



PLANNING DEPARTMENT STAFF REPORT

TO: Hearing Examiner
FROM: Planning Staff
DATE: October 26, 2023

RE: **PL-PPLAT-21-0002, PL-DR-22-0001, & PL-SEPA-22-0001**

Summit Pointe Preliminary Plat
Public Hearing Date: November 7, 2023

I. GENERAL INFORMATION

- A. Applicant:** Grant Middleton
Larson & Associates
9027 Pacific Ave., Suite 4
Tacoma, WA 98444
- B. Applicant/Owner:** Rush Residential Inc.
6622 Wollochet Dr.
Gig Harbor, WA 98335

II. APPLICANT'S REQUEST

The applicant proposes the subdivision of 3 vacant parcels totaling 16.71 acres into 56 single family residential lots in the R-2 Medium Density Residential Zone District. The project will be served by public water and sanitary sewer service. The project fronts on 112th Street and will include the development of an internal private road for access to internal lots; lots fronting 112th Street South will access directly off 112th. The proposal is depicted in the Preliminary Plan set provided as Exhibit B to this report.

III. SITE DESCRIPTION

A. Location: 6302 112th St. & 11302 Burnham Dr. The site is located on the north and south side of 112th St, approximately 950 feet west of the intersection of 112th St. and Burnham Dr. Section 25 Township 22 Range 01 Quarter 34.

Assessor's Parcel Numbers: 0122253072, 0122253074, 0122254092

B. Site Area/Acreage: 10.71 acres (aggregate)

C. Existing Site Characteristics

1. Topography: The site is partially located in a reclaimed rock quarry. Slopes of up to 50 percent exist along the west and southwest portions of the site, flattening out to approximately 5 percent across the majority of the site.

2. Vegetation: The site vegetation consists of unmaintained grass and scotch broom,

3. Wetlands and Critical Areas: Sloped areas exceeding 50 percent exist along the western and southwestern site boundaries. No mapped streams or wetlands are located within the subject site.

D. Zoning

1. Subject Parcel: Medium Density Residential (R-2)

2. Adjacent Zoning and Current Use:

a. North: Undeveloped open space and Low Density Residential (R-1)

b. East: Undeveloped General Business District (B-2) and Low Density Residential (R-1)

c. South: Low Density Residential (R-1) and Unincorporated Pierce County

d. West: Low Density Residential (R-1)

E. Utilities/Road Access: The site is accessed from 112th St. off Burnham Drive.

IV. APPLICABLE CODES AND POLICIES:

A. Comprehensive Plan: The subject property is designated Medium Residential by the Gig Harbor Comprehensive Plan. The purpose of this land use category is to provide medium density single and duplex residential. The designation serves as a buffer between high intensity commercial or higher density residential and lower intensity residential. May include certain specified business, personal and professional services or businesses which would not significantly impact the character of residential neighborhoods. Use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses to serve as natural drainage ways.

B. Gig Harbor Municipal Code (GHMC)

1. The existing subject parcel is zoned Medium Density Residential (R-2) and will be developed into 56 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. 17.20 Medium Density Residential (R-2)
 - d. 17.72 Off-Street Parking and Loading Requirements
 - e. 17.78 Trees, Landscaping, and Screening
 - f. 17.98 & 17.99 Design Review
 - g. 18.04 Environmental Review (SEPA)
 - h. 18.08 Critical Areas Ordinance

V. BACKGROUND INFORMATION

The subject site was part of the area annexed by City of Gig Harbor in 2009. A Comprehensive Plan Amendment modifying the designation of the three subject parcels from Employment Center (EC), Residential Low (RL) and Commercial Business (CB) to Residential Medium (PL-COMP-15-0001) was approved by the Council on November 28, 2016. The Comprehensive Plan Amendment was accompanied by a Development Agreement (PL-DEV-15-0002) which placed restrictions on the future development of the property (Exhibit D).

