

0037.2002.1469

1 FILE NO. 37 PROPOSAL NO. R2001-193s1

2 Sponsored by: Councilmember Karen S. Biskey

3 Requested by: Pierce County Council

4

5

6 RESOLUTION NO. R2001-193s1

7

8

9 A RESOLUTION OF THE PIERCE COUNTY COUNCIL APPROVING A PETITION  
10 FOR THE FORMATION OF EAST GIG HARBOR WATER  
11 DISTRICT; ESTABLISHING BOUNDARIES; CALLING FOR AN  
12 ELECTION UPON THE PROPOSITION; AND ADOPTING  
13 FINDINGS OF FACT.

14

15 WHEREAS, Pursuant to Chapter 57.04 RCW, a petition for  
16 formation of East Gig Harbor Water District was filed with Pierce  
17 County in November of 2001, requesting the formation of a water  
18 district in the area referred to as the East Gig Harbor District  
19 geographic area, for the purpose of design, construction and  
20 installation of an improved water system; and

21

22 WHEREAS, The Pierce County Auditor, by letter dated June 14,  
23 2001, has certified that the petition has been signed by more  
24 than 10 percent of the qualified electors who resided within the  
25 proposed district on the date of filing of the petition as  
26 required by RCW 57.04.030; and

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1           WHEREAS, The petition provides for a special property tax  
2 levy of one dollar and twenty-five cents per thousand dollars of  
3 assessed value; and  
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5           WHEREAS, A notice of public hearing was published once a  
6 week for at least two weeks in a newspaper of general circulation  
7 in the proposed district, reciting: (1) the filing of the  
8 petition; (2) the time and place of the public hearing which was  
9 to be held on January 3, 2002, at 10 a.m., this matter having  
10 been continued from the originally scheduled hearing date of  
11 November 27, 2001, in the Pierce County Council Chambers, 930  
12 Tacoma Avenue So., Room 1045, Tacoma, Washington; and (3) the  
13 boundaries of the proposed district; and  
14

15           WHEREAS, The Pierce County Council has considered objections  
16 made by affected persons to the formation of the proposed  
17 district; and  
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19           WHEREAS, The meeting was duly and regularly held at that  
20 time and place, and the County Council heard all persons desiring  
21 to be heard on matters affecting the formation and boundaries of  
22 the proposed East Gig Harbor Water District, and considered all  
23 testimony and written evidence filed with the Council; and  
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1           WHEREAS, The Council finds that the proposed action is in  
2 compliance with the development program which is outlined in the  
3 County Comprehensive Plan and its supporting documents; and  
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5           WHEREAS, The Council finds that the proposed action is in  
6 compliance with the basin-wide water and/or sewage plan as  
7 approved by the State Department of Ecology and the State  
8 Department of Social and Health Services; and  
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10           WHEREAS, The proposed action is in compliance with the  
11 policies expressed in the Coordinated Water System Plan; and  
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13           WHEREAS, The Council finds that the creation of the proposed  
14 water district will be conducive to public health, convenience,  
15 and welfare, and of special benefit to all of the property  
16 included in the district; and  
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18           WHEREAS, The Council finds that the proposed boundaries are  
19 necessary and appropriate to achieve the purposes of public  
20 health, convenience and welfare; NOW, THEREFORE,  
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1 BE IT RESOLVED by the Council of Pierce County:  
2

3 Section 1. The petition for formation, and the proposed  
4 boundaries of the East Gig Harbor Water District, which are set  
5 forth below, are hereby approved. The boundaries of the district  
6 are located in Pierce County, Washington, and described as  
7 follows:  
8

