with conditions on November 29, 2006 (Attachment 3). The Design Review Decision approving the design for the preliminary plat included the following conditions:

1. Planting areas with nursery stock or transplanted vegetation shall include an automatic mechanical irrigation system designed for full coverage of the planting areas. Alternatively, a xeriscape plan may be submitted to the City for review; a licensed landscape architect shall prepare the xeriscape plan. The irrigation plan or xeriscape plan shall be submitted and approved prior to final plat approval. The mechanical irrigation system shall be installed or xeriscape plan shall be implemented prior to occupancy of the first home within the plat.
2. Prior to grading permit issuance, the grading plans shall be revised to show the locations of the required tree protective fencing.

VII. ENVIRONMENTAL REVIEW:

The City issued a Mitigated Environmental Determination of Non-Significance (MDNS) on October 25, 2006 (Attachment 4). Two comment letters were received from the State of Washington Department of Ecology (DOE). One letter indicated that the property is located in an area that may be contaminated with heavy metals due to the air emissions originating from the old Asarco Smelter in North Tacoma. This letter was forwarded to the applicant because the State Department of Ecology, not the City, regulates hazardous waste cleanup (Chapter 70.105D RCW).

The DOE also submitted a letter referencing erosion control and stormwater discharge requirements. The City's Public Works standards include provisions that address these concerns. Numerous other comment letters were received and are included as exhibits to this staff report. These letters express concern regarding the effect on the quality of life in the established neighborhood as a result of the proposed medium density residential development. Specific concerns identified with the increased density are with traffic, stormwater, wetland impacts, schools, tree removal, water and sewer availability and fire protection. These concerns will all be addressed in the staff analysis portions of this staff report.

In addition to the comments received, a written appeal of this MDNS was received by the City on November 20, 2006 (Attachment 5). Staff

response to the appeal is addressed in the staff report titled PL – APP 06-001.

The MDNS required the following mitigation, which must appear on the final decision for the preliminary plat, if the MDNS is upheld and the preliminary plat is approved:

1. The applicant shall be required to provide all of the sewer improvements necessary as noted in the City's Wastewater Comprehensive Plan (Basin C5) in order to provide the public sanitary sewer to the development. The sewer improvements shall be designed, constructed and accepted by the City prior to the certificate of occupancy of any houses, buildings or structures associated with the proposed development. Design and construction of the sewer lift station and associated off-site sewer mains require a separate SEPA checklist and review process.

2. The applicant shall pay the City's traffic impact fee in accordance with Chapter 19.12 of the Gig Harbor Municipal Code.

3. The applicant shall perform permitting for, design and construct a new left turn pocket with an 11 foot minimum width for eastbound Hunt Street traffic at the intersection of Wollochet Drive and Hunt Street. This turn pocket shall be permitted, designed, constructed and accepted by the City prior to the certificate of occupancy of any houses, building, or structures associated with the proposed development. This turn pocket shall separate the through-traffic from the traffic turning left. The storage length of the left turn pocket shall be of sufficient length to return the LOS to the 2008 level without the proposed development (a reduction of approximately 30 seconds of delay), with a minimum length of 75 feet.

   The design and construction of the turn pocket shall meet the requirements of the City's Public Work Standards. The design and construction shall accommodate for all work and materials necessary to remove and replace existing infrastructure and install new infrastructure, including, but not limited to, removing and installing signal poles, wiring, induction loops, signal heads, temporary and permanent pavement markings, raised pavement markers, asphalt concrete pavement, temporary and permanent signing, traffic control, stormwater infrastructure, pedestrian crossing appurtenances, and other work and materials necessary to provide a revised intersection with a new left turn pocket for eastbound traffic along Hunt Street at Wollochet Drive and achieve proper traffic signal operations. City design plans shall be reviewed and approved by the City prior to construction.

4. The applicant shall design and construct a separated right turn lane for westbound Hunt Street traffic across the Hunt Street frontage of the development. This right turn lane shall include an 11 foot roadway width. Other standard roadway section requirements shall be included as noted in the City Standards.

5. The applicant shall install a split rail fence along the wetland buffer located on the site prior to issuance of a Certificate of Occupancy.

VIII. PUBLIC NOTICE & INPUT:

Legal notice of the proposed action and scheduled hearing was published in the Peninsula Gateway on November 22, 2006. In addition, notice was mailed to all interested parties and property owners within 300 feet of the subject site on November 27 and 28, 2006. Notice was also posted on the subject site on November 27, 2006. Many of the comments received were in response to the SEPA threshold determination and are attached to this staff report. The appeal filed with the department questioned if the City properly posted notice on the site. Chapter 19 of the Gig Harbor Municipal Code contains the requirements for public notice. Section 19.03.001(A) states "In addition to the notice of application for Type III and Type IV permits, the Director shall also provide public notice of Type III and Type IV project permit applications by posting the property **or** by publication in the City's official newspaper." A notice of application was published in the April 19, 2006 Peninsula Gateway. In addition to Notice of Application, Notice of Public Hearing shall also be provided. GHMC 19.03.003(D)(1) states Notice shall be mailed, posted and first published not less than 10 nor more that 30 days prior to the hearing date." The dates of notice provided above show that proper notice of public hearing was provided.

IX. STAFF ANALYSIS & FINDINGS:

City staff has reviewed the proposal (see exhibits) according to the applicable code provisions and has made findings as stated below:

A. Planning Staff:

Comprehensive Plan: The Land Use Element of the Comprehensive Plan contains Goal 2.3 titled Promote Community Diversity and Distinction and Increase Housing Opportunities which states: "Create and refine district definitions which allow for innovation and performance. Provide a control and review process that permits maximum design flexibility while meeting social and community needs for employment, housing, education and recreation. Provide for a range of residential densities which would accommodate the City's 2022 residential growth target of 10,800

within a broad variety of housing types and tenures." Sub-goals in this section further encourage higher densities for developments that provide open spaces, have natural site characteristics suitable for higher intensity residential development, contain design throughout the project which reflects the historical character of the areas, have relatively easy access to major local employment areas and would not significantly impact established single family residential neighborhoods. Additionally, it discusses the implementation of a zoning plan which allocates residential development based upon a maximum density as opposed to a minimum lot size in order to encourage optimum design techniques suitable to the land and its natural features. The Comprehensive Plan identifies urban residential moderate density as 4.0 – 12.0 dwelling units per acre.

The proposal is for a planned residential development (PRD) to reduce the lot sizes and the setback requirements to enable a medium density single-family development within the RB-2 zone. The design of the homes would reflect the historical character of the area by providing 6:12 roof pitches and vertical windows. The proposal includes retention of significant vegetation within a wetland and buffer as well as within the 40 foot and 25 foot perimeter buffers. Parks, trails and open space will be provided for the occupants of the development. Further staff analysis for this proposal is provided below.

Zoning: The preliminary plat is located within the RB-2 zone and development is also governed by the concomitant agreement. The RB-2 district is intended to provide a mix of medium density residential uses with certain specified business, personal and professional service. It is intended to serve as a transitional buffer between high intensity commercial areas and lower intensity residential areas (GHMC 17.30.010). Residential uses including single family and multifamily development are permitted outright within the RB-2 zone; however, the annexation agreement (attachment 2) does not allow multifamily uses.

The development standards in the RB-2 district are provided in GHMC 17.30.050 as follows:

Minimum lot area:	12,000 square feet
Minimum lot width:	70 feet
Front yard setback:	20 feet
Side yard setback:	8 feet
Rear yard setback:	15 feet
Any nonresidential yard abutting an existing residential use or zone:	40 feet

Maximum density: 8 dwelling units per acre permitted outright; 12 dwelling units per acre allowed as a conditional use.

The applicant has proposed a 174-lot, single-family development on 18.8 gross acres of property. GHMC 17.05.030 contains regulations for density calculations that include deducting wetlands and rights-of-way from the gross lot area to determine the net buildable land area. Three feet of property along the Skansie Avenue frontage and five feet of property along the Hunt Street frontage are required to be dedicated to the City for frontage improvements associated with the development. These areas added to the proposed roads for the development encompass approximately 3.5 acres. Additionally a wetland on site contains approximately 0.5 acres leaving a net buildable area of 14.8 acres. The proposed density would be 11.75 dwelling units per acre; therefore, a conditional use permit is required for additional density. The criteria for approval of a conditional use permit will be addressed later in this staff report.

The applicant has proposed a single family residential development for this property with a planned residential development (PRD) to vary from the setback, lot area, lot width and lot coverage requirements for single family development in this zone. The proposed setbacks are shown on sheet A-6 of the Courtyards of Skansie Park Preliminary Plat. Generally, three foot side yard setbacks, three and one half foot rear yards and front yards varying from six to 18 feet are proposed. The PRD requirements will be discussed further in this report.

The maximum height of structures in the RB-2 zone is 35 feet (GHMC 17.30.070). The plans indicate that the proposed structures would comply with this requirement. Compliance with building height requirements will be determined during the building permit process for the individual lots. The Fire Marshal did not have any comment on the height of the structures.

The maximum lot area coverage in the RB-2 zone is 55 percent of the gross lot area and the maximum coverage provided in the annexation agreement is 60 percent not including wetlands. Impervious surface coverage of individual parcels may exceed the 55 percent maximum provided that total impervious surface coverage of the subdivision does not exceed 55 percent through the PRD process. The proposed preliminary plat has 10.3 acres of impervious coverage, or 54.8% of the total subdivision area as calculated per the Municipal Code. This calculation includes all dwellings, sidewalks and pavement. Removing the wetland area

(0.51 acre) from this calculation (as called out in the concomitant agreement), the impervious surface would be 57.5 percent which complies with the concomitant agreement requirement of 60%.

GHMC 17.78.060(B) requires a 25 foot buffer consisting of a dense vegetated screen along the perimeter of the plat. Additionally, the concomitant agreement requires a 40 foot dense vegetative screen buffer along all boundaries with single family uses. The only boundary shared with single family uses is the north boundary. Single family is located across the street from the site on the west and south and a commercial development is located east. The plans indicate that a minimum of 40 foot buffer will be provided along the north and west boundaries of the plat and a minimum of 25 foot buffer would be provided along the south and east perimeters of the plat.

Conditional Use Permits: The RB-2 zone allows for a density of 12 dwelling units per acre as a conditional use. Conditional use permits may be granted only if the applicant can successfully demonstrate that all of the following criteria contained within Section 17.64.040 GHMC have been satisfied. Each criterion is provided below followed by staff analysis.

1. *That the use which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district which the property is located;*

   Residential uses, including single family, duplex, triplex, fourplex, and multifamily dwellings are permitted outright within the RB-2 zone. The concomitant agreement specifies that "all uses otherwise permitted in a RB-2 zone shall be allowed, with the exception of multi-family dwellings. All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met." Chapter 17.30.050(G) GHMC specifies that 12 dwelling units per acre are allowed as a conditional use. The intent of the RB-2 zone is to provide for a mix of medium density residential uses with certain specified business uses. Additionally, it is intended to serve as a transitional buffer between high intensity commercial areas and lower intensity residential areas. The proposed medium density, single family, residential development appears to be consistent the intent of the zone by providing a transition between the Wollochet Business Park commercial development east of the site with the less dense single family residential uses north, south and west of the site.

2. *That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;*

   Consideration of the public health, safety, comfort, convenience and general welfare of the surrounding neighborhood has been given with respect to this proposal through the SEPA process along with analysis for compliance with applicable City codes and standards. Numerous letters written by citizens within the neighborhood (attached as exhibits) were received regarding this proposal. The letters expressed concern that the proposed medium density development would be too dense for this site and that it would have a negative impact on their quality of life. Specifically, the topics of concern identified with the increased density are: traffic, stormwater, wetland impacts, schools, tree removal, water and sewer availability and fire protection.

   Public health and safety concerns are addressed through the requirements of all public works standards which include providing water and sewer to the development along with proper containment and release of stormwater generated by the site. The Building Official/Fire Marshall has reviewed the proposed plat with respect to fire apparatus access, fire separation and fire hydrant location and has determined that the proposed plat, as conditioned, would meet these requirements.

   Traffic was analyzed for the proposal through the SEPA process and it was determined that with the required mitigation, the affected intersections would be maintained at levels determined acceptable as contained within the Comprehensive Plan. Page 11-7 of the Comprehensive Plan states "In most jurisdictions in the Puget Sound region, LOS D or better is defined as acceptable, LOS E as tolerable in certain areas, and LOS F as unacceptable." With the recommended SEPA mitigation, intersections in the vicinity would be maintained at an LOS D or better; therefore, would not adversely impact public convenience.

   Additionally, the proposal is for medium density, single family, residential. Single family residential development represents the least intense residential development. The proposal to increase the density from eight dwelling units an acre to 12

dwelling units an acre would not further burden city infrastructure including traffic, water, sewer and stormwater. The proposed development would serve as a transition from the higher intensity commercial use of the Wollochet Business Park east of the site to the lower intensity residential use on the north, south and west of the site. The established character of the neighborhood which is primarily low density signal family residential would be affected by the proposed medium density, single family residential; however, it is not anticipated to be detrimental to the established character of the surrounding neighborhood. The bulk of the structures would be of similar scale as existing houses. Trees will be retained in perimeter buffer areas as well as in the wetland and wetland buffer and compliance with the wetland ordinance is required to protect the existing wetland and its functions. In addition to the 20 foot perimeter setback area for the plat, 30% of open space is required to be provided on site (as discussed later in this staff report). This open space requirement would exceed what would be provided without a planned residential development. Because the proposal for medium density, single family development is required to comply with city public works standards, the zoning ordinance and the comprehensive plan, it is not anticipated that it would be injurious to the property or improvements in the vicinity or zone.

3. *That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets*;

   As stated previously, the location of the medium density residential development as a transition between commercial use and lower density residential uses appears to be properly located in relation to the other land uses. At the time this development application was submitted, the City of Gig Harbor required certificates of concurrency for traffic and water to ensure new development can be adequately served by public facilities. Traffic analysis has been conducted for this proposal and a transportation concurrency certificate (CRC) was issued on October 24, 2006 (attachment 36). With the conditions provided in the CRC and through the SEPA mitigation, transportation facilities in the vicinity could adequately serve the proposal without placing an undue burden on such facilities and streets. A Water Capacity Reservation Certificate (CRC) was issued for the proposal on May 3, 2006 and indicated adequate

water availability could be provided (Attachment 37). The developer is also required to extend the water main to the site as further described in the Operations and Engineering section of this report. Additionally, with the construction of a sewer lift station at the southwest corner of the property, sewer service would be provided to the development without placing an undue burden on such sewer facilities.

4. *That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.*

   The proposal has been analyzed for yards, walls, fences, parking, landscaping, and other such features as required by this title including wetland requirements, and with the recommended conditions contained within this report, the proposal would be of sufficient size to accommodate this proposal. The open space proposed has also been reviewed for code compliance. As provided below in more detail, the applicant has interpreted required open space differently than staff. Staff recommends that the plat be revised to contain the required open space, as described below, to meet this criterion. It is noted that this may require a reduction in number of lots.

Planned Residential Developments: The applicant has requested the proposed plat be reviewed as a planned residential development. The intent of the PRD zone is to allow opportunity for more creative and imaginative residential projects than generally possible under strict application of the zoning regulations in order that such projects shall provide substantial additional benefit to the general community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, public views, retention of natural vegetation and to provide more open space and recreational amenities, for residents of the development and the general public, than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for residential development. The following development standards apply to PRDs in the RB-2 zone:

GHMC 17.89.020 states that PRD projects are allowed in all residential zones on parcels two acres or larger in size. The proposed PRD is located on 18.8 acres.

GHMC 17.89.050 states that the types of uses allowed in a PRD project include all uses allowed conditionally and outright for the underlying zone. The applicant has proposed single family detached homes. The RB-2 zone (and the concomitant agreement) permits single-family dwellings per GHMC 17.14.020.

GHMC 17.89.060(A) describes development and design standards that may be modified through a PRD. They include 1) lot area and width, 2) setbacks, 3) Impervious surface on individual parcels, and 4) building height. The applicant has proposed modifying the lot area, lot width, lot setbacks and impervious surface on individual parcels with the proposed PRD, in order to allow single-family homes with the density allowed within the RB-2 zone, with a conditional use permit. The proposed structures will meet the height requirements.

GHMC 17.89.060(B) describes development and design standards that may not be modified through a PRD. They include 1) shoreline regulations, 2) standards pertaining to environmentally sensitive areas, 3) regulations pertaining to nonconforming uses, 4) standards pertaining to screening around outdoor storage areas, 5) total coverage by impervious coverage, and 6) height restriction as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program. The proposed PRD does not modify any of the above listed standards. The subject property is not within the jurisdiction of the Shoreline Master Program or Height Restriction Area. The buffer and wetland on site will comply with standards contained within GHMC Chapter 18.08. There are no nonconforming uses on the property. The proposed impervious surface for the entire subdivision would meet the maximum impervious surface requirements. No outdoor storage areas have been proposed.

GHMC 17.89.090 states that all roads shall be consistent with the adopted policies and standards of the City of Gig Harbor public works construction standards for public roads. Operations and Engineering has reviewed the proposed plat and has recommended approval of the plat subject with certain conditions, see comments from Operations and Engineering below.

The PRD standards require that all PRDs provide at least 30 percent of the area of the PRD as common open space. Furthermore this section requires that the open space is used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the

required yards for buildings or structures; provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent. (GHMC 17.89.110) In addition to these requirements, 50% of the required common open space, so 15% of the plat area must be usable for active or passive recreation, which is also not utilized as a utility improvement or structure.

The total plat area, adjusted to reduce the plat area due to the additional right of way required along Hunt Street and Skansie Avenue, is 810,668.72 square feet or 18.6 acres; therefore, 243,200.61 square feet or 5.58 acres of open space is required. The applicant has submitted plans that indicate 246,380 square feet or 5.66 acres of open space has been provided; however, this calculation includes the entire buffer areas provided on the plat. GHMC 17.89.110(A) indicates that required yards may not be used for open space calculations. The only yard requirements for PRDs are specified in GHMC 17.89.060(A)(2) which states "structures located on the perimeter of the PRD shall be setback in accordance with the front yard setbacks of the underlying zone"; (20 feet); therefore 20 feet from the perimeter structures may not be used in the open space calculation. A rough calculation from staff indicates that the proposal is approximately 26,382 square feet short of the required open space. If the preliminary plat is approved, staff recommends the following condition: The plat shall be revised to contain a total of 243,200.61 square feet (5.58 acres) of open space that does not include the required 20 foot yards around the perimeter of the plat. It is noted that this may require a reduction in the number of lots.

The proposed open spaces include the remaining perimeter areas beyond the first 20 feet of depth, recreational trails, the wetland and buffer, parks and playgrounds for the collective enjoyment by the occupants of the development. The open space requirements indicate that 50% of required open space, or 15% of the plat area (121,600 square feet) shall be used as active or passive open space. The plans indicate that currently 148,174 square feet of open space that is considered active or passive would be provided on this plat.

GHMC 17.89.110(G) requires that land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.
2. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

The staff acknowledges this requirement will be applicable at final PRD review and is recommending conditioning the preliminary plat for this execution.

Wetland Management Regulations: The applicant has submitted a wetland delineation prepared by Harbor Environmental Review Services dated January 18, 2006 (Attachment 36). This project was determined complete prior to the update of the City of Gig Harbor Critical Areas Ordinance; therefore, the wetland requirements as modified in 10/96 were use for review of this proposal. Under these regulations, the wetland has been delineated as a Category III wetland which requires a 25 foot buffer. The application submitted indicates that the wetland and buffer would not be altered with this proposal. In order to protect these buffers from degradation from human trespass, a SEPA mitigation measure requires the installation of a split rail fence along the buffer edge.

The western edge of the wetland currently abuts Skansie Avenue. GHMC 18.08.060(D) states that maintenance, operation and reconstruction of existing roads, streets, utility lines and associated structures shall be exempt from the provisions of Chapter 18.08 provided that reconstruction of any such facilities does not extend outside the scope of any designated easement or right of way. This project will be required to dedicate three additional feet of right of way along Skansie Avenue to ensure adequate road improvements. The applicant has been working with City staff to propose a modified roadway section along Skansie Avenue adjacent to the wetland to avoid wetland impacts; however, a public works variance

request has not been applied for at the time of this report. It is anticipated that an alternative roadway section could be approved if the criteria provided in City of Gig Harbor Ordinance No. 832, an ordinance adopting criteria for the Public Works Director's approval or denial of variance from such standards, is met. A more detailed explanation of the roadway section and public works variance alternative is provided below under the section titled Operations and Engineering. In the event that a public works variance is not granted for the street improvements in the vicinity of the wetland, a wetland mitigation plan shall be prepared in accordance with GHMC Chapter 18.08, which may also require additional SEPA review.

B. Operations and Engineering

The Operations and Engineering Department has reviewed the initial plans for the Courtyards at Skansie Park to determine if the proposed project can meet the City of Gig Harbor's requirements. The information submitted for review is preliminary in nature and is not the final design for construction purposes. The final design provided for civil plan approval shall be in compliance with the City of Gig Harbor Public Works Standards (City Standards) and the City of Gig Harbor Stormwater Design Manual (Stormwater Manual).

Based on the following documents: Preliminary Drainage Report (and subsequent revisions) – dated March 24, 2006; Preliminary site plans (and subsequent revisions) – dated March 24, 2006; and Traffic Impact Analysis – dated September 2006; the City of Gig Harbor Operations and Engineering division is recommending preliminary approval of the project subject to the following conditions being met by the developer.

Streets/Traffic:
A Transportation Concurrency Reservation Certificate (CRC) was issued for the Courtyards at Skansie Park on October 24, 2006. The issuance of this certificate indicates that the City Engineer has determined the existing capacity on the city's road facilities is adequate and provides the level of service (LOS) performance standards set forth in the City's Comprehensive Plan, as long as, the conditions contained within the certificate and included in the SEPA mitigation are met.

Operations and Engineering has reviewed the plat for compliance with the Public Works standards and has determined that the streets and frontage proposed for this plat could be approved with the following conditions:

1. The use of wedge-type mountable curbs in "Courts" is not acceptable per the City of Gig Harbor Public Works Standards. Prior to final plat approval, the curbs shall be revised to meet Figure 2-16 of the City's Public Works Standards. The use of a wedge-type mountable curb would require an approved variance from the City's Public Works standards.
2. Prior to final plat approval, the plans shall be revised to delineate the access restrictions by showing a "no access" strip, written and hatched, along the frontage of Hunt Street and Skansie Avenue except for the one City-approved access point along Hunt Street and one City-approved access point along Skansie Avenue that meet the City's Public Works Standards.
3. Prior to final plat approval, half-width frontage improvements along Skansie Avenue and Hunt Street shall be installed along the entire frontage of the development. These improvements shall be in accordance with Figure 2-05 of the City's Public Works Standards and may be varied from only with an approved variance from the Public Works Standards or as required by the mitigations noted in the SEPA determination. The section from Figure 2-05 includes a 20 foot wide paved roadway (one-half of a 12 foot wide left turn lane, an 11 foot travel lane and a three foot shoulder), a 0.5 foot concrete curb, 6.5 foot planter strip, and a six foot concrete sidewalk. This half-width roadway section totals 33 feet. The required total right of way width from the centerline of the right of way shall be a minimum of 33 feet. Additional right of way shall be required to be dedicated, at no cost to the City, along Skansie Avenue and Hunt Street to meet the right of way width for the required road section. This right of way shall be dedicated to the City. This roadway section shall be shown on the plans prior to civil plan approval.

Utilities:

Water: The applicant has applied for and received an approved Water Concurrency Reservation Certificate. The amount of water Equivalent Residential Units (ERUs) granted in the CRC adequately satisfies the domestic water usage needed to facilitate this proposed preliminary plat (55,264 gallons per day). The design and installation of all water lines for domestic, irrigation, and fire service shall be the sole responsibility of the applicant to construct and shall be required to meet the minimum standards of Chapter 4 of the City of Gig Harbor Public Works Standards and the City of Gig Harbor Building requirements.

