

**RESOLUTION NO. 465**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON,  
WHICH ESTABLISHES FEES FOR LAND USE PLANNING AND  
BUILDING APPLICATIONS AND PERMITS.**

**WHEREAS**, the City of Gig Harbor has established such fees by Resolution; and,

**WHEREAS**, the Gig Harbor City Council has requested that the Planning-Building Department evaluate fees on an annual basis and, as necessary, proposed adjustments to the fee schedule; and,

**WHEREAS**, city staff are requested to review applications for projects outside of the city but within the city's urban growth area which request city sewer and/water; and,

**WHEREAS**, currently a fee for reviewing these projects is not charged although there is a commitment of staff time and resources for reviewing such applications; and,

**WHEREAS**, the review of projects within the Urban Growth Area, outside of the city limits, which request city services should be charged a fee commensurate with the level of review provided by City staff; and,

**WHEREAS**, because the review of projects within the UGA do not require a formal public review process by the city as the city does not have jurisdiction in this respect, a reasonable fee is determined to be 50% of the fee charged for projects within the city.

**THE GIG HARBOR CITY COUNCIL HEREBY ESTABLISHES FEES FOR THE REVIEW OF PROJECTS IN THE CITY'S URBAN GROWTH AREA (UGA) OUTSIDE CITY LIMITS WHERE CITY SEWER AND/OR WATER IS REQUESTED AS FOLLOWS:**

**A. LAND USE DEVELOPMENT APPLICATION FEE**

**1) Amendment to Comprehensive Plan**

Map Designation	\$750
Text	\$400
Map change + text	\$1,000

**2) Amendments to Zoning Code**

Zoning District Boundary	\$425
Text	\$275
Boundary change + text	\$650

**3) Conditional Use Permit** \$450

	Associated with Site Plan Review	\$50
4)	<b>Variance</b>	\$450
	Associated with Site Plan Review	\$50
	Administrative Variance	No Charge
5)	<b>Planned Residential District</b>	\$75
6)	<b>Site Plan/Binding Site Plan Review</b>	
	Occupancy Change (no external structural changes)	\$200
	0 - 10,000 sq. ft. commercial floor area (CFA)	\$75/each 1000 sq. ft.
	10,001-20,000 sq. ft. CFA	\$100/each 1000 sq. ft.
	>20,000 sq. ft. CFA	\$125/each 1000 sq. ft.
	Multifamily (3 or more attached dwelling units)	\$200 + \$25/dwelling unit
7)	<b>Land Clearing/Erosion Control</b>	
	Permit	\$100
8)	<b>Subdivisions</b>	
	Preliminary Plat	\$550 + \$25 per lot
	Final Plat	\$25 per lot
	Replats	\$225
	Amendments	\$150
9)	<b>Short Subdivisions</b>	
	Summary Action	\$375
	Plat Amendment	\$75
	Boundary Line Adjustment	\$30
10)	<b>Shoreline Management Permits</b>	
	Substantial Development (based upon actual costs or fair market value, whichever is higher)	
	< \$10,000	\$100
	> \$10,000 < \$100,000	\$350

> \$100,000 < \$500,000	\$700
> \$500,000 < \$1,000,000	\$1,200
> \$1,000,000	\$1,700
Variance (w/o SDP)	\$400
Variance with SDP	\$75
Conditional Use (w/o SDP)	\$400
Conditional Use with SDP	\$75
Revision	\$150
Request for Exemption	\$15

**11) Wetlands/Critical Areas Analysis**

Steep Slopes/Erosion Hazard	\$15
Critical Habitat	\$35
Wetlands Preliminary Site Investigation	\$35
Wetlands Report Review	\$75

**12) Appeals**

To the Hearing Examiner:	
Administrative Variance	\$225
Administrative Decision	\$120
Requests for Reconsideration of Examiner's decision	\$85
To the Building Code Advisory Board:	\$250

**13) Appeals to City Council**

Appeal of Hearing Examiner Decision:	\$100
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**14) Sign Permits**

All signs less than 25 sq. ft.	\$20
Change of Sign, all sizes	\$20
Request for Variance	\$150
Projecting	\$35
Wall Sign, nonelectric 25-50 sq. ft.	\$35

51-99 sq. ft.	\$45
>100 sq. ft.	\$55
Wall Sign, electric	
25-50 sq. ft.	\$40
51-99 sq. ft.	\$50
>100 sq. ft.	\$60
Ground Sign, nonelectric	
25-50 sq. ft.	\$50
51-100 sq. ft.	\$60
Ground Sign, electric	
25-50 sq. ft.	\$60
51 -100 sq. ft.	\$70

**B. ENVIRONMENTAL REVIEW (SEPA)**

1) **Checklist** \$150

2) **Environmental Impact Statement**

Prepared by Staff \$1,000 + \$45/hour  
Prepared by Private Party \$250 + \$45/hour

3) **Appeals of Decisions**

Conditioning/Denying of Permit \$200

Administrators Final Determination (DNS or EIS) \$150 + Hearing Examiners costs for review (Examiner costs waived for listed parties of record within 300 feet of project site).

**C. ANNEXATION PETITION**

Less than 10 acres	\$200
10 - 50 acres	\$300
50 - 100 acres	\$400
100 + acres	\$500

**D. UTILITY EXTENSION REQUEST** \$100

**E. REQUESTS FOR INFORMATION**

1) **Land-use information, verbal** No Charge

- |    |  |                                     |
|----|--|-------------------------------------|
| 2) | <b>Land-use information, written response requested related to active permit</b> | No Charge                           |
| 3) | <b>Land-use information, written response requested, file search required</b>    | Cost of Copying Requested Documents |
| 3) | <b>Preapplication Conference</b>   | No Charge                           |
| 4) | <b>Preapplication Conference, written summary of meeting</b>                     | \$75                                |

**F. SPECIAL INSPECTIONS (AND PERMITS):**

1) **Fire Marshal Inspections.** There is hereby imposed a \$20.00 inspection fee for all inspections carried out pursuant to the provisions of Section 2.201 of the Uniform Fire Code as now enacted or hereafter amended. The \$20.00 inspection fee shall include two reinspections for the purpose of ensuring the correction of any deficiencies noted in a prior inspection. If additional reinspections are necessary to ensure correction of any deficiency or defect, the Gig Harbor fire marshal shall charge a fee of \$30.00 per hour with a one-hour minimum and to be computed in one-quarter-hour increments, not to include travel time. All requested inspections which require a report will be processed under subsection Q4 of this section, Building Official Inspections.

2) **Article IV Permits.** The fire prevention bureau shall charge fees for processing permit applications required pursuant to Article IV of the Uniform Fire Code as now enacted or hereafter amended. The amount of the fee shall be set by resolution of the Gig Harbor City Council and fee schedules shall be made available to members of the public upon payment of photocopying charges. When any occupancy requires multiple permits, the Gig Harbor fire marshal shall charge the highest of the several fees plus one-half of all other required fees.

3) **After Hours Inspection.** For any inspections authorized or required pursuant to the Uniform Fire Code and for which it is necessary to have an inspection made after normal business hours, which are Monday through Friday, 8:30 a.m. until 5:00 p.m., or on recognized City of Gig Harbor holidays, the Gig Harbor City Fire Marshal shall charge an inspection fee of \$45.00 per hour with a minimum of one hour to be measured in quarter-hour increments including travel time.

4) **Building Official Inspections**

Non-classified request	\$50
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Reinspection fee assessed under

provisions of Section 305 G \$30 each

Additional Plan Review required  
by changes, additions or revisions  
to previously approved plans \$30/hour (minimum charge of  
1/2 hour)

5) **Radon Testing.** The applicant for a building permit to construct a new single-family or multi-family building within the City of Gig Harbor shall pay \$15.00 for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to RCW Chapter 19.27.

6) **Building /Plumbing/Mechanical Permit Fees.** Building /Plumbing/Mechanical permit fees shall be based upon the most recent fee schedule as adopted by the State Building Code Council in the respective Uniform Code.

7) **Energy Code Inspection.** Energy Code Inspection Fees shall be those as established in the Special Plans Examiner/Special Inspector Program, Policies and Procedure Handbook (April, 1994, Utility Code Group, Bellevue, WA).

**G. ADVERTISING FEES:**

For those applications which require a notice of public hearing to be published in a newspaper of general circulation, the applicant shall bear the costs of all advertising.

**H. COPY SERVICES**

- 1) Zoning Map/Comprehensive Plan  
Land UseMap (24" x 36") \$ 3.50
- 2) Zoning Code \$10.00
- 3) Comprehensive Plan \$16.00
- 4) Shoreline Master Program \$7.50
- 5) Critical Areas Map (24"x36") \$3.50
- 6) Visually Sensitive Area (24"x36") \$3.50

**I. FEE WAIVERS AND REQUIREMENTS**

Application fees may be waived upon approval of the City Administrator if any of the following conditions exist:

- 1. The application submitted is in direct response to a capital construction project by the City of Gig Harbor.
- 2. The City determines that the direct benefit accrued from the applicant's project is in the public's interest and welfare.

3. The proposal is a City of Gig Harbor project.


Application fees may be reimbursed at the following rate (percent of total fee):

Request to withdraw application prior to any public notice issued.....	100%
Request to withdraw application after public notice issued.....	85%
Request to withdraw application following a public hearing.....	35%
Request to withdraw application after final action on permit by Hearing Examiner or City Council.....	0%

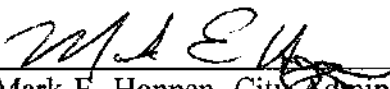
**J. REVIEW OF PROJECTS IN UGA OUTSIDE CITY LIMITS WHERE CITY SEWER AND/OR WATER IS REQUESTED**

The fee for city staff review of applications which have submitted a request to the City Council for utility extension services is 50% of the fee charged for comparable projects within the city.

APPROVED:

  
 \_\_\_\_\_  
 Gretchen A. Wilbert, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Mark E. Hoppen, City Administrator  
 City Clerk

Filed with City Clerk: 3/6/96  
 Passed by City Council: 3/11/96

**CITY OF GIG HARBOR  
RESOLUTION NO. 464**

**WHEREAS**, Bruce McKean, representing Cheri Grant, has requested site plan approval for the construction of a 1,469 square-foot expansion of the existing office building at 7306 Stinson Avenue; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated February 7, 1996; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on February 7, 1996 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated February 12, 1996; and,

**WHEREAS**, the City Council, during its regular meeting of February 26, 1996 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing examiner in his report dated February 12, 1996, are hereby adopted and the site plan is approved subject to the following conditions:

1. A pedestrian entrance shall be located on the front (east) side of the building with a walkway located in the current landscaped area connecting the pedestrian entrance with the public sidewalk along the street. An alternative design may be proposed and approved by the Planning Department and Building Official provided:
  - a. The sidewalk does not result in impervious coverage exceeding 60% as per GHMC 17.28.050(F).
  - b. The sidewalk conform to all ADA requirements.
2. Parking stall dimensions must be at least 8 feet wide x 18 feet long with 15ft wide one-way driveway. A 24-foot driveway is required in back of 90 degree angle parking.

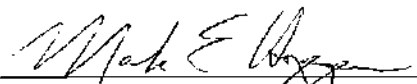


3. Fire flow volume is required according to the proposed building use (UBC occupancy group designation) and building size. A water availability letter is required from the water district stating the fire flow volume on Stinson Ave.
4. Fire hydrants must be provided within 150 feet of all portions of the building.
5. A Knox Box with a master key is required for access to the building if a fire alarm or intrusion alarm system is proposed. A fire alarm system may be required in accordance with Article 14, 1991 UFC or the codes and standards effective at the time of application for a building permit.
6. Prior to issuance of occupancy permits, curbs gutters and sidewalks must be installed along the parcel's entire frontage length, as per the City of Gig Harbor Public Works Standards.
7. Prior to permit issuance, a final grading and drainage plan must be submitted to the Public Works Department for review and approval.
8. Prior to permit issuance, a final landscape plan shall be submitted which includes plant species and size and also includes an irrigation plan.
9. Prior to permit issuance, details for the dumpster screen shall be submitted to and approved by the planning staff. The screen shall be designed to match materials on the building.
10. Prior to permit issuance a lighting plan consistent with Section 17.28.090(D) must be submitted to and approved by the planning staff.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 26th day of February, 1996.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 2/16/96  
Passed by City Council: 2/26/96

**CITY OF GIG HARBOR  
RESOLUTION NO. 462**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING AMENDMENTS TO THE PIERCE COUNTY COUNTY-WIDE PLANNING POLICIES.**

WHEREAS, the cities and towns of Pierce County and Pierce County adopted an interlocal agreement creating the Pierce County Regional Council (PCRC) in 1992, and

WHEREAS, the organization is charges with numerous responsibilities, including serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act, and developing a consensus among jurisdictions regarding modification of the County-wide Planning Policies, and

WHEREAS, Resolution 95-17, adopted by the Pierce County Council, and identical resolutions adopted by the several cities and towns in Pierce County committed those governments to completing negotiations on a series of unresolved issues relating to local implementation of the Growth Management Act, and

WHEREAS, those negotiations, conducted in open public meetings of the PCRC during the months of February through September 1995 have resulted in adoption by the PCRC Executive Committee of recommended amendments to the Pierce County County-wide Planning Policies, and

WHEREAS, these amendments do not affect other prior agreements reached between Pierce County and the City of Gig Harbor, and

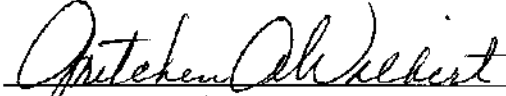
WHEREAS, the Pierce County County-wide Planning Policies provide for amendments to be adopted through amendment of the original interlocal agreement. The Pierce County County-wide Planning Policies may be amended upon the adoption of the amendments by the Pierce County Council and ratification by 60 percent of the jurisdictions in Pierce County (13 of 20) representing 75% of the total population on June 28, 1991 (452,850 of 603,800), NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

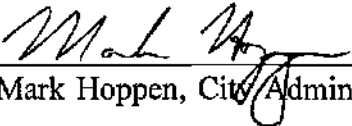
That the amendments to the Pierce County County-wide Planning Policies are hereby approved. Said amendments are attached to this resolution and incorporated by reference herein.

RESOLVED this 8th day of January, 1996.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

  
\_\_\_\_\_  
Mark Hoppen, City Administrator

Filed with the City Administrator: 1/3/96  
Passed by the City Council: 1/8/96  
Resolution No. 462

## INTERLOCAL AGREEMENT

### AMENDMENTS TO THE PIERCE COUNTY COUNTY-WIDE PLANNING POLICIES

This agreement is entered into by and among the cities and towns of Pierce County and Pierce County. This agreement is made pursuant to the provisions of the Interlocal Cooperation Act of 1967, RCW 39.334. This agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action and evidenced by execution of the signature page of this agreement.

#### BACKGROUND:

- A. The Pierce County Regional Council (PCRC) was created in 1992 by interlocal agreement among the cities and towns of Pierce County and Pierce County. The organization is charged with numerous responsibilities, including serving as a local link to the Puget Sound Regional Council, promoting intergovernmental cooperation, facilitating compliance with the coordination and consistency requirements of the Growth Management Act, and developing a consensus among jurisdictions regarding modification of the County-wide Planning Policies.
- B. Resolution 95-17, adopted by the Pierce County Council, and identical resolutions adopted by the several cities and towns in Pierce County committed the governments to completing negotiations on a series of unresolved issues relating to local implementation of the Growth Management Act.
- C. Those negotiations, conducted in open public meetings of the PCRC during the months of February through September 1995 have resulted in adoption by the PCRC Executive Committee of recommended amendments to the Pierce County County-wide Planning Policies.
- D. The Pierce County County-wide Planning Policies provide for amendments to be adopted through amendment of the original interlocal agreement adopting the policies or by a new interlocal agreement. The Pierce County County-wide Planning Policies may be amended upon the adoption of the amendments by the Pierce County Council and ratification by 60 percent of the jurisdictions in Pierce County (13 of 20) representing 75% of the total population on June 28, 1991 (452,850 of 603,800).

#### PURPOSE:

This agreement is entered into by the cities and towns of Pierce County and Pierce County for the purpose of adoption of amendments to the Pierce County County-wide Planning Policies.

The amendments to the Pierce County County-wide Planning Policies shown on Attachment A are attached to and made part of this interlocal agreement.

**DURATION:**

This agreement shall become effective upon adoption by the Pierce County Council and ratification by the legislative bodies of the cities and towns of Pierce County comprising 60 percent of the jurisdictions in Pierce County representing 75 percent of the total population on June 28, 1991. This agreement will remain in effect until subsequently amended or repealed as provided by the Pierce County County-wide Planning Policies.

**SEVERABILITY:**

If any of the provisions of this agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

**FILING:**

A copy of this agreement shall be filed with the Pierce County Auditor and each city or town clerk.

IN WITNESS WHEREOF, this agreement has been executed by each member jurisdiction as evidenced by the signature page affixed to this agreement.

INTERLOCAL AGREEMENT

AMENDMENTS TO THE PIERCE COUNTY COUNTY-WIDE PLANNING POLICIES

Signature Page

The legislative body of the undersigned jurisdiction has authorized execution of the Interlocal Agreement, Amendments to the Pierce County County-wide Planning Policies.

IN WITNESS WHEREOF

This agreement has been execute CITY OF GIG HARBOR  
(Name of City/Town/County)

BY: *Stephen A. Wilbur, Mayor*  
(Mayor/Executive)

DATE: *January 16, 1996*

Approved

BY: \_\_\_\_\_  
(Director/Manager/Chair of County Council)

Approved as to Form:

BY: \_\_\_\_\_  
(City Attorney/Prosecutor)

Amendment to County-wide Planning Policies 9-22-95

COUNTY-WIDE PLANNING POLICY ON URBAN GROWTH AREAS, PROMOTION OF CONTIGUOUS AND ORDERLY DEVELOPMENT AND PROVISION OF URBAN SERVICES TO SUCH DEVELOPMENT

Background-Requirements of the Growth Management Act

The Washington Growth Management Act identifies the encouragement of development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner [RCW 36.70A.020(1)], the reduction of sprawl, (i.e., the inappropriate or premature conversion of undeveloped land into low-density development) [RCW 36.70A.020(2)], and the provision of adequate public facilities and services necessary to support urban development at the time the development is available for occupancy and use (without decreasing current service levels below locally established minimum standards [RCW 36.70A.020(12)]) as planning goals to guide the development and adoption of comprehensive plans and development regulations.

The Growth Management Act further requires (1) that the County designate an "urban growth area" or areas within which urban growth shall be encouraged and outside of which growth shall occur only if it is not "urban" in character; (2) that each municipality in the County be included within an urban growth area; (3) that an urban growth area include territory outside of existing municipal boundaries only if such territory is characterized by urban growth or is adjacent to territory that is already characterized by urban growth. [RCW 36.70A.110(1); for definition of "urban growth" see RCW 36.70A.030(14).]

The designated county and municipal urban growth areas shall be of adequate size and appropriate densities so as to accommodate the urban growth that is projected by the State Office of Financial Management to occur in the County for the succeeding 20-year period. While each urban growth area shall permit urban densities, they shall also include greenbelt and open space areas [RCW 36.70A.110(2)].

As to the timing and sequencing of urban growth and development over the 20-year planning period, urban growth shall occur first in areas already characterized by urban growth that have existing public facility and service capacities to service such development, second in areas

already characterized by urban growth that will be served by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources [RCW 36.70A.110(3)]. Urban government services shall be provided primarily by cities, and should not be provided in rural areas.

The Growth Management Act Amendments expressly require that county-wide planning policies address the implementation of urban growth area designations [RCW 36.70A.210(3)(a)], the promotion of contiguous and orderly development, the provision of urban services to such development [RCW 36.70A.210(3)(b)], and the coordination of joint county and municipal planning within urban growth areas [RCW 36.70A.210(3)(f)].

#### Principles of Understanding Between Pierce County and the Municipalities in Pierce County

While following the goals and regulations of the Growth Management Act, Pierce County and the municipalities in Pierce County will strive to protect the individual identities and spirit of each of our cities and of the rural areas and unincorporated communities.

Further agreements will be necessary to carry out the framework of joint planning adopted herein. These agreements will be between the county and each city and between the various cities.

The services provided within our communities by special purpose districts are of vital importance to our citizens. Consistent with the adopted regional strategy, these districts will be part of future individual and group negotiations under the framework adopted by the county and municipal governments.

While the Growth Management Act defines sewer service as an urban service, Pierce County currently is a major provider of both sewer transmission and treatment services. The county and municipalities recognize that it is appropriate for the county and municipalities to continue to provide sewer transmission and treatment services.

The county recognizes that urban growth areas are often potential annexation areas for cities. These are also areas where incorporation of new cities can occur. The county will



work with existing municipalities and emerging communities to make such transitions efficiently.

At the same time, annexations and incorporations have direct and significant impacts on the revenue of county government, and therefore, may affect the ability of the county to fulfill its role as a provider of certain regional services. The municipalities will work closely with the county to develop appropriate revenue sharing and contractual services arrangements that facilitate the goals of GMA.

The County-wide Planning Policies are intended to be the consistent "theme" of growth management planning among the county and municipalities. The policies also spell out processes and mechanisms designed to foster open communication and feedback among the jurisdictions. The county and the cities and towns will adhere to the processes and mechanisms provided in the policies.

#### 5. Urban Development Standards

5.1 The provisions of this section shall apply to all municipalities and urban growth areas located in the County.

5.2 The following development standards shall be the minimum required for urban developments and shall apply to all new development in urban growth areas, except as provided in Section 5.6 below.

5.2.1 Streets, Roads and Arterials. All public streets, roads, and arterials shall be constructed to the minimum requirements outlined in the City and County Design Standards adopted pursuant to RCW 35.78.030 and RCW 43.32.020. Curbs, gutters, and sidewalks will be required on both sides. Private streets and roads may be approved, but shall be required to meet these requirements.

5.2.2 Street Lighting. Street lighting shall be required at signalized intersections. Street lighting in new subdivisions shall be provided at all intersections controlled by a traffic signal or sign, and at certain road corners, elbows, and cul-de-sacs. Installation and maintenance of street lighting in subdivisions shall be the responsibility of the developer or homeowner's association unless the local jurisdiction assumes responsibility. When ownership of the street lighting has not been assumed by the local jurisdiction, the light standards shall be located on private property.

5.2.3 Domestic Water. A domestic water system must meet requirements under RCW 70.119 and WAC 246-290 for group "A" systems, or the functional equivalent.

5.2.4 Storm Water Facilities. A storm water drainage system shall be designed and constructed in accordance with the Department of Ecology Storm Drainage Technical Manual or a locally adopted storm water manual approved by DOE.

5.2.5 Sanitary Sewer. At a minimum, sanitary sewer hook-ups shall be required for all new development, if sewer lines are located within 300 feet of the development. In those cases where sewer lines are not located within 300 feet of the development, the jurisdiction may permit such development to use interim septic on-site systems and dry sewer facilities. Dry sewer facilities includes any means effective to permit connection to future extended sewer lines. The permitting jurisdiction allowing such facilities shall enforce applicable design and performance standards and administrative procedures.

5.2.6 Fire Protection. Fire protection and flow requirements shall be in accordance with Pierce County Code Chapter 15.12.

5.2.7 Solid Waste and Recycling. Garbage pick-up shall be provided weekly, and recycling and yard waste pick-up biweekly, consistent with federal and state laws and regulations.

5.3 It is desired by the signatories to these policies that the following Urban Development Standards be the minimum goals for urban developments in Urban Growth Areas.

5.3.1. Street Cleaning. Standards for street cleaning shall be discussed and should be developed, consistent with requirements of federal and state water quality standards.

