



## PLANNING DEPARTMENT STAFF REPORT

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** July 11, 2023

**RE:** **PL-PPLAT-22-0001, PL-DR-22-0005, PL-ALP-22-0001 & PL-SEPA-22-0004**

The Reserve Preliminary Plat  
Public Hearing Date: July 18, 2023

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### **I. GENERAL INFORMATION**

**A. Applicant:** Justin Holland  
Prospect Development  
2913 5<sup>th</sup> Ave Northeast, Suite 201  
Puyallup, WA 98372

**B. Applicant/Owner:** Resource Properties, LLC  
108 West Stewart Ave  
Puyallup, WA 98371

### **II. APPLICANT'S REQUEST**

The applicant proposes to develop two contiguous and undeveloped parcels totaling 9.88 acres into 14 single-family residential lots. The development will take place predominantly within the western 5.27 acres of the site, closest to Peacock Hill Avenue. Development on the eastern portion of the site is limited by a Category III wetland, a stream, associated buffers, and topography. The proposal will create 14 lots and three tracts, two private tracts for access, utilities, stormwater, and recreation; and a third tract open space and critical areas tract to include the wetland and associated 150-foot buffer.

### **III. SITE DESCRIPTION**

**A. Location:** The subject site is located on the east side of Peacock Hill Avenue, at the intersection of Peacock Hill Avenue and 100<sup>th</sup> Street Court. Parcel numbers 0222323134 & 0222323135

**B. Site Area/Acreage:** 9.88 acres

**C. Existing Site Characteristics**

- 1. Topography:** The site slopes down (east) from Peacock Hill Avenue at a moderate grade and drops off steeply toward the edge of the wetlands.
- 2. Vegetation:** The site is forested with native vegetation, including significant stands of coniferous and deciduous trees.
- 3. Wetlands and Critical Areas:** There is a Category III wetland that comprises nearly half of the eastern/southeastern site area. There are steep slopes and potential erosion hazard areas that extend across the site north to south, separating the proposed area of development from the open space tract/wetland area.

**D. Zoning**

- 1. Subject Parcel:** Single-Family Residential (R-1)
- 2. Adjacent Zoning and Current Use:**
  - a. North:** Single-family residential (Pierce County)
  - b. East:** Rural sensitive resource (Pierce County, undeveloped)
  - c. South:** Single-family residential (Pierce County) & urban sensitive resource overlay
  - d. West:** Medium Density Residential (R-2), single-family residential

**E. Utilities/Road Access:** Vehicular access will be provided from Peacock Hill Avenue by approximately 500 lineal feet of roadway (Road A) which terminates in a standard cul-de-sac. The applicant has applied for two public works variances to permit access to lots 1 through 4 with a shared private access and utility tract and to permit

a reduction in the landing length of the intersection of Road A and Peacock Avenue to reduce the amount of necessary earthwork.

#### **IV. APPLICABLE CODES AND POLICIES:**

- A. Comprehensive Plan:** The subject property is designated a Low Density Residential area by the Gig Harbor Comprehensive Plan. The purpose of this land use category is to provide for low density single-family residential uses. Community services such as schools and parks are allowed. Use natural buffers or innovative site design to retain natural site character, as a mitigation technique to minimize noise impacts, and to serve as natural drainage ways.
- B. Gig Harbor Municipal Code (GHMC)**
  - 1. The existing subject parcels are zoned Single-Family Residential (R-1) and will be developed into 14 single-family residential lots. The following code chapters apply to this proposal:
    - a. 16.05 Preliminary Plats
    - b. 16.08 General Requirements for Subdivision Approval
    - c. 17.16 Single-Family Residential (R-1)
    - d. 17.72 Off-Street Parking and Loading Requirements
    - e. 17.78 Trees, Landscaping, and Screening
    - f. 17.99 Design Review
    - g. 18.04 Environmental Review (SEPA)
    - h. 18.08 Critical Areas Ordinance

#### **V. BACKGROUND INFORMATION**

The project site is in northeast Gig Harbor near the intersection of Peacock Hill Avenue and 100<sup>th</sup> Street Court. The site slopes steeply toward the east toward a Category III wetland in the east/southeastern portion of the site. Due to the on-site topography, the project is proposing a significant amount of import fill and terraced retaining walls. The applicant has also proposed an Alternative Landscape Plan (ALP) to review the proposed removal and replacement of 21 significant trees within the landscape buffer with 97 new trees per the arborist report dated August 23, 2022 (Exhibit C).

This project was previously submitted in 2016 with a consolidated review for a preliminary plat (PL-PPLAT-16-0001), design review (PL-DR016-0079), boundary line adjustment (PL-BLA-16-0002), SEPA (PL-SEPA-16-0008), and an alternative landscape plan (PL-ALP-17-0003). The DRB recommended approval to the hearing examiner, and the hearing examiner issued an approval, subject to 33 conditions, on November 6, 2017.

The applicant filed a request for reconsideration on November 13, 2017, and the hearing examiner issued a decision on reconsideration on December 26, 2017. The reconsideration removed Condition 9, as it was duplicative of Condition 26, and revised Condition 28 to reflect the project's vesting under the City's Waste Water Comprehensive Plan in effect at the time of the decision.

The project is being reviewed again as the previous project approval expired before it could reach next steps for construction

## **VI. DESIGN REVIEW**

The City's Design Review process is defined under GMHC Chapter 17.98. GHMC Subsection 17.98.050(B) states, "the application shall be reviewed by the director for compliance with the specific requirements of GHMC Chapter 17.99 and all other applicable codes." The proposal complies with all applicable requirements of the City's Design Manual.

The project was presented to the Design Review Board (DRB) on August 11, 2022 requesting relief from strict compliance with design standards within Article III Site Design. The DRB recommended approval of the proposed grading plan to the Hearing Examiner, including the importation of fill exceeding the cut amount leading to an imbalanced earthwork, as well as retaining walls exceeding six feet. The DRB recommendation is included as Exhibit D.