Per Section 1.130B of the City of Gig Harbor's public Works Standards "Utility mains shall be extended to and through the extremes of the property being developed for loop closures and/or future development as determined by the City." This requirement would provide for the construction of the water main from the northwest corner along Skansie Avenue to southeast corner of the property in the right of way along Hunt Street.

Additionally, Chapter 8.6 of the Water System Design Manual for the Washington State Department of Health notes that "Water mains should be configured in segmented grids and loops..." and that "Looping of distribution mains should be done if at all possible, avoiding as many situations with dead ends as possible." The Design Manual notes that "Dead-end mains should only be installed if (1) looping is impractical due to topography, geology, pressure zone boundaries, unavailability of easements or locations of users, or (2) the main is to be extended in the near future and the planned extension will eliminate the dead-end conditions." None of these conditions exist for this project; therefore, the developer shall provide for design and construction of a looped water main from the City's water main at the intersection of 72nd Street and Skansie Avenue to the City's water main along Wollochet Drive south of Wagner Way.

Storm Drainage: The design of the stormwater facilities, including temporary and permanent erosion control features, for this proposal shall conform to Chapter 14.20 of the Gig Harbor Municipal Code (GHMC), including the City of Gig Harbor's Stormwater Design Manual. This includes maintaining the hydroperiod (runoff volumes) for any associated wetlands, providing stormwater quality control (treatment), and providing stormwater quantity control (retention or detention).

In accordance with Chapter 14.20, where stormwater runoff discharges into a wetland under pre-developed conditions, the hydroperiod for the wetland must be maintained under post-development conditions. This hydroperiod can be maintained under post-developed conditions by directing a portion of runoff from the clean impervious surfaces (primarily roof runoff and footing drains) or treated pollution generating impervious surfaces (driveways and roadways) to the existing wetland.

Stormwater quality control must be provided by using water quality best management practices (BMPs). For major development, such as the Courtyards at Skansie Park, this includes, but is not limited to, providing source control, treatment, and a downstream analysis.

Stormwater quantity control shall also be provided. Stormwater quantity control includes, but is not limited to, retention or detention of runoff. If soils are capable of infiltration and if no geotechnical hazards are created, a retention system can infiltrate treated stormwater runoff into the ground. If a retention system is not provided, a detention system shall be used. This detention system must be capable of capturing post-development stormwater runoff and releasing this runoff at flow rates less than pre-developed runoff flow rates. Subsequently, the stormwater runoff flow rate from a developed site using these standards will be significantly less than the pre-developed runoff flow rate. These flow rates are developed through stormwater runoff modeling and are defined below based on the flow rates from the design storm event:

1. The post-developed released flow rate from the 2-year, 24-hour storm event shall at no time exceed one half (50%) from the pre-developed released flow rate from the 2 year, 24-hour storm event.
2. The post-developed released flow rate from the 10-year, 24-hour storm event shall at no time exceed the pre-developed release flow rate from the 2-year, 24-hour storm event.
3. The post-developed release flow rate from the 100-year, 24-hour storm event shall at no time exceed the pre-developed release flow rate from the 10-year, 24-hour storm event.

The conceptual storm drainage system provided by the applicant incorporates runoff collection, treatment detention and ultimate discharge to the existing drainage on the south side of Hunt Street. The conceptual design provides detention in a 200 foot by 60 foot by 10 foot under-ground vault located at the southwest corner of the site. A STORMCEPTOR System would provide water quality treatment down stream of the vault. The detention vault is designed to detain, with a controlled release, discharge from the wetland, runoff from road surfaces, and runoff from the remaining roof surfaces and lot areas within the plat.

Additionally, the applicant has submitted information that indicates the hydro-period (run-off volumes) would be maintained for the wetlands under post development conditions.

Prior to civil plan approval, the plans shall be revised to illustrate stormwater runoff from all driveways shall be directed to the roadway system or have water quality treatment provided for each driveway not directed to the roadway system.

Sewer: City code requires all new houses, buildings, structures, or other uses of property used for human occupancy to connect the improvements to a public sanitary sewer. No public sanitary sewer currently exists in the areas of the proposed development. The City's current Wastewater Comprehensive Plan shows the proposed development located in the C5 sewer collection basin. In order for the proposed development to connect to the public sanitary sewer the Comprehensive Plan indicates a sewer lift station and associated gravity sewer main and pressure sewer main will be required to be installed beyond the project limits of the proposed development. The design and installation of all sanitary sewer facilities for the plat shall be required to meet the minimum standards of the City of Gig Harbor Public Works Standards and all applicable appendices. As required through SEPA mitigation, the applicant shall be required to design and construct all of the sewer improvements necessary as noted in the City's Wastewater Comprehensive Plan (Basin C5) in order to provide the pubic sanitary sewer to the development. The sewer improvements shall be designed, constructed and accepted by the City prior to the issuance of a certificate of occupancy for any house, building or structure associated with the proposed development. Design and construction of the sewer lift station and associated off-site sewer mains require a separate SEPA checklist and review process.

General Conditions for Engineering Approval:

1. Overhead utilities shall be relocated underground where overhead utilities are situated along necessary frontage improvements. Any relocation of utilities shall be incorporated into the frontage improvements. The developer shall be solely responsible for coordinating and paying the individual utility companies for all work associated with relocating all overhead utilities.
2. The applicant shall provide to the City both a final record drawing and a final record survey of the proposed development. These drawings shall be provided 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.
3. Proposed water and sewer utility designs and roadway designs shall conform to the City's Public Works Standards. These Standards also address specific City design requirements such as restoration of the City right of way and traffic control.
4. Fire hydrants shall be located at the PC or Pt of curves or at intersecting property lines.

5. Erosion and stormwater shall be designed, and controlled throughout construction of the project, per Chapter 14.20 of the Gig Harbor Municipal Code, including the City of Gig Harbor Stormwater Design Manual.
6. City forces may remove any traffic control device constructed within the City right of way not approved by the Engineering Division. Any liability incurred by the City due to non-conformance by the applicant shall be transferred to the applicant.
7. A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including improvements to the curb, gutter and sidewalk, roadway shoulders and ditches, and installation of culverts.
8. A stabilized construction entrance shall be installed prior to vehicles leaving the site. The City inspector shall determine the required length.
9. All proposed grading shall conform to Appendix J of the International Building Code.
10. 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.
11. The Permittee is not relieved of compliance with all other local state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Permittee.
12. The final plat shall note or delineate the following:
    a. "WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roads or driveways within, or providing access to, the property described in this plat."
    b. "Where seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted."
    c. Storage requirements for stormwater runoff from building and parking surfaces shall be shown on individual building lots, including drywell sizing. Where stormwater runoff is not stored on individual building lots storm drain connection points for each individual building lot shall be shown.
    d. If private roadways are proposed then provisions shall be made on the final plat map for the roads and easements to be open at all times for emergency and public service vehicle use.

e. "This plat is subject to stormwater maintenance agreement recorded under Auditor's recording number (enter ARN here)."
f. "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 that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or it's heirs or assigns, as noted under the stormwater maintenance agreement for the plat."

13. Prior to final civil plan approval, the applicant shall sign a stormwater maintenance agreement on City forms. This agreement shall be recorded with the Pierce County Auditor.

C. Fire Marshal/Building Official

The Building Official/Fire Marshal provided the following comments on the preliminary plat on April 11, 2006 (see Memo to Diane Gagnon from Dick J. Bower, CBO, dated 4/11/06)

Fire Flow: The GHMC prescribes a fire flow of 1,000 gallons per minute (gpm) at 20 psi residual for two hours duration for one and two family dwellings up to 3,600 square feet (including attached garages). For structures over 3,600 square feet, not less than the fire flow prescribed under International Building Code (IBC) Table B 105.1 based on the type of construction and building size. The City has no current records for fire flows in the area of the proposed plat. The on-site water system must be designed and installed to provide the required flows as prescribed under International Fire Code (IFC) Appendix Chapter B. A flow test of the system is required to verify adequate flow.

Fire Hydrants: Hydrant spacing for a required flow of up to 1,750 gpm is 500 feet for through streets and 400 feet for dead end roads. At least one fire hydrant capable of providing the required fire flow is required within 250 feet of any point on the property street frontage (200 feet for dead end roads). The plat's water system, including fire flow and hydrants, must be installed and operational prior to any combustible construction. Fire hydrant spacing as shown on the preliminary utility plans dated March 24, 2006, appear adequate.

Access: IFC Section 503 requires fire department vehicle access to within 150 feet of any point on the exterior first floor walls of a building. Fire department access roads must provide a minimum of 20 feet clear width of all weather driving surface. An approved vehicle turnaround is required for all required access roads over 150 feet in length.

Roads required for emergency vehicle access are limited to a maximum 15% grade. Where topography makes strict compliance with the maximum grade requirements impossible, a modification to the grade requirement may be approved by the fire marshal, with the consent of the fire chief, where approved alternate fire protection features are provided.

Approved turning radii of 20 feet inside, 45 feet outside are required. Access throughout the site appears to comply provided that approved fire lane markings are provided for all required emergency vehicle access roads. IFC Section 503 prescribes a 20 foot minimum width of clear, all weather drivable surface for all required fire department access roads. Approved fire lane markings consisting of curb painting and signage in accordance with City standards are required where parking along the roadway would obstruct the required width. Fire lane markings are on both sides of roadways where the drivable surface of the drive lanes is between 20 and 26 feet. Fire lane markings are required on one side where roadway widths are between 26 and 32 feet. Prior to final plat approval, appropriate fire lane markings, including the proposed method of markings, shall be shown on the civil plans.

Soil stability: The geotechnical report indicates that soils on site are suitable for the proposed construction provided the recommendations contained in the report are followed, including but not limited to, temporary erosion and sediment control; drainage and storm water control; buffering and setback recommendations; and foundation and retaining wall construction. All cut and fill slopes, terracing and similar site work must be in compliance with the requirement of IBC Appendix Chapter J, and the geotechnical engineering recommendations. Compliance must be demonstrated in the plans submitted for grading permit review.

Storm water control: The geotechnical report indicates that infiltration of storm water runoff from impervious surfaces is not feasible at the site. Consequently, the project's storm water control system must be designed to accept all impervious surface runoff including roof, driveway, patio and sidewalk surfaces. Runoff from any surface may not be allowed to cross property lines in quantities exceeding those of the pre-development conditions.

D. Criteria for approval of a preliminary plat and planned residential development

GHMC 16.05.003 Criteria for approval (Preliminary Plats): The hearing examiner shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, and shall consider:

1. *Whether the preliminary plat conforms to Chapter 16.08 GHMC, General requirements for subdivision approval;*

   Staff finds that the preliminary plat conforms to the general requirements for subdivision approval as described in GHMC 16.08.001; see analysis and findings of the section "GHMC 16.08.001 General Requirements for Subdivision Approval" below.

2. *If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and*

   Open spaces: The preliminary plat and planned residential development, as conditioned, would meet the open space and maximum impervious surface coverage standards of the zones and PRD chapters, as discussed in the planning section above. Staff recommends that the plat be revised to contain 30% of the plat area as open space, not including the 20 foot perimeter setback requirement and other areas identified as ineligible for open space calculations as provided in GHMC 17.89.110. The PRD application includes proposed building footprints and the information submitted indicates that the proposed plat would contain approximately 54.8% impervious surface which complies with the underlying RB-2 requirements.

   Drainage ways: Stormwater drainage has been analyzed under the Operations and Engineering section of this report. The City engineer has reviewed and approved the preliminary drainage design and reports for the current proposed storm water quantity / quality control and conveyance facilities.

Street and roads: The applicant has proposed a main looped road and several courts throughout the plat. Access to the development will be provided from Hunt Street and Skansie Avenue. A Traffic Concurrency Reservation Certificate has been granted for the preliminary plat allocating 176 PM peak Hour Trips. The SEPA threshold determination required off-site transportation improvements to mitigate traffic system impacts. Traffic impact fees will be required prior to the issuance of any building permit within the plat, as set forth in GHMC Section 19.12.110(A), or as this section is amended in the future.

Transit stops: The City of Gig Harbor requested comments about the project and subsequent project MDNS from Pierce Transit. Pierce Transit did not provide any comments to the City nor did not request any additional transit facilities. The City staff assumes that the lack of comment indicates no transit shelters or stops are required in the plat.

Potable water supplies: The applicant has an approved Concurrency Reservation Certificate for water allocating 55,264 gallons per day (GPD) of domestic and irrigation water usage for the preliminary plat. The developer is required to provide for the design and construction of a looped water main from the City's water main in the intersection of 72nd Street and Skansie Avenue to the City's water main along Wollochet Drive south of Wagner Way. In addition, the plat includes a new network on on-site water mains. All mains located with the public right of way will be owned and maintained by the City of Gig Harbor.

Sanitary Wastes: The plat will connect to the City's sewer system. The current sewer system has capacity for the plat as determined by review of the Waste Water Treatment Plant capacity records by the City Engineer. The design and construction of a sewer lift station and associated off-site sewer mains is a requirement of this proposal. A new network of on-site sanitary sewer lines is proposed within the plat. All sanitary sewer lines located with in the public right of way will be maintained and owned by the City of Gig Harbor.

Parks and recreation, playgrounds: As conditioned, the plat would include a minimum of 5.58 acres of common open space, as required through the planned residential development standards (17.89.110). A minimum of 3.4 acres of these acres will be developed for use for active or passive recreation (GHMC 17.89.110(C)). The proposal includes recreational trails, the wetland and buffer, parks and playgrounds for the

collective enjoyment by the occupants of the development. Required open space, including the proposed parks, shall be maintained by the homeowners association as conditioned.

School and school grounds: The Peninsula School District was notified of the project through SEPA review and made no requests for schools, school grounds or impact fees. However, GHMC 19.12.050(B)(11) requires school impact fees be imposed on all residential development prior to the issuance of a building permit. As such, staff recommends conditioning the plat on the collection of school impact fees as required by Chapter 19.12 GHMC.

Sidewalks: As per the City's public works standards, sidewalks have been proposed on both sides of the public and private roads within the plat. These sidewalks will connect to the existing public roads south and west, creating a network of sidewalks for school children.

Public health, safety, and general welfare: Through the SEPA threshold determination and compliance with the applicable standards in the municipal code, as conditioned, the staff believes the public health, safety and general welfare will not be harmed by the proposed preliminary plat. Adequate provisions have been made for sanitary sewer, water, stormwater, traffic, sidewalks and open space.

Therefore, staff finds that the plat has made appropriate provisions for public health and safety provided that the mitigation measures required by the Mitigated Determination of Nonsignificance and conditions requested by staff are adopted as conditions of the plat approval.

3. *Whether the public interest will be served by the subdivision and dedication.*

   Staff finds that since the proposal would be consistent with the Comprehensive Plan, Zoning Code, Design Manual and Public Works Standards, the public interest will be served by the subdivision and dedication.

GHMC 16.08.001 General Requirements for Subdivision Approval: In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

1. *Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.*

   Staff finds that the proposed subdivision is consistent with all applicable zoning ordinances, the Comprehensive Plan, and all other existing land use controls, as discussed above in Section A of Part IX, provided the plat is conditioned as recommended.

2. Dedications, Generally.
   a. *An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The city may require such waiver as a condition of approval.*

      The Operations and Engineering section has reviewed the plat and the proposed public road to be dedicated and has not requested a waiver of right of direct access; therefore, this criterion is not applicable.

   b. *Roads not dedicated to the public must be clearly marked on the face of the plat.*

      Staff finds that this condition has been met. All new streets within the plat have been designated as either public or private in accordance to GHMC 12.12 and the Public Works standards. The main loop road will be a public street dedicated to the City and all of the proposed courts (A-M) would be private streets maintained by the homeowners association.

   c. *Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).*

      Staff acknowledges this statement as a requirement for approval and has included the language in Part XI of this report.

   d. *If the plat or short 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 individual(s), religious society(ies) or to any corporation, public or private,*

as shown on the plat or short 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 and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

Staff acknowledges this statement as a requirement for approval and has included the language in Part XI of this report.

e. *Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.*

A title report accompanied the application that confirmed the title of the lands as described and shown on the plat.

f. *Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.*

Staff finds that this requirement has been met. As discussed in Part IX, staff will be requesting impact fees as a condition of approval.

3. *Dedication of Public Park. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the city council shall adopt the designated name.*

This requirement is not applicable. The preliminary plat does not include a dedication of a public park. The establishment of a homeowners association to maintain the open space required through a PRD is a recommended condition of approval.

4. *Release from Damages. The hearing examiner shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.*

   This requirement has been met. Conditions of approval will not require a release of damages to be procured from other property owners.

5. *Flood, Inundation or Swamp Conditions. A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW without prior written approval of the State Department of Ecology.*

   This requirement is not applicable. The site does not contain areas of flood, inundation, or swamp conditions. FEMA Flood Insurance Rate Map, Community-Panel Number 5301138 0150C effective August 19, 1987 indicates that the propose site is not located within a 100-year flood zone.

6. *Bonds. In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the director or city council may accept a bond, approved as to form by the city attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the city and expressing in the bonds. In addition, the city may require the posting of a bond securing to the city the successful operation of improvements for up to two years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.*

   This requirement is not applicable at the preliminary plat stage. Staff acknowledges that the option of bonding is available to the applicant for improvements in order to meet the requirements of final plat approval.

GHMC 17.89.070 Criteria for approval of preliminary PRD application: A. Applicants for a preliminary PRD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by GHMC

17.89.060), the proposed PRD satisfies all applicable code requirements, and is compatible with surrounding properties.

In addition, applicants must make the following showing:

1. *Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the design review process;*

   The proposed landscaping and lot layout indicate the location of open space within the center and around the perimeter of the plat. Additional open space areas staff is recommending for approval would be reviewed for compliance with the design review requirements including retention of significant vegetation, lighting, and proposed structures. Building lots are buffered with a native vegetation buffer and in some areas a perimeter fence. The parking requirement of two stalls per unit will be met on each individual lot after final plat and before building permit issuance with additional on-street parking provided along one side of the loop road. Pedestrian circulation is provided through sidewalks throughout the plat that would connect with sidewalks along Hunt Street and Skansie Avenue as well as with trails through the open space. Loading and storage can be accommodated within the garage of each unit. Having met the applicable specific requirements of the Design Manual, the staff administratively approved the project with conditions on November 29, 2006 (attachment 3).

2. *Identification of unique characteristics of the subject property proposed to be retained and how those characteristics qualify for density and/or height bonus under GHMC 17.89.100;*

   Since the applicant is not seeking increased density through the PRD process and is not seeking a height bonus, this requirement is not applicable.

3. *Identification of unique characteristics of the proposed use(s) and how those characteristics qualify for density and/or height bonus;*

   Since the applicant is not seeking increased density through the PRD or increased height, this requirement is not applicable.

4. *The proposed relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRD approved under the design review process;*

   The applicant has proposed medium density single-family homes providing an appropriate transition between the lower density single family homes on the west, north and south and the commercial development east. If the plat is altered to incorporate the recommended conditions, the plat would contain 5.58 acres of natural and developed open space. This open space would be integrated into the plat - the developed open space would include two interior parks and a multipurpose field on the southwest corner of the plat. The natural open space will include a wetland and buffer on the western edge of the plat. Perimeter buffers ranging from 25 feet in depth to 40 feet in depth will be provided around the plat. Having met the specific requirements of the Design Manual including retention of significant vegetation within the perimeter buffer, maintaining natural topography and fence material requirements, the staff administratively approved the applicable Design Manual requirements for the preliminary plat with conditions on November 29, 2006 (Attachment 3). Individual houses will be reviewed for design review compliance during building permit application. From the preliminary information submitted with the PRD, it appears the structures would meet the design requirements.

5. *Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the design review process;*

   Zone transition standards were not required by design review as the project is a single-family subdivision. However, the buffer required by code and through the concomitant agreement (exhibit 2) has been provided. Additionally, a wetland and wetland buffer located on the western edge of the plat provide additional retention of native vegetation buffer. Having met the specific requirements of the Design Manual, the staff administratively approved the applicable Design Manual requirements for the preliminary plat with conditions on November 29, 2006 (Attachment 3).

6. *Identification of any extraordinary public improvements proposed for acceptance of ownership by the city in connection with the planned development and that qualify for the density and/or height bonus under GHMC 17.89.100;*

Since the applicant is not seeking increased density through the PRD process or height, this requirement is not applicable.

7. *Identification of any unique natural features of the property proposed for acceptance of ownership by the city for preservation, and that qualify for the density and/or height bonus under GHMC 17.89.100;*

   Since the applicant is not seeking increased density through the PRD process or increased height, this requirement is not applicable.

8. *Identification of any unique historic or cultural features of the property and surrounding neighborhood proposed for acceptance of ownership by the city for preservation and that qualify for density and/or height bonus; and*

   Since the applicant is not seeking increased density through the PRD process or increased height, this requirement is not applicable.

9. *Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and a description of how they qualify for density and/or height bonus.*

   Since the applicant is not seeking increased density through the PRD process or increased height, this requirement is not applicable.

B. In addition to the above, the PRD may only be approved if the city finds that all of the following criteria are satisfied:

1. *The director of public works and the decisionmaker finds that the site access, proposed onsite circulation and off-street parking meet all public works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, must be suitable and adequate to carry anticipated traffic within the proposed PRD and in the vicinity of the PRD;*

   Site access, circulation and off street parking, as mitigated, would be adequate. Please see the comments from Operations and Engineering in Section B and the findings under GHMC 16.05.003 Criteria for approval (Preliminary Plats) of Part IX.

2. *The director of public works and the decisionmaker finds that the PRD makes adequate provision for all public utilities, including, but not limited to, water, sewer and stormwater drainage. Water, sewer and stormwater facilities, existing and proposed, must be suitable and adequate to provide service within the proposed PRD and in the vicinity of the PRD;*

   Please see the comments from Operations and Engineering in Section B of Part IX above. Adequate provisions for all public utilities would be made if the recommended conditions are included in the approval.

1. *The PRD is consistent with the comprehensive plan;*

   The site is designated as Employment Centers land use on the City of Gig Harbor Comprehensive Plan Land Use Map. Residential uses are not identified as intended uses within this land use designation; however, the proposed use would be consistent with the zoning designation and a Concomitant Agreement that the property is subject to. Additionally, it would be consistent with the Land Use Element Goals by providing a medium density residential development with incorporating open space amenities on land that is suitable for urban use and can efficiently be provided urban level services. The proposal would provide a transition from the commercial use east and the lower density single family on the remaining boarders. The preliminary plat provides pedestrian connections throughout the proposed neighborhood along with natural and man-made open space designed to enhance the living experience of residents. It is the intent of the applicant to submit home plans at building permit stage which promote community through an emphasis on front entries and porches and de-emphasize the car. All which address goals of Planned Residential Developments in the City's Comprehensive Plan.

4. *The PRD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development, and benefiting the general public as well as the residents of the PRD. Net benefit to the city may be demonstrated by one or more of the following:*

   a. *Placement, type or reduced bulk of structures, or*
   b. *Interconnected usable open space, or*
   c. *Recreational facilities, or*
   d. *Other public facilities, or*
   e. *Conservation of natural features, or*

f. Aesthetic features and harmonious design, or
g. Energy efficient site design or building features;

Net benefit to the City has been demonstrated by provision of the following: a) Placement and reduced bulk of structures, b) Interconnected, usable open space, c) recreational facilities, d) Other public facilities and e) Conservation of natural features.

a. The applicant has proposed single-family homes with a bungalow like character designed at a scale compatible with and complimentary to the overall single family character of the community. Such development compliments the physical characteristics of Gig Harbor in general and provides for a transition between single family uses and the commercial development to the east.
b. The applicant will have provided 5.58 acres (with recommended conditions) of natural or developed open space. The open space is integrated into the plat - the developed open space will include two interior neighborhood parks and a multipurpose field on the southwest corner of the property. The natural open space will include perimeter buffer areas and a wetland and wetland buffer on the western edge of the site. Trails through some of the open space areas would connect with sidewalks along Hunt Street and Skansie Avenue along with proposed sidewalks throughout the plat.
c. The open space areas mentioned above in subsection b would also provide recreational facilities by providing two improved parks along with a multi-purpose field. Additionally, pedestrian trails will be provided through some of the natural open space areas.
d. The applicant has proposed using an underground vault, privately maintained, to meet storm drainage requirements. By using this vault, it would provide a more aesthetic appearance by retaining more trees than a pond would allow and providing usable open space on the ground above the vault instead of having an open drainage pond.
e. The applicant has proposed to retain the wetland and buffer on site. Its location along the western boarder of the plat provides additional buffering for single family uses located west.