5.3.2 Transit. Urban transit service plans adopted by the Pierce County Public Transit Benefit Authority.

5.3.3 Library. Appropriate jurisdictions should provide 450 square feet of library space per 1,000 persons.

5.3.4 Parks and Recreation. Provisions for parks at a level of 3.0 acres of neighborhood/community parks per 1,000 population should be made for all plats and short

plats as required by RCW 58.17. Such provision can be made either through dedication to the public of land, or through provision of funds, as mitigation, for park land purposes.

5.4 All development within an urban growth area shall be provided services pursuant to the provision of this agreement and the joint planning agreements adopted pursuant to it. It is recognized that the County may provide certain urban services within an Urban Growth Area, and that cities may provide certain urban services within the same area, but outside their current municipal boundaries.

5.5 The county and each municipality shall enter into an interlocal cooperation agreement providing for the approval and delivery of public facilities and services in the Urban Growth Area. Such further agreements shall include, where appropriate, provisions relating to services such as law enforcement and schools and the services of special purpose districts and other service providers.

5.6 Ordinances allowing variances and deviations to the urban development standards may be adopted by each responsible jurisdiction for those limited circumstances necessary to allow for recognition of community plans and goals, recognized historic character, or special physical or engineering circumstances, as long as such variances and deviations are otherwise consistent with these policies. A legislative authority adopting a variance or deviation to the minimum urban development standards under this section must share such adoption with the PCRC Executive Committee.

**CITY OF GIG HARBOR  
RESOLUTION NO. 461**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR,  
WASHINGTON, ADOPTING AMENDMENTS TO THE INTERLOCAL AGREEMENT  
CREATING THE PIERCE COUNTY REGIONAL COUNCIL.**

WHEREAS, the cities and towns of Pierce County and Pierce County adopted an interlocal agreement creating the Pierce County Regional Council (PCRC) in 1992, and

WHEREAS, PCRC serves as a multi-government forum for coordination of growth management issues, reviews and approves for funding certain transportation projects, and provides the opportunity for building consensus on issues common to all of the cities and towns and the county, and

WHEREAS, the Executive Committee of the PCRC has approved a series of amendments to the bylaws of the organization and amendments to the interlocal agreement creating the organization, and

WHEREAS, it is necessary for the cities and towns of Pierce County and Pierce County to approve the amendments to the interlocal agreement, and

WHEREAS, the amendments will become effective when approved by 60 percent of the eligible jurisdictions representing 75 percent of the total population of the county, and

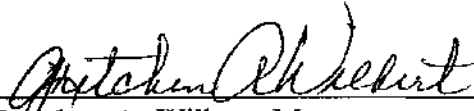
WHEREAS, this agreement stands alone and does not affect any other Interlocal Agreement entered into by Pierce County and the City of Gig Harbor, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

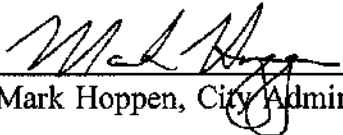
That the amendments to the Interlocal Agreement Creating an Intracounty Organization are hereby approved. Said amendments are attached to this resolution and incorporated by reference herein.

RESOLVED this 8th day of January, 1996.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

  
\_\_\_\_\_  
Mark Hoppen, City Administrator

Filed with the City Administrator: 1/3/96  
Passed by the City Council: 1/8/96  
Resolution No. 461

# **Pierce County Regional Council**

## **By-Laws and Interlocal Agreement**



**October, 1995**

**BY-LAWS  
OF THE  
PIERCE COUNTY REGIONAL COUNCIL**

**ARTICLE I - Purpose**

The purpose of the By-laws is to govern the proceedings of the Pierce County Regional Council, consistent with the Interlocal Agreement which created the organization. In the event of a conflict between these By-laws and the Interlocal Agreement, the Interlocal Agreement shall control.

**ARTICLE II - Organization and Membership**

Section 1. The agency shall be organized into a General Assembly; and Executive Committee; and task forces and committees as established by the Executive Committee.

Section 2. Members: Pierce County and each city or town in Pierce County shall be a member upon adoption of the Interlocal Agreement, provided however, a city or town partially located in Pierce County and partially in any other county must have a population of at least 500 persons in Pierce County before adopting the Interlocal Agreement.

Section 3. Ex Officio Associate Members: The Puyallup Tribal Council, the Port of Tacoma Commission, Pierce Transit, and WSDOT District 3 shall be ex officio associate members. Ex officio associate members may each provide a representative to serve as a non-voting member of the Executive Committee. Other governmental jurisdictions, including cities or towns located in other counties, may be admitted to ex officio associate membership at the direction of the Executive Committee.

Section 4. Other Associate Members: Other non-municipal governments such as federal agencies, other state agencies, other tribes, school districts and other special purpose districts may become associate members upon approval of the Executive Committee. Associate members are non-voting.

**ARTICLE III - Officers**

Section 1. The officers of the Pierce County Regional Council shall be a President and a Vice President.

Section 2. President: The President shall conduct the meetings of the Executive Committee, preside over meetings of the General Assembly, and shall be responsible for the preparation of the agenda for said meetings. The President shall ensure that the functions of the Pierce County Regional Council are carried out the best of his or her ability.

Section 3. Vice President: The Vice President shall preside and perform the duties of the President in the absence of the President.

Section 4. Elections: The President and Vice President of the Pierce County Regional Council shall be elected by the Executive Committee from among the Executive Committee's voting membership. The Vice President shall be from a different member jurisdiction than the President.

action may be taken without the quorum including at least one representative from Pierce County or at least one representative from the City of Tacoma. No ex officio associate member or other associate member may request special voting.

#### ARTICLE V - The Executive Committee

Section 1. Date: The Executive Committee shall designate a regular time and place for its meetings.

Section 2. Composition: The Executive Committee shall be comprised of voting members who are elected officials representing member agencies as determined in the Interlocal Agreement. Each ex officio associate member shall designate a non-voting representative to the Committee.

Section 3. Appointment: Representatives to the Executive Committee shall be appointed as follows:

- (a) A member jurisdiction granted representative(s) by the Interlocal Agreement shall choose its representative(s) and designated alternates by its own appropriate process.
- (b) Each Executive Committee representative with the authority to vote shall be an elected official.
- (c) An ex officio associate member may designate its representative and alternate by its own appropriate process.
- (d) The name, address and phone number of all representatives and their designated alternates shall be filed in writing with the Executive Committee.
- (e) Other elected officials and staff from member jurisdictions shall be encouraged to attend and participate in Executive Committee discussions, but without a vote.

Section 4. Notice: An Agenda with supporting materials shall be mailed at least seven (7) days in advance of all regularly scheduled meetings; provided however, that if the President or any five (5) voting members of the Executive Committee determines that an emergency exists, they may make a finding to that effect in which event a special meeting may be held on facsimile or written notice delivered to each representative at least five (5) days in advance. The agenda for a special meeting shall be limited to those items specified in the notice.

Section 5. Purpose: The Executive Committee shall direct the affairs of the Pierce County Regional Council between the annual meetings of the General Assembly. The Executive Committee shall exercise on behalf of the Pierce County Regional Council all powers and managerial and administrative authority not reserved for the General Assembly.

Section 6. Quorum: A quorum of the Executive Committee shall consist of one-third of the voting representatives.

Section 7. Voting: Each voting representative on the Executive Committee shall have one vote. All actions of the Executive Committee will be by simple majority vote unless otherwise provided by law or in these By-laws.

Section 8. Special Procedure for Resolving Differences: When jurisdictions have differences on an issue that may be resolved through collaboration and consensus, the special procedure described in this section may be used. Any voting member may request the special procedure of this section. If the special procedure is requested, no vote on any of the following matters shall occur until the next regular meeting of the Executive Committee:



### ARTICLE VIII - Open Meetings

All meetings of the Pierce County Regional Council shall conform to the Open Meetings Act, RCW 42.30. The Executive Committee shall adopt procedures to ensure appropriate public notice of all meetings of the Pierce County Regional Council.

### ARTICLE IX - Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the General Assembly and the Executive Committee in all cases to which they are applicable and in which they are not inconsistent with the Interlocal or these By-laws or any special rules of order the General Assembly or the Executive Committee may adopt.

### ARTICLE X - Amendments to By-laws

These By-laws may be amended at any regular or special meeting of the Executive Committee; provided however, that a copy of the proposed amendment has been mailed to each member jurisdiction and each representative to the Executive Committee at least fifteen (15) days prior to the meeting at which the vote to amend is taken. Any amendment(s) of the By-laws shall be effective immediately upon adoption by the Executive Committee; provided that the next meeting of the General Assembly may take action to overturn such amendment(s). Any action taken by the Executive Committee based upon the authority of an amendment to the By-laws shall be valid if taken prior to an action by the General Assembly to overturn the amendment.

Adopted by the Pierce County Regional Council Executive Committee.

October 1995

(Date)

Sandra Volkmer  
(Officer)

Michael J. Conroy  
(Officer)

## INTERLOCAL AGREEMENT

### CREATION OF AN INTRACOUNTY ORGANIZATION

This agreement is entered into by and among the cities and towns of Pierce County and Pierce County. This agreement is made pursuant to provisions of the Interlocal Cooperation Act of 1967, Chapter 39.334 RCW. This agreement has been authorized by the legislative body of each jurisdiction pursuant to formal action and evidenced by execution of the signature page of this agreement.

I. NAME:

THE NAME OF THE ORGANIZATION WILL BE THE PIERCE COUNTY REGIONAL COUNCIL

II. MISSION:

The Pierce County Regional Council is created to promote intergovernmental cooperation on issues of broad concern, and to assure coordination, consistency, and compliance in the implementation of State law covering growth management, comprehensive planning, and transportation planning by county government and the cities and towns within Pierce County. It is the successor agency to the Growth Management Steering Committee and serves as the formal, multi-government link to the Puget Sound Regional Council.

III. CREATION:

This agreement shall become effective when sixty percent (60%) of the cities, towns and county government representing seventy-five percent (75%) of the population within Pierce County become signatories to the agreement. The agreement may be terminated by vote of two or more legislative bodies collectively representing sixty percent (60%) of the population within Pierce County.

IV. MEMBERSHIP AND REPRESENTATION:

- A. Membership is available to all cities and towns within Pierce County and Pierce County.
- B. Associate membership is available to such nonmunicipal governments as transit agencies, tribes, federal agencies, state agencies, port authorities, school districts and other special purpose districts as may be interested. Associate members are non-voting.
- C. The General Assembly of the organization shall be comprised of all elected officials from the legislative authorities and the chief elected executive official of the member cities, towns and county government. Associate members and staff from the various jurisdictions shall be encouraged to participate in General Assembly meetings, but without a vote.

- D. The Executive Committee of the organization shall be comprised of representatives from member jurisdictions as follows: four (4) representatives from Pierce County including the County Executive and three members of the County Council; three (3) representatives from the City of Tacoma; and one (1) representative from each of the remaining jurisdictions. Each representative shall have one vote.
- E. One representative from the Puyallup Tribal Council, one representative from the Port of Tacoma Commission, one representative from Pierce Transit, and one representative of WSDOT District 3 will be ex officio, non-voting members of the Executive Committee. At its discretion, the Executive Committee may create additional ex officio, non-voting positions from among other Associate members.
- F. Voting members of the Executive Committee shall be elected officials and shall be appointed by the local jurisdictions they represent. Alternate representatives to the Executive Committee may be designated who are elected officials and are of the same number as the authorized membership for each jurisdiction or group of jurisdictions. Other elected officials and staff from the various jurisdictions shall be encouraged to participate in Executive Committee discussions, but without a vote.
- V. GENERAL ORGANIZATION:
  - A. Structure
    - 1. The organization shall consist of a General Assembly, an Executive Committee, and advisory committees and task forces as created by the Executive Committee.
    - 2. The organization will utilize a calendar year for purposes of terms of office of members of the Executive Committee and the work program.
  - B. Executive Committee
    - 1. The Executive Committee shall carry out all powers and responsibilities of the organization between meetings of the General Assembly. The Executive Committee may take action when a quorum is present. One-third of the voting members shall constitute a quorum. Except as specified in the by-laws, actions voted upon shall be approved by simple majority vote of the quorum. The by-laws shall provide for special voting processes and the circumstances when such processes are to be used.
    - 2. A president and vice president shall be selected by the Executive Committee from among its voting members. The president and vice president shall serve for one year terms.
    - 3. The Executive Committee shall establish a regular meeting time and place. Executive Committee meetings shall be conducted in accordance with the Open Public Meetings Act (RCW 42.30).

4. Committees or task forces shall be established as required and may utilize citizens, elected officials and staff from the member jurisdictions in order to enhance coordination and to provide advice and recommendations to the Executive Committee on matters of common interest including, but not limited to, planning, transportation, and infrastructure.

C. General Assembly.

1. The General Assembly shall meet at least annually and may hold additional meetings as needed. The General Assembly may take action when a quorum is present. Thirty percent (30%) of the voting members representing a majority of the various jurisdictions shall constitute a quorum. Except as specified in the by-laws, actions voted upon shall be approved by a simple majority vote of the quorum. The by-laws shall provide for special voting processes and the circumstances when such processes are to be used.
2. The president and vice president of the Executive Committee shall serve as president and vice president of the General Assembly.
3. The General Assembly shall adopt an annual work program.
4. The General Assembly meetings shall be conducted in accordance with the Open Public Meetings Act (RCW 42.30).

VI. FUNCTIONS AND AUTHORITY:

A. The Pierce County Regional Council will:

1. Promote intergovernmental coordination within Pierce County.
2. Facilitate compliance with the coordination and consistency requirements of the state growth management law.

3. Provide a forum to promote cooperation among and/or between jurisdictions with respect to urban growth boundaries, comprehensive plan consistency, development regulations, siting of facilities, highway, rail, air and water transportation systems, solid waste issues and other areas of mutual concern.
4. Develop consensus among jurisdictions regarding review and modification of countywide planning policies.
5. Serve as the formal, multigovernment link to the Puget Sound Regional Council.
6. Develop recommendations, as required, for distribution of certain federal, state and regional funds.
7. Provide educational forums on regional issues.
8. Make recommendations to federal, state and regional agencies on plans, legislation, and other related matters.
9. Serve as the successor organization to the Growth Management Steering Committee which developed the county-wide planning policies, and complete such tasks as may have been begun by the Steering Committee, including the following responsibilities:
  - a. develop model implementation methodologies;
  - b. assist in the resolution of jurisdictional disputes;
  - c. provide input to joint planning issues in Urban Growth Areas;
  - d. provide input in respect to county-wide facilities;
  - e. advise and consult on policies regarding phased development, short plats, vested rights and related issues;
  - f. review and make a recommendation to Pierce County on the respective location of Urban Growth Area boundaries;
  - g. make a recommendation to Pierce County regarding dissolution of the Boundary Review Board;
  - h. monitor development, including population and employment growth; and
  - i. *provide advice and consultation on population disaggregation.*
- B. The organization shall adopt by-laws to govern its proceedings. By-laws shall be adopted by the Executive Committee and shall be in effect unless contrary action is taken by the General Assembly.
- C. Nothing in this agreement shall restrict the governmental authority of any of the individual members.

**VII. AMENDMENTS:**

Amendments to this agreement may be proposed by any member of the General Assembly and shall be adopted by affirmative resolution of the Executive Committee and of the individual legislative bodies of sixty (60%) percent of the member jurisdictions representing seventy-five (75%) percent of the population of Pierce County.

**VIII. SEVERABILITY:**

If any of the provisions of this agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.


**IX. FILING:**

A copy of this agreement shall be filed with the County Auditor and each city/town clerk, the Secretary of State, and the Washington State Department of Community Development.

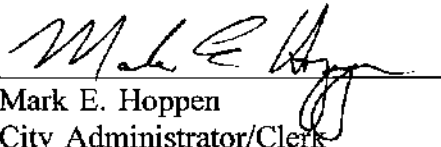
IN WITNESS WHEREOF, this agreement has been executed by each member jurisdiction as evidenced by signature pages affixed to this agreement.

- c. Landscaping shall be provided on any remaining portion of the site which are not required for parking stalls or driveway areas including, but not limited to, the inside of the curve where the driveway turns into the Gig Harbor Marina property. Grasscrete may be used in place of formal landscaping on the inside of the curve, noted above.
- d. A landscape plan shall be submitted for review and approval by the planning staff prior to paving of the parking lot.
- e. The driveway shall be striped so as to delineate full-width access into the Gig Harbor Marina property. The driveway shall be demarcated as a no-parking zone.
- f. The PVC pipe in the catch basin shall include a tee with a plug on the top. A final drainage and grading plan shall be submitted to and approved by the Public Works Department prior to paving and grading of the site. Storm water retention devices shall be consistent with the Public Works Construction standards and must include, at a minimum, an oil-grease separator.
- g. The applicant shall be required to obtain all necessary approvals from the Washington Department of Fish and Wildlife prior to construction.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of January, 1996.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk:        January 3, 1996  
Passed by City Council:        January 8, 1996

**CITY OF GIG HARBOR  
SHORELINE MANAGEMENT  
SUBSTANTIAL DEVELOPMENT PERMIT**

- Substantial Development
- Conditional Use
- Variance

Application No: SDP 95-05

Date Received: October 21, 1995

Approved:  Denied:

Date of Issuance: January 8, 1996

Date of Expiration: January 8, 2001

Pursuant to RCW 90.58, a permit is hereby granted/denied to:

John Gilich  
P.O. Box 587  
Gig Harbor, WA 98335

To undertake the following development:

Asphalt existing parking lot.

Upon the following property:

3110 Harborview Drive, Gig Harbor, WA 98335

On the Gig Harbor Bay Shoreline and/or its associated wetlands. The project will not be within shorelines of Statewide Significance per RCW 90.58.030 and is within an Urban Environment designation.



Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

As per attached City of Gig Harbor City Council Resolution No. 460.

This permit is granted pursuant to the Shoreline Management Act of 1972 and the City of Gig Harbor 1994 Shoreline Master Program. Nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

1/9/96  
(Date)

*Fletcher Wilbert*  
Mayor, City of Gig Harbor

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official

**CITY OF GIG HARBOR  
RESOLUTION NO. 459**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR AUTHORIZING A TIME EXTENSION FOR THE DESIGN GUIDELINES TECHNICAL COMMITTEE TO COMPLETE DEVELOPMENT OF A DESIGN GUIDELINES MANUAL WHICH IMPLEMENTS THE COMMUNITY DESIGN ELEMENT OF THE REVISED CITY OF GIG HARBOR COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Gig Harbor Planning Commission, in its role as the citizens land-use advisory commission for the City of Gig Harbor, needs to allocate sufficient time to accomplish assigned tasks for 1995, and,

**WHEREAS**, the Planning Commission's work schedule for 1995 requires that several tasks be accomplished within the first six months of the year; and,

**WHEREAS**, an efficient and timely method of accomplishing multiple planning tasks is the use of planning commission subcommittees and/or ad-hoc citizens technical/advisory committees; and,

**WHEREAS**, the development of design guidelines should be undertaken by a group of interested citizens who have varied experience, backgrounds and interest in construction, development and design; and,

**WHEREAS**, a design guidelines technical committee as authorized was convened in April of 1995 and commenced work on a design guidelines manual for the City; and,

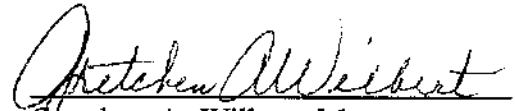
**WHEREAS**, because substantial progress had been made on the development of a preliminary draft, and because of the complexities of design guideline issues and need for a comprehensive approach to design guidelines for the City and its urban growth area is of such a substantial undertaking that the design guidelines technical committee was granted a time extension to the end of December 1995 to complete its recommendation to the Planning Commission; and,

**WHEREAS**, substantial progress continues to be made on the design guidelines manual but additional time is needed to incorporate graphics and illustrations into the document, prepare a glossary and a prologue, and finalize the format of the manual;

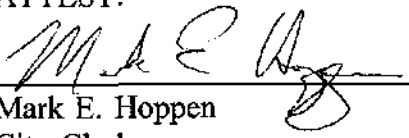
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

The design guidelines technical committee established under City of Gig Harbor Resolution 454 is granted a time extension of up to February 29, 1996 to complete its recommendation to the Planning Commission on a design guidelines manual.

PASSED this 11th day of December, 1995.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 12/8/95  
Passed by City Council: 12/11/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 458**

**WHEREAS**, Snodgrass Freeman Associates has requested site plan approval for the construction of an office building at 6622 Wollochet Drive N.W., filed with the City as SPR 95-03; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated September 13, 1995; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on September 13, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner approved a variance which would allow the parking lot to encroach into the required yards as shown on the site plan reviewed by the Hearing Examiner (VAR 95-06); and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated October 11, 1995; and,

**WHEREAS**, in a statement letter dated October 20, 1995, Mr. Geoff Moore, representing the applicant, requested reconsideration of the Examiner's decision to clarify certain points of his decision; and,

**WHEREAS**, the staff forwarded the statement letter to the Hearing Examiner with recommendations in a memo dated November 1, 1995; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner, in response to the request for reconsideration and the staff's recommendation, submitted an amendment to his October 11th report dated November 14, 1995; and,

**WHEREAS**, the site plan meets the criteria for the approval of a site plan, pursuant to chapter 17.96.030 (B) as follows:

1. It is compatible with the City Comprehensive Plan.
2. It is compatible with the surrounding buildings occupancy and use factors.
3. It is consistent with the applicable standards of the City of Gig Harbor Zoning Code, Title 17 of the GHMC.

**WHEREAS**, the City Council, during its regularly scheduled meeting of November 27, 1995, has considered the Hearing Examiner's recommendation and has determined that all conclusions and recommendations of the Examiner are consistent with all City codes and regulations pertaining to site plans; and,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated October 11, 1995 and in his November 14, 1995 amendment to his report are hereby adopted and the site plan is approved subject to the following conditions:


1. Prior to clearing and grading, a horizontal survey shall be completed which verifies that there is sufficient area between the front (Wollochet Drive) property line and the wetland buffer line to meet the minimum dimensions for parking, circulation and landscaping.
2. Strict limits of disturbance shall be complied with on this project, This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g. a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The protective barricade shall be maintained for the entire duration of construction. The contractor shall submit a written statement that the proposed location of the construction fence will provide adequate room for all construction activities. If there is not sufficient room to assure protection of the trees within the buffer, a revised site plan shall be submitted to and approved by the City.
3. A certified arborist or forester shall verify that the proposed location of the barricade fence will provide reasonable assurance that the trees within the protective area will not be at risk due to construction activities outside the protective barricade. If, in the opinion of the arborist, the trees will be threatened due to the proximity of construction activity, a revised site plan which provides recommended clearance between the trees and construction activities shall be submitted to and approved by the City. If a forester is used, then the forester shall meet at least one of the following qualifications:
  - a) be a certified arborist;
  - b) have a degree in forestry from an SAF accredited Forestry School; or
  - c) be an urban forester with a degree in forestry.
4. A certified arborist or forester shall comment on the advisability of topping the douglas fir trees and identify possible alternatives to topping.
5. Sufficient existing vegetation in the buffer area shall be retained to screen the development from the freeway (the annexation agreement requires a 25-foot buffer along SR-16).