9 The southern tip of the Gig Harbor Peninsula in Section 5,  
10 the Southwest Quarter of Section 4, and the Northeast  
11 Quarter of Section 8, Township 21 North, Range 2 East of the  
12 Willamette Meridian, bounded on the east and south by Colvos  
13 Passage, on the west by Gig Harbor Bay, and on the north by  
14 a line described as follows: Beginning at a point in the  
15 Northeast Quarter of the Southwest Quarter of said Section 5  
16 on the northerly Meander Line of Gig Harbor and the westerly  
17 margin of Randall Drive NW; thence northeasterly and  
18 northerly along said margin to the north margin of 89<sup>th</sup>  
19 Street NW; thence east along said north margin to the west  
20 line of the east 3 acres of the south 5½ acres of Lot 19,  
21 Gig Harbor Abandoned Military Reserve; thence north along  
22 said west line to the north line of the south 5½ acres of  
23 said Lot 19; thence west along said north line to the west  
24 line of said Lot 19; thence north along said west line to  
25 the south line of Lot 17 of said Military Reserve; thence  
26 west along said south line to the east margin of Randall  
27 Drive NW; thence north along said east margin to the north  
line of said Lot 17; thence east along said north line of  
said of said Lot 17 and the north line of Lot 16 of said  
Military Reserve to the east line of the west 325 feet of  
said Lot 16; thence south along the east line of the west  
325 feet of said Lot 16 and the east line of the west 325  
feet of Lot 20 of said Military Reserve to the northerly  
margin of Dana Drive NW; thence southeasterly and easterly  
along said margin to the east line of the west half of said  
Lot 20; thence south along said east line and the east line  
of the west half of Lot 23 of said Military Reserve to the  
northwesterly boundary of the plat of Harborview West;  
thence southwesterly, southeasterly and southerly along the  
westerly boundary of said plat to the north line of the  
Southeast Quarter of said Section 5; thence east along said  
north line to the Quarter-Corner common to said Sections 4  
and 5; thence east along the north line of Lot 12 of said

1 Military Reserve to a point 288 feet west of the northeast  
2 corner of said Lot 12; thence southeasterly to a point on  
3 the Meander Line of Colvos Passage which lies 113 feet  
4 southwesterly of the northeast corner of said Lot 12.  
5 Situate in Pierce County, Washington.

6 Section 2. Pursuant to RCW 57.04.050, the proposition to  
7 approve or reject the formation of the proposed East Gig Harbor  
8 Water District is hereby referred to an election within the  
9 proposed district to be held on May 21, 2002, if Boundary Review  
10 Board (BRB) Jurisdiction is not invoked. If BRB Jurisdiction is  
11 invoked, a new date will be established through an amendment to  
12 this Section passed by Resolution of the Pierce County Council.  
13 The ballot title for this proposition shall be provided by the  
14 Prosecuting Attorney to the Auditor consistent with state law.


15  
16 Section 3. The Auditor is requested to conduct the election  
17 by mail ballot pursuant to Section 29.36.120 RCW, notice of which  
18 shall be given pursuant to Section 57.04.050 RCW and as otherwise  
19 required by state election law.  
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1        Section 4. The Council hereby adopts Findings as shown on  
2 Exhibit "A" which is attached hereto and incorporated herein by  
3 reference.

4  
5        ADOPTED this 29<sup>th</sup> day of January, 2002.

6  
7        ATTEST:

PIERCE COUNTY COUNCIL  
PIERCE COUNTY, Washington

8  
9          
10       Gerri Rainwater  
11       Clerk of the Council

12         
13       Harold Moss  
14       Council Chair

15  
16       Approved As To Form Only:

17  
18         
19       Deputy Prosecuting Attorney

2  
3 PIERCE COUNTY COUNCIL FINDINGS

- 4
- 5 1. Testimony and County staff investigations reveal that the  
6 proposed petition for the formation of the "East Gig Harbor  
7 Water District" is in compliance with the development program  
8 as outlined in the County Comprehensive Plan and its  
9 supporting documents and therefore meets the requirements of  
10 RCW 57.020.040(1).
  - 11 2. Testimony and County staff investigations reveal that the  
12 proposed petition for the formation of the East Gig Harbor  
13 Water District is not inconsistent with the basin-wide sewer  
14 plan as no County sewers are provided in the area.  
15 Furthermore, Pierce County does not have a basin-wide water  
16 plan at this time. Therefore, the proposed petition meets  
17 the requirements of RCW 57.02.040(2).
  - 18 3. County policies for potable water systems are found in the  
19 County's Coordinated Water System Plan and Regional  
20 Supplement (CWSP), adopted by Pierce County in 1996  
21 (Ordinance No. 96-91s) pursuant to the Washington State  
22 Coordination Act of 1977 (see Chapter 70.116 RCW) as  
23 implemented by the Washington State Department of Health (see  
24 Chapter 246-293 WAC).
  - 25 4. The area proposed for a Water District Boundary is currently  
26 served by Harbor Springs Water Company, a privately held  
27 purveyor recognized as the current purveyor by the Service  
Area Map adopted by the Pierce County Council as part of the  
CWSP.
  5. Representatives of Harbor Springs Water Company have raised  
the issue of whether the formation of a water district  
conflicts with existing Water Utility Service Area Boundaries  
as adopted in the CWSP.
  6. The Washington State Public Water System Coordination Act of  
1977 defines "Purveyor" to mean "any agency or subdivision of  
the state or municipality, firm, company, mutual or  
cooperative association, institution, partnership, person, or  
any other entity that owns or operates a public water system  
for wholesale or retail service."