5. *The PRD results in no greater burden on present and projected public utilities and services than would result from traditional development;*

Public facilities are adequate, as mitigated, to provide services to the plat. Please see the comments from Operations and Engineering in Section B of Part IX above.

6. *The fire marshal and the decisionmaker find that adequate provision has been made for fire protection;*

   Adequate provisions have been made for fire protection, or the applicant will provide adequate mitigation to provide fire protection as necessary. Please see the Fire Marshal/building Official in Section C of Part IX.

7. *The perimeter of the PRD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;*

   The applicant has proposed 25-foot and 40-foot natural vegetation buffers along the perimeter of the plat. Although the proposed plat would contain medium density housing, the housing type would still be single-family detached homes that would comply with single family design standards.

8. *One or more major circulation point(s) functionally connected to a public right-of-way as required by the director of public works, or the fire marshal, or any other appropriate decisionmaker;*

   The proposed plat provides public roads that would connect to Hunt Street and Skansie Avenue.

9. *Open space within the PRD is an integrated part of the project rather than an isolated element of the PRD and is accessible to the general public;*

   Staff has recommended the plat be conditioned to provide open space as required in GHMC 17.89110(A) at approximately 30% of the plat area in the form of buffers and passive recreation areas. The degree of access to the public and residents varies with each type. Natural vegetation will be retained in perimeter areas and the wetland and buffer. Trails through these areas would connect to perimeter and interior sidewalks. Interior parks are placed to break up the expanse of houses and provide visual and recreational amenities.

10. *The design is compatible with and responds to the existing or intended character, appearance, quality of development and*

physical characteristics of the subject property and immediate vicinity;

The applicant has proposed single-family detached homes for the plat. Although the lots would be smaller than surrounding residential lots, it would provide medium density single family residential as a transition from the Wollochet Professional Park commercial uses east to lower density single family north, west and south of the site. The RB-2 zone is intended to provide a mix of medium density residential uses with certain specified business uses. Approximately 5.58 acres of the plat will be retained as natural or developed open space, providing perimeter buffer which connect to existing vegetative buffers and provide passive recreation trails to the residents of the plat.

11. *Each phase of the proposed PRD, as it is planned to be completed, contains the required parking spaces, open space, roads, recreation space, utilities and utility area and landscaping necessary for creating and sustaining a desirable and stable environment.*

    The applicant has not proposed to phase this project.

X. CONCLUSIONS:

Based upon the submitted information and analysis and findings contained in **Part IX** of this report, the staff concludes as follows:

1. Staff finds that, as mitigated, the preliminary plat conforms to the general requirements for subdivision approval as described in GHMC 16.08.001.

2. Staff finds that, as mitigated, appropriate provisions have been made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; provided, the preliminary plat is conditioned as requested by staff in Part XI.

3. Staff finds as mitigated, the proposal is consistent with the Comprehensive Plan, Zoning Code, and Design Manual, the public interest will be served by the subdivision and dedication.

XI. RECOMMENDATIONS:

Staff recommends the following conditions if the Examiner decides to approve the proposed preliminary plat and planned residential development:

1. The applicant shall be required to provide all of the sewer improvements necessary as noted in the City's Wastewater Comprehensive Plan (Basin C5) in order to provide the public sanitary sewer to the development. The sewer improvements shall be designed, constructed and accepted by the City prior to the certificate of occupancy of any houses, buildings or structures associated with the proposed development. Design and construction of the sewer lift station and associated off-site sewer mains require a separate SEPA checklist and review process.
2. The applicant shall pay the City's traffic impact fee in accordance with Chapter 19.12 of the Gig Harbor Municipal Code.
3. The applicant shall perform permitting for, design and construct a new left turn pocket with an 11 foot minimum width for eastbound Hunt Street traffic at the intersection of Wollochet Drive and Hunt Street. This turn pocket shall be permitted, designed, constructed and accepted by the City prior to the certificate of occupancy of any houses, building, or structures associated with the proposed development. This turn pocket shall separate the through-traffic from the traffic turning left. The storage length of the left turn pocket shall be of sufficient length to return the LOS to the 2008 level without the proposed development (a reduction of approximately 30 seconds of delay), with a minimum length of 75 feet.

   The design and construction of the turn pocket shall meet the requirements of the City's Public Work Standards. The design and construction shall accommodate for all work and materials necessary to remove and replace existing infrastructure and install new infrastructure, including, but not limited to, removing and installing signal poles, wiring, induction loops, signal heads, temporary and permanent pavement markings, raised pavement markers, asphalt concrete pavement, temporary and permanent signing, traffic control, stormwater infrastructure, pedestrian crossing appurtenances, and other work and materials necessary to provide a revised intersection with a new left turn pocket for eastbound traffic along Hunt Street at Wollochet Drive and achieve proper traffic signal operations. City design plans shall be reviewed and approved by the City prior to construction.
4. The applicant shall design and construct a separated right turn lane for westbound Hunt Street traffic across the Hunt Street frontage of the

development. This right turn lane shall include an 11 foot roadway width. Other standard roadway section requirements shall be included as noted in the City Standards.

5. The applicant shall install a split rail fence along the wetland buffer located on the site prior to issuance of a Certificate of Occupancy.
6. The plat shall be revised to contain a total of 243,200.61 square feet (5.58 acres) of open space that does not include the required 20 foot yards around the perimeter of the plat.
7. All land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
   a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.
   b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.
8. In the event that a public works variance is not granted for the street improvements in the vicinity of the wetland, a wetland mitigation plan shall be prepared in accordance with GHMC 18.08, which may also require additional SEPA review.
9. The use of wedge-type mountable curbs in "Courts" is not acceptable per the City of Gig Harbor Public Works Standards. Prior to final plat approval, the curbs shall be revised to meet Figure 2-16 of the City's Public Works Standards. The use of a wedge-type mountable curb would require an approved variance from the City's Public Works standards.
10. Prior to final plat approval, the plans shall be revised to delineate the access restrictions by showing a "no access" strip, written and hatched, along the frontage of Hunt Street and Skansie Avenue except for the one City-approved access point along Hunt Street and one City-

approved access point along Skansie Avenue that meet the City's Public Works Standards.

11. Prior to final plat approval, half-width frontage improvements along Skansie Avenue and Hunt Street shall be installed along the entire frontage of the development. These improvements shall be in accordance with Figure 2-05 of the City's Public Works Standards and may be varied from only with an approved variance from the Public Works Standards or as required by the mitigations noted in the SEPA determination. The section from Figure 2-05 includes a 20 foot wide paved roadway (one-half of a 12 foot wide left turn lane, an 11 foot travel lane and a three foot shoulder), a 0.5 foot concrete curb, 6.5 foot planter strip, and a six foot concrete sidewalk. This half-width roadway section totals 33 feet. The required total right of way width from the centerline of the right of way shall be a minimum of 33 feet. Additional right of way shall be required to be dedicated, at no cost to the City, along Skansie Avenue and Hunt Street to meet the right of way width for the required road section. This right of way shall be dedicated to the City. This roadway section shall be shown on the plans prior to civil plan approval.

12. The developer shall design and construction a looped water main from the City's water main at the intersection of 72nd Street and Skansie Avenue to the City's water main along Wollochet Drive south of Wagner Way.

13. Prior to civil plan approval, the plans shall be revised to illustrate stormwater runoff from all driveways shall be directed to the roadway system or have water quality treatment provided for each driveway not directed to the roadway system.

14. Overhead utilities shall be relocated underground where overhead utilities are situated along necessary frontage improvements. Any relocation of utilities shall be incorporated into the frontage improvements. The developer shall be solely responsible for coordinating and paying the individual utility companies for all work associated with relocating all overhead utilities.

15. The applicant shall provide to the City both a final record drawing and a final record survey of the proposed development. These drawings shall be provided 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.

16. Proposed water and sewer utility designs and roadway designs shall conform to the City's Public Works Standards. These Standards also address specific City design requirements such as restoration of the City right of way and traffic control.

17. Fire hydrants shall be located at the PC or Pt of curves or at intersecting property lines.

18. Erosion and stormwater shall be designed, and controlled throughout construction of the project, per Chapter 14.20 of the Gig Harbor Municipal Code, including the City of Gig Harbor Stormwater Design Manual.

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

20. A road encroachment permit shall be acquired from the City prior to any construction within City right of way, including improvements to the curb, gutter and sidewalk, roadway shoulders and ditches, and installation of culverts.

21. A stabilized construction entrance shall be installed prior to vehicles leaving the site. The City inspector shall determine the required length.

22. All proposed grading shall conform to Appendix J of the International Building Code.

23. 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.

24. The Permittee is not relieved of compliance with all other local state and/or federal approvals, permits, and/or laws necessary to conduct the development activity for which this permit is issued. Any additional permits and/or approvals shall be the responsibility of the Permittee.

25. The final plat shall note or delineate the following:

    a. "WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roads or driveways within, or providing access to, the property described in this plat."

    b. "Where seasonal drainage crosses subject property, no filling or disruption of the natural flow shall be permitted."

    c. Storage requirements for stormwater runoff from building and parking surfaces shall be shown on individual building lots, including drywell sizing. Where stormwater runoff is not stored on individual building lots storm drain connection points for each individual building lot shall be shown.

d. If private roadways are proposed then provisions shall be made on the final plat for the roads and easements to be open at all times for emergency and public service vehicle use.

e. "This plat is subject to stormwater maintenance agreement recorded under Auditor's recording number (enter ARN here)."

f. "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 that may damage or interfere with the installation, inspection, and maintenance of utilities. Maintenance and expense thereof of the utilities and drainage facilities shall be the responsibility of the property owner(s) or it's heirs or assigns, as noted under the stormwater maintenance agreement for the plat."

26. Prior to civil plan approval, that applicant shall sign a stormwater maintenance agreement on city forms. This agreement shall be recorded with the Pierce County Auditor.

27. The on-site water system must be designed and installed to provide the required flows as prescribed under International Fire Code (IFC) Appendix Chapter B. A flow test of the system is required to verify adequate flow.

28. The plat's water system, including fire flow and hydrants must be installed and operational prior to any combustible construction.

29. Prior to final plat approval, appropriate fire lane markings, including the proposed method of marking, shall be shown on the civil plans.

30. The project's storm water control system must be designed to accept all impervious surface runoff including roof, driveway, patio and sidewalk surfaces. Runoff from any surface may not be allowed to cross property lines in quantities exceeding those of the pre-development conditions.

31. School impact fees shall be paid for each single family dwelling, detached or attached, located in the proposed plat prior to building permit issuance.

32. 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 individual(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 and acknowledged before a notary public

by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.

Project Planner: Kristin Undem, Associate Planner

Kristin Undem

Date: 12-6-06

cc: file

The following exhibits are enclosed for your review:

1. Staff Report SUB 06-1248, CUP 061251 and DRB 06-1249 dated December 6, 2006
2. Exhibit "B" Concomitant Zoning Agreement for Tallman Annexation (ANX 91-07) as recorded with Pierce County Auditor 9502080325 (18 pages)
3. Notice of Adminstrative Decision DRB06-1249
4. MDNS for SEPA 06-1250
5. Letter from John H. & Teresa Schuller dated November 20, 2006 representing an appeal of SEPA 06-1250.
6. Letter from Pierce Transit to John Vodopich, May 9, 2006
7. Letter from Washington State Department of Ecology to John Vodopich dated May 16, 2006
8. Letter from State of Washington Department of Ecology to Tom Dolan dated November 7, 2006
9. Letter from citizen to City of Gig Harbor Community Development Department dated October 27, 2006
10. Letter titled Comments on MDNS W.A.C. 197-11-355 from Robert L. McComas dated November 3, 2006
11. Letter from Rickie Orchard dated November 5, 2006
12. Letter to Kristin Undem from Doug Smith dated November 5, 2006
13. Letter from Henry F. Heick dated November 6, 2006
14. Letter from Patricia Martin dated November 6, 2006
15. Letter from Judy Olsen dated November 6, 2006
16. Letter from Karen Goodrowe Beck, PhD. Dated November 7, 2006
17. Letter from Berrit Price dated November 7, 2006
18. Letter from Curt and Jennifer Poulsen dated November 7, 2006
19. Letter from Larry and Sandi Anderson dated November 7, 2006
20. Letter from Guy and Lois Powell dated November 7, 2006
21. Letter to Tom Dolan from Jim Jung dated November 7, 2006
22. Letter to Tom Dolan from Nick Natiello, PhD, Director of WACA dated November 8, 2006
23. Letter from Susan McAlexander dated November 8, 2006
24. Letter to Kristin Undem from Thair Jorgenson, North Pacific Deisgn, dated November 8, 2006
25. Email to Tom Dolan from Mark Toone dated November 9, 2006
26. Email to Kristin Undem from Wade Perrow dated November 9, 2006

27. Letter to Kristin Undem from Nick Natiello, PhD, Director of WACA dated November 16, 2006
28. Email to Kristin Undem from Nicholas Natiello dated November 17, 2006
29. Email to Kristin Undem from Jeffrey Langhelm dated November 20, 2006
30. Letter to Kristin Undem from Sam Talley dated November 22, 2006
31. Letter to John Vodopich from Nick Natiello dated November 25, 2006
32. Email to Kristin Undem from Nicholas Natiello dated November 26, 2006
33. Email to John Vodopich from Nicholas Natiello dated November 27, 2006
34. Letter to Hearing Examiner, from Chris Wholey dated December 2, 2006
35. Letter to City of Gig Harbor, from Rachel Wellman dated December 4, 2006
36. Transportation Concurrency Reservation Courtyards at Skansie Park dated October 24, 2006
37. Water Capacity Reservation Certificate (CRC) The Courtyards at Skansie Park dated May 3, 2006
38. The Courtyards at Skansie Park Wetland delineation Report prepard by Harbor Environmental Review Services January 18, 2006
39. Memorandum from Jeff Langhelm, Associate Engineer to Kristin Undem dated December 1, 2006
40. Memo from Dick Bower, CBO-Building Official/Fire Marshal to Diane Gagnon dated 4/11/06
41. Email from Dick Bower, to Kristin Undem, dated December 5, 2006
42. Preliminary Plat Application, dated March 27, 2006
43. Design Review Application, Dated March 27, 2006
44. Conditional Use Application, Dated march 27, 2006
45. Conditional Use Permit (Submittal Package) dated March 27, 2006
46. Conditional Use Permit (Submittal Package) revised June 30, 2006
47. Hunt and Skansie Plat Residential Subdivision Traffic Imparct Analysis prepared by Heath and Associates, Inc. dated September 2006
48. Prelimiary Drrainage Report for Courtyards at Skansie Park Preliminary Plat prepared by Randy Snyder, PE dated March 24, 2006
49. Zoning Map for Courtyards at Skansie Park
50. The Courtyards of Skansie Park Preliminary Plat set dated March 27, 2006

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EXHIBIT B

CONDITIONAL USE PERMIT

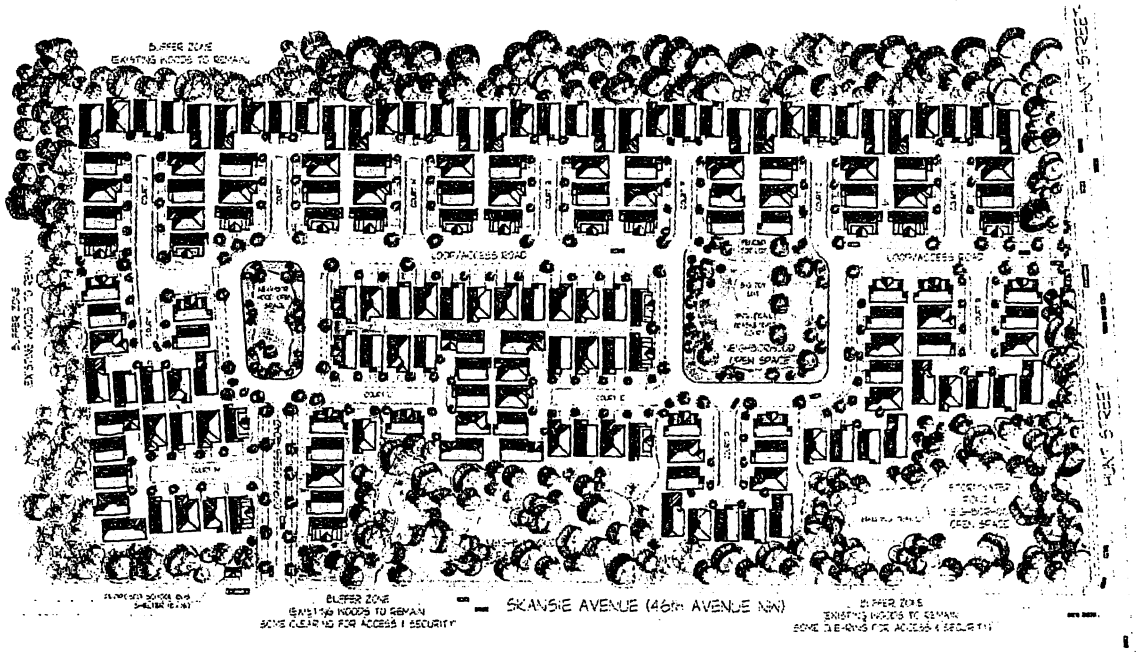
(Submittal Package)

For the

Preliminary Plat of The Courtyards at Skansie Park

THE COURTYARDS AT
SKANSIE PARK

Hunt Street & Skansie (46th) Avenue - Gig Harbor, Washington



PRESENTATION SITE PLAN

Prepared By

NORTH PACIFIC DESIGN INCORPORATED

North Pacific Design, Inc.
2727 Hollycroft, Suite 410
Park Plaza East
Gig Harbor, WA 98335

RECEIVED
CITY OF GIG HARBOR
MAR 27 2006
COMMUNITY DEVELOPMENT

March 23, 2006

Exhibit B

APP___ SUB 06-1248_____
Exhibit_45__

CITY OF GIG HARBOR

GENERAL APPLICATION

☒ Conditional Use Permit ☐ Variance ☐ Site Plan Review

☐ Planned Unit Development ☐ Rezone ☐ Administrative Appeal

CITY USE ONLY

Case Number _____

Date Received _____

By _____

Receipt # _____ By _____

Name of project/proposal _____

Applicant North Pacific Design (name)

2727 Hollycroft St., Ste 410 (street address) 858.3636 (telephone)

Gig Harbor, WA (city & state) 98335 (zip)

Owner Hunt Shansie Land, LLC (name)

2727 Hollycroft St, Ste 410 (street address) 858.3636 (telephone)

Gig Harbor, Wa (city & state) 98335 (zip)

I (~~We~~) Gordon D. Rush, Managing Member (name)

(signature) 3-24-06 (date)

(signature) (date)

do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.

Property location

Property Address NE Corner of Hunt & Skansie Avenue

Section 7 Township 21 Range 02

Assessor's Parcel Number 022107-4-050
022107-4-072

Full Legal Description (attach separate sheet if too long)

See attached legal

Acreage or parcel size 18.8 acres

Utilities

1. Water Supply: (Name of Utility, if applicable)

   a. Existing: _____

   b. Proposed: City of Gig Harbor

2. Sewage Disposal: (Name of Utility, if applicable)

   a. Existing: _____

   b. Proposed: City of Gig Harbor

Property Information:

Existing Zoning Designation: RB-2 *Wetlands on site?* Yes *Slopes exceeding 15%?* Yes

Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines.

See attached Survey

AFFIDAVIT
AGENT AUTHORITY

STATE OF WASHINGTON }
COUNTY OF PIERCE } SS
CITY OF GIG HARBOR }

I/~~we~~, Gordon D. Rush being duly sworn, depose and say, that I am/~~we~~ are the owners of the property legally described below, and that David Tisher, Thom Jorgenson, Jim Schick has my/our permission to act as my/~~our~~ agent in my/~~our~~ behalf for this application for a CUP, Plat, Signage, DRB for the subject party with the City of Gig Harbor.

Legal Description:

Parcel #'s 0221074072, 0221074050
S 7, T21, R2, Q43

3/8/06

Owner's Signature Date Owner's Signature Date

Mailing Address: Gordon D Rush
2727 Hollycroft St. Ste 410
Gig Harbor Wa 98335

Phone: 253.858.3636

Subscribed and sworn to before me this 8th day of MARCH, 2006.

CYRENA WESTENHAVER
COMMISSION EXPIRES
NOTARY
PUBLIC
7-17-06
STATE OF WASHINGTON

Cyrena Westenhaver
Notary Public in and for the
STATE OF WASHINGTON,
residing at GIG HARBOR

PROJECT TEAM

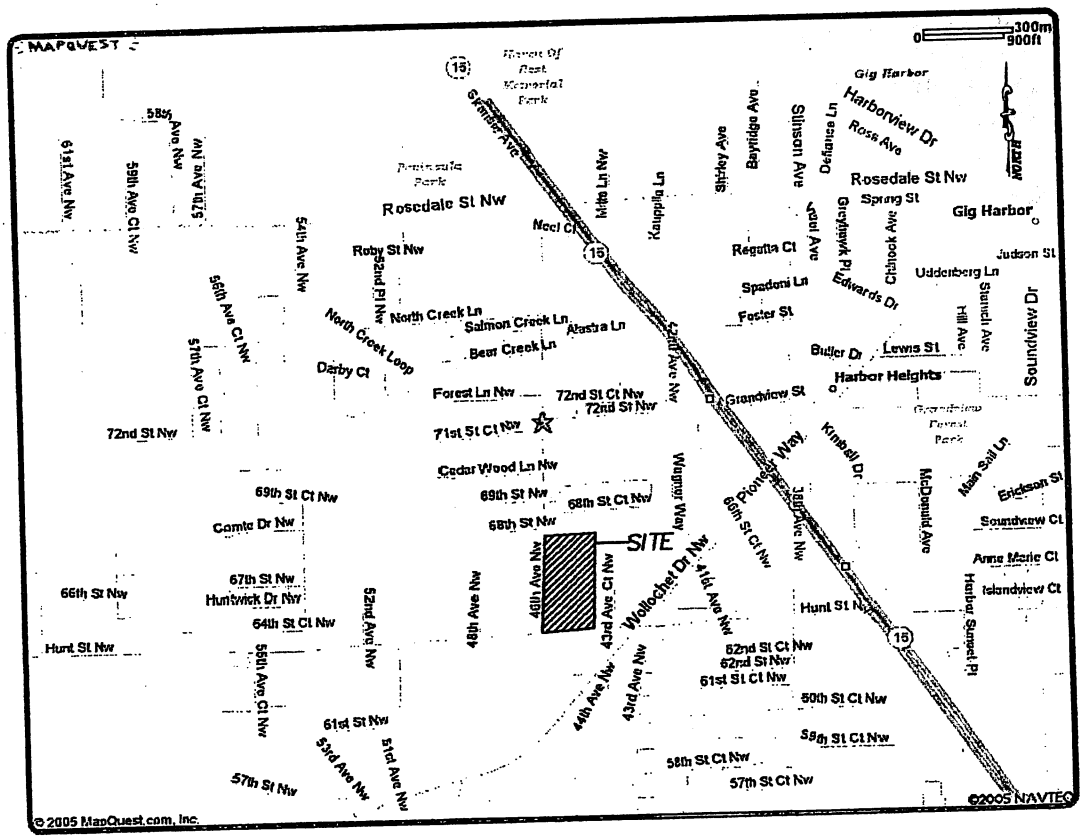
Applicant:

Owner:	Hunt Skansie Land LLC. Gordon Rush, Managing Member
Address:	2727 Hollycroft St. Suite 410 Gig Harbor, WA 98335
Phone:	(253) 858-3636 (253) 858-3188 Fax

Agent:

North Pacific Design

Project Manager:	Thair Jorgenson, P.E.
Address:	2727 Hollycroft St. Suite 410 Gig Harbor, WA 98335
Phone:	(253) 858-8204
Fax:	(253) 858-3188
Email:	tjorgenson@northpacificdesign.com
Project Architect:	David K. Fisher
Address:	2727 Hollycroft St. Suite 410 Gig Harbor, WA 98335
Phone:	(253) 858-8204
Fax:	(253) 858-3188
Email:	dfisher@northpacificdesign.com
Project Engineer:	Randy Snyder, P.E.
Address:	2727 Hollycroft St. Suite 410 Gig Harbor, WA 98335
Phone:	(253) 858-8204
Fax:	253) 858-3188
Email:	rsnyder@northpacificdesign.com
Permit Coordinator:	Joni Schick
Address:	2727 Hollycroft St. Suite 410 Gig Harbor, WA 98335
Phone:	(253) 858-8204
Fax:	(253) 858-3188
Email:	jschick@northpacificdesign.com



VICINITY MAP

THE COURT YARDS AT SKANSIE PARK
PRELIMINARY PLAT

Site Legal Description: THE WEST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE COUNTY ROADS.

ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED UNDER AUDITOR'S FEE NUMBER 2374712..

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.

TABLE OF CONTENTS

i Conditional Use Permit Application Form
ii Authorized Agent Letter
iii Project Team
iv Vicinity Map
v Legal Description

Section: **Page**

I. PROJECT NARRATIVE 1
A. Introduction 1

B. Site Description 1

C. Project Description 2
1) Street Access and Internal Streets 3
2) The Homes 3
3) Lot Development Standards 4
4) Buffer Areas 4
5) Common Areas and Streetscapes 5
6) Utility and Infrastructure Enhancements 5
7) Target Market 6
8) Integrity of City Codes and Plans 6

II. RESPONSES TO CONDITIONAL USE REVIEW CRITERIA 7

III. JUSTIFICATION SUMMARY 11
A. Comprehensive Plan and GMA 11

B. Physical and Enhancement Features 15

APPENDIX A - CONSISTENCY WITH THE CITY OF GIG HARBOR'S COMPREHENSIVE PLAN

APPENDIX B - FIGURES SUPPORTING THE PLAT NARRATIVE

APPENDIX C - SUMMARY OF PLAT DATA & LOT SETBACKS

APPENDIX D- MAILING LIST (300-foot radius from site)

The Courtyards at Skansie Park

I. PROJECT NARRATIVE

A. Introduction

The Courtyards at Skansie Park is a residential development that achieves the maximum density allowed on the subject property and provides affordable, yet quality homes in an attractive planned community. This community has been designed to meet the goals and policies within the City of Gig Harbor's Comprehensive plan, promoting community diversity and distinction, as well as, increased affordable housing opportunities with the Gig Harbor jurisdiction. In addition to the Comprehensive Plan, the community has been designed and laid out to meet the requirements and zoning regulations for residential plats in the Gig Harbor Municipal Code (GHMC) and Design Standards.

The property is located within RB-2 zoning district, which has a density of 8-units per acre that are allowed outright, but also allows up to a maximum of 12-units per acre with a Conditional Use Permit. The proposed development takes advantage of the higher density allowance of 12-units per acre based upon "net buildable area" of the site. Accordingly, a Conditional Use Permit is being requested as part of the platting approval process to support the higher density allowed in the zoning district. The proposed residential development will provide for 174 homes on the 18.8-acre site.

This document is intended to provide the necessary information and justification to support an approval of a Conditional Use Permit for the proposed residential development.

B. Site Description

The proposed plat is located at the northeast corner of Hunt Street and Skansie Avenue (46th Avenue NW), in Section 07, Township 21N, Range 02E, WM. The property consists of two parcels, one approximately 9.8 acres and the other 8.9 acres for a total site area of 18.8 A wetland (approx. 22,540 sf) has been delineated on the site and is located on the northwestern portion of the plat adjacent to Skansie Avenue.

The property is within the City of Gig Harbor jurisdiction, becoming part of the City under an annexation agreement effective in June 1994. Under the Annexation and Concomitant Agreement, the parcels were zoned RB-2 along with the adjacent properties that were also included in the Annexation area.

The proposed residential development is bordered on the north by the existing Cedar Crest plat (a 48 home housing development). On the eastern property line, the northern half of the property abuts undeveloped land, while the southern half abuts a small commercial center. Hunt Street borders the property on the south and Skansie Avenue to the west.

The site generally slopes from the northeast to the southwest corner of the property. A large open stormwater detention pond, designed to meet the stormwater management requirements for the plat, was previously proposed for the southwest corner of the development. This large pond, occupying nearly one-acre of the property, was presented and shown in the previous preliminary plat drawings submitted to the City for the pre-application meeting. The southwest corner of the property (near the intersection of Hunt Street and Skansie Avenue) was the lowest elevation on the site and thus the ideal location to provide for the large detention facility that is required under today's storm drainage regulations. The open detention pond was intended be landscaped to provide (to the extent possible) an enhanced open area feature for the plat.

HOWEVER, the current proposed plat replaces the large open detention pond with a large underground concrete detention vault to provide the required on-site stormwater management for the development. Constructing an underground detention vault, in-lieu of the large open detention pond, provides a number of benefits to the plat, including:

- A significant amount of existing trees and vegetation will be retained in the area identified for a stormwater detention facility, since the footprint of the detention vault is substantially less than the open detention pond alternative.

- Vastly increased natural wooded buffering of the residential development from both Hunt Street and Skansie Avenue (from less that 40-feet with the large open pond to over 100- feet of natural wooded buffer with the underground detention vault.

- A large open pond is often difficult to maintain in a landscaped state after the plat is turned over to a homeowners association. Putting the detention structure underground allow, the area above the structure to be re-landscaped and incorporated into an active open space amenity to the residential community. As shown on the preliminary landscape drawings, a grassed playfield with surrounding landscaping is now proposed above the detention vault.

- The additional trees and vegetation buffering the underground detention vault offers, along with 40-foot perimeter buffers for the plat combined with the wetland and its buffers, allows the higher density community to be set back, fairly well screened, and better hidden from both Skansie Avenue and Hunt Street than from the previous large open pond alternative.

Placing the detention pond underground, adds <u>significant</u> construction costs to the project over an open detention pond, however, it is offered as an amenity to the plat. As such, we ask that this revision be given due consideration in the granting of a Conditional Use Permit for the project.

The property is located within both the water and sewer service area of the City of Gig Harbor. The plat will be required to construct off-site utility infrastructure to allow for the connection to these City utilities. These improvements are further described in Section 6.

C. Project Description

The Courtyards at Skansie Park was developed to maximize the number of lots within the development, yet create a neighborhood environment that provides for a quality of life for those who will live there. A considerable amount of study and emphasis has been placed on the layout and design of this residential development. This includes an emphasis on screening and buffering the homes from both Hunt Street and Skansie Avenue; arrangements and clustering of the homes in a community within a community; park amenities; home-styles; streetscapes; etc. A description of the primary plat features or characteristics and described below.

1) Street Access and Internal Streets

Our design shows an internal street structure that utilizes court streets around which we situate single-family homes. Access to Gig Harbor city streets will be limited to two locations; one on Hunt Street and one on Skansie Avenue.

Roads within the development will have 48-foot right-of-way and 22-feet of paved surfaces. Court roads will have 22-foot paved widths and 32-feet of right-of-way. These roads are designed to meet the City's Public Works Standards. The main loop road within the development is also designed to contain additional overflow and on-street parallel parking.

Our intent is to provide "neighborhoods within the neighborhood" by designing short court streets surrounded by small clusters of homes. By doing this, it eliminates long lengths of roads, thus creating short vistas into landscaped common areas and maintaining low-speed vehicular traffic patterns in the neighborhood, which is attractive to residents, especially those with young children.

2) The Homes

Our design calls for a variety of home plans with exterior characteristics that draw from the historical styles prevalent in Gig Harbor and other small, coastal American communities. The homes will range from about 1,200 square feet to over 2,000 square feet. The four basic floor plans and eight elevations shown are only the beginning. As the project moves forward, we would develop up to 8-12 plans with 16-24 exterior elevation variations.

To maintain a neighborly feel, we have designed the homes with porches and arched stoops on the front of bungalow-style houses, keeping all the windows vertical, and making the roof pitches over 6:12. Other touches, such as extensive detailing on the columns and handrails, add to its quality. We are committed to adhering to the Historic District Residential requirements in the Gig Harbor Design Review Manual as closely as possible. Each home has a two-car garage, either tandem or side-by-side, and most have additional driveway parking. The garages are typically set back 18 feet from the sidewalk while the front porch setback is about 6 to 8 feet. We have kept the side yards minimal in size, usually 7 to 8 feet between homes. The backyards are private, either by orientation to the perimeter wooded open space or by means of a 6 foot solid fence. The 100 to 120 square foot decks

or patios are surrounded with landscaped planter areas. The backyards are truly outdoor rooms, typically 12x34 feet. (Please see Figures 1 through 16 of Appendix B)

3) Lot Development Standards

The development standards under Section 17.30 Residential and Business District (RB-2), Subsection 17.30.050, lists the minimum design requirements for standard residential or commercial lots and structures within the district. It is physically impossible to meet these standards with a high-density, detached residential development at 12-units per acre (allowed within the district under a Conditional Use Permit). For example, the standard lot area listed of 12,000 square feet is equivalent to less than 4-units per acre, which is half of the outright allowed density of 8-units per acre in the zoning district. Therefore, deviation from these standards is required under the Conditional Use Permit, including the minimum lot area and the minimum front, rear and side yard setbacks.

Each of the yard setbacks will slightly vary throughout the proposed plat. The Conditional Use Permit therefore requests deviation from these standards to allow the layout of homes and lots as shown on the preliminary plat application drawings and supporting the documentation. A typical layout for a cluster of homes surrounding a typical courtyard is shown in Figure 2 of Appendix B. The dimensions of the proposed setbacks for each typical lot type and arrangement, is provided in Exhibit C-2 of Appendix C.

4) Buffer areas

Section 17.78.060.B of the GHMC requires that all residential plats shall have a 25-foot buffer of dense vegetation screening along the perimeters of the plat. Section 17.30.050.G. requires 40-feet of dense vegetation screening if a "non-residential yard" abuts a residential use or zone. Since our proposed plat is completely residential, this criteria would not apply and the 25-foot perimeter buffer would normally dictate the minimum buffer requirements around the entire development.

Although only a 25-foot buffer is required, the proposed plat layout incorporates a 40-foot buffer along the north perimeter of the site to provide additional buffering along the border with the existing Cedar Crest homes. The larger 40-foot buffers are also proposed along the west and southern perimeters of the plat to help screen the homes from Skansie Avenue and Hunt Street respectively. Only on the eastern perimeter of the plat, adjacent to the small commercial development or vacant land, has the minimum buffer of 25-feet been proposed. This is because when the adjoining land is developed either residentially or commercially, they will be required to meet either the 25-foot or 40-foot buffer respectively on their property. That would therefore, provided a total of 50 to 65-feet of screening between the two developments depending on the development's use.

In addition to the 40-foot screening along the lots abutting both Hunt Street and Skansie Avenue, the existing wetland area and its buffer and the large screening and buffer area near the south west corner of the plat (where the detention vault is proposed), provides significant screening and buffering of the homes from these public roads.

5) Common Areas and Streetscapes

As residents and guests enter through the two main landscaped gates, the view will be directly into landscaped parks/play areas. The tree-lined loop road winds around the parks past the variety of homes. Multiple courts break up the streetscape on the loop road, eliminating the appearance of a long, unending row of houses. From the loop road, only 20% of the homes will be visible from any one location. The rest of the homes are organized around 13 courts. The majority of the courts have 11 homes, two courts have 13 homes, and one double court has 23 homes. (See Figure 1 of Appendix B).

The development incorporates neighborhood parks and walking trails that are designed for the private use of the community. The two park areas incorporated within the main housing portion of the plat will not only provide a "relief in sight" for vehicles, but a safe place for pets and children to play. These park/recreation areas are incorporated into the development as amenities and include:

Park A – Located at the community's north end, is a pet park surrounded by a white picket fence with spring-loaded gates. This will provide an area where the residents' dogs can run free and/or a landscaped area for kids to play.

Park B – Located at the community's south end we have developed a children's park with a fenced tot lot, big toy playground, and a pickleball/basketball court. The children's park would also be surrounded with a white picket fence with spring loaded gates keeping children safe from going out into the street.

Park C – Located over the area of the proposed underground stormwater detention vault, we are proposing to develop a 90' x 200' grassed sports multipurpose field for the residents of the community.

Walking Trails - We have also designed the site with wider-than-required buffers in order to provide walking trails in the wetland buffer area and the perimeter wooded areas that connect to the City's sidewalks. These would be ideal for family walks, jogging, and dog walking.

6) Utility and Infrastructure Enhancements

The loop road will contain all the main utilities. Above-ground electrical transformers and other above-ground utility boxes, including mailboxes, would be located in planters along the loop road. Water, gas and other meters would be located within each home's perimeter or cast in the sidewalks of the court.

Each court is designed to allow emergency vehicle access to each home. Emergency vehicles would travel a maximum of 150 feet without a turn-around (dead end) and then an additional 150 feet of fire hose would enable access to all sides of each home.

Our roads and homes will fit the existing slopes and contours of the land as much as possible. Figure 3b of Appendix B shows the most cross slope elevation view. These five court homes step up approximately 3 feet for a total of 15 to 18 feet of vertical rise, and a horizontal run of 170 feet.

Our plans also include connecting to the City's sewer and water systems. We will be required to extend the City's water main from the intersection of the 72nd Avenue to the property along Skansie Avenue in order to provide water to the plat. The development is also required to construct a new City sewer pump station, gravity main and force main in order to provide sanitary sewer service to the site. Providing for, or participating in the extension or expansions of both these City utility systems, is required for the plat approval. We are currently under design of these improvements and are coordinating these activities with the City Public Works Department. We are also coordinating with other possible developments within the service area that may wish to participate in these utility improvements to obtain service to their parcels.

The long term quality of this residential development will be addressed through the creation of a Home Owners Association (HOA), and the formation of Conditions, Covenants, Restrictions and Reservations (CC&Rs). The CC&Rs will guide the on-going maintenance and any necessary upgrades to the privately maintained roads and utilities.

7) Target Market

The homes in the proposed community will be marketed to a mix of singles, couples and young families, many of whom would be first-time homebuyers. We are estimating the homes to be priced from $225,000 but under $300,000. This target range would fulfill some of the City's mandate to provide for affordable homes within the City's jurisdiction under the State Growth Management Act.

The Meadows at Alastra Lane, a similar project we recently completed, is located further down Skansie Avenue near Rosedale. The Meadows has 28 affordable court-style homes and is of a similar density. Just like The Meadows, The Courtyards at Skansie Park project allows the opportunity to improve the availability of lower priced housing in the Gig Harbor area yet offers many more site amenities due to scale and size of the project.

8) Integrity of City Codes and Plans

As previously noted, our proposed development takes advantage of the higher density of 12-units per acre which is allowed with the RB-2 zoning district under a Conditional Use Permit. The density calculations are based upon "net buildable area," as defined in the GHMC. A summary of the plat data and net density calculations are presented in Appendix C - Exhibit C-1.

In addition to meeting the City of Gig Harbor's Municipal Code and development regulations, this plat has been developed to meet the goals and policies identified in the City of Gig Harbor's Comprehensive Growth Management Plan (Comprehensive Plan). Specific

areas of the Comprehensive Plan, that support this development as proposed, are provided in Appendix A to this Conditional Use Permit Application.

II. RESPONSES TO CONDITIONAL USE REVIEW CRITERIA

The requirements for Conditional Use Applications are specified in Chapter 17.64 "Conditional Use" of the Gig Harbor Municipal Code (GHMC). The specific application review criteria are provided under Section 17.64.040 of Chapter 17.64. The determination for granting or denying a Conditional Use Permit is to be supported by a finding of the facts relating to several specific conditions. These conditions and a response to each criterion are presented as follows.

Criteria A

"That the use which the Conditional Use Permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located."

The property is located in an area designated within the GHMC as **Residential and Business District (RB-2).** The RB-2 district is intended to provide a transitional buffer between higher intensity commercial areas and lower intensity residential areas.

The subject property became part the City of Gig Harbor under an annexation agreement effective in June 1994. Under the Annexation and Concomitant Agreement the parcels, along with a number of parcels to the east and north, were brought into the City and zoned RB-2. In the RB-2 zoning district, a density of 8-units per acre is allowed outright and up to a maximum of 12- units per acre is allowed with a Conditional Use Permit. The RB-2 district, as defined in the GHMC, allows for both single-family and multi-family residence uses in the zoning district. However, under the Concomitant Agreement, established for the annexation of these and adjoining parcels into the City, multi-family dwellings were specifically disallowed. Therefore, only single-family detached housing can be developed on these properties.

Our proposed plat takes advantage of the higher density of 12-units per acre of detached homes, based upon "net buildable area", and thus requires a Conditional Use Permit. The development has been designed and laid out to meet the City of Gig Harbor's Municipal Code, applicable development regulations, and has been developed to meet the goals and policies identified in the City of Gig Harbor's Comprehensive Growth Management Plan. Specific areas of the Comprehensive Plan, that support this development as proposed, are provided in Appendix A of this Conditional Use Permit Application.

Criteria B

"That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, and will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;"

The subject property, totaling 18.8 acres, is currently undeveloped with the exception of an older single-family residence along the southeast corner of the site. The proposed residential development is bordered on the north by the existing Cedar Crest plat (a 48 home housing development). On the northern part of the site, the abutting property to the east is currently undeveloped. Along the eastern border on the southern half of the property, is a small commercial center. Hunt Street borders the property on the south and Skansie Avenue to the west.

The residential development proposed on the site will not be detrimental to the public health, safety, comfort, convenience and general welfare. It will provide for diversity and higher density housing which allows young families, singles, and single parents an opportunity to own their home in a nice community setting. The development is within the urban residential environment of Gig Harbor, yet somewhat associated with a rural setting, near the central and western edge of the City limits. This development will provide an urban residential environment within convenient distance to local stores, restaurants, theaters, other businesses and public transportation opportunities in and around the City of Gig Harbor.

The State Growth Management Act (GMA) mandates that Counties and Cities meet certain growth criteria and has place special emphasis on urban areas to take on the extra burden of the future growth and to accommodate the increase in population in the area projected over the next 20-years. Under the GMA, each county is encouraged (if not mandated) to set aside much of the rural areas in the County as low intensity areas where you can have no more than one house per 5, 10 or 20 acre lots. The GMA also stresses (or mandates) that the much of the future growth is to be concentrated in higher density developments in the urban areas, where there are better roads systems and utilities to accommodate the increased intensity of development.

Although much of the surrounding neighborhood, and perhaps a portion of the public would likely prefer to see this property remain undeveloped, it has been identified and zoned RB-2. The RB-2 zone, by definition and use, allows for the construction of a higher density development. The proposed development has been design specifically to incorporate a higher density development onto the site so as not to adversely affect the established character of the surrounding neighborhood, and so that it will not, to the extent possible, be injurious to the property or improvements in the vicinity.

The development has increased the required screening buffers from 25-feet to 40-feet around three sides of the perimeter of the site to minimize impact to the surrounding community. The side remaining with the 25-buffer area is either bordered by the existing small commercial area or is undeveloped (future residential or commercial development on these adjacent properties will have to add to the buffer screening on their side of the line). The higher density homes are pushed away from the main street and largely buffered from these streets by the large wooded open space areas or wetland and associated wooded buffers.

The development is bordered on the south by Hunt Street. Only four-homes are located directly across Hunt Street along the proposed plat frontage. The plat is bordered on the west by Skansie Avenue and across Skansie Avenue are currently only five homes. One of the

parcels across Skansie Avenue is in the process of annexation into the City and has proposed to construct a 31 home development.

Criteria C

"That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity: and further that the use can be adequately served by such pubic facilities and street capacities without placing undue burden on such facilities and streets."

The proposed plat is very well located along two main arterials roads and is in very close proximity to Wollochet Drive and the on-ramps of SR-16. A traffic study has been conducted for the preliminary plat submittal and has identified the potential impacts on the road systems in the area. The study has recommended that the plat contribute to a pro-rata share of the City's future intersections projects within the area affected by the development. In addition, half-street frontage improvements (curb, gutter, sidewalks) along Skansie Avenue and Hunt Streets are planned as part of the plat development.

The property is located within both the water and sewer service area of the City of Gig Harbor, however, neither utility is available at the site. Therefore, the plat development is burdened with the costs to construct or extend these utilities to the site.

We will be required to extend the City's water main from the intersection of 72nd Avenue to the property along Skansie Avenue in order to provide water to the plat. Water concurrency is being requested for the 174 homes with the preliminary plat application.

Sanitary sewer is not available at the site, however the site falls within the City of Gig Harbor's sanitary service area (Basin 5) in the City of Gig Harbor's 2002 Wastewater Comprehensive plan. Accordingly, in order to obtain sewer service and approval of the plat, we are required to construct a major portion of the City's planned sewer system for the City's sewer Basin 5 as defined in the City's Wastewater Comprehensive plan. This will include the construction of a new City sewer pump station on the northeast corner of Hunt and Skansie and approximately 1245-lineal feet of sewer force main within Skansie Avenue from the new pump station north to the City's existing gravity sewer in Alastra Street. Also, included is the construction of approximately1245-lineal feet of gravity sewer along Skansie Avenue and 300-lineal feet along Hunt Street to service the plat.

Providing for, or participating in the extension or expansions of both these City utility systems, is required for the plat approval. Discussions are underway to coordinate and seek cost participation with other possible developments within the service area. The extension or expansions for both of the City utilities to serve this plat are currently under design and are being coordinated with the City Public Works Department.

The cost to the plat for extending or constructing the off-site improvements to the City's water and sewer systems (excludes on-site system) is estimated to be over $1.5 million dollars. Under the City impact fee ordinance, the plat will be required to pay approximately $650,000 in traffic, schools and park impact fees to the City for the 174 home development. (Note: The

traffic fee noted excludes the additional amount of pro-rata shares to the City for intersection improvements). The sewer and water hookup fees to be paid to the City will exceed $800,000 unless some credit is granted for the City's off-site sewer and water infrastructure that the plat must construct as noted above. Off-site street improvement (curb, gutter, sidewalk, paving, landscaping etc.) required by the City will add an additional $500,000 to the cost of the project.

The total cost of impact fees and utility hook fees paid directly to the City, plus the cost of constructing improvements to the City streets or utility systems, totals over $3.5 million dollars for this plat, which does not include any on-site development cost. Therefore, the plat is or will be adequately served by such pubic facilities and street capacities and will not place undue burden on such facilities and streets, but rather provides significant monetary compensation toward improvement or mitigation of any impacts from the development.

Criteria D

"That the site is of sufficient size to accommodate the proposed use of all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner."

The Courtyards at Skansie Park plat has been laid out and designed with considerable thought and analysis to insure that the infrastructure and details necessary to accommodate the high density plat, will work on this site from a physical, marketing, and regulatory standpoint. It has been well planned out, including roads, yards, walls, fences, parking, landscaping, open spaces, etc. and has been developed to meet the City of Gig Harbor's zoning, building and architectural design requirements and guidelines, with the exception of the density and corresponding lot sizes, and lot set backs for which this Conditional Use Permit is being requested.

Although this proposed plat takes advantage of the highest density allowed in the zone, it also arranges the detached bungalow-style houses around clusters of courtyards. Each home has a two-car garage, either tandem or side-by-side, and most have additional driveway parking. The garages are typically set back 18 feet from the sidewalk while the front porch setback is about 6 to 8 feet. We have kept the side yards minimal in size, usually 7 to 8 feet between homes. The backyards are private, either by orientation to the perimeter wooded open space or by means of a 6-foot solid fence. The 100 to 120 square foot decks or patios are surrounded with landscaped planter areas. The backyards are truly outdoor rooms, typically 12x34 feet.

