AGENDA
GIG HARBOR CITY COUNCIL MEETING
Monday, June 26, 2023 – 5:30 p.m.
Council Chambers

This meeting may also be accessed through Zoom at https://zoom.us/j/93216056382 or by calling (253) 215-8782 and entering Meeting ID 932 1605 6382. Please see the Public Comment & Decorum section at the end of this agenda for information on options to make public comment.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

LAND ACKNOWLEDGMENT

Before we begin this Council Meeting we would like to recognize that we are gathered on not only the ancestral and traditional lands of the sxʷəbabcˇband of the Puyallup Tribe of Indians, but also on the site of one of the largest and longest standing historic villages of their people, the original inhabitants of the Gig Harbor area.

CHANGES TO THE AGENDA

PUBLIC COMMENT ON CONSENT AGENDA ITEMS AND ITEMS NOT ON THE AGENDA

CONSENT AGENDA

1. **City Council Minutes**

   Documents:

   City Council Minutes - June 12, 2023.pdf
   City Council Study Session Minutes - June 15, 2023.pdf

2. **Appointment of Robert Soltess and Loreto Tessicini to the Planning Commission**

   Documents:

   AGENDA BILL Planning Commission Appointments.pdf

3. **Purchase Authorization for 5-Yard Dump Truck and Stainless Sander**

   Documents:

   AGENDA BILL Dump Truck Pruchase Authorization.pdf

4. **Professional Services Contract with Carollo Engineers, Inc.,**

for Well #9 Development and Water Rights Processing

Documents:

AGENDA BILL Well No 9.pdf

5. **Land Use Hearing Examiner Services Agreement**

Documents:

AGENDA BILL Hearing Examiner Agreement.pdf

6. **Approval of Vouchers**

Check numbers 100738 through 100889 and ACH payments are approved for payment in the amount of $749,851.28.

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

Documents:

Department Update - June 21, 2023.pdf

BUSINESS ITEMS

1. **Public Hearing: Resolution 1283 Adopting 2024-2029 Six-Year Transportation Improvement Program (TIP)**

Suggested Motion: Move to approve Resolution 1283.

a) Report: City Engineer Aaron Hulst

b) Clarifying questions from council

c) Public comment

d) Council deliberation and action

Documents:

AGENDA BILL Resolution 1283.pdf

2. **Resolution 1281 Amending the Wastewater Comprehensive Plan by Revising the Sewer Collection Basin #14 Discharge Location Into Basin #21**

Suggested Motion: Move to approve Resolution 1281.

a) Report: Public Works Director Jeff Langhelm

b) Clarifying questions from council

c) Public comment

d) Council deliberation and action

Documents:

AGENDA BILL Resolution 1281.pdf

3. **Agreement with FISH Food Bank for Human Services Grant**

Suggested Motion: Move to authorize the mayor to execute an agreement with FISH Food Bank for a human services grant in an amount not to exceed $50,000.

a) Report: Public Works Director Jeff Langhelm

b) Clarifying questions from council

c) Public comment

d) Council deliberation and action

Documents:

AGENDA BILL Agreement with FISH Food Bank.pdf

4. **Amendment #1 to the Professional Services Contract with Peninsula Financial Consulting for the Utility Rate Study.**

Suggested Motion: Move to authorize the mayor to sign Amendment #1 to the professional services contract with Peninsula Financial Consulting for utility rate analyses in an amount not to exceed $12,300.

a) Report: Public Works Director Jeff Langhelm

b) Clarifying questions from council

c) Public comment

d) Council deliberation and action

Documents:

AGENDA BILL PSC Amendment for Tiered Water Rates.pdf

5. **First Reading and Adoption of Ordinance 1514 Relating to the City's Criminal Code; Amending Section 9.26.070 of the Gig Harbor Municipal Code to Adopt by Reference RCW 7.105 Relating to Protection Orders**

Suggested Motion: Move to approve Ordinance 1514.

a) Report: Police Chief Kelly Busey

b) Clarifying questions from council

c) Public comment

d) Council deliberation and action

Documents:

AGENDA BILL Ordinance 1514.pdf

COUNCIL REPORTS / COMMENTS

ANNOUNCEMENT OF UPCOMING MEETINGS

Documents:

Upcoming City Meetings.pdf

ADJOURN

PUBLIC COMMENT & DECORUM

The City Council desires to allow a maximum opportunity for public comment. However, the business of the City must proceed in an orderly, timely manner. The purpose of a Council meeting is to conduct the City's business; it is not a public forum.

Speakers will be allotted 3 minutes per individual, unless revised by the Mayor. In-person comments shall be made from the microphone, first giving the speaker's name and address. When there are 30 seconds remaining, a yellow light will alert you to summarize your comments. At the end of your comments, the light will turn red and you will hear a beep signifying the end of your comment period. Anyone making "out of order" comments may be subject to removal from the meeting.

Public comment may be made remotely via Zoom or by phone during designated portions of the meeting. To speak during the meeting, press the Raise Hand button near the bottom of your Zoom window or press *9 on your phone. Please refrain from raising your hand until the Mayor has announced that she has opened the public comment portion of the meeting. Your name or the last three digits of your phone number will be called out when it is your turn to speak. When using your phone to call in, you may need to press *6 to unmute yourself. All speakers will have up to three minutes to speak.

Instead of making oral comment, written comments may be submitted to the City Council at mayorandcouncil@gigharborwa.gov.

All remarks shall be addressed to the Council as a body and not to any specific councilmember. All speakers shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities or indulge in derogatory remarks or insinuations with regard to any councilmember, the Mayor, or any member of the staff or the public.

There will be no demonstrations during or at the conclusion of any public comment. These guidelines are intended to promote an orderly system of holding a public meeting, to give every person an opportunity to be heard and to ensure that no individuals are embarrassed by voicing their opinions.

AMERICANS WITH DISABILITIES (ADA) ACCOMMODATIONS

ADA accommodations can be provided upon request. Those requiring special accommodations should contact the City Clerk at cityclerk@gigharborwa.gov or (253) 853-7613 at least 24 hours prior to the meeting.

MINUTES FOR GIG HARBOR CITY COUNCIL MEETING
Monday, June 12, 2023 – 5:30 p.m.
Council Chambers

CALL TO ORDER / ROLL CALL: Mayor Markley called the meeting to order at 5:30 p.m. Councilmembers Barber, Henderson, Lykins, Martin, Rodenberg, and Woock were present. Councilmember Storset was excused.

PUBLIC COMMENT ON CONSENT AGENDA ITEMS AND ITEMS NOT ON THE AGENDA: Jackie Jones-Hook and Carissa Burgess spoke about the Buffalo Soldiers Museum. Madelyn Hunter commented on the upcoming Pride in the Park event. Miriam Battson commented on a successful Maritime Gig Festival.

CHANGES TO THE AGENDA: Business item number two was removed from the agenda.

CONSENT AGENDA:

1. City Council Minutes: City Council Minutes - May 22, 2023; City Council Study Session Minutes - May 25, 2023
2. Approval of Opioid Abatement Council Interlocal Agreement
3. Wilkinson Farm House Lease Amendment #3
4. ~~Masonic Lodge Lease Agreement – Amendment #4~~ (Removed from consent agenda by Councilmember Woock)
5. Resolution 1280 Adopting the City of Gig Harbor Two-Year Strategic Plan 2023-24
6. Approval of Vouchers - Check numbers 100602 through 100737 and ACH payments approved for payment in the amount of $1,080,249.72.
7. Approval of Payroll - Check numbers 8388 through 8389 and direct deposit transactions in the total amount of $542,389.25.

MOTION: Move to approve the consent agenda (Barber/Lykins).
VOTE: Unanimously approved.

Masonic Lodge Lease Agreement – Amendment #4

MOTION: Move to authorize the mayor to execute an amendment to the existing lease agreement with the Gig Harbor Cooperative Preschool for use of the Masonic Lodge (Rodenberg/Henderson).
VOTE: Motion passed 4-2; Councilmembers Lykins and Woock opposed.

PRESENTATIONS: Mayor Markley presented a Community Development Week Proclamation to Community Development Director Carl de Simas.

MAYOR'S REPORT: Mayor Markley reported on the Gig-A-Byte podcast and legislative changes to utility shutoffs during extreme weather.

CITY ADMINISTRATOR'S REPORT: City Administrator Katrina Knutson reported on the Juneteenth holiday, pride month, the strategic plan and the fireworks ban.

COUNCIL REPORTS / COMMENTS: Councilmembers Barber, Woock and Lykins commented on pride month.

MOTION: Move to direct the mayor to prepare a resolution adopting a policy to display the pride flag in council chambers during the month of June starting in 2024 for consideration at the June 26 council meeting (Woock/Martin).

AMENDMENT: Move to amend the motion to direct the mayor to prepare a resolution adopting a flag policy for all flags, including to display the pride flag in council chambers during the month of June starting in 2024 (Lykins/Rodenberg).

VOTE: Unanimously approved.

VOTE: Unanimously approved as amended.

Councilmember Woock reported on the Pierce County Climate Conversation and Jeni Listens. Councilmember Martin thanked planning staff for their work on the comprehensive plan update. Councilmember Rodenberg reported on attending the farmers' market.

BUSINESS ITEMS

1. **Public Hearing: First Reading of Ordinance 1513 Related to Creation of Historic Preservation Commission** – Community Development Director Carl de Simas introduced the ordinance.

   Public hearing: There were no public comments.

   MOTION: Move to approve Ordinance 1513 (Barber/Lykins).
   VOTE: Motion passed, 5-0; Councilmember Rodenberg abstained.

2. ~~**Resolution 1281 Amending the Wastewater Comprehensive Plan by Revising the Sewer Collection Basin #14 Discharge Location Into Basin #21**~~

3. **Resolution 1282 Amending the Wastewater Comprehensive Plan by Revising the Sewer Collection Basin Boundary Between Sewer Collection Basins #2 and #3 –** Public Works Director Jeff Langhelm introduced the resolution.

   MOTION: Move to approve Resolution 1282 (Woock/Henderson).
   VOTE: Unanimously approved

4. **Professional Service Contract Amendment #4 Award for Public Works Operations Center Building** - Public Works Director Jeff Langhelm introduced the amendment.

   MOTION: Move to approve and authorize the mayor to execute the Construction Support Services Contract Amendment #4 with Lawhead Architects in the amount of $ 20,000 (Lykins/Woock).

VOTE: Unanimously approved

ADJOURN: The meeting adjourned at 6:42 p.m.

Joshua Stecker, CMC
City Clerk

MINUTES
GIG HARBOR CITY COUNCIL STUDY SESSION
Thursday, June 15, 2023 – 3:00 p.m.
Community Rooms

CALL TO ORDER / ROLL CALL: Mayor Markley called the meeting to order at 3:01 p.m. Councilmembers Barber, Henderson, Lykins, Rodenberg, and Woock were present. Councilmembers Martin and Storset were excused.

DISCUSSION ITEMS:

Planning Commission Appointee Introductions – Mayor Markley introduced planning commission appointees Robert Soltess and Loreto Tessicini.

Employee Survey Presentation – Insightlink Consultant Marilyn Mitchell reviewed the results of September 2022 employee survey.

Climate Action Plan Update - Senior Planner Roxanne Robles, along with Cascadia Consulting staff Gretchen Muller, Alyssa Rodriguez, and Jenna Decker provided an update on the progress of the Climate Action Plan.

CIP Update - Public Works Director Jeff Langhelm provided an update on capital projects currently underway and introduced the new capital projects storymap.

FlashVote Parks Funding Survey Results - City Clerk Josh Stecker reviewed the results of the recent parks funding survey.

Update on Advisory Board Membership - City Clerk Josh Stecker reported on advisory board membership status. Council expressed concurrence to allow any board members who do not meet residency requirements to serve out the remainder of their terms.

Flag Display Policy - City Administrator Katrina Knutson presented drafted code provisions to adopt a flag policy. Council expressed concurrence to bring the code revisions forward as an ordinance for adoption.

ADJOURN: The meeting adjourned at 6:02 p.m.

Joshua Stecker, CMC
City Clerk

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Appointment of Robert Soltess and Loreto Tessicini to the Planning Commission

SUBMITTED BY: Josh Stecker
DEPARTMENT: Administration **PHONE:** 853-7613

SUGGESTED MOTION: Move to confirm the appointment of Robert Soltess and Loreto Tessicini to the planning commission with terms expiring June 30, 2027.

BACKGROUND INFORMATION: Based on their qualifications, the mayor intends to appoint Robert Soltess and Loreto Tessicini to the planning commission.

FISCAL CONSIDERATION: None.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS: None.

STRATEGIC PLAN PRIORITY: Foster a healthy City organization

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Purchase Authorization for 5-Yard Dump Truck and Stainless Sander

SUBMITTED BY: Jeff Olsen, Public Works Superintendent
DEPARTMENT: Public Works/Operations **PHONE:** 253-851-8406

SUGGESTED MOTION: Move to authorize the Finance Department to issue a purchase order to Pape' Kenworth for the purchase of 2024 5-Yard dump truck, in an amount not to exceed $167,954.00 and issue a purchase order to Northend Truck Equipment Inc., for the purchase of a dump body and sander in an amount not to exceed $145,212.23.

BACKGROUND INFORMATION: The city's 2023-2024 budget includes funds for the replacement of a 5-yard dump truck and the addition of a 10 ft plow and hydraulics system along with a new stainless-steel sander. The current sanders are badly worn and rusted causing extensive down time for repairs. The dump truck will be provided from Pape' Kenworth and the dump body, hydraulics and sander will be added by Northend Truck Equipment.

The pricing for the equipment is provided through WA State DES Contract pricing (Contracts 03920 & 01117):

Vendor	Total Quote Amount
Pape' Kenworth	$167,954.00
Northend Truck Equipment Inc.	$145,212.23

FISCAL CONSIDERATION: The dump truck purchase is funded in the 2023-2024 Parks, Streets, Water and Storm Capital Equipment budgets ($250,000) and a V-Box Sander is funded in the Streets Capital Equipment budget ($30,000).

Expenditure Required:	Amount Budgeted:	Appropriation Required:
$313,166.23	$280,000	$0

Sufficient funds exist in the capital equipment budgets to cover the overage due to budget savings on the side mower purchased earlier this year ($58,365.95).

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS: Quotations dated 5/11/2023 & 6/9/2023

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities.

Aberdeen (#21)
120 South Maple St.
Aberdeen, WA 98520
360-533-3356

Purchase Agreement

Billing Address:
City of Gig Harbor
3510 Grandview Street
Gig Harbor, Washington 98335

Prepared For: Jeff Bayne

Quote Number:
Today's Date: May 11, 2023
Quote Expiration: August 9, 2023
Payment Terms: Payment on Delivery

Dear Jeff Bayne,

Papé Kenworth is pleased to submit the following purchase agreement to City of Gig Harbor for the items described below. Please also see our terms and conditions at the end of this document.

Item No.	Truck Description	Qty	Unit Price	Extended Price
0000810	2024 Kenworth T880 – Specs Attached	1	$153,973.00	$153,973.00
	Taxes - State Sales Tax			$13,981.00
	Additional Fees - WA State DES Contract No. 03920			
			TOTAL NET AMOUNT	**$167,954.00**

We will be pleased to firm up delivery times upon receipt of your purchase order. Please reference quote number when replying to us.

We trust that this purchase agreement meets your needs and appreciate the opportunity to partner with City of Gig Harbor. Please do not hesitate to call me if you have any questions.

For Financing please contact Brent Thurman at (206) 651-2031.

Sincerely,

_____

Austin Baker
Territory Manager

e: abaker@papekenworth.com
p: (360) 660-5520

I accept this Purchase Agreement and acknowledge that this is a firm order.

_____

Jeff Bayne

Terms and Conditions

TERMS AND CONDITIONS OF SALE: Sales Orders are based on the terms and conditions stated herein. Unless otherwise provided on the face hereof, offers are good for acceptance for a period of 30 days from the date hereof. An order by the Buyer shall constitute an acceptance of the terms and conditions herein proposed. If, and only if, no offer of sale is issued by Seller, then the invoice shall be deemed: an acceptance of the Buyer's order; a written confirmation; and a final, complete, and exclusive written expression of the agreement between Seller and Buyer. Buyer is hereby notified that additional or different terms from those contained herein are objectionable.

1. **Prices.** Prices quoted by Papé Kenworth are subject to change without notice. Papé Kenworth's prices in effect at the date of delivery will govern.

2. **Taxes.** Buyer shall pay all local, state, and federal taxes arising from or related to any sale or lease to which this document relates, except for taxes upon or measured by net income of Seller.

3. **Delivery.** Stated or promised delivery dates are estimates only based upon Seller's best judgment and Seller shall not be responsible for deliveries later than promised regardless of the cause. Delivery periods are projected from the date of receipt of any order by Seller, but if equipment to be furnished by Seller is to be manufactured specifically to fill a particular order, delivery periods will be projected from the date of Seller's receipt of complete manufacturing information. If the furnishing of equipment on orders accepted by Seller is hindered or prevented by public authority or by the existence of war or other contingencies, including, but not limited to, shortage of materials, fires, labor difficulties, accidents, delays in manufacture or transportation, acts of God, embargoes, inability to ship, inability to insure against war risks or substantially increased prices or freight rates, or other causes beyond Seller's control, the obligation to fill or complete such orders shall be excused by Seller's option.

4. **Transportation and Claims.** Prices quoted are net F.O.B. point designated in writing by Seller. When no F.O.B. point is designated in writing by Seller, prices for new equipment shall be deemed to be net F.O.B. point of manufacture and prices for all other equipment shall be deemed to be F.O.B. Seller's place of business at which the order for the equipment is accepted. Seller's responsibility for the equipment shall cease and all risk of loss shall become the Buyer's upon delivery of the equipment to the first carrier for shipment to the Buyer or his consignee, even though such delivery shall be made prior to the arrival of the equipment at the F.O.B. point designated, and any and all claims for shortages, deliveries, damages or non-delivery must be made by the Buyer or his consignee to the carrier. Seller shall in no event be responsible for shortages in shipments unless notice of such shortage is given in writing to Seller within 15 days after receipt of shipment.

5. **Payment and Security.** Buyer agrees to pay in full for the equipment at time of delivery. Buyer agrees to pay the late charge on any past due balance at the rate of 18% per annum. The signatory warrants that he/she has authority to execute this order on behalf of any party for whom he/she signs, and that such party has the power to enter into this agreement and perform its terms. As security for all of Buyer's obligations to Seller, Buyer grants to Seller a security interest in the equipment and authorizes Seller to file all documents necessary to perfect Seller's security interest. The security interest granted hereunder is in addition to any other rights available to Seller, and Seller shall have all of the rights and remedies available to a secured party under the Uniform Commercial Code, all of which are cumulative. Throughout the duration of Seller's security interest. Buyer shall keep the equipment fully insured against theft and loss or damage by fire and other casualty as Seller may from time to time require in accordance with such terms as Seller may require.

6. **Buyer to Furnish.** Performance by Seller is subject to the Buyer furnishing a satisfactory credit rating certificate, letter of credit, evidence of financing, or any other similar papers necessary for the satisfactory completion of such order.

7. **Assignment**. The right to any monies due or to become due hereunder may be assigned by Seller, and Buyer, upon receiving notice of such assignment, shall make payment as directed.

8. **Limitations of Warranties.** If "NEW" warranty is indicated on the reverse side or if new equipment is purchased hereunder, all warranties are strictly given only by the manufacturer. Copies of manufacturer's warranty can be obtained from Seller. If "USED" warranty is indicated on the reverse side. Seller hereby warrants to Buyer that the equipment or components thereof designated on the reverse side, shall be free under normal use and service from defects in material and workmanship for the period shown, commencing on the date of delivery. Buyer's exclusive remedy for breach of the limited warranty shall be the repair or replacement of the warranted equipment without charge to Buyer when returned at Buyer's expense to the Seller's facility where the equipment was purchased, with proof of purchase. Buyer must give notice of any warranty claim not later than 7 days after the expiration of the warranty period and must return the equipment to Seller for repair or replacement no later than 30 days after expiration of the warranty period. Any action against Seller for breach of the limited warranty must be commenced within one year after the date of delivery of the equipment. Seller's warranty does not extend to any defect, claim, or damage attributable to the failure to operate and/or maintain the equipment in accordance with the manufacturer's specifications, or due to the failure to operate or maintain the equipment in accordance with any recommendations of Seller. If "AS IS" is indicated on the reverse side, no warranty of any kind is being given and the equipment is being sold with all faults. THE WARRANTIES IN THIS PARAGRAPH AND ON THE REVERSE SIDE ARE THE EXCLUSIVE WARRANTIES GIVEN BY SELLER AND SUPERSEDE ANY PRIOR. CONTRARY, OR ADDITIONAL REPRESENTATIONS, WHETHER ORAL OR WRITTEN. SELLER HEREBY DISCLAIMS AND EXCLUDES ALL OTHER WARRANTIES, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND ANY IMPLIED WARRANTIES OTHERWISE ARISING FROM COURSE OF DEALING OR USAGE OF TRADE. SELLER SHALL NOT BE LIABLE FOR ANY LOSS, INJURY, OR DAMAGE TO PERSONS OR PROPERTY RESULTING FROM THE FAILURE OR DEFECTIVE OPERATION OF THE EQUIPMENT; NOR WILL SELLER BE LIABLE FOR DIRECT, INDIRECT, SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES OF ANY KIND SUSTAINED FROM ANY CAUSE. This exclusion applies regardless of whether such damages are sought for breach of warranty, breach of contract, negligence, or strict liability in tort or under any other legal theory.

9. **Notice.** This paragraph shall serve as notice that The Papé Group, Inc. has assigned its rights to sell its rental equipment (as may be described in this sales order) and its rights to sales proceeds (including "trade-in assets" related thereto) to North Star Deferred Exchange as part of an IRC Sec. 1031 exchange.

10. **Attorneys Fees.** In the event suit or action is instituted against Buyer on account of or in connection with or based upon the terms hereof, the Buyer agrees to pay, in addition to the costs and disbursements provided by law, such sum as the court may adjudge reasonable attorney's fees in both the trial and appellate courts, or in connection with any bankruptcy proceeding.

11. **Entire Agreement.** The foregoing and any addendum shall constitute the complete and exclusive agreement between the parties, and it is expressly understood and agreed that no promises, provisions, terms, warranties, conditions, guarantees, or obligations whatsoever, either expressed or implied, other than as herein set forth or provided for shall be binding on either party. Each party may transmit its signature by facsimile to the other party and such facsimile signatures shall have the same force and effect as an original signature.

I have read, understand, and am bound to these Terms and Conditions.

Quote# 0692023GH
06/09/2023

Price Quotation For

Northend Truck Equipment Inc.
A OSW Conpany
20812 Broadway Ave
Snohomish, WA 98296
Ph: 425-483-9863
Visit Our Web Site - www.northendtruck.com

City of Gig Harbor
3510 Grandview St.
Gig Harbor, WA. 98335

Prepared For:
Jeff Olsen
City of Gig Harbor
253-255-8233
jolsen@gigharborwa.gov

State of Washington Contract Information:
Effective Date: 05-01-2018
Contract number: 01117
Contract Title: Dump Bodies, Snow Plows Various Types, Controls & Services

Excel#	Item#	Category and Options	Qty.	Unit Total	Total
		Category C (Contractor Dump Body)			
81	-	Contractor Dump Bodies 5 / 6 Cu. Yd. (Northend Truck Equip) (Length 174", Width 96") Meets or Exceeds Specifications Section I, 1-8, Section II, 1-23, Section III, !-18, Section IV, 1-3, Section V, Item 1, Section VI, 1-6, Section VII, 1-5, Section VIII, Item 1 and Section IX, Item 1.	1	$35,158.28	$35,158.28
92	8	Snow Plow Lights	1	$1,152.11	$1,152.11
87	3	Third Asphalt door (centered)	1	$867.23	$867.23
93	9	Asphalt Lip	1	$1,082.29	$1,082.29
98	14	Add two (2) Whelan L-31HAF lights to the cab guard	1	$1,502.63	$1,502.63
104	20	Aluminum Tool Box 18x18x24, CA Room Permitting	1	$1,064.13	$1,064.13
133	22	Electric Vibrator	1	$2,171.56	$2,171.56
134	23	Electric Brake Controller, Includes 7-Way Plug	1	$970.57	$970.57
138	27	Electric Tarp System with High Mount Arms	1	$5,556.67	$5,556.67
139	28	Ladder Rung Walk Rails I.L.O. Rebar	1	$498.55	$498.55
155	44	Power Up / Power Down Double Acting Cylinder For the Dump Body with 500 PSI. Releif for the Down Stroke	1	$2,636.59	$2,636.59
		Category A (Sanders)			
178	1	96" width, 6" auger (#MS966) Stainless Steel Tailgate Spreader (Not Installed)	1	$4,727.15	$4,727.15
179	2	Install 96" width, 6" auger (#MS966) Stainless Steel Tailgate Spreader	1	$1,899.24	$1,899.24
57	5	Sander Lines To The Rear w/ QD's	1	$1,876.90	$1,876.90

Northend Truck Equipment Inc.
An OSW Company
20812 Broadway Ave
Snohomish, WA 98296
Ph: 425-483-9863
Visit Our Web Site - www.northendtruck.com

		Category C: NTE (Additional Products and Services)			
161	50	Back up Camera ECCO 7000 (Force 6100)	1	$1,110.22	$1,110.22
		Add 2" receiver hitch w/ 7-way RV plug below pintle hook	1	$940.00	$940.00
		NTE Hydraulics and Options			
23	1	Closed Center Snow and Ice System Multi Section Valve With 5100EX Electric Sander Valve Control and Stainless Box (Room Permitting) With Load Sense Pump Front Mounted With OEM Front Frame Rail Extensions, Electric Ultra Arm Control Console, Behind The Cab Tank, or VT35 with Poly Or Stainless Lid, With Basic Hoses and Fittings Installed (See Sander Line Option)	1	$34,039.69	$34,039.69
52	29	NE-25E Hot Shift PTO (890 Series), Direct Mount Load Sense Pump for Allison 3000 & 4000 Series	1	$3,762.37	$3,762.37
24	2	NE-1E Basic Plow Float	1	$1,096.25	$1,096.25
25	3	NE-2E Power Plow Float	1	$1,660.44	$1,660.44
31	9	NE-9E Low Oil / Pump Shut Off	1	$1,124.18	$1,124.18
32	10	NE-10E High Pressure Hyd Filter	1	$910.52	$910.52
33	11	NE-11E Granular Feedback	1	$1,308.52	$1,308.52
44	21	NE-19E Direct Liquid 3-Lane	1	$1,147.92	$1,147.92
49	26	NE-24E 6100 Controller In Lieu Of 5100EX	1	$1,361.59	$1,361.59
		Plow Category 6: Snow Plow Frame / Hitches Front Plow Parallel Lift			
65	6	Henke 38R10J “Poly”,SSTE -- 10 Foot Reversible Snowplow (Henke 30"-48" R11IS, ECT) (Henke 42R10 Compression Trip Edge Plow, PLPM)	1	$10,919.23	$10,919.23
43	18	Trucks Without Front Frame Rail Extensions (OEM Approved For Snow Plow) (Must Pick Up A Plow Hitch Option) Add	1	$4,452.04	$4,041.99
27	2	Henke plow shipped to Northend Truck set up and tested with plumbing and Stucchi, test and adjust float pressure.	1	$1,862.93	$1,862.93
31	6	Henke Flat Plate Install on new truck build Includes Truck Portion Plate	1	$4,158.78	$4,158.78
41	4	Rubber Shield for all plow sizes	1	$233.19	$233.19
43	6	Kupper Cutting Edge - GKS 13 Degree Bend	10	$262.54	$2,625.40
		SubTotal			**$133,467.12**
		Applicable Sales Tax Percentage at Delivery Location		***8.80%***	**$11,745.11**
		Total Price with Tax Included			**$145,212.23**

Notes:

• Chassis CA Measurement TBD

*** Chassis Drawing Required With Dump Body Order, For Customers Specific Truck From Chassis Dealer. Must Include CA Measurement, Cab Height, and Drop Axle Location (if applicable). ***

Accepted: Spencer Moon 6/9/2023 **Accepted:_____Date: _____**

Spencer Moon

NORTHEND TRUCK EQUIPMENT INC.

Jeff Baynes

City of Gig Harbor

PO#:_____

Options at time or ordering only:

120	9	Tapered Side Walls For 5/6 Yd. Body	1	$499.25	$499.25
122	11	Sloped Tailgate (All Size Bodies)	1	$670.32	$670.32
		Custom DBL Door Alum Toolbox/Basket Mounted Underbody (Pierce Co Style)	1	$4,098.00	$4,098.00

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Professional Services Contract with Carollo Engineers, Inc., for Well #9 Development and Water Rights Processing

SUBMITTED BY: Stephanie Seibel, PE Associate Engineer
DEPARTMENT: Public Works/Engineering **PHONE:** 253-853-7626

SUGGESTED MOTION: Move to authorize the mayor to execute a professional services contract with Carollo Engineers, Inc. in an amount not to exceed $ 357,028.

BACKGROUND INFORMATION: Well #9 has a pending water right (GN-29937-A) that was filed by the city on August 30, 2000, requesting a new primary/additive municipal purpose water right from this well in the amount of 1,000 gpm (Qi) and 1,000 afy (Qa). Subsequent to filing the Well #9 application, the city was advised by Ecology that it did not have sufficient staff resources to process the application in a timely manner.

Since 2005, no action has been taken by Ecology on the city's Well #9 application. Because of complex hydrogeologic issues associated with Well #9 and potentially high-cost reimbursement expenses, the city advised Ecology in May 2008 of its decision to postpone the permitting of Well #9.

Investigation of Well #9 as a non-additive source is expected to commence in 2023. Basin of the findings of this investigation, the city may submit a new, totally non-additive application for Well #9 in 2023 or 2024 that requests 1,000 afy and 1,000 gpm. Subsequent to completion of Well #9 as a non-additive source, the city will assess the timeline/demand conditions to determine when it is necessary to seek permitting of this source as an additive source. Under that circumstance, the city will request an additive permit under its pending additive application G2-29937-A.

Well #9 would provide a redundant groundwater supply system to the Gig Harbor North area. Once Well #9 in on-on-line it will mitigate the need for additional standby (emergency) storage. This improvement is consistent with the city's operational goals of investing in its supply sources to make for a more redundant and reliable system.

In addition to working with the Department of Ecology to obtain the water rights, the project will develop alternative site locations and layouts, perform hydraulic. geotechnical, and hydrogeologic work, and develop required mitigation plans.

FISCAL CONSIDERATION: In the city's 2023-24 Budget, Water Division – Capital Objectives 5 is identified to complete the design and permitting, water rights processing, and construction for Well #9 development and water rights processing.

The Budget allocations for this project is as follows:

2023-24 Budget Project Funding:	
Design and permitting	$450,000
Water Rights Processing	$55,000
Construction (Contract/Testing/Change Order Authority)	$1,595,000
Total 2023-24 Budget:	**$ 2,100,000**
Total 2023-24 Project Expenses:	
Professional Services Contract for Design – Carollo Engineers	($357,028)
Construction (Contract/Testing/Change Order Authority)	TBD
Available Budget:	**$ 1,742,972**

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS: Professional Services Contract with Carollo Engineers, Inc., for Well #9 Development and Water Rights Processing

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

PROFESSIONAL SERVICES CONTRACT BETWEEN THE CITY OF GIG HARBOR AND CAROLLO ENGINEERS, INC.

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (the "City"), and Carollo Engineers, Inc., a Delaware corporation (hereinafter the “Consultant”).

RECITALS

WHEREAS, the City is presently engaged in Design of Well #9 Well Development and Water Rights and desires that the Consultant perform services necessary to provide the following consultation services; and

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work including any addenda thereto as of the effective date of this Agreement, all of which are attached hereto as **Exhibit A – Scope of Work**, and are incorporated by this reference as if fully set forth herein;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

TERMS

1. Retention of Consultant - Scope of Work. The City hereby retains the Consultant to provide professional services as defined in this Agreement and as necessary to accomplish the scope of work attached hereto as **Exhibit A** and incorporated herein by this reference as if set forth in full. The Consultant shall furnish all services, labor and related equipment necessary to conduct and complete the work, except as specifically noted otherwise in this Agreement.

2. Payment.

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Three Hundred Fifty-Seven Thousand Twenty-Eight Dollars and Zero Cents ($357,028.00) for the services described in Section 1 herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. The Consultant's staff and billing rates shall be as described in **Exhibit B – Schedule of Rates and Estimated Hours**. The Consultant shall not bill for Consultant’s staff not identified or listed in **Exhibit A** or bill at rates in excess of the hourly rates shown in **Exhibit B**, unless the parties agree to a modification of this Contract, pursuant to Section 17 herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within 45 days of receipt. If

the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within 15 days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

3. Duration of Work. The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by March 31, 2024; provided however, that additional time shall be granted by the City for excusable days or extra work. Further, the parties may extend the duration of this Agreement consistent with the terms of Section 17 below.

4. Termination. The City reserves the right to terminate this Agreement at any time upon ten (10) days written notice to the Consultant. Any such notice shall be given to the address specified above. In the event that this Agreement is terminated by the City other than for fault on the part of the Consultant, a final payment shall be made to the Consultant for all services performed. No payment shall be made for any work completed after ten (10) days following receipt by the Consultant of the notice to terminate. In the event that services of the Consultant are terminated by the City for fault on part of the Consultant, the amount to be paid shall be determined by the City with consideration given to the actual cost incurred by the Consultant in performing the work to the date of termination, the amount of work originally required which would satisfactorily complete it to date of termination, whether that work is in a form or type which is usable to the City at the time of termination, the cost of the City of employing another firm to complete the work required, and the time which may be required to do so.

5. Non-Discrimination. The Consultant agrees not to discriminate against any customer, employee or applicant for employment, subcontractor, supplier or materialman, because of race, color, creed, religion, national origin, marital status, sex, sexual orientation, age or handicap, except for a bona fide occupational qualification. The Consultant understands that if it violates this provision, this Agreement may be terminated by the City and that the Consultant may be barred from performing any services for the City now or in the future.

6. Independent Status of Consultant. The parties to this Agreement, in the performance of it, will be acting in their individual capacities and not as agents, employees, partners, joint ventures, or associates of one another. The employees or agents of one party shall not be considered or construed to be the employees or agents of the other party for any purpose whatsoever.

7. Indemnification.

A. The Consultant shall defend, indemnify and hold the City, its officers, officials, employees and volunteers, harmless from any and all claims, injuries, damages, losses or suits including attorney's fees, arising out of or resulting from the negligent or wrongful acts, errors or omissions of the Consultant in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

B. In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees or volunteers, the Consultant's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Consultant's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Consultant's waiver of immunity under Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

8. Insurance.

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

B. No Limitation. The Consultant's maintenance of insurance as required by this Agreement shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City of Gig Harbor's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. The Consultant shall obtain at no cost to the City and maintain said insurance in force for the duration of this agreement, insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.
2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named by endorsement as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Professional's profession.

D. Minimum Amounts of Insurance. The Consultant shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.
3. Employer's Liability, each accident $1,000,000, Employer's Liability Disease-each employee $1,000,000, and Employer's Liability Disease - Policy Limit $1,000,000.
4. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim.

E. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance as respect to the City of Gig Harbor. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute to it.
2. The City of Gig Harbor will not waive its right to subrogation against the Consultant. The Consultant's insurance shall be endorsed acknowledging that the City of Gig Harbor will not waive its right to subrogation. The Consultant's insurance shall be endorsed to waive the right of subrogation against the City of Gig Harbor, or any self-insurance, or insurance pool coverage maintained by the City of Gig Harbor.
3. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, unless thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.
4. If any coverage is written on a "claims made" basis, then a minimum of a three (3) year extended reporting period shall be included with the claims made policy, and proof of this extended reporting period provided to the City.

F. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII and licensed to conduct business in the State of Washington.

G. Verification of Coverage. The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work.

9. <u>Ownership and Use of Work Product</u>. Any and all documents, drawings, reports, and other work product produced by the Consultant under this Agreement shall become the property of the City upon payment of the Consultant's fees and charges therefore. The City shall have the complete right to use and re-use such work product in any manner deemed appropriate by the City, provided, that use on any project other than that for which the work product is prepared shall be at the City's risk unless such use is agreed to by the Consultant.

10. City's Right of Inspection. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

11. Records.

A. The Consultant shall keep all records related to this Agreement for a period of three years following completion of the work for which the Consultant is retained. The Consultant shall permit any authorized representative of the City, and any person authorized by the City for audit purposes, to inspect such records at all reasonable times during regular business hours of the Consultant. Upon request, the Consultant will provide the City with reproducible copies of any such records. The copies will be provided without cost if required to substantiate any billing of the Consultant, but the Consultant may charge the City for copies requested for any other purpose.

