

August 26, 2021

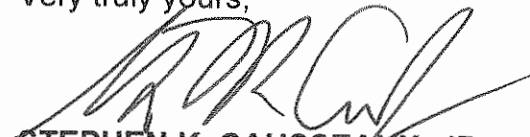
Gig Harbor Homesites II LLC
Attn: Alan Axelrod
1301 Spring Street #7e
Seattle, WA 98104

**RE: PL-CUP-21-0001
HAVEN OF REST CEMETERY EXPANSION**

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Gig Harbor Hearing Examiner regarding your request for the above-entitled matter.

Very truly yours,



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jjp
cc: Parties of Record

OFFICE OF THE HEARING EXAMINER

CITY OF GIG HARBOR

REPORT AND DECISION

CASE NO.: PL-CUP-21-0001
HAVEN OF REST CEMETERY EXPANSION

OWNER/APPLICANT: Gig Harbor Homesites II LLC
Attn: Alan Axelrod
1301 Spring Street #7e
Seattle, WA 98104

AGENT: Etisk Real Estate LLC
Attn: Scott Cameron
11400 S.E. 8 Street, Suite 205
Bellevue, WA 98004

PROJECT PLANNER: Kimberly Mahoney, Senior Planner

SUMMARY OF REQUEST:

Conditional use permit to allow expansion of the Haven of Rest Cemetery onto a 10.07 acre parcel immediately north of the existing cemetery site. The parcel is located at 8917 SR-16 in Sec 06, Tw 21, R 02 Qtr 24.

SUMMARY OF DECISION: Request granted, subject to conditions.

DATE OF DECISION: August 26, 2021

PUBLIC HEARING:

After reviewing the Community Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on August 5, 2021, at 1:30 p.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT 1 - Planning Department Staff Report**
- EXHIBIT A - Applicant's CUP Justification**
- EXHIBIT B - Conceptual Site Plan**
- EXHIBIT C - Declarations of Mailing, Posting and Publishing, Notice of Public Hearing**
- EXHIBIT D - Declarations of Mailing, Posting and Publishing, Notice of Application**
- EXHIBIT E - Pierce County Assessor-Treasurer Building Summary Report**
- EXHIBIT F - GHMC 17.14.020 Land Use Matrix**

The Minutes of the Public Hearing set forth below are not the official record and are provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

KIMBERLY MAHONOEY appeared, presented the Community Development Department Staff Report, and testified that the applicant desires to expand its cemetery onto a 10.07 acre parcel in the R-2 zoning district. The applicant requests a conditional use permit only, and will later submit applications for a specific use for the expansion. The applicant presently has no development plans for the site, but will submit applications for site plan review and other applications later. She then discussed the conditional use criteria and noted that the proposal represents a transitional use between single-family residential homes to the south and high density residential and commercial uses to the north. The site is surrounded by the cemetery and vacant parcels. The parcel is of sufficient size for its contemplated use. Staff recommends approval subject to conditions. She has received no comments.

JAMES STREETER, civil engineer, appeared and testified that he has been working with the applicant and thanked staff for their work in this matter. He has no other comments as he agrees with staff's recommendations and with the Staff Report. They have applied for an open ended permit so they can work with the City later on proposed uses. They have no questions on conditions of approval.

RUSS WEEKS, Haven of Rest, appeared and testified that they have no time table as to when they will submit use applications, but they desire to start the planning process soon. It will take time.

The Examiner then ascertained from Ms. Mahoney that conditional use permits could remain active for three years and that the director could grant one, one year extension.

MR. WEEKS testified that three-four years will be sufficient for them to submit applications.

ALAN AXELROD appeared and thanked staff for their work and the help it has provided. He appreciates the Staff Report.

No one spoke further in this matter and the Hearing Examiner took the matter under advisement. The hearing was concluded at 1:45 p.m.

NOTE: A complete record of this hearing is available in the office of the City of Gig Harbor Planning Department.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, heard testimony, and taken this matter under advisement.
2. This proposal is categorically exempt from review pursuant to the State Environmental Policy Act (SEPA) in accordance with Section 197-11-800(6)(a) of the Washington Administrative Code (WAC).
3. The legal notice of the proposed action and scheduled hearing (Notice of Public Hearing, "NOPH") was published in The News Tribune, posted on the subject site, and mailed to all property owners within 300 feet of the subject site on July 22, 2021. No written comments were received in response to the public notice. The Declarations of Mailing, Publishing and Posting for the public hearing are Exhibit C to the record. A Notice of Application (NOA) was published in The News Tribune, posted on the subject site, and mailed to owners of property within 300 feet of the site on April 8, 2021. The Declarations of Mailing, Publishing and Posting are Exhibit D to the record.
4. The applicant, Gig Harbor Homesites II, LLC, and Alan Axelrod, has a possessory ownership interest in an irregularly shaped, 10.07 acre parcel of property abutting the north side of the existing Haven of Rest Cemetery. The applicant requests a conditional use permit to allow expansion of the cemetery onto the said parcel, but proposes no improvements thereon at the present time. While the applicant has indicated potential uses of the site to include burials, crypts, and niches, the present application does not include a request for approval thereof. The applicant will submit new applications for future improvements on the site, consistent with its use as a cemetery.
5. Improvements on the parcel include a single-family residential home likely constructed in the 1930s. A road presently connects the homesite to SR-16. Development of the cemetery will require removal of the home and any accessory structures.