Although the detached homes are closely spaced around each courtyard, this has allowed for larger buffer areas around the perimeter of the plat than that which is required. The layout provides for relatively large open space areas to help "screen" the homes from Skansie Avenue and Hunt Street. The plat also incorporates space for the plat's community play areas, roads, site grading and utilities.

In summary, the site is of adequate size to accommodate the detached homes, lots, yards, open spaces, walls and fences, parking, loading, landscaping, etc.

III. JUSTIFICATION SUMMARY

The Courtyards at Skansie Park residential development takes advantage of the higher density allowance within the RB-2 zoning district. The higher density development of 12-units per acre must be justified under a Conditional Use Permit. The previous two sections provided an overview description of project and the required responses to the four conditional use review criteria.

In addition to the information given in the previous sections, several key reasons or justifications should be considered in granting a Conditional Use Permit on this project. These can be summarized into two primary areas. The first is the benefit of the plat to the City of Gig Harbor in helping to meet the goals and policies within the City's 2004 Comprehensive Plan and the State of Washington's Growth Management Act. The second area is the physical characteristics of the plat and the enhanced features that have been incorporated into the development. A discussion of each area is provided as follows:

A. Comprehensive Plan and GMA

Appendix A provides a list of goals and policies from the City's 2004 Comprehensive Plan that supports the intent of this development. The reader should closely examine each item in Appendix A that is presented in bold lettering to fully understand the goals and policies in the plan that apply to this project.

In general, the GMA provides guidelines (or mandates) that Counties and Cities:

- Provide and plan for growth over the next 20-years
- Encourages (if not mandated) setting aside much of the rural areas in the County as low intensity areas where you can have no more than one house per 5, 10 or 20 acres lots.
- Places special emphasis on urban areas to take on the extra burden of the future growth.
- Stresses (or mandates) that the much of the future growth is to be concentrated under higher density developments in the urban areas, where there are better roads systems and utilities to accommodate the increased intensity of development.
- That Cities take there fair share of all housing allocations including affordable housing allocations.

As noted above, Appendix A lists the specific goals and policies in the City's Comprehensive Plan that directly supports this project. These goals and policies can be summarized a few general themes, which include:

- Providing for range of residential densities with a broad variety of housing types, locations and tenures to meet the future growth in Gig Harbor.
- Encouraging higher density developments (8-12 units per acre) where conditions support that density.
- Encourage residential developments based upon maximum density as opposed to a minimum lot size in order to encourage optimum design techniques suitable to the land and its natural features.

- Provide housing opportunities for varied types and ages of households to include single parent and two-parent families, individuals and the elderly.
- Support developments and develop policies, which helps provide for the City's County wide fair shares housing allocations, with emphasis on affordable homes.
- Minimize direct costs of new housing construction using an number of incentive an policy reform including:
    - provide incentives for increased densities based performance standards rather than maximum units allowed.
    - minimize per unit land values by allowing increased densities.
    - recognize that comparable levels of service may be achieved through creative side designs and amenity packages that may be more cost effective than conformance to general site development standards.
    - give due consideration to alternative proposals designed to achieve these minimizing the cost of housing.

Specific language to what is listed above can be found in Appendix A.

The cost of housing in the Gig Harbor area continues to increase each year, exceeding the percent increase in wages. Gig Harbor is a relatively affluent community and desirable place to live and as such, housing prices are relatively high in comparison to other areas in Pierce County. The average cost of a home in Gig Harbor is $372,000 based upon home sales data shown on Figures 1 and 2 on page 14. Purchasing a home at this price would require an average annual income of $75,000 for either a single or two-income family. Based upon information shown in Table 1, these housing prices are attainable for only the upper 26% households income brackets for the Gig Harbor area, and are generally out of range for young singles, single parents, single income families and the elderly.

The market price range for the average home within the proposed plat is project to be $225,000 to $275,000 in today's dollars. Table 1 provides an analysis of the income range to the price of home that income range will support. It also provides a projection of the income bracket characteristics for the Gig Harbor area (based upon 2002 Census data, adjusted to 2006) which shows the range of household incomes brackets that can afford the Skansie Park homes.

Keeping the cost of the home and lot in the affordability range is very dependent upon the number of lots the basic infrastructure cost and City imposed costs are shared by. For example, it is estimated that the total constructing improvements to the City streets and off-site utility systems, totals over $2.0 million dollars for this plat. These cost would be required whether we have 10 lots or if we have 174. If you construct only 10 lots, just these off-site costs alone would amount to $200,000 per lot. When that cost burden is spread to 174 lots, it amounts to $12,500 per lot. The on-site development and infrastructure cost works that same way. Therefore, the only way to keep the lot costs low as possible (and in-turn the cost of homes) is to keep the number of lots as high as possible to share today's high development costs associated with any plat.

Table 1 - Gig Harbor Income Characteristics & Corresponding Affordable Home Price Range

Annual Household Income (2000) [1]	Percent of Households [2]	Annual Household Income (2006) [3]	Monthly Household Income (2006)	Typical Mortgage Payment (28% of monthly income) [4]	Price Range of Affordable Homes Based Upon Income & Typical	% of Target Homeowners
<$10,000	5.2	< 11,539	< 833	233	< 41,402	5.2
10,000 - 19,999	14.2	11,539 - 23,077	962 - 1,923	269 - 538	42,900 - 81,345	14.2
20,000 - 34,999	21.6	23,078 - 40,385	1,923 - 3,365	538 - 942	81,345 - 149,820	21.6
35,000 - 49,999	14.1	40,387 - 57,694	3,366 - 4,808	942 - 1,346	149,820 - 213,950	**14.1**
50,000 - 74,999	18.5	57,695 - 86,541	4,808 - 7,212	1,346 - 2,019	213,950 - 321,200	**18.5**
>$75,000	26.5	> 86,543	> 7,212	> 2,019	> 321,200	26.5

Notes:

[1] Based on 2000 US Census

[2] Based on 2000 US Census

[3] Based on 2000 US Census, inflated to 2006 @ 15.39%

[4] General rule of thumb is that home mortgage payments should not exceed 28% of income

[5] Mortgage rates assumes 10% down and 30 yr fixed interest rates @ 6%

Projected home price for Courtyards at Skansie Park:
$225,000 - $275,000

Gig Harbor Average Income (2006): $54,935

Home Sales - Median Price of Homes in the Gig Harbor Area : $372,000 *

(Based on Figures 1 & 2 on page 14)

FIGURE 1
GIG HARBOR PENINSULA [1]
Home Sales Average Price Chart

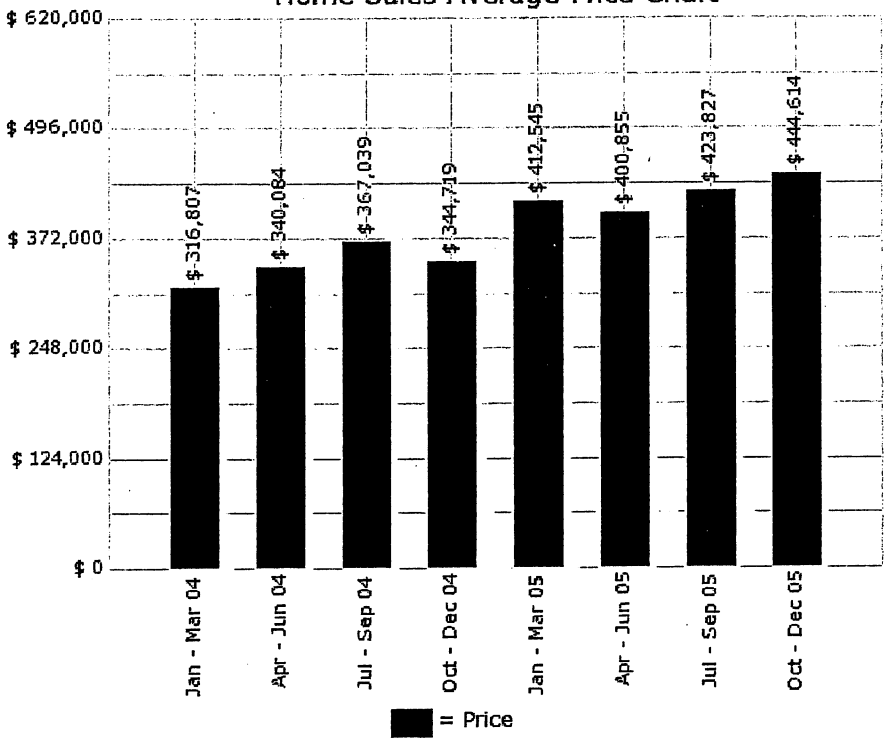
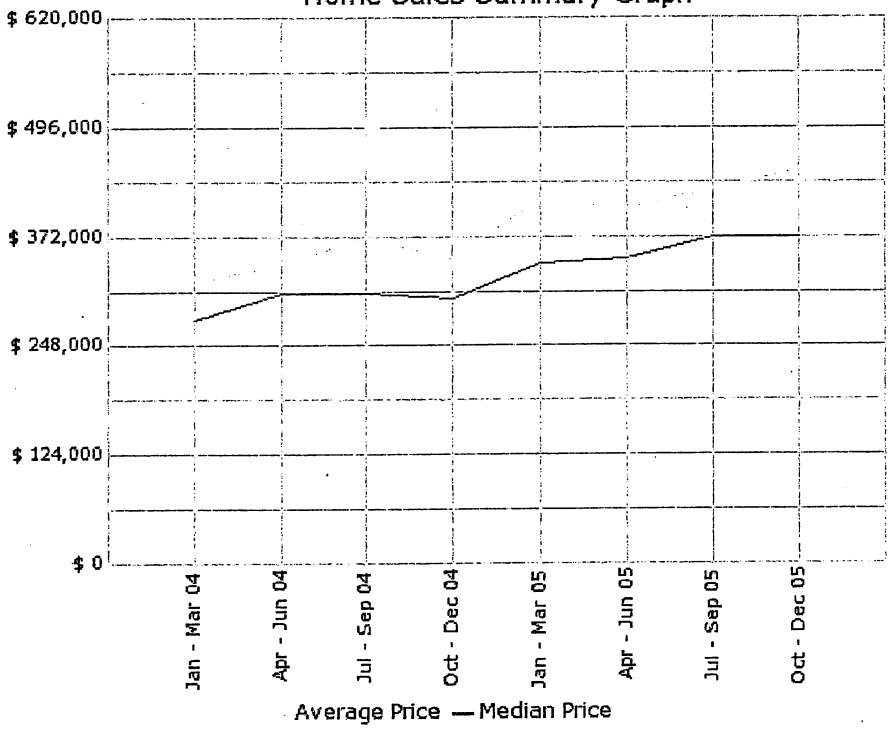


FIGURE 2
GIG HARBOR PENINSULA [1]
Home Sales Summary Graph



[1] Recourse: HouseHunt™, Inc. - Real Estate Listings, Homes and Houses for Sale – Gig Harbor Area

Physical and Enhancement Features

There are several key factors of the plat's design and layout is noteworthy in considering the Conditional Use Permit. These include:

- The creation of "neighborhoods within the neighborhood" by designing short court streets surrounded by small clusters of homes. By doing this, it creates short vistas into landscaped common areas. The multiple courts break up the streetscape on the loop road, eliminating the appearance of a long, unending row of houses. This also serves to maintaining low-speed vehicular traffic patterns in the neighborhood, which is attractive to residents, especially those with young children.

- The development has increased the required screening buffers from 25-feet to 40-feet around three sides of the perimeter of the site to minimize impacts to the surrounding properties and community. This includes providing additional buffering along the border with the existing Cedar Crest homes.

- The larger 40-foot buffers are also proposed along the west and southern perimeters of the plat to help screen the homes from Skansie Avenue and Hunt Street respectively

- Constructing an underground stormwater detention vault, in-lieu of the large open detention pond as previously proposed, provides a number of benefits to the plat. These include allowing a substantial amount of trees and vegetation to be retained compared to a large open detention pond; additional screening and buffering of the plat from Hunt Street and Skansie Avenue; and use of the area above the vault as multi-purpose grassed playfield (soccer field) as an amenity to the plat.

- The development incorporates three separate neighborhood parks/play areas and walking trails that are designed for the private use of the community.

APPENDIX A

CONSISTENCY WITH THE CITY OF GIG HARBOR'S COMPREHENSIVE PLAN

Appendix A
(The Courtyards at Skansie Park)

CONSISTENCY WITH THE CITY OF GIG HARBOR'S COMPREHENSIVE PLAN

The following provides the goals and policies within the City of Gig Harbor's Comprehensive Plan (2004) that directly support the concept and intent of the proposed The Courtyards at Skansie Park plat development. These goals and policies support our approach to achieving maximum density and affordable, yet quality homes, in an attractively planned community. The specific sections of the Comprehensive Plan that support the project are provided below. The specific wording in each section that we feel provides direct support to the project as designed are highlighted in bold lettering:

GOAL 2.3: PROMOTE COMMUNITY DIVERSITY AND DISTINCTION AND INCREASE HOUSING OPPORTUNITIES

Provide for a range of residential densities, which would accommodate the City's 2022 residential growth target of 10,800 within a broad variety of housing types and tenures.

2.3.1. Innovative Districts

a) ***Establish special planning review procedures to govern the review and approval of innovative land use developments.***

2.3.3. Housing Choice

a) ***Expand residential districts and code definitions to allow a broad choice of housing types, locations and tenures.***

b) ***Provide housing opportunities for varied types and ages of households to include single-parent and two-parent families, individuals and the elderly.***

c) ***To the extent appropriate, recognize social area specializations by household and age group and provide public services which reflect the areas needs.***

2.3.4. Residential Densities

a) ***Establish a range of residential densities which would accommodate a variety of housing types and tenures.*** *Densities within the city and its urban area should range from a low of 4.0 dwelling units per acre up to a maximum of 12.0 dwelling units per acre.*

b) ***Encourage higher densities (8 -12 units per acre) for developments which:***

1) Provide substantial open space or buffers areas within the development;

2) Have natural site characteristics suitable for higher intensity residential development;

3) Propose innovative design throughout the project which reflects the historical character of the area;

4) Have relatively easy access to major local employment areas;

5) *Would not significantly impact established single-family residential neighborhoods.*

c) ***Implement a zoning plan which allocates residential development based upon a maximum density as opposed to a minimum lot size in order to encourage optimum design techniques suitable to the land and its natural features.***

GOAL 5.6: SUPPORT COUNTY-WIDE FAIR SHARE HOUSING ALLOCATIONS

5.6.1. ***Require fair share housing in new subdivisions or housing developments.*** *Require new subdivisions or developments to provide a "fair-share" allocation of affordable housing within the subdivision or residential developments.*

a) *Develop a per-lot formula which identifies the number of required affordable units within a subdivision or housing project."*

b) ***Assure that impact fees are assessed to encourage affordable housing rather than hinder it.***

Addressing Housing Costs

Housing affordability is affected by a number of variables, many of which affect costs relating to the actual purchase of a house. *These include land costs, material costs, labor, permit fees, the size of the structure, the design of the structure, infrastructure costs, and market influences. Housing affordability is further affected by after-purchase costs such as utilities, maintenance, taxes, homeowner's association fees (when applicable), insurance and proximity to employment.* ***Many of these costs are directly related to regulatory policies and housing management and can be influenced by regulatory reform and government support for new and innovative management techniques."***

GOAL 5.7: MINIMIZE DIRECT COSTS OF NEW HOUSING CONSTRUCTION

5.7.1. ***Minimize costs associated with land***

Reduce housing costs associated with land through policy reform.

a) ***Identify areas where small lots may be allowed or required to accommodate smaller single-family houses, patio houses, or townhouses.***

b) *Encourage condominium development as a means of providing ownership opportunities.*

c) ***Provide incentives for increased densities on residential lots or consider density based upon performance standards as opposed to maximum unit allowances.***

d) *Establish a "no net loss" policy toward land occupied by affordable housing units.*

e) ***Identify and retain parcels with the fewest environmental and site constraints for high density and/or affordable housing development.***

5.7.2. ***Minimize high material costs***

Identify ways to minimize the costs and volume of materials *as suggested in the following examples:*

a) ***Allow and encourage designs which use the least amount of the more expensive materials (e.g., square houses have less outside wall area than rectangular house of the same square footage,*** *hence, less brick or siding is required; vertical house designs are more cost effective than horizontal designs because they have smaller foundation and roof areas; narrow spans of joists and rafters are more cost effective than wide spans because smaller structural members may be used).*

b) *Allow use of substitute materials which provide the same visual quality as natural materials.*

GOAL 5.8: ELIMINATE INCENTIVES TO BUILD LARGER HOMES THAN ARE NEEDED FOR TYPICAL SIZED HOUSEHOLDS IN GIG HARBOR

The size and value of a house is directly correlated to the size and value of the land. Typically, loan approvals are based upon a cost ratio between the value of the land and the value of the structure. Hence, the higher the land value, the higher the cost of the house must be.

5.8.1. ***Minimize per-unit land values***

Attempt to minimize value of parcels designated for affordable housing to allow for smaller sized affordable units.

a) ***Minimize per-unit parcel size by allowing increased density."***

b) ***Identify areas for affordable housing where the market is least likely to influence land values (e.g., non-view property)"***

GOAL 5.9: MINIMIZE INFRASTRUCTURE COSTS ASSOCIATED WITH HOUSING DEVELOPMENT

The City has adopted standards which specify minimum infrastructure improvement requirements for new developments. It is the City's policy to assure that service levels achieved as a result of adopted standards are not diminished. ***However, the City also recognizes that comparable levels of service may be achieved through creative site designs and amenity packages which may be more cost effective than conformance to general site development standards."***

5.9.1. ***Consider alternatives***

Clearly specify levels of service and benefits to be achieved through adopted standards and ***give due consideration to alternative proposals designed to achieve the same end.***

5.9.2. ***Promote cost effective designs***

The greatest savings of infrastructure costs can be achieved through compact development *or expansions of developments with infrastructure already in place. These should be encouraged.*

GOAL 5.10: MINIMIZE COSTS ASSOCIATED WITH PERMIT PROCESSING AND APPROVALS BY STREAMLINING TURN AROUND TIME FOR NEW APPLICATIONS FOR AFFORDABLE HOUSING

5.10.1. Provide clear standards for development
Develop and maintain clear development standards regarding site design and building design.

5.10.2. ***Reduce environmental review time***
To the extent possible, perform an area-wide analysis of land characteristics and environmental impacts based upon a predetermined use and density.

GOAL 5.11: PROVIDE ASSISTANCE IN MINIMIZING INDIRECT HOUSING COSTS

Many costs associated with housing are born after the actual sale of a home and may therefore be considered indirect costs (e.g., utilities, taxes, and maintenance). These contribute to the burden of housing costs and should not be overlooked as a consideration of housing affordability.

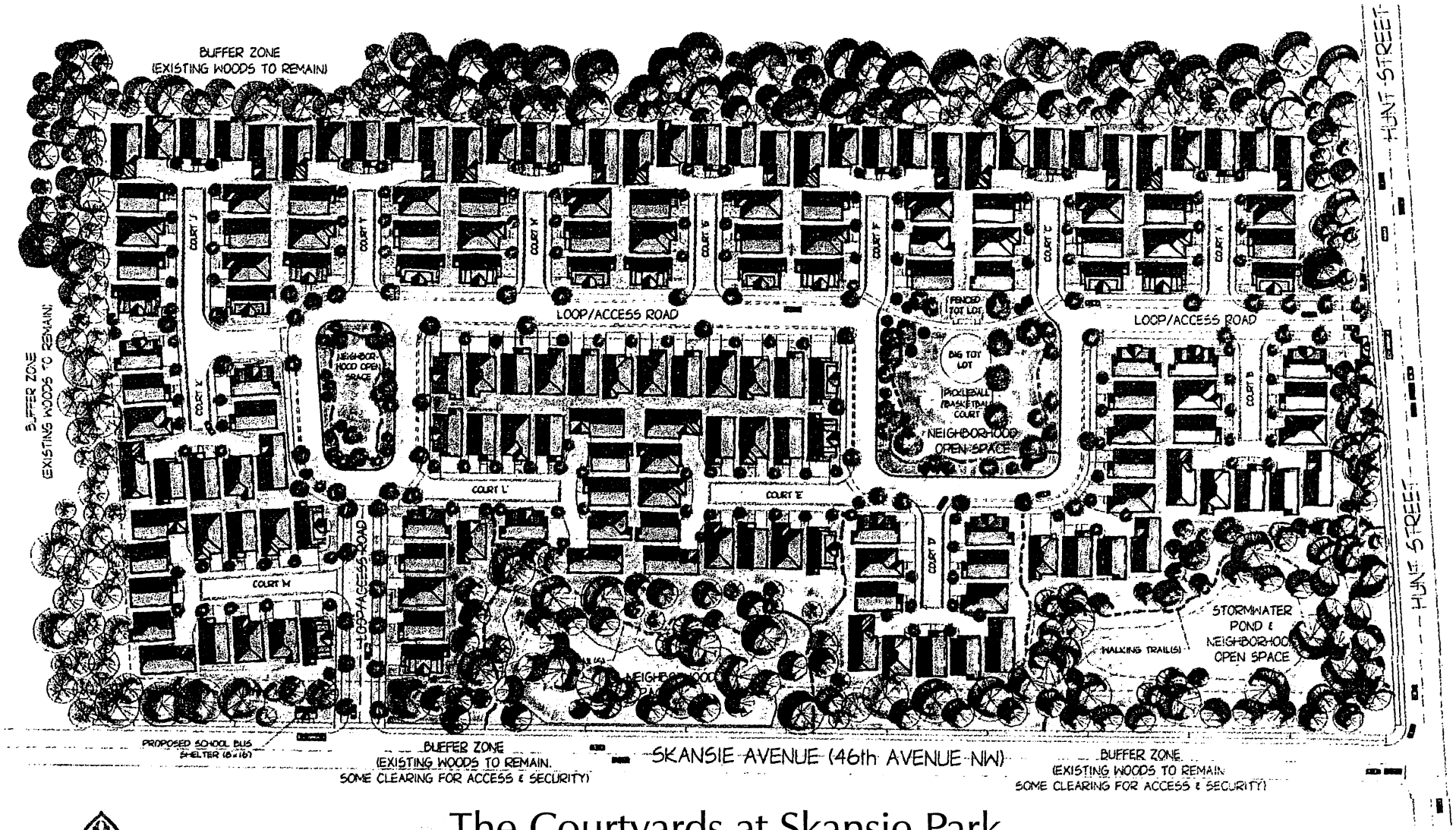
5.11.1. Minimize sewer rates for affordable housing

Provide city-rate sewer service to affordable housing units outside the city but within the city's urban growth area.