B. Consultant acknowledges that the City is an agency governed by the public records disclosure requirements set forth in chapter 42.56 RCW. Consultant shall fully cooperate with and assist the City with respect to any request for public records received by the City concerning any public records generated, produced, created and/or possessed by Consultant and related to the services performed under this Agreement. Upon written demand by the City, the Consultant shall furnish the City with full and complete copies of any such records within ten business days. Consultant's failure to timely provide such records upon demand shall be deemed a material breach of this Agreement. To the extent that the City incurs any monetary penalties, attorneys' fees, and/or any other expenses as a result of such breach, the Consultant shall indemnify and hold harmless the City as set forth in Section 7. For purposes of this section, the terms "public records" and "agency" shall have the same meaning as defined by chapter 42.56 RCW, as construed by Washington courts.

C. The provisions of this section shall survive the expiration or termination of this Agreement.

12. Work Performed at the Consultant's Risk. The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and subconsultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

13. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver

or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

14. Resolution of Disputes and Governing Law.

A. Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer or Director of Operations and the City shall determine the term or provision's true intent or meaning. The City Engineer or Director of Operations shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

B. If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer or Director of Operations determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The prevailing party in any such litigation shall be entitled to recover its costs, including reasonable attorney's fees, in addition to any other award.

15. Written Notice. All notices required to be given by either party to the other under this Agreement shall be in writing and shall be given in person or by mail to the addresses set forth below. Notice by mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, addressed as provided in this paragraph.

CONSULTANT:
ATTN: Aurelie Nabonnand P.E.
Carollo Engineers, Inc.
1200 5th Ave, Suite 900
Seattle, WA 98101
206-484-9719

City of Gig Harbor
ATTN: Stephanie Seibel, P.E.
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335
(253) 851-6170

16. Subcontracting or Assignment. The Consultant may not assign or subcontract any portion of the services to be provided under this Agreement without the express written consent of the City.

17. Entire Agreement. This Agreement represents the entire integrated agreement between the City and the Consultant, superseding all prior negotiations, representations or agreements, written or oral. This Agreement may be modified, amended, or added to, only by written instrument properly signed by both parties hereto. If extending the duration of the Agreement only, the parties may agree to such duration extension by written instrument approved and signed by the Consultant and by the Department Director if all other terms of the Agreement are unchanged and remain in full force and effect for the entire new duration of the Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on _____.

CONSULTANT

By:_____
Its:_____

By:_____

Its:_____

CITY OF GIG HARBOR

By:_____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

_____
City Attorney

EXHIBIT A

SCOPE OF SERVICES

WELL #9 WELL DEVELOPMENT & WATER RIGHTS

CITY OF GIG HARBOR

CITY PROJECT NO. CWP-2306

The City of Gig Harbor (City) has retained Carollo Engineers (Consultant) to provide support with the design, permitting, water rights processing, and drilling of a new well casing for Well#9 to provide greater redundancy to the City's water supply.

SCOPE OF SERVICES SUMMARY

This Scope of Services provides for Alternatives Analysis and Conceptual Design Services and is divided into the following tasks:

TASK 100 – PROJECT MANAGEMENT AND QUALITY MANAGEMENT
TASK 200 – RESEARCH AND PREPARATION FOR MEETING WITH DEPARTMENT OF ECOLOGY
TASK 300 – PREFERRED SITE IDENTIFICATION
TASK 400 – WATER RIGHTS APPLICATION
TASK 500 – MITIGATION ANALYSIS AND PLANNING
TASK 600 – CONCEPTUAL DESIGN
TASK 800 – PERMIT ASSISTANCE AND REGULATORY APPROVAL ASSISTANCE
TASK 700 – PUBLIC OUTREACH SUPPORT
TASK 900 – MANAGEMENT RESERVE

General Project Assumptions for all tasks in this Scope of Services are included below. Assumptions specific to each task are included at the end of each task.

GENERAL PROJECT ASSUMPTIONS

1. Carollo Engineers and its subconsultants will be referred to as "Consultant" in this document.
2. The City of Gig Harbor, Washington and its staff will be referred to as "City" in this document.
3. All deliverables are provided in electronic PDF format, unless otherwise indicated. Final deliverables will be "wet" signed and/or digitally signed in accordance with the Washington Administrative Code (WAC).
4. Opinions of probable costs will be based on the level of project definition and expected accuracy range as defined by the American Association of Cost Engineers (AACE) International.
5. In providing opinions of cost, financial analyses, economic feasibility projections, schedules, and quantity and/or quality estimates for potential projects, the Consultant has no control over cost or price of labor and material; unknown or latent conditions of existing equipment or structures that may affect operation and maintenance costs; competitive bidding procedures and market conditions; time or quality of performance of third parties; quality, type, management, or direction of operating personnel; the incoming water quality and/or quantity; the way the City's plant(s) and/or associated processes are operated and/or maintained; and other economic and operational factors that may materially affect the ultimate project elements, including, but not limited to, cost

or schedule. Therefore, the Consultant makes no warranty that the City's actual project costs, financial aspects, economic feasibility, schedules, and/or quantities or quality realized will not vary from the Consultant's opinions, analyses, projections, or estimates.

6. Consultant will complete the services required hereunder in accordance with the prevailing engineering standard of care by exercising the skill and ability ordinarily required of engineers performing the same or similar services, under the same or similar circumstances, in the State of Washington.
7. The services to be performed by the Consultant are intended solely for the benefit of the City. No person or entity not a signatory to this Agreement shall be entitled to rely on the Consultant's performance of its services hereunder, and no right to assert a claim against the Consultant by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the performance of the Consultant's services hereunder.
8. The City will provide available information related to the project and as requested by the Consultant in a timely manner. The City shall furnish the Consultant available studies, reports and other data pertinent to the Consultant's services; obtain or authorize the Consultant to obtain or provide additional reports and data as required; furnish to the Consultant services of others required for the performance of the Consultant's services hereunder, and the Consultant shall be entitled to use and rely upon all such information and services provided by the City or others in performing the Consultant's services under this Agreement.
9. The City shall arrange for access to and make all provisions for the Consultant to enter upon public and private property as required for the Consultant to perform services hereunder.
10. The project will use Construction Specifications Institute (CSI) Master Formatted specifications.
11. Supplemental technical specifications (if required) for the project work will be in WSDOT/APWA format.
12. The City will provide AutoCAD templates illustrating City standards for Consultant use. Drawings will be produced in 2D AutoCAD software (City current version).
13. City review comments for deliverables will be received and noted in the original file (e.g., Bluebeam, Word, etc.). Consultant will respond to City review comments in same original file. The original file including City comments and Consultant responses will serve as the Record of Comment for each deliverable.
14. Hour durations for meetings, workshops, and site visits in this Scope of Services are based on estimated time on-site. Allowances for travel time, as appropriate, are accounted for in the budget in Exhibit B.
15. All meetings and workshops will be held remotely through Microsoft Teams or a similar video-conferencing platform, unless specifically specified.
16. No field geotechnical investigation will be performed as a part of this Project, geotechnical investigation will remain desktop analyses. The City will provide the Consultant with all available past geotechnical reports in the vicinity of the Project.
17. The services to be performed by the Consultant are intended solely for the benefit of the City. No person or entity not a signatory to this Agreement shall be entitled to rely on the Consultant's performance of its services hereunder, and no right to assert a claim against the Consultant by assignment of indemnity rights or otherwise shall accrue to a third party as a result of this Agreement or the performance of the Consultant's services hereunder.
18. No Department of Health Project Report is required. This Project is exempted under WAC 246-290-125 Paragraph (1)(c).
19. This scope of work covers efforts through design and bidding support. No engineering services during construction (ESDC) are included. ESDC efforts will be scoped and contracted at a later date.

An anticipated project schedule is included at the end of this Scope of Services.

TASK 100 – PROJECT MANAGEMENT AND QUALITY MANAGEMENT

The purpose of this task is to manage and coordinate engineering and related services required for project completion in accordance with the schedule, budget, and quality expectations that are established. Task 100 includes the following subtasks:

Subtask 110 – Kick-off Meeting

- Organize and lead virtual Kickoff Meeting to review scope and schedule, team member roles and responsibilities, establish communication protocols and invoicing procedures, and identify overall project goals and challenges.

Subtask 120 – Project Monitoring and Reporting

- Manage the project team to track time and budget, work elements accomplished, work items planned for the next period, manpower, scope changes, and time and budget needed to complete this Scope of Services.
- Prepare monthly project status reports that compare work accomplished with schedule activities and compare expenditures with task budgets and submit reports to the City's Project Manager with monthly invoices. Document expenditures on a task basis and show hours by project personnel and other direct expenses related to work. Reports and invoicing will be formatted in a manner that is acceptable to the City.
- Consultant will participate in a biweekly conference with City's Project Manager to discuss project status, action items, and recent decisions.

Subtask 130 – Quality Management

- Manage and execute quality control procedures for all deliverables.
- Develop and maintain a Decision Log to record key decisions made by the City and others during the project to document the evolution of the design.
- Develop and maintain an Action Log to record action items required by the City and Consultant.
- Manage Record of Comments to track City review comments and Consultant's responses for all project deliverables.

Assumptions:

1. Total project duration for design and bidding services is assumed to be 24 months.

Meetings:

1. Kick-off Meeting
2. Bi-monthly Project Status Reporting via Microsoft Teams or a similar online-conference platform.

Deliverables:

1. Meeting agenda, minutes, and handout materials as appropriate.
2. Monthly invoices and progress reports.
3. Monthly Action and Decision Logs in Excel format.
4. Project schedule.

TASKK 200 – RESEARCH AND PREPARATION FOR MEETING WITH DEPARTMENT OF ECOLOGY

Subtask 210 – Research

- Conduct research for the regulatory meeting with Ecology. Team will work with the City's attorney, as needed, to review the City water rights current conditions in preparation for the meeting with Ecology. The team will be looking for feedback from Ecology on test well, application requirements, and mitigation requirements. This will inform and allow refinement of the scope of Tasks 400 and 500, as needed.

Subtask 220 – Water Rights Pre-Application

- Lead a pre-application meeting with City and Ecology staff to discuss the proposed new water right application. The meeting is intended to gather input from Ecology on the viability of the application approach, guidance on the level of investigation needed to determine possible impacts from the proposed withdrawal, and what mitigation solutions the City might pursue.

- If the pre-application meeting provides the desired guidance, Consultant will complete a draft water right application to submit to the City for signatures and delivery to Ecology under Task 400.

- Perform a preliminary assessment of the groundwater flow pattern of the subject aquifer, and thereby make a tentative determination of existing senior applications and/or surface streams that may be affected.

Subtask 230 – Meeting with Ecology

- Prepare and attend meeting with Ecology and provide follow-up recommendations or findings. Two online meetings are assumed with the full team.

Subtask 240 – Technical Memorandum

- A technical memorandum will be developed that summarizes the Ecology direction. A draft and final versions will be developed.

Subtask 250 – Council Study Session

- Attend council study session to report on Ecology's direction.

Assumptions:

1. Technical Memorandum will be provided to the City electronically. No hardcopies.
2. Consultant will attend council study session remotely.

Meetings:

3. Up to 2 meetings with Ecology

Deliverables:

1. Meetings agenda, minutes, and handout materials as appropriate.

2. Technical Memorandum summarizing the direction given by Ecology

TASK 300 – PREFERRED SITE IDENTIFICATION

The purpose of this task is to conduct a site visit, request and review existing data, and perform hydraulic analysis. Task 300 includes the following subtasks:

Subtask 310 –Data Collection, and Review

- Sites Visit: Attend Site Visit of potential sites with Engineering and Maintenance and Operation (M&O) staff.
- Submit data request(s) for existing project documentation to support defining existing conditions. Documentation may include, but is not limited to related reports, record drawings, City standards (contract documents and standard details), etc.
- Review all received materials.

Subtask 320 – Hydrogeological Investigation

Consultant will collect, review, and utilize available data and information to refine our conceptual hydrogeologic model of the Project area and to preliminarily characterize site specific conditions (well depth, water quality, yield) at the well site. Consultant will utilize the following sources of data and information to refine our understanding of the project area:

- Well construction details, water quality, water level, and well performance data available from existing City wells.
- Reports Prepared for the City
- Hydrogeologic Reports prepared by United States Geological Survey (USGS)
- Department of Ecology Water Well Reports (well logs)
- Department of Ecology water right database information for the project vicinity.

Subtask 330 - Geotechnical Investigation

Consultant will develop a desktop-level characterization of the subsurface conditions of the well site for preliminary design. The report shall include the following findings and recommendations.

- Review of available geologic maps, reports, and other relevant data sources to identify potential geotechnical constraints such as groundwater, loose/soft surface soil, existing fill, compressible soil, expansive soil, liquefiable soil, and lateral spreading.
- Desktop review of geological and seismic hazards in the general project area, including the potential for liquefaction, lateral spreading, and qualitative estimated seismically induced settlement.
- Develop initial conceptual model of geotechnical constraints, geological hazards and approximate depth to groundwater.
- Suitability of preferred and alternative sites for the proposed improvements.
- Recommendations for Phase 2 Field Exploration to evaluate potential geotechnical constraints and geological hazards.

- Preliminary Site grading recommendations, including fill placement recommendations, utility backfill, and recommendations for site drainage,

Subtask 340 – Hydraulic Evaluation

- Perform steady state analysis of the existing system evaluating fire flows and system pressures per Department of Health (DOH) regulations. The analysis will be performed using the City's latest WaterCAD hydraulic model, updated as part of the ongoing Task Order 1 On-call modeling contract, for the short- and long-term scenarios, for a total of four scenarios.
- Identify any hydraulic restrictions or additional deficiencies in the distribution system deficiencies under the Maximum Day Demand and fire flow, and peak hour simulations according to both City criteria and DOH regulations, with the new well online.

Subtask 350 – Well Siting Evaluation Decision Matrix

- Identify initial evaluation criteria including but not limited to:
  - Capacity gained
  - Property ownership
  - Utilities
  - Access
  - Neighbors
  - Water rights
  - Environmental issues
  - Site acquisition
  - Hydrogeologic considerations
  - Planning Level Total Project Costs (drilling, well facility, pumping facility, additional treatment)
  - Service life
- Develop Evaluation Matrix: Develop decision and evaluation matrix based upon the evaluation criteria identified above. Consultant will research supporting data for each criterion for each site alternative. This may include coordination with the City's water rights attorney. The matrix will be developed based on data developed by the team.

Subtask 360 –Meetings

- Attend a review meeting with the City to discuss the assumptions and decision elements to be used in the alternatives analysis evaluation.
- Attend a review meeting with the City to discuss the results of the alternatives analysis and decide on the preferred location for the new well.
- Attend one Study Session to assist City staff in presenting to Council.

Subtask 370 – Draft and Final Site Alternatives Evaluation Technical Memorandum

- Draft Technical Memorandum: Submit a Draft technical memorandum that summarizes the evaluation matrix and summary.

- Final Technical Memorandum: Submit a Final technical memorandum resulting from the comments received during the matrix review meeting.

Assumptions:

1. Site Visit is estimated to be two (2) hours in duration, not including travel. Up to three (3) Consultants will attend.
2. There will be no on-site geotechnical investigations. The City will provide any geotechnical reports for recent projects in the vicinity of the Project.
3. Consultant will use the City's WaterCAD hydraulic model from the ongoing Task Order 1 On-call modeling contract . No update or calibration will be completed under this effort.
4. Right-of-entry agreements will be obtained as needed by the City.

Meetings:

1. Matrix Review Meeting
2. Preferred Site Location Meeting

Deliverables:

1. Data requests.
2. Meetings agenda, minutes, and handout materials as appropriate.
3. Draft and Final Site Alternatives Evaluation Technical Memorandum.
4. City comment response log in Excel format.

TASK400– WATER RIGHTS APPLICATION

The initial water rights assistance will consist of support with the early steps of the water right permitting process. Steps included under this task:

- Assistance with coordinating the cost-reimbursement program agreement with Ecology,

- Preparing a water right draft application for submittal to Ecology,

- Completing public notice requirements, and

- Working with Ecology to issue a preliminary permit.

To pursue the planned application, the City will contract with Ecology under their cost-reimbursement program. This program covers Ecology's time to review the application, provide technical assistance during the processing of the application, and to review of the draft and final reports of examination. The agreement will be initiated by submitting the proposed application. Ecology will require a fee for their services and this is separate from this project.

Once the application is accepted, Consultant will coordinate with Ecology to prepare and publish a public notice of the application. If needed, we also recommend performing consultation with other stakeholder interests (Tribal Nations, WA Fish & Wildlife, or others as identified by Ecology) at this time. The public notice needs to be published once a week for two consecutive weeks and is followed by a 30-day public comment period. Any comments or protests received by Ecology will be considered and addressed during the water right processing effort under Phase 2.

After public notice is completed, Ecology will issue a preliminary well construction permit authorizing drilling and testing of the well. The preliminary permit will describe their requirements for aquifer testing, monitoring, and reporting that will be incorporated into the well construction planning under Task 600. Processing of the water right application to permit status is anticipated to occur as part of Phase 2 if Ecology requires completion and testing of the well prior to processing or under Task 500 if Ecology agrees to a purely theoretical approach for the impacts analysis.

Assumptions:

1. Ecology will require a fee for their services and this is separate from this project.
2. The public notice needs to be published once a week for two consecutive weeks and is followed by a 30-day public comment period.
3. Ecology does not require completion and testing of the well prior to processing. Ecology agrees to a purely theoretical approach for the impacts analysis

Meetings:

4. One meeting between Consultant and City for planning purposes.
5. One meeting between City, Ecology and Consultant.

Deliverables:

1. Water right application
2. Draft Public notice

TASK 500 – MITIGATION ANALYSIS AND PLANNING OPTIONS

Water rights mitigation planning will be highly dependent on the outcome of Task 400. Ecology's input will be needed before the level of effort can be fully defined. For planning purposes, we assume that, at the minimum, Ecology will require a theoretical-level investigation of possible impacts that might result from the use of the new well. This would require running simulations using the existing USGS model of the Kitsap Peninsula. Since the modeling analysis could range in complexity from relatively straightforward to extensive, it may be prudent to use Ecology's guidance to plan the analysis during this Phase and then provide recommendations for executing the impact analysis and the potential mitigation options.

- Make planning recommendations on how best to accomplish the mitigation planning elements which may include one or more of the following:

    1) USGS modeling analysis to determine potential impacts to regulated streams

    2) Planning to identify possible mitigation methods

3) Development of a formal mitigation plan if needed

4) Outreach and coordination with other stakeholders (Ecology, Tribal Nations, WA Fish & Wildlife, and others as defined by Ecology)

- Lead one technical meeting with City and Ecology staff once a general impact analysis plan has been created. This meeting is intended to provide opportunity for Ecology feedback and guidance plus allow for discussion of mitigation pathways that Ecology would find acceptable.
- Develop Draft and Final impact analysis and mitigation options plan.

Assumptions:

1. At the minimum, Ecology will require a theoretical-level investigation of possible impacts that might result from the use of the new well.

Meetings:

1. one technical meeting with City and Ecology staff to review the general impact analysis plan.

Deliverables:

1. Impact analysis and mitigation options plan

TASK 600 – CONCEPTUAL DESIGN

The purpose of this task is to develop 30% level design of the new well located on the preferred site location identified in the above efforts. Task 400 includes the following subtasks:

Subtask 610 – Field Survey

- Perform a field survey. Field mapping within the project limits will include topography, man-made surface features, limits of vegetation, trees (6" DBH or larger), overhead utilities, and painted underground utilities. All traffic features in the right-of-way such as, including but not limited to lane lines, traffic signs, curbs, pavement limits, sidewalks, etc. as well as landscaping will be included. Irrigation systems will not be included. Perform measure-downs of existing storm drain and sanitary sewer structures, indicating rim and pipe invert elevations, and each private water meter connection to the existing water main. Document the approximate size, type, material, and general condition of the structures. These observations will be made from the surface. Any required pipe video inspection, potholing or smoke testing needed to verify the condition or connectivity of drainage features is outside the scope of this task.
- An underground conductible utility locate within the project limits to be performed by a private utility locating firm. The location of the locate paint marks will be surveyed. While every reasonable effort will be made by the Consultant Team to depict the location of underground utilities based on utility locates, the Consultant Team is not liable for errors or omissions by utility locators or erroneous or insufficient information shown on utility record drawings.
- Prepare 1"=20' topographic base map and digital terrain model (DTM) in AutoCAD format of the project to the City's CAD standards. The base map will include information collected in the field survey. Two-foot contours will be generated from the DTM.
- Road rights of way within the project limits will be determined from available public records (i.e. records of survey, plats, state right-of-way plans, etc.) and found survey monuments. Parcel lines

will be determined from GIS information and/or public records, based on data accuracy. Right-of-way and parcel information will be added to the base map.

Subtask 620 – Well Drilling

- Assist City in designing the well, including the recommended drilling method for the project. We will discuss the pros and cons of each method and make informal contact with drilling firms (if needed) to confirm that they can accomplish our intended plan. A short site visit will be made to the preferred site to review any site conditions or possible logistical constraints for the drilling operations. If found, these will be incorporated into the drilling plan. For example, the City will identify its preferred location of the new well at the site and assist in identifying a discharge point (and associated routing) for water pumped during well testing. Results from Task 610 will inform there are no underground utilities that would interfere with drilling.

- Create the technical specifications describing the drilling and construction of the well. We anticipate that these specifications will be incorporated into the City's standard construction contract documents for solicitation of bids during a future phase. The specifications will include detailed construction requirements that must be followed by the well drilling contractor during each phase of the well construction project, including the minimum acceptable methods for drilling, fluid control, casing and screen installation, well development and testing, and performance standards. Other site-specific items will include requirements for containment and disposal of drill cuttings and handling of discharge water during development and test pumping in accordance with applicable local, state and federal regulations.

- Assist with completing the necessary site approval forms for Tacoma-Pierce County Health Department. The site approval documentation needed for the final site selected will be finalized and submitted by the City along with any necessary fees.

Subtask 630 – 30% Design and BODR Development

- Perform preliminary engineering analyses (i.e., approximately 10 percent level of design completion)
- Develop preliminary opinions of probable construction cost. Association for the Advancement of Cost Engineering (AACE) Level 4 will be developed for this project.
- Develop a basis of design criteria with the City.
- Summarize basis of design criteria in a report including 30 percent design level plans, opinions of probable construction cost, project schedule, table of contents of the specifications other than the well drilling specifications (developed in Subtask 630), and temporary construction easement requirements.

Assumptions:

1. We presume that the site approvals will not require any variance requests (such the need for a sanitary control area less than the required 100-foot radius). We can assist with such requests, but these may require additional time and expense and are not included in the scope.

Meetings:

1. Basis of Design and 30% Design Meeting.

City Deliverables:

1. GIS data with current utility locations.
2. Right-of-entry agreements will be obtained by the City as needed.
3. Provide any record drawings within the Project area.
4. Review and comment on BODR and 30% design package.

Deliverables:

1. Data requests.
2. Meeting agenda, minutes, and handout materials as appropriate.
3. Survey files and basemaps.
4. Draft and Final BODR and City comment responses in Excel Format.
5. 30% Design Drawings, Specification Table of Contents, and Cost Estimate.

TASK 700 – PERMIT ASSISTANCE AND REGULATORY APPROVAL ASSISTANCE

Subtask 710 – Permit Assistance

- Develop a permitting matrix summarizing required permits for the preferred alternative developed in Task 600 – Conceptual Design, including estimated development and submission dates, review duration, and responsible parties.
- Stormwater Technical Report
    - Prepare draft Stormwater Technical Report. Will only include Minimum Requirements #1 to #5 per the City's 2023 Stormwater Management and Site Development Manual, effective May 3, 2023.
    - Includes one revision per the City's review and comments.
- Planning Permits
    - Prepare draft planning permits for City review including all technical documentation for the preferred site.
    - Includes one revision per City's review.

Subtask 720 – Regulatory Approval Assistance

- Prepare and submit a project report with plans and construction documents to DOH for review. Upon review, the Engineer will incorporate comments and finalize well development and design. No meetings with DOH are included in this task.
- It is assumed the City will coordinate regulatory approval for the project, such as SEPA, land use and building permits. Assist the City in obtaining regulatory approval by the City by providing site plans and figures for permit applications. The SEPA, permit applications, or attendance at permit meetings are not included in this task.

Assumptions:

1. The City will prepare all permit applications using technical information provided by the Consultant.

2. The City will respond to all permit application questions and obtain permits, with Consultant providing technical responses as required.
3. The City will pay all permit fees.

Meetings:

1. Stormwater Report Review Meeting.
2. Planning Permits Review Meeting.

City Deliverables:

1. Review and comment on the draft stormwater technical report.
2. Review and comment on draft Planning Permits.

Deliverables:

1. Meetings agenda, minutes, and materials, as appropriate.
2. Technical documentation and responses required for permits.

TASK 800 – PUBLIC OUTREACH SUPPORT

Subtask 810 – Public Outreach Support

- Provide assistance to City, as necessary, to facilitate right-of-entry for project preliminary design, design, and bidding processes.
- Create figures, project descriptions, and other project material to support City led public outreach.

Subtask 820 – Public Open House

- There will be one (1) public meeting scheduled following the finalization of the preferred site location to share the results of the schematic design, facilitate community education, and invite public comment.

Assumptions:

1. Subtask 810 will be limited to the hours provided in the level of effort. Any effort requested beyond the hour estimate will require an amendment.
2. City will create and post web content based on the materials created by Consultant.
3. Up to 2 consultants will attend the Public Open House.
4. City will print materials developed, as needed.

Meetings:

5. One (1) public meeting.

Deliverables:

1. Public outreach support material including meeting agenda, presentation materials, and meeting notes from the public meeting.

TASK 900 – MANAGEMENT RESERVE

The purpose of this task is to provide a management reserve to cover unforeseen issues that may arise during the course of the Project. Work will be undertaken by Consultant only on written authorization of the

City after transmittal of a written request for proposal by the City and response by Consultant, and after negotiation and acceptance of deliverables, cost, and schedule by both parties.

PROJECT SCHEDULE

The preliminary project milestones are listed below; a detailed schedule will be developed after notice to proceed and before the kickoff meeting. The project budget is based on and assumes that the efforts associated with this Scope of Services will be completed within 15 months from notice to proceed.

Preliminary Project Milestones:

Anticipated NTP	June 2023
Meeting with Ecology	June/July 2023
Site Selection	December 2023
Well Drilling and Planning	April 2024
Mitigation Analysis	August 2024
30% Design	August 2024

carollo

EXHIBIT B

CITY OF GIG HARBOR
Well #9 Development and Water Rights
PROJECT BUDGET

	TASK / DESCRIPTION	PM	APM	QM	PE	Staff Engineer	Planning Eng.	CAD/Graphics /GIS	DP	Total Hours	Carollo Labor Cost	MotMcDonald	KPG Psomas	ESA	Sub 5% Profit	Total Sub Cost	OTHER DIRECT COSTS			TOTAL COST
																	Travel, Shipping and Printing	PECE $ 14.00	Total ODC	
	Total Labor Rate	$220.00	$280.00	$300.00	$220.00	$175.00	$175.00	$150.00	$120.00											
Task 100 - Project Management and Quality Management		**49**	**34**	**40**	**19**	**4**	**-**	**-**	**15**	**161**	**$ 38,980**	**$ 9,536**			**$ 477**	**$ 10,013**	**$ -**	**$ 2,254**	**$ 2,254**	**$ 51,247**
110	Kick-off Meeting	4	4		4	4				16	$ 3,580	$ 1,796			$ 90	$ 1,886	$ -	$ 224	$ 224	$ 5,690
120	Project Monitoring and Reporting	45	30		15				15	105	$ 23,400	$ 7,740			$ 387	$ 8,127	$ -	$ 1,470	$ 1,470	$ 32,997
130	Quality Management			40						40	$ 12,000	$ -			$ -	$ -	$ -	$ 560	$ 560	$ 12,560
Task 200 - Research and Preparation for meeting with Department of Ecolog		**-**	**16**	**-**	**4**	**-**	**-**	**-**	**2**	**22**	**$ 5,600**	**$ 11,036**			**$ 552**	**$ 11,588**	**$ 1,000**	**$ 308**	**$ 1,308**	**$ 18,496**
210	Research		4							4	$ 1,120	$ 3,690			$ 185	$ 3,875	$ -	$ 56	$ 56	$ 5,051
220	Water Rights Pre-Application		2							2	$ 560	$ 940			$ 47	$ 987	$ -	$ 28	$ 28	$ 1,575
230	Meeting with Ecology		4							4	$ 1,120	$ 1,630			$ 82	$ 1,712	$ 500	$ 56	$ 556	$ 3,388
240	Technical Memorandum		2						2	4	$ 800	$ 3,650			$ 183	$ 3,833	$ -	$ 56	$ 56	$ 4,689
205	Council Study Session		4		4					8	$ 2,000	$ 1,126			$ 56	$ 1,182	$ 500	$ 112	$ 612	$ 3,794
Task 300 - Preferred Site Identification		**40**	**16**	**4**	**70**	**56**	**38**	**20**	**16**	**260**	**$ 51,250**	**$ 31,962**			**$ 1,598**	**$ 33,560**	**$ -**	**$ 3,640**	**$ 3,640**	**$ 88,450**
310	Data Collection and Review	4			6	12				22	$ 4,300	$ 2,130			$ 107	$ 2,237	$ -	$ 308	$ 308	$ 6,845
320	Hydrogelocical Investigation	2	2		6					10	$ 2,320	$ 4,940			$ 247	$ 5,187	$ -	$ 140	$ 140	$ 7,647
330	Geotechnical Investigation	4	4		8					16	$ 3,760	$ 11,406			$ 570	$ 11,976	$ -	$ 224	$ 224	$ 15,960
340	Hydraulic Evaluation	8	2		2	8	32			52	$ 9,760				$ -	$ -	$ -	$ 728	$ 728	$ 10,488
350	Well Siting Evaluation Decision Matrix	4	2		32	12	6	8		64	$ 12,830	$ 2,770			$ 139	$ 2,909	$ -	$ 896	$ 896	$ 16,635
360	Meetings	14	6		8				4	32	$ 7,000	$ 3,546			$ 177	$ 3,723	$ -	$ 448	$ 448	$ 11,171
370	Draft and Final Site Alternatives Evaluation Technical Memoran	4		4	8	24		12	12	64	$ 11,280	$ 7,170			$ 359	$ 7,529	$ -	$ 896	$ 896	$ 19,705
Task 400 - Water Rights Application		**4**	**-**	**-**	**4**	**-**	**-**	**-**	**-**	**8**	**$ 1,760**	**$ 5,270**			**$ 264**	**$ 5,534**	**$ -**	**$ 112**	**$ 112**	**$ 7,406**
	Water Rights Application	4			4					8	$ 1,760	$ 5,270			$ 264	$ 5,534	$ -	$ 112	$ 112	$ 7,406
Task 500 - Mitigation Analysis and Planning		**6**			**6**					**12**	**$ 2,640**	**$ 7,130**			**$ 357**	**$ 7,487**	**$ -**	**$ 168**	**$ 168**	**$ 10,295**
	Impact Analysis and Mitigation Planning Options	6			6					12	$ 2,640	$ 7,130			$ 357	$ 7,487	$ -	$ 168	$ 168	$ 10,295
Task 600 - Conceptual Design		**16**	**20**	**8**	**128**	**96**	**-**	**12**	**24**	**304**	**$ 61,160**	**$ 6,860**	**$ 13,826**	**$ -**	**$ 1,034**	**$ 21,720**	**$ -**	**$ 4,256**	**$ 4,256**	**$ 87,136**
610	Field Survey	4	4		4					12	$ 2,880	$ -	$ 13,826		$ 691	$ 14,517	$ -	$ 168	$ 168	$ 17,565
620	Well Drilling	4			12	8				24	$ 4,920	$ 6,860			$ 343	$ 7,203	$ -	$ 336	$ 336	$ 12,459
630	30% Design and BODR Development	8	16	8	112	88		12	24	268	$ 53,360	$ -			$ -	$ -	$ -	$ 3,752	$ 3,752	$ 57,112
Task 700 - Permit Assistance and Regulatory Approval Assistance		**18**	**12**	**-**	**32**	**56**	**-**	**-**	**24**	**142**	**$ 27,040**	**$ 3,336**	**$ -**	**$ 14,019**	**$ 868**	**$ 18,223**	**$ -**	**$ 1,988**	**$ 1,988**	**$ 47,251**
710	Permit Assistance	16	12		24	32			16	100	$ 19,680	$ -		$ 10,247	$ 512	$ 10,759	$ -	$ 1,400	$ 1,400	$ 31,839
720	Regulatory Approval Assistance	2			8	24			8	42	$ 7,360	$ 3,336		$ 3,772	$ 355	$ 7,463	$ -	$ 588	$ 588	$ 15,411
Task 800 - Public Outreach Support		**18**	**10**	**-**	**6**	**12**	**-**	**-**	**-**	**46**	**$ 10,180**	**$ 2,826**			**$ 141**	**$ 2,967**	**$ 500**	**$ 644**	**$ 1,144**	**$ 14,291**
810	Public Outreach Support	16	8		6	4				34	$ 7,780	$ -			$ -	$ -	$ -	$ 476	$ 476	$ 8,256
820	Public Open House	2	2			8				12	$ 2,400	$ 2,826			$ 141	$ 2,967	$ 500	$ 168	$ 668	$ 6,035
Task 900 - Management Reserve		**-**		**-**	**-**	**-**	**-**	**-**	**-**	**-**	**$ -**	**$ -**			**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 32,457**
	Management Reserve (10%)									-	$ -				$ -	$ -	$ -	$ -	$ -	$ 32,457
TOTAL (including Management Reserve)		**151**	**108**	**52**	**269**	**224**	**38**	**32**	**81**	**955**	**$ 198,610**	**$ 77,956**	**$ 13,826**	**$ 14,019**	**$ 5,290**	**$ 111,091**	**$ 1,500**	**$ 13,370**	**$ 14,870**	**$ 357,028**

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Land Use Hearing Examiner Services Agreement

SUBMITTED BY: Community Development Carl de Simas
DEPARTMENT: Community Development **PHONE:** 253-853-7628

SUGGESTED MOTION: Move to authorize the mayor to execute a land use hearing examiner agreement with Mark Scheibmeir and Scheibmeir, Kelly & Nelson, P.S. for hearing examiner services to the city.

BACKGROUND INFORMATION: The city is in need of hearing examiner services as our former hearing examiner, Andrew Reeves, and his firm Sound Law Center, have dissolved their practice. Staff released an RFQ seeking such services and received four responses. Three of the four respondents were interviewed. Mark Scheibmeir is staff's recommended candidate based on the merits of his qualifications and how he presented himself during our interview.

Mr. Scheibmeir has 27 years' experience as a hearing examiner and 42 years' experience as an attorney. He currently serves as the hearing examiner for Lewis and Cowlitz Counties, City of Olympia, City of Lakewood, City of Black Diamond, City of Buckley, City of Yelm, City of Kelso, City of Castle Rock, the City of Elma amongst others. Mr. Scheibmeir has shown that he can serve the City of Gig Harbor in this capacity through his extensive experience, his professional and proven decision writing, and the stated results of his decisions. Staff feels Mr. Scheibmeir will provide a fair and balanced approach to the powers prescribed to the position under Gig Harbor Municipal Code Section 2.25.070.

Gig Harbor Municipal Code Section 2.25.020 requires that council appoint a hearing examiner for a maximum term of three years. The contract presented here would carry a term of two years from June 30, 2023, to June 30, 2025.

FISCAL CONSIDERATION: The city council approved a master fee schedule that requires project applicants to pay the full cost of hearing examiner services. Therefore, for land use permits, there is no fiscal impact to the city for hearing examiner services. Costs for appeal hearings will depend on the nature of the appeal, the prevailing party, and the frequency of the appeals.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS:
1. Land Use Hearing Examiner Services Agreement
2. Response to RFQ, dated May 5, 2023, Mr. Mark Scheibmeier

STRATEGIC PLAN PRIORITY: Maintain small town character and historic preservation while growing responsibly.

LAND USE HEARING EXAMINER
SERVICES AGREEMENT

The parties to this Agreement are Scheibmeir, Kelly & Nelson, P.S., by and through shareholder Mark Scheibmeir, hereinafter collectively referred to as the "Hearing Examiner" and the City of Gig Harbor, a Washington municipal corporation, hereinafter referred to as the "City."