6. The trail system shall be completed up to and including the view platform behind the proposed Phase II building.
7. Prior to building permit issuance, a final landscaping plan shall be submitted to the City Council for both the parkland and private areas of development. The plan shall include an irrigation plan for all domestic or nursery-stock landscaping.
8. A master sign plan shall be submitted to and approved by the Planning Staff consistent with all sign code requirements.
9. 66th Street Ct. N.W. is to be dedicated and designed as a 55-foot wide public right-of-way.
10. Curbs, gutters and sidewalks along the property frontage of Wollochet Drive and 66th Street Court N.W. are required.
11. Prior to building permit issuance, a plan showing how City water and sewer will be provided is shall be submitted for review and approval of the Public Works Department.
12. Prior to building permit issuance, a storm drainage plan shall be submitted for review and approval of the Public Works Department.
13. If 66th St. Ct. N.W. is going to end at the property line, a cul-de-sac type turn around will be required with provisions to extend the street to 72nd St. N.W. in the future, as development occurs.
14. Fire hydrants and water mains must be extended to within 150 feet of all portions of the building. Fire flow volume is required as per Appendix Table No. A-III-A-1, 1991 UBC.
15. Provide an accessible pedestrian walkway from the public sidewalk to the front entrances of the building.
16. The street name "66th Street Court" must be revised to reflect a historical name or another name which is approved by the Gig Harbor City Council in accordance with the Gig Harbor Addressing Ordinance.
17. 66th Street Court must be designed to interconnect 72nd Street and Wollochet Drive to provide fire fighting equipment access to this site and adjoining properties.
18. The project owner shall submit a sight distance analysis for the 66th Street N.W. driveway with the Wollochet Drive before the construction of 66th Street N.W.
19. The project owner shall build curbs, gutters and sidewalks along with the appropriate storm drainage provisions on Wollochet Drive along the entire length of the project


on the North side of street.

20. The proposed 66th Street N.W. shall be built according to the City of Gig Harbor Public Works Standards as public road with curbs, gutters and sidewalks on both sides of the street.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 27 day of November, 1995.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 11/20/95  
Passed by City Council: 11/27/95  
Resolution No. 458

**CITY OF GIG HARBOR CITY COUNCIL  
RESOLUTION NO. 457**

**WHEREAS**, the City of Gig Harbor City Council granted preliminary plat approval for the residential subdivision of Westbrook Glen (SUB92-01) by City Council Resolution No. 361 on 8 June 1992; and

**WHEREAS**, Resolution No. 361 granted preliminary plat approval subject to fourteen conditions; and,

**WHEREAS**, the project developer, Mr. Ed Dorland of Dorland Construction, has installed all required public improvements and has met all conditions of approval of the final plat; and,

**WHEREAS**, Mr. Dorland has submitted a final plat for Council approval; and,

**WHEREAS**, the City Council approved the final plat on the condition that a quit claim deed be approved as to form by the City Attorney and a legal description for the conveyance of property for right-of-way purposes be submitted to the City for review by the city engineer; and,

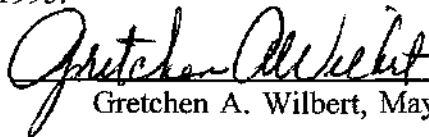
**WHEREAS**, Mr. Dorland has submitted a proper quit claim deed and a certified legal description to the city which conveys certain property for public right-of-way purposes; and,

**WHEREAS**, the Gig Harbor City Council finds that the developer of Westbrook Glen has met all conditions of preliminary plat approval.

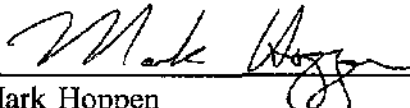
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for the subdivision of Westbrook Glen (SUB92-01) is APPROVED.

PASSED this 27th day of November, 1995.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark Hoppen  
City Administrator

Filed with City Clerk: 11/22/95  
Passed by City Council: 11/27/95



**RESOLUTION NO. 456**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE FINDINGS, CONCLUSIONS AND DECISION OF THE CITY COUNCIL ON THE APPLICATION FOR CONDITIONAL USE PERMIT 94-06, VARIANCE 95-08 AND SITE PLAN 94-05 FOR MONUMENT CONSTRUCTION COMPANY (ARABELLA'S LANDING).**

**WHEREAS**, the Council is required by law to make findings, conclusions and a final decision on Site Plan application SPR 94-05; and

**WHEREAS**, the City has received three appeals of the Hearing Examiner's decision on the Conditional Use Permit CUP 94-06 and Variance VAR 95-08, and the Council is therefore required to also make findings, conclusions and a decision on these appeals; now, therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

1. The applicant is Stanley Stearns, Monument Construction, Inc. (Arabella's Landing), and the subject property is located at 8215 Dorotich Street.
2. The applicant requests three approvals: (a) a site plan for the proposed Arabella's Landing commercial/retail and office space under Chapter 17.96 GHMC; (b) a conditional use permit to allow a yacht club on the property under Section 17.48.030 GHMC; and (c) a variance from the parking standards of Sections 17.48.070 and/or 17.72.030(Q) GHMC.
3. The property is located in the Waterfront Millville (WM) zoning district, Chapter 17.48 GHMC. In this zoning district, the maximum building height is 16 feet (Section 17.48.070.) Additional height may be permitted up to 24 feet if two additional waterview/access opportunities are provided and certain criteria are met. (Id.) The applicant proposes to build a structure which will be 24 feet in height above the main plaza level.
4. **Staff Report.** The City Staff prepared a report on the applications, dated August 23, 1995. In this report, the Staff described the proposal to build a structure housing 4,430 square feet of office/retail space, 2625 square feet for yacht club assembly area (less 825 square feet for kitchen and foyer area) and 6,615 square feet for open plaza area. The combined 13,670 square feet requires 30 parking stalls for the yacht club assembly area, 15 parking stalls for the retail/office space, 41 spaces for moorage, 4 parking spaces for the existing duplex on the property and 2 parking spaces for the existing single family residence on the parcel, for a total of 92 required parking spaces. (Staff Report, p. 6.) The applicant proposes to provide 65 parking spaces.

The Staff recommended denial of the variance because it did not meet the minimum variance criteria. (Staff Report, p. 16.) The Staff recommended that the conditional use permit and site plan be approved, subject to certain conditions.

5. **Hearing Examiner.** On August 23, 1995, the City Hearing Examiner held a hearing on the above applications. The Hearing Examiner issued his written decision on September 22, 1995, which included the following conclusions and decisions with regard to each of the applications:

A. **Variance.** The Hearing Examiner determined that because the proposed development was located in the Waterfront Millville zoning district, the specific parking requirements in the Waterfront Millville district were applicable. (Hearing Examiner decision of September 22, 1995, p. 4-5.) These requirements are:

**17.47.070 Parking and Loading Facilities.** Parking and loading facilities on private property shall be provided in accordance with the requirements of Chapter 17.72 GHMC, except that where there are properties serving multiple uses, parking shall be provided for the combined total of the individual uses.

The applicant argued that Section 17.72.030(Q)(4) applied to this development. Section 17.72.030(Q)(4) reads:

Q. For marinas, moorages, and docks:

... 4. If commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage.

Because the Hearing Examiner determined that the language in Section 17.48.070 was designed to supersede Section 17.72.030(Q)(4) in the Waterfront Millville district, he determined that the applicant's proposal did not contain the required number of parking spaces, and a variance was necessary. (Id., at p. 4-5.)

With regard to the applicant's compliance with the variance criteria, the Hearing Examiner found:

- 1) Section 17.66.030(B)(2): There were no special circumstances applicable to the property such as topography, size, shape or location which is not applicable to other property in the district. On the contrary, the large size and gentle slope of the applicant's parcel allows more development opportunities than most other waterfront parcels. Other nearby developments cited by the applicant as similar examples either comply with the existing code provisions, met the criteria for an approval of a variance, or were approved in accordance with previous code provisions.

- 2) Section 17.66.030(B)(3): In this case, the applicant has cited the unique nature of his proposed yacht club as a special circumstance. He has argued that the bulk of the yacht club members will arrive by boat, not by car. He contends his proposal should not be held to the same parking requirements as a typical yacht club. Therefore, the applicant is in a sense asking for a use variance, not a typical dimensional variance. While a yacht club is conditionally allowed as a use in the Waterfront Millville zone, it is only allowed if it meets all of the criteria and standards including parking. Here, the applicant has argued that his yacht club should not be held to the same standard as other yacht clubs and that a variance from the parking requirements is warranted.
- 3) Section 17.66.030(B)(4): The granting of the variance will constitute a special privilege inconsistent with limitations upon other properties in the vicinity and zone. As noted above, other properties in the area either comply with existing code provisions, met the criteria for approval of a variance, or were approved in accordance with previous code provisions. None of the nearby developments can be looked to as a basis for approval of this variance request.
- 4) Section 17.66.030(B)(5): The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated if use of the yacht club facility is limited to boat traffic, but will be detrimental to the public welfare if the yacht club is served extensively by automobile traffic. It is believed that conditions of approval which would limit the use of the club to those patrons or members coming by boat would be largely unenforceable and the use of a security gate (as recommended by the applicant) may actually result in exacerbating the parking problem in the area if people without proper security clearance come into the yacht club by automobile.
- 5) Section 17.66.030(B)(6): The variance is not the minimum variance necessary to make a reasonable use of the land. A marina with a marina building, a duplex, a single family house, a boathouse, a shed and two garages already exist on the property. One garage is to be demolished as part of this proposal and could still be demolished to provide space for a more intense use, but something less in intensity than is proposed at this time.

(Id., p. 5-6.) Because not all of the criteria in Section 17.66.030 were met, the Hearing Examiner denied the variance. The Hearing Examiner's decision on a variance is final, unless appealed to the City Council. Section 17.66.030(7).

B. Conditional Use Permit. The Hearing Examiner made the following conclusions with regard to the conditional use permit application's compliance with the following criteria:

- 1) Section 17.64.040(A): A conditional use is a use that has been legislatively determined to be allowed within a given zone if appropriate conditions can be imposed to ensure compatibility with those uses which are permitted as a matter of

right within that zone. A conditional use thus carries a fairly heavy assumption of acceptability within the zone it includes. In consideration of any conditional use permit application, the Examiner is required to consider the degree of compatibility which would exist between the use and its particular surroundings and may impose such conditions as are necessary to ensure compatibility. If compatibility can be ensured, then the permit should be approved.

- 2) Section 17.64.040(A): The proposed yacht club is conditionally permitted within the Waterfront Millville zone provided it is determined to be compatible with the surrounding uses.
- 3) Section 17.64.040(B): The granting of the CUP to allow a yacht club on the subject site will not be detrimental to the public health, safety, comfort, convenience and general welfare, provided that it meets the code requirements for parking, that its hours of operation are limited to minimize adverse impacts on the established character of the surrounding neighborhood, and that its use be limited to yacht club activities only.
- 4) Section 17.64.040(C): The yacht club is proposed to be located on the site in such a manner that the office/retail uses would serve as a buffer between the yacht club and the single family residences on Harborview. Also, the yacht club as proposed can be adequately served by public facilities and street capacities without placing an undue burden on those facilities and streets.
- 5) Section 17.64.040(D): The site, while large for the Waterfront Millville District, is not of adequate size to accommodate code required parking for all of the uses within the structure proposed. The yacht club for which the conditional use permit is required should only be approved if adequate parking is provided. Therefore, the site plan will need to be revised to provide adequate parking for the yacht club.

(Id., p. 6-7.) The Hearing Examiner may only approve a CUP if all of the criteria in Section 17.64.040 are met. The Hearing Examiner approved the CUP subject to five conditions, one of which was the provision of the code required parking. (Id. p. 7-8.) His decision on the CUP is final, unless appealed to the City Council. Section 17.10.100(A)(1)(a).

C. Site Plan. The Hearing Examiner made the following conclusions with regard to the application's compliance with the Site Plan criteria:

- 1) Section 17.96.030(B)(1): The proposal is generally consistent with the goals and policies stated in the City's comprehensive plan.
- 2) Section 17.96.030(B)(2): The proposed development is consistent with allowed or conditionally allowed uses in the Waterfront Millville zone.

- 3) Section 17.96.030(B)(3): The proposed site plan provides only 70 percent of the code required parking and is not consistent with the city's zoning ordinance. Therefore, the proposed site plan should not be approved as requested. If the proposal is reduced in intensity with respect to parking, or if parking is provided off-street in accordance with the code, the site plan will be reviewed again by the City.

(Id., p. 7.) The Hearing Examiner recommended denial of the site plan because it did not meet the parking requirements. (Id., p. 8.) His decision on a site plan application is a recommendation, and the City Council makes the final decision. Section 17.10.100(A)(2)(d).

6. On October 5, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP from Robert Frisbee.

7. On October 6, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP from Peter Katich, which appeal was amended on October 9, 1995.

8. On October 10, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP and variance from Stanley Stearns and Gig Harbor Marina, Inc., d/b/a Arabella's Landing.

9. Appeals of the Hearing Examiner's decision must be received by the City within 14 days from the date the final decision of the examiner is received. Section 17.10.160. Notice of the Examiner's decision was sent to the applicant and all parties of record with an appeal deadline of October 7, 1995, but because this was a Saturday, and the following Monday was a holiday, the deadline was extended to October 10, 1995.

10. The City Council considered the appeals and the Hearing Examiner's recommendation on the site plan at their regularly scheduled public meeting on October 23, 1995.

11. The following exhibits were received by the Council at the October 23, 1995 meeting:

A. Memo to Mayor Wilbert and City Council Members from Planning Staff, dated October 23, 1995;

B. Draft City of Gig Harbor Resolution # 456;

C. Hearing Examiner's Findings, Conclusions and Decision/Recommendation on Case No. SPR 94-05, CUP 94-06, VAR 95-08, dated September 22, 1995;

D. Staff Report to Hearing Examiner on SPR 94-05, SUP 94-06, VAR 95-08, dated August 23, 1995;

E. Copy of Site Plan of proposed development, 1 page; Harbor Elevation and Harborview Drive, 1 page; Dorotich St. Elev., 1 page;

- F. Letter to City Councilmembers from Robert G. Frisbie, dated October 4, 1995;
- G. Letter to Ray Gilmore from Peter Katich, dated October 6, 1995;
- H. Letter to Ray Gilmore from Peter Katich, dated October 9, 1995;
- I. Notice of Appeal of Hearing Examiner Decision to the City of Gig Harbor from Stanley Stearns and Gig Harbor Marina, signed by Thomas Oldfield.

12. The Mayor identified the applications to be considered by the Council, and asked whether the Councilmembers had any ex parte contacts or appearance of fairness issues to disclose. Councilmember Markovich stated that he received a telephone conference call a couple of months before from Mr. Sloan and Mr. Oldfield (applicant's attorneys), in which they expressed their unhappiness with the progress of the permit processing at the City. Councilmember Markovich stated that the conversation was very brief and he didn't recall anything else about the substance of the conversation.

The Mayor then asked for a ruling from the City Attorney on the disclosure. The City Attorney asked Councilmember Markovich whether the conversation affected his ability to make an impartial decision on the applications before the Council, and he responded that it did not affect his ability to be impartial at all. Councilmember Markovich participated in this decision.

The Mayor asked if any member of the public wished to challenge any member of the Council on the grounds of appearance of fairness, and there was no response. The Mayor informed the public that the Council's consideration of the applications would be on the record before the Hearing Examiner, and there would be no new testimony presented.

13. **Staff Presentation:** Planner Steve Osguthorpe briefly explained the proposal. He stated that the parking was the biggest issue with regard to these applications because the code requires 92 parking spaces, and the applicant proposes to only provide 65. Mr. Osguthorpe further stated that the yacht club parking requirement was based upon the City Building Code occupancy classification. The number of parking spaces required for a yacht club is greater than for office space.

Councilmember Markovich asked Mr. Osguthorpe whether the Hearing Examiner gave consideration to the height of the proposed structure, and if height was also the subject of a formal request for a variance. Mr. Osguthorpe explained that there is a process to allow additional height of up to 24 feet within the Waterfront Millville District under Section 17.48.060, if two waterview/access amenities are provided. According to Mr. Osguthorpe, the Hearing Examiner determined that the prior development on the site had provided these two amenities, and so additional height could be allowed.

Councilmember Owel asked Mr. Osguthorpe whether the Hearing Examiner's decision on the height issue considered a 1993 agreement signed by the applicant which addressed interpretation

of Section 17.48.060 as to this property and any future development. Mr. Osguthorpe replied that while the staff had reviewed this agreement, it was not entered into the evidence at the Hearing Examiner hearing.

14. Mr. Robert Frisbie, 9720 Woodworth Avenue, Gig Harbor, testified that he appealed the Hearing Examiner's decision because the Examiner revised the applicant's site plan. Mr. Frisbie stated that the Examiner could give the applicant the opportunity to revise his own site plan, but the Examiner could not modify the site plan for the applicant.

Mr. Frisbie explained that because the Examiner did not state where the required parking had to be provided, there was the possibility that the decision could be interpreted to allow the applicant to provide parking off-site. He then began a description of a situation involving the City and an agreement for use of a dock and parking. The City Attorney interrupted him and reminded him that no additional evidence was allowed on appeal.

15. Peter Katich, 3509 Ross Avenue, Gig Harbor, stated that in his appeal, he was representing himself, his wife, Jake and Pat Bujacich, Bruce and Linda Dishman, Clark and Nancy Eaton and Adam and Sherry Ross. All live in close proximity to the proposed development and believe that the Hearing Examiner erred in decided to grant the CUP for the yacht club.

Mr. Katich testified that this neighborhood is unique, as it is comprised of single family dwellings and small commercial businesses, which in conjunction with substantial open space and the marine orientation, provide a village-like character and a very high quality of life. The preservation of the unique character has been formally recognized by the City in the adoption of the Waterfront Millville zoning district and the development regulations which are designed to ensure that this character is not adversely impacted by new development activity. Mr. Katich stated that the proposed development would be utilized continually and be an ongoing nuisance to his quiet neighborhood.

Regarding the issue of frequent use, Mr. Katich noted that the applicant had testified on the record before the Hearing Examiner as to his association with numerous yacht clubs from all over Puget Sound and his intention to make this site a destination for all boaters in the region. Mr. Katich stated that the anticipated success of the yacht club, and its subsequent frequent and heavy use, is the reason he feels that the club will impose adverse impacts on the neighborhood.

In addition, Mr. Katich gave his opinion that the intensity and operational characteristics of a yacht club -- which are similar to a restaurant -- are such that significant parking and noise problems will occur from nighttime and weekend use. This will not only impact the comfort and convenience of the neighborhood and the families living there, but also negatively impact the character of the area and the value of the surrounding property.

Finally, Mr. Katich described the manner in which the Hearing Examiner's decision did not consider the necessary criteria for approval of a CUP. Section 17.64.040(D) clearly requires that

all required parking be provided for a CUP, and the Hearing Examiner's decision which conditionally approves the CUP, is erroneous.

16. Thomas Oldfield, attorney for Stanley Stearns, testified on behalf of the applicant. He noted that if the proposed development were built and used entirely as a professional office, it could be built in that zone without a variance or without a CUP. However, a yacht club is treated as an assembly occupancy, which increased the parking requirement, and under the City staff's interpretation of the zoning code, there was insufficient parking. Mr. Oldfield stated that the applicant had a difference of opinion with the City regarding the applicability of the parking requirement in Section 17.48.070 in the Waterfront Millville district. He explained that this section required the parking requirements to be totalled if there were multiple uses. According to Mr. Oldfield, this is the interpretation used throughout the City.

The second requirement relating to parking is in Section 17.72.030(Q)(4), which refers to residential and commercial uses that are combined with a watercraft related use. Mr. Oldfield gave his opinion that under this section, the use requiring the higher level of parking is the use that will control. He stated that the applicant had tried to make it abundantly clear that the yacht club facility is inexorably tied to the marina facility. According to Mr. Oldfield, the applicant proposed limitations on the use so that only a small portion of the people using the facility could arrive other than by water. The membership in the yacht club was also restricted, under the bylaws submitted by the applicant, to people who are residents and are utilizing the Arabella's landing facility. Mr. Oldfield explained that the proposed yacht club is not a disguised restaurant, and a person cannot come up and buy a membership and dinner.

Councilmember Platt asked Mr. Oldfield how many slips in the marina were permanent slips, and the latter responded that there were 30 permanent and 18 transient. Councilmember Platt then asked whether the yacht club would have 30 members and any other persons who had their boat tied at the marina. Mr. Oldfield replied that the moorage patrons of the marina could either be a yacht club member or have guest privileges as a member of the yacht club. Mr. Oldfield further explained that people coming into the yacht club by boat would have guest privileges, but there would be no ability for a person to come into the yacht club on foot or by car and obtain guest privileges. Mr. Oldfield was also asked whether a person visiting a boatowner would be allowed to join the yacht club, and he responded that the visitor would be allowed as the boater's guest.

Councilmember Owel asked Mr. Oldfield about the definition of membership in the yacht club, and stated that in her review of the bylaws provided by the applicant, she could not find a clear definition. Mr. Oldfield replied that there were problems defining a yacht club in the City code. He noted that while another yacht club currently exists in the City, this club does not have moorage facilities.

On the issue of adverse impacts of the development on the neighborhood, Mr. Oldfield stated that the applicant proposed one condition of approval which would require that there could be no activity in the club that would have any noise audible off site. He found the Examiner's condition that the doors and windows be shut during any activity at the club to be unreasonable.



Mr. Oldfield pointed out that Mr. Stearns had refused to allow a wedding reception to take place at Arabella's Landing recently, and the same wedding party ended up at the City municipal dock with a band until midnight.

Councilmember Picinich asked Mr. Oldfield whether the moorage patrons from both Arabella's Landing and Bayview Marina would be yacht club members. Mr. Oldfield stated that the yacht club would operate in conjunction with both marinas, and that the Bayview Marina only had 9 slips.

Councilmember Ekberg asked Mr. Oldfield how many marina moorage spaces were there, because the project was originally approved for 48 slips and the Staff counted 51, while the applicant's submittals stated that 12 of the 68 marina moorage spaces were limited to transient moorage. Mr. Oldfield stated that about one third of the moorage spaces are not rented on a monthly basis, and are held for transient use.

Councilmember Platt asked Mr. Oldfield if a person pulling his boat into the marina could become a member of the yacht club for the day, and whether membership could be bought one day at a time. Mr. Oldfield replied that a person who was a moorage guest would be extended the privileges of the yacht club.

Mr. Oldfield again addressed the parking issue, and mentioned that the provisions regarding multiple uses in the Waterfront Millville district and the provision regarding uses combined with a watercraft usage can and should be harmonized so that a use which reduces parking demand should have a lower parking requirement. He also mentioned that the proposed development has substantially less density than several surrounding structures.

Finally, Mr. Oldfield stated that an equal protection issue had arisen because of an application before the Hearing Examiner where the City was not recommending that the required parking be provided. The City Attorney reminded Mr. Oldfield that no new testimony could be presented.

17. There were no other persons who wished to speak and the public testimony portion of the meeting was closed.

## **FINDINGS AND CONCLUSIONS**

18. Variance. In order to grant a variance, the Hearing Examiner must find that all of the following criteria are met:

- A. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district;
- B. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other land in the same district and that

literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;

C. The special conditions and circumstances do not result from the actions of the applicant;

D. Granting of the variance requested will not confer a special privilege that is denied other lands in the same district;

E. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;

F. The hearing examiner shall further making a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land.

Section 17.66.030(B).

The Council is reviewing the Hearing Examiner's decision on the variance on appeal. In its review of that record and after receipt of the above testimony and evidence, the Council affirms that portion of the Hearing Examiner's decision which concluded that because the development is located in the Waterfront Millville zoning district, the specific parking requirements in that district (Section 17.47.070) are applicable. As a result, the Council also affirms the Hearing Examiner's decision that because the applicant's proposal did not contain the required number of parking spaces, a variance was necessary.

Because Section 17.66.030 GHMC requires the Hearing Examiner to find that all of the variance criteria have been met in order to approve a variance, and the Examiner did not find that Sections 17.66.030(B)(2), (B)(3), (B)(4), (B)(5) or (B)(6) were satisfied, the Council affirms the Examiner's denial of the variance. The testimony and evidence presented demonstrate that the applicant was only proposing to provide 70% of the required parking for the development. While the evidence did not show that the proposed variance would amount to a rezone, no evidence was presented to demonstrate that any special conditions or circumstances existed which were (1) peculiar to the land; (2) not applicable to other land in the same district; or that the property owner would be deprived of rights commonly enjoyed by others in the district if the code were enforced literally. Quite to the contrary, this particular property allowed more development opportunities than most other waterfront parcels. Because no such special conditions were shown, the Council did not make a finding whether the special conditions resulted from the actions of the applicant.