APPENDIX B

FIGURES SUPPORTING THE PLAT NARRATIVE

NORTH PACIFIC DESIGN INCORPORATED



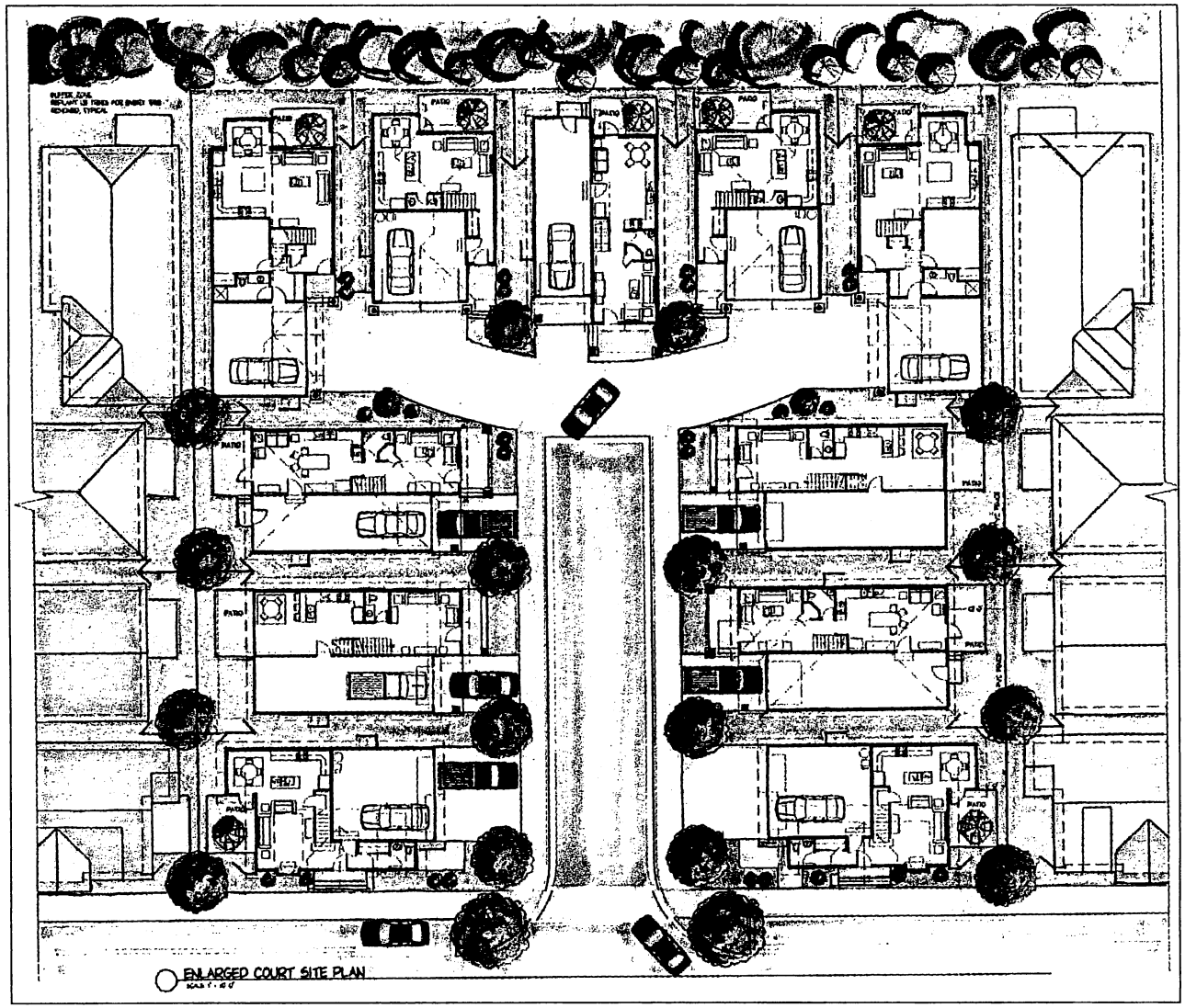
The Courtyards at Skansie Park

Site Plan

THE COURTYARDS AT SKANSIE PARK

Figure 1

NORTH PACIFIC DESIGN INCORPORATED



The Courtyards at Skansie Park

Court Plan

THE COURTYARDS AT SKANSIE PARK

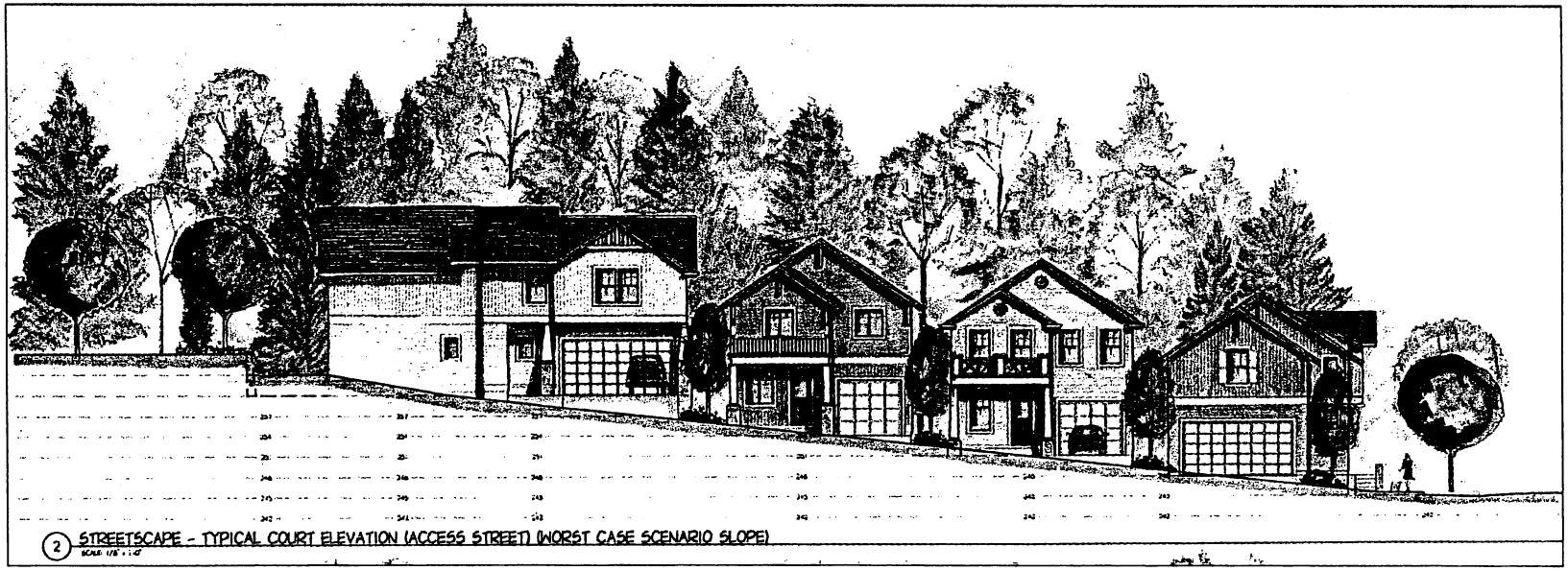
Figure 2

NORTH PACIFIC DESIGN INCORPORATED

'A' (F - BEYOND) 'A'

Along loop road, centered on court road

Figure 3-A



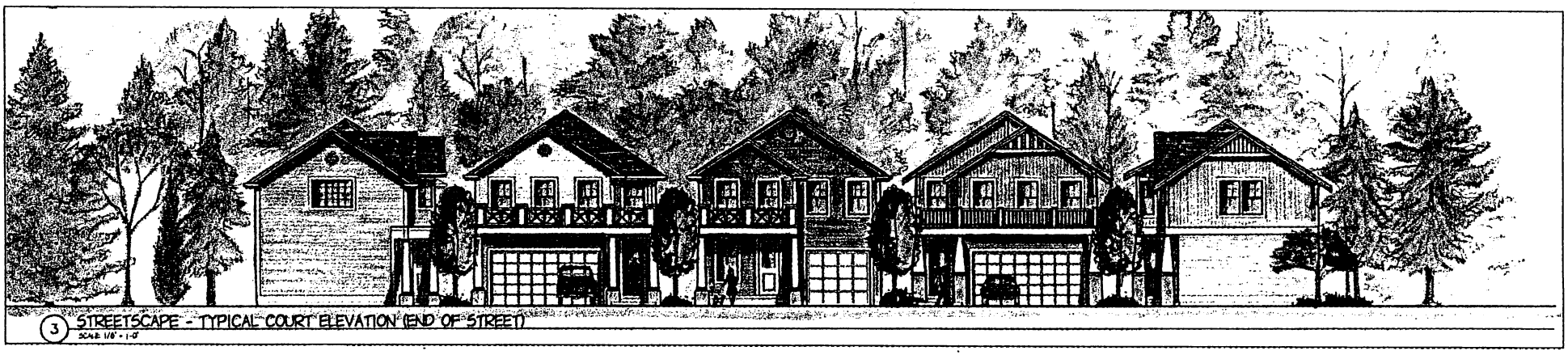
THE COURTYARDS AT SKANSIE PARK

The Courtyards at Skansie Park

Court Road

Figure 3-B

NORTH PACIFIC DESIGN INCORPORATED



THE COURTYARDS AT SKANSIE PARK

The Courtyards at Skansie Park

Streetscapes

Figure 4

NORTH PACIFIC DESIGN INCORPORATED

YARD SETBACKS

LOT TYPES - 'D', 'E', & 'F'.

3' SIDE YARDS, TYPICAL

3'-6" BACK YARDS, TYPICAL

18' FRONT YARD-PORCH
LOT TYPE 'E' & 'F' ONLY

24' FRONT YARD-HOUSE
LOT TYPE 'E' & 'F' ONLY

23' X 23' CORNER SETBACK FOR
PORCH OF LOT TYPE 'F'

8' X 23' CORNER SETBACK FOR
LOT TYPE 'D' GARAGE / HOUSE

NOTE: ROOF EAVES, BUMP-OUT WINDOWS, COLS.
AND DECK/BALCONIES MAY ENCROACH
UP TO A MAXIMUM OF 24" INTO YARD

YARD SETBACKS

LOT TYPES - 'A', 'B', & 'C'.

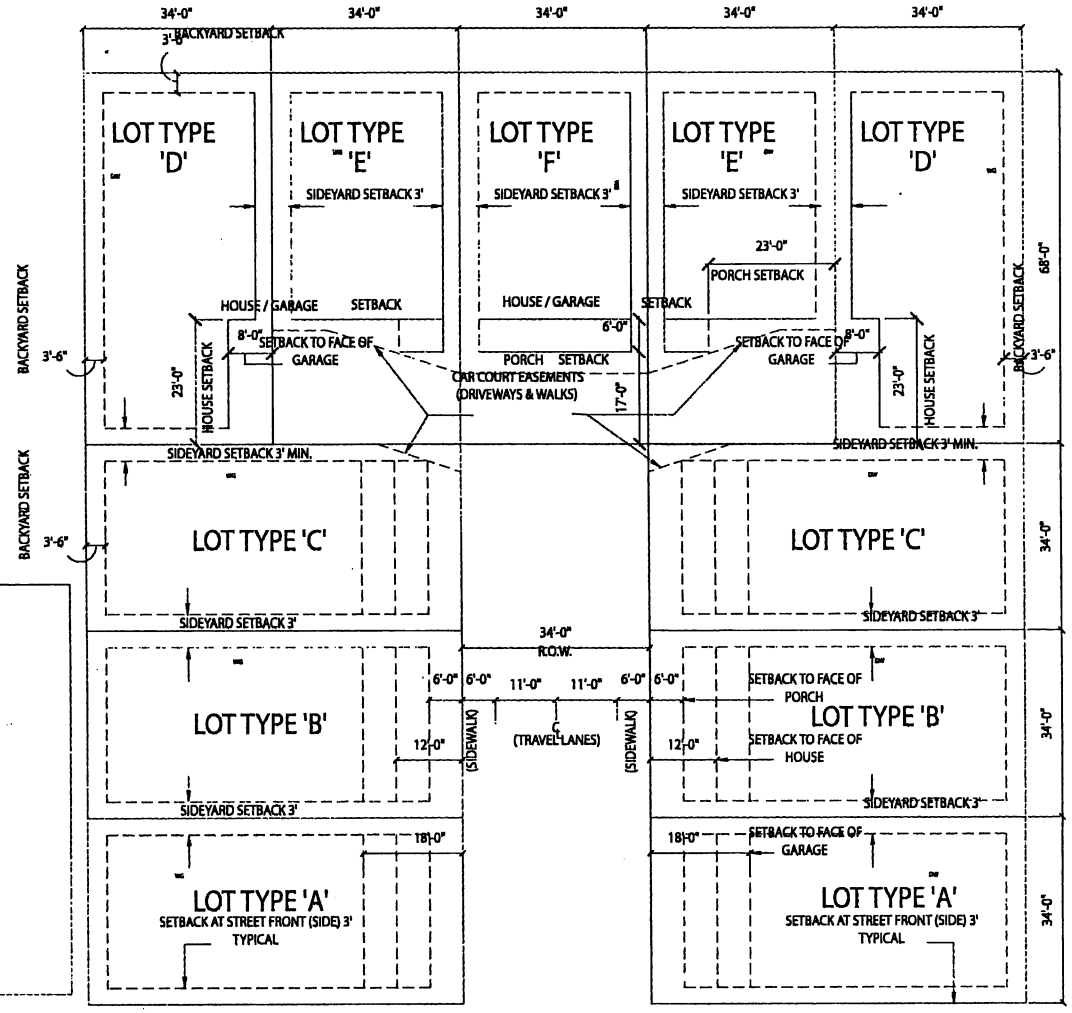
3' SIDE YARDS, TYPICAL

3'-6" BACK YARDS, TYP.

6' STREET FRONT-PORCH
12' STREET FRONT-HOUSE
18' STREET FRONT-GARAGE

3' STREET FRONT (SIDE YARD OF LOOP ROAD)

NOTE: ROOF EAVES, BUMP-OUT WINDOWS, COLUMNS
AND DECK/BALCONIES MAY ENCROACH
UP TO A MAXIMUM OF 24" INTO YARD
(SETBACK NOT CLOSER THAN 12" FROM PROPERTY LINE)



ENLARGED CLUSTER HOME SITE PLAN

0 10' 50'

The Courtyards at Skansie Park

Yard Setbacks

THE COURTYARDS AT SKANSIE PARK

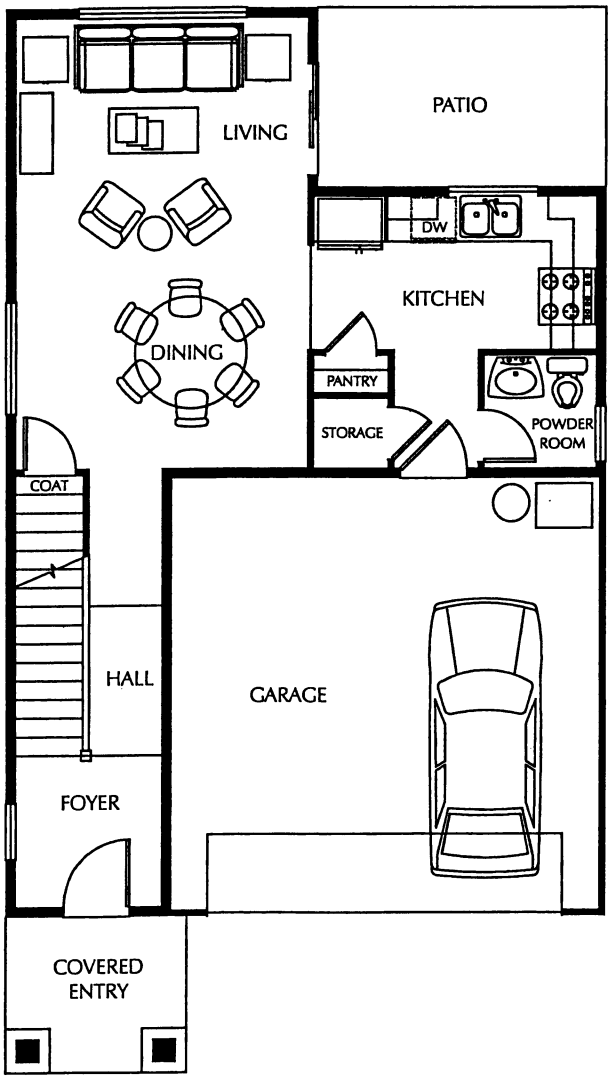
Figure 5

NORTH PACIFIC DESIGN INCORPORATED

Model Home #1-A

Exterior Elevations - left entry with double gable.

Living Space - 609 sq.ft on main level, 991 sq.ft. 3 bedrooms, 2.5 baths, living room, kitchen, dining, covered porch, private patio, 2-car garage plus off-street parking.



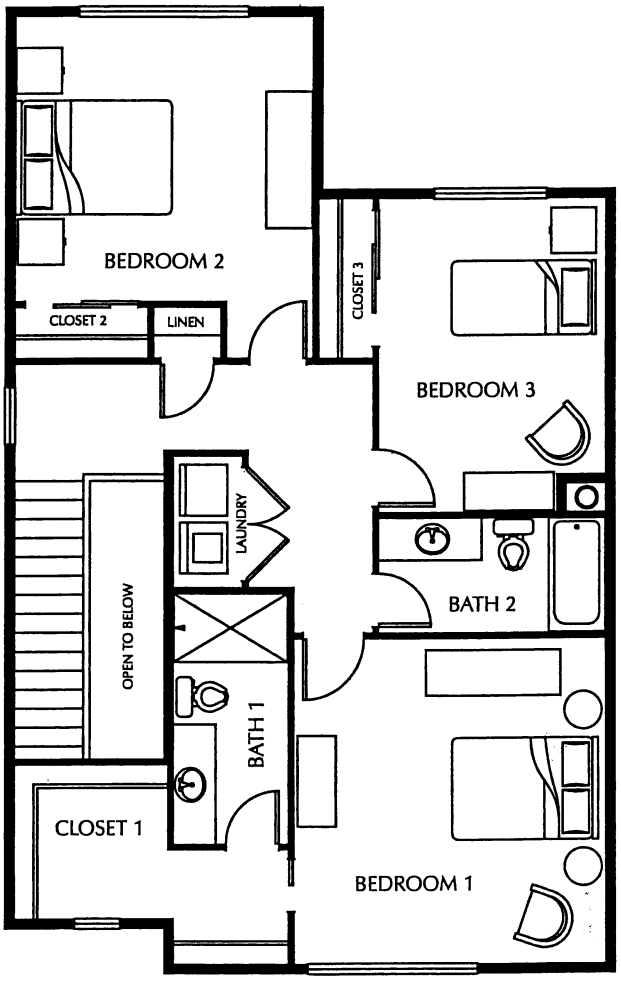


Figure 6

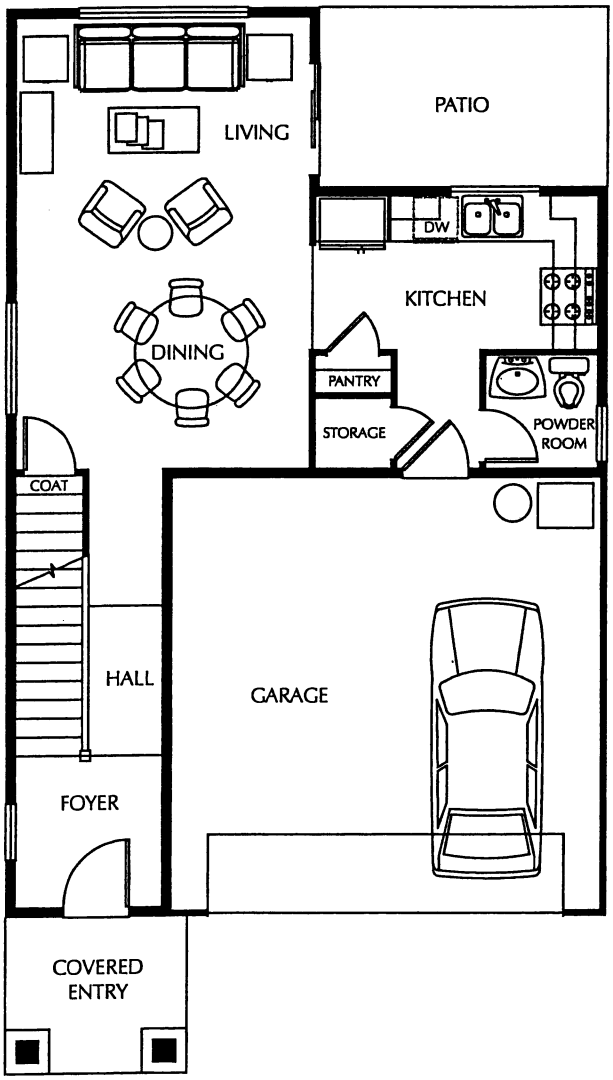
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

Model Home #1-B

Exterior Elevations - left entry with double gable.

Living Space - 609 sq.ft on main level, 1,007sq.ft. 2 bedrooms, 2.5 baths, living room, kitchen, dining, covered porch, private patio, 2-car garage plus off-street parking.



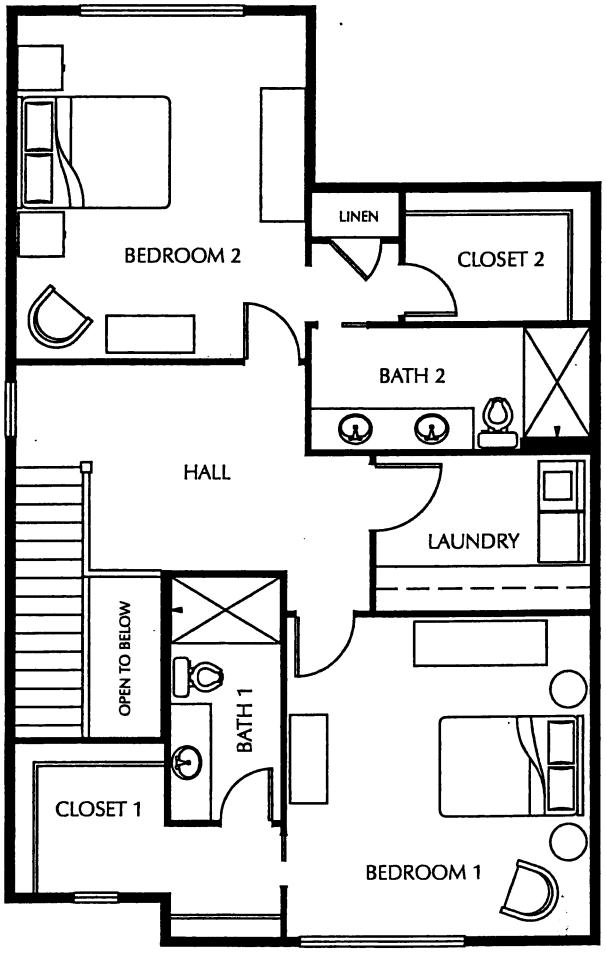


Figure 7

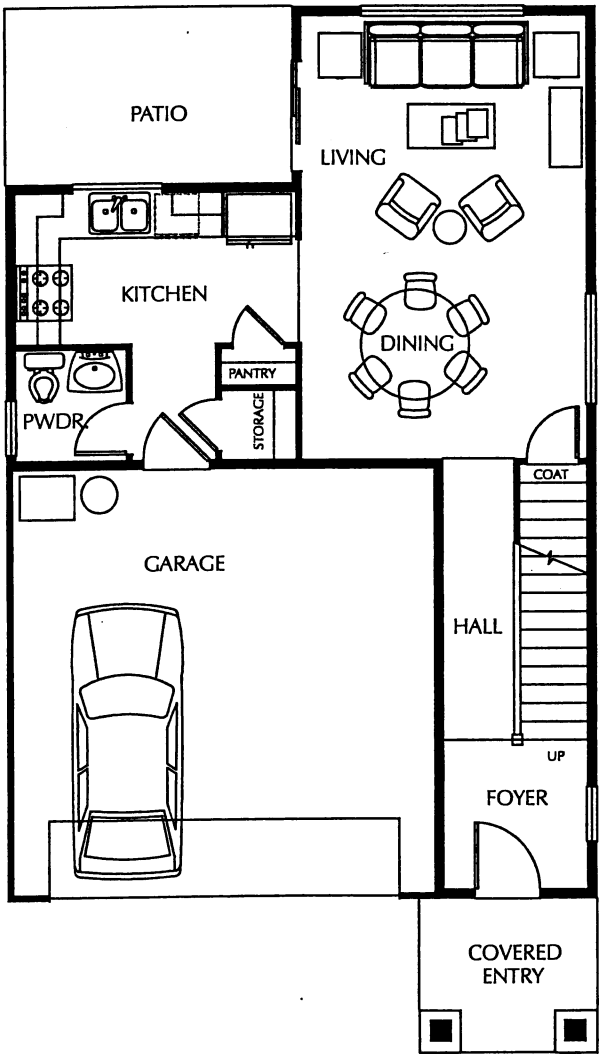
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

Model Home #1-C

Exterior Elevations - right entry with double gable.