## **VII. ENVIRONMENTAL REVIEW**

The project site contains wetlands and a stream. Soundview Consultants, LLC conducted a site investigation and confirmed the presence of one potentially regulated wetland (Wetland A), and classified Wetland A as a Category III wetland with a moderate habitat score; Wetland A requires a 150-foot buffer and 15-foot structure setback per GHMC 18.08.100. One stream was also confirmed on site (Stream Z), originating from Wetland A on the southeast corner of the subject property, which was classified as a Type 4 (non-fish-bearing) stream and requires a 25-foot buffer and 15-foot structure setback. Soundview Consultants, LLC presented their findings in a technical memorandum which was reviewed by a third-party critical area consultant.

A third-party review of the technical memorandum generated a recommendation that the technical memorandum be revised to show the on-site wetland as Category III (Exhibit E). The third-party consultant noted that the proposed development would not encroach upon the 150-foot

Category III wetland buffer or applicable 15-foot building setback. The third-party consultant provided no additional recommendations for wetland management or compensatory mitigation. The applicant's technical memorandum was revised, and *Revised Wetland and Fish and Wildlife Habitat Assessment* was accepted by the City on January 27, 2023 (Exhibit F). The date of the third-party review (Exhibit E) is after the revised technical memorandum from the applicant (Exhibit F) as staff provided comments from the third-party reviewer. Based on comments from staff, the applicant prepared a revised technical memorandum on November 7, 2022 ahead of the third-party reviewer's issuance of the technical memorandum on November 22, 2022. However, the third-party review comments are adequately addressed in the applicant's revisions.

The project site contains steep slopes, landslide and erosion hazard areas, predominantly in the eastern portion of the site which will remain undeveloped. A geotechnical report prepared by Terra Associates, Inc. dated December 3, 2015 and revised September 2, 2022 and January 12, 2023 (Exhibit G) was submitted by the applicant and accepted by the City on January 27, 2023.

The geotechnical report found no geotechnical conditions which would preclude the planned development and recommended the import of free-draining granular materials for use as structural fill rather than site soils during wet conditions. Site stormwater will be routed to a detention vault located in the northeastern portion of the development area.

Pursuant to WAC 197-11 and the GHMC Chapter 18.04, on xx, 2023 the City of Gig Harbor issued a Determination of Nonsignificance (DNS) for the proposed action (Exhibit H).

## **VIII. PUBLIC NOTICE & INPUT**

The notice of application was posted at the subject site on February 3, 2022. The notice was also published in the Tacoma News Tribune, sent to state agencies, and notice was mailed to all property owners within 300 feet of the subject site on February 4<sup>th</sup>, 2022. The City received two comments:

1. The WA State Department of Ecology provided comment stating that all grading and fill of land must utilize only clean fill and that removed debris must be disposed of appropriately. Erosion control measures must also be in place prior to any clearing, grading or construction to prevent the discharge of sediment-laden runoff or other pollutants to waters of the state (Exhibit I).

2. The Squaxin Island Tribe provided comment stating that they had no specific concerns for the proposal however, if the WA State Department of Archaeology and Historic Preservation (DAHP) recommends any survey or study, they concur with the recommendation (Exhibit J).

The notice of public meeting for the August 11, 2022 DRB meeting was posted at the subject site on August 3, 2022. The notice was published in the Tacoma News Tribune on August 4, 2022. The notice was also mailed to all property owners within 300 feet of the subject site on July 28, 2022. The City received four comments from three people:

1. John McMillan emailed staff twice to express concern about the project's stormwater design, specifically a potential 500-gallon spill of pesticides within the right-of-way and stated that the site is unsuitable for development. Staff responded that any runoff or spills in any development or public right-of-way that was not immediately contained would flow to the City's stormwater system (Exhibit K).

John McMillan also expressed these concerns during the DRB meeting. Staff responded that most flat sites in Gig Harbor are already developed, and the proposed grading scheme allows for a more compact and safe development. Staff reiterated that stormwater would be contained and treated appropriately, and comments about stormwater would be more appropriate for the Hearing Examiner.

2. Rory Doering expressed concern about the project's stormwater design and its ongoing maintenance (Exhibit L).
3. Joe Norberg expressed concern about surface runoff contaminating his well if it was not contained in a holding pond (Exhibit M).

Two comments were also received outside of the comment period:

1. John McMillan reiterated their concerns about the development as a whole including the grading required (Exhibit N).
2. Tony DeMarco provided a letter stating that several of the project elements are unsafe due to site slopes. The letter included the signatures of 29 neighbors (Exhibit O).

The DNS was mailed to all property owners within 300 feet of the subject site on April 12, 2023. The DNS was submitted to the Department of Ecology on April 12, 2023. The DNS was published in the Tacoma News Tribune on April 17, 2023. The City received three comments on the DNS:

1. The WA State Department of Ecology provided comment stating that all grading and fill of land must utilize only clean fill and that removed debris must be disposed of appropriately. Erosion control measures must also be in place prior to any clearing, grading or construction to prevent the discharge of sediment-laden runoff or other pollutants to waters of the state (Exhibit P).
2. John McMillan reiterated their concerns about the development as a whole and its impact on the adjacent stream and wetland (Exhibit Q). Staff replied to John McMillan and those responses are included as Exhibit R.
3. Rory Doering reiterated their concerns about the development's impact on the adjacent stream and wetland (Exhibit S). Staff replied to Rory Doering and those responses are included as Exhibit T.

The notice of public hearing for the was posted at the subject site on June 30, 2023. The notice was published in the Tacoma News Tribune on July 3, 2023. The notice was also mailed to all property owners within 300 feet of the subject site on July 3, 2023. The City received 1 comment:

1. John McMillan reiterated their comments about the development and is not in favor of approval (Exhibit EE).

## **IX. STAFF ANALYSIS AND FINDINGS**

### **A. Planning Staff**

**Comprehensive Plan:** The site is designated as a Low Density Residential area by the City's Comprehensive Plan. The purpose of this land use category is to provide for low density single-family residential uses. Community services such as schools and parks are allowed. Use natural buffers or innovative site design to retain natural site character, as a mitigation technique to minimize noise impacts, and to serve as natural drainage ways.

The proposed develop will add fourteen single-family lots along with associated right-of-way improvements, stormwater infrastructure, and supplemental planting to fit with existing neighborhoods.

The following is an analysis of Comprehensive Plan goals applicable to the proposal:

**Goal 2.2 Define Identity and Create Community Based Urban Form:**  
Define a pattern of urban development which is recognizable, provides an identity and reflects local values and opportunities.