Development Agreement (Agreement)

The terms of the 2016 Agreement include a limit on the number of future dwelling units to no more than 85 and a five-year period within which the developer was authorized to rezone the project site to R-2 (Medium Density Residential), implementing the Residential Medium Comprehensive Plan designation. Additional provisions include the maintenance of the perimeter buffers depicted on Exhibit C of the Agreement. Minor modifications to the Agreement are allowed in accordance with Section 10 of the Agreement.

In 2021, the parcels received approval for rezoning to Medium Residential (R-2) and a subsequent Pre-Application meeting was held for the project in May 2021. An application for the 56-lot plat was submitted on December 28, 2021 and deemed complete on January 6, 2022.

The site is bordered by a combination of vacant land and residential development to the east, with residential development to the west and south. North of the site is undeveloped open space and residential development to the north. The site is located on the north and south side of 112th St, approximately 950 feet west of the intersection of 112th St. and Burnham Dr.

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.

VII. ENVIRONMENTAL REVIEW

No wetlands or streams are located on or within 300 feet of the subject property. The site is characterized by slopes of up to and slightly greater than 50% resulting from the historic gravel mining operations. A geotechnical report was prepared for the project (Exhibit E) which determined that the slopes do not pose a landslide hazard to the proposed subdivision. A series of retaining walls are included in the project design, which will protect against future debris flows or other instability.

Pursuant to WAC 197-11 and the GHMC Chapter 18.04, on July 13, 2023 the City of Gig Harbor issued a Determination of Nonsignificance (DNS) for the proposed action (Exhibit F).

VIII. PUBLIC NOTICE & INPUT

The notice of application (NOA) was posted at the subject site on January 20, 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 January 20, 2022 (Exhibit A). The city received nine comments based on the NOA:

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.

2. Doug Williams provided comment voicing concern about the impact of increasing residential density.
3. 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.
4. The Washington State Department of Transportation (WSDOT) submitted a comment reserving the right to request mitigation based on the impacts shown in the TIA once it has been reviewed by WSDOT staff.
5. Peninsula Light Company (PenLight) provided comment correcting the submitted site plan, which incorrectly stated the City of Gig Harbor supplies power to the site. PenLight serves the subject property.
6. Robert Himes provided comment concerning parking for the southernmost portion of the project (access off 112 St), configuration of Lot #1 and the stormwater retention facility located within Tract B.
7. Stephen and Katherine Haferkamp provided comment concerning the safety of parking for lots 1-9, park requirements, potential landslides, building height, traffic mitigation and the expansion of public services.
8. Mike Sovitsky provided comments regarding the buffer at the western portion of the site, preservation of existing trees, driveway access for lots 1-9, parking, the lack of a new neighborhood park to serve the project, height limit and traffic.
9. Lee Van Komen provided comment concerning the lack of a buffer area between sidewalks and street, potential street parking, lack of park facilities and design of residence on Lot #1.

The Determination of Nonsignificance (DNS) was mailed to all property owners within 300 feet of the subject site September 14, 2023. The DNS was submitted to the Department of Ecology on September 20, 2023. The DNS was published in the Tacoma News Tribune on September 20, 2023 (Exhibit A). The city received one comment in response to the DNS.

1. Pierce Transit stated that they do not provide service in the immediate area of the project and have no comments.

The notice of the first scheduled public hearing for the project was posted at the subject site on September 29, 2023. The notice was published in the Tacoma News Tribune on October 3, 2023. The notice was also mailed to all property owners within 300 feet of the subject site on October 3, 2023 (Exhibit A).

The city received two comments in response to the Notice of Public Hearing:

1. Joanne Robertson provided comment voicing concern about possible property damage resulting from heavy equipment and excavation activity and increased traffic.
2. Mike Sovitsky provided comment stating that he had not received a response from the city to previously submitted comments.

The hearing date was canceled and re-scheduled from October 17, 2023 to November 7, 2023 and a new Notice of Public Hearing (NOPH) was posted at the subject site on October 20, 2023. The notice was published in the Tacoma News Tribune and was mailed to all property owners within 300 feet of the subject site on October 20, 2023 (Exhibit A).