Living Space - 609 sq.ft on main level, 991sq.ft. 3 bedrooms, 2.5 baths, living room, kitchen, dining, covered porch, private patio, 2-car garage plus off-street parking.



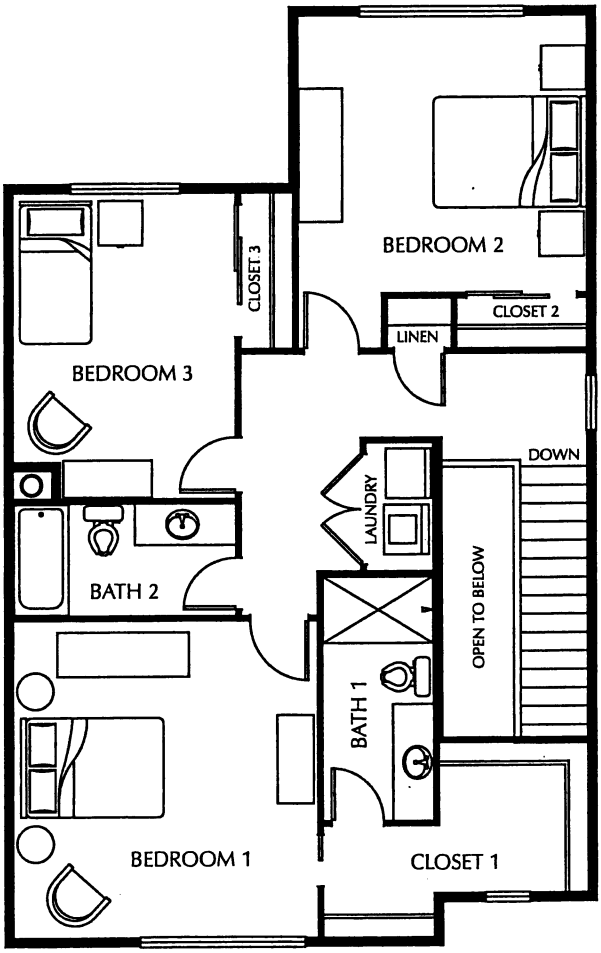


Figure 8

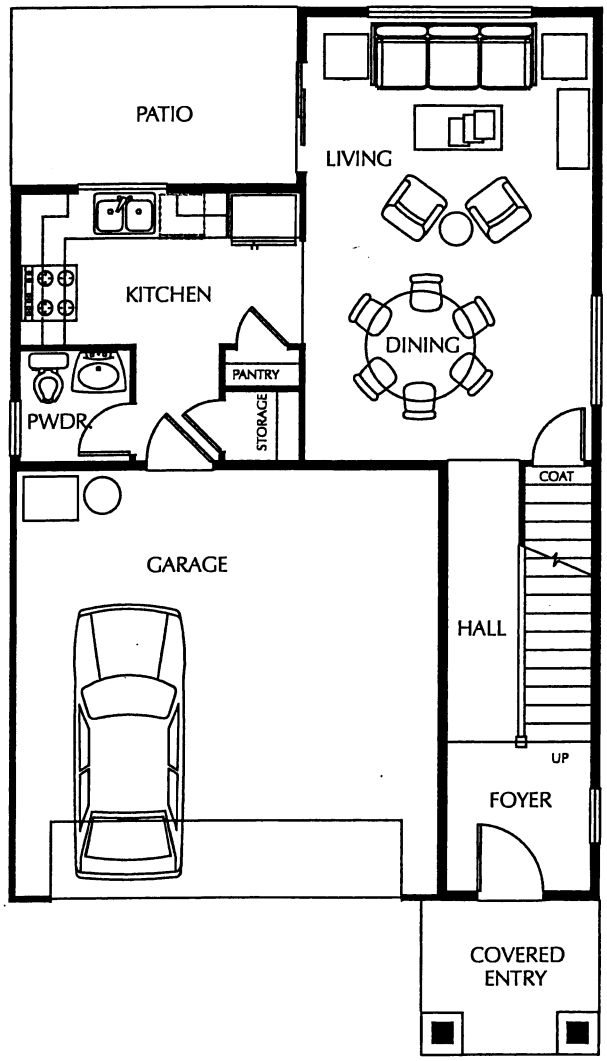
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

Model Home #1-D

Exterior Elevations - right entry with hipped roof.

Living Space - 609 sq.ft on main level, 991sq.ft. 3 bedrooms, 2.5 baths, living room, kitchen, dining, activity room, covered porch, private patio, 2-car garage plus off-street parking.



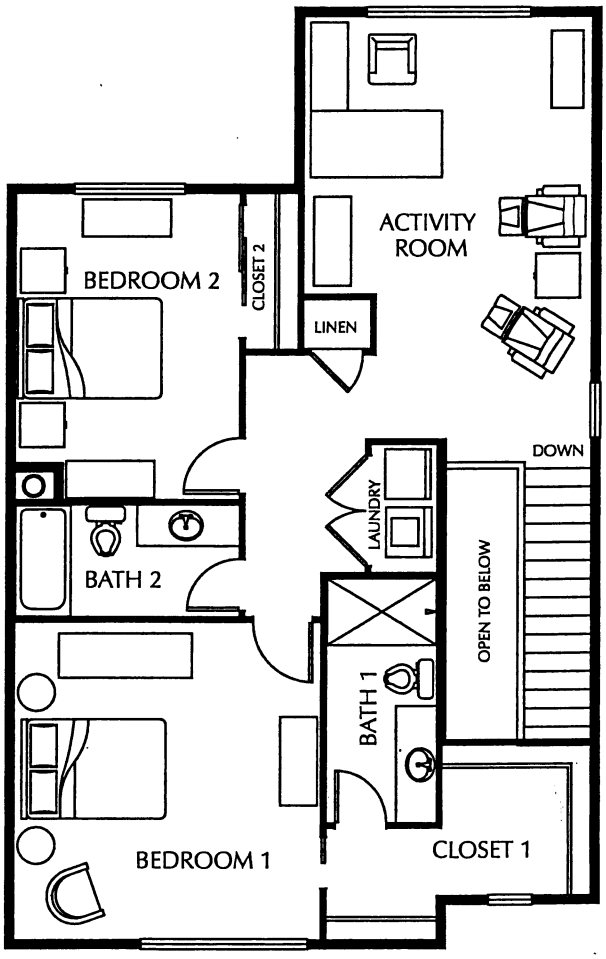


Figure 9

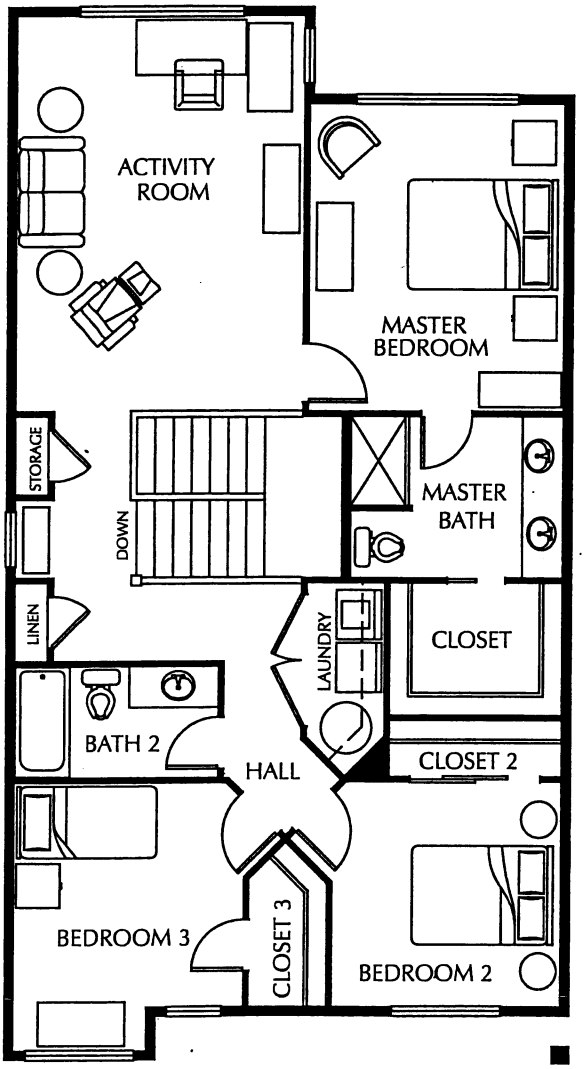
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

Model Home #2

Exterior Elevations - two styles, a left-entry and right-entry version.

Living Space - 640 sq.ft on main level, 1,162 sq.ft. 3 bedrooms, 2.5 baths, living room, kitchen with eating island, dining, activity room, covered porch, private patio, 2-car garage plus off-street parking.



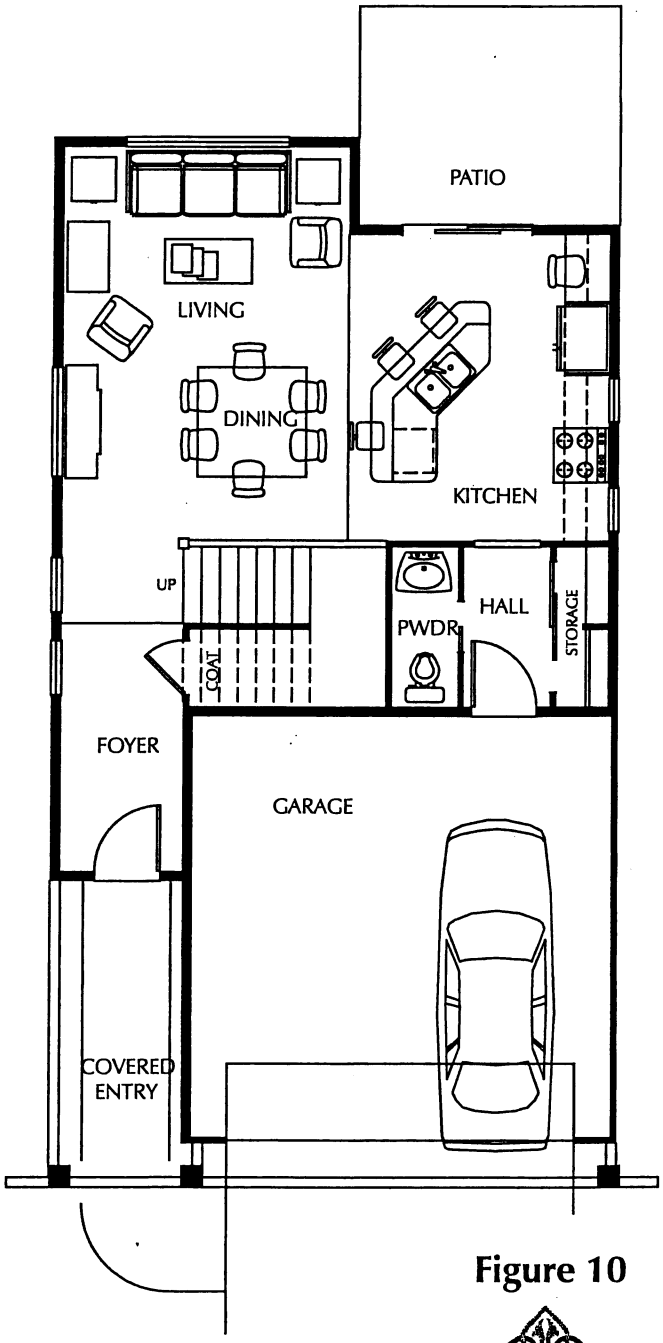


Figure 10

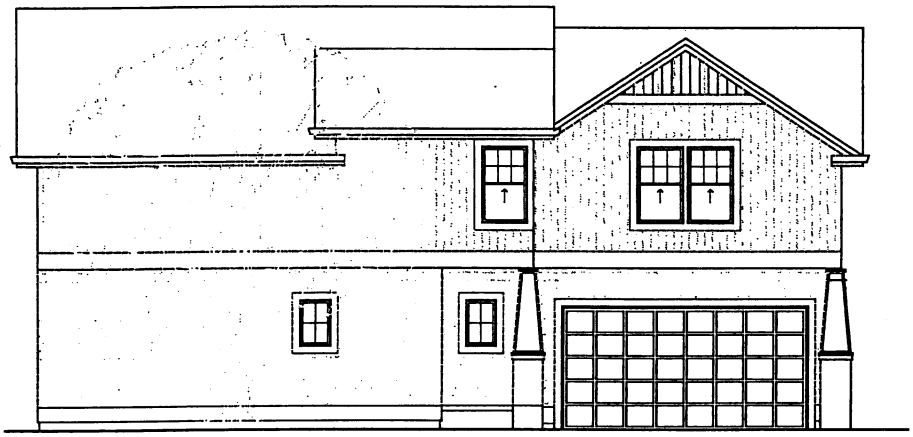
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

Model Home #3-A

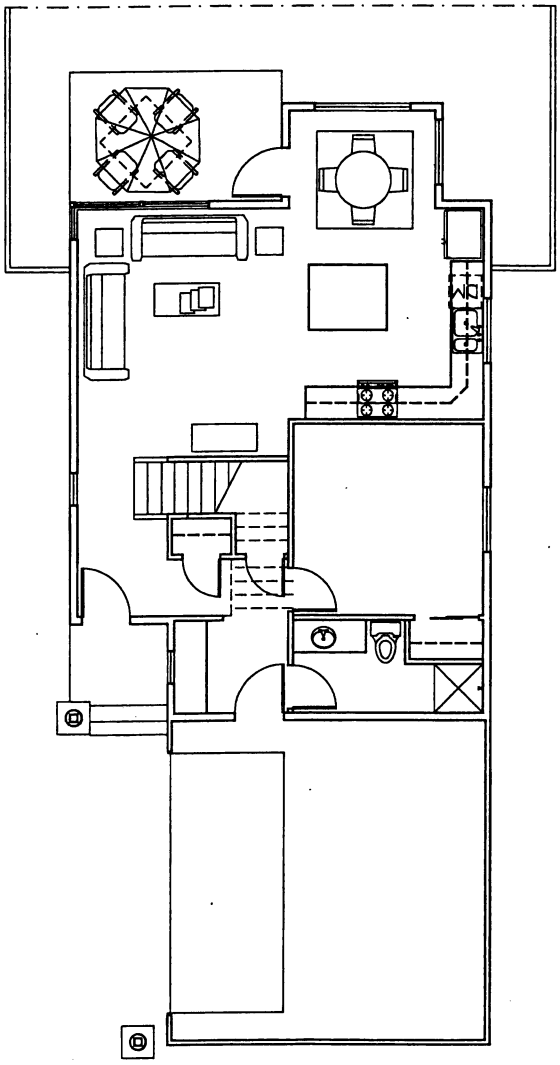
Exterior Elevations - two styles, a left-entry and right-entry version.

Living Space - 856 sq.ft on main level, 832 sq.ft on upper level plus 440 sq. ft. bonus room. 3 bedrooms, 3 baths, living room, kitchen with island, dining, covered porch, private patio, 2-car garage plus off-street parking.



SIDE ELEVATION 'A'

END ELEVATION 'A'



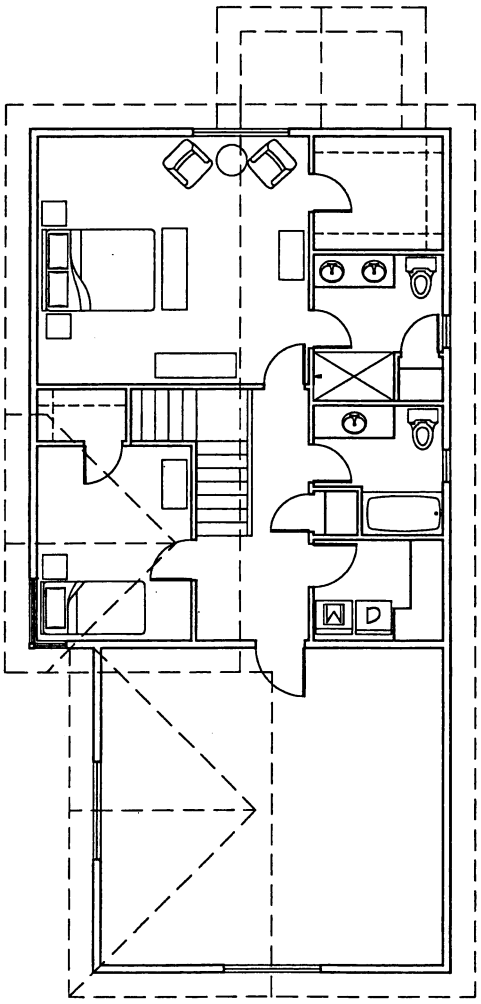


Figure 11

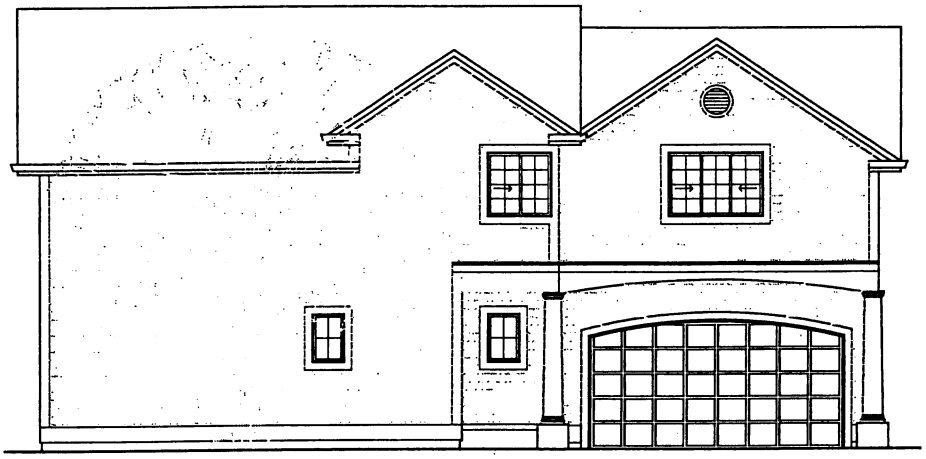
THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

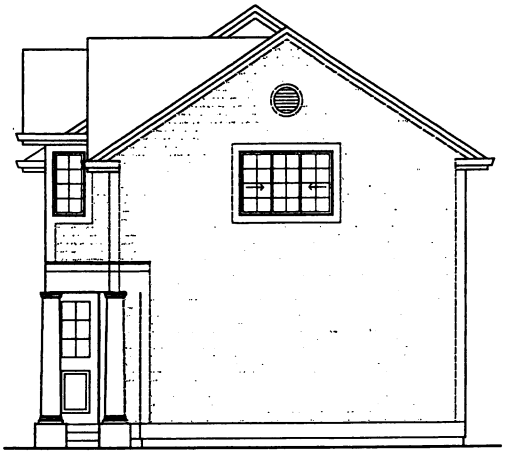
Model Home #3-B

Exterior Elevations - two styles, a left-entry and right-entry version.

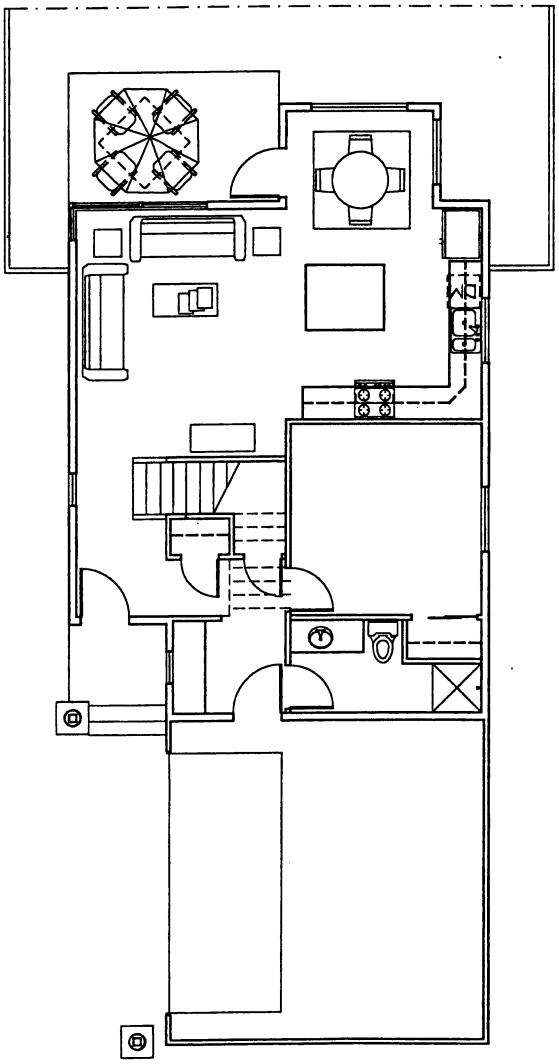
Living Space - 856 sq.ft on main level, 832 sq.ft on upper level plus 440 sq. ft. bonus room. 3 bedrooms, 3 baths, living room, kitchen with island, dining, covered porch, private patio, 2-car garage plus off-street parking.



SIDE ELEVATION 'B'



END ELEVATION 'B'



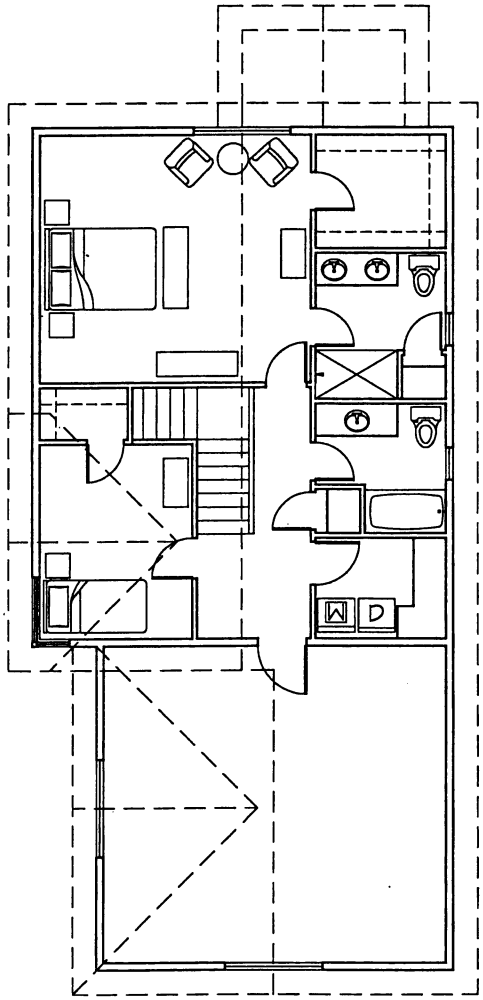


Figure 12

THE COURTYARDS AT SKANSIE PARK

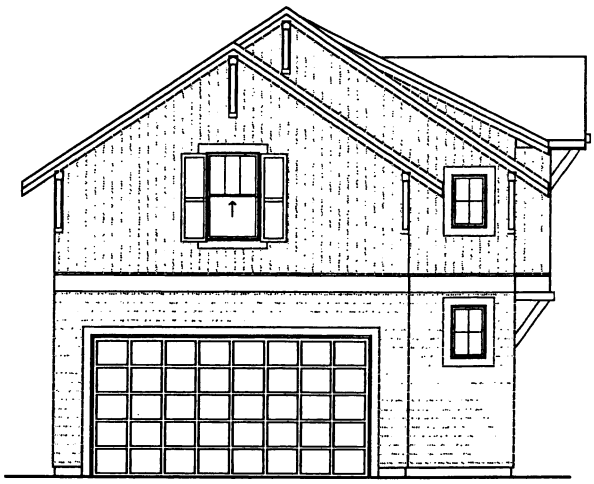
NORTH PACIFIC DESIGN INCORPORATED

Model Home #4-A

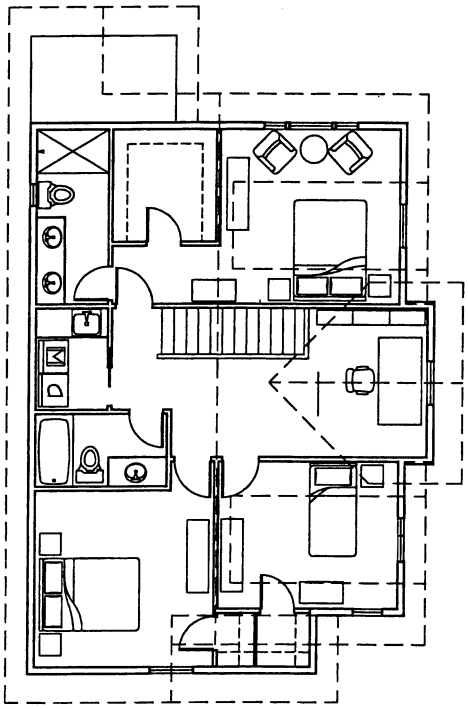
Exterior Elevations - two styles, and mirror versions.