Policy 2.2.3.A Residential Low

Provides for low density single-family residential uses. Community services such as schools and parks are allowed. Use natural buffers or innovative site design to retain natural site character, as a mitigation technique to minimize noise impacts, and to serve as natural drainage ways.

Policy 2.2.3.K Preservation Areas

Preservation areas are defined as natural features or systems which possess physical limitations or environmental constraints to development or construction, and which require review under the City's wetland ordinance or Critical Areas Ordinance. Preservation areas are suitable for retention or designation as open space or park facilities either as part of a development approval, easement or outright purchase by the City. Preservation areas are considered as overlays to the other generalized land use categories.

**Staff analysis:** The project proposal is to develop the existing two contiguous parcels into 14 single-family lots and three tracts, one of which is an open space tract dedicated to the preservation of the onsite wetland and associated buffers. The proposed residential development is low-density, provides preservation areas, and is consistent with Goal 2.2.

**Goal 2.5 Protect and Enhance Surface Water Quality and Manage Flows to Preserve Environmental Resources**

Policy 2.5.1 Adequate provisions for storm and surface water management

Maintain and implement the City's Stormwater Comprehensive Plan to ensure consistency with State and federal clean water guidelines, to preserve and enhance existing surface water resources, to eliminate localized flooding, and to protect the health of the Puget Sound.

Policy 2.5.2 Support low impact development methods to manage stormwater runoff on-site

Establish a review process and toolkit of Low Impact Development (LID) techniques for use in public and private development to reduce or eliminate conveyance of stormwater runoff from development sites. Allow and encourage alternative site and public facility design and

surface water management approaches that implement the intent of Low Impact Development.

**Staff analysis:** The project proposal has accommodated projected stormwater runoff through the methods included in the Drainage Control Plan (Exhibit U). The proposal includes a detention vault, control structure, and dispersal mechanism at the outfall to prevent erosion. The proposed stormwater control facilities and methods are consistent with Goal 2.5.

#### **Goal 4.9 Define Neighborhood Design Areas**

##### Policy 4.9.3.D Neighborhood design areas, Peacock Hill

The Peacock hill residential neighborhood design area includes the residential areas along Peacock Hill Avenue and Canterbury Boulevard. The neighborhood design area is characterized by suburban density developments of contemporary homes built around large trees and greenbelts.

**Staff analysis:** The proposed low-density residential development is consistent with the Peacock Hill neighborhood design area and Goal 4.9. The project includes the required 25-foot vegetated buffer, is retaining about 5.8 acres of open space to protect critical areas including a stream and Category III wetland, and will retain 67.5% of the existing significant trees on site (the requirement is 25%).

#### **Goal 4.10 Maintain and Incorporate Gig Harbor's Natural Conditions in New Residential Development**

##### Policy 4.10.1 Incorporate existing vegetation into new residential developments

Roads, lot layout and building sites in new residential developments should be designed to preserve high quality existing vegetation by clustering open space and native trees in order to protect not only the trees, but the micro-climates which support them.

##### Policy 4.10.5 Include landscape buffers between new residential development and perimeter roads

Native nursery-stock and existing vegetation should be used to buffer residential development from perimeter roads. Buffers should be wide enough to effectively retain existing or support replanting of native vegetation. The use of berms and swales along with landscaping can also adequately buffer residential developments from perimeter roads.

**4.10.7 Respect existing topography and minimize visual impacts of site grading**

Existing topography should be maintained while still providing usable yards and open space. Retaining walls, when necessary, should be terraced and enhanced and/or screened to minimize their visual impact.

**Staff analysis:** The project's arborist report (Exhibit C) there are approximately 663 significant trees within the project site. The proposal intends to retain 99 significant trees within the landscape buffers, 25 along the eastern clearing limits, and 324 within the critical area/open space tract (67.5% significant tree retention). The project is proposing to plant 97 native tree seedlings within the landscape buffer through the ALP.

The project has requested public works variances to shorten the road approach, as well as utilizing stepped retaining walls between lots to reduce the amount of grading necessary. The geotechnical report (Exhibit G) recommends that structural fill should be utilized if construction takes place during wet weather months to provide adequate compaction and stability. The project proposal has received a DRB recommendation for imbalanced grading and the use of retaining walls above six feet in height (Exhibit D). The project proposal includes a landscape plan (Exhibit B) which will obscure the retaining walls and stormwater detention vault with evergreen trees and shrubs.

**Gig Harbor Municipal Code (GHMC)**

**GHMC 16.05 Preliminary Plats:** The purpose of Title 16 is to regulate the subdivision of land and to promote public health, safety, and general welfare in accordance with standards established by the state. The Hearing Examiner has authority for final determinations on preliminary plats and shall consider the criteria of approval within GHMC 16.05.0003 in their determination.

Per GHMC 16.05.003 the Hearing Examiner shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, and shall consider:

1. The preliminary plat conforms to Chapter 16.08 GHMC *General requirements for subdivision approval*.

**Staff analysis:** Staff finds the preliminary plat conforms to the general requirements for subdivision approval as described in GHMC 16.08.001; see further analysis below.

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

**Staff analysis:**

Public health, safety, and general welfare: Staff has issued a SEPA DNS and reviewed the project for consistency with the GHMC, and as conditioned, staff finds that public health, safety, and general welfare will not be harmed by the proposed preliminary plat:

- The geotechnical report (Exhibit G) found no slope stability issues but recommended that structural fill is utilized if the project is constructed during the wet season.
- The geotechnical report (Exhibit G) recommended that stormwater does not infiltrate on site, and the project proposal includes a stormwater vault to detain stormwater and allow suspended solids to settle and be filtered out before being discharged at regular intervals.
- The wetland hydroperiod analysis narrative within the preliminary drainage control plan (Exhibit U) indicates that the detention vault is designed to discharge stormwater at the required levels – no more than 20% higher of pre-project volumes on a daily basis, and no more than 15% higher than pre-project volumes on a monthly basis.
- A gabion dispersion system will be utilized to avoid direct flows to the wetland or scouring of the slope.
- The buffer of the Category III wetland to the east of the project area will be untouched.