6. Abutting uses include the Cushman Trail at the northeast corner of the site and a commercial area located in the Employment District (ED) to the west that separates the parcel from SR-16. Vacant parcels abut the north property line, and the existing cemetery abuts the south property line.
7. The parcel is located within the Residential Medium (RM) designation of the City of Gig Harbor Comprehensive Plan. The purpose of said designation is to provide a buffer between high intensity, commercial/residential uses and lower intensity residential uses. In the present case the expansion of the cemetery onto the 10.07 acre parcel will provide additional buffering for a low density, single-family residential development to the south known as "Cottages at Rosedale" from the commercial area to the west. Thus, the applicant's proposed use of the site is consistent with and implements the RM designation.
8. The parcel is located within the Medium Density Residential (R-2) zone classification of the Gig Harbor Municipal Code (GHMC). Chapter 17.20 GHMC sets forth the purposes of the R-2 classification that include the allowance of moderate intensity residential land uses that provide a transition between high and low density residential areas. In the present case the applicant's parcel will provide buffering and a transition between ED and single-family uses in the area. The proposal to expand the cemetery is therefore consistent with the purposes of the R-2 classification.
9. Section 17.14.020 GHMC includes a Land Use Matrix that sets forth allowed uses in all zone classifications within the City. Said matrix authorizes cemeteries in the R-2 classification subject to acquisition of a conditional use permit. The applicant proposes to expand its cemetery onto the 10.07 acre parcel and use it for cemetery purposes. Even though the applicant has not identified specific cemetery uses for the site, it has properly applied for a conditional use permit to allow a cemetery thereon.
10. Prior to obtaining a conditional use permit the applicant must show that the request satisfies all criteria set forth in GHMC 17.64.040. Findings on each criterion are hereby made as follows:
 - A. As found above the cemetery is an allowed, conditional use within the applicable R-2 classification, and is consistent with the description and purposes of said classification.
 - B. Granting the conditional use permit will not detrimentally impact the public health, safety, comfort, convenience, and general welfare; will not adversely affect the established character of the surrounding neighborhood; and will not injure property or improvements in the vicinity. The existing cemetery has not created adverse impacts to the surrounding area, and expansion

thereof will not as well. Surrounding uses are basically nonresidential and include the Cushman Trail and a heavy commercial area. Cemetery operations provide habitat value, have minimal impervious surface coverage, generate little pollution, and are very quiet. Upon submittal of applications for specific uses, staff will consider the impacts thereof through the site plan and SEPA review processes.

- C. The cemetery expansion is properly located in relation to other land uses and to transportation and service facilities. All public facilities and street capacities can serve the expanded cemetery without placing an undue burden thereon. The permit will allow expansion of an existing cemetery use that has created no impacts to either neighboring land uses or to any public facilities and services to include transportation. Again, at the time of development permit review, the applicant must demonstrate compliance with applicable City standards.
- D. The 10.07 acre site is of sufficient size to accommodate the proposed expansion and provides more than adequate space for yards, open spaces, walls, fences, parking, loading, landscaping, and all other features required by Title 17 GHMC. Thus, the site can accommodate all reasonable, cemetery uses that the applicant will propose in the future.

CONCLUSIONS:

- 1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
- 2. The applicant has shown that the request for a conditional use permit satisfies all criteria set forth in GHMC 17.64.040 and therefore should be approved subject to the following conditions:
 - 1. The applicant shall obtain all necessary business licenses, and land use, civil, and building permits from the city prior to developing the site as a cemetery.
 - 2. The applicant shall operate the site consistent with the statement of justification included as Exhibit A to this staff report.
 - 3. Any future permits or approvals required, or amendments of those existing, for the primary project shall be provided to the City of Gig Harbor for consistent record keeping.

DECISION:

The request for a conditional use permit to allow expansion of the Haven of Rest Cemetery onto a 10.07 acre parcel abutting the north side of said cemetery and located at 8917 SR-16 within the City of Gig Harbor is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 26th day of August, 2021.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 26th day of August, 2021, to the following:

OWNER/APPLICANT: Gig Harbor Homesites II LLC
Attn: Alan Axelrod
1301 Spring Street #7e
Seattle, WA 98104

AGENT: Etisk Real Estate LLC
Attn: Scott Cameron
11400 S.E. 8 Street, Suite 205
Bellevue, WA 98004

OTHERS:

Russ Weeks
23935 S.E. 416th Street
Enumclaw, WA 98022

CITY OF GIG HARBOR

Duration of Permit Approval: The permits included in this decision shall expire three (3) years from the date of approval, 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.

Administrative Appeal: There is no administrative appeal for this decision. Any appeal of this decision shall be in accordance with RCW 36.70C.

Property Tax Valuation: Affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County Assessor-Treasurer.

Permit Documents: The complete project permit file, including official decision, findings, conclusions and conditions of approval, if any, is available for review at the City of Gig Harbor Community Development Department, 3510 Grandview Street, Gig Harbor, WA 98335, during normal business hours, Monday through Friday. Additional permit information can also be found at <https://ci-gigharbor-wa.smartgovcommunity.com/Parcels/ParcelHome> by entering the above permit numbers. Questions regarding the above stated decision should be made to Kim Mahoney, Associate Planner at mahoneyk@cityofgigharbor.net or 253-851-6170.

Concerning Further Review

There is no administrative appeal of the hearing examiner's decision. A request for reconsideration may be filed according to the procedures set forth in Ordinance No. 1073. If a request for reconsideration is filed, this may affect the deadline for filing judicial appeal (Chapter 36.70c RCW) (see Ord. 1073, Ch. 36.70C RCW and RCW 90.58.180). Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.