Living Space - 584 sq.ft on main level, 986 sq.ft on upper level. 3 bedrooms, 2.5 baths, living room, kitchen with island, dining, private patio, 2-car garage plus off-street parking.

FRONT ELEVATION 'A'



SIDE ELEVATION 'A'



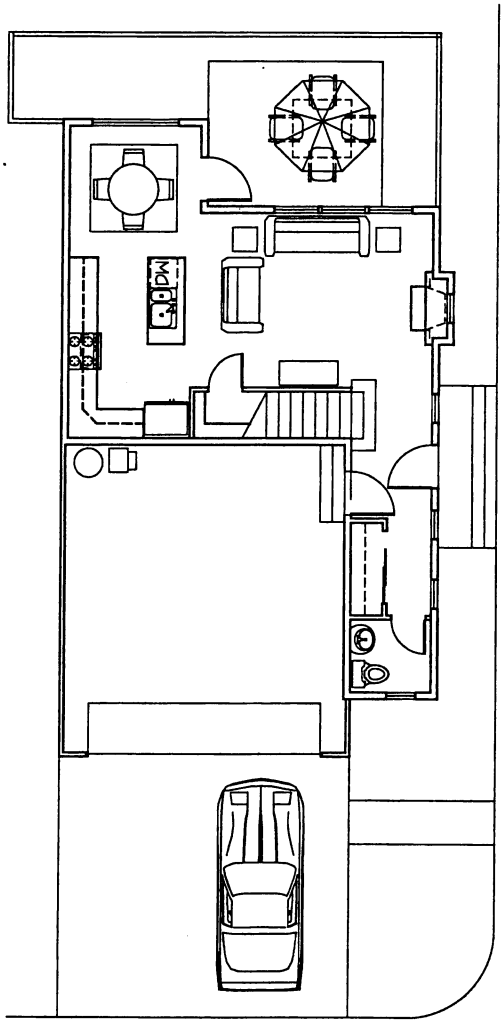


Figure 13

THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

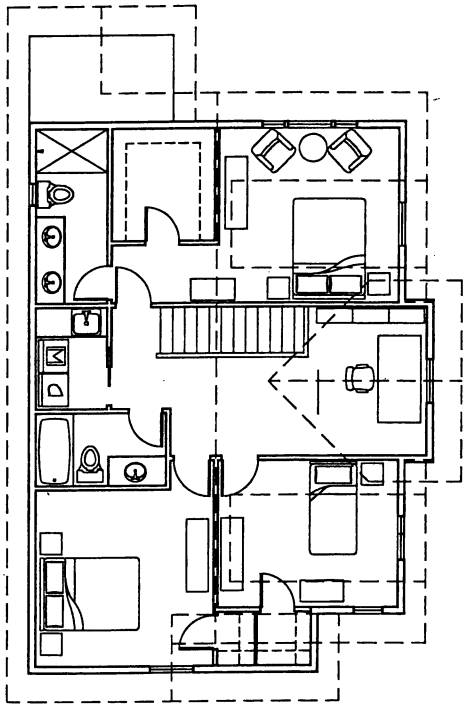
Model Home #4-B

Exterior Elevations - two styles, and mirror versions.

Living Space - 584 sq.ft on main level, 986 sq.ft on upper level. 3 bedrooms, 2.5 baths, living room, kitchen with island, dining, private patio, 2-car garage plus off-street parking.

FRONT ELEVATION 'B'

SIDE ELEVATION 'B'



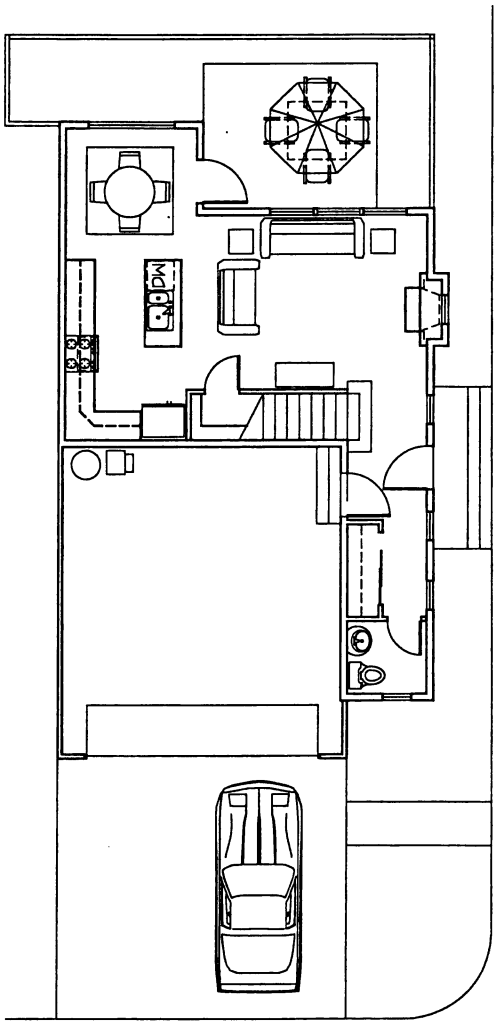


Figure 14

THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

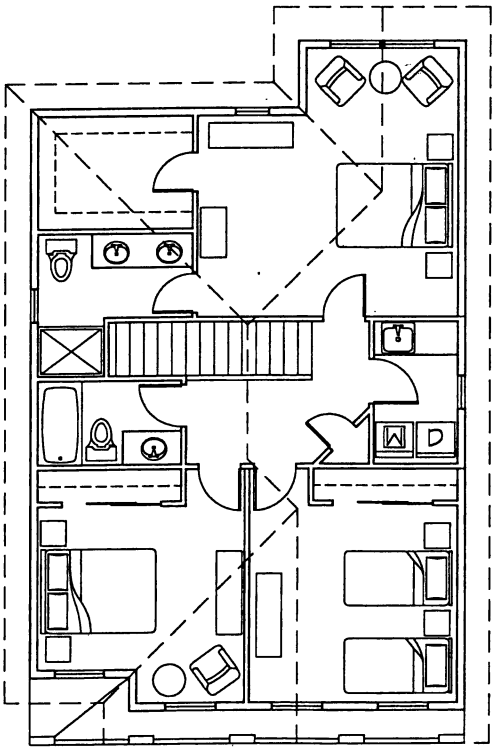
Model Home #5

Exterior Elevations - two styles, a left-entry and right-entry version.

Living Space - 616 sq.ft on main level, 1,072 sq.ft on upper level. 4 bedrooms, 2.5 baths, living room, kitchen, dining room, family room, private patio, 2-car garage plus off-street parking.

FRONT ELEVATION 'A'

FRONT ELEVATION 'B'



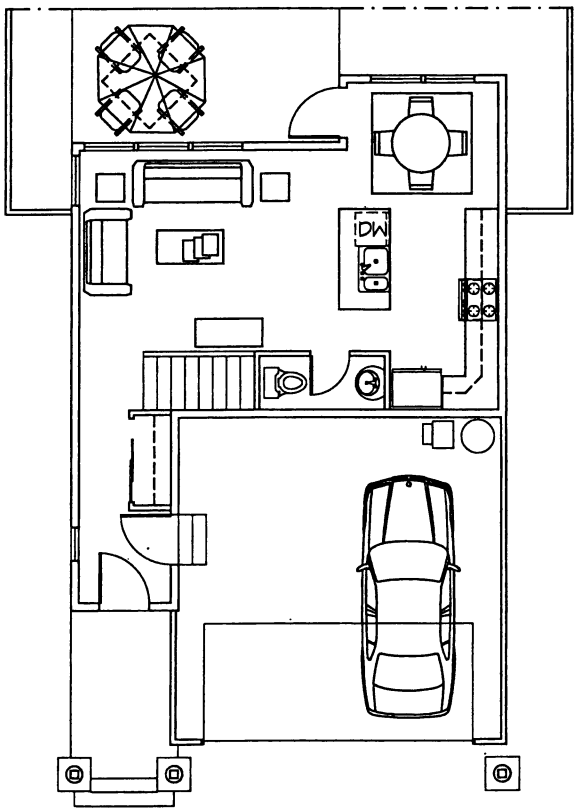


Figure 15

THE COURTYARDS AT SKANSIE PARK

NORTH PACIFIC DESIGN INCORPORATED

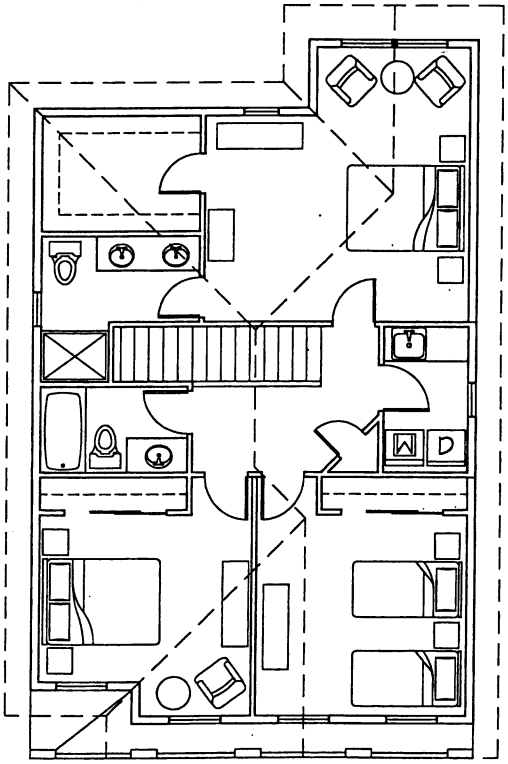
Model Home #6

Exterior Elevations - two styles, a left-entry and right-entry version.

Living Space - 528 sq.ft on main level, 964 sq.ft on upper level. 3 bedrooms, 2.5 baths, living room, kitchen with island, dining, private patio, 2-car garage plus off-street parking.

FRONT ELEVATION 'A'

FRONT ELEVATION 'B'



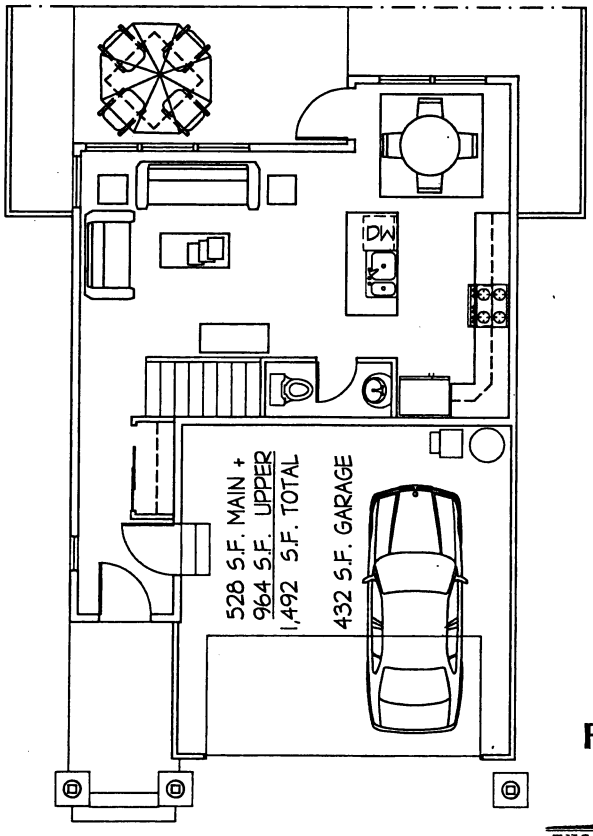


Figure 16

THE COURTYARDS AT SKANSIE PARK

APPENDIX C

SUMMARY OF PLAT DATA

EXHIBIT C-1

Summary of Plat Data

Preliminary Plat of
The Courtyards at Skansie Park

Plat Data

Zoning and Permit Application Process

Zoning District	RB2
Conditional Use allows	12 dwelling units per acre
Outright	8 dwelling units per acre

Parcel Area and Open Space

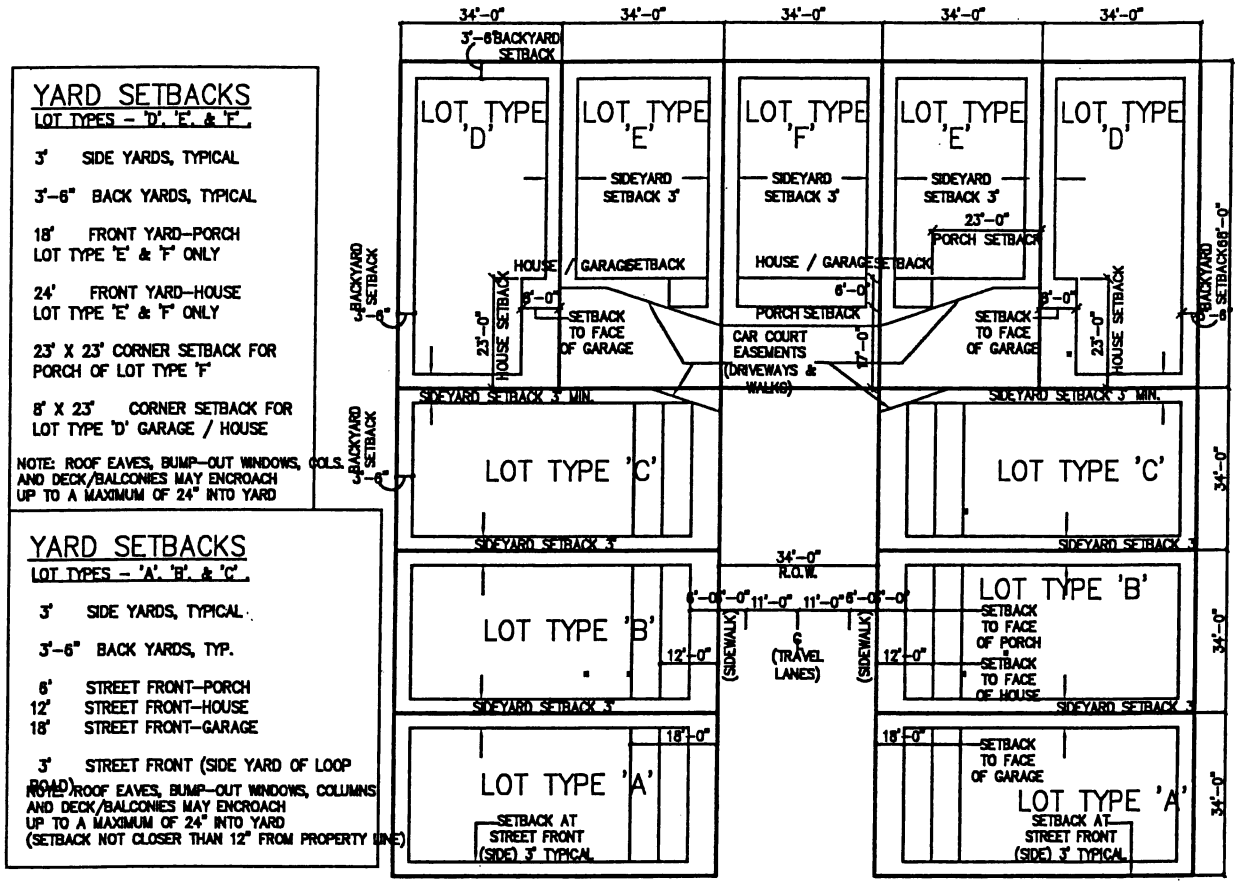
Total Parcel area (18.8 Acres)	818,828 S.F.
Non-Recreation Perimeter Open Space	79,383 S.F.
Active & Passive Recreation Open Space	166,977 S.F.
Total Open Space (30.5% of Gross Site area)	246,380 S.F.

Net Density Calculation

Parcel area (18.8 Acres)	818,828 S.F.
Wetland Area	22,540 S.F.
Road & Right Away Area	145,821 S.F.
Net Area (14.95 Acres)	650,567 S.F.

14.795 acres X 12 units per acre =	177 dwelling units total allowable
Proposed	174 dwelling units

EXHIBIT C-2



TYPICAL SETBACKS FOR LOT TYPES AROUND A TYPICAL COURTYARD

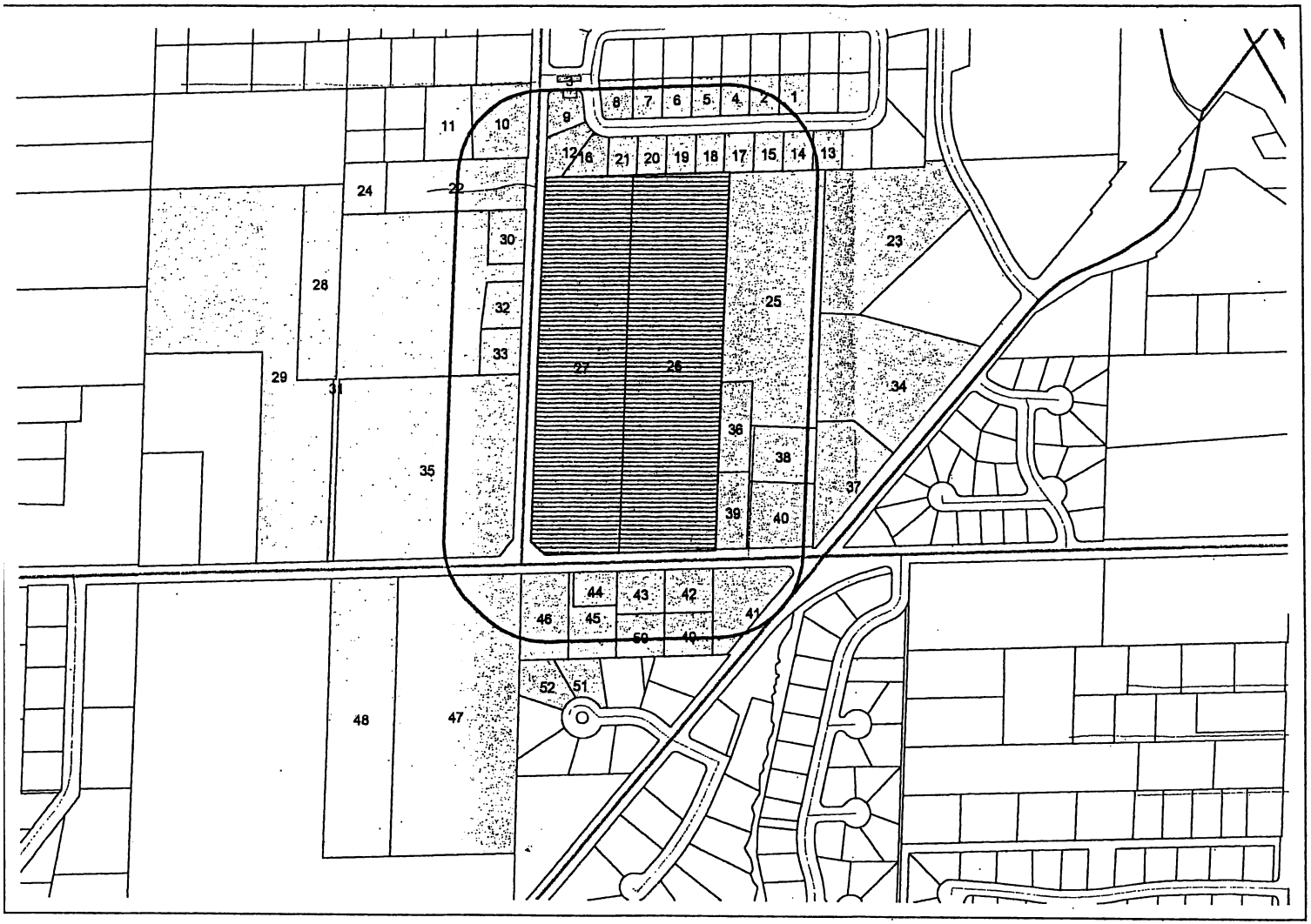
LOT TYPE TABLE	
LOT TYPE	LOT NUMBERS
A	66, 67, 68, 69, 70, 71, 72, 75, 76, 77, 79, 82, 83, 94, 95, 96, 97, 108, 119, 137, 138, 150, 152
B	50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 73, 74, 78, 80, 81, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 98, 99, 100, 109, 110, 117, 118, 120, 121, 123, 126, 130, 131, 135, 136, 139, 140, 147, 148, 149, 151, 153, 154, 159, 165, 166, 168, 169
C	36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49 101, 102, 111, 116, 122, 134, 141, 146, 160, 161, 164
D	1, 5, 6, 10, 11, 15, 16, 20, 21, 25, 26, 30, 31, 35, 103 107, 112, 114, 127, 132, 143, 145, 157, 163, 170, 174
E	2, 4, 7, 9, 12, 14, 17, 19, 22, 24, 27, 29, 32, 34, 104, 106, 113, 115, 128, 130, 133, 142, 144, 156, 162, 171, 173
F	3, 8, 13, 18, 23, 28, 33, 105, 124, 125, 129, 155, 158, 172

APPENDIX D

MAILING LIST
(300-foot radius from site)

Owner Notification - 300 foot buffer

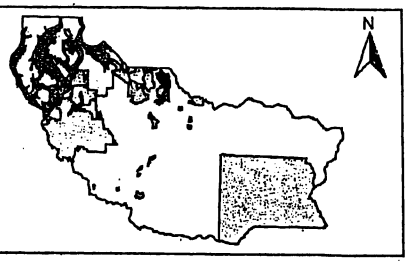
0221074072 / 0221074050



MAP LEGEND

Parcels (Polygon)

Scale 1:4462



THIS IS NOT A SURVEY
We assume no liability.
Assessor's use only.

9:38 Mar 22, 2006

Pierce County
Assessor-Treasurer

FILED
COURT OF APPEALS
DIVISION II

08 MAY 13 PM 2:19

STATE OF WASHINGTON
BY _____
DEPUTY

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

CITY OF GIG HARBOR, a Washington corporation, Appellant, vs. NORTH PACIFIC DESIGN, et al., Respondent.	**Pierce County Superior Court** **NO. 07 02 05289 1** **Court of Appeals** **NO. 36811-1-II** DECLARATION OF SERVICE
NORTH PACIFIC DESIGN, a Washington corporation; and HUNT SKANSIE LAND, LLC, a Washington limited liability company, Petitioners, vs. THE CITY OF GIG HARBOR, a Washington municipal corporation, and JOHN SCHULLER, Respondents.	

CAROL A. MORRIS, declares and states as follows:

1. I am the attorney for the City of Gig Harbor in the above-referenced case.

LAW OFFICE OF CAROL A. MORRIS, P.C.
7223 Seawitch Lane N.W., P. O. Box 948
Seabeck, WA 98380
Tel. 360-830-0328 · Fax 360-850-1099

2. On May 9, 2008, I placed the City's Appellant's Reply Brief, together with the Appendices in the U.S. Mail, postage prepaid, first class, addressed to the following:

Alexander Mackie
Perkins Coie
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099

Sean K. Howe
Cairncross & Hempelmann
524 – 2nd Ave. Ste. 500
Seattle, WA 98104

3. On May 12, 2008, I placed the City's Amended Reply Brief, without the Appendices, in the U.S. Mail, postage prepaid, first class, addressed to the same persons identified above.

I declare that the above is true and correct under penalty of perjury under the laws of the State of Washington.

5-12-08
Gig Harbor
Date and Place

Carol A. Morris

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