Open spaces: The City has not adopted open space requirements applicable to preliminary plats within the R-1 district. The applicant has provided the required 25-foot landscape buffer and a critical area/open space tract, which is not required by municipal code.

Drainage ways: The City Engineer has reviewed the proposal and recommends approval, subject to the approval of a final stormwater design which complies with City Public Works Standards and the City's Stormwater Design Manual. The applicant proposes to construct new stormwater drainage pipes from within the public

right-of-way and private roadways to a new stormwater vault located within the northeastern portion of the clearing limits. The applicant will be required to treat stormwater runoff prior to discharge to the open space tract with a gabion dissipator to prevent erosion.

The project received a variance for the location of the stormwater vault closer than 50 feet from the top of a slope greater than 20 percent and greater than 10 feet high (EN-23-0010). The requested variance is necessary to maintain the vault at the lower elevations of the improved area to minimize overall earthwork, the extent of retaining walls, and impacts to natural open spaces over the existing steep topography. The variance is supported by project-specific geotechnical analysis, sound engineering judgment, and is proposed in accordance with the provisions of Public Works Standard (PWS) 1.035. The variance decision for EN-23-0010 is included as Exhibit V.

Streets and roads: The applicant has proposed one new public street (Road A), and two private access roads (PAT100 and the vault access road). The applicant requested five public works (PW) variances related to streets and roads:

- a. PW Variance EN-22-0014:** The applicant requested a variance from PWS 2B.140.B (approaches in intercections shall provide a landing not exceeding 3% for 30 feet) to allow the approach landing to be measured from the nearest traveled lane rather than the nearest right-of-way (ROW) line to a fill requirement of approximately 10,000 cubic yards and increased wall heights throughout the site. The proposed variation is consistent with the intent of PWS 2B.140.B as it provides a 30-foot safe landing for vehicles prior to entering Peacock Hill Avenue NW. The variance decision for EN-22-0014 is included as Exhibit W.
- b. PW Variance EN-22-0015:** The applicant requested a variance from PWS 2B.072 (two homes maximum per shared driveway) to allow four new single-family residential lots access from a single 20-foot-wide paved drive within a privately-maintained joint use access and utility tract to avoid unnecessary grading and fill. The proposed variation is consistent with the intent of the PWS which encourages the use of joint use driveways and reduces the number of access location on the main roadway. The variance decision for EN-22-0015 is included as Exhibit X.

- c. **PW Variance EN-22-0049:** The applicant requested a variance from PWS 2B (5-foot planter required between the back of curb and front of walk and street light in planter), Standard Detail No. 2-03 which illustrates a typical roadway section for a minor arterial. Strict compliance to this standard would require the import of approximately 18,000 cubic yards of fill and require additional clearing. The proposed roadway section without center turn lane or median is consistent with the current section and those of future capital improvement plans for Peacock Hill Avenue NW. The applicant has proposed a compensating benefit of a crosswalk and associated ADA curb ramps to connect the project's frontage improvements with the nearest existing public sidewalk facilities. There is a 12-inch diameter (non-City) water main under one location of the planter strip, where used. The variance includes moving the streetlight to behind the sidewalk to avoid having to relocate the 12-inch water main. The variance decision for EN-22-0049 is included as Exhibit Y.
- d. **PW Variance EN-22-0050:** The applicant requested a variation from PWS 2B.090 (requirement to provide for future lot connection) to allow the use of a cul-de-sac within the proposed development. The use of a cul-de-sac is preferable to prevent the use of an end-of-road barricade and an access tract off-site, which is not practical. The project site is encumbered with steep topography and critical areas, and the use of a cul-de-sac minimizes earthwork volumes. The variance decision for EN-22-0050 is included as Exhibit Z.
- e. **PW Variance EN-23-0011:** The applicant requested a variance from PWS 2B.025 (minimum plat entrance spacing) to reduce the 230-foot minimum local access spacing along a minor arterial roadway requirement to 147 feet. The variance is supported by the need to create as much space as practical from the intersection with 100<sup>th</sup> Street Court, to keep the entrance within the project area, to prevent unnecessary tree removal from the landscape buffer, as well as allowing for a double-loaded roadway to prevent unnecessary grading and clearing. The variance decision for EN-23-0011 is included as Exhibit AA.

Transit stops: The City of Gig Harbor requested public comment on the project proposal and subsequently requested comment on the SEPA determination from Pierce Transit. Pierce Transit provided a response stating no improvements will be requested at this time.

Potable water supply: A Certificate of Water Availability (Exhibit BB) has been granted for the preliminary plat. The project proposes a new on-site water main connecting from the existing water main in Peacock Hill Avenue. All mains within the public right-of-way will be owned and maintained by the City.

Sanitary wastes: A Sewer Concurrency Reservation Certificate Application (Exhibit CC) and Sewer Hydraulic Report (Exhibit DD) were submitted for the preliminary plat. The project proposal includes new on-site sewer lines using a 2-inch low pressure sanitary sewer collection main and a small section of gravity main will connect to the City sewer system, which has sufficient capacity as determined by the City Engineer.

Parks and recreation & playgrounds: Park impact fees will be collected prior to building permit issuance per GHMC 19.12.

Sidewalks: A sidewalk has been proposed along Peacock Hill Avenue, connecting to an existing sidewalk on the adjacent property to the south. The adjacent property to the north, and Peacock Hill Avenue north of the subject property does not have sidewalks. Internal sidewalks will be constructed along both sides of Road A.

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

Staff analysis: Staff finds the project proposal is consistent with the Comprehensive Plan; GHMC Title 16 Subdivisions, Title 17 Zoning, and Title 18 Environment; and the public will be served by the subdivision and dedication.

**GHMC 16.08.001 General Requirements for Subdivision Approval:** In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the general requirements within GHMC 16.08.001.

- A. Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short

subdivision is in conformity with any applicable zoning ordinance, comprehensive plan, or other existing land use controls.

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

B. Dedications, Generally.

1. An offer of dedication may include a waiver or right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The City may require such waiver as a condition of approval.

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

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

**Staff analysis:** PAT100 and the vault access road are private roads and are marked as such, consistent with this section.