Given that the code parking requirements were not met for the proposed development, the applicant failed to meet his burden to show how the provision of only 70% of the code-required parking would not be materially detrimental to the public welfare or injurious to the property or

improvements in the surrounding area. Finally, no evidence was submitted by the applicant to demonstrate that the applicant's intended provision of only 70% of the code required parking was the minimum variance needed to make possible the reasonable use of the property.

19. Conditional Use Permit. In order to grant a Conditional Use Permit (CUP), the Hearing Examiner must find that all of the following criteria are met:

1. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;
2. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
3. That the proposed used is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
4. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, and fences, parking loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

Section 17.64.040.

The Council is reviewing the Hearing Examiner's decision on the CUP on appeal. After reviewing that record, the evidence and testimony presented, the Council reverses the Examiner's conditional approval of the CUP. Significantly, the Examiner has premised his approval on the condition that the applicant provide the parking spaces required by the City code, yet under the above criteria in Section 17.64.040, a CUP cannot be granted approval unless the code requirements for parking are met.

In his decision, the Examiner found that the proposed development is not of adequate size to accommodate the code required parking for all of the proposed uses, as required by Section 17.64.040(D). While evidence was also submitted on the adverse effect the proposed development might have on the surrounding neighborhood, the Examiner's failure to find that this CUP application complied with at least two of the mandatory criteria for approval on the parking issue is sufficient for reversal of his conditional approval of the CUP.

20. Site Plan. The Hearing Examiner's recommendation to the Council on a site plan application must demonstrate:

1. Compatibility with the City's comprehensive plan;
2. Compatibility with the surrounding buildings' occupancy and use factors; and
3. All relevant statutory codes, regulations, ordinances and compliance with same.

Section 17.96.030. The Examiner recommended denial of the site plan because it did not meet the code parking requirements.

The Council finds that the site plan is not consistent with the City's comprehensive plan, which allows "medium usage" in this area, and the proposed use is not "medium usage." The evidence presented demonstrates that the applicant anticipates that the yacht club will be frequented by not only the owners of permanent moorage, but also the daily users of the transient moorage of two marinas, and these daily user's guests.

The Council further finds that the Hearing Examiner's decision does not explain how the development, which is proposed to be 24 feet high above the main plaza level, conforms to the maximum height limitation of 16 feet in Section 17.48.060 for the Waterfront Millville district. Finally, the Council agrees with the Hearing Examiner's recommendation that the site plan does not conform to the code requirements for parking, as required by Section 17.48.070. Therefore, the Council adopts the Hearing Examiner's recommendation of denial of the site plan application.

#### DECISION

The City Council renders the following decision on the above applications:  
Variance (VAR) 94-08: Denied.  
Conditional Use Permit (CUP) 94-06: Denied.  
Site Plan (SPR): Denied.

**RESOLVED** by the City Council this 13th day of November, 1995.

APPROVED:

  
MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 11/9/95  
PASSED BY THE CITY COUNCIL: 11/13/95  
RESOLUTION NO. 456

**RESOLUTION NO. 455**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, CONDITIONALLY APPROVING THE SITE PLAN FOR CHAPEL HILL PRESBYTERIAN CHURCH, GIG HARBOR FILE NO. SPR 95-01 AT 4814 ROSEDALE STREET, GIG HARBOR.**

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**WHEREAS**, Chapel Hill applied for three approvals from the City in order to construct a development at 4814 Rosedale Street in Gig Harbor; and

**WHEREAS**, the development required a height variance for the sanctuary and chancel of 24.5 feet, which was approved by the Hearing Examiner under Gig Harbor File No. VAR 95-01 on June 1, 1995; and

**WHEREAS**, the development also required a conditional use permit which was conditionally approved by the Hearing Examiner under Gig Harbor File No. CUP 95-01 on June 1, 1995 and modified upon reconsideration on June 25, 1995; and

**WHEREAS**, the development also required site plan approval, and the Hearing Examiner recommended that the approval be granted subject to three conditions, under Gig Harbor File No. SPR 95-01, dated June 1, 1995, which was modified on June 25, 1995 to eliminate the final condition; and

**WHEREAS**, The City Council rejected the Hearing Examiner's recommendation to conditionally approve the site plan at the Council's regular meeting of July 24, 1995, and determined to hold its own public hearing on the matter; and

**WHEREAS**, the applicant requested that the Council public hearing be scheduled so that all of the City Council members could be present, and so agreed to set the date for the public hearing for September 11, 1995; and

**WHEREAS**, on September 11, 1995, the City Council held a public hearing on SPR 95-01; now, therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

Section 1. The City Council makes the following findings with regard to the site plan application of the Chapel Hill Presbyterian Church:

A. The following portions of the Staff Report dated April 19, 1995 are hereby adopted by reference and supported by the testimony and evidence presented at the public hearing: Sections I, II, III(1), IV, V, VI, VII(1), VII(2) and VII(3).

B. The Council considered the criteria for approval of the site plan, as set forth in GHMC 17.96.030(B).

C. The Council heard testimony from the following persons:

1. Steve Osguthorpe, representing the City Planning Department, who outlined the information in the staff report dated September 11, 1995;

2. Tom Morfee, testified by addressing vegetative buffers and the precedent setting nature of the development;

3. William Linn, attorney for the applicant, who addressed the following aspects of the development and its height, bulk and scale:

a. the large lot mitigates the bulk and scale;

b. the lot is heavily treed and provides a buffer to the adjacent residential development;

c. the lot contains a wetland which provides and additional buffer to the adjacent residential development;

d. the development is compatible with the neighboring residential development;

e. the impacts of the development are oriented towards the freeway;

f. the best evidence of the development's compatibility with the neighboring property are the letters of support from the neighbors;

g. the development is not visible from the residential portions of the neighborhood;

h. the development/property is set back 700 feet from the freeway and from the freeway only the trees are visible;

i. the law requires that the City be flexible when permitting this development due to the possible infringement on First Amendment freedom of religion constitutional rights.

4. Dan Barscher, architect for the applicant, testified on the following aspects of the development;

a. the evolution of the design of the church;

b. the part topography played in the siting and design of the church;

c. the necessity for the "direct link" between the church building and the other structures on the church campus;

d. the background behind the Church's decision to provide the buffers;

e. how the balcony in the portion of the structure subject to the variance is necessary for additional seating, acoustics and to improve sight lines.

5. Mark Toon, Chapel Hill pastor, applicant, testified on the following aspects of the development:
  - a. the need for a new worship center because the current structure only seats 250 people;
  - b. the overcrowded situation at the church now, as people are seated in the gym;
  - c. the present need for a structure to seat 1,500 people;
  - d. the Church's willingness to provide the structure for the community's use as a gathering place for "bona fide" community events.
  
6. Kathy Kagle, neighbor, testified on the following aspects of the development:
  - a. that she lives on a private street near the church and thinks that congregants will use the private street for fast access to and from the church if there is no way to restrict such access;
  - b. her desire that the Church block the access, and states that otherwise, the Church has been a good neighbor.
  
7. Bill Reed, testified that the development was a good one, and that he was in support of the site plan approval.
  
8. Joseph Meyers testified that the Church was not asking for a typical variance in which only the applicant's needs were considered. In this situation, the variance benefits a large number of people, and he recommended that the Council approve the development.
  
9. Exhibits A through Z and AA through LL were admitted into evidence.

Section 2. Based upon the above findings, the City Council makes the following conclusion and decision:

**A. Conformity with Criteria for Site Plan Approval.**

**1. GHMC Section 17.96.030(1): Compatibility with the City's Comprehensive Plan.**

The site plan application is not compatible with the City's comprehensive plan. However, the Hearing Examiner has granted a variance to allow the Church to construct a portion of the church structure to a height of 59'6". The Hearing Examiner's decision on the variance is final.

The City Council is also aware of the legal restrictions on the City's regulation of the Church's exterior. Two Washington Supreme Court cases address the issues raised by the Church's planned development and the permissible extent of the City's regulation: Sumner v. First Baptist Church, 97 Wn.2d 1, 639 P.2d 1358 (1982); First Covenant Church v. Seattle, 120 Wn.2d 203, 840 P.2d 174 (1992). The City Council's decision to conclude that the site plan may be approved even



though not consistent with the site plan approval criteria and the City's comprehensive plan is consistent with the Court's decision in both of these cases, and will not set a precedent for other applications not involving churches or First Amendment rights to free exercise of religion.

**2. GHMC Section 17.96.030(2): Compatibility with the surrounding buildings' occupancy and use factors.**

The structure as proposed is compatible with the surrounding buildings and uses. The landscaping, buffers and wetlands all serve to ensure compatibility with surrounding residential uses. Although one neighbor raised concerns with regard to congregant's use of a private road, the City does not have the authority to require that the Church restrict access on a private road to ensure that members of the public are excluded. This is a matter to be resolved by the private property/easement owners.

**3. GHMC Section 17.96.030(3): All relevant statutory codes, regulations, ordinances and compliance with the same.**

The Council concludes that the site plan as submitted, together with the conditional use permit and variance approved by the Hearing Examiner, complies with applicable codes.

**DECISION**

The City Council hereby approves SPR 95-01, subject to the following conditions:

1. The project shall meet all setback requirements of the R-1 zoning district;
2. The separate parcels shall be combined into one lot of record or a binding site plan shall be recorded which ties the parcels together.
3. Fire flow must be provided to within 150 FT of all portions of the building in accordance with the Section 10.401, 1991 Uniform Fire Code. Fire hydrants and water mains may need to be extended up the existing road to the North Creek Lane right of way to provide the necessary fire protection.
4. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (See Appendix III-A & B): Portions of buildings which are separated by one or more **four-hour** area separation walls constructed in accordance with the Building Code, **without openings and provided with a 30-inch parapet**, are allowed to be considered as separate fire areas in accordance with Appendix III-A, 1991 UFC. A complete fire flow analysis must be provided by the Civil Engineer who will be designing the site utility system.
5. A complete code analysis will be required to determine if auto-fire sprinkler systems and other fire protection will be required. Additional information will be required, such as:

Use classifications of all rooms and areas, building type of construction, area separation walls and their types of construction

6. Access must be provided to all areas in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards. A private walk must be provided from the public sidewalk to the main entrance of the building. Accessible parking stalls must be provided in accordance with the Washington State Standards for Access.
7. Roadway emergency vehicle access must be provided around the building complex with maximum grades of 15%, minimum inside radius of 20 feet with a minimum outside radius of 45 feet and a minimum width of 24 feet.
8. A fire resistant roof will be required in accordance with Chapter 32, 1994 UBC. The existing shake roof must be replaced with an approved fire resistant roof.
9. If the main entrance to the site is being changed to Skansie Ave. the address will need to be revised to **7700 Skansie Ave.** The address numbers must be posted at the entrance sign. Use contrasting letter colors to the background. Size of letters to be readily visible from Skansie Ave.
10. Fire lanes must be signed and painted to maintain required access. Fire hydrants must be maintained accessible. Paint curbs and areas in front of fire hydrants.
11. The existing fire hydrant on the northeast corner of the property is not accessible as shown on the site plan. Relocate or make accessible.
12. Due to the height of the new sanctuary fire department access and staging areas are required and a complete review by Fire District No. 5 is required.
13. Fire department knock box, alarm panels and occupant notification (announcing system) are required.

**RESOLVED** by the City Council this 25th day of September, 1995.

APPROVED:



MAYOR PRO TEM, CORBETT PLATT

ATTEST/AUTHENTICATED:

  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 9/10/95  
PASSED BY THE CITY COUNCIL: 9/25/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 454**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR AUTHORIZING THE FORMATION OF A CITIZENS COMMITTEE TO DEVELOP A DESIGN GUIDELINES MANUAL WHICH IMPLEMENTS THE COMMUNITY DESIGN ELEMENT OF THE REVISED CITY OF GIG HARBOR COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Gig Harbor Planning Commission, in its role as the citizens land-use advisory commission for the City of Gig Harbor, needs to allocate sufficient time to accomplish assigned tasks for 1995; and,

**WHEREAS**, the Planning Commission's work schedule for 1995 requires that several tasks be accomplished within the first six months of the year; and,

**WHEREAS**, an efficient and timely method of accomplishing multiple planning tasks is the use of planning commission subcommittees and/or ad-hoc citizens technical/advisory committees; and,

**WHEREAS**, the development of design guidelines should be undertaken by a group of interested citizens who have varied experience, backgrounds and interests in construction, development and design; and

**WHEREAS**, a design guidelines technical committee was convened in April of 1995 and commenced work on a design guidelines manual for the City; and

**WHEREAS**, substantial progress has been made on the development of a preliminary draft, the complexities of design guideline issues and need for a comprehensive approach to design guidelines for the City and its urban growth area is of such a substantial undertaking that the design guidelines technical committee needs more time in order to develop its recommendation to the City Planning Commission.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

Section 1 Formation of Design Guidelines Technical Committee. There shall be formed an ad-hoc committee (Design Guidelines Technical Committee) to develop a Design Guidelines Manual for presentation to the City of Gig Harbor Planning Commission. The Mayor shall provide public notice on the formation of the ad hoc committee and shall request interested citizens to submit a statement or letter of interest which includes relevant expertise. A statement or letter of interest must be submitted by no later than February 15, 1995. The City Council shall review all letters of interest submitted and, following review at a special meeting, shall submit its preference to the Mayor. Membership shall be by appointment of the Mayor and by approval of

the City Council, by no later than March 1, 1995.

Section 2 Representation on the Design Guidelines Technical Committee. The Design Review Technical Committee shall be composed of the following:

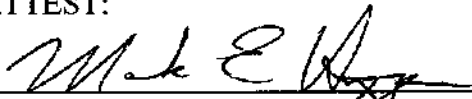
- ♦ Two members of the City of Gig Harbor Planning Commission.
- ♦ One professional building designer, engineer or land-use planning specialist.
- ♦ One licensed professional architect.
- ♦ One professional contractor or builder.
- ♦ Two lay citizens residing within the City who have displayed an interest in community design.

Section 3. Responsibilities of the Design Guidelines Technical Committee. The Design Guidelines Technical Committee shall develop, with assistance provided by the City of Gig Harbor Planning-Building staff, a design guidelines manual which implements the goals and policies of the City of Gig Harbor Comprehensive Plan Community Design Element. The Technical Committee shall provide a recommendation to the City of Gig Harbor Planning Commission on the proposed design guidelines manual. The Technical Committee may meet as often as it deems necessary and all meetings shall be in accordance with the Open Public Meetings Act. A recommendation to the Planning Commission shall be submitted by no later than December 31, 1995. Upon a final recommendation of the Planning Commission to the City Council, the Design Guidelines Technical Committee's responsibilities shall terminate and the committee shall be dissolved.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 28th day of August, 1995.

  
\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator  
Filed with City Clerk: 8/23/95  
Passed by City Council: 8/28/95

**RESOLUTION NO. 453**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING A STREET USE PERMIT TO DOUG AND JEANETTE SORENSEN TO PLACE A FENCE IN THE RIGHT-OF-WAY ALONG NORTH HARBORVIEW DRIVE IN GIG HARBOR.**

WHEREAS, Doug and Jeanette Sorensen (the "Sorensens") of 9409 N. Harborview Drive, constructed a fifty foot long fence in the City right-of-way along North Harborview Drive; and

WHEREAS, the City's construction of certain improvements along North Harborview Drive necessitated the removal of the Sorensens' fence, as well as vegetation which provided visual screening of the Sorensen's house from the street; and

WHEREAS, the Sorensens desire to replace the fifty foot fence along Harborview Drive, to add another fifty feet of fencing, and to construct the entire fence to a height of six feet; and

WHEREAS, because the Sorensen's previous fence was located in City right-of-way, the Sorensens had no vested right to replace the fence and were required to obtain a right-of-way use permit under Gig Harbor Municipal Code chapter 12.02; and

WHEREAS, GHMC Section 12.02.020 requires that the applicant for a right-of-way use permit present evidence to the City that the applicant is either the owner or entitled to possession of the property adjoining the public right-of-way or place sought to be used; and

WHEREAS, GHMC Section 12.02.030(C) requires that the requested use meet all other applicable requirements of the Gig Harbor Code, including, but not limited to, the underlying zoning regulations applicable to the adjacent property upon which the use will be conducted;

WHEREAS, GHMC Section 17.08.010(C) prohibits the installation of a fence in the front yard which exceeds three feet in height; and

WHEREAS, on July 17, 1995, the Public Works Director denied the Sorensen's application for a right-of-way use permit as inconsistent with the underlying zoning regulations; and

WHEREAS, on July 25, 1995, the Sorensens timely appealed the Public Works Director's decision and paid the required appeal fee pursuant to GHMC Section 12.02.060; and

WHEREAS, on July 31, 1995, the City Council considered the application and related materials, and heard testimony by the City Staff and the applicant on the permit denial; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council makes the following findings of fact with regard to the Sorensen application for a right-of-way permit:

1. The City right-of-way directly abutting the Sorensen's property is steeply sloped, and placement of a fence in front of the Sorensen residence on the City right-of-way is necessary for safety reasons;
2. The City has constructed a three foot high fence on the City right-of-way, but this fence does not provide adequate privacy to the Sorensens, due to the steepness of the property's slope;
3. The steep slope further prevents the Sorensens from installing a fence on their own property which would provide the necessary protection and maintain privacy;
4. Although the maintenance of public view corridors are an important objective of the City, the objective must be balanced against a property owner's reasonable expectation of privacy; and furthermore, the placement of the desired fence in the City right-of-way would not block the view corridor at the driveway entrance;
5. The applicants' need for a fence is not at issue, but rather its height;
6. The Public Works Director has not expressed any concerns related to sight distance or safety with the fence proposed by the Sorensens, either in the planned location or to a height of six feet; and
7. The public safety interests can be served and the privacy concerns of the applicant can be satisfied by the granting of the street use permit to the height requested by the applicant.

Section 2. Based upon the above findings of fact, the City Council hereby reverses the decision of the Public Works Director and grants the Sorensens' application for a right-of-way use permit for a fence six feet in height, to be placed along North Harborview Drive adjacent to the Sorensen's property frontage and/or adjacent to the parcel immediately to the north of the Sorensen property, for a length of up to one hundred feet. This grant is contingent upon the Sorensen's compliance with all requirements of chapter 12.02 GHMC for issuance of a street use permit. Construction of the fence up to a length of one hundred feet along North Harborview Drive requires the submission of an application by the owners of the property adjacent to the area where the fence will be placed, or the holders of a possessory interest in such property. In addition, the Sorensens will be responsible for removing the existing fence and transport of the existing fence materials to the City Public Works Shop. All costs relating to installation, repair, maintenance and removal of the fence installed by the Sorensens shall be the responsibility of the Sorensens.

Section 3. This Resolution shall be incorporated by reference and become a part of the street right-of-way use permit. All other conditions of chapter 12.02 GHMC shall apply to such permit including Section 12.02.050 pertaining to revocation.

RESOLVED by the City Council this 11th day of September, 1995.

APPROVED:

  
MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 8/23/95  
PASSED BY THE CITY COUNCIL: 9/11/95  
RESOLUTION NO. 453



**CITY OF GIG HARBOR  
RESOLUTION 452**

**WHEREAS**, Holy Family School Association has requested site plan approval to operate a school in the existing church facility at 7701 Skansie Avenue; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 14, 1995; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 21, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 21, 1995; and,

**WHEREAS**, the City Council, during its regular meeting of August 14, 1995 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:


That the findings, conclusions and recommendations of the hearing Examiner in his report dated July 21, 1995, are hereby adopted and the site plan is approved subject to the following conditions:

1. If the school increases the number of students beyond a maximum of 25, or extends the use beyond five years of the final date of this decision, the applicant shall submit a new traffic study to identify traffic impacts. If traffic impacts are identified, the applicant shall be responsible for mitigating the identified impacts.
2. If the school increases the number of students beyond a maximum of 49 or extends the use beyond five years of the final date of this decision, the applicant shall be responsible for providing curbs, gutters and sidewalks along Skansie


Avenue along the property frontage of St. John's Episcopal Church.

3. The applicant shall provide a letter from the Tacoma-Pierce County Health Department regarding the adequacy of the existing drainfield for the increased use at the church site. If the Health Department determines that the existing septic system is not adequate to serve the additional use, the church facility shall be required to connect to the sanitary sewer system

**PASSED**, by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of August, 1995.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Submitted to the City Clerk: 8/3/95  
Passed by City Council: 8/14/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 451**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR  
AUTHORIZING THE FORMATION OF A CITIZENS COMMITTEE TO DEVELOP  
TRANSPORTATION AND PARK IMPACT FEE PROGRAMS.**

**WHEREAS**, the City of Gig Harbor Planning Commission, in its role as the citizens land-use advisory commission for the City of Gig Harbor, needs to allocate sufficient time to accomplish assigned tasks for 1995; and,

**WHEREAS**, the Planning Commission's work schedule for 1995 requires that several tasks be accomplished within the first nine months of the year; and,

**WHEREAS**, an efficient and timely method of accomplishing multiple planning tasks is the use of planning commission subcommittees and/or ad-hoc citizens technical/advisory committees; and,

**WHEREAS**, the development of an impact fee program should be undertaken by a group of interested citizens who have varied experience, backgrounds and interests in the development of impact fee programs for parks and streets,

**WHEREAS**, an impact fee technical committee should represent the citizens of the City of Gig Harbor and the affected community.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
GIG HARBOR:**

Section 1 Formation of Impact Fee Technical Committee. There shall be formed an ad-hoc committee (Impact Fee Technical Committee) to develop Transportation and Park Impact Fees for presentation to the City of Gig Harbor Planning Commission. The Mayor shall provide public notice on the formation of the adhoc committee and shall request interested citizens to submit a statement or letter of interest which includes relevant expertise. A statement or letter of interest must be submitted by no later than August 9, 1995. The City Council shall review all letters of interest submitted and, following review at a special meeting, shall submit its preference to the Mayor. Membership shall be by appointment of the Mayor and by approval of the City Council, by no later than August 21, 1995.

Section 2 Representation on the Impact Fee Technical Committee. The Impact Fee Technical Committee shall be composed of the following:

**CITY OF GIG HARBOR  
RESOLUTION NO. 450**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.**

**WHEREAS**, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously adopted a Comprehensive Street Program, including an arterial street construction program, and thereafter periodically modified said Comprehensive Street Program by resolution, and

**WHEREAS**, the City Council has reviewed the work accomplished under the said Program, determined current and future City street and arterial needs, and based upon these findings has prepared a Six-Year Transportation Improvement Program for the ensuing six (6) calendar years, and

**WHEREAS**, a public hearing has been held on the said Six-Year Transportation Improvement Program, and

**WHEREAS**, the City Council finds that there will be no significant adverse environmental impacts as a result of adoption or implementation of the Six-Year Transportation Improvement Program,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

Section 1. Program Adopted. The Six-Year Transportation Improvement Program for the City of Gig Harbor, as revised and extended for the ensuing six (6) calendar years (1996-2001, inclusive), a copy of which is attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth, which Program sets forth the project location, type of improvement and the estimated cost thereof, is hereby adopted and approved.

Section 2. Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together with the Exhibit attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.

RESOLVED this 24th day of July, 1995.