- 1 7. The act of forming a Water District does not create a service  
2 area conflict because the Water District will not be a  
3 "purveyor" under the state's definition until such time as  
4 the district owns or operates a public water system.
- 5 8. Resolution of water service area disputes are the  
6 jurisdiction of the Washington State Department of Health,  
7 and not Pierce County, pursuant to the Public Water System  
8 Coordinator Act of 1977 (Chapter 70.116 RCW), the CWSP, and  
9 Pierce County Code Chapter 19D.140.
- 10 9. Representatives of the Washington Department of Health  
11 testified that the proposed action is consistent with both  
12 the Washington State Public Water System Coordination Act of  
13 1977 and the Department of Health approved Pierce County  
14 Coordinated Water System Plan.
- 15 9. The Washington State Public Water System Coordination Act,  
16 Section 70.116.040 RCW, precludes the development of "new"  
17 public water systems inside established water service area  
18 boundaries.
- 19 10. The Act of forming a water district does not constitute the  
20 formation of a "new" water system; but rather positions the  
21 petitioners to acquire an existing water system, an action  
22 that is not inconsistent with Washington State Water  
23 Coordination Act or the CWSP.
- 24 11. The acts of approval of this petition, establishment of  
25 boundaries, and calling for an election do not conflict with  
26 the existing water utility service area for Harbor Springs  
27 Water Company. These acts are simply preliminary steps in  
statutory procedure to establishing a district. Therefore,  
the proposed petition meets the requirements of Section  
57.02.040(3) RCW.
12. The formation of the proposed Water District as described in  
the petition, thereby creating a legal entity for the purpose  
of acquisition of an existing system, is a logical way for  
the homeowners to proceed with efforts to improve water  
service. Therefore, the formation of the district as  
described in the petition is conducive to the public health,  
welfare, and convenience and of special benefit to the land  
included within the boundaries of the proposed district.
13. When affirmative findings are made pursuant to Section  
57.02.040 RCW, and when the County will not be providing  
service itself as is the case here, the County Legislative  
Authority is required by Section 57.02.040 RCW to approve the  
petition and call for an election.



# CERTIFICATE OF ELECTION

## East Gig Harbor Water District

We, the undersigned members of the Pierce County Election Canvassing Board for the State of Washington, do hereby certify that on May 21, 2002, a Special Election was held in the above named district.

The Proposition submitted to the voters in said district for their approval and adoption or rejection is as follows:

Proposition No. 1  
Submitted by Pierce County  
PROPOSED EAST GIG HARBOR WATER DISTRICT

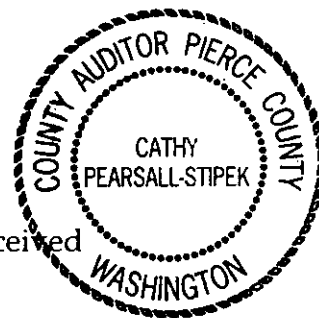
The Pierce County Council adopted Resolution R2001-193sl concerning the formation of East Gig Harbor Water District. This resolution approves a petition proposing formation of a new water district generally located at the southern tip of Gig Harbor Peninsula, bounded on the east and south by Colvos Passage, on the west by Gig Harbor Bay and with a northern boundary beginning in the vicinity of the intersection of the northerly Meander Line of Gig Harbor and the westerly margin of Randall Drive NW, all as more particularly described in Resolution R2001-193sl. Should this proposition be approved?

<b>WATER DISTRICT YES:</b>	<b>96</b>	<b>80.67%</b>
<b>WATER DISTRICT NO:</b>	<b>23</b>	<b>19.33%</b>

A simple majority required to pass.

**PROPOSITION PASSED:**

The result of this canvass shows that Proposition No. 1 *Passed*, having received the simple majority required to pass.