Road A within the project proposal has been designated as public in accordance with GHMC 12.12 and Public Works standards. A proposed name for Road A must be submitted to the Building Official and approved by the City Council prior to filing a final plat application with the City per GHMC 16.06.001.C.1.c. Road A must also be dedicated as a public road at the time of final plat approval.

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

**Staff analysis:** The project has been conditioned to meet this requirement in Section XI of this report.

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

**Staff analysis:** The project has been conditioned to meet this requirement in Section XI of this report.

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

**Staff analysis:** The project has been conditioned to meet this requirement in Section XI of this report.

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

**Staff analysis:** The project proposal is subject to impact fees, which will be requested as a condition of approval. GHMC 19.12 requires the City to calculate and receive payment of impact fees at the time of building permit issuance. The project has been conditioned to meet this requirement in Section XI of this report.

- C. Dedications of Public Park. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the City Council shall adopt the designated name.

**Staff analysis:** This criterion is not applicable.

D. Release from Damages. The Hearing Examiner shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

**Staff analysis:** The conditions of approval will not require a release of damages to be procured from other property owners.

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

**Staff analysis:** This criterion is not applicable, the site does not contain any flood, inundation, or swamp conditions.

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

**Staff analysis:** This criterion is not applicable, bonding is not required for preliminary plats however, the applicant may utilize this mechanism for future improvements to meet final plat requirements.

**GHMC 17.16 Single-Family Residential (R-1):** The project proposal is located within the R-1 zoning district. The R-1 zone is intended to provide for low-density, single-family residential development for certain

community services and facilities while preserving the character of the existing single-family residential area (GHMC 17.16.010). Applicable development standards within GHMC 17.16.060 for a subdivision are as follows:

Min. lot area	7,500 square feet
Min. lot width	0.7% of the lot area in lineal feet
Density	Max. 4 units per acre

**Staff analysis:** The applicant has proposed 14 single-family lots on the project site which has a gross parcel area of 9.88 acres with a net developable area of 4.09 acres. Based on the maximum density of 4 units per acre, the project proposal is consistent with land use and density requirements.

The applicant has provided lot area and lot width in a table on sheet C1.00 of the preliminary plat plan set (Exhibit B) demonstrating that the lots are consistent with development standards.

No structures have been proposed for the plat therefore lot coverage, setbacks, design, landscaping, and other performance standards will be reviewed at the time of building permit.

**GHMC 17.72 Off-Street Parking and Loading Requirements:** Regulations around off-street parking are intended to reduce the need for parking on streets and associated traffic congestion and hazards it presents. Single-family dwellings require two off-street parking spaces per dwelling unit (GHMC 17.72.030).

Additional guest parking is required for residential developments with 10 or more lots, and shall be provided for as follows:

1. The minimum number of spaces shall be one guest parking spaces for every four dwelling units, with fractions rounded to the next highest number.
2. Guest parking may be located:
  - a. In a parking lot accessed by a public roadway, but not more than 500 feet from the dwelling(s) it is intended to serve; and/or
  - b. In a central location within the subdivision as practical and may also serve as parking for active or passive outdoor amenities; and/or
  - c. Provided as on-street parking; and/or
  - d. In a location deemed appropriate by the planning director.

**Staff analysis:** Single-family dwellings require two off-street parking spaces per dwelling unit. No structures have been proposed for the plat and off-street parking will be reviewed at the time of building permit. The project proposal is required to provide three guest parking spaces, and the proposal includes four guest parking spaces along the north side of Road A. The guest parking spaces are apparent on Sheet C1.01 of the preliminary plat plan set (Exhibit B).

**GHMC 17.78 Trees, Landscaping and Screening:** The intent of the chapter is to preserve and enhance the City's natural environment, and to establish standards for landscaping and to allow for the modification of strict standards while preserving important landscape characteristics.

**Staff analysis:** The applicant provided an arborist report (Exhibit C) which describes the existing forest, trees to be removed, and the proposed ALP (PL-ALP-22-0001).

All significant trees within the perimeter landscape area shall be retained per GHMC 17.78.060.B.1. with one deciduous tree a minimum of two-inch caliper or one six-foot evergreen tree per 200 square feet, distributed throughout the perimeter landscape area in a natural planting pattern per GHMC 17.78.060.B.2.d.

The arborist report identifies approximately 663 significant trees within the project site. 174 significant trees were assessed, with 149 being within the perimeter landscape area. 29 of the assessed perimeter trees were identified as non-viable, and 21 will be compromised by site work and grading. The proposal intends to retain 99 viable significant trees within the landscape buffers, 25 along the eastern clearing limits, and 324 within the critical area/open space tract. In total, there will be a 67.5% retention rate of significant trees across the project site. The arborist has proposed to replant the landscape buffer with 97 seedlings of native tree species which will result in a tree density of 1 tree per 150 square feet, above the requirement of 1 tree per 200 square feet per GHMC 17.78.060.B.2.d.

The project proposal includes the required 25-foot perimeter landscape area and 10-foot no-construction zone per GHMC 17.78.092.A with some exceptions apparent near Lots 1, 3, 5, 6, 7, 8, 9 and 10 on sheet C1.00 of the preliminary plat plan set (Exhibit B). The intrusions into the perimeter landscape area and no-construction zone to accommodate the grading and fill necessary to avoid development on steep slopes and within the wetland buffer. The applicant intends to permit these

deviations from the no-construction zone requirement through an ALP. The arborist report (Exhibit C) notes: *... proposed impacts within this 10-foot protection zone are not expected to have adverse impacts on tree health or stability so long as work is carried out diligently and the tree protection measures as outlined below and under the municipal code are adhered to. The tree protection barrier shall be set in place prior to any site grading. The project arborist should inspect the protection barrier location prior to any site work to ensure trees proposed for retention have the adequate space to remain viable.*

**GHMC 17.78.100 Alternative Landscaping Plans:** The Planning Director may authorize modification of the landscape requirements when alternative plans comply with the intent of this chapter and:

- A. The proposed landscaping represents a superior result than that which would be achieved by strictly following requirements of this chapter; or

**Staff analysis:** The proposed ALP proposes to remove 29 non-viable significant trees and 21 viable significant trees. The proposed 97 replacement trees will exceed the requirements of GHMC 17.78.060.2.d, delivering one tree per 150 square feet, exceeding the required 1 tree per 200 square feet. The applicant is also proposing landscaping along the eastern boundary to screen the exposed face of the stormwater vault.