As of the date of this staff report, no additional comments have been received in response to the second NOPH.

IX. STAFF ANALYSIS AND FINDINGS

A. Planning Staff

Comprehensive Plan: The site is designated as a Medium Density Residential area by the City's Comprehensive Plan. The purpose of this land use category is to provide for low density single and duplex residential and to serve as a buffer between high intensity commercial or higher density residential and lower intensity residential. May include certain specific business, personal and professional services or businesses which would not significantly impact the character of residential neighborhoods. The use of natural buffers or innovative site design as mitigation techniques is desired to minimize operational impacts of non-residential uses and to serve as natural drainage ways.

The proposed development will add fifty-six residential units along with associated right-of-way improvements, stormwater infrastructure, and supplemental planting to mitigate any visual or other nuisance impacts to existing surrounding neighborhoods.

No non-residential uses are proposed.

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.b. Residential Medium

Provides for medium density single and duplex residential. Serves as a buffer between high intensity commercial or higher density residential and lower intensity residential. May include certain specific business, personal and professional services or businesses which would not significantly impact the character of residential neighborhoods. The use of natural buffers or innovative site design as mitigation techniques is desired to minimize operational impacts of non-residential uses 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 parcels into 56 single-family lots and seven tracts, one of which (Tract B) is an open space tract dedicated to the preservation of buffers. Tract G is a stormwater infiltration pond, while the remaining tracts serve as private access. The proposed residential development is medium-density, provides preservation areas, and is consistent with Goal 2.2.

Goal 2.3 Promote Community Diversity and Distinction and Increase Housing Opportunities

Create and refine district definitions which allows for innovation and performance. Provide a control and review process that permits maximum design flexibility while meeting social and community needs for employment, housing, education and recreation. Provide for a range of residential densities which would accommodate the City's 2030

residential growth target of 10,563 within a broad variety of housing types and tenures.

Staff analysis: The City's residential growth target has since exceeded the figure captured in the existing Comprehensive Plan target. The proposed residential development adds 56 new residential units, while preserving existing surrounding residential neighborhoods.

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 Preliminary Storm Drainage Report (Exhibit O). The proposal includes bioswales to capture stormwater runoff from proposed roads, sidewalks and driveways, before conveyance to the infiltration pond. The proposed stormwater control facilities and methods are consistent with Goal 2.5.

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.

Open spaces: The City has not adopted open space requirements applicable to preliminary plats within the R-2 district. The applicant has provided the required 40-foot landscape buffer adjacent to the B-2 zone district (transition zone) to the east and north, a 25-foot landscape perimeter buffer abutting the residential development to the north, west and south. In addition, an expanded buffer, required under the 2016 Development Agreement exists along the northwestern, western and southern portions of the property, providing a total of 232,304 square feet of perimeter buffer.

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 private access roads roadways to a new stormwater infiltration pond located within the northern portion of the site. The applicant will be required to treat stormwater runoff prior to discharge to 112th St with the use of a riser control structure to meter the post development runoff rates.

Streets and roads: The applicant has proposed one new private road (Tract A). On-street parking is proposed along both sides of the private road but may be deleted if separate tracts are dedicated to parking within the proposed development. On-street parking is provided on one side of 112th St. but may be required on both sides if required by the City Engineer.

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. No comments were received from Pierce Transit. The nearest Pierce Transit bus stop is approximately 1.7 miles from the project site.

Potable water supply: The proposed Plat is located outside of the City of Gig Harbor's service area. The subdivision will be served by Washington Water.

Sanitary Waste: A Sewer Concurrency Reservation Certificate Application (Exhibit N) and Sewer Hydraulic Report (Exhibit K) were submitted for the preliminary plat. The project proposal A 15-foot sanitary sewer easement has been recorded between the developer and Horizonwest, the property owner to the east in order to connect to the city's sewer main just north of 112th St. (Exhibit P). The city 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: There are existing sidewalks on both sides of 112th St. fronting lots 1 – 9 and at the intersection of the proposed private road (Tract A). No improvements are proposed, unless damaged during site development. Internal sidewalks will be constructed along both sides of the private road, unless additional off-street parking can be accommodated, subject to City Engineer approval.