APPROVED:

  
MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARK HOPPEN

FILED WITH THE CITY CLERK: May 31, 1995  
PASSED BY THE CITY COUNCIL: July 24, 1995  
RESOLUTION NO. 450



*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**CITY OF GIG HARBOR  
SIX YEAR TRANSPORTATION IMPROVEMENT PLAN NARRATIVE  
1996 - 2000**

**1) PIONEER WAY/KIMBALL DRIVE IMPROVEMENTS - Grandview Street to Stinson Avenue**

The proposed improvements in this project consist of construction of a new traffic light at the Kimball Drive/Pioneer Way intersection, replacement of the existing traffic light at the Grandview/Pioneer Way intersection, channelization improvements on Kimball Drive at the Pioneer Way intersection, asphalt overlay of Pioneer Way, traffic light coordination and expansion of the existing Park & Ride lot.

**2) JUDSON STREET IMPROVEMENTS - Soundview Drive to Pioneer Way**

The project consists of replacement of the existing water line, construction of sidewalk on both sides of the street, overlaying the existing pavement with asphalt concrete pavement.

**3) ROSEDALE STREET - Harborview Drive to West City Limits**

The project consists of replacement of the existing water line, construction of sidewalks at least on one side of the street, construction of a bicycle lane, construction of enclosed storm drainage system and overlaying of the street with asphalt concrete pavement.

**4) PRENTICE STREET - Burnham Drive NW to Fennimore Street**

The improvements with this project include minor widening, enclosed storm drainage system, curbs, gutters and sidewalk construction on one side of the street.

**5) HARBORVIEW DRIVE - Soundview Drive to East end of Harborview Drive**

The purpose of the project is to rehabilitate and improve the east boundary of Harborview Drive. This project consists of minor widening, enclosed storm drainage, curb, gutter and sidewalk construction. The existing pavement will be overlaid with asphalt concrete pavement. Depending upon availability of funds, brick pavers will be utilized in pedestrian access areas.

**6) BURNHAM DRIVE - Prentice Avenue to Harborview Drive**

This project proposes to build curbs, gutters and sidewalk along with an enclosed storm drainage system on one side of the street. The project is primarily proposed to address storm drainage and pavement conditions.

**7) EAST WEST ROAD - From SR-16 to Crescent Valley Road**

This project proposes to build a new arterial street from SR-16 from the Swede Hill Interchange area to Crescent Valley Road. The primary intent of the project is to relieve the existing traffic congestion on the existing County and City roads. The first phase of the project is from SR-16 to Peacock Hill Avenue. The second phase is from Peacock Hill Avenue to Crescent Valley Road.

**8) HUNT STREET OVERCROSSING - From Hunt Street to Hunt Street**

This project proposes to build a new bridge over SR-16 at the Hunt Street location to relieve existing traffic congestion at the Olympic Interchange and Pioneer Interchange areas.

**9) KIMBALL DRIVE CONNECTOR - From Hunt Street to Soundview Drive**

This new arterial road is proposed to relieve existing/future traffic congestion on Hunt Street and Soundview Drive. The proposed road is to be built on the right-of-way, between the City traffic signal and SR-16.

**10) REPAIR AND RESTORATION OF VARIOUS STREETS**

This project proposes to pave various roadway surfaces and to improve storm drainage on various public streets throughout the City.

**11) EMERGENCY**

City: GIG HARBOR  
 City No: 0490  
 County No.: 27

Hearing Date: July 24, 1995  
 Adoption Date: July 24, 1995  
 Resolution No. 450

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P r i o r i t y N o	PROJECT IDENTIFICATION  DESCRIPTION OF WORK  (Street name or number, Co. road name or number, termini beginning & end. Describe work to be done.)	m a j o r i t y N o	T O T A L L I N G T H S A N D S O F D O L L A R S	F U N D I N G S O U R C E	OBLIGATION SCHEDULE				PROJECT COSTS IN THOUSANDS OF DOLLARS						
					Y E A R				FEDERAL			STATE		LOCAL	TOTAL FUNDS
					1st Annl Elmt	2nd	3rd	4,5 6th	CMA	STP	UATA	TIB			
					6	7	8	9	10	11	12	13	14	15	
1	PIONEER WAY /KIMBALL DRIVE IMPROVEMENTS Grandview Road to Stinson Avenue. - Traffic light construction at Grandview Road and Kimball Drive intersection. Channelization improvements and repaving. Expansion of existing Park & Ride Lot is also included in this project.	4,12,21	0.15	6	1000						865			135	1000
2	JUDSON STREET IMPROVEMENTS Soundview Drive to Pioneer Way Overall street repair and restoration with Asphalt Concrete Pavement overlay and partial sidewalk construction.	4,5	0.18	8	178									178	178
3	ROSEDALE STREET City limits to Harborview Drive.- Overall street repair and restoration, curb, gutter, sidewalk, bike lane and water line construction.	4,5	1.40	8	790						570			220	790
4	PRENTICE STREET Burnham Drive N.W. to Fennimore Street Minor widening, enclosed storm drainage, curb, gutter and sidewalk improvements on one side of street.	4,5	0.30	9				110						110	110
5	HARBORVIEW DRIVE Soundview Drive to East End of Harborview Drive Minor widening, enclosed storm drainage curb, gutter and sidewalk construction. Replacing or repairing the existing pavement. Street lighting and landscaping will be also included in the scope of this project	4,5	0.33	7	526						439			87	526
6	BURNHAM DRIVE N.W. North Harborview Drive to Harborview Drive Minor widening, enclosed storm drainage, curb, gutter and sidewalk improvements on one side of street	4,5	0.35	9				130						130	130
7	EAST - WEST ROAD SR - 16 to Crescent Valley Drive New arterial road with curbs, gutters, sidewalk and all utility construction. The first pahse of the project is from SR - 16 to Peacock Hill and the second phase is frpm Peacock Hill to Crescent Valley road.	1	1.90	6				8000		4000		3600	400	8000	
8	HUNT STREET OVERCROSSING New three lane bridge construction on SR-16 to connect Hunt Street on both sides of the freeway.	1,8	0.14	7				4500		3000		1400	100	4500	
9	KIMBALL DRIVE CONNECTOR From Hunt Street to Soundview Drive New roadway to relieve traffic congestion on Hunt Street and Soundview Drive area.	1	0.73	6				1800		1000		600	200	1800	
10	REPAIR & RESTORATION OF VARIOUS STREETS This project includes various street and storm drainage improvements on Public Alleys.	34				35	35	35	35					110	110
11	EMERGENCY	5				50	50	50	50					20	20



**RESOLUTION NO. 449**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, SETTING CHARGES AND FEES FOR THE PHOTOCOPYING AND TRANSCRIPTION OF PUBLIC RECORDS.**

WHEREAS, the City of Gig Harbor is adopting an ordinance which requires the City Clerk to set fees and charges for the provision of photocopies and transcriptions of public records, and

WHEREAS, RCW 42.17.300 permits agencies such as cities to impose a reasonable charge for providing photocopies of public records so long as the charge shall not exceed the amount necessary to reimburse the agency for its actual cost incident to such photocopying, and

WHEREAS, the City Clerk has prepared a schedule of fees that relates photocopying costs and transcription costs to fees charged to the public, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The "Interim Public Records Index and Fees Schedule," attached as Exhibit A hereto and incorporated herein by this reference as if set forth in full, is hereby adopted as the official schedule of fees and charges for photocopying and transcription costs of public records for the City of Gig Harbor.

RESOLVED this 10th day of July, 1995.

APPROVED:

  
CORBETT PLATT, MAYOR PRO TEM

ATTEST/AUTHENTICATED:

  
MARK E. HOPPEN, CITY CLERK

FILED WITH THE CITY CLERK: 7/3/95  
PASSED BY THE CITY COUNCIL: 7/10/95  
RESOLUTION NO. 449

Exhibit 'A'

**INTERIM PUBLIC RECORDS INDEX AND FEES SCHEDULE  
FOR THE CITY OF GIG HARBOR  
7/6/95**

Photocopying of Public Records:	\$ .10 per copy
3 cents for paper/supplies/copier cost	
7 cents per copy for staff time	
Transcription of Recorded Material:	\$35.00 per hour
Mailing of copies:	Actual U.S. Postal rates

**CITY OF GIG HARBOR  
RESOLUTION NO. 448**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, EXPRESSING STRONG OPPOSITION TO THE ADOPTION OF A POLICY, BEING PROPOSED JOINTLY BY THE UNITED STATES DEPARTMENT OF ENERGY AND UNITED STATES DEPARTMENT OF STATE, TO ACCEPT AND MANAGE SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS BY SHIPMENT THROUGH THE PORT OF TACOMA, WASHINGTON.**

WHEREAS, the United States Department of Energy and the United States Department of State are jointly proposing to adopt a policy to manage spent nuclear fuel from foreign research reactors; and

WHEREAS, nuclear fuel containing uranium enriched in the United States of America would be covered by this policy; and

WHEREAS, the purpose of this policy is to promote United States nuclear weapons nonproliferation policy objectives, specifically seeking to reduce highly enriched uranium from civilian commerce, and

WHEREAS, the environmental effects and policy considerations of three management alternative approaches for implementation of the proposed policy and assessed; and

WHEREAS, alternative number one would be the acceptance and management of the spent nuclear fuel by the Department of Energy in the United States; and

WHEREAS, under alternative number one the spent nuclear fuel will be shipped by ocean-going vessels from foreign countries to the United States of America; and

WHEREAS, the City of Gig Harbor is a municipality in the County of Pierce and shares waters in close geographic proximity to the Port of Tacoma; and

WHEREAS, the Port of Tacoma is considered one of ten ports through which the shipment of spent nuclear fuels would occur, and

WHEREAS, the Draft Environmental Impact Statement (DEIS) was prepared to address the Proposed Nuclear Weapons Nonproliferation Policy Concerning Foreign Research Reactor Spent Nuclear Fuel; and

- A. the DEIS has used outdated information about the Port of Tacoma, its terminals, its operations, and the surrounding area;
- B. the DEIS did not consider the deep-water depth in the Puget Sound area, which will

cause substantial problems in recovery of nuclear fuel shipping containers in case of accident, especially considering the limited integrity standard for containers pertaining to water;

- C. the DEIS fully ignored the harm which can be caused to the population and environment of the area in case of an explosion and fire aboard a vessel navigating Puget Sound;
- D. the DEIS did not recognize the status of Commencement Bay as a superfund site, the stigma attached to this designation, and the expansion of this stigma by Alternative Number One;
- E. the DEIS ignored the significant cleanup effort by the Port of Tacoma, the City of Tacoma, the industries in Commencement Bay, and the associated crippling business interruption issues;
- F. the DEIS stated that part of this material would be of interest to unfriendly nations and/or terrorists, and yet did not provide adequate risk and consequence information of a complete, explosive breach of the nuclear fuel by disgruntled persons or terrorists;
- G. the DEIS did not consider the security aspect of these shipments through the Port of Tacoma, the City of Tacoma, Pierce County, and the State of Washington;
- H. the DEIS did not adequately address the life cycle costs or benefits and risks of the proposed alternatives;
- I. the DEIS fully ignored the fairness and equity issues of selecting the smaller ports in lower population areas after implying the risks were virtually inconsequential; and

WHEREAS, the record for the safe operation and handling of nuclear materials in United States Department of Energy regulated facilities is less than satisfactory, and there are facilities owned and operated by the United States Government capable of receiving and handling this nuclear material, and

WHEREAS, the United States House Budget Resolution eliminates the United States Department of Energy thereby creating funding uncertainties, and

WHEREAS, the United States Department of Energy has failed to properly answer a question in a meeting conducted by the Port of Tacoma, in Tacoma on the 22nd of May, 1995, (reference Attachment 'A') pertaining to the effect of radiation in the environment should a shipping cask be damaged during the handling process in the Port, or to respond in writing to that question as promised and; NOW, THEREFORE,

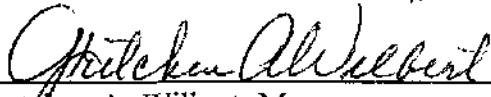
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council of Gig Harbor, Washington, strongly opposes adoption of a policy, being proposed jointly by the United States Department of Energy and United States Department of State, to accept and manage spent nuclear fuel from foreign research reactors by shipment through the Port of Tacoma, Washington.

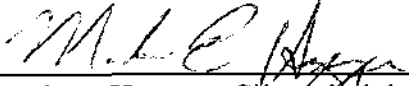
Section 2. Copies of this Resolution shall be transmitted to President Clinton, Vice President Gore, the United States Department of Energy, the United States Department of State, the Washington State Congressional delegation, the Washington State Legislature, the Office of the Governor, the Pierce County Executive, the King County Council and Executive.

RESOLVED by the City Council this 26th day of June, 1995.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator/Clerk

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 6/21/95  
PASSED BY THE CITY COUNCIL: 6/26/95



**Seattle Office**  
1305 Fourth Avenue  
Cobb Building, Suite 208  
Seattle, Washington 98101  
(206) 382-1014  
FAX (206) 382-1148

**Washington, D.C. Office**  
Washington, D.C. Representative:  
Honorable Don Bonker  
c/o APCC  
1155 21st Street NW, Suite 1000  
Washington, D.C. 20036  
(202) 778-1019  
FAX (202) 466-6002

**Board of Directors**  
Mark Bloome, Chairman  
Sharon Bloome, President  
Honorable Don Bonker,  
Member of Congress, 1974-1989  
Bruce Hilyer  
Del Keehn  
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**Executive Director**  
Gerald M. Poller

## HeartOfAmericaNorthwest

*'Advancing our region's quality of life.'*

### **Fact Sheet and Testimony Tips for Citizens regarding U.S. Department of Energy's Proposed Shipments Importing High-Level Nuclear Waste from Foreign Research Reactors through Puget Sound or Portland**

#### LAST PUBLIC HEARING

6:00 PM on Monday, June 19, 1995 at the Tacoma Public  
Utilities Building, Auditorium, 3628 S. 35th Ave.  
(on the corner of 35th and Union)

- \* Proposed shipments are "High-Level Nuclear Waste", extremely radioactive "spent nuclear fuel". USDOE avoids the term "High-Level Nuclear Waste" in the notices, ads and EIS for the hearing.
- \* Hearings are on the Draft EIS ( Environmental Impact Statement ) for a policy to return to the U.S. for disposal the "spent nuclear fuel" from foreign 'research' reactors in 41 nations.
- \* In 1986, a federal court barred the USDOE from importing these casks of spent fuel through the Ports of Seattle or Tacoma unless an EIS was prepared considering all environmental and human health impacts and reasonable alternatives; one key potential impact that USDOE never considered is the *very real potential for a shipboard fire on inland waters ( i.e., Puget Sound or Elliott Bay ), which could breach the casks and release a vast deadly cloud of radiation.*
- \* The Seattle City Council has twice passed resolutions opposing such High-Level Nuclear Waste shipments through Seattle ( contact City Council Member Jane Noland, chair Utilities Committee ), and ILWU Locals 8 ( Portland ) and 19 ( Seattle ) have passed resolutions stating that they will refuse to handle these High-Level Nuclear Waste shipments, which pose unacceptable exposure risks to workers.
- \* USDOE began taking waste from foreign reactors even before the EIS was issued. South Carolina took USDOE to court over this violation of NEPA ( the federal law requiring the EIS ) for Belgium's reactor wastes. The proposed importation policy is based on a claim that importing these nations' wastes is a nonproliferation policy decision. Belgium is hardly a nuclear weapons "proliferation" risk.
- \* Other nations from whom we will take waste under the proposed policy include Japan, Australia, Canada, Sweden, Switzerland, Taiwan .... U.S. taxpayers will subsidize the importation and pay for the disposal costs of these nuclear wastes, including bearing all costs for the reactor wastes from "developing" nations. Thus, these countries will not bear the financial or environmental burdens of their decisions to operate these nuclear reactors.
- \* The USDOE is considering use of normal, regularly scheduled commercial shipping lines for the transport of the High Level Nuclear Waste casks through Puget Sound and Portland.
- \* Casks are allowed under U.S. regulations to emit 200 millirem per hour at the surface, the equivalent to approximately 10 full body X-rays per hour. Longshoremen and the public will receive potentially significant exposures if commercial freighters are used and waste casks are offloaded in Portland, Tacoma or Seattle and trucked through city streets and highways to Hanford or INEL. Children stuck in traffic alongside or behind such a waste shipment could receive a significant dose. No state or local regulation of routes or hours for trucking the wastes is permitted by USDOE.

May 1995



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TACOMA-PIERCE COUNTY CHAMBER OF COMMERCE

Resolution  
to the  
Board of Directors  
from the  
Chair, Port-Industrial Committee

**SUBJECT: Importation of Spent Nuclear Fuel Through the Port of Tacoma**

**POLICY:** The Chamber opposes the importation of spent nuclear fuel through the Port of Tacoma as not in the best interest of the region or this community; social, safety and economic impacts must be weighed by the U.S. Department of Energy.

**BACKGROUND:** The nation has embarked upon a program designed to lessen the potential for proliferation of nuclear weapons. The U.S. Department of Energy and U.S. Department of State are proposing a policy to manage spent nuclear fuel that contains uranium enriched in the U.S. but used in foreign research reactors. A draft environmental impact statement examines the impacts associated with carrying out this policy objective. That draft environmental impact statement is open to written public comment until June 20, 1995.

The policy seeks to reclaim Highly Enriched Uranium (HEU) from the civilian reactors of 41 countries. While the HEU will be replaced with Low Enriched Uranium (LEU), HEU is capable of being processed into weapons and LEU is not. This transfer is estimated to take 13 years and involve an average of 5 shipments of HEU per month.

This is an anti-terrorist program. However, only about 4% of the materials will come from countries of special interest for non-proliferation. Much will come from countries not considered proliferation threats (e.g. Japan, Canada, Switzerland) or already non-threatening nuclear powers (e.g. France, Great Britain).

Once complete, this transfer would encourage a safer world. DOE representatives have said there is interest in similar programs with China, Russia and Republic of South Africa. These programs, once implemented, would increase the frequency and/or duration of transfer shipments.

A process has been followed which results in ten civilian and military ports under consideration for through-put of these shipments. Tacoma and Seattle were placed on the original list for consideration but Seattle has been removed based on population count, according to comments by U.S. Department of Energy representatives at a fact-finding meeting sponsored by the Port of Tacoma May 22, 1995.

The benefits associated with movement of these containers is similar to the movement of any cargo.

CITY OF GIG HARBOR  
RESOLUTION NO. 447

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR  
CORRECTING THE LEGAL DESCRIPTION FOR THE AREA KNOWN AS THE GIG  
HARBOR INTERCHANGE (ANX 91-07).

WHEREAS, in August of 1994, ANX91-07 was approved by the City Council; and,

WHEREAS, in February of 1995, Ordinance #690 was adopted, effectively annexing this area to  
the City of Gig Harbor and,

WHEREAS, the legal description submitted with the ordinance as exhibit "A" is not the correct legal  
description as preferred by Pierce County; and,

WHEREAS, the corrected legal description, which is attached, contains two minor corrections.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG  
HARBOR:

A corrected legal description which is attached as exhibit "A" is hereby approved by the Gig Harbor  
City Council.

RESOLVED by the City Council this 12th day of June, 1995.

APPROVED:

  
\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 6/8/95  
Passed by City Council: 6/12/95

95 JUN 15 PM 2: 59  
RECORDED  
CATHY PEARSON-STIPER  
AUDITOR PIERCE CO. WASH

a-9-



**EXHIBIT "A"****LEGAL DESCRIPTION FOR GIG HARBOR INTERCHANGE ANNEXATION  
ANX 91-07**

PORTIONS OF SECTIONS 7, 8 AND 18, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.,  
PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HUNT STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF SAID SECTION 18, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE OF 46TH AVENUE NW.; THENCE NORTHERLY ALONG SAID PROLONGATION AND SAID WESTERLY RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 72ND STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 7; THENCE EASTERLY ALONG SAID LAST MENTIONED PROLONGATION AND SAID NORTHERLY RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE WESTERLY LINE OF LOT 7 OF THE PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE IN SAID SECTION 7; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 16; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE TO A LINE 660 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 7; THENCE EASTERLY PARALLEL WITH, AND 660 FEET SOUTH OF, THE NORTH LINE OF SECTION 7, ALONG SAID LINE TO THE EASTERLY LINE OF LOT 2 OF AFORESAID PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE, IN SAID SECTION 7; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 2 AND 3 AND/OR ITS WESTERLY PROLONGATION OF SAID PLAT IN SAID SECTION 7 TO THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID STATE ROUTE 16; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE TO SAID NORTHERLY RIGHT-OF-WAY LINE OF 72ND STREET NORTHWEST; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE EASTERLY LINE OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY, AS DESCRIBED IN QUIT CLAIM DEED TO CITY OF TACOMA, RECORDED AS AUDITOR'S FILE NO. 8205070163 AND AS SHOWN HATCHED ON EXHIBIT "A" ATTACHED THERETO, BEING SHEETS 7 AND 9 OF 52 SHEETS OF THAT CERTAIN MAP OF DEFINITE LOCATION ENTITLED SR 16, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF STINSON AVENUE; THENCE NORTHEASTERLY IN A DIRECT LINE TO THE NORTHWESTERLY CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED UNDER AUDITOR'S FILE NO. 2883468; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF PIONEER WAY; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY

**CITY OF GIG HARBOR  
RESOLUTION NO. 446**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, WHICH ESTABLISHES FEES FOR LAND USE PLANNING AND BUILDING APPLICATIONS AND PERMITS AND DELETING THE FEES FOR RADON TEST KITS.**

**WHEREAS**, the City of Gig Harbor has established such fees by Resolution; and,

**WHEREAS**, the Washington State Building Code Council has deleted the requirement for radon test kits to be issued for each residential building permits, effective July 1, 1995; and,

**WHEREAS**, the \$15.00 fee for a radon test kit should be deleted.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, AS FOLLOWS:**

\*\*\*

**F. SPECIAL INSPECTIONS (AND PERMITS):**

1) **Fire Marshal Inspections.** There is hereby imposed a \$20.00 inspection fee for all inspections carried out pursuant to the provisions of Section 2.201 of the Uniform Fire Code as now enacted or hereafter amended. The \$20.00 inspection fee shall include two reinspections for the purpose of ensuring the correction of any deficiencies noted in a prior inspection. If additional reinspections are necessary to ensure correction of any deficiency or defect, the Gig Harbor fire marshal shall charge a fee of \$30.00 per hour with a one-hour minimum and to be computed in one-quarter-hour increments, not to include travel time. All requested inspections which require a report will be processed under subsection Q4 of this section, Building Official Inspections.

2) **Article IV Permits.** The fire prevention bureau shall charge fees for processing permit applications required pursuant to Article IV of the Uniform Fire Code as now enacted or hereafter amended. The amount of the fee shall be set by resolution of the Gig Harbor City Council and fee schedules shall be made available to members of the public upon payment of photocopying charges. When any occupancy requires multiple permits, the Gig Harbor fire marshal shall charge the highest of the several fees plus one-half of all other required fees.

3) **After Hours Inspection.** For any inspections authorized or required pursuant to the Uniform Fire Code and for which it is necessary to have an inspection made after normal business hours, which are Monday through Friday, 8:30 a.m. until 5:00 p.m., or on recognized City of Gig Harbor holidays, the Gig Harbor City Fire Marshal shall charge an inspection fee of \$45.00 per hour with a minimum of one hour to be measured in quarter-hour increments including travel time.

4) **Building Official Inspections**

Non-classified request

\$50

Reinspection fee assessed under provisions of Section 305 G \$30 each

Additional Plan Review required by changes, additions or revisions to previously approved plans \$30/hour (minimum charge of 1/2 hour)


~~5) **Radon Testing.** The applicant for a building permit to construct a new single-family or multi-family building within the City of Gig Harbor shall pay \$15.00 for each living unit to cover the cost of supplying the owner of each new living unit a three month etched track radon measuring device in accordance with a new section to RCW Chapter 19.27.~~

**65) Building /Plumbing/Mechanical Permit Fees.** Building /Plumbing/Mechanical permit fees shall be based upon the most recent fee schedule as adopted by the State Building Code Council in the respective Uniform Code.