The applicant proposes to use seedlings rather than 2-inch or six-foot trees, as there is not sufficient room in the landscape perimeter area for trees of this size to grow properly. The arborist report (Exhibit C) also notes: *... the planting of seedlings is desirable over the planting of 2-inch diameter trees. Seedlings are much quicker to establish new roots and generate healthy root systems that can withstand drought for longer periods of time. Given our current trend of hotter and drier summers, seedlings are preferable over larger stock. Larger planting stock takes longer to become established and will require supplemental irrigation for a longer period of time if they are to survive... I support the planting of tree seedlings and native shrubs.*

- B. Incorporates the increased retention of significant trees and naturally occurring undergrowth; or

**Staff analysis:** The project proposal will retain approximately 67.5% of significant trees as more than half of the project site will

remain undeveloped. The removal of 21 viable trees within the landscape perimeter area is in service of reducing the footprint of the overall development and necessary earthwork; thereby reducing potential stormwater runoff and erosion.

- C. Incorporates unique, historic, or architectural features such as fountains, sculptures, structures, and the like; or

**Staff analysis:** The project site is currently undeveloped and forested with second-growth forest. There are no unique, historic, or architectural features.

- D. The proposed landscaping provides additional water view and/or harbor access opportunities in a waterfront commercial zone.

**Staff analysis:** The project site is not located in a waterfront commercial zone.

Staff concludes the proposed ALP meets the intent of GHMC 17.78 and the requirements of GHMC 17.78.100. The increased forestation and screening that will result from the proposed replanting with 97 seedlings represents a superior result than that which would be achieved by strict adherence with GHMC 17.78. Additional requirements related to tree retention and protection are discussed in within GHMC 17.99 and will be discussed in the subsequent section.

**GHMC 17.99.240 Natural Site Conditions:** Site development should be designed to reflect the natural conditions of the site, including topography and existing vegetation.

- A. Limit clearing of vacant parcels to no more than 50% of significant trees and retain vegetation in all required buffers and setbacks.

**Staff analysis:** The proposed project development will take place in the westernmost 5.27 acres of the 9.88-acre site. The arborist report (Exhibit C) demonstrates that 67.5% of significant trees across the entire site are proposed for retention? including the landscape perimeter area.

- B. Retain natural vegetation on underdeveloped portions of site with approved site plan.

**Staff analysis:** The bulk of the proposed tree removal will take place within the western portion of the site being developed with

single-family lots. The area outside of the proposed lots will be recorded as an open space and critical areas tract. There will be work completed outside of the wetland buffer to install gabion dissipators and the stormwater vault outlet however, no tree or vegetation removal will occur.

C. Maintain natural topography.

**Staff analysis:** The applicant requested relief from strict compliance with the design standards of Article III Site Design. The applicant requested a deviation from specific requirements within GHMC 17.99.240.C to balance cut and fill across a project site and relief from the strict requirement limiting retaining walls to six feet in height. The applicant requires two retaining walls at 6.1 and 15.1 feet along the east and north elevations of the storm drainage vault.

The DRB held a meeting to review the project and requested deviations on August 11, 2022. The DRB issued their recommendation of approval to the hearing examiner which is included as Exhibit D. The geotechnical report (Exhibit G) recommends that structural fill should be utilized if construction takes place during wet weather months to provide adequate compaction and stability. The project proposal has received a DRB recommendation for imbalanced grading and the use of retaining walls above six feet in height (Exhibit D). The project proposal includes a landscape plan (Exhibit B) which will obscure the retaining walls and stormwater detention vault with evergreen trees and shrubs.

D. Incorporate approximately 25% of significant trees into the project.

**Staff analysis:** The applicant proposes to incorporate approximately 67.5% of significant trees into the project.

E. Replace lost trees which were intended to be retained.

**Staff analysis:** The project has been conditioned to meet this requirement in Section XI of this report.

F. Retain the natural symmetry of trees.

**Staff analysis:** This standard would apply to tree trimming throughout the life of the proposed project. However, the applicant has not proposed any tree trimming as part of the project proposal.

G. Maintain health and fullness of natural vegetation and buffer areas.

**Staff analysis:** The arborist report (Exhibit C) and ALP proposal present the intention to maintain the health and fullness of natural vegetation and the landscape perimeter areas to the extent possible.

Staff concludes the project proposal are consistent with the criteria within GHMC 17.99.240.

**GHMC Chapter 18.08 Critical Areas:** The critical areas ordinance is intended to promote the maintenance, enhancement, and preservation of critical areas and environmentally sensitive natural systems by avoiding or minimizing adverse impacts from construction and development. Critical area review is required for all development including subdivisions per GHMC 18.08.034.A.5.

**Staff analysis:** The applicant provided a *Wetland and Fish and Wildlife Habitat Assessment* dated January 19, 2022 which evaluated the site and reviewed a prior wetland assessment prepared for the previous development process in 2015. The assessment found one Category IV wetland and one Type 4 stream on site. This assessment was reviewed by a third-party consultant who found deficiencies and requested a revision of the subject site's wetland rating (Exhibit E). The *Wetland and Fish and Wildlife Habitat Assessment* was revised on November 7, 2022 (Exhibit F) and accepted by the City on January 27, 2023.

The *Wetland and Fish and Wildlife Habitat Assessment* (Exhibit F) recommends a 150-foot buffer per GHMC 18.08.100.F based on the level of impact from the proposed land use and the moderate habitat score. An additional 15-foot building setback is required from the outer edge of the wetland buffer per GHMC 18.08.100.H.

The project site contains steep slopes along the eastern edge of the proposed development area and is designated as a potential landslide and erosion area by the Washington Department of Natural Resources (DNR). The applicant provided a geotechnical report dated December 3, 2015, revised September 2, 2022 and January 12, 2023 (Exhibit G) per GHMC 18.08.192 and comments from the Engineering Division.