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 no dedication is required.

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

Staff analysis: Tract A is a private road and is marked as such, consistent with this section.

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 17.20 Medium Density Residential (R-2): The project proposal is located within the R-2 zoning district. The R-2 zone is intended to allow for a moderate density of land use that is greater than is permitted in an R-1 district but less than is permitted in an R-3 district, where suitable facilities such as streets, water, sewer and storm drainage are available. An R-2 district provides a transition between a higher density residential district in order to preserve the primary residential character of existing lower density residential areas. (GHMC 17.16.010). Applicable development standards within GHMC 17.20.040.B for a subdivision are as follows:

Min. lot area	5,800 square feet
Min. lot width	0.7% of the lot area in lineal feet
Density	Maximum of 6 units per acre

Staff analysis: The applicant has proposed 56 single-family lots on the project site which has a gross aggregate parcel area of 16.72 acres with a net developable area of 14.77 acres. Based on the maximum density of 6 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 3 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) and one guest parking space for every four new dwellings.

Staff analysis: Single-family dwellings require two off-street parking spaces per dwelling unit and one guest parking space for every four new dwelling units, for a total of 70 parking spaces. No structures have been proposed for the plat and off-street parking will be reviewed at the time of building permit.

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 a Landscape Plan (Exhibit C) which describes the proposed planting schedule for trees, shrubs and ground cover. It should be noted that the landscape plan does not reflect subsequent discussions regarding alignment with the requirements included in the Development Agreement.

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 site was historically used as a rock quarry and little to no native trees exist on the site. Section 9.C of the 2016 Development Agreement requires the Developer to maintain buffers shown in Exhibit C of the Agreement.

Upon further examination, the referenced Exhibit C did not provide sufficient detail to make strict implementation feasible. The applicant requested that planning staff review a proposed buffer for consistency with the approved Development Agreement and it was determined that the proposed plan provided sufficient buffer protection for the residential neighborhoods located to the west and the proposed alternative buffer was approved for consistency. The submitted landscape plan incorporates the city's perimeter landscaping requirements, including both the 40-foot transition zone buffer at the eastern edge of the site as well as the 25-foot perimeter buffer required for all new plats.

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 predominately within a site historically used as a rock quarry. The quarry involved clearing existing grasses and shrubs and the Landscape Plan submitted with the subject proposal includes substantial planting of new vegetation where none previously existed.

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

Staff analysis: Minimal tree removal is anticipated within the portion of the site located south of 112th St. A site inspection will be required prior to approval of the engineering permit to identify trees that should be protected from ground disturbing activities.

- C. Maintain natural topography.

Staff analysis: As stated previously, the majority of the site was historically used as a rock quarry and was substantially excavated. Approximately 25,881 cubic yards of excavation is proposed with

approximately 27,430 cubic yards of fill to be imported from a city-approved site. There is an approximate 10% discrepancy in the balance, which is consistent with the approved Development Agreement.

A clearing and grading permit will be required as a condition of this approval. All proposed earthwork will be reviewed at that time to ensure compliance with the requirement to maintain a balance of excavation and fill on site.

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

Staff analysis: The existing trees along the perimeter of the project will be largely maintained, exceeding the 25% requirement.

- 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 project has been conditioned to meet this requirement in Section XI of this report.

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: GHMC defines critical areas to include lands which are subject to natural hazards, including areas subject to landslides, erosion and slopes in excess of 50%. The site contains slopes of up to 40% along the northeastern and eastern portions of the site and up to 30

percent at the eastern and southern portions of the site. The applicant provided a *Preliminary Geotechnical Engineering Report dated April 11, 2022, updated March 9, 2023*. (Exhibit E). The report found a large landslide south and east of the site and determined the origin to be a prehistoric failure associated with glacial retreat. Additionally, portions of slopes both onsite and offsite to the east have moderate to high susceptibility for shallow landslides. No active or historic landslides are mapped on or within 300 feet of the site based on the Department of Natural Resources susceptibility map.