R E C I T A L S

WHEREAS, the City desires to contract with the Hearing Examiner for Hearing Examiner services as set forth in this Agreement, and as provided for in the Gig Harbor Municipal Code, and the Hearing Examiner agrees to perform such services; and

WHEREAS, the Hearing Examiner warrants that he is an attorney licensed by the State of Washington, and is a member in good standing with the Washington State Bar, Now Therefore, the parties agree as follows:

AGREEMENT

Section 1. Performance of Duties. The duties outlined in this Section shall be undertaken by Mark Scheibmeir, shareholder of Scheibmeir, Kelly & Nelson, P.S. If Mark Scheibmeir is unable to perform the duties of Hearing Examiner, Scheibmeir, Kelly & Nelson, P.S. must utilize the process for obtaining permission to utilize a Hearing Examiner Pro Tem as outlined in Section 4.

The Hearing Examiner shall at all times faithfully, and to the best of his ability and experience, perform all of the duties that are required of him pursuant to the expressed and implicit terms of this Agreement, Gig Harbor Municipal Code, and the rules of professional conduct. The provisions of chapter 2.25 of the Gig Harbor Municipal Code (as it now exists or may hereafter be amended), Resolution No. 1054 Rules of Procedure, and RCW 35A.63.170 are incorporated into this Agreement as if fully set forth herein.

In addition to the duties set forth above, the Examiner may be requested to attend one City Council meeting annually. During this meeting, which shall be scheduled in advance with the City Council, the Examiner shall provide a summary of his services in the past year, together with any suggestions for changes to procedure or codes. The Council shall have the opportunity to provide the Examiner with feedback on his performance under this Agreement.

Section 2. Compensation. The City shall compensate the Hearing Examiner for handling the hearings and administrative duties assigned to him by the City as follows:

A. The Examiner shall provide services to the City at an hourly rate of two hundred fifty dollars ($250.00) per hour for the performance of the duties described herein. The Examiner will not charge for travel time or materials, provided that hearings are conducted remotely. Pro Tem Hearing Examiner services shall be provided at an hourly rate of two hundred and fifty dollars ($250.00) per hour.

B. The Hearing Examiner shall submit monthly payment invoices to the City after such services have been performed. The City shall pay the full amount of the invoice within thirty (30) days of the receipt, unless there is a dispute. In the event of a dispute, the City shall pay the amount not in dispute, and the parties shall resolve the matter pursuant to Section 9 herein.

Section 3. Liability Insurance.

A. The Hearing Examiner shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Hearing Examiner, its agents, representatives, or employees.

B. Hearing Examiner's maintenance of insurance as required by the agreement shall not be construed to limit the liability of the Hearing Examiner to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

C. Minimum Scope of Insurance. Hearing Examiner shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01, or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01, or a substitute form providing equivalent liability coverage and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Hearing Examiner's Commercial General Liability insurance policy with respect to the work performed for the City.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the Hearing Examiner's profession.

D. Minimum Amounts of Insurance. Hearing Examiner shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance shall be written with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate.

3. Professional Liability insurance shall be written with limits no less than $1,000,000 per claim and $1,000,000 policy aggregate limit.

E. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Hearing Examiner's insurance coverage shall be primary insurance as respect the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Hearing Examiner's insurance and shall not contribute with it.

2. The Hearing Examiner's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

F. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

G. Hearing Examiner shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Hearing Examiner before commencement of the work.

Section 4. Hearing Examiner Pro Tem. In the event of a conflict or disqualification, scheduling difficulties, or in any situation in which the use of a Hearing Examiner Pro Tem is required, the Hearing Examiner must inform the Planning Director and Mayor of such need. The Hearing Examiner shall inform the Planning Director and Mayor at least one month in advance of any hearing in which the Hearing Examiner Pro Tem is required and provide a list of potential pro tem hearing examiners for City review and selection. The Mayor may decide not to approve the use of an Examiner Pro Tem suggested in this manner, and request that the hearing be rescheduled to a time that would allow the Hearing Examiner's attendance. Alternatively, the Mayor may decide to authorize the use of another Hearing Examiner by separate contract.

Section 5. Qualifications and Independent Contractor Status.

A. Throughout the term of this Agreement, the Hearing Examiner shall be an attorney licensed by the State of Washington and be a member in good standing with the Washington State Bar.

B. The Hearing Examiner is an independent contractor and shall provide professional services to the City pursuant to this Agreement. The Examiner is

not an employee of the City, and shall be responsible for paying federal income tax and other taxes, fees or other charges imposed by law upon independent contractors from compensation paid to them by the City. The Hearing Examiner shall not be entitled to any benefits provided to City employees and specifically shall not be entitled to sick leave, vacation, unemployment insurance, worker's compensation, overtime, compensatory time or any other benefit not specifically addressed and provided for in this Agreement. The Hearing Examiner shall be solely and entirely responsible for his acts during the term of this Agreement. The Examiner shall be subject to the rules of conduct for municipal officials (chapter 42.23 RCW) and the relevant personnel policies of the City, as well as the Code of Professional Conduct.

Section 6. Indemnification. The Hearing Examiner shall defend, indemnify and hold the City, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the Hearing Examiner in performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or property caused by or resulting from the concurrent negligence of the hearing Examiner and the City, its officers, officials, employees, and volunteers, the Hearing Examiner's liability, including the duty and cost to defend, hereunder shall be only to the extent of the Hearing Examiner's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Hearing Examiner's waiver of immunity under the Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Agreement.

Section 7. Term. This Agreement is valid from June 30, 2023 and shall terminate on June 30, 2025, unless earlier terminated as provided in this Agreement. This Agreement may be terminated by the City or the Hearing Examiner with or without cause by providing a thirty (30) day written notice of termination to the other party.

Section 8. Nonexclusive Contract. This shall be a nonexclusive contract. The City reserves the right to appoint additional Hearing Examiners, to contract for additional hearing examiner services in the future, or to terminate this Agreement as provided herein. Nothing in this Agreement shall be interpreted to prohibit such future appointments. Nothing in this Agreement shall guarantee renewal of this Agreement, its level of payment, nor the level of cases forwarded to the Hearing Examiner in the future, regardless of whether the Hearing Examiner shall be within the term of his appointment. In the event of such future appointments, the City reserves the right to renegotiate any and all provisions of this Agreement for future contract terms.

Section 9. Resolution of Disputes. Should any dispute, misunderstanding or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Administrator, who shall determine the term or provision's true intent or meaning. If any dispute arises between the City and the Examiner which cannot be resolved by the City's determination in a reasonable period of time, or if the Hearing Examiner does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be with the Pierce County Superior Court, in Pierce County, Washington. The prevailing party shall be reimbursed by the other party for its costs, expenses and reasonable attorney's fees incurred in any litigation arising out of the enforcement of this Agreement.

Section 10. Integration. The written provisions and terms of this Agreement shall supersede all prior verbal statements of any officer or representative of the City, or any prior agreements between the parties and such statement or prior agreements shall not be effective or be construed as entering into, forming a part of, or altering this Agreement in any way. The entire agreement between the parties is contained in this Agreement document.

Section 11. Severability. In the event that any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the remaining provisions shall remain in full force and effect.

Section 10. Notice. Notice given pursuant to this Agreement shall be given in writing to the parties as follows:

Hearing Examiner:	Mark C. Scheibmeir Scheibmeir, Kelly & Nelson, P.S. 299 N. W. Center Street P.O. Box 939 Chehalis, WA 98532
City:	Community Development Director City of Gig Harbor 3510 Grandview Street Gig Harbor, WA 98335 (253) 851-6170

Section 11. Waiver and Modification. No waiver or modification of this Agreement shall be valid unless in writing and executed by the duly authorized representatives of the parties. The failure of either party to insist upon strict performance of any of the provisions of this Agreement shall not be construed to be a waiver or relinquishment of said provision in the Agreement, and the same shall remain in full force and effect.

DATED this ___ day of _____, 2020.

CITY OF GIG HARBOR

By: _____
Mayor Tracie Markley

HEARING EXAMINER
Scheibmeir, Kelly & Nelson, P.S.

By _____
Mark C. Scheibmeir

Title President

ATTEST:

_____
Joshua Stecker, City Clerk

APPROVED AS TO FORM:

_____
Daniel Kenny, City Attorney

SCHEIBMEIR, KELLY & NELSON, P.S.

MARK C. SCHEIBMEIR
BRIAN J. KELLY

ATTORNEYS AT LAW
299 N. W. CENTER STREET
P. O. BOX 939
CHEHALIS, WASHINGTON 98532
PHONE: (360) 748-3386/ FAX: (360) 748-3387
www.centerstlaw.com

KEVIN T. NELSON

WILLIAM T. HILLIER
Retired

May 5, 2023

Mr. Carl de Simas
Community Development Director
City of Gig Harbor

Re: RFQ/RFP Hearing Examiner

Dear Mr. De Simas:

I am in receipt of the City's Request for Qualifications and Proposal (RFQ/RFP) for the position of Hearing Examiner. I currently serve as the Hearing Examiner for Lewis and Cowlitz Counties as well as the Cities of Olympia, Lakewood, Black Diamond, Buckley, Yelm, Kelso, Castle Rock, Elma, and others. A more complete description of my professional background and work as a Hearing Examiner is attached.

I graduated from the University of Washington Law School in 1981. I have been practicing law in Chehalis since 1981, or for the past 42 years, and have served as a Hearing Examiner for the past 27 years. A more complete description of my professional background and work as a Hearing Examiner is described in the attached Summary of Qualifications.

I am currently 67 years old and intend to continue serving as a Hearing Examiner for several years. In the meantime, it is my plan to develop another attorney in the firm, Kevin Nelson, to serve initially as Hearing Examiner Pro Tem but later to take over the role as Hearing Examiner (subject, of course, to the jurisdiction's approval). This approach offers my nearly 30 years of experience as a Hearing Examiner together with transition to a well-qualified successor, thus assuring long-term stability in the position.

Again, my Summary of Qualifications is attached. Please let me know if any requested information is missing or if you seek any additional information. In advance, thank you for your review of my application.

Very truly yours,

SCHEIBMEIR, KELLY & NELSON, P.S.

By

Mark C. Scheibmeir
mark@centerstlaw.com

SUMMARY OF QUALIFICATIONS

BACKGROUND INFORMATION

Mark C. Scheibmeir
Scheibmeir, Kelly & Nelson, P.S.
299 N.W. Center Street/P. O. Box 939
Chehalis, Washington 98532
Telephone: (360) 748-3386
Facsimile: (360) 748-3387
Email: mark@centerstlaw.com

A. CV OF ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Bachelor of Science in Business Administration (with honors) from the University of Kansas in 1978.

Law Degree from the University of Washington Law School in 1981.

Private law practice in Chehalis, Washington from 1981 to the present, or 42 years.

Hearing Examiner Experience

Hearing Examiner for Lewis County since the position was created in 1996, or 27 years.

Hearing Examiner for Cowlitz County since 2007.

Hearing Examiner for the City of Olympia since 2013.

In 2020/2021 Stephen Causseaux ended his tenure as Hearing Examiner for several cities in Pierce, Thurston and King Counties. As a result of Mr. Causseaux's retirement, I have been asked by several of those cities, including Black Diamond, Buckley and Yelm, to serve as their Hearing Examiner. I also became the Hearing Examiner for the City of Lakewood in 2022. I also serve as Hearing Examiner for several other, smaller cities including Kelso, Castle Rock, Elma, and the Towns of Cathlamet and Vader.

It is perhaps important to add that, in nearly 30 years of work as a Hearing Examiner, I have not had a decision overturned on appeal despite many of these hearings having highly complex issues.

Additional Background Information

I have been practicing law in Chehalis since 1981, or for the past 42 years. I have been involved in a number of community activities and have been on the Board for the Centralia College Foundation for nearly 30 years. In 2017 I was appointed by Governor Inslee as a Trustee for Centralia College and am currently in my second 5-year term.

B. DEMONSTRATED EXPERIENCE WITH CITY, COUNTY AND STATE LAND USE REGULATIONS

In the other jurisdictions where I serve, I am responsible for subdivision approval; critical areas regulations; shoreline substantial development permits; SEPA appeals; recommendations for zoning changes; conditional use permits; variances; and some code enforcement actions including dangerous animals and health code violations.

C. METHOD AND APPROACH

I am willing to conduct hearings in the location and format preferred by the City, that is, I am equally amenable to both in-person and remote hearings and am also amenable to either daytime or evening hearings. My Legal Assistant, Kristin Friend, has served as my assistant for more than 30 years and has an exceptional relationship with all of the planning staffs where I serve as Hearing Examiner. I entrust the jurisdiction's staff to arrange for the hearing, provide proper notice, assure that the hearing is recorded, maintain all exhibits, and provide a timely staff report in advance of the hearing. I understand that I will be expected to prepare my decision within a short time following the conclusion of the hearing and I have always complied with this requirement. I also understand that I may be asked to prepare a set of procedural rules and procedures although these may already be in place. If so requested, I will prepare them.

D. EXAMPLES OF WRITTEN WORK

Attached are three examples of recent decisions including the following:

- City of Olympia, *Grass Lakes Nature Trail.*
- Lewis County, *Cowlitz River Public Access Point/Lewis County Public Works.*
- City of Lakewood, *LBA OR Development Company II, LLC.*

It is perhaps worth noting that I recently completed two important, complex decisions for the City of Kelso and for the City of Black Diamond. I have not included either of these decisions as they both run 50 pages or more in length but would be happy to provide them upon request.

E. PROFESSIONAL REFERENCES

1. Lee Napier, Lewis County Community Development Director.
   Telephone: (360) 740-2606.

2. Emily Terrell, AICP, Building and Planning Director for City of Buckley.
   Telephone (360) 761-7817.

3. Nicole Floyd, Principal Planner for City of Olympia. Telephone (360) 570-3768.

F. FEE PROPOSAL

Currently all of the jurisdictions I serve are billed on an hourly basis. My current hourly rate for Hearing Examiner work is $250.00 per hour (my other private work is billed at the rate of $350.00 per hour). Billings are submitted at the conclusion of the case. I usually include travel time as part of my billing and therefore encourage uncontested and simple hearings to be held remotely to avoid this added cost.

G OTHER INFORMATION

As noted in my cover letter, I anticipate transitioning my role to another attorney, Kevin Nelson, with the goal of allowing Mr. Nelson to seamlessly assume my role when I choose to retire in a few years. I believe that this approach will provide my jurisdictions with a continuous, uninterrupted relationship between the jurisdiction and its Hearing Examiner.

I understand that I will be required to procure and maintain errors and omissions insurance and other various forms of insurance. Both I and the other members of my firm have all required forms of insurance and will continue to maintain them.

SUMMARY

I hope that I have responded to all of the RFQ/RFP requirements. Please let me know if there is any additional information you need or any other matters you would like to discuss. In advance, thank you for consideration of my application for the position of Gig Harbor Hearing Examiner.

Mark C. Scheibmeir

CITY OF OLYMPIA DECISION

BEFORE THE CITY OF OLYMPIA HEARING EXAMINER

IN RE:	)	HEARING NO. 21-2963
	)	
GRASS LAKES NATURE TRAIL,	)	FINDINGS OF FACT,
	)	CONCLUSIONS OF LAW
	)	AND DECISION

APPLICANT: City of Olympia Parks, Arts and Recreation Department

REPRESENTATIVES:

Neal Glassburn, Project Engineer

SUMMARY OF REQUEST:

(1) A Conditional Use Permit; (2); a Shoreline Substantial Development Permit; and (3) a Shoreline Conditional Use Permit to construct 5,700 linear feet of hard surface trail from Kaiser Road to Harrison Avenue; a parking lot at the Kaiser Road trailhead to accommodate 10 parking stalls, 1 accessible stall, and 1 parallel bus parking stall; and a 10-foot wide raised boardwalk crossing a wetland; along with other frontage improvements along Kaiser Road and a new concrete driveway ramp, all to be located within Glass Lake Park.

LOCATION OF PROPOSAL:

Glass Lake Park, located between 14th Avenue to the north, Harrison Avenue to the south, Kaiser Road to the west, and Cooper Point Road NW to the east.

SUMMARY OF DECISION:

The requested permits are **approved** subject to slightly modified conditions.

BACKGROUND

Glass Lake Nature Park consists of 217 acres located north of Harrison Avenue, east of Kaiser Road, south of 14th Avenue, and west of Cooper Point Road. The park was acquired in 1990 and has remained undeveloped since, although it contains an informal trail system. Much of the park consists of Grass Lake, which, in turn, includes Lake Louise[1] and a large Category 1 wetland complex. As a result, much of the park is located within the shoreline jurisdiction of

[1] Various reports sometimes refer to it as Louise Lake.

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Grass Lake and has a designation of Urban Conservancy (UC), Reach Grass-1 in the City's Shoreline Master Program.

At the time the park was acquired, the City envisioned a natural preserve to provide the community with trails and ecosystem education opportunities. This vision was formalized in the Master Plan established for the park in 1997. The Master Plan proposes use of the park through a series of trails and education facilities. Apart from these minimal improvements, the Master Plan envisions the park being left in its natural state to serve as a refuge.

In 2007, the Thurston Regional Trails Plan was completed. It also envisions a trail through Glass Lake Park as part of the "Capitol to Capitol Trail Route" from the State Capitol to the Capitol State Forest.

In 2019, the currently proposed trail was selected for a construction grant from the Washington State Recreation and Conservation Office (RCO). The proposal received 21 letters of support from local schools, organizations, environmental groups and coalitions, as well as neighborhood associations and Olympia residents.

In 2021, the City of Olympia Parks, Arts and Recreation Department (the "City" or "Parks Department") applied to the Planning Department for the necessary permits to construct a hard surface (paved) trail slightly more than a mile in length (5,300 feet) commencing at a trailhead/parking lot on Kaiser Road, then running east parallel to and a short distance north of 6th Avenue, and crossing an important wetland area by means of a raised 365-foot boardwalk. Once past the boardwalk, it then turns south to a terminus on Harrison Avenue. The proposed parking lot improvements trigger the need for a Conditional Use Permit, while the entire project requires a Shoreline Substantial Development Permit along with a Shoreline Conditional Use Permit.

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The first draft of the proposed trail system in 2021 was met with widespread opposition by State agencies (Ecology and WDFW), environmental groups and the Squaxin Tribe. These entities questioned the need for the trail as well as its proposed location, width and paving.

In response to these criticisms, the City submitted a second proposal for the trail system in early 2022. Just as with the first proposal, interested agencies and entities reacted to this proposal in a similar manner and with similar concerns.

Undaunted, the City submitted a third draft of the proposed trail system in late 2022. The third draft contained some key changes to the trail's location but, more importantly, provided a much better analysis as to why the trail was an important piece of the City's and region's trail system, and how it would improve non-motorized travel in this area. The City then met with interested agencies and entities onsite to better identify the specific location of the trail and explain its benefits. The adjustments made in the third draft of the plan, coupled with the onsite meetings, successfully addressed all concerns of State agencies, environmental organizations and the Tribe. As a result, all of these entities now support the application.

As proposed, the trail would have a 10-foot wide paved surface in order to satisfy the various requirements of WSDOT, the City of Olympia Engineering Design and Development Standards (EDDS) and, most importantly, ADA standards found in the U.S. Access Board ADA design for outdoor areas. As the trail approaches the wetland, it becomes a 10-foot wide raised boardwalk with bump outs for a bird blind, bench and interpretive signage. The boardwalk is located at the narrowest portion of the wetland so as to minimize wetland impacts. The impact of the boardwalk is further minimized by using diamond piers for support. The trail will include a turnaround near the boardwalk to allow emergency access and will have both permanent and temporary bollards at various locations to ensure proper use.

It has been recognized that the trail system will have some unavoidable impacts to both wetlands and wetland buffers. These impacts are proposed to be mitigated through enhancements to Lake Louise and its buffers at a 6-to-1 ratio.

Through the application process, the public has generally been in favor of the application although there has been some public opposition, especially by residents whose homes along 6th Avenue adjoin the park near the proposed trail. These residents have understandable concerns as to how the trail may impact their properties and/or their enjoyment of the park.

Planning Staff recommends approval of the requested permits subject to 17 proposed conditions. The proposed conditions include some added ones requested by Ecology in return for its project approval. The proposed conditions of approval are generally not controversial with the exception of proposed hours of operation. Staff recommends that use of the trail be limited daily from dawn to dusk but members of the public have questioned these limits, especially when the primary purpose of the trail is to improve regional non-motorized travel.

PUBLIC HEARING

The public hearing commenced at 6:30 p.m. on Monday, March 27, 2023. The hearing took place in a hybrid format with members of the public invited to attend in person in the City Council Chambers in the City Hall or, alternatively, remotely via the Zoom platform with the City serving as host. The City appeared through Lydia Moorehead, Associate Planner. The Applicant, the City Parks, Arts and Recreation Department, appeared through Neal Glassburn, Project Engineer, and Sylvana Niehuser, Director of Parks Planning. Testimony was received from Ms. Moorehead, Mr. Glassburn and Ms. Niehuser. Several members of the public were present and asked to testify as discussed more fully below. A verbatim recording was made of the public hearing and all testimony was taken under oath. Documents considered at the time of

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the hearing were the Staff Report, including Exhibits 1-25. The only additional exhibit was a copy of the PowerPoint demonstration presented by City Staff (Exhibit 26).

Ms. Moorehead testified briefly but primarily relied on her lengthy Staff Report. She explained how the park had been acquired by the City more than 30 years ago (1990) with it always having been envisioned as a nature refuge with minimum development except for trails and education opportunities. This vision was formalized in the 1997 Master Plan which acknowledged the twin goals of protection of an important natural resource with some utilization so that residents could benefit from it without undue harm. This concept was advanced in the 2007 Thurston County Regional Trail Plan in which a trail through the park was envisioned as part of a larger Capitol to Capitol trail system. Ms. Moorehead explained that the proposed trail is consistent with the trail envisioned in both the Grass Lakes Master Plan as well as the Thurston County Regional Trail Plan.

Ms. Moorehead explained that the park lies within the RLI zoning designation. Within this zone, the proposed parking lot improvements are allowed but subject to a Conditional Use Permit. The trail system will be located in close proximity to Grass Lake, a shoreline of statewide significance, and will therefore require both a Shoreline Substantial Development Permit and a Shoreline Conditional Use Permit. The necessary Conditional Use Permit and the two Shoreline Permits are to be decided upon by the Hearing Examiner, with final approval of the Shoreline Conditional Use Permit by the Department of Ecology.

The proposed trail will commence on Kaiser Road NW where there will be a parking area for 10 parking stalls and 1 ADA stall along with a parallel bus parking stall. From this trailhead, the trail will travel east along the southerly portion of the park, relying upon a 10-foot wide paved path. As the trail approaches an important wetland, the paved path will give way to a raised boardwalk, also 10-feet in width, and running 365 feet across the wetland. Soon after the trail crosses the wetland it then makes sharp right and continues as a 10-foot wide paved trail

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southerly to Harrison Avenue where it terminates. Ms. Moorhead explained that the 10-foot width and paved surface are necessary to satisfy ADA and other requirements. The trail has been located so as to minimize impact to trees, especially mature Douglas Fir, and the boardwalk has been located at the narrowest part of the wetland and has been designed with a diamond pier foundation system, all to minimize impacts to the wetland. The boardwalk will also include bump outs for a bird blind, bench, and interpretive signage in order to more fully carryout its intended educational purposes. Users of the trail will be discouraged from veering off the trail into sensitive areas but will be encouraged to utilize other informal trails in the park that will connect to this primary trail.

Ms. Moorehead concluded her direct testimony by confirming that City Staff recommends approval of the three required permits subject to the conditions set forth in the Staff Report.

Ms. Moorehead was then questioned by the Hearing Examiner about a number of issues. The Examiner pointed out that the initial proposal for the project in 2021 had been poorly received by State agencies, environmental groups and interested tribes. The same was true for the second version of the project, submitted in early 2022. But the third and final version, submitted by the City in late 2022, received universal support from all of the agencies and entities that had earlier opposed it. The Hearing Examiner asked Ms. Moorehead if she could explain this sudden change in position. She acknowledged some surprise that all of the interested parties had found the third version of the project to be acceptable and believed the change in position to be the result of important changes to the project along with onsite meetings with the interested parties to better explain it.

Ms. Moorehead was also asked as to why the trail was 10-feet in width and paved, as the 2007 Thurston Regional Trail Plan suggested narrower, graveled trails. Ms. Moorehead

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responded that the wider, paved trail was essential to meet requirements for shared-use trails. She was then asked as to why the trail was located in a more southerly location within the park and she explained that this is necessary to remain well clear of the park's most sensitive natural areas including its water bodies, wetlands, and buffers. The result is that the trail is somewhat close to residential properties along 6th Avenue but there remains a fairly significant distance between these adjoining residential properties and the trail system.

Ms. Moorehead was then asked why the trail makes a sharp right turn to the south and Harrison Avenue once it crosses the boardwalk instead of continuing easterly toward Cooper Point Road. She explained that continuing the trail easterly would require the crossing of yet another important wetland, while, at the same time, the trail can make use of an existing informal trail to reach points to the north and east, thereby avoiding the construction of any more new trail than necessary.

The Hearing Examiner also asked Ms. Moorehead as to why the proposed parking area was as large as proposed. She explained that the 10 stalls were consistent with parking in other similar parks while the bus parking stall was to facilitate school trips from nearby schools.

At the conclusion of Ms. Moorehead's testimony the Parks Department, as Applicant, testified through Neal Glassburn and Sylvana Niehuser. Mr. Glassburn confirmed that the positive response by Ecology, Fish & Wildlife, interested tribes and environmental organizations to the third version of the project was in part due to important changes to the plan but, more importantly, the product of meetings onsite with all interested parties to better explain the importance of the project. In particular, these meetings were used to help explain why the proposed trail would serve as a critical means of non-motorized travel, and would both invite increased pedestrian and cycling travel while also providing a much safer alternative than

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existing options. Mr. Glassburn then confirmed that the Parks Department has no objection to any of the conditions proposed by City Staff.

At the conclusion of Mr. Glassburn's testimony the hearing was opened to public testimony. Four members of the public asked to testify:

Karen Messmer first noted that she has been active in much of the City and region's planning including the Park's Master Planning. She is also an avid cyclist. Ms. Messmer's comments were mostly cycling-related:

(1) She questioned why the proposed hours of use were limited to dawn to dusk as, for much of the year, this would prohibit many users from relying on the trail to both get to and return from work. She therefore proposed that the hours be extended to better allow the trail to be used as an important alternative to nearby roads.

(2) Ms. Messmer then questioned why the trail did not have paved and widened entry trails where current informal trails are located along 6th Avenue.

(3) Ms. Messmer asked for confirmation that bike parking at Kaiser Road would have rain protection.

Apart from these questions/concerns, Ms. Messmer was strongly supportive of the proposed trail and felt that it carried out the vision of the various Master Trail Plans.

Tom Caniglia lives near the trail along 6th Avenue. While Mr. Caniglia had some concerns about the trail he was not opposed to it but did seek assurances that it did not call for the removal of the large Douglas Fir trees in the park.

Mike and Jenny Galassi, husband and wife, also reside along 6th Avenue and their property adjoins the park. They have a number of concerns about the project. Among other things, they are concerned that paved trails will open the door to various unintended uses including unlawful activities; that increased trail use will degrade the park; that greater park use

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will require increased park security; that the project will result in increased noise; and that park's existing wildlife and sensitive areas will be harmed.

At the conclusion of public testimony the questions posed by both Karen Messmer and Tom Caniglia were presented to Staff and the Applicant for responses:

Ms. Messmer's questions about the hours of operation were responded to by Ms. Moorehead and Sylvana Niehuser from the Parks Department. Ms. Niehuser explained that the Parks Department was requesting dawn to dusk hours out of safety concerns as the trail will not have any lighting. Nonetheless, both she and Ms. Moorehead acknowledged that the trail has been presented as an important non-motorized means of travel and that limited hours would reduce its importance. When asked if either party would object to the Hearing Examiner expanding the hours, neither objected.

In response to Ms. Messmer's questions about paving informal trails along 6th Avenue that lead to the primary trail, Mr. Glassburn explained that site conditions would not allow for this and that at least one of the trails is on private property.

In response to Ms. Messmer's question as to whether bike parking on Kaiser would be protected from rain, Mr. Glassburn confirmed that bike storage has been designed for protection from the rain.

In response to Mr. Caniglia's questions about the preservation of older Douglas Fir trees, Ms. Moorehead and Ms. Niehuser confirmed that the trail has been located so as to avoid, or at least minimize, the loss of any important trees.

The proposed trail system has been envisioned by the City for more than 30 years; has been recognized in several City and regional trail plans; has obtained grant funding for construction based upon strong community support; and has been revised to address all concerns of Ecology, Fish & Wildlife, environmental groups and the Squaxin Tribe. The proposal appears

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to have broad public support subject to a few concerns by adjoining residences. The application has resulted in a careful examination of all environmental impacts, especially to wetlands and their buffers, and has been revised to minimize those impacts while fully mitigating unavoidable impacts. I conclude that the proposed trail system has been thoughtfully drafted and should be approved subject to the conditions suggested by Planning Staff with the exception of the proposed hours of allowed use. The trail should be available for use from dawn or 7:00 a.m., whichever is earlier, to dusk or 6:00 p.m., whichever is later. This will allow use of the park in the manner for which it is primarily intended.

Accordingly, I make the following:

FINDINGS OF FACT

General Findings.

1. Any Findings of Fact contained in the foregoing Background or Public Hearing Sections are adopted by the Hearing Examiner as his own Findings of Fact.

2. The Applicant requests a Conditional Use Permit, a Shoreline Substantial Development Permit, and a Shoreline Conditional Use Permit to construct 5,700 linear feet of hard surface (paved) trail extending from Kaiser Road east and south to Harrison Avenue. The trail would be 10-feet in width. The project also includes 365 linear feet of 10-foot wide raised boardwalk across a Category 1 wetland. Other site improvements include frontage improvements along Kaiser Road consisting of a bike lane, curb, storm swale, sidewalks, and driveway approaches along with landscaping, bike parking, information kiosk and garbage can. Included improvements to the boardwalk are bump outs for a bird blind, bench, and interpretive signage. An emergency access turnaround is designed near the west end of the boardwalk. Fixed bollards will be installed on both ends of the boardwalk to prevent vehicle access, and

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removable bollards will be established at both Kaiser Road and Harrison Avenue to limit vehicle access.

3. The project site is located within the Residential Low Impact (RLI) zoning designation. The proposed parking improvements are an allowed use within the RLI zone subject to a Conditional Use Permit.

4. Grass Lake is a shoreline of statewide significance. Grass Lake contains Louise Lake together with an associated Category 1 wetland complex as indicated in the figure on page 3 of the Staff Report.

5. The project site has a Shoreline Master Program designation of Urban Conservancy and a Comprehensive Plan designation of Low Density Neighborhoods (SFR).

6. The site maps identifying the location of the propose trail within the park and its proximity to the Ordinary High Water Mark (OHWM) of Grass Lake, wetland buffers and other critical areas are found in Exhibit 22 as well as other exhibits.

7. As shown on site maps, the proposed project is in close proximity to the OHWM of Grass Lake, with portions falling within 100-feet of the OHWM. The trail's proximity to Grass Lake triggers the need for both a Shoreline Substantial Development Permit and a Shoreline Conditional Use Permit.

8. As also shown on site maps, the proposed trail is in close proximity to a Category 1 wetland system and its buffers, and the boardwalk portion of the proposed trail would span a portion of the wetland. The project therefore also requires compliance with the City's Critical Areas Regulations.

9. The City, acting as Lead Agency, issued a SEPA Determination of Nonsignificance (DNS) on February 16, 2023. Comments were received from agencies and the public but did not result in any change to the DNS, although comments were incorporated into

conditions of project approval. No appeals to the DNS were received and the SEPA Determination is deemed final.

10. Public notice was mailed to property owners within 300 feet of the subject property, parties of record and recognized neighborhood associations, posted on the site and published in The Olympian on February 16, 2023, in conformance with OMC 18.78.020 (Exhibit 2).

Findings Relating to the Project Site's History and Its Conditions.

11. Grass Lake Park contains 217 acres and is located between 14th Avenue SW to the north, Harrison Avenue NW to the south, Kaiser Road NW to the west, and Cooper Point Road NW to the east. A map depicting Grass Lake Park in relation to surrounding properties is found on page 2 of the Staff Report.

12. Grass Lake, which includes Louise Lake and a large Category 1 wetland complex, covers much of the park as shown on the site map at page 3 of the Staff Report. It serves as the headwaters of Green Cove Creek and is one of the most environmentally intact wetland systems in Northern Thurston County. As noted on maps, Grass Lake and associated wetlands are located centrally within the park and continue both east and west and north and south, effectively dividing the southern upland portion from the northern upland portion, and the westerly portion from the easterly portion.

13. The park currently has no formal improvements but does have a longstanding set of informal trails and and informal trailhead off of Kaiser Road. There is also located within the park a sanitary sewer main and graveled access road from Harrison Avenue north to the eastern portion of the park.

14. The area surrounding the park is largely residential but with some commercial development located to the southwest.

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15. Grass Lake Park was acquired in 1990 and a Master Plan for the park was approved in 1997 (Exhibit 3). The Master Plan proposes that the park be preserved in its natural condition but yet provide the community with trails and ecosystem education opportunities.

16. The Master Plan recognizes that the park should serve as a sanctuary for wildlife as well as people and that future development would be limited to improved trails, boardwalks, environmental education, and interpretation facilities, along with parking and restrooms, in order to provide access to nearby schools and the general public.

17. The Master Plan identifies a proposed trail traveling west/east through the southern portion of the park, as well as a trailhead and parking lot along Kaiser Road, in a manner quite similar to the current proposal.

18. In 2007 the Thurston Regional Trails Plan was established (Exhibit 18). The Regional Trails Plan recognizes Grass Lake as an important location for regional trails. In particular, it identifies Grass Lake Park as the location for a segment of the proposed "Capitol to Capitol" trail route to provide a corridor between the State Capitol and the Capitol State Forest. The proposed location of a trail through Grass Lake in the Regional Plan is consistent with the current proposal.

Findings Relating to Project Review.

19. The Parks Department initially submitted this application in June, 2020, with the application deemed complete in June, 2021.

20. The initial design of the project was reviewed by City Staff and presented to interested agencies, other parties, and neighbors. The initial draft raised concerns by neighbors regarding the proposed trail's proximity to homes, possible use by homeless individuals, impacts to critical areas and restricted use by neighboring properties. In addition, the initial design was met with opposition by Ecology, Fish & Wildlife, environmental groups and the Squaxin Tribe

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(Exhibit 5). These entities questioned whether a sufficient need had been shown for the trail, especially in light of its potential impact upon highly sensitive areas.

21. In response to these various concerns, the Parks Department submitted a revised plan (the "second design") in May, 2022. The second design attempted to address some of the concerns of neighbors and interested entities but continued to be met with opposition by Ecology, Fish & Wildlife and others.

22. In December, 2022, the Parks Department issued new revisions to the project (the "third design"). The third design provided enhanced protection to sensitive areas along with a more complete explanation of the benefits associated with the proposed trail.

23. As part of the the third design, the Parks Department explained that the proposed trail would offer a much better alternative for non-motorized travel through this portion of the City (Exhibit 13). The trail would provide an alternative to walking and biking, along busy adjacent streets, especially Harrison Avenue, and would help establish a "low stress bike network" through the City that would provide greater safety and comfort for people of wide age, range and ability. The third design also explained that the trail would be within one mile of five different Olympia schools as well as a private school, and would offer great opportunity for environmental learning. In addition, the trail would be ADA-accessible and was designed to meet the WSDOT Shared-Use Path Design Guidelines. The third design also explained how the trail, as revised, would have the least possible impact upon wetlands as well as important trees by carefully selecting a route through the southern portion of the park. The proposed boardwalk was also revised to provide the least impact to wetland areas and to not pose a threat to fish passage or affect the hydrology of the wetland.

24. The third design also explained how the plan had been modified to ensure the least possible negative human impact by taking steps to keep users on the trail and out of

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wetlands; discourage homeless encampments, litter, and other improper uses of the park; avoid wildlife impacts by prohibiting dogs on the trail; and minimize noise.

25. Concurrent with the third design, City Staff met with interested governmental agencies and other stakeholders onsite to better explain how the trail would be located to minimize its impacts.

26. The changes made in the third design, coupled with increased information as to the importance and benefits of the trail system, have resulted in approval of the third design by Planning Staff as well as Ecology, Fish & Wildlife, environmental organizations and the Squaxin Tribe.

27. As noted in the Staff Report at page 6, final revisions to the design include more clearly identified shoreline jurisdictional boundaries and wetland buffers; a redesigned area where the boardwalk meets the trail to minimize the need for fill; and a revised Mitigation Plan which relocates mitigation work to the Lake Louise area where it is believed to have a greater benefit.

Findings Relating to Compliance with the Comprehensive Plan.

28. The Staff Report at pages 7 and 8, contains Findings relating to the project's consistency with the City's Comprehensive Plan.

29. Staff finds that the project, as conditioned, is consistent with Natural Environment Goals GN1 and Policy PN1.1, and Goal GN11 and Policies PN11.1 and PN11.3. The Hearing Examiner concurs.