The geotechnical report "did not observe any indications of significant active erosion on the site slopes; however, the soils will be susceptible to erosion when exposed during site development", and "the erosion potential of the site soils in the planned development area would be

adequately mitigated with proper implementation and maintenance of best management practices for erosion prevention and sedimentation control". The report did not find susceptibility to landslide/mass movement. In conclusion, the geotechnical report found no geotechnical conditions which would preclude the planned development and recommended the import of free-draining granular materials for use as structural fill rather than site soils.

## **B. Operations and Engineering Staff**

Appropriate provisions for potable water supplies and adequate means of water supply can be obtained by compliance with the City of Gig Harbor's development regulations, comprehensive plan and other applicable local, state and federal laws. No further mitigation is required under SEPA as any impacts will be addressed by compliance with the City of Gig Harbor's development regulations, comprehensive plan and other applicable local, state and federal laws consistent with WAC 197-11-158.

The findings and conclusions from review of the concurrency ordinance have been determined based on the referenced Sewer Hydraulics Report (Exhibit DD) and the Sewer Capacity Reservation Certificate (Exhibit CC). Based on the referenced documents, the City has reserved 14 sewer ERU's for the development. The applicant proposes to connect to the City's sewer system located in Peacock Hill Avenue. A 2" diameter privately owned low pressure sewer force main is proposed to serve the Reserve Plat. The force main will discharge to a private sewer manhole at the ROW, which will gravity discharge to a City sewer manhole in the ROW.

The applicant has prepared a Preliminary Drainage Control Plan (Exhibit U) along with a proposed storm system layout in the referenced plans to document the preliminary engineering design. The proposed development will be required to provide both water quality control (treatment) and water quantity control (detention) per the 2016 Gig Harbor Stormwater Management and Site Development Manual. The current proposal is to meet water quality requirements with an underground detention system and water quantity requirements with storm filter cartridges.

Based on the referenced documents the City has reserved 14 pm peak hour trips for the proposed development. The applicant proposes to connect to the City's transportation system via a new driveway that will be improved by the applicant, that accesses from Burnham Drive.

### **C. Fire Marshal/Building Official**

The Fire Marshal/Building Official reviewed the proposal and had no comments.

## **X. CONCLUSIONS:**

Based upon the submitted information, and the analysis and findings within Section IX of this report, staff concludes the following:

### **Preliminary Plat (PL-PPLAT-22-0001)**

1. The preliminary plat conforms to the general requirements for subdivision approval as described in GHMC 16.08.001.
2. Appropriate provisions have been made for, but not limited to, the public health, safety and general welfare, open spaces, drainage ways, streets and roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; provided, the staff is conditioned as requested in Section XI.
3. The proposal is consistent with the comprehensive Plan, Title 16 Subdivisions, Title 17 Zoning, Title 18 Environment, and the Design Manual, the public interest will be served by the subdivision and dedication.

### **Design Review (PL-DR-22-0005)**

The DRB issued a recommendation to the hearing examiner (Exhibit D) to approve the proposed grading plan, including the importation of fill material which exceeds the amount of material cut from the site, allowing the proposed grading plan to meet strict requirements for emergency and general vehicle access. Additionally, the DRB recommends the hearing examiner approve the proposed grading plan, allowing retaining walls, specific only to the stormwater vault structure, which exceeds six feet in height.

### **Alternative Landscape Plan (PL-ALP-22-0001)**

1. The proposed landscaping represents a superior result than what would be achieved by strictly following requirements of this chapter.
2. The proposed landscaping incorporates increased retention of significant trees and naturally occurring undergrowth, retaining 67.5% of the significant trees on site.
3. The project site is currently undeveloped and forested with second-growth forest, therefore there are no unique, historic, or architectural features to preserve on site.
4. The project site is not within a waterfront commercial zone and has no water view or harbor access, therefore there is not opportunity to enhance a water view.

## **XI. RECOMMENDATIONS:**

Should the requested Preliminary Plat, Alternative Landscape Plan, and Design Review be authorized by the Hearing Examiner, staff recommends the imposition of the following special conditions of approval:

### **Land Use Special Conditions:**

1. All required perimeter landscape and screening buffers shall be vegetated to meet or exceed the requirements for residential plats, as amended through the Alternative Landscape Plan approved by the Hearing Examiner. This requirement shall be met prior to final plat approval.
2. The required 25-foot wide perimeter landscape buffer shall be established as a covenant on the final plat and labeled to identify the nature of the buffer.
3. Final landscape construction plans consistent with the landscape plans approved by the land use permit process shall be submitted with civil permit applications and shall include the required tree protection measures.
4. The owner shall ensure that all recommended requirements of the critical area evaluation prepared by Soundview Consultants dated November 7, 2022, or as otherwise amended by revised reports, are implemented.
5. The tree protection measures as specified in GHMC 17.78.092, and any tree protection measures recommended by the arborist of record,

shall be implemented prior to any major excavation with heavy equipment. The applicant shall contact the Planning Division to conduct an inspection of the final tree protection fencing location prior to beginning work.

6. Any trees required to be retained pursuant to this land use approval which are subsequently removed or damaged shall be replaced per the requirements in GHMC 17.99.240.E.
7. The owner shall submit a proposed name for Road A and have the name approved by City Council prior to the filing of the final place application by the City.
8. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the said donee(s) or grantee(s) for their use for the purpose intended by the donor(s) or grantor(s).
9. The proposed plat is subject to a dedication therefore, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.
10. Any dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

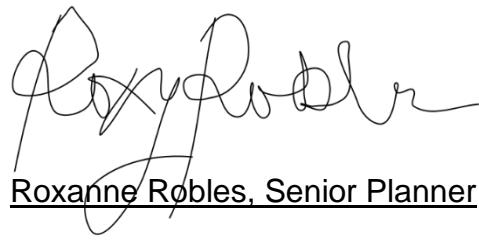
#### **Engineering Conditions:**

1. The owner shall pay stormwater mitigation fee prior to the approval of the final plat.
2. The owner shall ensure that all recommended requirements of the geotechnical evaluation prepared by Terra Associates, Inc. dated January 12, 2023, or as otherwise amended by revised reports, are implemented.