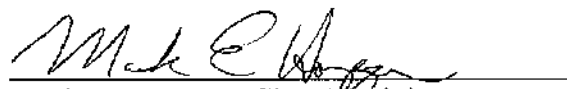
**76) Energy Code Inspection.** Energy Code Inspection Fees shall be those as established in the Special Plans Examiner/Special Inspector Program, Policies and Procedure Handbook (April, 1994, Utility Code Group, Bellevue, WA).

\*\*\*

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 6/3/95  
Passed by City Council: 6/12/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 445**

**WHEREAS**, Lita Dawn Stanton has requested site plan approval for a coffee shop and office located at 3615 Harborview Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated April 16, 1995; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on April 16, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated May 2, 1995; and,

**WHEREAS**, the City Council, during its regular meeting of June 12, 1995 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON  
HEREBY RESOLVES AS FOLLOWS:**

That the findings, conclusions and recommendations of the hearing examiner in his report dated May 2, 1995, are hereby adopted and the site plan is approved subject to the following conditions:

1. The rear parking stalls shall be shifted to the east to provide an 8 foot landscaped setback along the western property line, and shall be shifted to the north to provide the required landing space at the bottom of the back door steps.
2. The parking agreement between the applicant and the off-site property owner shall be entered into and shall contain the following:
  - A. The address and Assessor's tax parcel of the property providing the off-site parking.
  - B. The duration of the parking agreement, as applicable.
  - C. A statement that the applicant or owner of the business at 3615 Harborview Drive, Pierce County Assessor's tax parcel number 0221053113, shall bear the responsibility to notify the City within 30 days of the termination of the parking agreement.

- D. The parking agreement shall state that should the use approved subject to Conditional Use Permit 95-02 cease, the parking agreement between the parties shall terminate, and the applicant or its successor in interest, shall not have use of the off-site parking for any other, subsequent application, unless specifically approved by the City.
- E. The parking agreement shall state that should off-site parking cease to be made available to the owner or operator of the business located at 3615 Harborview Drive, Pierce County Assessor's tax parcel number 0221053113, the use approved subject to Conditional Use Permit 95-02 shall cease.
- F. The parking agreement shall state that off-site parking spaces will be identified as exclusive to the coffee shop pursuant to Conditional Use Permit 95-02.

The parking agreement shall be filed as a covenant to the parcel's affected by the agreement and shall be recorded with the Pierce County Auditor and run with the land subject to the agreement. The document shall be recorded prior to issuance of an occupancy permit for the facility.

3. A final landscape plan which indicates plant species, size and spacing consistent with GHMC Section 17.78 shall be submitted to and approved by the Planning Staff prior to issuance of an occupancy permit.

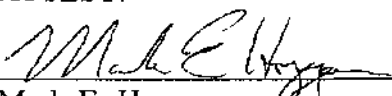
4. The structure and site must conform to current fire, building code and handicap access requirements.

5. Either additional parking shall be provided for the existing office space on the subject Tarabochia property which meets the requirements of Chapter 17.72 of the Gig Harbor Zoning Code or the use of said office must be terminated prior to the opening of the proposed coffee shop.

**RESOLVED** by the City Council this 12th day of June, 1995.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 6/4/95  
Passed by City Council: 6/12/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 444**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO EXTENSION OF WATER AND SEWER SERVICES OUTSIDE OF THE CITY LIMITS, CLARIFYING THAT RESOLUTIONS 164 AND 173 WERE SUPERSEDED BY THE ADOPTION OF ORDINANCE NO. 660. (CHAPTER 13.34.6 HMC).**

WHEREAS, on November 8, 1982, the City Council passed Resolution No. 164 on the subject of water and sewer extensions outside of the city limits; and

WHEREAS, on July 11, 1983, the City Council amended Resolution No. 164 by the passage of Resolution No. 173; and

WHEREAS, on January 24, 1994, the City Council adopted Ordinance No. 660 on the subject of water and sewer extensions outside of the city limits, but neglected to mention that the Ordinance superseded and replaced Resolutions No. 164 and 173; and

WHEREAS, Ordinance No. 660 has now been codified as chapter 13.34 of the Gig Harbor Municipal Code, and


WHEREAS, chapter 13.34 GHMC contains all of the City's policies and procedures for the City's approval of sewer and water extensions outside of the city limits; now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON HEREBY RESOLVES AS FOLLOWS:

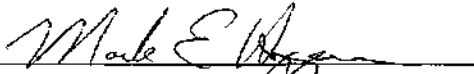
Section 1. The City Council hereby declares that Resolutions No. 164 and 173 were superseded by chapter 13.34 GHMC (Ordinance No. 660).

RESOLVED by the City Council this 12th day of June, 1995.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator/Clerk

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 6/5/95  
PASSED BY THE CITY COUNCIL: 6/12/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 443**

A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, ESTABLISHING POLICY ON DESIGNING, MODIFYING AND MAINTAINING PUBLIC STREETS TO FACILITATE BICYCLE USAGE.

WHEREAS, the bicycle is a legitimate vehicle and as is suggested in the Intermodal Surface Transportation Efficiency Act of 1991 should be an integral part of the transportation system; and

WHEREAS, the City of Gig Harbor wishes to encourages the use of bicycles as a means of transportation within the City; and

WHEREAS, inexpensive roadway improvements can facilitate bicycle travel, and often an improvement that aids bicycle travel will aid motor vehicle travel as well; and

WHEREAS, other measures can be taken to improve conditions for bicyclists on public streets.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON:

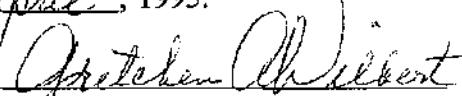
SECTION 1. That a Bicycle Advisory Committee is hereby established:

SECTION 2: That comments of the Bicycle Advisory Committee will be solicited and considered when amending the City's Public Works Standards or designing road improvements:


SECTION 3: That the City will strive to budget and spend at least \$1 per capita, per year, on bicycle facilities and events:

SECTION 4: That the City will strive to be a Bicycle Friendly Community and to meet the criteria of the League of American Bicyclists' Bicycle Friendly Community Program.

ADOPTED by the City Council this 24th day of April, 1995.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

\_\_\_\_\_  
Filed with City Clerk:  
Passed by City Council:



**CITY OF GIG HARBOR  
RESOLUTION NO. 442**

**WHEREAS**, Charles Hunter, representing Harborview Condominium Homeowners Association, has requested approval of a shoreline substantial development permit to allow an expansion of the existing moorage facility at 3219 Harborview Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended approval of the shoreline permit in a staff report dated November 16, 1994; and,

**WHEREAS**, a public hearing was held on November 16, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS**, a revised site plan was submitted the day of the public hearing, resulting in a two week extension of the Hearing Examiner's deadline for making a decision; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions based upon the staff report and upon input received at the public hearing and has recommended approval of the application in his report dated December 19, 1994; and,

**WHEREAS**, a request for reconsideration of the Hearing Examiner's decision was submitted asking that the hearing examiner reconsider a limitation on a moorage slip; and,

**WHEREAS**, a second request for reconsideration of the Hearing Examiner's decision was submitted based upon allegations that the proposed use did not conform to code regulations for non-conforming development; and,

**WHEREAS**, the hearing examiner denied the requests for reconsideration based upon findings and conclusions in his reconsideration report dated January 26, 1995; and,

**WHEREAS**, the City Council held its own de novo public hearing on March 13, 1995; and,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

Section 1. The Gig Harbor City Council enters the following Findings of Fact relating to the shoreline substantial development permit SDP 94-05 for Charles L. Hunter.

## FINDINGS OF FACT

A. The Harborview Condominium Marina is a covered marina which consists of 51 slips. Only one of these slips is greater than 45 feet in length. Under the City's code, 26 parking stalls are required for the Marina, but there are now 31 stalls on site. Two of these parking stalls do not meet the minimum stall size of 9 X 19 feet and the parking lot does not conform to current landscaping requirements under the City's zoning code. The parking lot was constructed prior to the City's adoption of landscaping requirements. Because the Shoreline Master Program now prohibits covered moorage and requires public access and/or view corridors, the Marina is legally non-conforming with respect to the covered moorage and the non-landscaped parking lot which lies in the view corridor.

B. This application involves a substantial development permit application for the addition of three new uncovered boat slips of 19 X 60 feet to the marina, and also a slip on the end of the dock to replace the existing end slip. GHMC Section 17.76.020 requires that 3 parking stalls be provided for these new slips for a total on-site parking requirement of 29 spaces.

C. The information contained in Sections I through VII of the Planning Staff Advisory Report, dated November 16, 1994 is found by the City Council to be supported by the evidence presented during the hearing except that Section V in the Staff Report indicates that there will be a net increase of 2 slips, when there would actually be a net increase of 3 slips if the end slip is included. The Council hereby adopts these portions of this report, attached hereto as Exhibit A, and incorporates it by reference as the Councils' findings of fact for this application, noting that Section V of the staff report does not include the end slip in the stated number of new slips.

D. Testimony was presented at the hearing by the staff that the proposed development meets the general goals and policies for development of the shoreline as stated in Part 2 of the City's Shoreline Master Program, and also the specific goals and policies for marina development stated in Part 3.11 of the Shoreline Master Program, with the exception of the requirement for a pump-out facility. The requirement for a pump-out facility was therefore included in the staff report as a recommended condition of approval.

E. Testimony was presented by John Paglia, attorney for neighboring property owner Adam Ross, that the existing marina structure does not meet setback requirements, visual access requirements and does not comply with the zoning code requirements for non-conforming structures.

F. Testimony was presented by Tom Semon, who claimed that the restrictions on moorage suggested by the Hearing Examiner would take a way the rightful use of their leased land. The Hearing Examiner had recommended that no vessels be tied to the end of the dock after construction of the slips unless the applicant could demonstrate that there will be at least 18 feet between the outer harbor line and any portion of the dock (based upon a pending survey of the outer harbor line by the state).

G. Testimony was presented by Bob Frisbie, who submitted a letter to the City Council and Mayor, outlining certain issues to be determined with regard to this application. In particular, Mr. Frisbie's March 13, 1995 letter asked (1) whether the Harborview Condominium is required to landscape their parking area; (2) should the applicant be required to provide water view and/or waterfront access opportunities; (3) should the pump-out facility be required; and (4) does Regulation 7, in Chapter 3.11 of the Shoreline Master Program apply to an existing marina?

H. Carol Morris, assistant city attorney, opined that the SMP nonconforming development provisions apply to this application, not the zoning code nonconforming development provisions. This is because the Council must base its decisions on shoreline permit appeals on the criteria in the SMP (SMP Sec. 4.03(B)(3)). These criteria are contained in SMP 4.03(A)(4) and Sec. 4.08(C)(2), and none reference the City's zoning code. Furthermore, the SMP (Sec. 4.14) adopts the same nonconforming development definitions and regulations as contained in WAC 173-14-055, and this WAC requires these regulations to apply where there are no nonconforming standards in a local government's shoreline master program. The logical inference to be made from this language is that the legislature did not intend to allow zoning code nonconforming development standards to apply to shoreline development.

In response to the issue whether the City could permit development before a determination of the exact location of the Harbor Line, Ms. Morris stated that the City's approval of this application would only authorize the construction to proceed, and not ensure that all provisions of applicable codes, regulations, and other laws had been complied with. The duty to ensure compliance rests with individual permit applicants, builders and developers. As a result, the approval of construction plans which are dependent upon accurate surveys, and the City's satisfactory inspections, do not absolve a builder from the legal obligation to comply with applicable laws, such as the SMP and Harbor Line restrictions.

I. Testimony was presented by Richard Williams who introduced himself as the owner of the neighboring Pleasurecraft Marina. He stated he was in favor of the project and doesn't see any problem with the ingress/egress. He added he didn't see the need for any agreements.

J. Testimony was presented by Paul Gustufson who said he knew the history of the marina and said that it had been built closer than the 12 foot set-backs. He added that the way it was built also diminished from the value of the Ross property by not allowing sufficient turning area. He requested the Council's careful consideration of this project to avoid further effects on the surrounding property owners.

## CONCLUSIONS

K. Based upon the above findings, the City Council makes the following conclusions:

1. Parking. Because the Harborview Marina currently has a surplus of 3 conforming parking stalls on site, and the proposed development requires a net increase of 3

parking stalls (with one existing stall being retained for the relocated end moorage slip), no new parking stalls are required under this application.

## 2. Landscaping.

a. The parking lot was constructed for the Harborview Marina before new parking lot landscaping requirements (GHMC Section 17.78.080) were adopted. There, the parking lot is legally nonconforming with regard to the issue of landscaping. There are no SMP regulations which require a legally nonconforming development to be brought into compliance with the existing SMP when the development is expanded in a manner which does not increase its nonconformity.

b. Although this application requires a net increase of 3 new parking stalls, these stalls currently exist at the Harborview Marina parking lot. No new parking stalls will be constructed.

c. Under GHMC Section 17.78.080, parking lot landscaping and screening requirements are applicable to parking lot areas providing spaces "for more than 10 cars and all nonresidential uses of land and development". (Emphasis added.) Although this application contemplates nonresidential use of land and development, it does not also involve parking for more than 10 cars. No requirement for landscaping is therefore imposed upon this application.

3. Although SMP Sec. 3.05(1)(a) requires a view corridor for all commercial development and restricts parking from being located in required view corridors, there was no requirement for view corridors and restrictions of parking within view corridors at the time the Harborview Marina parking lot was originally approved. The parking within Harborview Marina's view corridor is therefore legally non-conforming.

## 4. Expansion of Nonconforming Use.

a. The SMP prohibits any additional covered moorage, but this application proposed three new uncovered slips to a legally nonconforming marina.

b. The Council concludes that the SMP provisions relating to nonconforming development apply here, not the zoning code provisions. SMP Sec. 4.14(A) allows nonconforming development to continue "provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity". (Emphasis added.)

c. The addition of these three new uncovered slips do not enlarge, intensify, increase or alter the nonconforming development in any way which increases its nonconformity.

5. Harbor Line.

a. SMP Section 3.11(7) and GHMC Section 17.76.020(B) require that any moorage on private property must be at least 12 feet from a side property line unless there is evidence of an agreement among property owners for joint use of common side lot lines.

b. The applicant does not have an agreement with other property owners for joint use of common side lot lines.

c. The applicant's ability to construct two or three slips is also contingent upon the determination of the Harbor Line for Gig Harbor Bay. As a result, the Council concludes that no construction shall take place until the Harbor Line has been finally established, to ensure that such proposed development is in compliance with the determination of the Harbor Commission, and all related state regulations.

d. In addition, the proposed development shall conform to the requirements of SMP 3.311(7) and GHMC Section 17.76.020(B). Any construction of the proposed development must be at least 12 feet from a side property line, notwithstanding that the construction may otherwise be in compliance with the submitted plans, drawings and elevations submitted with the shoreline substantial development application.

6. Pump Out Station. SMP Sec. 3.112(9) requires all new, expanded or renovated existing marinas to have pump out facilities. A pump out facility is therefore required for this permit application because it adds three slips to an existing marina.

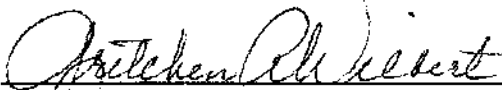
### DECISION

Based upon these findings and conclusions, review of the exhibits and public testimony, the Gig Harbor City Council hereby approves the shoreline development permit for application No. 94-05, by applicant Charles L. Hunter, subject to the following conditions:

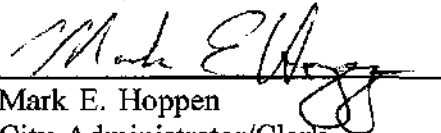
1. Except for the moorage indicated on the submitted site plan, no other moorage is permitted, e.g., no vessels shall be tied to the side of the dock in the required side yard setback and no vessels shall be tied to the end of the dock where any portion of a vessel exists on the outer harbor line.
2. The new slips shall not be covered.
3. Prior to permit issuance, a pump-out facility plan shall be submitted to and approved by the Gig Harbor Public Works and Planning Departments. The pump-out shall be conveniently accessible to all boats. The pump-out facility shall be installed and operational prior to issuance of an occupancy permit.

4. The project shall comply with all HPA (hydraulics permit) requirements as determined by the Department of Fisheries.
5. The marina fire flow system must be upgraded to provide the protection required under section (6), Appendix II-C, 1991 Uniform Fire Code. Hose stations, fire lines, cross connection control and fire department connections must be provided.
6. A street fire hydrant must be made available within 150 feet of the Marina and fire department connection.
7. A knox box will be required for the gate key if one is not already provided.
8. A complete plan review will be completed upon submittal of plans for a building permit.
9. Signs shall be placed on the northwest side of the expanded moorage facility stating "no moorage allowed".
10. No construction shall take place until the Harbor Line has been finally established.
11. Any construction of the proposed development must be at least 12 feet from a side property line, notwithstanding that the construction may otherwise be in compliance with the submitted plans, drawings and elevations submitted with the shoreline substantial development application.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 27th day of March, 1995.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

**CITY OF GIG HARBOR  
RESOLUTION NO. 441**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR,  
WASHINGTON, ADOPTING NEW PERSONNEL REGULATIONS FOR CITY  
EMPLOYEES**

**WHEREAS**, on April 23, 1990, the Gig Harbor City Council passed Resolution No. 280, which adopted the personnel regulations currently in effect; and

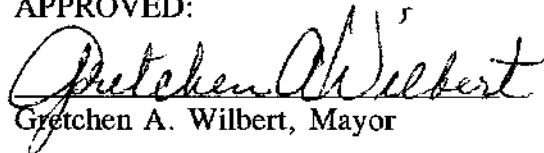
**WHEREAS**, the Council has determined that the current personnel regulations need to be updated, now, therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY  
RESOLVES AS FOLLOWS:**


Section 1. The City Council hereby adopts the 1995 City of Gig Harbor Personnel Regulations, attached hereto as Exhibit A and incorporated herein by this reference. These 1995 regulations supersede all other personnel regulations or personnel manuals previously adopted by the Council.

RESOLVED by the City Council this 13th day of March, 1995.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
Mark E. Hoppen, City Administrator

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

Filed With The City Clerk: 3/9/95  
Passed By The City Council: 3/14/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 440**

**WHEREAS**, David Fisher, Representing Rush Construction, has requested approval for a planned unit development (PUD) for the construction of 29 residential units at approximately 4410 Alastra Lane; and,

**WHEREAS**, the Gig Harbor City Council has adopted guidelines for the reviewing of planned unit developments as outlined in GHMC section 17.90; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the PUD, in a staff report dated November 16, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on December 21, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said PUD in his report dated January 5, 1995; and,

**WHEREAS**, the City Council, during its regular meeting of January 23, 1995 reviewed the proposed PUD and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council remanded the proposal back to the Hearing Examiner to consider parking and density related issues; and

**WHEREAS**, the proposal was revised by increasing the parcel size and reducing the density which provided a more traditional parking arrangement for single family houses; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted another public hearing on the revised site plan on February 15, 1995 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions on the revised PUD site plan in his report dated March 2, 1995; and

**WHEREAS**, the City Council has determined that the PUD and the recommendation of the Hearing Examiner are consistent with City codes and policies regulating Planned Unit Developments; and

**WHEREAS**, the City Council has determined that the development would provide significant public benefits including an affordable housing alternative within City limits consistent with the Housing Element of the City's Comprehensive Plan, retention of 50 percent open space, and a design which promotes pride of ownership in higher density housing, in exchange for the increased density and other code exceptions as defined on the site plan and elevation drawings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:



That the findings, conclusions and recommendations of the Hearing Examiner in his report dated January 5, 1995 and the Hearing Examiner's report of March 2, 1995, are hereby adopted and the Planned Unit Development is approved subject to the following conditions:

1. Fire flow must be provided to within 300 FT of each entrance to each parcel in accordance with the Section 10.401, 1991 Uniform Fire Code
2. Required fire hydrants and access must be provided as per the Uniform Fire Code and as approved by the Fire Marshall.
3. The hammer head turn-a-rounds which are at the ends of roadways over 150 FT from public roadways must remain accessible. The roadways and turn-a-rounds must be identified as fire lanes.
4. The project shall conform to section 2B.070 of the Public Works Standards referring to private streets, including the provision of a 24 foot roadway and curbs gutters and sidewalks on one side of the street as approved by the Public Works Department.
5. Water and sewer must come from Skansie. Minimum grade from 76th Street must be maintained for the sewer line. No inside or outside drops will be allowed. Water might be looped with the PTI Waterline, depending upon the fire flow requirements. The adjacent duplexes may hook into the proposed sewer line subject to approval by the Director of Public Works and subject to a connection fee in an amount to be approved by the Director of Public Works.
6. The entire roadway must be overlaid along Skansie and 76th Street wherever the sewer line is installed.
7. Maintenance of all privately owned PUD common areas and the landscaping and/or plantings contained therein, shall be permanently maintained by a home owners association. The association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
  - A. The enforcement of covenants imposed by the landowner or developer.
  - B. The levying and collection of assessments against all lots to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.
8. A final landscaping plan for the common areas within the plat shall be submitted to and approved by the Planning Department prior to permit issuance. The plan shall include, (a) provisions for a mechanical irrigation system in the central common green area, and


- (b) the plant size and species used to re-vegetate the disturbed portion of the perimeter buffer. Landscaping shall be consistent with all zoning code requirements and shall be installed prior to occupancy of the last 6 units.
9. (c) All trees within 10 feet of the rear property lines and which have a trunk diameter of 6 inches or more shall be surveyed, flagged, and recorded with the Planning Department prior to commencement of major excavation. Each tree lost due to disturbance or root damage during construction shall be replaced with two fir trees, minimum 6 foot tall. Existing trees will be considered lost or damaged if excavation occurs within the drip line of the tree's canopy. This will result in significant root damage, thereby threatening the health of the tree over the long term.
  10. Strict limits of disturbance shall be complied with on this project, This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g. a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber).
  11. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 120% of the contractors bid for all improvements required under the preliminary plat and PUD approval shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements to City standards within the time specified shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.
  12. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval.
  13. Construction on the project must commence within 12 months from the date of Council Action on the PUD; otherwise, the approval of the application becomes null and void (GHMC Section 17.90.080). Prior to the 12 month construction commencement deadline, and prior to permit issuance, the applicant shall apply for preliminary plat approval. The preliminary plat shall conform to the design and layout of the approved PUD and shall be consistent with GHMC Section 16.16.
  14. The design of structures and landscaping on the property shall be consistent with the approved PUD and architectural designs. These shall be recorded with the Pierce County Auditor's office either as an attachment to the plat or as a separate recording. If recorded separately, the plat shall reference the recording number. Minor design and dimension alterations which do not alter the general scale, character, or intensity of development as shown on the recorded documents may be approved jointly by the Planning Director and owner or homeowner's association. Major amendments shall be approved only through City-adopted amendment processes for PUD's and the joint approval of all owners of the

property.