30. Staff finds that the project, as conditioned, is consistent with Transportation Goals including Goal GT7 and Policy PT7.1. The Hearing Examiner concurs.

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31. Staff finds that the project, as conditioned, is consistent with Public Health, Art, Parks and Recreation Goals including GR3 and Policy PR3.2, and GR4 and Policy PR4.1. The Hearing Examiner concurs.

32. Staff finds that the project will be an important link in the City's Urban Trail System and will help provide safe walking and biking, connect neighborhoods with schools and employment centers, and assist with a larger regional trail network. The Hearing Examiner adopts these Findings and further finds that they are consistent with the Comprehensive Plan.

Findings Relating to Compliance with the Shoreline Master Program.

33. The Staff Report, at pages 8 and 9, contains Findings relating to the project's compliance with the Shoreline Master Program.

34. Staff finds that the project, as conditioned, is consistent with the Goals and Policies of the Shoreline Master Program including Policy PN12.3.A, PN12.7.D, PN12.15.H-J, PN12.26.E-G, and PN12.28.E. The Hearing Examiner has reviewed these Findings and adopts them as his own.

35. Staff further finds that the project has been carefully reviewed for compliance with regulations relating to habitat, critical areas and shorelines, with wetland mitigation, low impact construction techniques and design elements all utilized to reduce impacts to critical areas. The Hearing Examiner concurs and finds this to be further evidence of the project's consistency with the Shoreline Master Program.

Findings Relating to Other Regulations.

36. The project is subject to the standards regarding tree densities and tree protection found in Chapter 16.60 OMC. In consultation with an Urban Forester, the City has prepared a Soil and Vegetation Plan that minimizes the removal of healthy trees and vegetation and protects

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trees during construction (Exhibit 9). Staff finds that the plan will comply with Chapter 16.60 OMC. The Hearing Examiner concurs.

37. The project site is within a Special Flood Hazard Area zone and all development must be one-foot above basic flood elevation. The project, as conditioned, will satisfy this requirement and Chapter 16.70 OMC.

38. The project is located in the RLI zone and must comply with all development standards imposed upon that zoning designation. As earlier noted, this will require a Conditional Use Permit for the parking lot. OMC 18.04.060.T.4.a-d.

39. In order to grant the required Conditional Use Permit, the Hearing Examiner must find that the proposed use will not have a significant adverse effect on the immediate neighborhood. The Hearing Examiner hereby finds that the proposed facility will not have a significant adverse effect on the immediate neighborhood.

40. The project must also comply with all other applicable development standards found in Table 4.04, OMC 18.04.080. Staff finds that the project complies with all applicable development standards. The project will have less than 6% impervious surface; the parking lot will meet all design standards for surfacing dimensions and landscaping; and the number of required parking stalls is consistent with other similar trailheads in the area. The project is in compliance with OMC 18.04.080.

41. The project must comply with the Cultural Resources Requirements found in Chapter 18.12 OMC. The Applicant has provided a Cultural Resources Report which finds that there are no pre-contact archaeological resources of significant historical value present (Exhibit 10). Nonetheless, City Staff recommends an Inadvertent Discovery Plan be maintained. Both the Nisqually and Squaxin Island Tribes have expressed their acceptance of these

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conditions and have not sought additional mitigation. The project, as conditioned, therefore satisfies the requirements of Chapter 18.12 OMC.

42. The project requires adequate landscaping consistent with Chapter 18.36 OMC. The Parks Department has submitted a Landscape Plan to Staff and it has been found to be conceptually satisfactory with no modifications. The requirements of Chapter 18.36 OMC have been met.

43. The project must satisfy the requirements of Chapter 18.38 OMC for parking. The Staff Report, at pages 16 and 17, notes that parks do not have an assigned parking ratio except that one short term bicycle space must be provided for every five parking spaces, with a minimum of four. Pursuant to OMC 18.38.060.H, the Parks Department has arranged for a Parking Study to examine the parking requirements found at similar trailhead facilities (Exhibit 20). The Parking Study concludes that similar trailhead facilities have anywhere from 6-12 parking stalls. Staff finds that 10 stalls will be sufficient for this project together with one accessible space and one bus space. Subject to these conditions the project complies with the parking requirements of Chapter 18.38 OMC.

Findings Relating to Compliance with the Shoreline Master Program (SMP) Regulations, Chapter 18.20.

44. As noted earlier, the project's proximity to Grass Lake triggers the requirement for a Shoreline Substantial Development Permit and a Shoreline Conditional Use Permit.

45. To satisfy the requirements for these permits, it must be shown that the project is: (1) consistent with the local Shoreline Master Program, (2) does not interfere with the normal public use of the shoreline, (3) is compatible with existing and planned uses in the area and with uses planned for under the Comprehensive Plan and Shoreline Master Program, (4) that no

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significant adverse impacts to the shoreline will occur, and (5) that the public interest will not suffer a substantial detrimental effect.

46. Staff has determined that the application vested to the version of the SMP in effect as of June 15, 2021 (Exhibit 12).

47. Pursuant to OMC 18.20.410, all shoreline uses and development must be designed, constructed and maintained in a manner that maintains shoreline ecological functions and processes, and that all reasonable efforts have been taken to avoid adverse environmental impacts. OMC 18.20.410 sets forth priorities for mitigating impacts: (1) avoiding of adverse impact; (2) minimizing impact; (3) rectifying adverse impacts; (4) reducing or eliminating impacts; and (5) compensating for unavoidable adverse impacts; and (6) monitoring.

48. The Staff Report, at pages 11-13, contains extensive Findings regarding the application of OMC 18.20.410 to the project. In doing so, the Staff Report notes that the City Parks has provided a Wetland Report and Mitigation Plan (Exhibit 13); a Project Need Analysis (Exhibit 14); and a Transportation Engineering Recommendation Memo (Exhibit 15) all in support of the Applicant's position that the project will have no net loss to the ecological function and processes of the shoreline.

49. The Staff Report further notes that the Grass Lake shoreline areas were included in the 2009 Shoreline Inventory for Lacey, Olympia and Tumwater prepared by Thurston Regional Planning Council (TRPC). The Shoreline Inventory for Grass Lake notes that improvements to the park were anticipated, including a shared-use trail and a walking trail with viewpoints (Exhibit 17). The Shoreline Inventory was approved by City Council and subsequently approved by Ecology and has been relied upon during the evaluation of this project.

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50. Pursuant to OMC 18.20.410, Staff has reviewed the project to see whether impacts have been avoided to the fullest extent possible. Staff finds that the project will provide a needed improvement to safe, non-motorized transport as well as disability access and is consistent with the 2007 Thurston Regional Trails Plan. The proposed trail will provide the only safe alternative to walking and biking on 14th or Harrison Avenue in the area, and will provide increased safety on an alternative, lower stress route. Staff therefore finds that some impacts to the shoreline are unavoidable to achieve safe, alternative forms of travel in the area.

51. The Staff Report next analyzes whether the proposed trail has been designed to minimize impacts, and concludes that it has. Among other things, the trail and proposed boardwalk are located at the narrowest portion of the wetland that must be crossed; the least amount of trail is proposed to be developed as it will rely upon existing trails to the extent possible; the trail has been designed and located so as to preserve mature healthy trees and remove unhealthy or diseased ones; the boardwalk has been designed to minimize impacts to the wetland it must traverse and will not require any wetland fill; and the trail has been designed so as to not allow vehicles to travel the length of the trail. All construction will occur during the dry season and all impacted areas will be restored. Staff therefore finds that the project's impacts to the shoreline have been minimized to the fullest extent possible.

52. Any impacts to wetlands and their buffers must be rectified. The project, as proposed, will have a permanent impact to .07 acres of wetland and .36 acres of wetland buffer. To rectify these impacts, the project will reestablish .5 acres of wetland along the southwest corner of Lake Louise and will enhance one acre of buffer along the western side of the reestablished wetland at Lake Louise. This results in a 6-to-1 ratio of restoration for any permanent impacts. The project's Wetland Report and Mitigation Plan (Exhibit 13) concludes that this mitigation will meet the standards for net ecological lift by increasing native plant cover

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and decreasing invasive cover over time. It is expected to result in an overall increase in habitat quality and function for both the wetland and its buffers.

53. The Staff Report then analyzes whether the project will reduce impacts over time and finds that it will. Mitigation planting areas will be monitored and replanted if survival rates fall below 80%; invasive vegetation will be removed on an ongoing basis to achieve 90% native species coverage by the end of ten years; split rail fences and downed trees will be placed along the trail to prevent foot traffic within wetland areas; and park rangers and staff will monitor for litter, illegal camping, pets and other disallowed activities.

54. The Staff Report then analyzes whether the proposed mitigation will provide for required mitigation through wetland reestablishment and buffer enhancement and finds that it will. The proposed enhancement of the western side of Lake Louise and its associated buffer, at a 6-to-1 ratio, will fully compensate for wetland impacts.

55. The Staff Report then analyzes whether the project provides proper monitoring of any wetland impacts and finds that it does. Mitigation requirements will be monitored for ten years in accordance to the standards outlined in the accepted Mitigation Plan.

56. Staff therefore finds that the project, as conditioned, satisfies all requirements of OMC 18.20.410 for no net loss of shoreline ecological functions and processes, and for appropriate mitigation by avoiding, minimizing, rectifying, reducing, compensating, and monitoring as required by OMC 18.20.410. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

57. Staff also finds that the project's proposed parking is in compliance with OMC 18.20.440 and has been designed and landscaped to minimize adverse impacts upon adjacent shorelines and abutting properties. Staff finds that the proposed parking lot provides safe and

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convenient pedestrian circulation as far from the OHWM as feasible and with appropriate treatment of stormwater. The Hearing Examiner concurs.

58. OMC 18.20.450-.460 impose various restrictions on public access to protected areas of the shoreline. Staff finds that the project, as conditioned, will satisfy these requirements by discouraging off-trail use through the use of fencing and downed trees, and by providing controlled access to wetland areas via the boardwalk. Connections to public rights-of-way will be made by existing access points to the west and south. A kiosk, bicycle parking area and trash receptacles will be provided at the trailhead and wildlife blinds, benches and environmental education materials will be provided along the trail and boardwalk. The entire trail will be ADA-accessible and conform to all requirements for shared-use paths. Staff therefore finds that the project, as conditioned, meets all requirements of OMC 18.20.450 and .460. The Hearing Examiner concurs.

59. Staff also finds that all trails, benches, signs, interpretive facilities, and viewing structures are permitted in vegetation conservation areas within public parks per OMC 18.20.493.10-11.

60. A Vegetative Management Plan has been presented by the Parks Department and found to comply with the requirements of OMC 18.20.496.

61. Staff finds that all structures associated with the trail will not adversely affect water quality, aquatic lands or animals pursuant to OMC 18.20.510.

62. Staff finds that the project, as conditioned, will satisfy all development standards set forth in OMC 18.20.620, Tables 6.2 and 6.3. Staff also finds that trails and shared youth paths allowed in shoreline setbacks, vegetation buffers, and over water is shown to comply with mitigation sequencing pursuant to OMC 18.20.493.10-11 and 18.20.700.E. Mitigation sequencing has been accomplished as required by these regulations.

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63. Pursuant to OMC 18.20.680, new trails are subject to mitigation sequencing and must be designed to minimize impacts to ecological functions of the shoreline while providing access and waterfront enjoyment to the public. For the reasons stated previously, Staff finds that the project complies with mitigation sequencing, minimizes impacts to the shoreline and provides mitigation for permanent impacts, and thus satisfies the requirements of OMC 18.20.680.

64. Pursuant to OMC 18.20.700, the proposed trail must be designed to meet the minimum width necessary to accommodate its intended uses. As previously discussed, the proposed 10-foot paved trail is the minimum necessary to satisfy Engineering Design and Development standards, WSDOT standards and ADA standards for outdoor areas. The proposed length of trail is also the shortest length of trail to accomplish its intended purposes for regional access while also reducing impacts to the shoreline and wetlands. In addition, the boardwalk has been designed to avoid any impact to the wetland and assure no net loss of shoreline ecological function. Staff therefore finds that the project complies with all requirements of OMC 18.20.700.

65. Staff concludes that the project, as conditioned, satisfies all requirements of Chapter 18.20. The Hearing Examiner concurs and adopts all of the Staff's proposed Findings of Fact.

Findings Relating to Critical Areas, Chapter 18.32 OMC.

66. In addition to satisfying all requirements for protection of the shoreline found in Chapter 18.20, the project must also satisfy all requirements for the protection of Critical Areas as found in Chapter 18.32. The Staff Report, at pages 14-16, addresses these requirements.

67. The project must provide appropriate protection to wellhead areas pursuant to OMC 18.32.200. The Staff Report notes that a portion of the site falls within the Kaiser

Wellhead Protection Area. The Parks Department has prepared an Integrated Pest Management Plan (IPMP) to ensure safe drinking water (Exhibit 25). Staff has reviewed the IPMP and finds it consistent with OMC 18.32.200.

68. Staff has reviewed the project pursuant to OMC 18.32.300-.325 to determine what impacts it may have on important habitats and species. Staff notes that the project site has the potential for having important habitat and species. As a result, an Important Habitat and Species Assessment and Management Plan has ben prepared and has concluded that the project site meets the definition for a Biodiversity Habitat Area and includes several important species including Olympia mudminnow, wood duck, big brown bat, little brown bat, yuma myotis, and pileated woodpecker (Exhibit 19). The Management Plan identifies potential impacts and provides for appropriate mitigation to compensate for lost functions of locally important habitat and for impacts to species of local importance. Mitigation measures include replacement of 11 trees greater than 21 inches, diameter breast height (DBH) with 125% of the tree density removed; repurposing removed trees to provide additional forest function; and installing up to 4 wood duck boxes. As conditioned, Staff finds that the project complies with the requirements of OMC 18.32.300-.325.

69. As noted earlier, the project site contains a large Category 1 wetland complex which overlaps with the shoreline jurisdiction of Grass Lake in the area of the project. Staff notes that most of the wetland's 260-foot buffer falls within the 200-foot shoreline jurisdiction. In areas of overlapping jurisdiction, Critical Area review is combined into the Shoreline Substantial Development and Shoreline Conditional Use Permit review and approval. Nonetheless, as the wetland buffer is significantly larger than the shoreline boundaries (by 60 feet), the additional 60 feet of wetland buffer is regulated by the Critical Area Ordinance, Chapter 18.32 OMC.

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70. Pursuant to OMC 18.32.530.F, trail construction greater than 4 feet in width with a paved surface in a Category 1 wetland may be authorized only when the Hearing Examiner has determined that there are no practical alternatives. OMC 18.32.530.F. If this determination is reached by the Hearing Examiner, the trail is then subject to the performance standards found in OMC 18.32.525.K.

71. Staff recommends that the Hearing Examiner determine that there are no practical alternatives to the proposed trail. Staff notes that the Wetland Report and Mitigation Plan (Exhibit 13), Project Need Analysis (Exhibit 14) and Transportation Engineering Recommendation Memo (Exhibit 15) discuss at length the need for the trail in the proposed location within both a shoreline and wetlands areas. As noted in these reports, Grass Lake provides the only alternative to walking and biking on Harrison Avenue in this area. The proposed trail allows pedestrians and bicyclists increased safety on alternative, a lower stress route. The needed trail cannot occur without crossing the Category 1 wetland.

72. The Hearing Examiner has reviewed the Staff's Findings with respect to OMC 18.32.530.F and finds that there are no practical alternatives to the proposed trail.

73. The Staff Report, at page 16, analyzes the design of the proposed trail in reference to OMC 18.32.525.K and trail performance standards. Staff finds that the trail has been designed to rely upon previously disturbed areas as much as possible; was designed with the consultation of an Urban Forester to provide the least amount of impact to existing mature trees and vegetation; and provides mitigation measures for unavoidable impacts to habitat from trail construction. Staff finds that the project, as conditioned, satisfies all trail performance standards found in OMC 18.32.525.K.

74. The Staff Report, at page 16, analyzes the project with respect to mitigation for lost or diminished wetland and buffer functions pursuant to OMC 18.32.540. Staff notes that this

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regulation prefers restoration and rehabilitation of wetlands, then creation of, then enhancement of significantly degraded wetlands. As earlier noted, the project proposes to mitigate .07 acres of permanent wetland loss by restoring .5 acres of wetland at the southwest corner of Lake Louise that was previously filled and degraded. In addition, an abandoned and isolated section of sewer pipe will be removed. The project also proposes to mitigate .36 acres of permanent buffer impact by enhancing one acre of buffer along the newly established wetland at the southwest corner of Lake Louise. Staff finds that this proposal will result in a net ecological lift by increasing native plant cover and decreasing invasive plants over time. All mitigation will be monitored for ten years to comply with the mitigation plan's performance standards. Staff therefore finds that the project, as conditioned, fully satisfies the requirements of OMC 18.32.540 and its preferred mitigation actions.

75. Staff finds that the project, as conditioned, meets all additional requirements of the Critical Areas Ordinance, Chapter 18.32 OMC, in addition to satisfying all requirements of the Shoreline Regulations, Chapter 18.20 OMC. The Hearing Examiner has carefully reviewed these Findings and concurs.

Findings Relating to Hours of Operation.

76. The Parks Department has recommended that the trail be available for public access from dawn through dusk daily. Planning Staff concurs with this recommendation and has suggested it as proposed Condition No. 6.

77. Members of the public have questioned this restriction on hours of use and have pointed out that it is inconsistent with the claim that the trail will serve as an important alternate means of access and provide a safe alternative to the use of Harrison Avenue.

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78. The Hearing Examiner acknowledges these concerns and has questioned the Parks Department and Planning Staff as to whether either would have any objection to the Examiner imposing increased hours of use. Neither party objects to this.

79. The Hearing Examiner finds that if the trail is to be used for the purposes claimed, that is, to provide a safe alternative for pedestrians and bicyclists to travel in this area, its hours of use must be sufficient enough to allow for most daily use without imposing undue burdens upon City Staff or upon the surrounding neighborhood. The Hearing Examiner therefore finds that the hours of use should be expanded to: 7:00 a.m. or dawn, whichever first occurs, and 6:00 p.m. or dusk, whichever later occurs. Proposed Condition No. 6 shall be revised accordingly.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background Section, Public Hearing Sections or Findings of Fact are incorporated herein by reference and adopted by the Hearing Examiner as his Conclusions of Law.

3. The requirements of SEPA have been met.

4. A Conditional Use Permit is required for the proposed use at this site. The locational standards for such a use in the RLI zone have been satisfied.

5. A Shoreline Substantial Development Permit is required for the proposed use of this site.

6. A Shoreline Conditional Use Permit is also required for the proposed use of this site.

7. The site's designation in the Shoreline Master Program is Urban Conservancy.

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8. The project, as conditioned, is consistent with the City's Comprehensive Plan, including those goals and policies specifically identified in the Findings of Fat.

9. The project, as conditioned, complies with the policies and regulations of the SMP, including policies specifically identified in the Findings of Fact for the Urban Conservancy Shoreline.

10. The project, as conditioned, complies with the overall goals of the SMP.

11. The project, as conditioned, complies with all Shoreline Master Program regulations contained in Chapter 18.20 OMC.

12. The project, as conditioned, is (a) consistent with the Shoreline Master Program, (b) does not interfere with the normal public use of the shoreline, (c) is compatible with existing and planned uses in the area, and with uses planned for under the Comprehensive Plan and Shoreline Master Program, (d) will not cause any significant adverse impacts to the shoreline to occur, and (e) the public interest will not suffer any substantial detrimental effect.

13. The project, as conditioned, complies with all requirements of the Critical Areas Ordinance, Chapter 18.30 OMC.

14. Pursuant to OMC 18.32.530.F, the Hearing Examiner determines that there are no practical alternatives to the proposed trail.

15. The project, as conditioned, fully complies with all mitigation requirements and will be located, designed, constructed and maintained in a manner that will maintain shoreline ecological functions and processes pursuant to OMC 18.20.410.

16. The project, as conditioned, complies with the tree, soil and native vegetation protection and replacement requirements of Chapter 16.60 OMC.

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17. The project, as conditioned, complies with the requirements for RLI zoning districts, Chapter 18.04 OMC.

18. The project, as conditioned, complies with the cultural resource requirements of OMC 18.12.120.

19. The project, as conditioned, satisfies the requirements for flood damage prevention pursuant to Chapter 16.70 OMC.

20. The project, as conditioned, satisfies the requirements of Chapter 18.36 OMC for landscaping.

21. The project, as conditioned, satisfies the requirements of Chapter 18.38 OMC for parking.

22. The project is in compliance with the Engineering Design and Development Standards.

23. The project, as conditioned, otherwise complies with the Olympia Unified Development Code.

24. The requested Shoreline Substantial Development Permit, Shoreline Conditional Use Permit, and Conditional Use Permit should be **approved** subject to the conditions recommended by City Staff but with modifications to Condition No 6 as required by the Hearing Examiner.

DECISION

The Applicant's request for a Conditional Use Permit, Shoreline Substantial Development Permit and Shoreline Conditional Use Permit are **approved** subject to the following:

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CONDITIONS

1. **Approved Site Plan**. The site plan shall be substantially in conformance with the site plan C.1.0 received May 26, 2022, as modified by conditions of approval herein, and as may be modified by the Hearing Examiner.

2. **Landscaping Plan**. Provide a final landscaping plan prepared in compliance with OMC 18.36. The landscaping plan shall be submitted in conjunction with civil permit application.

3. **Hours of Operation/Construction Noise**. Pursuant to OMC 18.40.080.C.7., construction activity detectable beyond the site boundaries shall be restricted to the hours between 7:00 a.m. and 6:00 p.m.

4. **Ecology Review**. Construction pursuant to the Shoreline Substantial Development and Conditional Use Permits shall not begin prior to 21 days from the date of filing as defined in RCW 90.58.140(6) and WAC 173-27-130, or until review proceedings initiated within 21 days from the date of such filing have terminated.

5. **Construction**. Per WAC 173-27-090(2), construction activities shall commence within two (2) years of the effective date of the Shoreline Substantial Development and Conditional Use Permits. The local government may authorize a single one-year extension based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

6. **Public Access Hours**. Public access facilities shall be available to the public from 7:00 a.m. or dawn, whichever first occurs, and 6:00 p.m. or dusk, whichever later occurs,

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unless specific exemptions are granted through a Shoreline Substantial Development or other permit. OMC 18.20.450.I.

7. **Signage**. Signage indicating the public's right of access and hours of access shall be installed and maintained. Such signs shall be posed in conspicuous locations at public access sites. OMC 18.20.450.I.

8. **Materials**. All structures that come in contact with water shall be constructed of materials that will not adversely affect water quality or aquatic plants or animals. The use of wood treated with creosote, copper, chromium, arsenic, or pentachlorophenol shall only be approved upon a finding of no feasible alternative. OMC 18.20.510.C&D.

9. **Frontage Improvements**. Frontage improvements including street lighting, shall be installed across the parcel frontage per Standard Drawing 4-2G-LID.

10. **Storm Drainage**. The developer will provide for the treatment, storage and disposal of surface drainage through a storm drainage system designed to the current Drainage Manual and Erosion Control for Olympia (Manual) and the current EDDS.

11. **Plans**. Trees to be removed/protected and tree protection measures, fences, details, locations and timeline for installation as referenced in the Soil and Vegetation Report dated April 9, 2021 shall be added to the civil plans.

12. **FEMA Flood Zone**. The project includes development in a Special Flood Hazard Area, unnumbered A zone. Basic Flood Elevation and a Biological Opinion shall be determined and provided in the building permit application submittal. An elevation certificate shall be submitted prior to permit issuance and at project completion, showing that development is 1 foot above Basic Flood Elevation

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13. **Emergency Access**. The minimum vertical clearance for the trail shall be 13'6".

14. **Inadvertent Discovery Plan**. An Inadvertent Discovery Plan (IDP) shall be reviewed and approved prior to civil permit issuance.

15. **Final Mitigation Plan**. Include in the final mitigation plan notes for zero tolerance of Japanese Knotweed. Wetland shrubs shall not be trimmed to enhance views from the boardwalk. Monitoring should include the wetland area around the boardwalk for invasive species introduced from visitors.

16. **Important Habitats and Species Mitigation Plan**. Recommended mitigation measures shall be included in the construction plans for the project.

17. **Integrated Pest Management Plan (IPMP)**. Construction plans and site management shall be consistent with the approved IPMP.

DATED this ____ day of April, 2023.

Mark C. Scheibmeir
City of Olympia Hearing Examiner

RECONSIDERATION/APPEAL

The approved variance is a final decision of the City. Any party may file a Motion for Reconsideration within 10 days of service of this decision in accordance with OMC 18.75.060. Appeals shall be made to Superior Court pursuant to provisions of Chapter 36.70C RCW. The filing of a Motion for Reconsideration is not a prerequisite for seeking judicial review. If a Motion for Reconsideration is filed, the time for filing an appeal shall not commence until disposition of the Motion.

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LEWIS COUNTY DECISION

BEFORE THE LEWIS COUNTY HEARINGS EXAMINER

IN RE:	HEARING NO. 20-2-001
COWLITZ RIVER PUBLIC ACCESS POINT	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION APPROVING PERMITS
LEWIS COUNTY PUBLIC WORKS, Applicant.	

APPLICANT: Lewis County Public Works

REPRESENTATIVES: Ann Weckback
Environmental Planner

Cullen Gatten
Lewis County Prosecuting Attorney's Office

Summary of Request: A Shoreline Substantial Development Permit and Shoreline Conditional Use Permit to establish a public day use area along the Cowlitz River near Packwood for recreational activity. The proposed construction includes a 24-foot wide gravel access road to the parking area; a gravel parking area with 21 single vehicle stalls and 17 stalls for vehicles with trailers; a double stall ADA-accessible precast concrete vault toilet within a 240-square foot building; nonmotorized kayak/canoe/boat access; a 35-foot log stringer pedestrian bridge and a loop gravel pathway providing access to the river. Possible additional improvements include future paving of the parking area and access road. The project also includes installation of interpretive signs, cutting/filling and tree removal and replacement.

Location of Proposal: 105 Alta Drive, Packwood, Washington (Mile Post 0.04520.055) in Sections 15 and 16, Township 13 North, Range 9 East, W.M., Tax Parcel Nos. 035132-005-005 and 035147-001-001.

Summary of Decision: The Shoreline Substantial Development and Shoreline Conditional Use Permits are **approved** subject to amended conditions.

BACKGROUND

There is limited public access to the upper Cowlitz River above Lake Scanewa and no public access in the Packwood area, although fishers and kayakers often find means of access either by the permission of private landowners or unpermitted access through public lands. Several years ago, discussions got underway over the possible use of a County-owned

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property along the Cowlitz River, and just upriver from the Skate Creek Bridge, for use as public access to the river for fishing and kayaking. This ultimately led to discussions between Lewis County and the Destination Packwood Association which, in turn, led to application for funding.

At some point in this process Destination Packwood was dissolved, leaving a void in local participation in the project. That void was subsequently filled by a new volunteer organization, the Packwood Improvement Club ("PIC") which has entered into an agreement with Lewis County (the "Memorandum of Agreement" or "MOA") to manage the facility should it receive all of its necessary permits and be constructed.

The project proposes to establish a day use recreational area on the County-owned property along the Cowlitz River to allow public access for fishing, kayaking and other recreational access. The primary components of the project are a graveled entrance road, graveled parking area, vault toilets, graveled pathway to the river including a suspension bridge over an overflow channel of the river, and informal access point between existing protective rock barriers for non-motorized boats and kayaks to put into the river.

The project has divided the local population. It is supported by fishing, boating and recreational interests, and at least some of the Packwood business community, but opposed by adjoining and nearby residential neighborhoods who are concerned about potential impacts of the project on their private properties. Their concerns include impacts to property values; trespass; noise; other nuisances; trash; public safety; aesthetics; wildlife impacts; and possible increased impacts from flooding.

One of the unusual aspects of this project is that the County-owned facility would be operated and maintained by the volunteer PIC. PIC would be responsible for managing garbage, maintaining the premises, cleaning the toilets, closing and locking the facility at night, and otherwise being responsible for the facility's operation. Opponents are concerned that PIC will not be able to fulfill its responsibilities.

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If this project is to go forward it must obtain various permits and other regulatory approvals, but the only permits before the Hearing Examiner are the Shorelines Permits. The project requires a Shorelines Substantial Development Permit for construction of all of the proposed improvements with the exception of the pedestrian suspension bridge, which requires a Shorelines Conditional Use Permit.

When this matter was first submitted to the Hearing Examiner for the Shorelines Permits there was a concurrent appeal of the SEPA Determination by Chris Murphy. Subsequently Mr. Murphy withdrew his SEPA Appeal, leaving only the Shorelines Permits before the Hearing Examiner.

The matter awaited public hearing before the Hearing Examiner for several months as a result of the many challenges posed by the Covid-19 pandemic and the resulting restrictions on public gatherings. These restrictions led to several continuances of the scheduled hearing and, ultimately, a decision to hold the public hearing remotely rather than in person.

PUBLIC HEARING

The application by Lewis County Public Works was submitted to the Hearing Examiner for a public hearing on the Shoreline Permits in April. At or about the same time, Chris Murphy submitted an appeal of the SEPA Determination. In keeping with land use regulations, the two matters were combined into a single hearing on a date to be determined in accordance with public health restrictions due to the ongoing Covid-10 pandemic. Mr. Murphy ultimately decided to withdraw his appeal of the SEPA Determination, leaving only the public hearing for the Shoreline Permits. A public hearing date of June 30, 2020 was scheduled but then stricken. A new hearing date of September 29, 2020, was ultimately agreed upon by the parties, leaving only the question of whether the hearing would be in person or done remotely. As the hearing date neared and the pandemic failed to abate it was concluded that the hearing should take place remotely.

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Utilizing the Zoom platform, supplemented by telephone access, the public hearing commenced at 10:30 a.m. on September 29, 2020. Zoom Webinar was utilized to regulate input (that is, to mute all participants except the person authorized to speak by the Hearing Examiner). Notice that the hearing would be held remotely was provided in advance of the hearing and all interested parties were given a link to the Zoom hearing or, alternatively, a telephone connection to the hearing. County Staff served as the host of the remote hearing to assist with and regulate public participation.

The Applicant, Lewis County Public Works, was represented by Cullen Gatten of Lewis County Prosecuting Attorney's Office, and appeared through Ann Weckback, its Environmental Planner. Separately, Lewis County Community Development Office, which was responsible for reviewing the application and providing recommendations, was represented by Eric Eisenberg, also of the Lewis County Prosecuting Attorney's Office, and appeared through Karen Witherspoon, Senior Planner.

In advance of the public hearing a Staff Report authored by Karen Witherspoon was prepared on June 26, 2020. The Staff Report, together with a substantial number of attachments, is collectively identified as Exhibit 1 (hereafter the "Staff Report"). The Staff Report includes several "Attachments" as well as "Exhibits", all of which are considered part of the "Staff Report".[1] The Staff Report includes all application materials as well as a substantial amount of public comment received during staff review (Attachment 2 to the Staff Report). The 22 additional exhibits to the Staff Report are itemized at pages 50-51 of the Staff Report.

It is the recommendation of the Staff Report that the requested Shoreline Permits be approved subject to a number of conditions.

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[1] The Staff Report's reference to attached "exhibits" is likely to cause confusion with the Hearing Examiner's reference to the "exhibits" presented during the public hearing. To minimize this confusion, a reference to an exhibit attached to the Staff Report will be "Exhibit X to the Staff Report", while reference to one of the exhibits presented during the hearing will simply be "Exhibit X".

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A list of other exhibits admitted at, during or following the commencement of the Public Hearing is attached hereto.

The parties and members of the public were reminded of the protocol for the public hearing, including protocol for conducting a remote hearing via Zoom. With the exception of the Hearing Examiner the parties were muted until such time as called upon by the Hearing Examiner to participate. All oral testimony was under oath.

The public hearing commenced with the testimony of Karen Witherspoon, author of the Staff Report. Ms. Witherspoon testified fairly briefly and relied instead upon her extensive Staff Report and supporting materials. She concluded her testimony by reiterating County Staff's recommendation that the permits be approved subject to the 49 conditions found at pages 46-50 of the Staff Report.

Ms. Witherspoon responded to various questions posed by the Hearing Examiner and provided the following supplemental testimony:

- Like other County day use facilities, the facility is expected to operated from dawn to dusk which translates to 8:00 a.m. to dusk.
- To the extent that the Staff Report is unclear, it is the intention that the facility be locked when not in use. The County is entering into an agreement with the Packwood Improvement Club ("PIC") for the maintenance and operation of the facility. County Staff has no objection to an additional condition of approval that would require the operator to keep the facility locked when not in use.
- Garbage pickup and all other maintenance will be performed by PIC. County Staff has no objection to an additional of permit approval that the operator not allow garbage to accumulate.

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Ms. Witherspoon followed up on these matters by email dated September 29 to the Hearing Examiner proposing language for two additional conditions of permit approval (Exhibit 13).

Following Ms. Witherspoon's testimony, Ann Weckback, Environmental Planner for Lewis County Public Works, spoke on behalf of the Applicant. Ms. Weckback is responsible for applications for projects, grants and related matters and is responsible for this application. Much of her information is contained in the application materials, including the "Burden of Proof" Statement and supporting documents contained in the Staff Report, as well as in her written testimony (Exhibit 11). She notes that there is currently no public access to the upper Cowlitz River in the Packwood area and that the project will allow for fishers, kayakers and other recreationalists, and the general public access to the upper Cowlitz by providing vehicular access, parking, restrooms, trails, and an informal location to put kayaks, canoes, and other non-motorized boats into the river. Ms. Weckback asserts that the application is consistent with the County Shoreline Master Program and the State's Shoreline Management Act and that it will satisfy all requirements of Chapter 15.45 LCC for stormwater management and Chapter 15.38 for Critical Areas.

Ms. Weckback described the layout of the project: driving into the facility on the proposed gravel road, public parking and the vault toilets will be to the left of the road while the trail leading to the river will be to the right. A graveled trail will lead to the river and the boat access location, relying on a pedestrian suspension bridge to cross an overflow channel to the river. Interpretive signs will be placed along the trail to inform as well as to warn not to trespass onto adjoining private lands. The put-in place for kayaks and canoes will not be developed but is simply a protected area between existing rock barriers. Any trees needing to be removed will be replaced in accordance with the revegetation plan. The easterly portion of the site, adjacent to

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private residences, will be hydroseeded with shrubs and trees to establish a vegetative buffer over the next several years. The existing vegetative buffer to the west will be maintained to provide effective screening. Once developed, these vegetative buffers will limit view of the parking lot/toilets except from the Skate Creek Bridge. Ms. Weckback explained that the proposed vault toilets are the "standard Forest Service" model and will be placed on an elevated platform to minimize the possibility of being flooded. The facility is designed to experience minimum impact from flooding. Proposed conditions of approval will require that, following any flooding, the facility will be closed for the necessary length of time to properly restore it and eliminate any potential public hazards.

Ms. Weckback, in conjunction with Ms. Witherspoon, recognize the MOA with PIC whereby the volunteer nonprofit organization will be tasked with managing the facility. The draft MOA is attached to the Staff Report as Exhibit 22. The MOA would allow PIC to provide all grounds maintenance, garbage removal, custodial services, pay operational costs, manage the gate's opening and closing (with no overnight use) and provide security, while the County would agree to pay for the cost of pumping the toilets and custodial supplies.

Ms. Weckback concluded by asking for approval of the project subject to the conditions proposed by County Staff.

Following the presentations by Community Development and Public Works the hearing was open to public testimony. Seven individuals asked to testify:

Chris Murphy. As noted earlier, Chris Murphy had originally appealed the SEPA Determination but then later withdrew his appeal. Mr. Murphy has provided written testimony on several occasions which can be found within Attachment 2 to the Staff Report. In his oral testimony, Mr. Murphy expands upon his earlier written testimony and asserts that the project's long term impacts have not been fully analyzed. Citing to WAC 197-11-046(c), he argues that

review of the project must carefully consider both short term and long term impacts. He argues that the County has failed to prove that there will be no net loss of ecological function and that the project has not mitigated its most significant environmental impacts. In particular, he believes it unacceptable to allow development of a parking lot so close to the Cowlitz River and that it will result in hazardous contamination from parked cars. Mr. Murphy asks that the project be denied outright or, in the alternative, that greater conditions be imposed to ensure that there is no net loss of ecological function, including heightened requirements for oil/water separators. Alternatively, Mr. Murphy asks that the parking lot be reduced in size as there is simply no need for 37 parking stalls and the parking lot is an aesthetic blight to neighboring properties. He concludes by noting that there have been six "100-year" floods during the last twenty years along this portion of the Cowlitz River and that any similar flooding event would place the toilets at risk. In summary, Mr. Murphy believes that the project has little public use; will be harmful to adjoining private landowners and has failed to prove that it will not be environmentally harmful.