3. School and park impact fees, as required by GHMC 19.12.050.C.11 shall be collected for all residential development prior to the issuance of a building permit.
4. The owner shall execute and record a Sanitary Sewer Maintenance Agreement, as approved by the City, with the Pierce County Auditor's office. The recording number (Auditor's File Number [AFN]) shall be noted on the final plat.
5. The owner shall execute and record a Stormwater Maintenance Agreement, as approved by the City, with the Pierce County Auditor's office. The recording number (AFN) shall be noted on the final plat.
6. At the time of civil permit review, the Final Drainage Control Plan shall include a tabulation of the current and proposed impervious, pollution-generating pervious and impervious, disturbed pervious, and undisturbed areas.
7. At the time of civil permit review, the Final Drainage Control Plan shall include the current storm drainage configuration.
8. The City may remove any traffic control devices placed or constructed within the City right-of-way not approved by this division. Any liability incurred by the City due to nonconformance by the applicant shall be transferred to the applicant.
9. Permanent survey control monuments shall be placed to establish public street centerlines, intersections, angle points, curves, subdivision boundaries, and other points of control. A minimum of two permanent survey control monuments shall be installed at locations determined by the City in accordance with the City's PWS and recorded with the Pierce County Survey Control Division prior to final engineering approval of civil improvements.
10. The final plan map shall note (where quoted) or delineate the following:
  - a. "WARNING: City of Gig Harbor has no responsibility to build, improve, maintain or otherwise service private roadways or driveways within, or providing access to, property described in this plat".
  - b. "Increased stormwater runoff from the private road(s), building(s), driveway(s) and parking area(s) shall not be directed to City infrastructure. Increased stormwater runoff shall be retained/detained on site and discharged at the approved outfalls".

- c. "Where seasonal drainage crosses subject property, existing natural drainage pathways and outfalls shall be maintained".
- d. Stormwater drain connections for runoff from buildings and parking surfaces shall be shown on individual building lots.
- e. If private roadways are proposed, then provisions shall be made for the roads and easements to be open at all times for emergency and public service vehicle use.
- f. "This plat is subject to a stormwater maintenance agreement recorded under AFN (enter AFN here).
- g. "Stormwater/drainage easements are hereby granted for the installation, inspection, and maintenance of utilities and drainage facilities as delineated on this plat map. No encroachment will be placed within the easements shown on the plat that may damage or interfere with the installation, inspection, and maintenance of utilities. Inspection, maintenance, and expense thereof the utilities and drainage facilities shall be the responsibility of the property owner(s) or its heirs or assigns, as noted under the stormwater maintenance agreement for the plat".
- h. The private road shall not be gated at the entrance without providing access to all water meters for reading.

**Project Planner:**



Roxanne Robles, Senior Planner

**Date:**

July 11, 2023

The following exhibits are included for your review of the development application:

**Exhibit A** Hearing Examiner Staff Report dated July 18, 2023

**Exhibit B** Preliminary Plat Plan Set dated January 25, 2023

**Exhibit C** Arborist Report dated August 23, 2022, revised September 27, 2022

**Exhibit D** DRB Recommendation dated August 11, 2022

**Exhibit E** The Reserve Development Project – Third Party Review dated November 22, 2022

**Exhibit F** Wetland Assessment Technical Memorandum dated November 7, 2022

**Exhibit G** Geotechnical Report dated December 3, 2015, revised September 2, 2022 and January 12, 2023

**Exhibit H** SEPA Determination of Nonsignificance with Engineering Memo dated April 12, 2023

**Exhibit I** NOA Comment from the WA Department of Ecology dated February 18, 2022

**Exhibit J** NOA Comment from the Squaxin Island Tribe dated February 9, 2022

**Exhibit K** NOPM Comment from John McMillan dated August 8 and August 15, 2022

**Exhibit L** NOPM Comment from Rory Doering dated August 10, 2022

**Exhibit M** NOPM Comment from Joe Norberg dated August 11, 2022

**Exhibit N** NOPM Comment from John McMillan dated August 31, 2022

**Exhibit O** NOPM Comment from Tony DeMarco received August 25, 2022

**Exhibit P** SEPA DNS Comment from the WA Department of Ecology received April 27, 2023

**Exhibit Q** SEPA DNS Comment from John McMillan dated April 17, 2023

**Exhibit R** Staff Response to John McMillan dated May 15, 2023

**Exhibit S** SEPA DNS Comment from Rory Doering dated April 26, 2023

**Exhibit T** Staff Response to Rory Doering dated May 15, 2023

**Exhibit U** Preliminary Drainage Control Plan dated September 28, 2022

**Exhibit V** EN-23-0010 The Reserve Vault Location Variance Package dated March 22, 2023

**Exhibit W** EN-22-0014 The Reserve Approach Landing Variance dated January 9, 2023

**Exhibit X** EN-22-0015 The Reserve Joint Use Driveway Variance dated January 9, 2023

**Exhibit Y** EN-22-0049 The Reserve Typical Minor Arterial Roadway Section Variance dated April 7, 2023

**Exhibit Z** EN-22-0050 The Reserve Cul-de-Sac Variance dated January 9, 2023

**Exhibit AA** EN-23-0011 The Reserve Access Spacing Variance dated April 7, 2023

**Exhibit BB** Certificate of Water Availability dated March 18, 2022

**Exhibit CC** Sewer Capacity Reservation Certificate dated June 2, 2016

**Exhibit DD** Sewer Hydraulic Report dated January 16, 2023

**Exhibit EE** NOPH Comment from John McMillan dated July 7, 2023

**Duration of Permit Approval:** The permits included in this decision shall expire three (3) years from July 18, 2023 unless a complete application for subsequent building permit or civil permit has been submitted and remained active, pursuant to GHMC 19.02.008. Upon written request by the property owner, prior to the date of land use permit expiration, the director may grant an extension of time up to but not exceeding one (1) year pursuant to GHMC 19.02.008.F. See GHMC 19.02.008 for complete regulations on the duration of permit approvals and expiration of permits.

**Availability of Complete Project Permit File for Review:** The complete project permit file, including findings, conclusions, and conditions of approval, if any, is available for review at the City of Gig Harbor Planning Division, 3510 Grandview Street, Gig Harbor, WA 98335. Please contact Roxane Robles, Senior Planner, at (253) 851-6170 or [rrobles@gigharborwa.gov](mailto:rrobles@gigharborwa.gov) to review the file.