The *Geotechnical Report* recommends the use of undisturbed buffers to ensure that the proposed project will not be impacted by steep slopes. The buffers are recommended to be equal to the height of the ravine sidewall or bluff. The project has been designed to incorporate the use of expanded buffers along the western portion of the site to mitigate against impacts to the proposed development.

The geotechnical report concluded that there are no slopes on or in the immediate vicinity of the site that meet the definition of a ravine or bluff. Further, the report found that no evidence of landslide activity or landslide hazards were observed on the site. No evidence of erosion or erosion hazards were observed, and the report determined the site suitable for the proposed development.

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 Preliminary Sewer Hydraulics Report (Exhibit K) and the Sewer Capacity Reservation Certificate (Exhibit N). Based on the referenced documents, the City has reserved 56 sewer ERU's for the development. The applicant proposes to connect to the City's sewer system via an easement across a portion of the property to the east, with final connection to the City system located to the east.

The applicant has provided a Preliminary Storm Drainage Report (Exhibit O) 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 flow control (infiltration) per the 2016 Gig Harbor Stormwater Management and Site Development Manual. The current proposal is to meet water quality requirements with an underground infiltration system and water quantity requirements with storm filter cartridges.

Based on the referenced documents the City has reserved 53 pm peak hour trips for the proposed development. The applicant proposes to connect to the City's transportation system via a new private road (that will be improved by the applicant, which accesses from 112th St.

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-21-0001)

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.

XI. RECOMMENDATIONS:

Should the requested Preliminary Plat 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 and consistent with the Consistency Review Map prepared by Larson and Associates, dated 4/15/22. This requirement shall be met prior to final plat approval.
2. The required buffer, including the 25-foot-wide perimeter landscape buffer and 40-foot transition zone 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 geotechnical report prepared by Georesources dated April 11, 2022, revised March 9, 2023, or as otherwise amended by revised reports, are implemented.
5. The tree protection measures as specified in GHMC 17.78.092 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. 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).

Engineering Conditions:

1. The owner shall pay stormwater mitigation fee prior to the approval of the final plat.

2. 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.
3. 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.
4. 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.
5. 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.
6. At the time of civil permit review, the Final Drainage Control Plan shall include the current storm drainage configuration.
7. 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.
8. 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.
9. 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. Provisions shall be made for the private 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 the primary AFN.
- 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: Robin Bolster-Grant, Principal Planner



Date: October 31, 2023

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

- A. Public Notices**
- B. Preliminary Civil Plat Plan Set dated May 16, 2023**
- C. Landscape Plan, received December 28, 2021**
- D. Development Agreement and Comprehensive Plan Amendment, dated November 2016**
- E. Geotechnical Report prepared by GeoResources, dated April 11, 2022, updated May 18, 2023**

- F. SEPA Determination of Nonsignificance dated September 13, 2023
- G. Notice of Application Comments
- H. Determination of Nonsignificance comments
- I. Notice of Public Hearing Comments
- J. Water Availability Letter prepared by Washington Water Service, dated January 12, 2022
- K. Preliminary Sewer Hydraulic Report, prepared by Larson and Associates, dated May 17, 2023
- L. Traffic Impact Analysis, prepared by Heath & Associates, Inc., dated April 27, 2023
- M. Transportation Capacity Reservation Certificate dated May 4, 2023
- N. Sewer Capacity Reservation Certificate dated June 16, 2023
- O. Preliminary Storm Drainage Report, prepared by Larson and Associates, dated May 19, 2023
- P. Recorded Sanitary Sewer Easement, dated June 9, 2023
- Q. Public Works SEPA Memo dated July 6, 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 Robin Bolster-Grant, Principal Planner, at (253) 851-6170 or rbolster-grant@gigharborwa.gov to review the file.