Francie Jordan. Ms. Jordan resides at 109 Alta Drive immediately east of the project. It is generally acknowledged that Ms. Jordan's property will see the greatest amount of impact from the project due to its immediate proximity. Ms. Jordan notes that an earlier owner of the project site was denied permits to build on it due to its environmental issues. She is strongly opposed to the County's projects as she fears it will cause a loss of habitat for wildlife; will be left to a volunteer, nonprofit group to manage; and is at constant risk of flooding. She questions how the site will be beneficial to either of its primary intended uses, fishing and kayaking. She asserts that it is a poor location for fishing and that the public chooses to instead fish from the opposite side of the river. She also asserts that the site has no reasonable access for kayaks as the existing riprap structures will get in the way. Finally, she notes that there have been archaeological finds on the property but that the County is refusing to disclose those findings.

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Lee Grose. Mr. Grose was having trouble testifying orally and therefore presented his testimony via email. Mr. Grose speaks as a representative for the Packwood Improvement Club. He explains how the PIC has agreed to partner with the County to maintain and operate the proposed facility, including assuring that trash is routinely disposed of and the facility is secured and locked in the evening. Mr. Grose adds that he has personally witnessed the various major floods to have struck the area and that he does not believe that any similar floods in the future will adversely affect the facility, nor will the facility adversely affect the flooding in the Packwood aera. He concludes by noting that there is a significant need in the Packwood area for public access to the river to avoid the current public safety hazards caused by lack of such access.

Lonnie Goebel. Mr. Goebel resides in Packwood and has been a lifelong resident of the area. He has observed the various recent floods in the region and witnessed that the proposed site was not impacted by them. At peak fishing times there may be 85-90 people fishing nearby, resulting in more than 60 cars parked along Skate Creek Road, which in turn, have blocked the shoulders along Skate Creek Road and placed bicyclists at risk, resulting in at least one serious accident. Mr. Goebel also believes that the project will significantly improve public safety by directing the public to this facility and away from Skate Creek Road. Mr. Goebel believes, that based upon past flooding, any future flooding would not likely affect the proposed toilets but it would affect private septic systems, and that the threat of flooding to septic systems lies not with this project but with adjoining private properties.

Bonnie Muesch. Ms. Muesch has been a resident in the area for the past 20 years and owns three nearby lots. She is concerned that public use of the facility will lead to trespass onto adjoining private properties as individuals seek improved access to the river. Ms. Muesch has spent 25 years with the Thurston County Assessor's Office as an appraiser and asserts that

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historical data demonstrates that properties abutting public boat launches suffer a loss in value. She opposes the project as it will result in a loss of privacy and be disruptive.

William Serahn. Mr. Serahn had earlier provided written testimony and wished to rely primarily on it. Mr. Serahn believes that the project is badly needed for the reasons set forth in his written testimony and, in particular, to reduce the current risk to public safety resulting from the public parking along Skate Creek Road due to a lack of alternatives.

At the conclusion of this public testimony, the Community Development and Public Works Departments were allowed an opportunity for response. Ms. Witherspoon responded that an important goal of the County's Shoreline Management Plan is public access to the shoreline. Without this project the Plan's goals are not being fulfilled. She also responds that the proposed mitigation for the project ensures that there is no net loss of ecological function. Ms. Weckback responded that the materials prepared in support of the application fully demonstrate why the project will have no net loss of ecological function or impact flood levels. She also responded to Ms. Jordan's comments about archaeological finds on the property by explaining that State law prohibits the disclosure of archaeological discoveries in order to protect them, but that all archaeological work onsite has been in cooperation with the State and with local tribes.

In response to a follow-up question by the Hearing Examiner regarding the potential flooding of the vault toilet, Ms. Witherspoon explained that the required septic permit for the toilet will impose a management and maintenance plan that will require consideration of health emergency issues, including possible flooding.

Following the conclusion of all responsive testimony, counsel for Community Development and for Public Works were allowed to make concluding statements. Following these statements the hearing was declared to be complete. A few days later, however, County Staff discovered that the audio portion of the Zoom record was inaudible. This discovery

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resulted in the Hearing Examiner directing County Staff to notify parties and witnesses who testified that the audio recording of their testimony had not been properly preserved. Witnesses were given the opportunity to restate their testimony in written form, or, alternatively, to simply rely upon the Hearing Examiner's notes. All interested parties were given until 5:00 p.m. on Friday, October 9, 2020, to provide supplemental testimony. Ms. Grose (Exhibit 13) and Mr. Serahn (Exhibit 14) responded by re-submitting earlier written testimony. Ms. Jordan responded by written letter restating her earlier testimony (Exhibit 15). In addition to this supplemental testimony, Eric Eisenberg provided a brief letter summarizing his concluding statements (Exhibit 16). None of the other parties or witnesses provided any supplemental materials.

Accordingly, I make the following:

FINDINGS OF FACT

General Findings.

1. Any Findings of Fact contained in the foregoing Background or Public Hearing Sections are incorporated herein by reference and adopted by the Hearing Examiner as Findings of Fact.

2. The Applicant, Lewis County Public Works, requests a Shoreline Substantial Development Permit to establish a day use recreational area along the Cowlitz River near Packwood. The proposed construction includes a 24-foot wide gravel access driveway to the parking area; a gravel parking area with approximately 21 single vehicle stalls for passenger vehicles and 17 stalls for vehicles with trailers; a double stall ADA-accessible concrete vault toilet building with 240-square feet of area; a non-motorized kayak/canoe/boat access point and a loop gravel pathway providing access the boat launch and to the Cowlitz River. Additionally, interpretive signs will be mounted on displays around the trail and other areas. The development will include approximately 1,881 cubic yards of fill material and 2,551 cubic yards of

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cut/grading. In addition, should funding become available the driveway and parking area may become paved. See site maps, Attachment 3 to the Staff Report.

3. The Applicant, Lewis County Public Works, also requests a Shoreline Conditional Use Permit to construct a 35-foot log stringer pedestrian bridge across an overflow channel of the Cowlitz River as part of the looped trail from the parking area to the river as noted on the site maps.

4. The project site is adjacent to the Ordinary High Water Mark of the Cowlitz River, a shoreline of statewide significance (Exhibit 16 to the Staff Report). The project is therefore subject to the Shorelines Management Act (SMA) and the Lewis County Shoreline Master Program (SMP) and requires a Shorelines Substantial Development Permit for the improvements noted above.

5. The project is located along shoreline that is partially designated as Rural Conservancy in the SMP and partly as Shoreline Residential in the SMP. In either shoreline designation, bridges for non-motorized uses are a Conditional Use. Table 5-1 of the SMP. The proposed 35-foot long stringer pedestrian bridge therefore requires a Shoreline Conditional Use Permit.

6. The project is located at 105 Alta Drive, Packwood, Washington, located in Sections 15 and 16, Township 13 North, Range 9 East, W.M., bearing Tax Parcel Nos. 035132005005 and 035147001001. The site's two tax parcels contain approximately 5.06 acres

7. The site is partially within the Rural Development District 20 Acre (RDD-20) zoning designation and partially within the Small Town Residential 4 Units Per Acre (STR-4) zoning designation. See Exhibit 19 to the Staff Report.

8. Within the Lewis County Comprehensive Plan Land Use Designation, the project site is partially within "Other Rural Lands (Nonresource)" and partially within "LAMIRD-Rural Residential Settlement".

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9. As noted earlier, the project site is partially within the Rural Conservancy designation in the SMP Shoreline Environment and partially within the Shoreline Residential designation.

10. The project site is within the Lewis County Water Sewer District No. 3-Packwood Service Area but no water utilities are proposed.

11. As noted in the Staff Report, page 4, County Staff has confirmed that the project site lies within the Lewis County Airport Obstruction Zone (AOZ) but will not require an AOZ permit as all improvements will be less than 35 feet in height.

12. Pursuant to the State Environmental Policy Act, the County, as lead agency, issued a Determination of Non-Significance (DNS) March 17, 2020. The DNS was subsequently challenged by Chris Murphy but he has since withdrawn his appeal of the SEPA Determination. No other appeals have been filed.

13. Notification of the public hearing was originally published June 23, 2020, in The Chronicle and also sent to required agencies, nearby property owners, and those who have commented on the application (Staff Report, pages 4 and 5). Subsequent notices of revised dates for the public hearing have similarly been published and mailed in accordance with County requirements.

14. County Staff recommends approval of the requested permits subject to the 49 conditions of approval set forth at pages 46-50 of the Staff Report.

15. In response to questioning from the Hearing Examiner, Staff would not oppose two additional conditions of permit approval assuring that the facility is locked when not in use and that garbage is not allowed to accumulate onsite. Staff has proposed the following two conditions of project approval to address these issues:

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- Add the following to the end of condition number 26: "Per Lewis County Code (LCC) Section 12.05.100, the operating hours of day-use parks are 8:00 a.m. to dusk seven days a week. Gates will be locked during non-operating hours. These hours may be seasonally adjusted so long as they remain day-use oriented."

- Add new condition number 50: "Garbage is not allowed to accumulate on-site and shall be removed periodically."

Findings Relating to the Project Site.

16. Site maps of the project are included in the Applicant's "Burden of Proof" statement contained in Attachment 3 to the Staff Report. Aerial photos of the site with the project overlay, as well as photos of the site with the proposed development, are also contained in the Applicant's Burden of Proof statement.

17. Site maps with overlays of shoreline jurisdiction, tax parcels, floodplains, floodways and zoning designations are attached to the Staff Report as Exhibits 16-19.

18. The Staff Report, at pages 5-7, contains Findings relating to the site's natural environment including its topography, soils, surface water, vegetation and wildlife. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

19. The Staff Report notes that the shoreline along the project site was armored with riprap, rock barbs and supplemental riprap at various times recently, and 6 bank-roughening logjams were installed. The project does not propose any alteration to these earlier site modifications nor does it propose any alteration to the existing riverbank.

20. As noted in the Staff Report, the project will remove 132 trees from the project area resulting in 1.35 acres with permanent removal of vegetation. Within the shoreline jurisdiction there will be approximately 1.23 acres of disturbance with .67 acres converted to non-forestry use.

21. Areas subject to disturbance within designated shoreline jurisdiction will be replanted/hydroseeded with native vegetation including 106 new native trees. A minimum 20-

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foot vegetative buffer will be retained along property lines and a minimum of 50-foot buffer will be planted/hydroseeded between existing private residential parcels and the proposed access road and parking area (see Site Plan).

22. No project work will be conducted below the Ordinary High Water Mark of the Cowlitz River.

23. In addition to the replanting of trees and revegetation as noted above, additional proposed mitigation includes placing 12 conifers with root wads within the shoreline project area as well as installing wildlife nesting boxes throughout the area.

24. There are no mapped wetlands, wetland buffer, hydric soils, landslide hazard areas, erosion hazard areas or mapped areas of high arsenic level at the project site.

25. There are no wetlands at the project site.

26. The project site includes a channel migration zone, areas of moderate to high liquefactions susceptibility, a mapped critical aquifer recharge area, a 100-year floodplain, and floodway within portions of the site. These conditions will require additional permits to be approved by staff or third parties.

27. As shown on the aerial map of the site and surrounding properties, the project site is bordered by the Cowlitz River to the north/west; Skate Creek Road to the west; and residential development to the south and east. Immediately east of the project is a residential neighborhood along Alta Drive. At least two of these residential properties have a common border with the project site while the others are in close proximity. The property most affected by the project is that belonging to Francie Jordan lying immediately east of the site. Residential development is a mix of vacation homes and year-round residents. Residential development continues to the south and east of the project as well as north of the project across the Cowlitz River.

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28. There is no public access to the Cowlitz River in the vicinity and none downstream until Lake Skanewa near Randle.

29. The upper Cowlitz River is popular with fishers, kayakers and other boaters, and the public.

30. To gain access to the upper Cowlitz River, recreational users are currently relying upon permission from private landowners or are making unauthorized use of public lands. A popular access point is just north of the Skate Creek Road Bridge across the Cowlitz River. Access to this and nearby popular locations leads to large numbers of vehicles being parked along Skate Creek Road during fishing seasons and other popular recreational times.

Finding Relating to General Regulations.

Archaeological Resources.

31. Archaeological and historic resources are addressed in the SMP at 4.02.

32. The Staff Report, at pages 13 and 14, contains Findings relating to the Staff's review of the project to determine compliance with SMP 4.02. As noted in the Staff Report, a Cultural Resources Survey was conducted and its findings were submitted by the Recreation and Conservation Office to DAHP and potentially affected tribes, with no comments, concerns or recommended conditions by either DAHP or affected tribes.

33. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

34. A neighbor observed that during the Cultural Resources Survey, archaeological items appear to have been discovered yet none of the agencies involved will reveal the nature of the assets discovered. The Applicant and Staff respond that the reason why these assets are not revealed is that State law requires their nondisclosure in order to protect the assets.

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35. To fully comply with SMP 4.02 Staff recommends various conditions of approval as noted at page 13 in the Staff Report.

Environmental Impacts and Mitigation.

36. The SMP addresses environmental impacts and mitigation at SMP 4.03.

37. The Staff Report, at pages 14-15, analyzes the project's compliance with SMP 4.03. The Staff Report addresses efforts to minimize vegetation removal, especially within the shoreline buffer; replanting and reseeding to ensure no net loss of ecological functions; utilization of regional road maintenance, Best Management Practices (BMP's); compliance with the Lewis County Stormwater regulations through a Stormwater Permit and Construction Stormwater General Permit; mitigation through riparian enhancements (trees and root wads) and wildlife nesting boxes; spill response plans and various other environmental protections and mitigations as noted in the Staff Report.

38. Staff has determined that the project does not generate sufficient traffic for a Traffic Impact study as it is not anticipated to generate 50 or more peak PM hour trips.

39. To assure compliance with SMP 4.03 Staff recommends a list of conditions for project approval set forth at page 16 of the Staff Report. Staff finds that the project, as conditioned, satisfied SMP 4.03.

40. The Hearing Examiner has reviewed the Staff's proposed Findings relating to compliance with SMP 4.03 and adopts them as his own Findings of Fact.

Critical Areas and Shoreline Vegetation Conservation.

41. The SMP addresses critical areas and shoreline vegetation conservation at SMP 4.04.

42. The Staff Report, at pages 17-19, contains Findings relating to the project's compliance with SMP 4.04.

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43. Table 4-1 of the SMP establishes standard shoreline buffers from the Ordinary High Water Mark. As noted in the Staff Report, the non-motorized boat put in location; the pedestrian bridge and 355 linear feet of the gravel pathway are water dependent uses having a zero-foot shoreline buffer. The remaining looped gravel pathway is within a 75-foot shoreline buffer for recreational development. Forest practice areas and parking have a 150-foot shoreline buffer. The proposed parking area is located outside of this buffer. Staff finds that the project, as designed and as conditioned, satisfies all shoreline buffer requirements.

44. The Staff Report, at pages 18-19, contains Findings relating to vegetation conservation standards. Staff finds that the project has been designed to avoid removing existing native vegetation to the maximum extent feasible within shoreline and critical area buffers. Staff proposes various conditions of project approval, found at pages 18 and 19 to ensure compliance with vegetation conservation standards.

45. Staff finds that the project satisfies the requirements of SMP 4.04 subject to the conditions found at pages 18 and 19 of the Staff Report.

46. The Hearing Examiner has reviewed the Staff's proposed Findings relating to compliance with SMP 4.04 and adopts them as his own Findings of Fact.

Flood Hazard Management.

47. The SMP addresses flood hazard management at SMP 4.05.

48. The Staff Report, at pages 20-22, contains Findings relating to the project's compliance with SMP 4.05.

49. Staff notes that the entire project lies within the mapped 100-year floodplain and that a portion of the parking area, the looped gravel trail, the pedestrian bridge, and the boat launch area are all located within the floodway. The Applicant has submitted a Flood Development Permit Application for all development within the 100-year floodplain and a

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Hydraulic Impact Assessment for development within both the 100-year floodplain and the floodway. These assessments are referred to as the "H&H Study" in the Staff Report and is included in Attachment 3 to the Staff Report.

50. The H&H Study concludes that development in the floodplain and floodway will not increase flood hazards and will not impact the pre-project base flood elevations, floodway elevations or floodway data widths.

51. The Staff Report notes that a majority of the project site is within the mapped moderate and severe Channel Migration Zone (CMZ) and the entire project is within the mapped moderate to high Soil Liquefaction Susceptibility Area, although both the entrance driveway and vault toilet facility are outside of the mapped moderate and severe CMZ.

52. A Geomorphic Hazard Study was performed to determine the potential impacts from soil liquefaction (Exhibit 20 to Staff Report). The report concludes that there are no additional structural flood hazard reduction measures required for the project, and that the project is adequately protected from channel migration as a result of previously constructed revetments intended to protect the Skate Creek Bridge.

53. The County's Public Works Senior Engineer, Rod Lakey, finds that onsite infiltration tests confirm that the project soil is highly permeable but that the project components have low ground pressure and, as a result, potential damage from soil liquefaction would be extremely low.

54. To ensure compliance with SMP 4.05, Staff has recommended conditions of approval set forth on page 22 of the Staff Report.

55. Staff finds that the project, as conditioned satisfied SMP 4.05.

56. Members of the public have voiced concerns with potential damage to the site from soil liquefaction as well as from possible channel migration but have not presented any expert testimony contradicting the Staff's Findings.

57. The Hearing Examiner has reviewed the Staff's Findings relating to compliance with SMP 4.05 and adopts them as his Findings of Fact.

Public Access.

57. The SMP addresses public access at SMP 4.06.

58. Among other requirements, projects intended to provide shoreline public access shall be designed to achieve no net loss of ecological functions and where impacts are identified, mitigation shall be required. SMP 4.06(E). Public access facilities shall be compatible with adjacent private properties using vegetative buffering or other techniques to define the separation between public and private space. SMP 4.06(G).

59. The project is intended to provide shoreline public access and is therefore subject to SMP 4.06.

60. The Staff Report, at pages 23 and 24, contains Findings relating to the project's compliance with SMP 4.06. Staff finds that the project's purpose is to establish public access to the Cowlitz River in an area where there is currently no assured public access. Staff also finds that the project, as conditioned, will clearly identify the boundaries to the project site and warn public users against trespass onto adjoining private properties. County Staff adds that the facilities will be compatible with adjacent private properties or will be made compatible by using vegetative buffering as described earlier in other Findings.

61. Staff also notes that the project includes the re-establishment of a vegetative buffering along the project's east boundary and the preservation of an existing vegetative buffer on its west boundary to separate the public and private properties. Although this does not ensure an immediate vegetative buffering between the project and private properties to the east, the conditions of permit approval require not only the revegetation of this buffer but its continued maintenance to make certain that the buffer develops as envisioned.

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62. To further ensure compatibility between the project and adjoining private properties, permit approval has been conditioned upon the installation of an access gate and use limited to daylight hours. In addition, Staff would not object to a refinement of the conditions of approval to make certain that the gate is locked at all other times.

63. Neighboring landowners remain concerned that the project will become unsightly due to the accumulation of trash. In response, the County is in agreement to add an additional condition of permit approval that the park operator not allow trash to accumulate onsite.

64. Neighbors are also concerned that users of the public facility will venture off of the property and trespass onto adjoining private properties. County Staff responds that it will install signs along the park boundary to warn users from trespassing. These warning signs, together with the vegetative buffers, will improve compatibility.

65. The County's approval of the requested permits have been conditioned upon installing and maintaining signs indicating the public's right to access and hours of operation, and have these signs placed in conspicuous locations.

66. County Staff finds that the project will comply with SMP 4.06 subject to the conditions set forth on page 24 of the Staff Report but is willing to amend the proposed conditions of project approval as follows:

- Add the following to the end of condition number 26: "Per Lewis County Code (LCC) Section 12.05.100, the operating hours of day-use parks are 8:00 a.m. to dusk seven days a week. Gates will be locked during non-operating hours. These hours may be seasonally adjusted so long as they remain day-use oriented."

- Add new condition number 50: "Garbage is not allowed to accumulate on-site and shall be removed periodically."

(See Exhibit 13 to the Staff Report).

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67. The Hearing Examiner has reviewed Staff's Findings relating to SMP 4.06 and, with the adoption of the additional conditions agreed to by Staff, adopts them as his own Findings of Fact.

Water Quality.

68. The SMP addresses water quality at SMP 4.07.

69. Public opposition to the project has identified two water quality issues: (a) the possible release of effluent from the vault toilets in the event of a major flood, and (b) contamination from parked vehicles migrating to stormwaters or the Cowlitz River.

70. The Staff Report, at pages 24-28, contains Findings relating to the project's compliance with SMP 4.07 and responds to the concerns raised by project opponents.

71. The project proposes the installation of a vault toilet that does not include a septic system. As shown on site maps, it will be placed outside of the 150-foot shoreline buffer but will be located within the 100-year floodplain as well as the mapped critical aquifer recharge areas. A Flood Development Permit will therefore be required.

72. As noted in the Staff Report, the vault toilet must be in compliance with all requirements for critical aquifer recharge areas. Underground tanks, including vault toilets, are identified as high intensity uses and are allowed in critical aquifer recharge areas subject to compliance with LCC Chapter 17.35A. Similarly, the project's day-use facilities must also comply with standards for parks as set forth in LCC 17.35A.880(4)(g).

73. County Staff finds that the project, as conditioned, meets all requirements for construction of the vault toilet and other improvements within the floodplain and critical aquifer recharge areas.

74. County Staff (Witherspoon/Weckback) have explained that the vault toilet will be elevated making flooding of the toilet highly unlikely. In addition, and as noted earlier in the

Public Hearing Section, the permitting for the toilet will require a maintenance plan that, among other things, requires the County to plan for flooding as part of emergency planning.

75. County Staff acknowledge public concerns regarding contamination from vehicle runoff in the parking lot. Staff proposes a condition of permit approval that there must be written verification that the design of the stormwater facilities under the stormwater permit comply with LCC 17.35A.880(1)(b) and (1)(c) including oil-water separators for impervious surfaces.

76. Staff finds that the project, subject to the conditions found at page 27 and 28 of the Staff Report, satisfies the requirements of SMP 4.05.

77. The Hearing Examiner has reviewed the Staff's Findings and adopts them as his own Findings of Fact.

Findings Relating to Specific Shoreline Regulations, SMP Chapter 5.

SMP 5.02 General Shoreline Use.

78. The Staff Report, at pages 29-37, contains Findings relating to the project's compliance with the specific shoreline use regulations contained in SMP 5.02, et seq.

79. Staff finds that the project complies with the most restrictive bulk and dimensional requirements in LCC Title 17 or SMP Section 5.04, and thus satisfies SMP 5.02(B).

80. Staff finds that all accessory uses, including parking, stormwater management facilities and the toilet are located out of the 150-foot shoreline buffer, thus satisfying SMP 5.02(C).

81. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 5.03 Allowed Shoreline Use.

82. Proposed improvements including the informal boat launch, forest practice activities; parking, water-orientated recreational development, trails, and signs are all permitted

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uses in the Shoreline Residential environment as well as the Rural Conservancy environment subject to a Substantial Development Permit.

83. The proposed pedestrian bridge is permitted in the Shoreline Residential environment as well as the Rural Conservancy environment subject to a Shoreline Conditional Use Permit.

84. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 5.04 Development Standards.

85. No proposed structures will exceed the 35-foot height limit set forth in SMP 5.04.

SMP 5.05 Boating and Water Access Facilities.

86. Staff finds that the proposed non-motorized boat access and other water access are in compliance with SMP 5.07. The proposed boat access area does not involve any improvements and no work will be conducted below the Ordinary High Water Mark of the river, nor will any alteration of the riverbank be necessary. Signage will direct kayakers to an area with an existing general grade into the river between existing rock barbs. Conditions of permit approval require the access site to be monitored for continued safe water access and modification to its location and/or the signage it later determined to be appropriate. Its status will be reassessed after each five-year flood event or greater to confirm its continued safety. There will be no lighting for the access point or any other areas of the facility as it is intended for day-use only. Staff finds that subject to these conditions the project is in compliance with SMP 5.07.

87. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 5.09 Forest Practice.

88. Staff finds that the project is in compliance with SMP 5.09 relating to forest practices.

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89. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 5.12 Parking.

90. The proposed parking facilities are regulated by SMP 5.12.

91. SMP 5.12(C) requires that exterior parking facilities shall be designed and landscaped to minimize adverse impacts to adjacent and abutting properties in shoreline jurisdiction.

92. Those opposing the project argue that the proposed parking facilities are larger in size, and contain more parking stalls, than the project requires and argue that the parking lot's excessive size fails to minimize adverse impacts to adjacent and abutting properties by causing visual blight.

93. Supporters of the project have responded that the purpose of the project is to alleviate the current problem with public parking along Skate Creek Road where, during peak fishing periods, many dozens of vehicles are parked along Skate Creek Road resulting in public safety concerns.

94. The size of the parking lot is reasonably related to the intended purposes of the facility and the expected number of users. Its design, and the vegetative buffers surrounding it, are designed to minimize adverse impacts to adjacent and abutting properties.

95. Staff finds that the project, as conditioned, is in compliance with SMP 5.12.

96. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 5.13 Recreational Development.

97. The SMP addresses recreational development at SMP 5.13. Among other requirements, recreational facilities shall make adequate provisions, such as screening, buffer

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strips, fences and signs, to minimize impacts to neighbors and prevent the overflow of pedestrians onto adjacent private properties.

98. Trails shall be planted or landscaped to provide a visual buffer for adjoining similar uses or scenic areas. .

99. Recreational proposals shall include facilities for water supply, wastewater and garbage disposal in conformance with County standards.

100. Recreational development shall be located, designed and constructed in a manner that assures no net loss of shoreline ecological functions.

101. The County has entered into a Memorandum of Agreement (MOA) with PIC (Exhibit 22 to Staff Report). The MOA is intended to allow PIC to operate and maintain the facility. It states that "The Club will provide all grounds maintenance services, including garbage removal and custodial services, pay all operational costs relating to grounds maintenance, provide gate opening and closing (no overnight camping), and provide security for the park. In return, the County agrees to pay for pumping of the vault toilets, provide custodial supplies for the toilets, and ensure an adequate inventory of custodial supplies to facilitate maintenance of the facility.

102. The MOA provides that in the event PIC fails to maintain the park adequately, the County reserves the right to resume operation or to advertise and retain other organizations to operate it. Public Works confirms that should PIC not fulfill its responsibilities in the MOA, Lewis County Facilities Department will be responsible for ensuring that all obligations are met (Exhibit 12 to Staff Report).

103. To assure compliance with the requirements for SMP 5.13, County Staff has requested a condition of approval that the MOA be signed by the parties and submitted to Community Development prior to operations; that the facilities shall meet the requirement of

Lewis County Code Chapter 12.05 for County park use; and that Lewis County Facilities Department will be ultimately responsible for the oversight of the maintenance and use of the facility, whether through third party (PIC) or directly if the third party contractor fails to comply.

104. Staff finds that, as conditioned, the project will satisfy the requirements of SMP 5.13.D for screening and buffers, signs, and will minimize impacts to neighbors and prevent the overflow of pedestrians onto adjacent private properties; that the requirements of SMP 5.13.F have been satisfied in that trails will have visual buffers from adjoining dissimilar uses; that the requirements of SMP 5.13.G for water, wastewater and garbage disposal are adequately addressed; and that the project, as conditioned, assures no net loss of shoreline ecological functions pursuant to SMP 5.13.H.

105. The Staff Report, at pages 35 and 36, finds that the project, as conditioned, will satisfy the requirements of SMP 5.13.

106 As noted in prior Findings, Staff is in agreement to amend the proposed conditions to better ensure compliance with SMP 5.13.

107. The Hearing Examiner has reviewed the Staff's proposed Findings, as well as the proposed amended conditions, and adopts them as his own Findings of Fact.

SMP 5.15 Signs.

108. The Staff Report, at page 37, contains Findings relating to SMP 5.15 and the requirements for any signs. Staff finds that all proposed signage on the property is in compliance with SMP 5.15. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

Findings Relating to SMP Chapter 6, Shoreline Modification Regulations.

SMP 6.01, Shoreline Modification.

109. As noted in prior Findings, the project includes clearing, grading and filling activities landward of the Ordinary High Water Mark.

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110. Pursuant to Table 6-1 of the SMP, clearing and grading activities and the placement of will landward of the Ordinary High Water Mark are permitted uses in both the Rural Conservancy environment and the Shoreline Residential environment.

SMP 6.02, Shoreline Modification Provisions.

111. All shoreline modifications must be in compliance with SMP 6.02.

112. The project's shoreline modifications include: the access road, parking area, stormwater system, vault toilets, looped gravel pathway, and pedestrian bridge.

113. The Staff Report, at page 38, finds that these shoreline modifications are designed in compliance with SMP 6.02.

114. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

SMP 6.03, Clearing, Grading and Fill.

115. Any clearing, grading and filling activities as part of the project must be in compliance with SMP 6.03.

116. The project proposes to clear 1.23 acres of vegetation including 117 trees in the designated shoreline. Proposed mitigation includes replanting/hydroseeding .5 acres of native vegetation within the designated shoreline, including 106 trees. The removal of native vegetation within the shoreline buffer will be compensated at a minimum of 1/1 ration and 12 conifers with root wads will be placed within the designated shoreline.

117. The project also requires excavation of 2,551 cubic yards of material and the placement of 1,881 cubic yards of fill. All excavated material not utilized onsite will be taken offsite to a government approved pit or fill site.

118. The Staff Report, at page 40 and 41, contains Finding relating to the project's compliance with SMP 6.03. Staff finds that clearing, grading and filling activities are the

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minimum needed for the construction of the day-use area and that no speculative clearing, grading or fill is proposed. The clearing and grading will not significantly alter the topography of the landscape in a manner that affects hydrology or increases the risk of slope failure. Proposed clearing and grading within the 75-foot shoreline buffer is necessary for the graveled loop pathway that provides public access to the boat launch, fishing access and general enjoyment of the shoreline.

119. Staff additionally finds that the required construction stormwater general permit; the stormwater pollution prevention plan to be approved by Ecology; stormwater plan review by Lewis County; the use of temporary and permanent erosion control measures and Best Management Practices; ongoing and long term site inspection and maintenance of erosion control mechanisms; and other requirements for compliance with the Flood Development Permit, together with no placement of fill on State-owned aquatic lands or any placement of fill below the Ordinary High Water Mark, will all contribute toward compliance with SMP 6.03 and ensure that there is no net loss of ecological function.

120. Staff concludes that the project, as conditioned, is in compliance with all requirements of SMP 6.03.

121. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

Findings Relating to SMP Chapter 7.

122. All shoreline permits must comply with the provisions of SMP 7.02.02 which, in turn, requires compliance with all development standards of the Lewis County Code, Chapter 90.58 RCW, the SMA and the SMP. The Applicant must also meet all review criteria for development found in WAC 173-27-140.

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123. Staff finds that the project, as conditioned, satisfies all requirements of SMP 7.02.02. The Hearing Examiner has reviewed the Staff's Findings and adopts them as his own Findings of Fact.

124. Applications for Shorelines Substantial Development Permits must satisfy the requirements of SMP 7.04.01.

125. Staff finds that the application, as conditioned, has satisfied all requirements for a Shorelines Substantial Development Permit. The Hearing Examiner has reviewed the Staff's Findings and adopts his own Finding of Fact.

126. Applications for Shoreline Conditional Use Permits must satisfy the requirements of SMP 7.04.02 including compliance with the criteria found in WAC 173-27-140 and WAC 173-27-160.

127. As noted in earlier Findings, the proposed pedestrian bridge requires a Shoreline Conditional Use Permit.

128. Staff finds that the project, as conditioned, satisfies all requirements for a Conditional Use Permit for the pedestrian bridge. The Hearing Examiner has reviewed these Findings and adopts them as his own Findings of Fact.

Additional Findings Relating to No Net Loss of Ecological Functions.

129. Several provisions of the SMP require that the project, as conditioned, assures no net loss of ecological functions in the shoreline jurisdiction, including SMP 4.03, 4.04, 4.05, 4.06, 5.07, 5.09, 5.13, 6.02, and 6.03.

130. Opponents of the project assert that the Applicant has not provided adequate assurance that there will be no net loss of ecological functions to the shoreline.

131. County Staff finds that the project, as conditioned, fully assures that there will be no net loss of ecological function for all of the reasons set forth in earlier Findings.

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132. Opponents of the project have not presented any evidence contradicting the County's evidence in support of there being no net loss. Although opponents express concern about such a possibility, no evidence has been presented that the project, as conditioned, will not assure no net loss of ecological function.

133. The Hearing Examiner concurs with County Staff finds that the project, as conditioned, will have no net loss of ecological function for all of the reasons set forth in earlier Findings.

Findings Relating to Compatibility with Adjoining Uses.

134. Many of the provisions of the SMP applicable to this project, especially SMP 4.06, 5.07, 5.12 and 5.13, recognize the need to make adequate provisions to minimize impacts to neighbors and prevent the overflow of users onto adjoining private properties. The SMP recognizes that screening, buffers, signs, limitations on hours of use, proper provisions for control of garbage, proper use of utilities, and the regular maintenance of the facility, are all means by which compatibility with adjoining private uses can be achieved.

135. Staff finds that the project, as conditioned, achieves a sufficient level of compatibility with adjoining private properties by implementing all of the above mitigations.

136. The Hearing Examiner concurs with Staff and finds that the project, as conditioned, makes adequate provision to minimize impacts to neighboring properties.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

General Conclusions.

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background, Public Hearing, or Findings of Fact Sections are hereby incorporated herein by reference and adopted by the Hearing Examiner as his Conclusions of Law.

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3. All public notice requirements for this application have been met.

4. All SEPA requirements have been met.

5. To more fully accomplish the goals and policies of the SMA and the SMP, the proposed conditions of project approval should be amended to include those additional conditions set forth in Finding of Fact No. 15. All Conclusions of Law hereafter are premised upon these revised conditions.

Conclusions Relating to the General Requirements of the SMA.

6. The project is adjacent to the Ordinary High Water Mark of the Cowlitz River. The Cowlitz River is a shoreline of statewide significance. This project is therefore subject to the requirements of the Shoreline Management Act (SMA, Chapter 90.58 RCW).

7. The Washington Legislature enacted the SMA because Washington's shorelines are fragile and the mounting pressure of development in the shorelines necessitates coordination in their management. The SMA is broadly construed to protect the State's shorelines as fully as possible. All development on the shorelines of the State must conform to the SMA (*Beuchel v. Department of Ecology*, 125 Wn.2d 196, 203 (1994)).

8. The Applicant has the burden of proving that all requirements of the SMA and the Lewis County SMP have been met for the issuance of a Shoreline Substantial Development Permit and/or a Shoreline Conditional Use Permit.

9. For shorelines of statewide significance, Ecology and local governments shall give preference in the following order to uses which: (1) recognize and protect the statewide interest over local interests; (2) preserve the natural character of a shoreline; (3) result in long-term over short-term benefit; (4) protect the resources and ecology of the shoreline; (5) increase

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public access to publicly owned areas of the shoreline; (6) increase recreational opportunities for the public in the shoreline; (7) provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary. (RCW 90.58.020)

10. The project, as conditioned, recognizes and protects the statewide interest over local interest.

11. The project, as conditioned, preserves the natural character of the shoreline.

12. The project, as conditioned, results in long-term over short-term benefit.

13. The project, as conditioned, protects the resources and ecology of the shoreline.

14. The project, as conditioned, increases public access to publicly owned areas of the shorelines.

15. The project, as conditioned, increases recreational opportunities for the public in the shoreline.

16. The project, as conditioned, is consistent with the policies of the SMA.

17. Three categories of shoreline use enjoy priority under the SMA: (1) single-family residences; (2) water dependent uses, including ports, industrial and commercial development; and (3) shoreline recreation uses or other uses which provide public access to the shorelines. (RCW 90.58.020)

18. No one category of priority shoreline use enjoys a higher priority over the other two.

Conclusions Relating to the Lewis County SMP.

Conclusions Relating to Chapter 3 SMP.

19. The project, as conditioned is consistent with the Rural Conservancy Management Policies.

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20. The project, as conditioned, is consistent with the Shoreline Residential Management Policies.

Conclusions Relating to Chapter 4 SMP.

21. The project, as conditioned, is in compliance with SMP 4.02 relating to archaeological and historic resources.

22. The project, as conditioned, complies with the requirements of SMP 4.03 relating to environmental impacts and mitigation.

23. The project, as conditioned, is in compliance with the requirements of SMP 4.04 relating to critical areas and shoreline vegetation conservation.

24. The project, as conditioned, is in compliance with the requirements of SMP 4.05 relating to flood hazard management.

25. The project, as conditioned, is in compliance with the requirements of SMP 4.06 relating to public access.

26. The project, as conditioned, is in compliance with the requirements of SMP 4.07 relating to water quality including the requirements set forth in Chapters 17.35 and 17.35A LCC.