Dated at Tacoma, Washington, this 31st day of May, 2002. STATE OF WASHINGTON, County of Pierce ss: I, Cathy Pearsall-Stipek, Auditor, of the above entitled county, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office. IN WITNESS WHEREOF, I hereunto set my hand and the seal of Said County.

*David Augino*  
\_\_\_\_\_  
AUDITOR

*Harold G. Moss*  
\_\_\_\_\_  
PIERCE COUNTY COUNCIL CHAIR

\_\_\_\_\_  
PROSECUTING ATTORNEY

CATHY PEARSALL-STIPEK, CPO/Auditor  
By: *Cathy Pearsall-Stipek* Deputy  
Date: *5/31/02*

# CERTIFICATE OF ELECTION

## East Gig Harbor Water District

We, the undersigned members of the Pierce County Election Canvassing Board for the State of Washington, do hereby certify that on May 21, 2002, a Special Election was held in the above named district.

The Proposition submitted to the voters in said district for their approval and adoption or rejection is as follows:

Proposition No. 2  
Submitted by Pierce County  
EAST GIG HARBOR WATER DISTRICT SPECIAL LEVY

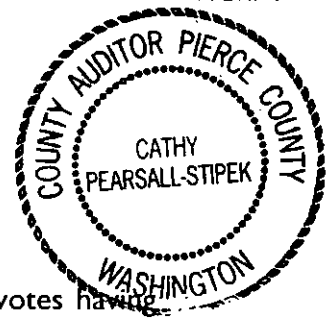
The Pierce County Council adopted Resolution R2001-193sl concerning levy authority for financing the new water district's preliminary expenses. This proposition will authorize the East Gig Harbor Water District, if formed, to impose and levy, upon all taxable property within the district, and at the earliest time permitted by law, a single-year special levy of \$1.25 per thousand dollars of assessed valuation, with the proceeds of the levy being available for payment of the district's preliminary expenses, and for payment of other district general expenses, all as more particularly described in Resolution R2001-193sl. Should this proposition be approved?

**SPECIAL LEVY YES:** 94 78.99%  
**SPECIAL LEVY NO:** 25 21.01%

30 YES votes + a 60% favorable margin required to pass.

### PROPOSITION PASSED:

The result of this canvass shows that Proposition No. 2 Passed, the YES votes having reached the validating figure required from the last General Election held in said District on November 6, 2001, and receiving a 60% favorable margin.



Dated at Tacoma, Washington, this 31st day of May, 2002, I, Cathy Pearsall-Stipek, Auditor, of the above entitled county, do hereby certify that this foregoing instrument is a true and correct copy of the original now on file in my office.  
IN WITNESS WHEREOF, I hereunto set my hand and the seal of Said County.

*S. J. Augino*  
AUDITOR

*Harold G. Moss*  
PIERCE COUNTY COUNCIL CHAIR

PROSECUTING ATTORNEY

CATHY PEARSALL-STIPEK, CPO/Auditor  
By: *Cathy Pearsall-Stipek* Deputy  
Date: *5-31-02*

Notice of Intention  
Formation of the East Gig Harbor Water District

Contact Person: Robert J. Sturdivant  
8606 Goodman Drive NW  
Gig Harbor, WA 98332-9571  
(253) 858-0184

**BACKGROUND/MAPS:**

1. Description of Proposal, The action requested is formation of a water district in East Gig Harbor, pursuant to RCW 57.02.040 and RCW 57.24.010. The purpose is to establish a non-profit corporation whose total responsibility is the operation, upgrading and maintenance of the water system to include providing fire flow throughout the entire water district.  
The existing water company (Harbor Springs Water Company) has been unable to provide sufficient service to all its existing customers 365 days a year. As a non-profit corporation our goal is to borrow funds through an LID or LLID to purchase the water company and to make the necessary upgrades to improve the existing service to all customers (water flow and pressure) along with fire flow throughout the district. This can be accomplished more efficiently and effective than the existing water company now and in the future of the water district.
2. Original Petition is attached and includes a confirmation letter confirming the sufficiency of necessary valid signatures of hose voters in the East Gig harbor Water District from the Pierce County Auditor under RCW 57.24.010.  
**Exhibit A.**
3. Declaration/SEPA Checklist and Pierce County Determination of Nonsignificance  
Pierce County Determination of Nonsignificance, Environmental Application No. 325104  
**Exhibit B.**
4. Legal Description, **Exhibit C.**
5. Maps,
  - A. One set of Pierce County Assessor's quarter section maps have been provided to Ms. Cindy Willis, Chief Clerk of the Boundary Review Board.
  - B. Vicinity Maps
    1. Boundary area involved in the proposal see Exhibit C.
    2. Size in acres is approximately 238