27. The project, as conditioned, is in compliance with all other requirements of Chapter 4 of the SMP.

Conclusions Relating to Chapter 5 SMP.

28. The project, as conditioned, is in compliance with SMP 5.02 relating to general shoreline use.

29. The proposed improvements are permitted uses in both the Shoreline Residential environment as well as the Rural Conservancy environment, while the pedestrian bridge is a permitted use subject to a Shoreline Conditional Use Permit. SMP 5.03

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30. The project, as conditioned, is in compliance with SMP 5.04 relating to development standards.

31. The project, as conditioned, is in compliance with SMP 5.07 relating to boating and water access facilities.

32. The project, as conditioned, is in compliance with SMP 5.09 relating to forest practices.

33. The project, as conditioned, is in compliance with SMP 5.12 relating to parking.

34. The project, as conditioned, is in compliance with SMP 5.13 relating to recreational development.

35. The project, as conditioned, is in compliance with SMP 5.15 relating to signs.

36. The project, as conditioned, is in compliance with all other requirements of Chapter 5 SMP.

Conclusions Relating to Chapter 6 SMP.

37. The project, as conditioned, satisfies the requirements of SMP 6.01 relating to shoreline modifications.

38. The project, as conditioned, satisfies the requirements of SMP 6.04 relating to clearing, grading and fill.

39. The project, as conditioned, satisfies all other requirements of Chapter 6 SMP.

Conclusions Relating to Chapter 7 SMP.

40. The project, as conditioned, satisfies all requirements of Chapter 7 SMP.

Conclusions Relating to Shoreline Conditional Use Permits (SCUP).

41. The pedestrian bridge is a conditional use in either the Rural Conservancy or Shoreline Residential shorelines.

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42. Project uses requiring an SCUP must be evaluated for compliance with the five criteria listed in WAC 173-27-160.

43. The project, as conditioned, is consistent with the goals and policies of the SMA and the SMP.

44. The project, as conditioned, does not interfere with the normal public use of public shorelines.

45. The project, as conditioned, is compatible with other authorizes uses within the area and with uses planned for the area under the Lewis County Comprehensive Plan and SMP.

46. The project, as conditioned, will cause no significant adverse effects to the shoreline environment in which it is to be located.

47. The public interests will not suffer any substantial detrimental affect.

48. Consideration has been given to the cumulative impact of additional requests for like actions in the area.

49. The project, as conditioned, satisfies the conditional use criteria for an SCUP.

50. The project satisfies all other requirements of Chapter 173-27 WAC.

51. The requested Shoreline Substantial Development Permit and Shoreline Conditional Use Permit should be granted subject to the revised conditions of approval.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing Examiner makes the following:

DECISION

Based upon the above Findings of Fact and Conclusions of Law, the requested Substantial Development Permit and Shoreline Conditional Use Permit to establish a public day

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use area along the Cowlitz River near Packwood for recreational activity are hereby **approved** subject to the following conditions:

1. The applicant/ property owner shall comply with the conditions of development identified in the Land Development Review file number LDR19-0049 as corrected on June 5, 2020 (Staff Exhibit 11). If there is a conflict between and the LDR conditions of approval and another permit's conditions of approval, the more restrictive conditions of approval shall apply.

2. Twelve conifers, to be felled with root wads, are to be placed within the shoreline area of this project and wildlife nesting boxes shall be installed throughout the project area.

3. The applicant shall follow the Planting Plan submitted in the burden of proof statement Appendix A – Site Development Plan.

4. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 30 foot to 100 foot buffer; this number may vary by circumstance) must stop and the following actions taken: 1) Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; 2) Take reasonable steps to ensure the confidentiality of the discovery site; and 3) Take reasonable steps to restrict access to the site of discovery.

5. The project proponents will notify the concerned Tribes and all appropriate county, state, and federal agencies, including the Department of Archaeology and Historic Preservation (DAHP). The agencies and Tribe(s) will discuss possible measures to remove or avoid cultural materials, and will reach an agreement with the project proponent regarding actions to be taken and disposition of material.

6. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps will be followed. If the remains are determined to be Native, consultation with the affected Tribes will take place in order to mitigate the final disposition of said remains.

7. All project work completed for this project will be above the Ordinary High Water Mark (OHWM) of the Cowlitz River.

8. Regional Road Maintenance Best Management Practices (BMPs) will be implemented; these include staking of project limits, installation of silt fencing, installation of straw wattles, and the marking or clearing limits in the field to minimize vegetation disturbance.

9. Any/all disturbed soil that is not being worked, whether at final grade or not, shall be hydro seeded within 2 to 7 days as appropriate (within 2 days from October 1st through April 30th and within 7 days from May 1st through September 30th).

10. The gravel parking area, gravel access road and gravel looped pathway exceeds 5,000 square foot of disturbed area and will require a Lewis County Stormwater Permit in addition to the Construction Stormwater General Permit (with Stormwater Pollution Prevention Plan – SWPPP) required by the Washington State Department of Ecology (ECY).

11. Riparian enhancements within the shoreline will include the planting of an 11,531 square feet area with a native riparian tree/shrub mix; mulching and hydro seeding of a 11,422 square foot area with native scrub/shrub mix; and the placement of 12 conifers, to be felled with root wads, within the designated shoreline of the project area. Wildlife nesting boxes will be placed throughout the project area to enhance wildlife viewing opportunities.

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12. The standard County spill prevention control and counter-measures plan will be utilized for this project. Spill kits will be onsite (within vehicles) to treat any chemical or fluid leaks during the project construction.

13. Excavation will be monitored for potential contamination from off-site sources and/or past activities.

14. No refueling of vehicles or equipment will be allowed within 150 feet of any waterbody.

15. If an accidental spill occurs in the parking area during on-going operations of the day use area that would trigger a Washington State Department of Ecology (ECY) response (due to volume or type of material) Lewis County Facilities Department is responsible for the spill reporting/response/clean-up/disposal of materials according to ECY reporting guidelines.

16. Clearing of invasive, noxious non-native vegetation in shoreline buffers is allowed by hand labor or with light equipment. Removal of noxious weeds as listed by the State in Chapter 16-750 WAC is allowed in a manner consistent with State Noxious Weed Control Board regulations. Native vegetation shall be promptly reestablished in the disturbed area.

17. All areas that are cleared of vegetation in the shoreline or critical area buffers that are not developed will be replanted within one year with native plant.

18. Replanted areas shall be planted and maintained such that within three years the vegetation cover is at least 90% reestablished.

19. Non-native species on the County's list of invasive species shall not be allowed to be used to revegetate cleared areas.

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20. In advance of a predicted flood event, the facility will be temporarily closed to the public. Once the flood event is over and any flood waters have receded, Lewis County Facilities Department staff will evaluate the facility and repair any damage (with proper permits, if needed) before re-opening the facility to the public.

21. Following a severe earthquake, Lewis County Facilities Department staff will temporarily close the facility to the public, evaluate any damage and repair any differential settlement within the facility (with proper permits, if needed) before re-opening the facility to the public.

22. The review, issuance and construction activities of the building permits for 35-foot pedestrian bridge (B19-00630) and the pre-cast concrete ADA vault toilet facility (B19-00631) shall conform to applicable seismic analysis and all applicable design criteria of the International Building Code as part of the building permit review.

23. The project development shall be in compliance with the conditions of approval of the flood development permit (FD19-00041) and the fill/grading permit (G19-00032).

24. Park boundary signs shall be installed along the boundary lines to clearly identify the separation of public property from the adjacent private properties.

25. The applicant shall undertake a minimum of 0.39 acres of vegetative plantings and hydroseeding (Planting Zone A and Hydroseeding Area) as shown in the Burden of Proof Statement – Appendix A – Site Development Plan.

26. Access gates and signs limiting the facility use to day-use hours of operation shall be installed prior to operation of the recreational facility. Per Lewis County Code (LCC) Section 12.05.100, the operating hours of day-use parks are 8:00 a.m. to dusk seven days a week. Gates

will be locked during non-operating hours. These hours may be seasonally adjusted so long as they remain day-use oriented.

27. Physical development of the recreational facility and all conditions of approval shall be complete/met prior to operation of the recreational facility.

28. The applicant shall implement a Construction Stormwater Pollution Prevention Plan (SWPPP) that satisfies the requirements of the NPDES General Permit for Stormwater Discharges Associated with Construction Activities. The SWPPP will include Best Management Practices (BMP) recommended by Ecology's 2019 Stormwater Management Manual for Western Washington and will include measures for temporary and permanent erosion and sedimentation control and will identify a regular inspection and maintenance schedule for all erosion control structures.

29. The temporary erosion and sedimentation control measures will be implemented at the beginning of the construction process.

30. BMPs will also include covering of exposed soils, managing runoff, and revegetating temporary disturbed soils as soon as possible following the onset of construction.

31. Prior to construction a spill prevention, control and containment (SPCC) plan will be in place, in accordance with applicable local, state and federal regulations.

32. The pre-cast concrete ADA vault toilet facility septic permit application (S19-00226) shall conform to the applicable design criteria of LCC 8.40, provide stamped designs by a Professional Engineer, and shall submit a management program to the health officer assuring ongoing operation, monitoring and maintenance before the health officer issues the installation permit. Verification of the health officer's approved management program shall be submitted to

the Building Official as documentation prior to the issuance of the building permit for the ADA vault toilet facility (B19-00631).

33. Written verification that the ADA vault toilet facility meets the criteria of LCC 17.35A.880(4)(b)(i)-(v) shall be submitted to the Building Official as documentation prior to the issuance of the building permit for the ADA vault toilet facility (B19-00631).

34. A management plan prepared by a qualified professional to address fertilizer, herbicide, and pesticide management practices of the day-use park facility in relation to best management practices as recommended by the Cooperative Extension Service shall be provided to the Community Development Department prior to operation of the day-use facility.

35. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or be discharged onto the land in shoreline jurisdiction, including any ditch, swale or other non-impervious surfaced area where migration to the aquifer is a reasonable likelihood. Potentially harmful materials should be stored outside of shoreline jurisdiction if feasible, and shall be maintained in safe and leak-proof containers.

36. Written verification the design of the stormwater facilities under the Lewis County Stormwater permit process includes review and compliance with LCC 17.35A.880(1)(b) and (1)(c), including but not limited to oil-water separator(s) for impervious surfaces, shall be submitted to the Community Development Department prior to the issuance of the preliminary approval of the stormwater permit and the issuance of the grading permit (G19-00032).

37. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within 25 feet of a water body, except by a qualified professional in accordance with State and Federal laws. Further, pesticides subject to the final ruling in Washington Toxics Coalition, et al., v. EPA

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shall not be applied within 60 feet for ground applications or within 300 feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with State and Federal law.

38. The non-motorized boat launch/ water access point location will be monitored and reassessed after significant flood events (5-year flood event or greater) by Lewis County Facilities Department staff. If at any time in the future the site is found to be unsafe or not functioning as intended, it is anticipated another location along the shoreline will be selected and the signage moved as appropriate. Any Memorandum of Agreement (MOA) for maintenance activities of this facility shall not transfer responsibility of the inspections of the safety and functionality of the access point or other site facilities.

39. Prior to the issuance of the grading permit (G19-00032) for the entire project, the applicant shall either obtain a Hydraulics Permit Application (HPA) approval from Washington State Department of Fish & Wildlife (WDFW) for the project or provide documentation from WDFW that an HPA is not required.

40. The boat launch/ water access point is a day-use facility only. No lighting shall be associated with this project.

41. The Lewis County Stormwater Permit shall review the design of the 24-foot wide access driveway and parking area as paved, not just gravel, as the applicant has indicated paving of these components could happen in the future if funding becomes available.

42. A signed copy of the memorandum of agreement (MOA) between Lewis County and the Packwood Improvement Club shall be submitted to the Community Development Department prior to the final approval of the grading permit (G19-00032) and prior to the operation of the day-use facility.

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43. As part of the Lewis County Park System, the day-use facility operations shall meet the criteria of Lewis County Code (LCC) Chapter 12.05 – County Park Use.

44. Lewis County Facilities Department is ultimately responsible for the oversight of the on-going maintenance of the day-use facility, whether through contract or directly if the contractor fails to do so.

45. Signs shall be installed and located to minimize interference with visual access to the shoreline jurisdiction.

46. Signs will not be installed in locations that obstruct sight distance of drivers and non-motorized roadway users.

47. All excavated material that is not utilized on site will be taken off site to a government approved pit or fill site.

48. Cut and fill slopes shall generally be sloped no steeper than one foot vertical for every two feet horizontal (1:2) unless a specific engineering analysis has been provided that demonstrates the stability of a steeper slope. Documentation will be included in the grading permit (G19-00032).

49. The applicant shall obtain all other required local, state and federal permits and approvals.

50. Garbage is not allowed to accumulate on-site and shall be removed periodically.

DATED this 23 day of October, 2020.

Mark C. Scheibmeir
Lewis County Hearing Examiner

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EXHIBITS

Exhibit 2	Affidavit of Publication
Exhibit 3	Affidavit of Mailing
Exhibit 4	Email from Karen Witherspoon to various parties regarding notice of documents to be entered into the record at the hearing
Exhibit 5	Notice of Cancellation of Hearing
Exhibit 6	Email/photos from Francie Jordan to Karen Witherspoon
Exhibit 7	Email from Bonnie Muench to Karen Witherspoon dated September 25, 2020
Exhibit 8	Email from Jeff St. Aubyn to Kare Witherspoon dated September 26, 2020 with attachments
Exhibit 9	Letter from Barbara Wright
Exhibit 10	Email from William Serahn to Karen Witherspoon dated September 28, 2020 with attachments
Exhibit 11	Weckback presentation
Exhibit 12	Written testimony of Lee Grose in lieu of oral testimony
Exhibit 13	Lee Grose - Resubmittal of earlier written testimony
Exhibit 14	William Serahan - Resubmittal of earlier written testimony
Exhibit 15	Francie Jordan - Resubmittal of earlier written testimony
Exhibit 16	Eric Eisenberg - Summary of concluding statements

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CITY OF LAKEWOOD DECISION

BEFORE THE CITY OF LAKEWOOD HEARINGS EXAMINER

IN RE:	APPLICATION NO. 3426 PROJECT ID: 1965
LBA OR DEVELOPMENT COMPANY II, LLC, Appellant.	FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION DENYING APPEAL

APPLICANT: LBA OR Development Company II, LLC
P. O. Box 847
Carlsbad, California 92018

APPELLANT: LBA OR Development Company II, LLC
P. O. Box 847
Carlsbad, California 92018

APPELLANT'S REPRESENTATIVE: Reuben Schutz
Gordon, Thomas, Honeywell, LLP
1201 Pacific Avenue, Suite 2100
Tacoma, Washington 98403

LOCATION OF PROPOSAL:

3515 82nd Street South, Lakewood, Washington.

SUMMARY OF REQUEST:

Appellant appeals the December 7, 2022, Determination by the City of Lakewood's Development Director (the "Director Determination") under Lakewood Municipal Code 1.36 and 18A.20.070. The effect of the Director's Determination is to deny Appellant the use of the project site as an allowed trailer storage facility as part of the operation of its warehouse facility immediately south of the project site on the opposite side of 82nd Street.

SUMMARY OF DECISION:

The appeal is **denied**.

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BACKGROUND

LBA OR Development Company II, LLC (the "Appellant" or the "Applicant") is the owner of property located at 3515 82nd Street South in Lakewood (the "Project Site"). The Appellant is also the owner of property located on the opposite (southern) side of 82nd Street at 8327 South Tacoma Way on which a warehouse facility has been constructed pursuant to a Conditional Use Permit granted February 27, 2019, Conditional Use Permit LU-18-00222. The Appellant wishes to develop the Project Site as a trailer storage facility in order to more efficiently manage the handling of trailers associated with the warehouse across 82nd Street.

On August 18, 2022, the Appellant submitted a "Director's Determination Application" to Lakewood wherein the Applicant sought a Determination by the Director that the Appellant's proposed trailer parking use was an allowed use, either as a stand-alone "parking facility" or as a "accessory commercial use" in conjunction with the warehouse activities across the street. Alternatively, the Appellant asked the Director to exercise his discretion and permit the use on the basis that it is consistent with the principal uses of the C2 zone. LMC 18A.10.070.B.

By written Decision dated December 7, 2022, the Director issued his Determination that the proposed use was not allowed in the C2 zone. Among other things, the Director concluded that the proposed use was not allowed as a stand-alone trailer parking lot facility and, separately, that it was not allowed as a commercial accessory use as it was not located on the same lot as the warehouse.

The Appellant timely appealed the Director's Determination.

On January 17, 2023, the Hearing Examiner issued his Pre-Hearing Order establishing a hearing on March 22, 2023, and requiring the parties to abide by a schedule for the disclose of witnesses and exhibits and the presentation of briefing. Pursuant to this Order, the parties presented their exhibits, anticipated witnesses, and briefing in advance of the hearing.

The matter came on for hearing before the Hearing Examiner on Wednesday, March 22, 2023, at 1:30 p.m. The hearing occurred remotely utilizing the Zoom platform with the City serving as the host. The Appellant appeared through Grant Middleton and was represented by Reuben Schutz. The City appeared through David Burgher, Director, and was represented by Eileen McKain, Assistant City Attorney. The Hearing Examiner inquired of both parties as to whether they were willing to allow admission of the other parties' proposed exhibits and both parties agreed. Thus, the City's Exhibits 1-16 and the Appellant's Exhibits 1-7 are admitted. The Hearing Examiner then noted that the parties' briefing suggested little or no factual disagreement and asked if the parties wished to present testimony. The parties concurred that there are no material facts in dispute but, nonetheless, both wished to present some additional testimony to supplement the written record.

The Appellant presented the testimony of Grant Middleton and Christian Mattson. Mr. Middleton serves as the project engineer while Mr. Mattson assists with shipping logistics. Mr. Middleton explained that the Project Site would be used for overflow parking of trailers associated with the warehouse. The site would be paved, landscaped and used solely to assist the adjoining warehouse and would not be used to store trailers for any other project. Mr. Middleton explained that trailers would travel 165 feet along 82nd Street when being moved to and from the storage area and warehouse facility. Mr. Middleton added that during his conversations with City Staff he felt that the City was encouraging the proposed use, either as an allowed use or under an Unusual Use Permit (UUP), and was surprised to learn that the City is expressing opposition to a UUP.

Mr. Mattson testified as to how the offsite storage of trailers becomes increasingly important as the warehouse approaches full capacity. As the warehouse nears capacity, the storage of trailers onsite creates increasingly restricted internal movement, resulting in both in

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efficiency and safety issues. One remedy is to transport the empty containers to other facilities elsewhere but this requires the use of semis and considerably greater trailer movement. The proposed trailer storage facility on the Project Site would allow for empty trailers to be temporarily taken to the site for storage, thus allowing trailers to be used independently of the semis hauling them. Once trucks/trailers arrive at the warehouse, trailers would be disconnected from the trucks and thereafter moved around by "yard goats" or "tugs" which can operate much more easily than semis. The disconnected trucks would be used to haul away other empty containers while the full container they transported was being unloaded. It is believed that this system would significantly reduce truck trips while also providing greater efficiency and safety. Trailers taken across the street to the Project Site would be held there for only brief periods (no more than 3 days) as the trailers are required to be kept in constant use.

At the conclusion of testimony by the Appellant's witnesses, the City presented the testimony of the Community Economic Development Director, David Burgher, (the "Director") as well as Andrea Bell, Associate Planner involved with this project. Mr. Burgher began his testimony by noting that the Conditional Use Permit granted in February 2019 for the Warehouse across the street was on the express condition that the project not use 82nd Street for truck/trailer traffic. Although Mr. Burgher did not cite to this fact in his Director's Determination, he regarded it as an additional reason why the requested use was not allowed. Mr. Burgher then reviewed his earlier Director's Determination and its reasoning and added his concerns about the various negative impacts offsite trailer storage may have both with respect to this project and more generally in the City. On cross-examination, Mr. Burgher conceded that the City's decisions relating to offsite trailer storage have not been entirely consistent and, indeed, if asked to reexamine some of its earlier decisions the City might likely come to different results. Andrea Bell's testimony was consistent with Mr. Burgher's and reiterated the City's position that the

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proposed use is not allowed in the C2 zone and would also be a violation of express conditions imposed as part of the Conditional Use Permit granted for the warehouse. She acknowledged, however, that the Conditional Use Permit could be amended to allow for use of 82nd Street which, if this occurred, would give the Appellant an improved position with respect to an Unusual Use Permit.

The parties' briefing, exhibits and testimony have reshaped the initial issues on appeal, at least to some degree: While the City still maintains the Director's Determination based upon the reasons found in that Decision, it further supports his Decision on the basis that the proposed use would violate the express condition of the warehouse's Conditional Use Permit that it not use 82nd Street for truck/trailer traffic. The City also suggests that although it has not yet ruled on the Appellant's application for an Unusual Use Permit, the application arguably does not fall within the allowed purposes for such permits. Conversely, the Appellant maintains its arguments as to why the proposed use is an allowed use but also expands its arguments to note that the City has recently had two nearly identical projects before it in which the City's positions were the opposite of its position on this project: (1) Application LU-21-00142, issued September 28, 2021, allowing a site to be used as a storage facility for semitruck trailers at 7802 150th Street SW even though the project site was not within or adjacent to the related warehouse facility (Appellant's Exhibit 4); and (2) Unusual Use Permit No. 118 issued January 21, 2022, in which the City supported an Unusual Use Permit for an offsite trailer parking facility .4 miles from the affiliated warehouse at 7530 150th Street SW (Appellant's Exhibit 6). Appellant argues that, at a minimum, these conflicting decisions deny the City's current interpretation to be given deference and, separately, support consideration of the Applicant's application for an Unusual Use Permit.

I concur with the City and the Director's Determination that the proposed use of the Project Site for trailer storage is not an allowed use either as a stand-alone "parking area" or as

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an accessory commercial use. I also conclude that the proposed use would violate the express conditions contained in the Conditional Use Permit for the associated warehouse across 82nd Street. I therefor conclude that the appeal should be denied. Nonetheless, I recognize the Appellant's frustrations with the City's inconsistent policies with respect to offsite trailer storage and agree with the Appellant's position that its application for an Unusual Use Permit should be given the same consideration as was given to the recent Maersk Unusual Use Permit No. 118 for property at 7530 150th Street SW. I therefore make the following:

FINDINGS OF FACT

1. Any Findings of Fact contained in the foregoing Background Section are incorporated herein by reference and adopted by the Hearing Examiner as his Findings of Fact.

2. Appellant is the owner of property at 8327 South Tacoma Way on which a warehouse has recently been constructed in accordance with a Conditional Use Permit granted by the City Hearing Examiner on February 27, 2019, LU-18-00222 (the "Warehouse Conditional Use Permit").

3. An aerial photograph of the warehouse is found as Appellant's Exhibit 2.

4. The Warehouse Conditional Use Permit was approved subject to several conditions including Condition No. 4 "The Applicant shall abide by all conditions of approval set forth in the Revised Public Works Engineering Department Memorandum dated February 6, 2018 (provided as Exhibit J)."

5. The Public Works Memorandum referred to in Condition No. 4 requires that "No commercial traffic will be allowed on 82nd Street South. Signage must be installed to prohibit trucks from entering or exiting 82nd Street South from the property." The Warehouse Conditional Use Permit is therefore conditioned upon there being no movement of trucks on 82nd Street.

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6. Appellant is concerned that when the warehouse achieves full capacity the movement of semitrucks and trailers will become inefficient and unsafe, as there is insufficient storage area for trailers that have been emptied and are awaiting reuse. The storage of these trailers onsite will result in constricted trafficways, less efficiency, and possible safety issues.

7. Appellant believes that these problems would be remedied by nearby offsite trailer storage.

8. In addition to owning the warehouse site, Appellant also owns the property at 3515 82nd Street South in Lakewood (the "Project Site"). The Project Site is across 82nd Street from the warehouse as demonstrated in Appellant's Exhibit 3.

9. The Appellant proposes to use the Project Site for temporary trailer storage associated with the warehouse. Its proposed site plan for use of the Project Site for trailer storage is shown as City's Exhibit 10.

10. As proposed, semitruck/trailers arriving at the warehouse would have the trailer disconnected from the truck. The truck would then be free to be connected to another, empty, contained to be driven away. Meanwhile, the container would be taken by "yard goat" to an unloading bay. Once unloaded, the yard goat would then take the empty container away from the warehouse and across 82nd Street to the Project Site for temporary storage. Once another truck was available, the yard goat would return the container to be connected to the truck and driven away.

11. The warehouse lot and the Project Site are disconnected from each other by the width of 82nd Street. The proposed use would involve an entry point into the warehouse property located 165 feet east of the entry into the Project Site, resulting in the hauling of trailers along 82nd Street to and from the two properties entrances a distance of 165 feet.

12. On August 18, 2022, the Appellant submitted a "Director's Determination Application" to the City, requesting a Director's Determination that the Appellant's proposed

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trailer parking on the Project Site was allowed. The Appellant's specific request to the City was: "Should the proposed trailer parking be allowed in the C2 District when it fits the description of one of the outright allowed uses in the zone and when it is consistent with the principal uses of the district under LMC 18A.10.070.B?" (the "Request for Director's Determination", City's Exhibit 11).

13. The Request for Director's Determination asserted that there were three bases upon which the proposed use was allowed in the C2 zone: (1) that it was permitted outright as a "parking facility" pursuant to LMC 18A.10.180; (2) that it was an "accessory commercial use" used "in conjunction with" the warehouse across the street pursuant to LMC 18A.40.040.B.5.h; and (3) in the alternative, that the Director should exercise his discretion and permit the use on the basis that it is consistent with the principal uses of the C2 zone. LMC 18A.10.070.B.

14. Concurrently, but by separate application, Appellant submitted a Petition to the City that the proposed use be allowed by means of an "Unusual Use Permit" or "UUP" pursuant to Chapter 18A.30 LMC (the "Unusual Use Permit Application").

15. The Director provided his response to the Request for Director's Determination by written Decision dated December 7, 2022 (the "Director's Determination") (City's Exhibit 13).

16. The Director's Determination concludes that the proposed use is not an allowed use of the Project Site. In reaching this determination, the Director first determined that the proposed use - trailer parking - is not listed in any of the land use tables but is most similar to commercial vehicle storage. The Director then determined that this type of use is only allowed as an accessory commercial use. The Director then concluded that accessory uses, including commercial accessory use, are only allowed on the same lot as the principal use per LMC 18A.10.180. The proposed use is on a separate lot from the principal use (the warehouse) and therefore does not meet the requirements for an accessory commercial use.

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17. The Director separately determined that the proposed use did not quality as a "parking lot" pursuant to LMC 18A.10.180 as the City has interpreted this as the parking of motor vehicles, not the storage of trailers. In his oral testimony the Director added that the City does not allow stand-alone parking of any kind in the C2 zone.

18. The Director's Determination does not expressly respond to the Appellant's request for the Director to exercise discretion and find that the proposed use is consistent with the principal uses of the district in which it is located. LMC 18A.10.070.B. Nonetheless, it is evident from the Director's Determination, together with the Director's testimony during the hearing, that due consideration was given to this request, and that the Director determined that the proposed use should not be granted on a discretionary basis. To the contrary, the Director testified that offsite storage of trailers in the City is becoming problematic.

19. The Director's Determination does not separately address the Appellant's application for an Unusual Use Permit. To date, the City has not responded to this application.

20. The Appellant timely appealed the Director's Determination. As the City has not yet responded to the Appellant's application for an Unusual Use Permit, the Appeal applies only to the Director's Determination and not to the application for an Unusual Use Permit. Nonetheless, the City's Pre-Hearing Brief at page 11, suggests that the City does not believe the proposed use to be a proper basis for an Unusual Use Permit.

21. The Director's Determination does not mention the Conditional Use Permit for the warehouse and does not suggest that the Decision is based, at least in part, on the fact that the proposed use would be a violation of the express conditions of the Conditional Use Permit, but the Director's testimony and the City's brief make clear that the City considers this as an additional reason why the proposed use is not allowed on the Project Site.

22. The Appellant disagrees with the Director's Determination that "commercial accessory uses" can only be allowed on the same lot. Appellant acknowledges that LMC

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18A.10.180 defines "accessory uses" as being located on the same lot as the principal use but nonetheless argues that LMC 18A.40.040.B.5 allows "commercial accessory uses" to be located offsite so long as they are used "in conjunction with" commercial, industrial or transportation uses.

23. Appellant also argues that the City's interpretation is inconsistent with its past interpretations, citing to the Director's September 28, 2021 Determination that offsite container storage proposed by IPT Lakewood Logistics Center at 7802 150th Street SW qualified as a "commercial accessory use" even though the storage container site was not located within the same lot or an adjacent lot to the principal use. [The Director approved the use on the basis that both parcels had at one time been part of a larger commonly owned parcel, thus meeting the requirement for the commercial accessory use to be within the same lot.] *In Re IPT Lakewood Logistics Center IV, LLC*, Application No. LU-21-00142. (Appellant's Exhibit 4)

24. Appellant also argues that the Director's conclusion that the proposed use does not qualify as a "parking lot" imposes an unnecessarily restrictive interpretation of what a parking lot may consist of, and that the Director is imposing restrictions on the definition of "parking lot" not found in the City's Regulations.

25. Although the status of the application for an Unusual Use Permit is not part of this appeal, the Appellant expresses surprise at the City's willingness to address that separate application in the City's Pre-Hearing Brief and demonstrates hostility toward it when no decision has yet been reached, and when the Applicant submitted the separate application of the UUP on the belief that the City was encouraging it to do so. In addition, the Appellant cites to the recent application for an Unusual Use Permit submitted by Maersk for temporary offsite trailer parking associated with an industrial warehouse located .4 miles away. (*In Re Temporary Trailer Parking*, Conditional Use Permit No. 118, Appellant's Exhibit 5). In a situation with a nearly

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identical set of facts, the Director not only found the circumstances to be appropriate for consideration of an Unusual Use Permit but also recommended approval of the permit to the Hearing Examiner (who granted the requested permit).

ANALYSIS

The Appellant understandably feels frustration over recent inconsistencies in the City's interpretation of land use regulations affecting offsite storage of trailers utilized by nearby warehouses. The Director's Determination that "commercial accessory uses" must be on the same lot as the principal use cannot be fully reconciled with the Director's Determination in IPT Lakewood Logistics Center IV, LLC, Application No. LU-21-00142. Similarly, the suggestion in the City's Pre-Hearing Brief that this situation is not appropriate for an Unusual Use Permit (even though that issue is not before the Hearing Examiner) appears to be directly in conflict with the position taken by the City in response to a similar request by Maersk only a year ago, Conditional Use Permit No. 118, where the City not only found the circumstances to be appropriate for consideration of a UUP but supported the request before the Hearing Examiner. These inconsistencies cause an unfortunate clouding of issues and lessen the deference that would otherwise be given to the City's interpretation of its own regulations.

But despite these inconsistencies, the City's position is well supported. I concur with the City that: (1) the proposed use does not meet the requirements for a "commercial accessory use"; (2) the proposed use would be a violation of the conditions imposed on the warehouse's Conditional Use Permit; (3) the use of the site for storage of cargo containers does not constitute a "parking lot"; (4) the Director has exercise his discretion and has decided that the proposed use is not consistent with the principal uses of the district per LMC 18A.10.070.B. The following is a slightly expanded discussion of each of these conclusions:

Commercial Accessory Use. The Director has determined that the proposed use of the site for the storage or cargo containers could qualify as a "commercial accessory use" except that

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all accessory uses, including commercial accessory uses, must be located on the same lot as the principal use. LMC 18A.10.180. The Appellant argues that "commercial accessory uses" are defined more broadly than other "accessory uses" and are allowed at any location so long as they are used "in conjunction with" commercial, industrial, and transportation uses, per LMC 18A.40.040.B.5.h. I respectfully disagree with the Appellant's argument and concur with the City's position. The definition of "commercial accessory use" as found in LMC 18A.40.040 must be harmonized with the definition for *all* accessory uses found in LMC 18A.10.180, including its limitation that accessory uses must be located on the same lot as the principal use. Stated slightly differently, there is nothing in LMC 18A.40.040.B.5.h expressly stating that offsite accessory uses are allowed and, therefore, the restriction to onsite uses-only found in LMC 18A.10.180 applies.

Violation of the Conditional Use Permit. I conclude that even if the City's regulations allowed offsite storage of cargo containers as a commercial accessory use, the proposed use would still fail to qualify as an allowed commercial accessory use due to the express condition of the warehouse's Conditional Use Permit that no truck/trailer activity occur on 82nd Street. LMC 18A.40.040.B.5.h requires "commercial accessory uses" to not only be used "in conjunction with" commercial, industrial and transportation uses but to be "integral" to the principal use. The proposed use is not "integral" to the warehouse since the Conditional Use Permit expressly forbids the transportation of trailers on 82nd Street.

The Storage of Cargo Containers is not a "parking lot". The Director has determined that trailer storage cannot be allowed as a "parking lot", as parking lots have a well defined meaning involving the parking of motor vehicles associated with adjoining uses. Further, the City does not allow stand-alone parking lots within the C2 zone. The Appellant argues that the Director's interpretation is unduly restrictive and not fully justified by the language of the ordinance which

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suggests other possible, more expansive, definitions of parking. Again, I respectfully disagree. The Director's interpretation is reasonable, consistent with the City's practices, and is entitled to deference.

The Use is Not Consistent with Principal Uses of the District. Although the Director's Determination did not expressly respond to the Appellant's request for consideration of the use on the basis that it is consistent with the principal uses of the district per LMC 18A.10.070.B, the Director's Determination, and the Director's testimony, make clear that the Director has considered this possibility and has decided that his discretion should not be used to grant the use. To the contrary, the Director has expressed legitimate concerns that offsite trailer storage is a growing problem and is *inconsistent* with the principal uses of the C2 zone.

To summarize, I conclude that the Appellant has not met its burden of proving that the Director's Determination is in error. Having reached this conclusion, my decision would otherwise be at an end except that the City has injected the issue of the outstanding application for an Unusual Use Permit into its legal arguments and, having done so, has suggested that the proposed use is not an appropriate consideration for a UUP. The Appellant has responded to this suggestion by citing to the recent Maersk UUP (Exhibit 6) wherein only a year ago the City accepted and supported a temporary UUP request under virtually identical circumstances. I join with the Appellant in failing to understand any distinction between these two applications for a UUP. I bring this to the parties' attention only because the parties have raised the issue and judicial economy encourages its resolution. My ruling does not, of course, suggest that the Appellant's requested UUP should be granted but merely that it should be given the same consideration that the Maersk request was given. Whether the requested UUP will be granted will be determined by careful consideration of all of the SEPA, traffic, safety and other issues associated with the proposed use.

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But unless/until the Warehouse Conditional Use Permit is amended to allow truck/trailer activity along 82nd Street the application for a UUP has no purpose. It therefore appears reasonable to have both issues addressed concurrently to the extent possible.

Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS OF LAW

1. The Hearing Examiner has jurisdiction over the parties and the subject matter.

2. Any Conclusions of Law contained in the foregoing Background section or contained in the foregoing Findings of Fact and Analysis are hereby incorporated by reference and adopted by the Hearing Examiner as his Conclusions of Law.

3. The Appellant has not met its burden of proving that the Director's Determination was in error.

4. The Director's Determination is not clearly erroneous.

5. The proposed use does not constitute a "parking lot" in the C2 zone.

6. The proposed use does not constitute a "commercial accessory use" for the reasons that: (1) it is not located on the same lot as the principal use (the warehouse); and (2) the Conditional Use Permit for the warehouse prohibits truck traffic along 82nd Street and, therefore, the proposed use is not "integral" to the use of the warehouse. LMC 18A.10.180; LMC 18A.40.040.B.5.h.

7. The Director properly exercised his discretion in determining that the proposed use is not an allowed use in the C2 zone.

DATED this _____ day of March, 2023.

_____
Mark C. Scheibmeir
City of Lakewood Hearing Examiner

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DEPARTMENT UPDATES

WEDNESDAY, JUNE 21, 2023

A BI-MONTHLY SUMMARY FROM YOUR CITY OF GIG HARBOR LEADERSHIP TEAM

These department updates are an effort to increase our internal and external communication initiatives, to provide the mayor and city councilmembers with the information they need to serve the public and make informed decisions, and just as importantly, to share citywide information and updates with our staff and residents. Please feel free to send any questions, suggestions, or concerns about this document to communications@gigharborwa.gov.

ADMINISTRATION

City Administrator Katrina Knutson

COMMUNITY DEVELOPMENT WEEK: Last week we enjoyed celebrating our community development colleagues for their significant contributions to our community. Thank you so much CD team for keeping our community safe, well-planned, and compliant!