3. Location of the nearest service point(s) for the required Utility services to the area are located on all street and roads within the water district and listed within Exhibit D
4. Major physical features such as bodies of water, include the east facing Gig Harbor Bay and the city of Gig Harbor and the west side of the proposed area faces Colvos Passage and the Narrows looking over Vashon Island and bound north at 96<sup>th</sup> Street and south end facing the Narrows looking at Fort Defiance in Tacoma with all street denoted on the map in Exhibit D.

5. Boundaries of all cities or special purpose districts do not apply and those services available for the area within this proposal are as follows:

Electrical: Peninsula Light Co.  
13315 Goodnough Drive NW  
Gig Harbor, WA 98332  
PH: 253-857-5950

Gas: Puget Sound Energy  
P.O. Box 90868  
Bellevue, WA 98009-0868  
1-888-225-5773

Telephone: Century Tel  
8102 Skansie Ave.  
Gig Harbor, WA 98332  
253-851-8118

Cable TV: AT&T Broadband  
P.O. Box 5187  
Everett, WA 98206-5187  
1-877-824-2288

Water: Harbor Springs Water Co.  
8404 26<sup>th</sup> Ave. NW  
Gig Harbor, WA 98332  
Managed By Peninsula Light Co.

Fire Dept.: Pierce County No. 8, 5, 2  
10222 Bujacich Road  
Gig Harbor, WA 98332  
253-851-3111 or 911

Library: Pierce County Library  
4424 Point Fosdick Drive  
Gig Harbor, WA 98335  
253-851-3793

School District: Peninsula School District  
14015 62<sup>nd</sup> Ave. NW  
Gig Harbor, WA 98332  
253-857-6171

The proposed water district will have no adverse effect on Pierce County, which has no present water service to this area. The city of Gig Harbor has no intention of providing water to the proposed area now or in the future.

6. N/A

Items 1 – 6 Exhibit D

## **FACTORS**

### **1. Overview**

- A. Population of proposal; Approximately 460 people**
- B. Territory is approximately 238 acres**
- C. Population density; equals 1.93 people per acre**
- D. Assessed valuation; \$61,424,200.00**

### **2. Land Use**

- A. Existing Land Use is Moderate Density Single Family Ord.#99-93S2 with the effective date 6/5/2000.**
- B. Urban Residential uses permitted under the existing land use plans under Title 18A – Pierce County Development Regulations – Zoning 18A.25.100**

### **3. Planning Data**

- A. Revenues/Expenditures do not effect the City of Gig Harbor or Pierce County.**

Items 1 thru 6            N/A

#### **C. Services**

##### **1. Water**

**Current water provider is Harbor Springs Water Company at 8404 26<sup>th</sup> Ave. NW, Gig Harbor, WA 99332**

- a. Peninsula Light Company is the managing agent for Harbor Springs Water Company.**
- b. Storage holding tank is 46,800 gallons built in 1989 and designed for 150 connections.**
- c. Mains to serve area in Exhibit E**
- d. Pressure station location and measured flow attached in Exhibit E**
- e. Capacity Available is 46,800 gallons**
- f. Water source is well and ground water**

**g. Financing for the new East Gig Harbor Water District will be either LID or ULI**

**2. Sewer**

**There are no sewer systems throughout the proposed Water District. Septic systems are the norm.  
Items a thru e are N/A**

**3. Fire Service**

**Pierce County No. 8 Station  
10222 Bujacich Road  
Gig Harbor, WA 98332  
253-851-3111**

- a. Nearest station within 5 miles**
- b. Response time is 5 minutes**
- c. Fully manned with 50 full time firefighters and 65 volunteers.**
- d. Major equipment includes 1500 GPM Fire Truck, 1 Medic vehicle with 4 stations backup with a total of 8, 1500 GPM trucks and 2 Medic Vehicles.**
- e. There are 50 fully certified EMT/D-Fib personnel.**
- f. Fire rating that applies is 6**
- g. Source of dispatch is 911**