WHAT'S UP, GIG HARBOR?: Public Works Director Jeff Langhelm and I presented at "What's Up, Gig Harbor?" on June 14. This is a quarterly meeting put on by the Downtown Waterfront Alliance where downtown business owners gather to talk about downtown issues and projects. I reported on the newly adopted strategic plan and a general city update. Jeff announced the new capital improvement projects storymap and projects upcoming that will impact downtown. The business owners present had very positive things to say about the

city and our wonderful city staff team.

ALL STAFF MEETING: Staff will convene on June 27 for our quarter 2 all staff meeting! Agenda topics include celebration of birthdays and anniversaries, an update from our wonderful wellness committee on upcoming wellness activities, a mid-2023 budget update from finance, a job description and wage study update from HR, and unveiling of our new mission statement! Of course, there will be fun sprinkled in.

KUDOS TO PUBLIC WORKS OPERATIONS TEAM: Several weeks ago the PW ops team went to war with scotch broom at the stormwater pond at Harbor Hill Drive and Burnham. We have received over 25 compliments from residents and local business owners of the work and how it beautifies that area of the city. THANK YOU!

COMMUNITY DEVELOPMENT

Community Development Director Carl de Simas

We continue the work on our permit process improvements. Recently, we met again with Lean Services Staff from the State Auditor's Office. This time, we met with the Lean Specialist who will be leading us through the Lean process and Kaizen (aka "continuous improvement"). Next steps will be to identify a core team and set up an orientation meeting with the Lean Specialist. From this we will develop the scope and charter for the project and get ready to kick it off in August.

We are also working hard to develop a code enforcement/compliance chapter within the municipal code that will identify the scope, procedures, and civil penalty processes for all of the codes our code enforcement officer is responsible for. Once completed, this chapter will offer clarity within the organization and also clear expectations outside of our organization. We hope to have some draft language by the end of the month.

Finally, as last week was Community Development Week, I would like to send a shout out to the entire CD Team! The work you do is so valuable and you all excel in your individual roles and as a team. Thank you for your commitment and dedication to serving our community! I am lucky to work with such a fine bunch and look forward to many more years of working together!

PLANNING:

Final reports are coming in from BERK, the consultant working under our Middle Housing Grant. The reports will include proposed anti-displacement policies, land use assessments and a strategy menu for addressing middle housing. BERK has recently completed a Racial Equity Analysis and provided the planning commission and city council with an overview of that work in addition to middle housing.

The reports completed by BERK and the housing needs assessment provided by Community Attributes, Inc., will provide a strong foundation for the update of our housing element.

BUILDING:

Work has begun on the Public Works Operations Center. Footings inspected and poured.

CODE ENFORCEMENT:

- Working on code compliance updates and process improvements
- Overgrown Vegetation
- Noise Nuisance
- Zoning issue
- Sign Sweeps

COURT

Court Administrator Stacy Colberg

JURY TRIALS: The June jury trials have all been resolved or continued. There are only two cases set for trial in July.

City vs. Jeffrey Hale	Assault 4th -DV, Malicious Mischief 3rd -DV

City vs. Cheryl Nickerson	Trip Permit Violation

FINANCE
Finance Director Dave Rodenbach

AUDIT: The State Auditor's Office contacted the city in order to begin the annual compliance examination of the State and Local Fiscal Recovery Fund Program. This is an annual requirement for recipients of Federal Funding. The audit is expected to begin sometime in June.

HUMAN RESOURCES
Human Resources Director Shannon Costanti

ADVANCE YOUR CAREER

Are you looking to grow in your career? There are a variety of opportunities currently available throughout the city. Take a look and apply today! If you know someone who would be a great fit, please be encouraged to tell them about it!

Position	Type	Status
Police Officer - Lateral & Exceptional Entry	FT	Continuous
Construction Supervisor	FT	Continuous
Engineering Technician	FT	Continuous
Associate Engineer	FT	Continuous
Wastewater Operator I/II/III	FT	Open until 7/9
Police Officer - Entry Level	FT	Closed - selection(s) pending
Infrastructure Systems Engineer	FT	Closed - selection pending
Seasonal Worker	FT	Closed - interviews pending

DIAPER DERBY: Thanks to everyone who has donated diapers to the 2023 Diaper Derby so far - our horse Swift Water is in the lead! In particular, we recognize Brandon Ruehl with the Public Works Operations team and Mark Burns with the Police Department!

SHOUT OUTS : Thank you to Michelle Thomas and Diane Bertram for championing the Red Cross Blood Drive at the Civic Center this week! Together, they partnered to communicate internally and externally about the importance of blood drive participation here in the community and, in doing so, successfully filled EVERY donation spot. Cheers to their great efforts with an extraordinary outcome in service to the significant need in our area!

INFORMATION TECHNOLOGY SERVICES

Information Technology Manager Keith Smith

FACILITIES SECURITY : We continue working with vendor security solutions to configure the new security badge system. They are actively working through some of the technical challenges encountered during implementation.

POLICE

Police Chief Kelly Busey

RETIREMENT: We have received notice that Sergeant Matt Dougil will be retiring from the Gig Harbor Police Department. He has served our citizens for 26 years and was with the Mesa (AZ) Police Department for three years prior to that. Sergeant Dougil also served in the U.S. Navy. His last day with our department will be July 5.

NATIONAL NIGHT OUT : We are gearing up for the next National Night Out, which will be held in conjunction with a Summer Sounds Concert on August 1 at Skansie Park. Harborview Drive will be closed for this event which will be bigger than the previous Covid-era National Nights Out.

PUBLIC WORKS

Public Works Director Jeff Langhelm

WATER OPERATIONS UPDATES:

(1) Crews have been performing water valve exercising and maintenance. So far Staff is finding several valves that were not set correctly or not operating properly.
(2) Staff is close to completing our routine water main flushing.
(3) Staff is developing a draft drought policy. This type of policy is not required but is common for larger water utilities and is intended to set expectations of residents, staff, and City Council during periods of drought. And on a related note, in accordance with a new state law, Staff is preparing internal procedures on how to proceed with not shutting off water customers for non-payment during heat advisories.
(4) Staff is performing well site maintenance based on Staff observations and comments from Department of Health.

STREETS AND STORM OPERATIONS UPDATES:

(1) Staff has been working on a fixing an issue of standing stormwater runoff on Admiral St. The repair of this issue includes Staff pouring a new curb and gutter and placing new asphalt.
(2) Staff completed weeding and placement of new mulch in the center median on Olympic Dr. at 56th St.
(3) Staff is trimming vegetation at the City's stormwater retention pond located near the Washington Corrections Center for Women.

PARKS AND GROUNDS MAINTENANCE UPDATES: Staff performed lawn rehabilitation at Skansie Park due to damage from recent events at the park. This included aeration, sanding, and re-seeding.

DOWNTOWN WATERFRONT ASSOCIATION PARKING AD-HOC COMMITTEE: Public Works Staff is participating in the Downtown Waterfront Association's Parking Ad-hoc Committee by providing maps of existing public parking in and around downtown Gig Harbor. Also, Staff is working with the Committee to review previously proposed parking revisions in limited areas of downtown that would increase the number of parking stalls.

SPORTS COMPLEX: Phase 1B is moving along through the permitting process, with new documents submitted to Community Development this week. Consultants are working on legal descriptions and maintenance agreements for easements on YMCA property that the City will need for access and landscaping areas. The first stakeholders meeting was held on June 14, where potential field and parking layouts were shown to stakeholders involved with youth sports organizations.

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Public Hearing: Resolution 1283 Adopting 2024-2029 Six-Year Transportation Improvement Program (TIP)

SUBMITTED BY: Aaron Hulst, P.E., City Engineer
DEPARTMENT: Public Works/Engineering **PHONE:** 253-853-7620

SUGGESTED MOTION: Move to approve Resolution 1283.

BACKGROUND INFORMATION: In accordance with RCW 35.77.010, local agencies must annually prepare and adopt a comprehensive transportation program for the ensuing six calendar years that is consistent with the agency's transportation comprehensive plan. This is commonly referred to as the Six-Year Transportation Improvement Program (TIP) and is required to be submitted annually to the state Secretary of Transportation. The criteria for receiving state and federal transportation project funding requires the receiving agency to have a current approved Six-Year TIP. While a TIP represents the anticipated projects over a six-year period, the project undertaken in any given year are subject to the budget deliberation process.

Included as part of the TIP adoption process is a public hearing.

As part of the Comprehensive Plan update that concluded in 2018, the City completed a rigorous capacity analysis of the City's roadway system which evaluated the future levels of service at intersections. From this analysis, the short and long-range project lists were updated in the Transportation Element of the Comprehensive Plan to address future LOS deficiencies.

The conclusions from the Comprehensive Plan update analyses, the 2023 TIP, and the 2023-24 Budget serve as the basis for the attached 2024-2029 Six-Year TIP.

Changes from last year's TIP are identified in red on the 2023/2024 TIP comparison spreadsheet that is provided as part of the council packets.

FISCAL CONSIDERATION: Adoption of the Six-Year Transportation Improvement Program does not directly affect the City's finances. The fiscal impacts will be reviewed during the budgeting process.

Depending upon the availability of funds and other considerations, at any time the Council may elect to fund more or fewer projects, and/or change project priorities.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: 2024-2029 TIP was presented at City Council Study Session on May 25, 2023.

ATTACHMENTS:

1. Resolution 1283
2. SEPA Addendum
3. 2023/2024 TIP Comparison List

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

RESOLUTION 1283

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING A SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.

WHEREAS, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously adopted a Comprehensive Transportation Plan and Transportation Improvement Program, including an arterial street construction program, and thereafter periodically modified said comprehensive transportation program by resolution; and

WHEREAS, the city council has reviewed the work accomplished under the said Program, determined current and future city street and arterial needs, and based upon these findings has prepared a Six-Year Transportation Improvement Program for the ensuing six (6) calendar years; and

WHEREAS, a public hearing was held on the Six-Year Transportation Improvement Program on June 26, 2023; and

WHEREAS, the city SEPA responsible official made an amended determination of non-significance for the adoption or implementation of the Six-Year Transportation Improvement Program;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor:

Section 1. Program Adopted. The City of Gig Harbor City Council hereby approves and adopts the Six-Year Transportation Improvement Program for the City of Gig Harbor, as revised and extended for the ensuing six (6) calendar years (2024-2029 inclusive), a copy of which is attached hereto and incorporated herein by this reference as if fully set forth herein, which program sets forth the project location, type of improvement and the estimated cost thereof.

Section 2. Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together with the attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.

ADOPTED by the City Council of the City of Gig Harbor at a regular meeting thereof, held this 26th day of June, 2023.

_____
Tracie Markley
Mayor

Attest:

_____
Joshua Stecker, CMC
City Clerk

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	1	Burnham Drive Improvements Phase 1A Eagles to 96th Street Add shared use path on Burnham Drive between the Eagle's Club and 96th Street. Project includes half street improvements and a new bridge at 96th St. for fish passable culvert improvement.	WA-11830	06/26/23	06/26/23		1283	03	C G S T W	0.400		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024		0	TIB	500,000	4,300,000	4,800,000
			Totals	**0**		**500,000**	**4,300,000**	**4,800,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
CN	4,800,000	0	0	0	0
Totals	**4,800,000**	**0**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	2	Metering Roundabout at SR16/Burnham Interchange Study Burnham Drive to Install metering at the eastbound approach (Burnham bridge) of the roundabout located at westbound SR16/Burnham Interchange.	WA-05039	06/26/23	06/26/23		1283	44			CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PL	2024		0		0	100,000	100,000
P	PE	2025		0		0	200,000	200,000
P	CN	2026		0	TIB	400,000	200,000	600,000
			Totals	**0**		**400,000**	**500,000**	**900,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PL	100,000	0	0	0	0
PE	0	200,000	0	0	0
CN	0	0	600,000	0	0
Totals	**100,000**	**200,000**	**600,000**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	3	38th Ave Improvements Phase 2 38th Avenue 56th Street to Hunt Street Complete design and construction of a 2/3-lane section with left turn pockets, bicycle lanes, curbs and gutters as necessary, landscaped planter strip or swale and sidewalk on at least one side of the roadway, storm sewer improvements.	WA-05027	06/26/23	06/26/23		1283	03	C G O P S T W	0.500	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2024		0		0	50,000	50,000
S	CN	2024		0		0	3,400,000	3,400,000
			Totals	**0**		**0**	**3,450,000**	**3,450,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	50,000	0	0	0	0
CN	3,400,000	0	0	0	0
Totals	**3,450,000**	**0**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	4	Wollochet/SR-16 WB on-ramp right turn lane approx. 200' south of Pioneer/Stinson to WB SR-16 on-ramp Construct a right turn slip lane on the WB SR-16 on-ramp to relieve congestion on the Pioneer/Wollochet overpass.	WA-11831	06/26/23	06/26/23		1283	01		0.060		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2024		0		0	200,000	200,000
P	CN	2024		0	WSDOT	800,000	400,000	1,200,000
			Totals	**0**		**800,000**	**600,000**	**1,400,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	200,000	0	0	0	0
CN	1,200,000	0	0	0	0
Totals	**1,400,000**	**0**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	5	Wollochet Dr./SR-16 EB off-ramp rt. turn lane approx. 450' north of intersection to Wollochet intersection Construct a right turn lane on the SR-16 EB off-ramp approaching the signal.	WA-11824	06/26/23	06/26/23		1283	03		0.090		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2024		0		0	250,000	250,000
P	CN	2024		0	WSDOT	800,000	600,000	1,400,000
			Totals	**0**		**800,000**	**850,000**	**1,650,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	250,000	0	0	0	0
CN	600,000	800,000	0	0	0
Totals	**850,000**	**800,000**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	6	Wollochet Drive./Wagner Way Intersection Improvements Wagner Way to Wollochet Drive Construct traffic signal (or roundabout)at Wollochet Drive and Wagner Way.	WA-05035	06/26/23	06/26/23		1283	44	C G P S T	0.010	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	CN	2024		0	TIB	1,000,000	200,000	1,200,000
			Totals	**0**		**1,000,000**	**200,000**	**1,200,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
CN	1,200,000	0	0	0	0
Totals	**1,200,000**	**0**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	7	Olympic Drive / Pt. Fosdick Right-Turn Lane Extension 150' west of intersection to 400' west of intersection Extend right turn lane approximately 225' approaching Pt. Fosdick traveling EB on Olympic.	WA-11823	06/26/23	06/26/23		1283	03				No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2024		0		0	150,000	150,000
P	CN	2025		0		0	560,000	560,000
			Totals	**0**		**0**	**710,000**	**710,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	150,000	0	0	0	0
CN	0	560,000	0	0	0
Totals	**150,000**	**560,000**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
04	8	Peacock Hill Avenue Half-Street Improvements ~300' north of Ringold to ~150' north of 105th St. Ct The project will construct half-street improvements along the west side of Peacock Hill from ~300' north of Ringold to ~150' north of 105th St. Ct. Project will add sidewalks where none exist and bridge a critical sidewalk gap. The project will include illumination and other pedestrian, bicycle, and roadway improvements.	WA-14386	06/26/23	06/26/23		1283	03	O	0.380	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2024		0		0	600,000	600,000
P	CN	2024		0	TIB	1,500,000	600,000	2,100,000
			Totals	**0**		**1,500,000**	**1,200,000**	**2,700,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	600,000	0	0	0	0
CN	1,500,000	0	0	0	0
Totals	**2,100,000**	**0**	**0**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	9	Cushman Trail Phase 5A Borgen trailhead to Baker Way. Design Phase 5A of the Cushman Trail from the existing Borgen trailhead to the Baker Way.	WA-12863	06/26/23	06/26/23		1283	15		1.000		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PL	2024		0		0	150,000	150,000
P	PE	2026		0		0	900,000	900,000
P	CN	2029	CMAQ	3,000,000		0	2,000,000	5,000,000
			Totals	**3,000,000**		**0**	**3,050,000**	**6,050,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PL	150,000	0	0	0	0
PE	0	0	900,000	0	0
CN	0	0	0	0	6,000,000
Totals	**150,000**	**0**	**900,000**	**0**	**6,000,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: (none) Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
07	10	Prentice Avenue/Fennimore Street Half-Width Roadway Improvements to Peacock Hill Half-width roadway improvements to Prentice Avenue and Fennimore Street. Project includes sidewalk, LID stormwater, and ADA Improvements.	WA-15170	06/26/23	06/26/23		1283	04	C G O P S T W		CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
S	PE	2024		0		0	15,000	15,000
S	CN	2024		0		0	3,000,000	3,000,000
			Totals	**0**		**0**	**3,015,000**	**3,015,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	15,000	0	0	0	0
CN	3,000,000	0	0	0	0
Totals	**3,015,000**	**0**	**0**	**0**	**0**

	Federal Funds		State Funds	Local Funds	Total Funds
Grand Totals for Gig Harbor	**0**		**0**	**3,015,000**	**3,015,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	11	38th Ave Improvements Phase 1B 38th Avenue Briarwood Lane to 50th Street Court Complete design and construction of 2/3-lane section with turn pockets, bicycle lanes, curbs and gutters on one or both sides as necessary, landscaped planter strips or swales, sidewalk, storm sewer improvements, and provisions for future lighting.	WA-11821	06/26/23	06/26/23		1283	03		0.300		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0		0	400,000	400,000
P	CN	2026		0	TIB	500,000	1,600,000	2,100,000
			Totals	**0**		**500,000**	**2,000,000**	**2,500,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	600,000	0	0	0
CN	0	0	2,100,000	0	0
Totals	**0**	**600,000**	**2,100,000**	**0**	**0**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	12	38th Ave Improvements Phase 1C 38th Avenue 50th Street Court to 56th Street Complete design and construction of 2/3-lane section with turn pockets, bicycle lanes, curbs and gutters on one or both sides as necessary, landscaped planter strips or swales, sidewalk, storm sewer improvements, and provisions for future lighting.	WA-11822	06/26/23	06/26/23		1283	03		0.340		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2026		0		0	500,000	500,000
P	CN	2027	STP	800,000	TIB	800,000	700,000	2,300,000
			Totals	**800,000**		**800,000**	**1,200,000**	**2,800,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	500,000	0	0
CN	0	0	0	2,300,000	0
Totals	**0**	**0**	**500,000**	**2,300,000**	**0**

Washington State Department of Transportation

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	13	Harborview Drive / Pioneer Way Improvements to Intersection improvements to increase non-motorized user safety.	WA-08728	06/26/23	06/26/23		1283	28	C G O P S T W		DCE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2026		0		0	40,000	40,000
P	CN	2026		0		0	100,000	100,000
			Totals	**0**		**0**	**140,000**	**140,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	40,000	0	0
CN	0	0	100,000	0	0
Totals	**0**	**0**	**140,000**	**0**	**0**

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	14	Hunt St./Skansie Avenue intersection improvements intersection to intersection Construct a roundabout, signal or other intersection improvement at the intersection of Hunt St./Skansie Ave.	WA-11828	06/26/23	06/26/23		1283	03				No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0		0	350,000	350,000
P	RW	2025		0		0	80,000	80,000
P	CN	2027		0	TIB	1,000,000	500,000	1,500,000
			Totals	**0**		**1,000,000**	**930,000**	**1,930,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	600,000	0	0	0
RW	0	80,000	0	0	0
CN	0	0	0	1,500,000	0
Totals	**0**	**680,000**	**0**	**1,500,000**	**0**

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	15	Hunt Street / 38th Avenue Improvements to Design and construct intersection improvements. Currently planned as a roundabout.	WA-08729	06/26/23	06/26/23		1283	03	C G P S T W			Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2025		0		0	500,000	500,000
P	RW	2025		0		0	100,000	100,000
P	CN	2027		0	TIB	1,000,000	400,000	1,400,000
			Totals	**0**		**1,000,000**	**1,000,000**	**2,000,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	500,000	0	0	0
RW	0	100,000	0	0	0
CN	0	0	0	1,400,000	0
Totals	**0**	**600,000**	**0**	**1,400,000**	**0**

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	16	50th St Ct Improvements 50th St Ct west of Olympic Drive to 38th Street Construct new 2-lane roadway with curb, gutter and sidewalks on one or both sides along with street illumination, on-street parking and associated storm water and/or LID improvements.	WA-05013	06/26/23	06/26/23		1283	03	G P S T W	0.500	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2026		0		0	100,000	100,000
P	CN	2027		0	TIB	1,200,000	700,000	1,900,000
			Totals	**0**		**1,200,000**	**800,000**	**2,000,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	100,000	0	0
CN	0	0	0	2,000,000	0
Totals	**0**	**0**	**100,000**	**2,000,000**	**0**

Washington State Department of Transportation

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	17	Soundview and Hunt Intersection Improvement Soundview Drive and Hunt Street to Construct new intersection control, currently conceptualized as a traffic signal, at the intersection with associated non-motorized improvements. Requires coordination with Pierce County for east leg transition to match existing.	WA-05022	06/26/23	06/26/23		1283	03	C P T		CE	Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	200,000	200,000
P	RW	2027		0		0	50,000	50,000
P	CN	2028		0	TIB	600,000	250,000	850,000
			Totals	**0**		**600,000**	**500,000**	**1,100,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	200,000	0
RW	0	0	0	50,000	0
CN	0	0	0	0	850,000
Totals	**0**	**0**	**0**	**250,000**	**850,000**

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County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
04	18	Burnham Drive Improvements Phase 1B N. Harborview Drive to Eagles Club Construct a sidewalk or shared use path along Burnham Drive.	WA-13648	06/26/23	06/26/23		1283	03	C O P S T W	0.500		No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	800,000	800,000
P	CN	2028		0	TIB	1,800,000	700,000	2,500,000
			Totals	**0**		**1,800,000**	**1,500,000**	**3,300,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	800,000	0
CN	0	0	0	0	2,500,000
Totals	**0**	**0**	**0**	**800,000**	**2,500,000**

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MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	19	Burnham Drive Bridge - Restripe to 4 lanes Burnham Drive SR16 E/B Off-Ramp to SR16 W/B Off-Ramp Restripe Burnham Drive bridge between the roundabouts so there are 4 through lanes (2 in each direction).	WA-05040	06/26/23	06/26/23		1283	44		0.250	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2028		0		0	100,000	100,000
P	CN	2029		0		0	305,000	305,000
			Totals	**0**		**0**	**405,000**	**405,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	100,000
CN	0	0	0	0	305,000
Totals	**0**	**0**	**0**	**0**	**405,000**

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MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	20	Burnham Drive Improvements Phase 2 Burnham Drive Harbor Hill Dr Extension to SR-16 Interchange Reconstruction, including minor widening, turn lanes, curbs, gutters, sidewalks, storm sewer improvements, landscaped planter strips and lighting.	WA-05020	06/26/23	06/26/23		1283	03	C G O P S T	1.000	CE	Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2028		0		0	750,000	750,000
P	RW	2028		0		0	250,000	250,000
P	CN	2029	CMAQ	4,000,000	TIB	600,000	1,400,000	6,000,000
			Totals	**4,000,000**		**600,000**	**2,400,000**	**7,000,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	750,000
RW	0	0	0	0	250,000
CN	0	0	0	0	2,000,000
Totals	**0**	**0**	**0**	**0**	**3,000,000**

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County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
00	21	Pedestrian Bridge Over SR16 None to Pedestrian bridge over SR16 in the vicinity of the Burnham Drive Interchange. This project is in conjunction with restriping the Burnham Drive bridge to 4 lanes.	WA-05041	06/26/23	06/26/23		1283	08		0.100	CE	Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2029		0		0	600,000	600,000
P	RW	2029		0		0	150,000	150,000
			Totals	**0**		**0**	**750,000**	**750,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	600,000
RW	0	0	0	0	150,000
Totals	**0**	**0**	**0**	**0**	**750,000**

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Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	22	Olympic Drive/SR-16 Intersection Improvements to Explore options for eastbound on-ramp, intersection improvements to improve level of service.	WA-05025	06/26/23	06/26/23		1283	03			CE	Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2028		0		0	200,000	200,000
P	RW	2028		0		0	50,000	50,000
P	CN	2029		0	OTHER	800,000	400,000	1,200,000
			Totals	**0**		**800,000**	**650,000**	**1,450,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	200,000
RW	0	0	0	0	50,000
CN	0	0	0	0	1,200,000
Totals	**0**	**0**	**0**	**0**	**1,450,000**

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Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	23	Rosedale St./Skansie Ave Intersection Improvements Rosedale St./Skansie Ave. to Widen to provide left-turn lane on east approach. Or design and construct a roundabout.	WA-05026	06/26/23	06/26/23		1283	03	C G O P S T W		CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	300,000	300,000
P	CN	2028		0	TIB	1,500,000	400,000	1,900,000
			Totals	**0**		**1,500,000**	**700,000**	**2,200,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	300,000	0
CN	0	0	0	0	1,900,000
Totals	**0**	**0**	**0**	**300,000**	**1,900,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	24	Grandview Street Improvements Grandview Street Soundview Drive to McDonald Avenue Road (including sidewalk), storm water and lighting improvements.	WA-05036	06/26/23	06/26/23		1283	03	C G O P S T W	0.250	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2027		0		0	600,000	600,000
P	CN	2028	STP	600,000	TIB	600,000	800,000	2,000,000
			Totals	**600,000**		**600,000**	**1,400,000**	**2,600,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	600,000	0
CN	0	0	0	0	2,000,000
Totals	**0**	**0**	**0**	**600,000**	**2,000,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. / C. Project Title / D. Road Name or Number / E. Begin & End Termini / F. Project Description	B. STIP ID / G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	25	Skansie Avenue Improvements Skansie Avenue Rosedale Street to Hunt Street Minor widening to provide curb and gutter as necessary, landscaped planter strip/swale, storm sewer improvements, bicycle lane and sidewalks on both sides of street. Include provisions for future lighting project as budget allows.	WA-05028	06/26/23	06/26/23		1283	03	C P T	1.000	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2029		0		0	800,000	800,000
			Totals	**0**		**0**	**800,000**	**800,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	800,000
Totals	**0**	**0**	**0**	**0**	**800,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
16	26	Wollochet Drive Improvements Wollochet Drive Kimball Dr. to Hunt Street Widen roadway to provide for 11 foot lanes, bicycle lanes, sidewalks, landscaping and illumination on at least one side of the roadway. LOS improvements at the SR-16 interchange.	WA-05023	06/26/23	06/26/23		1283	03	C G P S T W	0.600	CE	Yes

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2028		0		0	1,500,000	1,500,000
P	CN	2029	STP	8,000,000		0	2,000,000	10,000,000
			Totals	**8,000,000**		**0**	**3,500,000**	**11,500,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	1,500,000
CN	0	0	0	0	10,000,000
Totals	**0**	**0**	**0**	**0**	**11,500,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
17	27	Vernhardson Street Improvements Vernhardson Street Peacock Hill Avenue to City Limits Pavement restoration and/or overlay, storm sewer, curbs, gutters and sidewalk(s), bicycle lanes. Possible to phase project into two sections; one between Peacock Hill Ave and N. Harborview Drive and the other between N. Harborview Dirve and City Limits.	WA-05031	06/26/23	06/26/23		1283	05	C P S T W	0.340	CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2029		0		0	700,000	700,000
			Totals	**0**		**0**	**700,000**	**700,000**

Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	700,000
Totals	**0**	**0**	**0**	**0**	**700,000**

Washington State Department of Transportation

Six Year Transportation Improvement Program
From 2024 to 2029

Agency: Gig Harbor

County: Pierce

MPO/RTPO: PSRC Y Inside N Outside

Functional Class	Priority Number	A. PIN/Project No. C. Project Title D. Road Name or Number E. Begin & End Termini F. Project Description	B. STIP ID G. Structure ID	Hearing	Adopted	Amendment	Resolution No.	Improvement Type	Utility Codes	Total Length	Environmental Type	RW Required
14	28	Olympic/Hollycroft Intersection Improvements Olympic Drive and Hollycroft to Convert existing 2-way traffic on spur street that connects Olympic to Hollycroft in the SE quadrant of the intersedction to one-way NB. Angled parking to be added to spur to support the park to the SE of the spur.	WA-05030	06/26/23	06/26/23		1283	03	C P T		CE	No

Funding

Status	Phase	Phase Start Year (YYYY)	Federal Fund Code	Federal Funds	State Fund Code	State Funds	Local Funds	Total Funds
P	PE	2029		0		0	75,000	75,000
			Totals	**0**		**0**	**75,000**	**75,000**

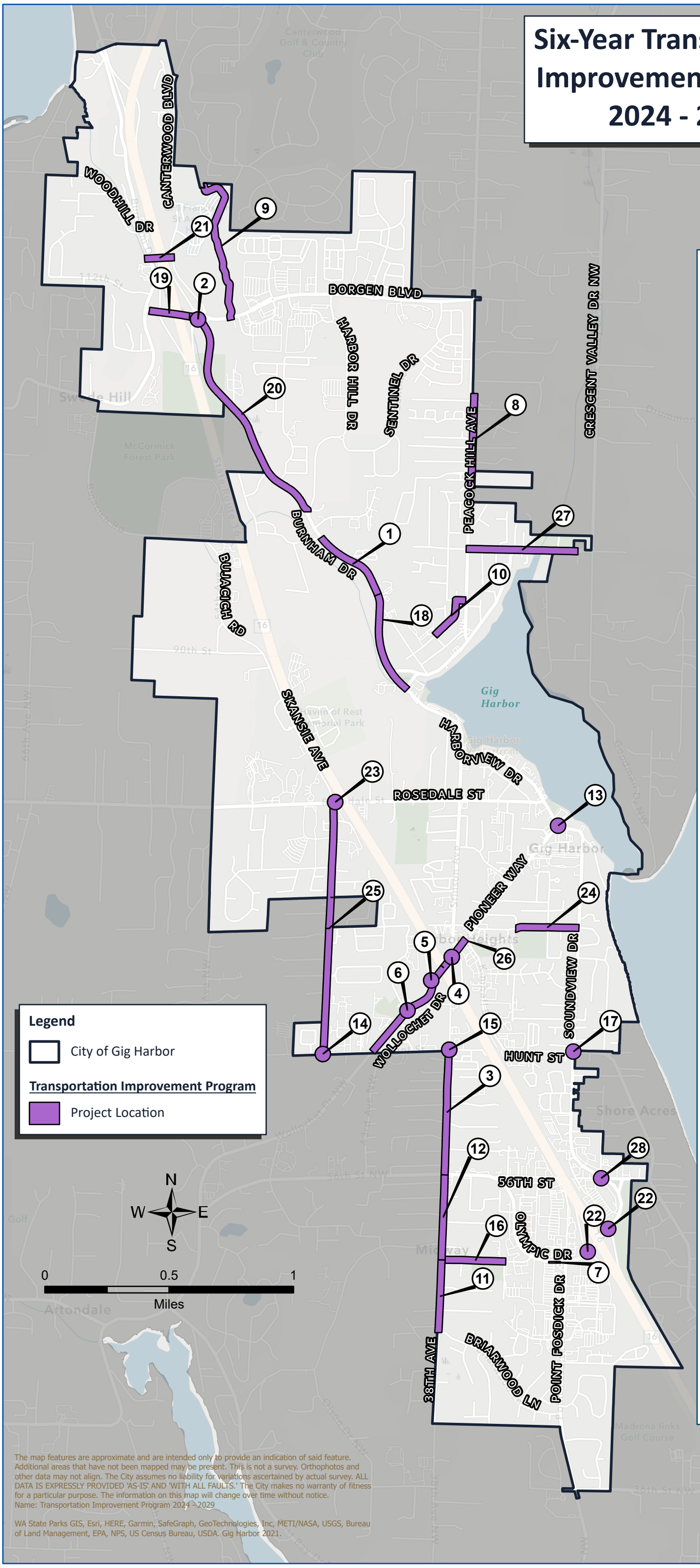
Expenditure Schedule

Phase	1st	2nd	3rd	4th	5th & 6th
PE	0	0	0	0	75,000
Totals	**0**	**0**	**0**	**0**	**75,000**

	Federal Funds		State Funds	Local Funds	Total Funds
Grand Totals for Gig Harbor	**13,400,000**		**15,400,000**	**32,310,000**	**61,110,000**

Six-Year Transportation Improvement Program 2024 - 2029

GIG HARBOR



Map ID	Project Name
1	Burnham Drive Improvements Phase 1A (Eagle's Club to 96th St.)
2	Borgen Boulevard/SR-16 WB off-ramp metering STUDY
3	38th Ave. Phase 2 (56th St. to Hunt St.)
4	Wollochet Drive/SR-16 WB on-ramp right turn lane
5	Wollochet Drive/SR-16 EB off-ramp right turn lane
6	Wagner Way/Wollochet Signal
7	Olympic Drive/Pt. Fosdick right turn lane extension
8	Peacock Hill Ave. Half Street Imp. (~300' north of Ringold to ~150' north of 150th St. Ct.)
9	Cushman Trail Phase 5A
10	Prentice Avenue/Fennimore Street Half-Width Roadway Improvements
11	38th Avenue Phase 1B (Briarwood Lane to 50th Street)
12	38th Avenue Phase 1C (50th Street to 56th Street)
13	Harborview Drive/Pioneer Way Intersection Improvements
14	Hunt St./Skansie Ave. Intersection Improvements
15	Hunt St./38th Ave. Intersection Improvements
16	50th St. Ct. Improvements
17	Soundview Drive/Hunt Street Intersection Improvement
18	Burnham Drive Improvements Phase 1B (N. Harborview Dr. to Eagle's Club)
19	Burnham Drive Bridge - Restripe to 4 lanes
20	Burnham Drive Improvements Phase 2 (Harbor Hill Drive to Borgen Blvd.)
21	Pedestrian Crossing at SR-16 near Borgen Blvd.
22	Olympic Drive/SR-16 Intersection Improvements
23	Rosedale Street/Skansie Avenue Intersection Improvements
24	Grandview Street Improvements (Soundview Drive to McDonald Avenue)
25	Skansie Avenue Improvements (Rosedale Street to Hunt Street)
26	Wollochet Drive Interchange Improvements (Kimball Drive to Hunt Street)
27	Vernhardson Street (Peacock Hill Avenue to City Limits)
28	Olympic Drive and Spur to Hollycroft

The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The City assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS-IS' AND 'WITH ALL FAULTS.' The City makes no warranty of fitness for a particular purpose. The information on this map will change over time without notice.
Name: Transportation Improvement Program 2024 - 2029

WA State Parks GIS, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA. Gig Harbor 2021.

GIG HARBOR

"THE MARITIME CITY"

COMMUNITY DEVELOPMENT
PLANNING DIVISION

SEPA ADDENDUM (NON-PROJECT ACTION)

FROM: **City of Gig Harbor, Planning Division**

DATE: **June 5, 2023**

SUBJ: **PL-SEPA-23-0005 SEPA Addendum – Six-Year Transportation Improvement Program (Six-Year TIP)**

Pursuant to WAC 197-11-600 and 197-11-625, an Addendum to the Determination of Nonsignificance issued under case numbers PL-SEPA-17-0001, PL-SEPA-17-0009, PL-SEPA-17-0010 is hereby issued for the 2024-2029 Six-Year TIP.

Location: Citywide

Proponent: City of Gig Harbor Public Works Department

3510 Grandview Drive

Gig Harbor, WA 98335

Proposed Non-Project Action

The addendum revises the existing 2023-2028 Six-Year TIP by adjusting the priorities to reflect the adopted 2023-2024 City of Gig Harbor Budget and the updated 2018 Comprehensive Plan; updating the phase start dates, project costs and expenditure schedule; and removing completed projects. New Projects are not proposed.

Original Proposal/SEPA Action

The original proposal was the 2017/2018 Comprehensive Plan Amendments including Chapter 12 (Transportation Element) and Chapter 13 (Capital Facilities Element), which updated the general short-range and long-range transportation improvement plans and considered the impacts of motorized and non-motorized transportation projects proposed for short and long-range development throughout the City. The projects and/or programs listed in the proposed TIP are included in and supported by the City's Comprehensive Plan. After review of a completed environmental checklist and the appropriate comment and appeal

periods, an integrated Determination of Nonsignificance was issued for the project on July 5, 2018 under City of Gig Harbor case numbers PL-SEPA-17-0001, PL-SEPA-17-0009, PL-SEPA-17-0010.

Lead Agency: City of Gig Harbor

The lead agency for this proposal addendum has determined the action would not have a probable significant adverse impact on the environment. This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

Contact Person: Aaron Hulst, PE, City Engineer; Phone: (253)851-6170

Responsible Official: Carl de Simas
Position Title: Planning Director Phone: (253)851-6170

Address: City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

Signature _____ Date: June 5, 2023

2023 vs. 2024 TIP Comparison List

2023 TIP #	2024 TIP #	Project Name
1	1	Burnham Drive Improvements Phase 1A (Eagle's Club to Harbor Hill Dr./Burnham Dr. roundabout)
2	2	Borgen Boulevard/SR-16 WB off-ramp metering STUDY
3	3	38th Ave. Phase 2 (56th St. to Hunt St.)
4	4	Wollochet Drive/SR-16 WB on-ramp right turn lane
5	5	Wollochet Drive/SR-16 EB off-ramp right turn lane
9	6	Wagner Way/Wollochet Signal
7	7	Olympic Drive/Pt. Fosdick right turn lane extension
15	8	Peacock Hill Ave. Half Street Imp. (~300' north of Ringold to ~150' north of 150th St. Ct)
27	9	Cushman Trail Phase 5A
New 2024 TIP Project	10	Prentice Avenue/Fennimore Street Half-Width Roadway Improvements
6	11	38th Avenue Phase 1B (Briarwood Lane to 50th Street)
8	12	38th Avenue Phase 1C (50th Street to 56th Street)
10	13	Harborview Drive/Pioneer Way Intersection Improvements
11	14	Hunt St./Skansie Ave. Intersection Improvements
12	15	Hunt St./38th Ave. Intersection Improvements
13	16	50th St. Ct. Improvements
14	17	Soundview Drive/Hunt Street Intersection Improvement
16	18	Burnham Drive Improvements Phase 1B (N. Harborview Dr. to Eagle's Club)
17	19	Burnham Drive Bridge - Restripe to 4 lanes
18	20	Burnham Drive Improvements Phase 2 (Harbor Hill Drive to Borgen Blvd.)
19	21	Pedestrian Crossing at SR-16 near Borgen Blvd.
20	22	Olympic Drive/SR-16 Intersection Improvements
21	23	Rosedale Street/Skansie Avenue Intersection Improvements
22	24	Grandview Street Improvements (Soundview Drive to McDonald Avenue
23	25	Skansie Avenue Improvements (Rosedale Street to Hunt Street)
24	26	Wollochet Drive Interchange Improvements (Kimball Drive to Hunt Street)
25	27	Vernhardson Street (Peacock Hill Avenue to City Limits)
26	28	Olympic Drive and Spur to Hollycroft

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Resolution 1281 Amending the Wastewater Comprehensive Plan by Revising the Sewer Collection Basin #14 Discharge Location Into Basin #21

SUBMITTED BY: Associate Engineer Stephanie Seibel, PE
DEPARTMENT: Public Works/Engineering **PHONE:** 253-853-7626

SUGGESTED MOTION: Move to approve Resolution 1281 for the proposed Wasterwater Comprehensive Plan Technical Amendment regarding Basin #21 and #14.

BACKGROUND INFORMATION: The City of Gig Harbor has received a request from Rush Development Company, LLC (Owner) for a technical amendment to the city's 2018 Wastewater Comprehensive Plan (WWCP) related to the proposed Mallard Landing Lot 7 Senior Living Facility (PL-SPR-19-0003).

The Mallard Landing Lot 7 project is a 6.98-acre residential plat consisting of a single, four-story senior living community building located in the 7000 block of Wagner Way. The parcels comprising Mallards Landing Lot 7 are located in sewer basin #14, which currently pumps directly into Basin #3. This amendment proposes to reduce head pressures in the existing sewer forcemain by redirecting flows being pumped from lift station #14 first into Basin #21, which then pumps into Basin #3.

The proposed amendment would also eliminate a capacity problem that currently exists for the city at lift station #14.

City staff supports the owner's proposal as noted in the resolution.

FISCAL CONSIDERATION: None.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS: Resolution 1281

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

RESOLUTION 1281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE WASTEWATER COMPREHENSIVE PLAN BY REVISING THE SEWER COLLECTION BASIN #14 DISCHARGE LOCATION INTO BASIN #21

WHEREAS, the City of Gig Harbor has received a request from Rush Development Company, LLC (Owner) for a technical amendment to the city's 2018 Wastewater Comprehensive Plan (WWCP) related to the proposed Mallard Landing Lot 7 Senior Living Facility (PL-SPR-19-0003); and

WHEREAS, the Mallard Landing Lot 7 Senior Living Facility project is a 6.98-acre residential plat consisting of a single, four-story senior living community building located in the 7000 block of Wagner Way, which is located in sewer basin #14; and

WHEREAS, the Owner has proposed to redirect Basin #14 sewer flows from directly discharging into Basin #3 to instead first discharge into Basin #21 using existing sewer collection infrastructure; and

WHEREAS, this amendment would reduce head pressures in the existing sewer forcemain and eliminate a capacity problem that currently exists at Lift Station #14; and

WHEREAS, the Owner has provided a report prepared by RH2 Engineering dated August 9, 2022 that describes the proposal: and

WHEREAS, city staff haves reviewed a request by the Owner for a WWCP technical amendment, related technical information from both RH2 Engineering and the City's consultant, HDR, Inc.; and

WHEREAS, Section 1.4.2 of the WWCP requires technical amendments to be adopted by resolution by the city council; and

WHEREAS, the Public Works Director believes the information provided sufficiently justifies a technical amendment to the WWCP.

WHEREAS, at the city's council's May 11, 2023, study session, the city council heard the Owner's requested comprehensive plan amendment and recommended the request move forward to the city council; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington:

Section 1. Appendix B of the WWCP shall be amended to reflect the revisions to the Wastewater Basin Map as provided in the attached Exhibit A.

ADOPTED by the City Council of the City of Gig Harbor at a regular meeting thereof, held this 26th day of June, 2023.

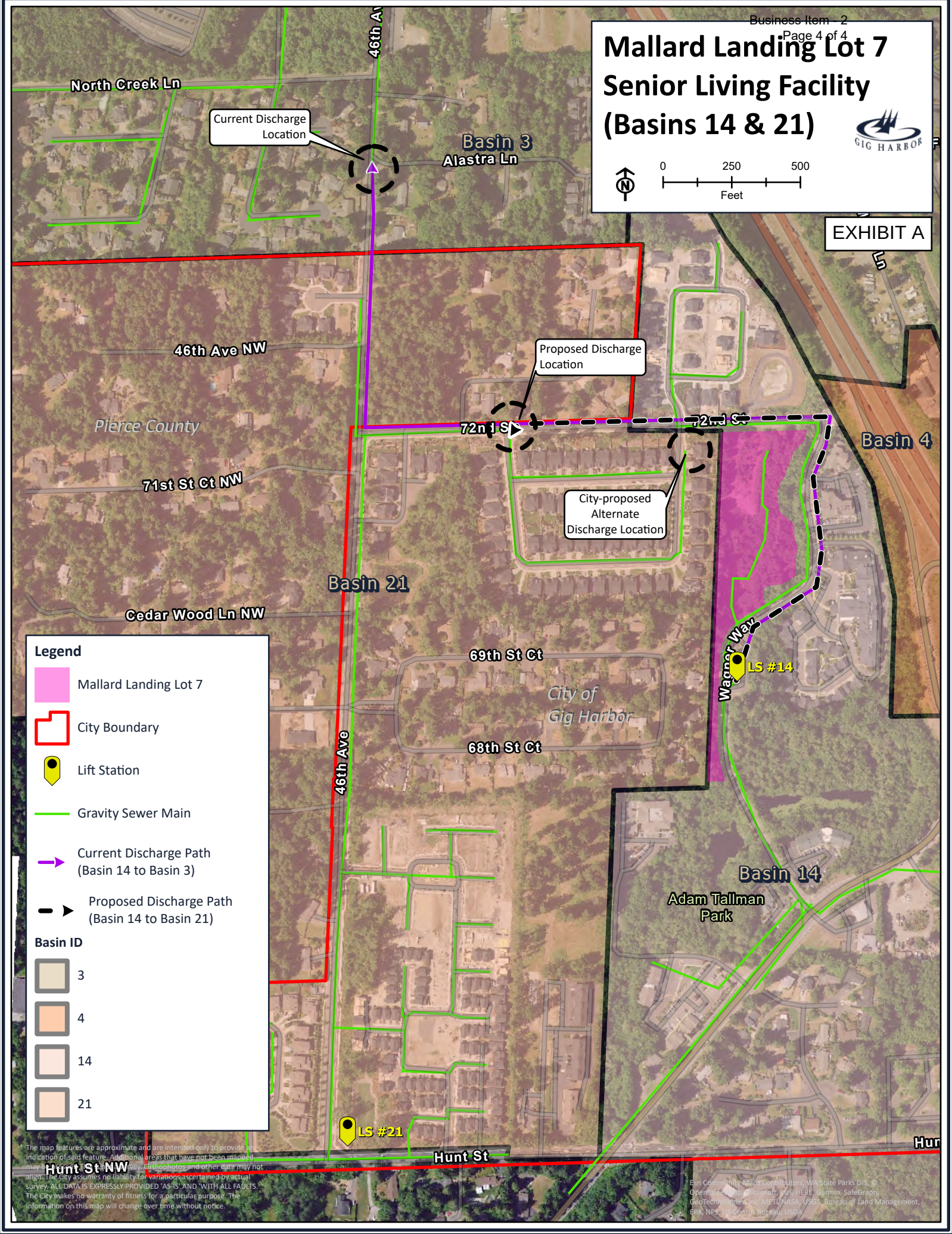
_____
Tracie Markley
Mayor

Attest:

_____
Joshua Stecker, CMC
City Clerk

Mallard Landing Lot 7 Senior Living Facility (Basins 14 & 21)

EXHIBIT A



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City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Agreement with FISH Food Bank for Human Services Grant

SUBMITTED BY: Jeff Langhelm, PE, Public Works Director
DEPARTMENT: Public Works **PHONE:** 253-853-7630

SUGGESTED MOTION: Move to authorize the mayor to execute an agreement with FISH Food Bank for a human services grant in an amount not to exceed $50,000.

BACKGROUND INFORMATION: Keeping residents in their homes and connected to water and sewer utilities is a public safety priority for the city. The COVID-19 pandemic impacted most residents of the city, especially those who live on a limited income or who fell on hard financial times during the pandemic. Some residents are still being impacted by the pandemic and are not able to pay their utility bills. However, shutting off utilities is a burden for both the city and the utility customer.

Having a home with accommodations, in particular water and sewer services, is key to providing safe and healthy living conditions. From a governmental perspective, the city wants everyone to be safe and healthy and to not have other issues that result from not having safe and healthy living conditions. One key impact from the pandemic that exacerbates safe and healthy living conditions is the lack of water and sewer services in a home. The city recognizes this value and desires to provide support so that City water and sewer utility customers impacted by the pandemic do not lose these vital services.

The Gig Harbor Peninsula FISH Food Bank is the organization in our community who provides financial aid for those residents in our community who struggle with paying routine bills. The city has supported the food bank for many years and desires to continue support for the food bank with COVID-19-related utility expenses.

The proposed agreement allows the city to grant funds to the food bank to support city residents with payments of their water and sewer utility bills.

FISCAL CONSIDERATION: This grant will be funded from the general fund. The city received American Recovery Act (ARPA) funds in 2021 and 2022. These funds were deposited into the general fund. To date the city has spent $500,000 in ARPA funds. The remaining ARPA funds were used by the city to recover from revenues lost during the COVID-19 pandemic. The city has adequate funds and budget capacity for the time being to fund this program. We will include this program in the budget amendment resulting from the mid-biennial review, which includes previous deposits of funds the American Recovery Plan Act (ARPA).

Expenditure Required:	Amount Budgeted:	Appropriation Required:
Up to $50,000	$0	$50,000

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: None.

ATTACHMENTS: Agreement with FISH Food Bank

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

AGREEMENT FOR SERVICES BETWEEN
THE CITY OF GIG HARBOR
AND
THE GIG HARBOR PENINSULA FISH FOOD BANK

THIS AGREEMENT is entered on _____, by and between the City of Gig Harbor, hereinafter "the City," and the Gig Harbor Peninsula FISH Food Bank, hereinafter "the Food Bank" a charitable 501(c)(3) non-profit corporation.

I - RECITALS

A. Keeping residents in their homes and connected to water and sewer utilities is a public safety priority for the City.

B. The COVID-19 Pandemic impacted most residents of the City, especially those who live on limited income or who fell on hard financial times during the Pandemic.

C. Some residents are still being impacted by the Pandemic.

D. Shutting off utilities is a burden for both the City and the utility customer.

E. Having a home with accommodations, in particular water and sewer services, is key to providing safe and healthy living conditions.

F. From a governmental perspective, the City wants everyone to be safe and healthy and to not have other issues that result from not having safe and healthy living conditions.

G. One key impact from the Pandemic that exacerbates safe and healthy living conditions is the lack of water and sewer services in a home.

H. The City recognizes this value and desires to provide support so that City water and sewer utility customers impacted by the Pandemic do not lose these vital services.

I. The Food Bank is the organization in our community who provides financial aid for those residents in our community who struggle with paying routine bills.

J. The City has supported the Food Bank for many years and desires to continue support for the Food Bank with COVID-19-related utility expenses.

II - AGREEMENT

1. The Food Bank shall provide the following services to City water and sewer utility customers:

   a. Financial aid to support payment of City water and sewer utility bills with past-due amounts as determined by the City and as of June 12, 2023.

2. To help the Food Bank provide the above financial aid, the City shall pay the Food Bank an amount not to exceed fifty thousand dollars ($50,000.00). Funds shall be reimbursed by the City not more frequently than once each month upon the Food Bank's approval and signature on invoices provided to the City.

3. The duration of this Agreement is from the date of execution until December 31, 2024, unless sooner terminated sooner.

4. The Food Bank shall maintain books and records that sufficiently and accurately reflect direct expenditures by the Food Bank in the performance of this agreement. Such records shall be maintained for a period of seven years after termination of this agreement unless permission has been received from the State Archivist and the City pursuant to chapter 40.14 RCW. The Food Bank shall submit a yearly written report to the City by December 31, 2023, and December 31, 2024 which shall include expenditures by date, payee and purpose. Such report shall also report the breakdown of the number of Gig Harbor residents receiving services from the Food Bank.

5. The City and the Food Bank agree that the Food Bank is independent with respect to the services provided pursuant to this Agreement. Neither the Food Bank nor any employee of the Food Bank shall be entitled to any benefits accorded City employees by virtue of the services provided under this Agreement. The City shall not be responsible for paying, withholding, or otherwise deducting any customary state or federal payroll deductions, including but not limited to FICA, FUTA, state industrial insurance, state workers compensation, or otherwise assuming the duties of an employer with respect to the Food Bank or any employee of the Food Bank.

6. The Food Bank shall indemnify, defend, and hold harmless the City, its agents, and employees from and against any and all liability arising from injury or death to persons or damage to property resulting in whole or in part from negligent or intentional acts or omissions of the Food Bank, its agents, servants, officers, or employees in the performance of the contracted services. The Food Bank shall procure and maintain during the term of this agreement, and provide a Certificate of Insurance evidencing such coverage, for the following: Automobile Liability, with

limits of One Million Dollars ($1,000,000) combined single limit per accident if the Food Bank will be using an automobile while performing the essential functions of this agreement; and Commercial General Liability insurance with limits of not less than One Million Dollars ($1,000,000) combined single limit per occurrence and Two Million Dollars ($2,000,000) aggregate. Food Bank's insurance shall be primary as respects the City, and the City shall be given thirty (30) days written notice prior to any cancellation, suspension or material change in coverage.

7. In the event of material non-performance of the contracted services by the Food Bank, the City shall have the right to the return of all funds paid to Food Bank and to withhold payment of any remaining funds. However, the City shall not exercise this right until it has given written notice to the Food Bank, and ten days have passed since the giving of such notice. This is in addition to and not in lieu of any right which state law provides for breach of contract.

8. The Food Bank shall conduct its business in a manner which assures fair, equal and non-discriminatory treatment of all persons, including maintaining open hiring and employment practices, and compliance with all requirements of applicable federal, state or local laws or regulations relating to hiring and employment practices and providing services to all persons, without discrimination as to any person's race, color, religion, sex, Vietnam era veteran's status, disabled veteran condition, physical or mental handicap or national origin.

9. This Agreement is the complete expression of the terms hereto and any oral representation or understanding not incorporated herein is excluded. Any modification of the Agreement shall be in writing and signed by both parties.

CITY OF GIG HARBOR

_____
Katrina Knutson
City Administrator

GIG HARBOR PENINSULA
FISH FOOD BANK

_____
Pamela Leazer
Executive Director

Attest:

_____
Joshua Stecker
City Clerk

_____

Daniel Kenny
City Attorney

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: Amendment #1 to the Professional Services Contract with Peninsula Financial Consulting for the Utility Rate Study.

SUBMITTED BY: Public Works Director Jeff Langhelm
DEPARTMENT: Public Works **PHONE:** 253-853-7630

SUGGESTED MOTION: Move to authorize the mayor to sign Amendment #1 to the professional services contract with Peninsula Financial Consulting for utility rate analyses in an amount not to exceed $12,300.

BACKGROUND INFORMATION: In 2021 the city and Peninsula Financial Consulting (PFC) embarked on a comprehensive utility rate analysis to review key utility rate topics. These included a complete overhaul of the city's stormwater utility rate structure, an analysis of the general facility charges (GFCs) for all three utilities, an analysis of the monthly rates for all three utilities, and proposed adjustments for GFCs and rates for all three utilities. The stormwater utility rate structure has been completed and the city has performed a cursory analysis of the general facility charges. The city is now preparing to analyze the monthly rates for all three utilities.

In preparation for the monthly rate review of the water utility, Staff wanted to provide city council with an option to institute tiered water rates. Having tiered water rates reflects the higher cost of providing water during the drier months while also furthering the city's goal to encourage water conservation, thus reducing impacts to the city's aquafers. And a tiered water rate structure is common in other jurisdictions in our region.

Currently, the city's monthly water rates include a base charge and a consumption charge. The consumption charge is the same per unit of water (hundred cubic foot, CCF) regardless of how much water is consumed. The tiered water rate option would allow staff and PFC the effort to provide council with two additional tiers of rates that increase the unit cost as the number of units consumed is increased.

The attached scope and fee are a large part of the total cost to prepare these options. There are also two additional costs that are associated with training of staff to provide reports using new database report writing software associated with our financial system software. The staff training includes direct training with our financial software system provider and attendance at a conference related to our financial software.

FISCAL CONSIDERATION: The 2023-24 budget does not have funding for this additional effort. However, if approved, the water utility has sufficient funds to pay for this additional expense. Additionally, the city already has funding for the suggested staff training associated with this proposed effort.

Expenditure Required:	Amount Budgeted:	Appropriation Required:
$12,300	$0	$

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: None.

ATTACHMENTS: Amendment #1 **to the** Professional Services Contract with Peninsula Financial Consulting for the Utility Rate Study

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

FIRST AMENDMENT
TO
PROFESSIONAL SERVICES CONTRACT
BETWEEN THE CITY OF GIG HARBOR AND
PENINSULA FINANCIAL CONSULTING

THIS FIRST AMENDMENT is made to that certain Professional Services Contract dated March 23, 2021 (the "Agreement"), by and between the City of Gig Harbor, a Washington municipal corporation (hereafter the "City"), and Peninsula Financial Consulting, a Washington corporation organized under the laws of the State of Washington (hereafter the "Consultant").

RECITALS

WHEREAS, the City is presently engaged in completing a General Facility Charge Analysis and Rate Study, and Stormwater Utility Rate Structure Analysis and desires to extend consultation services in connection with the project; and

WHEREAS, section 17 of the Agreement requires the parties to execute an amendment to the Agreement in order to modify the scope of work to be performed by the Consultant and to amend the amount of compensation paid by the City;

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties in this Amendment as follows:

1. Scope of Work. Section 1 of the Agreement is further amended to add the work as shown in **Exhibit A**, attached to this Amendment and incorporated herein.

2. Payment. Section 2(A) of the Agreement is amended to increase compensation to the Consultant for the work to be performed as described in **Exhibit A** in an amount not to exceed Twelve Thousand Three Hundred Dollars and Zero Cents ($12,300.00), as shown in **Exhibit A,** attached to this Amendment and incorporated herein for a total contract amount of $75,500.00.

3. Duration of Work. Section 3 of the Agreement is amended to extend the duration of this Agreement to March 1, 2024.

[Remainder of page intentionally left blank.]

EXCEPT AS EXPRESSLY MODIFIED BY THIS AMENDMENT, ALL TERMS AND CONDITIONS OF THE AGREEMENT SHALL REMAIN IN FULL FORCE AND EFFECT.

IN WITNESS WHEREOF, the parties have executed this Agreement on _____.

CONSULTANT

By:_____
Its Principal

CITY OF GIG HARBOR

By:_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

Scope of Work and Schedule of Rates and Estimated Hours
Exhibit A

AMENDMENT #1
2021 RATE STUDY FOR WATER USAGE TIER RATES

Introduction

This scope of work will provide the City with a recommendation to enact three new water usage tiers and corresponding volume rates. The total cost estimate for this work (see attached Exhibit A) is a not to exceed amount of $9,800.

Overview

Currently the City of Gig Harbor's water utility rates charge a uniform volume rate on all usage by its customers. The City does utilize slightly different uniform volume rates for each customer class (residential, multi-family, and commercial but each uniform rate applies to all usage by the customer class.

As an employee for the consulting company of Gray & Osborne, I performed the original water utility rate study that provided the basis for these water volume rates and the slight difference in volume rates for each customer class was the result of balancing the impact of differing fire flow requirements and the impact of different peaking factors between summer and winter water use for each class.

In my opinion the benefit of having these marginal different volume rates is outweighed by the confusion in the general public and difficulty in explaining the rational for so little difference.

Therefore, it is my recommendation that we use this opportunity to align all water volume rates such that the base volume rate for each customer class is consistent. Also, it is standard practice to not utilize tiered volume rates for commercial customers since these types of customers do not have the typical increase in discretionary outdoor water use during the summer. The major reasons for this are that multi-family (Gig Harbor treats multi-family customers as a subset of commercial as opposed to residential) and commercial customers utilize automated watering systems and do not typically allow for other types of discretionary outdoor water use (e.g., washing a car).

Lastly, there is no limit to how many water tiers could be utilized but it is common in western Washington to limit residential water tiers to three tiers or ranges.

Therefore, the goal of this project is to analyze actual water use data and define 3 usage tiers for the residential class that roughly corresponds to the average water use for residences and the first and second standard deviations. We will utilize actual water usage data to perform the analysis and we will also use this data to provide the estimated revenue impact from implementing these new rates and possibly adjust the proposed tier ranges to deviate slightly from the statistical analysis if there is a significant revenue

impact. Lastly, even though we plan on keeping a uniform volume rate for commercial and multi-family customers we may adjust these uniform rates to a level in between the first and second tier residential rate

TASK 1 – GATHER AND ORGANIZE DATA

In order to perform this study, we will need billing data that is directly exported from the City's utility billing system into EXCEL. We had Springbrook (the City's billing system software provider) perform this exact task in 2003 during a previous study so it may be possible to streamline this step if they can simply duplicate this effort.

Once an EXCEL file is available that lists several years of historical water use data by each customer for each billing period, I will write computer code to organize and evaluate the water usage data.

Once this data has been organized, we will be able to perform a statistical analysis of residential water use in order to provide recommended ranges for three tiers of water use. The data will also allow us to apply rates to each tier and estimate the revenue impact of each change and even assess the impact if some customers elect to start conserving water use.

This data will also allow us to evaluate the revenue impact of making marginal changes to the multi-family and commercial uniform volume rate. While it is standard practice to not employ tiered water volume rates to commercial customers it is also fair game to set their uniform volume rate slightly higher than the lowest tiered volume rate for residences. This is done for two reasons. First, they are commercial customers that earn a profit from operations and they couldn't exist without water. Secondly, it is readily apparent that the commercial customers are receiving a "break" on rates and therefore implementing a slightly higher single tier rate for them is usually received as being "fair".

TASK 2 – EVALUAE USAGE DATA & PROPOSE VOLUME RATES

The water usage data will be statistically evaluated in order to determine the average water use for a residential customer and then the water use for a single standard deviation and a second standard deviation. These three data points will provide the basis for determining the following:

First tier water volume rate (zero use to the 1st std. deviation)
Second tier rate (1st standard deviation to the 2nd std. deviation)
Third tier rate (2nd std. deviation and greater)
Commercial volume rate (in between the 1st and 2nd residential rate)
Multi-family volume rate (in between the 1st and 2nd residential rate)

There really is no set process as to how to set the level of the volume rates charged for water usage but in order to keep the existing balance between fixed charges and volume charges the new first tier volume rate must remain close to the existing uniform rate. However, there is the opportunity to adjust all three of the new rates to make the changes

revenue neutral (lower the first-tier rate below the existing uniform rate and make up the lost revenue through the higher tiers) or increase overall revenues through a similar process. Additionally, we could also use the process to make slight adjustments to the uniform commercial and multi-family volume rate to increase perceived equity and revenues.

TASK 4 MEETINGS

I anticipate two meetings with the City to review the work and to assess the impact of setting the proposed rates as well as up to two meeting with the public and City Council.

TASK 4 DOCUMENTATION

As mentioned, much of the work entailed in this study is not directly supported or required to be justified by analysis. Therefore, I would plan on only documenting the derivation of the usage tiers based on the statistical data and to justify any planned revenue enhancements. I expect this to be relatively brief document. There also will be a PowerPoint presentation prepared to explain the analysis to the public.

EXHIBIT A

FINANCIAL CONSULTING SERVICES
SCOPE AND ESTIMATED COST

Project Title: 2021 Utility Rate Study Addendum (Water Usage Tiers)

	TASKS	Hours	Cost
1.	**Gather & Organize Data**		
A	Work with Springbrook to output water billing data in usuable format	2	$ 270
B	Write computer code to process raw data into applicable format	20	$ 2,700
C	Tabulate and review usage data	6	$ 810
2.	**Evaluate usage data & propose three usage tiers**		
A	graph usage data	4	$ 540
B	peform statistical analysis of usage data	4	$ 540
C	determine 3 appropriate usage tier ranges and uniform commercial rate	4	$ 540
D	Estimate revenue impact of new tiers	8	$ 1,080
E	provide rate recommendations	8	$ 1,080
3.	**Staff meetings (4)**	24	$ 3,240
4.	**Documentation/Report**	8	$ 1,080
	Total	**88**	**$ 11,880**
Hourly Rate:		$ 135.00	
Total Labor Cost		**$ 11,880**	
Mileage & Expenses (Mileage @ $0.655/mile)		$ 500	
Printing		$ -	
TOTAL ESTIMATED COST:		**$ 12,300**	

City of Gig Harbor
City Council Meeting Agenda Bill

Meeting Date: June 26, 2023

SUBJECT: First Reading and Adoption of Ordinance 1514 Relating to the City's Criminal Code; Amending Section 9.26.070 of the Gig Harbor Municipal Code to Adopt by Reference RCW 7.105 Relating to Protection Orders

SUBMITTED BY: Police Chief Kelly Busey
DEPARTMENT: Police **PHONE:** (253) 853-2422

SUGGESTED MOTION: Move to approve Ordinance 1514.

BACKGROUND INFORMATION: Protection Order violations used to be prosecuted through the Gig Harbor Municipal Court under RCW 10.14. RCW 10.14 was repealed by the state legislature in 2021. Updated law concerning protection order violations was recodified under RCW 7.105. In order to be enforceable through the Gig Harbor Municipal Court, the preexisting state law should be removed and the updated state statute must be adopted by GHMC.

FISCAL CONSIDERATION: None.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION: N/A

ATTACHMENTS: Ordinance 1514

STRATEGIC PLAN PRIORITY: Ensure sustainable future for public services and facilities

ORDINANCE 1514

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE CITY'S CRIMINAL CODE; AMENDING SECTION 9.26.070 OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE RCW 7.105 RELATING TO PROTECTION ORDERS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, RCW 35A.11.020 authorizes the legislative body of code cities to adopt and enforce criminal codes related to misdemeanor and gross misdemeanor offenses; and

WHEREAS, Gig Harbor Municipal Code 9.26.070 adopts certain sections of state law relating to protection orders; and

WHEREAS, RCW 10.14, concerning protection orders was previously adopted into Gig Harbor Municipal Code; and

WHEREAS, RCW 10.14 was repealed by the state legislature in 2021 and recodified to include updated language concerning protection orders to RCW 7.105; and

WHEREAS, because RCW 10.14 is no longer a valid statute, it should be repealed from the Gig Harbor Municipal Code; and

WHEREAS, it is the desire of the city, through the Gig Harbor Municipal Court, to continue to enforce protection order violations defined in RCW 7.105; and

WHEREAS, adoption of RCW 7.105 into municipal code would be required to continue the authority of the Gig Harbor Municipal Court to hear these criminal cases;

NOW THEREFORE, The City Council of the City of Gig Harbor, Washington, do ordain as follows**:**

Section 1. Section 9.26.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

The following state statutes are adopted by reference as currently enacted and as hereinafter amended from time to time and shall be given the same force and effect as if set forth herein in full:

RCW

7.105.010 Definitions

7.105.450 Enforcement and penalties — Other than antiharassment protection orders and extreme risk protection orders.

~~10.14.010 Legislative findings, intent.~~

~~10.14.020 Definitions.~~

~~10.14.030 Course of conduct – Determination of purpose.~~

~~10.14.040 Protection order – Petition.~~

~~10.14.050 Administrative reports – Forms, information.~~

~~10.14.060 Proceeding in forma pauperis.~~

~~10.14.070 Hearing – Service.~~

~~10.14.080 Anti-harassment protection orders – Ex parte orders – Renewals.~~

~~10.14.085 Hearing reset after ex parte order.~~

~~10.14.090 Representation or appearance.~~

~~10.14.100 Service of order.~~

~~10.14.105 Order following service by publication.~~

~~10.14.110 Notice to law enforcement agencies – Enforceability.~~

~~10.14.115 Enforcement of order – Knowledge prerequisite to penalties – Reasonable efforts to serve copy of order.~~

~~10.14.120 Disobedience of order – Penalty.~~

~~10.14.125 Service by publication – Cost.~~

~~10.14.130 Exclusion of certain actions.~~

~~10.14.140 Other remedies.~~

~~10.14.150 Jurisdiction.~~

~~10.14.160 Where action may be brought.~~

~~10.14.170 Criminal penalty.~~

~~10.14.180 Modification of order.~~

~~10.14.190 Constitutional rights.~~

~~10.14.200 Availability of orders in proceedings under chapter 26.09, 26.10, or 26.26 RCW.~~

~~10.14.900 Severability.~~

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. Correction of Errors. The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 26th day of June, 2023.

_____
Tracie Markley
Mayor

Approved as to form:

_____
Daniel Kenny
City Attorney

Attest:

_____
Joshua Stecker, CMC
City Clerk

UPCOMING GIG HARBOR CITY MEETINGS

ALL AGENDA ITEMS TENTATIVE – SUBJECT TO CHANGE

Please see the meeting agenda for specific details on how to attend.

Day	Date	Time	Group	Agenda Items
M	June 26	5:30pm	City Council	*See Agenda*
TH	June 29	3:00pm	City Council Study Session	Monthly Financial Update Proposal for Above-Ground Fuel Storage Tanks at the Operations Center Commercial Fishing Homeport – Moorage Agreement, Agreement for Donation, Additional Mitigation Street Capital Project Funding Redistribution Murphy's Landing Channel Dredging Update
W	July 5	5:30pm	Parks Commission	CANCELLED
TH	July 6	5:30pm	Planning Commission	2044 Comprehensive Plan Update
M	July 10	5:30pm	City Council	Presentations: • Recognition of Retiring Police Officers • Annual Crime Report Business Items: • Professional Services Contract Amendment #2 for Commercial Fishing Homeport • Resolution xxxx to Make Application for TIB Grants: Wagner/Wollochet Signal and Burnham Drive Phase 1A Half-Width Roadway Improvements • Pierce County Conservation Futures Agreement to Reimburse and Stewardship Agreement/Restrictive Covenants for the Shaw-Warren Property
W	July 12	10:00am	Arts Commission	
TH	July 13	3:00pm	City Council Study Session	Holiday Display and 4th of July Event Discussion Masonic Lodge/Crescent Creek Master Plan – Options Discussion
TH	July 13	5:30pm	Design Review Board	
TH	July 20	3:00pm	City Council Study Session	Utility Rates Discussion & Public Outreach Plan Review
TH	July 20	5:30pm	Planning Commission	2044 Comprehensive Plan Update
M	July 24	5:30pm	City Council	Staff Report: 2nd Quarter Financials & Budget Update
TH	July 27	3:00pm	City Council Study Session	
TH	July 27	5:30pm	Design Review Board	
M	Aug. 14	5:30pm	City Council	
TH	Aug. 17	3:00pm	City Council Study Session	Sports Complex Phase 2 & 3 Feasibility Study Update
M	Aug. 28	5:30pm	City Council	NO MEETING

City of Gig Harbor Two-Year Strategic Plan 2023-2024

Adopted by Resolution 1280 on June 12, 2023

Vision Statement: ***The City of Gig Harbor leads the way in livability, environmental stewardship, economic vitality, and municipal services.***

Priorities	Goals	Actions – Routine/Annual	Actions - Project
Foster a healthy city organization	▪ Be an exceptional employer ▪ Retain existing workforce ▪ Attract qualified applicants ▪ Ensure safe work environment ▪ Encourage staff training ▪ Encourage and obtain employee feedback ▪ Fill all vacancies in a timely manner	☐ Re-qualify for AWC Well City designation ☐ Conduct annual employee satisfaction survey	☐ Develop a staff retention and attraction program ☐ Review and update the city's DEI program ☐ Update personnel policies manual ☐ Update safety manual and accident prevention program ☐ Revise employee evaluation process ☐ Develop management training for all new supervisors ☐ Update job descriptions and conduct salary & benefits study
Ensure sustainable future for public services and facilities	▪ Provide more effective municipal services ▪ Increase city communication effectiveness ▪ Listen to community needs and expectations ▪ Source funding for parks, streets/transportation, and utilities ▪ Ensure infrastructure to support community needs	☐ Update utility rates as needed ☐ Continually improve permit and land use approval processes ☐ Increase resources for capital projects ☐ Review/amend TIP to improve motorized and non-motorized transportation	☐ Create a city-wide communications plan ☐ Update public works standards ☐ Conduct HOA fair ☐ Implement hybrid court system/electronic case management ☐ Parks division organizational assessment ☐ Complete construction of Public Works Operations Center ☐ Place parks bond on ballot
Maintain small town character and historic preservation while growing responsibly	▪ Promote responsible growth in keeping with small town character ▪ Address infrastructure to relieve traffic issues ▪ Ensure adequate affordable housing ▪ Focus on character retention and historic preservation ▪ Decrease distance to get to a park or open space ▪ Enhance walkability and pedestrian/cyclist safety	☐ Annually docket specific priorities in the comprehensive plan ☐ Fund Harbor History Museum operations ☐ Monitor state legislative activity ☐ Support the arts commission ☐ Develop sister city program ☐ Fund creative endeavor grants ☐ Monitor short-term rentals	☐ Prepare 2044 Comprehensive Plan periodic update ☐ Complete annexation study ☐ Develop housing needs and action plan ☐ Create historic preservation commission ☐ Review businesses and off-street parking requirements ☐ Develop 4th of July event ☐ Establish process and procedure for code compliance program ☐ Establish park standards
Promote environmental sustainability and preserve Gig Harbor's natural beauty	▪ Address climate change ▪ Preserve tree canopy ▪ Preserve and enhance natural character ▪ Add undeveloped land to parks inventory	☐ Annually review climate & sustainability action plan (once developed) ☐ Consider possible conservation properties and/or mitigation areas and activities	☐ Adopt climate & sustainability action plan ☐ Form climate action committee ☐ Adopt urban forest management plan/tree retention policies ☐ Develop recycling program in city parks ☐ Install Civic Center electric vehicle charging station ☐ Annex parcels in city's parks system ☐ Update stormwater manual ☐ Assess gaps in public charging stations for electric vehicles
Promote and enhance a dynamic and robust economy	▪ Develop a plan to increase promotion of our local business community ▪ Increase vitality of the city's small businesses ▪ Attract larger business to industrial zone ▪ Maintain and enhance commercial fishing	☐ Support Downtown Waterfront Alliance ☐ Support Chamber of Commerce ☐ Fund tourism with lodging tax grants ☐ Promote downtown businesses/events ☐ Collaborate with Pierce Transit for trolley	☐ Design and construct fishermen's home port ☐ Create a business retention and attraction plan ☐ Evaluate and amend development regulations and fees ☐ Develop and implement a small business fair ☐ Develop holiday display attractions
Provide a safe, healthy, and inclusive community	▪ Foster safe, livable and attractive community ▪ Ensure city services are available to all residents ▪ Implement DEI in city personnel practices	☐ Provide funding for senior programming	☐ Develop housing, health, & human services coordinator position ☐ Provide funding for senior center permanent home ☐ Develop a plan to support youth and teen activities ☐ Obtain police department accreditation ☐ Update emergency management plan