**4. Community**

- a. Currently there are no other municipal or community services relevant to this proposal.**
- b. There should be no delays in implementing service to the proposed area since a system exist.**
- c. The existing system has supplied several customers with little to no water which has existed for a period of 15 years or more. The current mains are not sufficient to provide fire flow or proper water pressure on a regular bases in order customers be able to take showers or get enough for drinking water. There have been several rate increases since 1986 where the monthly rate was \$14.00 per month, increased to \$29.00 per month in 1990, then to its current rate of \$44.80 per month. The increases were to provide some replacement and upgrade in pumps and equalize the pressure within the system. The mains are not sufficient to provide the same water pressure and flow to all**

it current customers. Each additional hookup has shown up with a decline in water flow and pressure. The Department of Health and the UTC jointly ordered the owner to perform modest improvements for the current increased rates in effect. The UTC intent for the increase was to improve the current domestic water service to certain customers who have been lacking for over 15 years due to not enough water flow and pressure. For the existing company to bring the system totally up to date to include fire flow will require an expenditure of approximately \$250,000.00. Estimates provided by Peninsula Light Co. It is our understanding that the current owner has problems borrowing funds and is unable to secure financing. If the customers were to agree under the current ownership with a guarantee of a 12% return to the owner, the additional costs to each customer would be well over \$100.00 more per month. It is our goal to be able to purchase and upgrade the water system with better management, maintenance programs and therefore able to control our costs now and for future generations that will follow.

**4. General**

- A. This proposal will not have any effect on all adjoining areas, and the local governmental structure of Pierce County or any service district.**
- B. The area is approximately 238 acres and characterized by Gig Harbor Bay on the west side with properties having no bank to medium bank water front to a Light House point at the end of a peninsula with hillside sloping down to high bank waterfront parcels facing Colvos Passage on the opposite side. The natural boundaries are not in any straight line and elevations vary greatly.**
- C. There are no growth projections for this area to speak about or provide as we it is limited due to the topography of this area. To provide a logistical analysis it could be concluded over the next 10 years that approximately 20 new residential dwellings may be built within this proposal.**

**OBJECTIVES:**

**This proposal will maintain the preservation and natural neighborhoods with its strong community efforts toward the environment and natural state of this particular neighborhood. We are unique in that water surrounds us on two sides of the peninsula. It is the desire to keep our neighborhood and community well informed and up to date on all issues that effect those who reside and have a commitment to be caretakers of what nature has provided us to enjoy for all generations. In the future years ahead, it is possible this area will be annexed to the City of Gig Harbor and is currently listed in their future Urban Growth Area.**



MAY 10, 2001

PETITION FOR FORMATION OF EAST GIG HARBOR WATER DISTRICT

THE UNDERSIGNED, qualified electors residing within the area in Pierce County, Washington, described in Exhibit A and depicted in Exhibit B, both attached hereto and incorporated by this reference, petition the Pierce County Council, pursuant to RCW 57.04.030, for the formation of a Water District with the boundaries described and shown in Exhibits A and B ("the District").

The purpose for the creation of the District is to purchase, acquire, operate and maintain water supply facilities to furnish persons within the District with water for all uses and purposes authorized by law.

The formation of the District will be conducive to the public health, convenience and welfare and will be of benefit to the property included in the District. The proposed name of the District is East Gig Harbor Water District.

The undersigned further specify that the proposed property tax levy assessment shall be [A DOLLAR AMOUNT NOT TO EXCEED \$1.25 PER THOUSAND DOLLARS OF ASSESSED VALUE], for general preliminary expenses of the District.

The undersigned understand that they may not withdraw their names from this petition after it has been filed with the Auditor of Pierce County, Washington.

SIGNATURES

[ Petition must be signed by at least ten percent of the registered voters who voted in the last municipal general election, who shall be qualified voters on the date of filing the petition, residing within the district described in the petition]

Printed name: Mike P Nickolas II  
Signature: [Handwritten Signature]  
Address: 8215 Goodman Dr. NW  
Tax Parcel Number(s): 0221058032

Printed Name: Daniel J Swann  
Signature: [Handwritten Signature]  
Address: 10004-42nd. St. E, EDWENBRO WASH. 98371  
Tax Parcel Number(s): 0221081063

COPY