15. In conjunction with preliminary plat approval by the City Council, drawings of utilities and roadway details shall be submitted to and approved by the Public Works Department.
16. Prior to or in conjunction with the preliminary plat approval, the PUD portion of the site (as illustrated) and the single family residence portion of the site shall be formally platted as separate parcels.
17. The PUD shall include a 30-foot fire access easement across the parcel proposed for the existing house and which is to be platted as a separate parcel from the PUD. The easement shall be improved with a minimum 24-foot traversable surface wherever two-way traffic is involved, and a minimum 15-foot wide traversable surface for one-way traffic. One-way traffic shall be established beyond the point of driveway access to the existing residence, i.e., if the easement is used for normal residential purposes, it shall be considered two-way. Any portion of the fire access which is 15% or greater slope shall be paved with asphalt.
18. Prior to final plat approval, a six foot high solid wood fence shall be constructed along the west property line and along the westernmost 280 feet of the south property line.
19. Pursuant to GHMC section 17.90.060.C, within three (3) years of PUD approval, the applicant shall file with the City Council a final subdivision plat for the PUD.
20. The landscaping plan submitted as required in Condition 8 of the January 5, 1995 Hearing Examiner's decision shall also maximize the amount of landscaping placed adjacent to the water line located in the buffer area.
21. Sidewalks shall be located on the east (uphill) side of the roadway only.
22. Units 22 and 23 shall be located far enough back from the sidewalk to accommodate a 20-foot distance between the garage and the street pavement.
23. Units 8 - 10 and 19 - 20 shall be located far enough back from the sidewalk to accommodate a 20 foot distance between the garage and the inside edge of the sidewalk.
24. To avoid a decrease in the minimum of 50% open space, the number of parking spaces in the community parking lots shall be reduced an equivalent amount.

**RESOLVED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 13th day of March, 1995.

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 1/17/95

Passed by City Council: 3/14/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 439**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON,  
WHICH ESTABLISHES FEES FOR LAND USE PLANNING AND BUILDING  
APPLICATIONS AND PERMITS**

**WHEREAS**, the City of Gig Harbor has established such fees by Resolution; and,

**WHEREAS**, the Gig Harbor City Council has requested that the Planning-Building Department evaluate fees on an annual basis and, as necessary, proposed adjustments to the fee schedule; and,

**WHEREAS**, based upon a review of current fee schedules respective to the total costs of processing the application, the costs of copying services and the adoption of new building code programs statewide, adjustments to the fee schedule are deemed necessary and appropriate.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, AS FOLLOWS:**

The Planning and Building fees for various land use development applications and permits are established as follows:

**A. LAND USE DEVELOPMENT APPLICATION FEE**

**1) Amendment to Comprehensive Plan**

Map Designation	\$750
Text	\$400
Map change + text	\$1,000

**2) Amendments to Zoning Code**

Zoning District Boundary	\$425
Text	\$275
Boundary change + text	\$650

**3) Conditional Use Permit** \$450

~~Associated with Site Plan Review~~ \$50

**4) Variance** \$450

~~Associated with Site Plan Review~~ \$50

Administrative Variance No Charge

**5) Planned Residential District** \$75

**6) Site Plan/Binding Site Plan Review**

Occupancy Change (no external structural changes)	\$200
0 - 10,000 sq. ft. commercial floor area (CFA)	\$75/each 1000 sq. ft.
10,001-20,000 sq. ft. CFA	\$100/each 1000 sq. ft.
>20,000 sq. ft. CFA	\$125/each 1000 sq. ft.
Multifamily (3 or more attached dwelling units)	\$200 + \$25/dwelling unit

7) **Land Clearing/Erosion Control**

Permit	\$100
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8) **Subdivisions**

Preliminary Plat	\$550 + \$25 per lot
Final Plat	\$25 per lot
Replats	\$225
Amendments	\$150

9) **Short Subdivisions**

<del>Preliminary Plat</del> Summary Action	<del>\$375</del>
<del>Final Plat</del>	<del>\$150</del>
<del>Plat</del> Amendment	<del>\$75</del>
Boundary Line Adjustment	\$30

10) **Shoreline Management Permits**

Substantial Development (based upon actual costs or fair market value, whichever is higher)

< \$10,000	\$100
> \$10,000 < \$100,000	\$350
> \$100,000 < \$500,000	\$700
> \$500,000 < \$1,000,000	\$1,200
> \$1,000,000	\$1,700
Variance (w/o SDP)	\$400
<del>Variance with SDP</del>	<del>\$75</del>
Conditional Use (w/o SDP)	\$400
<del>Conditional Use with SDP</del>	<del>\$75</del>
Revision	\$150

Ground Sign, electric	
25-50 sq. ft.	\$60
51-100 sq. ft.	\$70

**B. ENVIRONMENTAL REVIEW (SEPA)**

1) Checklist	\$150
2) Environmental Impact Statement	
Prepared by Staff	\$1,000 + \$45/hour
Prepared by Private Party	\$250 + \$45/hour
3) Appeals of Decisions	
Conditioning/Denying of Permit	\$200
Administrators Final Determination (DNS or EIS)	\$150 + Hearing Examiners costs for review (Examiner costs waived for listed parties of record within 300 feet of project site).

**C. ANNEXATION PETITION**

Less than 10 acres	\$250
10 - 50 acres	\$200
50 - 100 acres	\$300
100 + acres	\$400
	\$500

**D. UTILITY EXTENSION REQUEST** \$100

**E. REQUESTS FOR INFORMATION**

1) Land-use information, verbal	No Charge
2) Land-use information, written response requested related to active permit	No Charge
3) Land-use information, written response requested, file search required	Cost of Copying Requested Documents

	Request for Exemption	\$15
<b>11)</b>	<b>Wetlands/Critical Areas Analysis</b>	
	Steep Slopes/Erosion Hazard	\$15
	Critical Habitat	\$35
	Wetlands Preliminary Site Investigation	\$35
	Wetlands Report Review	\$75
<b>12)</b>	<b>Appeals to <del>Hearing Examiner</del></b>	
	<del>To the Hearing Examiner</del>	
	Administrative Variance	\$225
	Administrative Decision	\$120
	Requests for Reconsideration of Examiner's decision	\$85
	<del>To the Building Code Advisory Board</del>	<del>\$250</del>
<b>13)</b>	<b>Appeals to City Council</b>	
	Appeal of Hearing Examiner Decision:	\$100
<b>14)</b>	<b>Sign Permits</b>	
	All signs less than 25 sq. ft.	\$20
	Change of Sign, all sizes	\$20
	Request for Variance	\$150
	Projecting	\$35
	Wall Sign, nonelectric	
	25-50 sq. ft.	\$35
	51-99 sq. ft.	\$45
	>100 sq. ft.	\$55
	Wall Sign, electric	
	25-50 sq. ft.	\$40
	51-99 sq. ft.	\$50
	>100 sq. ft.	\$60
	Ground Sign, nonelectric	
	25-50 sq. ft.	\$50
	51-100 sq. ft.	\$60



- 3) **Preapplication Conference** No Charge
- 4) **Preapplication Conference, written summary of meeting** \$75

**F. SPECIAL INSPECTIONS (AND PERMITS):**

~~1) **Encroachment Permits** \$10~~

1) **Fire Marshal Inspections.** There is hereby imposed a \$20.00 inspection fee for all inspections carried out pursuant to the provisions of Section 2.201 of the Uniform Fire Code as now enacted or hereafter amended. The \$20.00 inspection fee shall include two reinspections for the purpose of ensuring the correction of any deficiencies noted in a prior inspection. If additional reinspections are necessary to ensure correction of any deficiency or defect, the Gig Harbor fire marshal shall charge a fee of \$30.00 per hour with a one-hour minimum and to be computed in one-quarter-hour increments, not to include travel time. All requested inspections which require a report will be processed under subsection Q4 of this section, Building Official Inspections.

2) **Article IV Permits.** The fire prevention bureau shall charge fees for processing permit applications required pursuant to Article IV of the Uniform Fire Code as now enacted or hereafter amended. The amount of the fee shall be set by ordinance of the Gig Harbor City Council and fee schedules shall be made available to members of the public upon payment of photocopying charges. When any occupancy requires multiple permits, the Gig Harbor fire marshal shall charge the highest of the several fees plus one-half of all other required fees.

3) **After Hours Inspection.** For any inspections authorized or required pursuant to the Uniform Fire Code and for which it is necessary to have an inspection made after normal business hours, which are Monday through Friday, 8:30 a.m. until 5:00 p.m., or on recognized City of Gig Harbor holidays, the Gig Harbor City Fire Marshal shall charge an inspection fee of \$45.00 per hour with a minimum of one hour to be measured in quarter-hour increments including travel time.

4) **Building Official Inspections**

<del>Non-classified request</del>	\$50
Reinspection fee assessed under provisions of Section 505 G	\$30 each
Additional Plan Review required by changes, additions or revisions to previously approved plans charge of	\$50 hour minimum (2 hour)

5) **Radon Testing.** The applicant for a building permit to construct a new single-family or multi-family building within the City of Gig Harbor shall pay \$15.00 for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to RCW Chapter 19.27.

6) **Building /Plumbing/Mechanical Permit Fees.** Building /Plumbing/Mechanical permit fees shall be based upon the most recent fee schedule as adopted by the State Building Code Council in the respective Uniform Code.

7) **Energy Code Inspection.** Energy Code Inspection fees shall be those as established in the Special Plans Examiner Special Inspector Program, Policies and Procedure Handbook (April, 1994, Utility Code Group, Bellevue, WA).

**G. ADVERTISING FEES:**

For those applications which require a notice of public hearing to be published in a newspaper of general circulation, the applicant shall bear the costs of all advertising.

**H. COPY SERVICES**

1)	Zoning Map/Comprehensive Plan Land Use Map (24" x 36")	\$2.50 3.50
2)	Zoning Code	\$18.00 10.00
3)	Comprehensive Plan	\$15.00 16.00
4)	Shoreline Master Program	\$10.00 7.50
5)	Critical Areas Map (24" x 36")	\$3.50
6)	Visually Sensitive Area (24" x 36")	\$3.50

**I. Fee Waivers and Reimbursements**

Application fees may be waived upon approval of the City Administrator if any of the following conditions exist:

1. The application submitted is in direct response to a capital construction project by the City of Gig Harbor.
2. The City determines that the direct benefit accrued from the applicant's project is in the public's interest and welfare.
3. ~~The proposal is a City of Gig Harbor project.~~

Application fees may be reimbursed at the following rate (percent of total fee):


Request to withdraw application prior to any public notice issued	100%
Request to withdraw application after public notice issued	85%
Request to withdraw application following a public hearing	35%

Request to withdraw application after final action on permit by Hearing Examiner or City Council

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator  
City Clerk

Filed with City Clerk: 1/19/95  
Passed by City Council: 2/13/95

**CITY OF GIG HARBOR  
RESOLUTION NO. 438**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR AUTHORIZING THE FORMATION OF A CITIZENS COMMITTEE TO DEVELOP A DESIGN GUIDELINES MANUAL WHICH IMPLEMENTS THE COMMUNITY DESIGN ELEMENT OF THE REVISED CITY OF GIG HARBOR COMPREHENSIVE PLAN.**

**WHEREAS**, the City of Gig Harbor Planning Commission, in its role as the citizens land-use advisory commission for the City of Gig Harbor, needs to allocate sufficient time to accomplish assigned tasks for 1995; and,

**WHEREAS**, the Planning Commission's work schedule for 1995 requires that several tasks be accomplished within the first six months of the year; and,

**WHEREAS**, an efficient and timely method of accomplishing multiple planning tasks is the use of planning commission subcommittees and/or ad-hoc citizens technical/advisory committees; and,

**WHEREAS**, the development of design guidelines should be undertaken by a group of interested citizens who have varied experience, backgrounds and interests in construction, development and design; and

**WHEREAS**, a design guidelines technical committee should represent the citizens of the City of Gig Harbor and the affected community.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

Section 1 Formation of Design Guidelines Technical Committee. There shall be formed an ad-hoc committee (Design Guidelines Technical Committee) to develop a Design Guidelines Manual for presentation to the City of Gig Harbor Planning Commission. The Mayor shall provide public notice on the formation of the adhoc committee and shall request interested citizens to submit a statement or letter of interest which includes relevant expertise. A statement or letter of interest must be submitted by no later than February 15, 1995. The City Council shall review all letters of interest submitted and, following review at a special meeting, shall submit its preference to the Mayor. Membership shall be by appointment of the Mayor and by approval of the City Council, by no later than March 1, 1995.

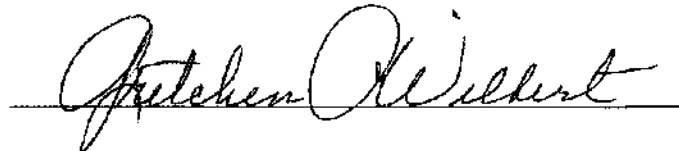
Section 2 Representation on the Design Guidelines Technical Committee. The Design Review Technical Committee shall be composed of the following:

- ♦ Two members of the City of Gig Harbor Planning Commission.

- ♦ One professional building designer, engineer or land-use planning specialist.
- ♦ One licensed professional architect.
- ♦ One professional contractor or builder.
- ♦ Two lay citizens residing within the City who have displayed an interest in community design.

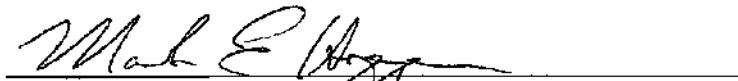
Section 3. Responsibilities of the Design Guidelines Technical Committee. The Design Guidelines Technical Committee shall develop, with assistance provided by the City of Gig Harbor Planning-Building staff, a design guidelines manual which implements the goals and policies of the City of Gig Harbor Comprehensive Plan Community Design Element. The Technical Committee shall provide a recommendation to the City of Gig Harbor Planning Commission on the proposed design guidelines manual. The Technical Committee may meet as often as it deems necessary and all meetings shall be in accordance with the Open Public Meetings Act. A recommendation to the Planning Commission shall be submitted by no later than September 30, 1995. Upon a final recommendation of the Planning Commission to the City Council, the Design Guidelines Technical Committee's responsibilities shall terminate and the committee shall be dissolved.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 9th day of January, 1995.



Gretchen Wilbert, Mayor

ATTEST:



Mark E. Hoppen, City Administrator

Filed with City Clerk: January 4, 1995

Passed by City Council: January 9, 1995

**CITY OF GIG HARBOR  
RESOLUTION NO. 437**

**A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, ADDING AN ESSENTIAL DUTY TO THE JOB DESCRIPTION OF THE DIRECTOR OF PUBLIC WORKS ALLOWING FOR THE APPROVAL OF CONSTRUCTION CHANGE ORDERS UP TO 0.5% OF THE CONTRACT AMOUNT.**

WHEREAS, during certain construction projects instances arise that required timely change order decisions, and

WHEREAS, the Public Works Director has the ability to make these decisions to prevent expensive delays in construction; and

WHEREAS, the City Council meets only twice monthly which does not allow for decisions to be made in a timely manner, NOW, THEREFORE,

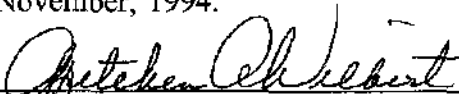
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following addition to the job description for the Public Works Director shall be included:

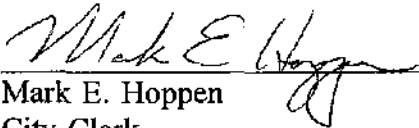
Essential Duties and Responsibilities

Responsible for approving construction change orders up to 0.5% of contract amount prior to the City Council's approval.

RESOLVED by the City Council this 14th day of November, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 11/9/94  
Passed by City Council: 11/14/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 436**

**A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, MAKING CERTAIN CHANGES TO THE PUBLIC WORKS STANDARDS ADOPTED BY THE CITY OF GIG HARBOR UNDER RESOLUTION NO. 403.**

WHEREAS, on January 24, 1994, the City Council adopted the Public Works Standards for the City of Gig Harbor under Resolution No. 403, and

WHEREAS, the Public Works Standards are applicable to all development projects within the City, and to all development projects located within the City's service areas, annexation areas, or planning areas to the extent that the City has the authority to impose such standards;

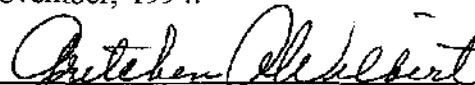
WHEREAS, the City Council has determined that because the City's Six-Year Transportation Plan and the Comprehensive Transportation Plan do not show any curb, gutter, and sidewalk improvements on certain city streets, the City's Public Works Standards for construction of curbs, gutters, and sidewalks should not apply to certain identified streets located in the City of Gig Harbor, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

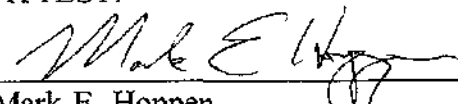
Section 1. The following streets are exempt from the requirements set forth in the Transportation Section of the Public Works Standards adopted in Resolution No. 403 for the construction of curbs, gutters and sidewalks:

- |                    |                      |                     |
|--------------------|----------------------|---------------------|
| 1. Bayridge Avenue | 2. Shirley Avenue    | 3. Woodworth Avenue |
| 4. Sellers Street  | 5. Rust Street.      | 6. Ross Avenue      |
| 7. Novak Street    | 8. Tarabochia Street | 9. Shyleen Street   |
| 10. Lewis Street   | 11. Stanich Avenue   | 12. Rainier Avenue  |
| 13. Ryan Street    |                      |                     |

RESOLVED by the City Council this 14th day of November, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 11/8/94  
Passed by City Council: 11/14/94

**CITY OF GIG HARBOR  
CITY COUNCIL  
RESOLUTION NO. 435**

**WHEREAS**, the City of Gig Harbor Department of Public Works has requested a shoreline management substantial development permit to construct a 200 foot addition to the Jerisich Park dock and a variance from the minimum parking standards of the zoning code; and,

**WHEREAS**, in a report dated October 12, 1994, to the City of Gig Harbor Hearing Examiner, the Planning Director has recommended conditional approval of the shoreline management permit and approval of the variance; and,

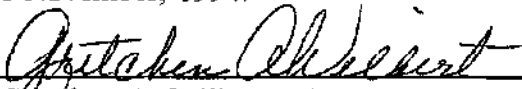
**WHEREAS**, the City of Gig Harbor Hearing Examiner, in his report of findings and conclusions dated November 2, 1994, has approved the variance from the parking standards of the zoning code and has recommended approval of the shoreline permit to the City Council; and,

**WHEREAS**, the City of Gig Harbor City Council has adopted Ordinance #489 which established guidelines for the review of shoreline management permits before the City Hearing Examiner.

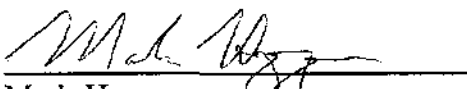
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings and conclusions of the City Hearing Examiner are adopted and the shoreline substantial development permit 94-02 is APPROVED, subject to the conditions so stated by the Hearing Examiner and as included in the shoreline permit.

PASSED this 14th day of November, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark Hoppen  
City Administrator

Filed with City Clerk: 11/9/94  
Passed by City Council: 11/14/94



**CITY OF GIG HARBOR  
RESOLUTION NO. 434**

**WHEREAS,** Esther Coulter has requested approval of a shoreline substantial development permit to allow construction of a four-plex condominium near the shoreline at 9009 Franklin Avenue; and

**WHEREAS,** the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits; and,

**WHEREAS,** the Planning Department for the City of Gig Harbor has recommended approval of the shoreline permit in a staff report dated October 19, 1994; and,

**WHEREAS,** a public hearing was held on October 19, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS,** the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated October 27, 1994;


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated October 27, 1994 are hereby adopted and the application for a Shoreline Management Substantial Development permit is **APPROVED**.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of November, 1994.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
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Mark E. Hoppen  
City Administrator/Clerk

Filed: 11/10/94

Passed: 11/14/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 433**

**A RESOLUTION GIVING CONDITIONAL APPROVAL OF A CONDOMINIUM SITE PLAN CONTINGENT UPON A REZONE FROM R-1 & B-2 TO R-3 CONTRACT, FOR A PARCEL LOCATED AT 9005 FRANKLIN AVENUE.**

**WHEREAS**, Esther Coulter has requested a rezone from R-1 and B-2 to R-3 contract at 9009 Franklin Avenue (REZ 94-01/SPR 94-04); and

**WHEREAS**, a public hearing was held on October 19, 1994 at which time public input was received from numerous property owners within the vicinity of the subject site expressing support of the proposed rezone/site plan; and

**WHEREAS**, the Hearing Examiner recommended approval of the requested rezone/site plan as stated in his report dated October 27, 1994; and

**WHEREAS**, the Gig Harbor City Council has reviewed the record of the Hearing Examiner's decision at its regular session of November 14, 1994; and

**WHEREAS**, the Council agrees with the findings and conclusions of the Hearing Examiner as stated in his report for REZ 94-01/SPR 94-04 dated October 27, 1994 which refers to the staff report dated October 19, 1994 and which are stated as follows:

1. The proposed contract rezone would provide more surety in building and landscape design than the strict application of the R-1/B-2 zoning designation.
  2. The proposed four-plex on the upper portion of the lot would be consistent with contiguous development in terms of use and scale.
  3. The proposed rezone would resolve problems associated with two zones on one lot.
  4. The proposed site plan would permanently retain some of the parking already used by off-site businesses.
  5. The proposed rezone and site plan would preserve the public health, safety and general welfare, and would be in keeping with the spirit and intent of the comprehensive plan;
- and

**WHEREAS**, the Hearing Examiner has recommended conditions of approval for the proposed contract rezone subject to the condition that a formal legal contract be submitted to the City's legal counsel for review and approval and which contains the following additional conditions and restrictions:

1. Except for the parking lot and four-plex as shown on the approved site plan and landscape plan, no other uses or structures shall be allowed on the subject site.
2. All structures on the site shall conform to the following regulations:
  - (a) Fire flow must be provided in accordance with Uniform Fire Codes applicable at the time of building permit issuance.
  - (b) Access must be provided to all areas of both floors in accordance with the Washington State Standards for Access applicable at the time of building permit issuance. Access must also be provided in accordance with the Federal ADA Standards applicable at the time of building permit issuance.
  - (c) Emergency exiting must be provided in accordance with Uniform Building Codes applicable at the time of building permit issuance.
  - (d) Fire rated separation walls and floor/ceiling assemblies will be required between each living unit in accordance with Uniform Building Codes applicable at the time of building permit issuance.
  - (e) A complete plan review will be done upon submittal of plans for building permit.
3. The lower parking lot will be at a level approximately 4 feet below natural grade (as existing prior to excavation) concealed behind berms around the perimeter of the premises, the berms being approximately 4 feet above the parking lot level. The perimeter berm and landscaping shall be designed to preserve sight lines from Peacock Hill Ave. entering N. Harborview Dr. as approved by the Public Works Department.
4. Use, development and design of structures and landscaping on the property shall be consistent with the approved site plan and architectural designs ( to be included as labeled exhibits in the contract), provided that minor design and dimension alterations which do not alter the general scale, character, or intensity of development may be approved jointly by the Planning Director and owner or homeowner's association. Major amendments shall be approved only through City-adopted amendment processes for zoning designation and the joint approval of all owners of the property.
5. In exchange for installation of curbs, gutters and sidewalks normally required as part of site plan approval, the owner of the subject parcel shall include on the recorded plat an easement to the City allowing curbs, gutters, sidewalks and roadways (which have historically existed on the site) across an area of a triangle measuring 30 feet up Peacock Hill Avenue and 60 feet along North Harborview Drive, with the apex of the triangle being on the property corner nearest the street

intersection (as illustrated in Section VII.2 of the staff report dated October 19, 1994).

6. Normal half street improvements shall be installed in accordance with code requirements along the property frontage on Franklin Avenue.
7. An ordinance amending the official zoning map shall not be approved until the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract. All referenced information not contained directly on the plat shall be recorded with the Pierce County auditor's office.
8. Maintenance of all privately owned common facilities on the site shall be the responsibility of the developer, owner or a home owners association. If common facilities are to be maintained by a home owners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
  - A. The enforcement of covenants imposed by the landowner or developer.
  - B. The levying and collection of assessments against all units to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.
9. Prior to finalization of the plat, a final landscape plan shall be submitted to and approved by the planning staff which specifies plant species and which conforms to all landscaping requirements of the zoning code.
10. All landscaped areas shall include a mechanical irrigation system.
11. The landscape plan shall include specifications on the berm design. The berm shall be a sloped berm on the street side and shall include sufficient ground cover to prevent erosion from water run-off onto the sidewalk.
12. Prior to issuance of final occupancy, all required improvements and landscaping shall be constructed and installed. In lieu of construction or installation of required improvements, a bond equal to an amount of 120% of the contractors bid for all required improvements shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months. Required improvements shall be installed within twelve months of final occupancy permit issuance. Failure to construct or install the required improvements within the time

specified to City standards shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.

13. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval; and,

**WHEREAS**, condition number 7 above states (in part) that the official zoning map shall not be approved until the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and this contract.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

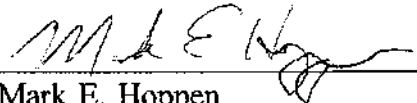
Section 1. That the site plan for the proposed condominium and parking lot located at 9505 Franklin Avenue is approved subject to the following conditions:

1. Building permits for development pertaining to this site plan shall not be issued until the City Council adopts by ordinance a rezone of the property from R-1 & B-2 to the proposed R-3 contract zone.
2. Prior to approval of the rezone by ordinance, a formal legal contract shall be submitted to the City's legal counsel for review and approval which contains the additional conditions and restrictions stated in the Hearing Examiner's report dated October 27, 1994 and as stated above.
3. Prior to approval of the rezone by ordinance, the property owner shall file with the City Council for approval and record with the Pierce County auditor's office a final condominium plat for the parcel which reflects the approved site plan and which contains or references the information required as part of the site plan approval and the proposed contract. All referenced information not contained directly on the plat shall be recorded with the Pierce County auditor's office.
4. Pursuant to GHMC Section 17.96.070, site plan approval is valid for a period of two years unless an extension of approval, not to exceed two years, is granted by the City Council. A request for extension must be submitted to the City prior to expiration of site plan approval. Failure to meet site plan deadlines will resolve the City from complying with the terms of the proposed contract rezone and the parcel's current zoning designation will remain unchanged.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of November, 1994.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
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Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 11/09/94  
Ordinance Adopted: 11/14/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 432**

**WHEREAS**, Percival Construction has requested approval of a shoreline substantial development permit to allow construction of a duplex adjacent to the shoreline at 8715 No. Harborview Drive; and

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended approval of the shoreline permit in a staff report dated September 21, 1994; and,

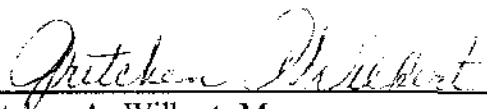
**WHEREAS**, a public hearing was held on September 21, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated September 29, 1994;

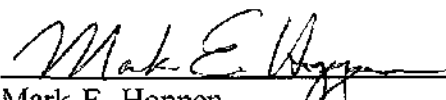
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated September 29, 1994 are hereby adopted and the application for a Shoreline Management Substantial Development permit is **APPROVED**.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 24th day of October, 1994.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 10/14/94  
Passed by City Council: 10/24/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 431**

**WHEREAS**, Rod Nilsson of Rikson Development has requested approval for a planned unit development (PUD) for the construction of 14 residential units at 7502 Pioneer Way; and,

**WHEREAS**, the Gig Harbor City Council has adopted guidelines for the reviewing of planned unit developments as outlined in GHMC section 17.90; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the PUD, in a staff report dated September 21, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on September 21, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said PUD in his report dated October 5, 1994; and,

**WHEREAS**, the City Council, during its regular meeting of October 24, 1994 reviewed the proposed PUD and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the PUD and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating Planned Unit Developments; and

**WHEREAS**, the City Council has determined that the development would provide significant public benefits including the dedication and improvement of a public road, an alternative housing choice in the downtown area, and a design which preserves and enhances the architectural character of the downtown/Millville area, in exchange for the increased density and other code exceptions as defined on the site plan and elevation drawings;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated October 5, 1994 are hereby adopted and the Planned Unit Development is approved subject to the following conditions:

1. Fire flow must be provided to within 300 FT of the front entrance to each parcel and within 150 FT of each portion of each tri-plex in accordance with the Section 10.401, 1991 Uniform Fire Code. The minimum fire hydrant spacing on Edwards is at each street intersection, at the entrance to the PUD and every 600 FT.
2. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (Appendix III-A & B) or as required by the Uniform Fire Code as adopted by the City of Gig Harbor.




3. An auto-fire sprinkler system must be included in the tri-plexes if the entire structure exceeds 5000 square feet in area.
4. The sidewalks must match the existing sidewalks on Edwards Drive which include 5'-6" sidewalk width and a 6" curb width as per Public Works Department standards.
5. Utility locations must be reviewed upon submittal of construction plans.
6. A 6-foot privacy fence shall be installed along the Cohoe Street frontage behind units 9 through 14; along the 66 foot portion of the eastern property boundary beside unit 1; and along the portion of the eastern property between unit 14 and the Benum property.
7. Pursuant to GHMC section 17.90.060.C, within three (3) years of the preliminary approval date, the applicant shall file with the City Council a final development plan in the form of a final condominium plat for the PUD which contains the information required in the preliminary plan including a 40-foot wide right-of-way dedicated to the City. Prior to or in conjunction with the final plat approval, the PUD portion of the site (as illustrated) and the single family residence portion of the site (fronting on Pioneer Way) shall be formally short platted as separate parcels.
8. Maintenance of all privately owned common facilities within the PUD, including fences along the periphery of the PUD, shall be the responsibility of the developer or a home owners association. If common facilities are to be maintained by a home owners association, the association shall be established and incorporated prior to final plat approval. A copy of the association's bylaws shall be submitted with the final plat and shall include, at a minimum, the following authorities and responsibilities:
  - A. The enforcement of covenants imposed by the landowner or developer.
  - B. The levying and collection of assessments against all lots to accomplish the association's responsibilities.
  - C. The collection of delinquent assessments through the courts.
  - D. The letting of contracts to build, maintain and manage common facilities.
9. A final landscaping plan for the common areas within the plat shall be submitted to the Planning Department prior to finalization of the plat. The plan shall comply with the provisions of Section 17.78.080 of the Gig Harbor Zoning Code along the eastern portion of the subject property between the Lentz property and parking/circulation area of the proposed project. The plan shall also make provisions for a triangular shaped landscape area in the center of the common court. Said landscape area shall be the maximum possible size while still allowing for convenient and safe vehicular and fire access. The plan shall include provisions for a mechanical irrigation system. Landscaping shall be installed prior to final occupancy of last three units.

10. In lieu of construction of required improvements prior to final plat approval, a bond equal to an amount of 130% of the contractors bid for all improvements required under the preliminary plat approval shall be posted with the City. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the plat with the Pierce County auditor. Required improvements shall be installed within twelve months of the date of the filing of the plat. Failure to construct or install the required improvements within the time specified to City standards shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements.
11. Prior to permit issuance, the applicant shall submit to the Staff a final color palette which shall provide modest variation from unit to unit in order to emphasize the individuality of each unit and maintain the character of the single family neighborhood. To allow buyers choices of colors, the color palette does not have to be unit-specific, provided that contiguous units are not the same color.
12. Prior to building permit issuance a grading and drainage plan, including provisions for storm water collection and retention, shall be submitted to the Public Works Department for review and approval.
13. The pavement on Edwards Street in this portion be increased from 25 to 28 feet to allow for an eight foot parking lane and two ten foot lanes.
14. The applicant may execute a voluntary agreement with the City of Gig Harbor within the next 60 days to provide a left turn lane at the intersection of Pioneer way and the new street.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 24th day of October, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 10/14/94  
Passed by City Council: 10/24/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 430**

A RESOLUTION REMOVING THE CITY OF GIG HARBOR AS A JURISDICTION IN PIERCE COUNTY WITH AN AFFECTED EMPLOYER IN CONNECTION TO THE COMMUTE TRIP REDUCTION ACT.

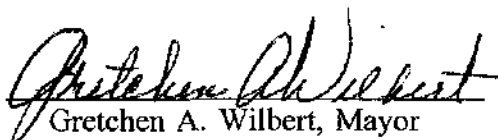
WHEREAS, the 1991 Washington State Legislature enacted the Transportation Demand Management Act and the City Council has passed Ordinance No. 669 to comply with this Act; and,

WHEREAS, the City of Gig Harbor had one affected employer, who recently has shown they are no longer an affected employer and have formally requested to be removed from the "affected employer" status,

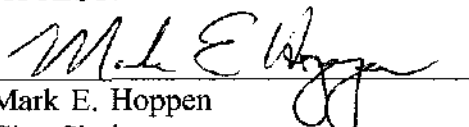
NOW THEREFORE, BE IT RESOLVED by the City Council, as follows:

The City of Gig Harbor will no longer be considered a jurisdiction with an affected employer; therefore, will not be required to comply with the Commute Trip Reduction program.

PASSED this 24th day of October, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 10/14/94  
Passed by City Council: 10/24/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 429**

**WHEREAS,** Stephen & Kathryn Gernon have requested a shoreline variance to allow construction of a single family residence over the water at 6847 Craig Lane; and

**WHEREAS,** the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits; and,

**WHEREAS,** the Planning Department for the City of Gig Harbor has recommended conditional approval of the variance, in a staff report dated August 17, 1994; and,

**WHEREAS,** a public hearing was held on August 17, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS,** the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated August 26, 1994;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated August 26, 1994 are hereby adopted and the application for a Shoreline Management Substantial Development permit is **APPROVED**, subject to the following conditions:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.
- B. The building must be re- constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.


**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink

**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in rest room and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.


**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

- C. A complete plan review will be completed upon submittal of plans for a building permit.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 12th day of September, 1994.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk



*City of Gig Harbor. The "Maritime City."*

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

CITY OF GIG HARBOR  
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
CONDITIONAL USE, VARIANCE PERMIT

- Substantial Development
- Conditional Use
- Variance

Application No: SDP 94-01

Date Received: June 13, 1994

Approved: XXX

Denied:

Date of Issuance: September 12, 1994

Date of Expiration: September 12, 1999

Pursuant to RCW 90.58, a permit is hereby granted/denied to:

Stephen M. & Kathryn A. Gernon  
4114 101st St. Court N.W.  
Gig Harbor, WA 98332

To undertake the following development:

Build a single family house over the water on the existing pilings

Upon the following property:

6847 Craig Lane, Assessor's parcel #02-21-8-4-031

On the Puget Sound Shoreline and/or its associated wetlands. The project will not be within shorelines of Statewide Significance per RCW 90.58.030 and is within an Urban Residential environment designation.

Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.
- B. The building must be re-constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink

**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in rest room and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.

**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

- C. A complete plan review will be completed upon submittal of plans for a building permit.

This permit is granted pursuant to the Shoreline Management Act of 1972 and the City of Gig Harbor 1975 Shoreline Master Program (permit was applied for prior to adoption of 1994 Shoreline Master Program). Nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

9/26/1994  
(Date)

Gretchen Oberholt  
Mayor, City of Gig Harbor

**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official



**CITY OF GIG HARBOR  
RESOLUTION NO. 428**

**WHEREAS**, Bud Tynes and Snodgrass Freeman Associates have requested site plan approval for the construction of a 10,000 square foot office building at 7626 Pioneer Way; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated August 17, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on August 17, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated August 26, 1994; and,

**WHEREAS**, the City Council, during its regular meeting of September 12, 1994 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing examiner in his report dated August 26, 1994, are hereby adopted and the site plan is approved subject to the following conditions:

1. The driveway entrance shall be perpendicular to Pioneer Way. This will require a driveway approach not to exceed 24 feet in width with the easterly curb of the driveway being perpendicular to the road. In addition, the curbs shall provide handicap ramps on both sides of the driveway aligning with the street sidewalk. A final design of the driveway approach shall be submitted to and approved by the Public Works Department prior to permit issuance.
2. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs shall be designed so as to assure unity in the building's overall signage.

3. All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping.

4. The project shall conform to all building and fire code requirements as follows:

i. Fire flow must be provided to within 150 FT of the front entrance to the building parcel and within 150 FT of all portions of the building in accordance with the Section 10.401, 1991 Uniform Fire Code. The minimum fire hydrant spacing on Pioneer Way is at each street intersection, at the entrance to the site. Since the building is proposed to be immediately adjacent to the property lines fire hydrants and water mains may need to be extended up the 4th Street right of way to provide the necessary fire protection.

ii. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (See Appendix III-A & B):

REQUIRED FIRE FLOW (Table A-III-A-1):

Note: The minimum Fire Flow is 1,750 gpm at 20 psi for a 10,000 sqft Type V- One hour fire rated building.

The minimum Fire Flow is 2,750 gpm at 20 psi for a 10,000 sqft Type V- NonRated building.

iii. REQUIRED NUMBER OF HYDRANTS (Table A-III-B-1):

Note: 1,500 gpm Fire Flow requires 1 hydrant at 500 FT Spacing within 250 FT of the Road

2,500 gpm Fire Flow requires 3 hydrants at 450 FT Spacing within 225 FT of the Road

iv. Access must be provided to all areas in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards.


v. Access must be provided to within 150ft of all portions of the building in accordance with Chapter 10.2, 1991 Uniform Fire Code. Access is not provided on two sides and the rear of the building as proposed on the site plan.

vi. One hour fire rated walls are required for B-2 Occupancies (an office/retail building) within 20ft of the property lines. Three quarter hour fire rated windows and openings are required for buildings within ten feet of property lines.


vii. A fire resistant roof will be required in accordance with Chapter 32, 1991 UBC.

- viii. A complete plan review will be completed upon submittal of plans for a building permit.
- ix. Prior to permit issuance, the applicant shall submit to the City an environmental report prepared by a professional soils surveyor and/or environmental waste specialist which certifies that there are no contaminated soils or waste deposits on this site.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 12th day of September, 1994.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 9/13/94  
Passed by City Council: 9/21/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 427**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING THE ANNEXATION PETITION FOR THE AREA KNOWN AS THE GIG HARBOR INTERCHANGE (ANX 91-07) AND AS SUBMITTED BY PETITIONERS JAMES TALLMAN, ET.AL., AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on July 31, 1991, a petition for annexation of approximately 150 acres was submitted for the property; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 60% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution as exhibit "A" and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and,

WHEREAS, on the 23rd of October, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as per the attached Exhibit "C".

WHEREAS, on May 18, 1992 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at a public hearing of November 9th, 1992, the City Council considered the recommendation of the City Planning Commission on preannexation zoning for the area; and,

WHEREAS, following the public hearing on November 9, the City Council remanded the preannexation zoning to the Planning Commission for the development of a contract zoning agreement which would consider the following:

1. That they specifically address screening and buffers, not only between the properties, but also to properties across the street towards the waterfall business and any future development there.
2. That they specifically address development and ownership of the wetlands as it relates to wetlands directly and to how wetlands might be developed into a park.
3. Place emphasis on one and two, then establish uses for the parcels in the annexation.

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone; and

WHEREAS, the City Council, at a public hearing on November 8 and December 13 considered the concomitant agreement as recommended by the Planning Commission and, in consideration of testimony offered at the public hearings, does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council finds that the portion of the property to be annexed within the interchange area north of Wollochet Drive contains site characteristics and natural environmental constraints that make it unique and worthy of special land use considerations as reflected in the performance standards in the pre-annexation zoning concomitant agreement; and

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The development of the land within the annexation area shall be consistent with the zoning concomitant agreement, which is attached as exhibit "B" and which

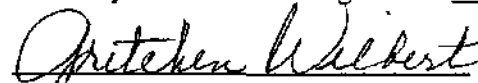
shall be filed as a covenant with the land so affected by the agreement.

3. As a condition of annexation by the City of Gig Harbor, the owner shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.
4. The area shall be zoned as per the attached exhibit "C" and designated as within the height overlay district, subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.
5. The wetlands and buffers as described in the attached exhibit "D" shall be established as a open space/conservation easement, developed as a public park and dedicated to the City of Gig Harbor.
6. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

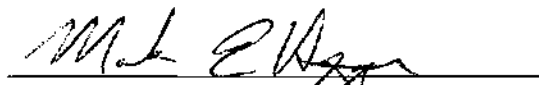
Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto.

The City Council does refer the petition and petitioner to the Pierce County Boundary Review Board for approval of the annexation and the City Council shall not take any further action on the annexation proposal until such time the Pierce County Boundary Review Board has completed its review of the notice of intent to annex.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 26th day of September, 1994.

  
Gretchen Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 9/3/94  
Passed by City Council: 9/26/94

After recording with the Pierce County Auditor, return to:  
Planning Director  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, Washington 98335

**Exhibit "B"**

**CONCOMITANT ZONING AGREEMENT  
FOR TALLMAN ANNEXATION (ANX 91-07)**

THIS AGREEMENT, executed this date in favor of the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and by the undersigned owners of the within-described property (herein called "Owners");

**W I T N E S S E T H:**

WHEREAS, the Owners are persons owning a fee simple and/or having a substantial beneficial interest in the real property comprised of one hundred twenty (120) acres and legally described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property" hereinafter); and

WHEREAS, a petition (No. 91-07) has been filed to annex the property, and requesting pre-annexation zoning, pursuant to chapter 35A.14 RCW; and

WHEREAS, the City Council conducted a public hearing on November 9, 1992 on the petition to annex and preannexation zoning, and directed the City Planning Commission to develop and recommend a preannexation zoning agreement; and

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with

the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns as follows:

Section 1. Conditions. If the Property is rezoned to RB-2 zone, development of the Property shall be accomplished in accordance with the following conditions and restrictions:

- A. Plans and Surveys. The Owners agree to submit a site plan to the City for approval prior to the clearing of any lot, tract or parcel on the Property. In addition, a tree survey for required buffers on the property shall also be submitted to the City in order to document the nature and composition of the existing vegetation on the Property.
- B. Buffers. The Owners agree to provide the following buffers on the Property, and to depict such buffers in the site plan submitted for the City's approval:
  1. A forty (40) foot dense vegetative screen buffer is required on all boundaries with single family uses.
  2. Along SR-16, a buffer shall be placed twenty-five feet (25') wide. Existing vegetation shall be retained as much as possible.
  3. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
- C. Land Use Restrictions North of Wollochet Drive. In addition to any other



applicable requirements of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the area of the Property north of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be allowed, with the exception of multi-family dwellings.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met, with the exception of mini-warehousing. In addition, food stores and delicatessens may also be conditionally allowed, provided that:
  - (a) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
  - (b) they do not exceed a total of eight hundred (800) square feet in area;
  - (c) they do not contain any outside sales, storage or drive-in service;
  - (e) their hours of operation are limited to sixteen (16) hours per day.
4. **Signage.** Signage shall not be oriented toward the freeway; however signage may be oriented toward Wollochet Drive N.W., 46th Street N.W., Hunt Street, 72nd Street NW and any private roadway within this district.
5. **Design.** Minimum roof pitch shall be 4/12.
6. **Impervious Coverage.** Maximum impervious coverage shall be sixty

percent (60%) per site, which shall include buffers, but exclude wetlands.

7. **Outdoor Lighting.** Outdoor lighting shall be provided on the property only in accordance with GHMC Section 17.28.090(D).

D. Land Use Restrictions South of Wollochet Drive. In addition to any other applicable regulations of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the Property south of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be permitted on the Property, with the exception of multi-family dwellings. In addition, nurseries and landscaping services shall be permitted outright on the Property.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met. In addition, the following uses may also be conditionally allowed:
  - a) Wholesale and Retail Sales where the business is conducted entirely within an enclosed structure;
  - b) Restaurants with associated lounges;
  - c) Gasoline Service Stations;
  - d) Food Stores and delicatessens, provided that:
    - (1) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
    - (2) they do not exceed a total of eight hundred (800) square

feet;

(3) they do not contain outside sales, storage or drive-in service;

(4) their hours of operation are limited to sixteen hours per day.

4. **Signage.** Signage shall be oriented so that it does not directly face SR-16, however, signage may be directly oriented toward Wollochet Drive N.W. or 38th Street N.W. and any private roadway within this district.
5. **Design.** Minimum roof pitch for all non-residential uses shall be 4/12. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
6. **Impervious Coverage.** Maximum impervious coverage is sixty percent (60%) per site, including buffers but excluding wetlands.
7. **Outdoor Lighting.** Outdoor lighting shall be provided on the Property only in accordance with GHMC Section 17.28.090(D).

E. Development of Wetlands on the Property.

1. **Wetland buffers.** The wetlands identified on the site as a Class III (Pierce County) wetlands shall be subject to a minimum fifty (50) foot buffer along the perimeters of the wetland, as designated in the Wetland Mitigation Plan approved by Pierce County. Wollochet Creek, which is a Type 3 water course as identified under the Department of Natural Resources Stream Typing Maps, shall be subject to a minimum buffer of thirty-five feet as measured from ordinary high water, per the City of Gig

Harbor Wetland Management Ordinance. The wetland and its associated buffer shall be identified and established as a conservation easement as a covenant running with the Property.

2. **Wetland Use.** The use of the wetlands and wetland buffers shall be limited to the following:
  - (a) Wells and necessary appurtenances as per Section 18.08.120 of the GHMC.
  - (b) Impervious trails and associated viewing platforms as per Section 18.08.120 of the GHMC. The development of a impervious trail along the perimeter of the wetland and within the buffer shall be developed as each adjoining parcel is developed.
  - (b) The placement of underground utilities, other utilities and access roads as per Section 18.08.120 of the GHMC.
3. **Parking areas.** A parking area sufficient to accommodate a minimum of eight (8) vehicles shall be developed in proximity to the wetlands. The parking area shall be clearly identified as "**Public Parking, Trail Access.**"
4. **Plans.** The plan titled Park Development Plan from Pac Tech Engineering and drawn to the scale of 1" = 50' and sealed on October 14, 1993, shall be recorded with this Agreement in the records of the Pierce County Auditor as a covenant running with the Property. A copy of the documents and proof of recording shall be submitted to the City prior to the submission of any application for development permits in the affected

area of the Property.

5. **Park Dedication.** The development of the park facilities shall be done in a phased manner by the respective property owner as each property is developed. Upon completion of the park, the facility will be dedicated to the city. It is acknowledged that the property, or portions of the property in the annexation area will be sold, and that the terms and conditions of this Agreement shall be binding upon the successive owners of the property. The owner of any portion of property designated in this Agreement as the future City park shall, at the same time as he or she develops the property, construct and install the necessary park facilities described herein. However, even if such property is not developed, each owner must construct and install the park facilities on that portion of the park located on his or her property so that completion and dedication of the park to the City occurs not later than ten years, December 13, 2003. The City shall have the right to require dedication of the unimproved park property at any time prior to that date, and to thereafter install the necessary facilities for completion.

- F. Transportation. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted

by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. Binding Effect of Agreement. This Agreement shall be recorded in the records of the Pierce County Auditor, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to the Owners of after-acquired title to the Property.

Section 3. Owners' Payment of Costs and Fees. The Owners shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owners and the City; Provided, that such amended agreement shall be approved by the legislative authority of the City by ordinance.

Section 5. Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendment to its Comprehensive Plan, Zoning Ordinances or any other City code or ordinance as the City deems necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the RB-2 zone, except as permitted by this agreement.

Section 6. Benefit of Covenant. This Agreement is made for the benefit of the City, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement. If the City prevails in such proceeding, it shall be entitled to recover all costs and fees, including reasonable attorneys' fees.

Section 7. Payment of Costs and Recording Fees. The Owners agree to pay all costs of

recording this Agreement and its Exhibits, together with all reasonable costs incurred by the City in the preparation of this Agreement, including the City Attorneys' fees.

Section 8. Severability. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained; PROVIDED, however, that in the event that any section, paragraph, sentence, term or clause of this Agreement is found to conflict with applicable law, the City shall have the right to unilaterally modify this Agreement in order to ensure accomplishment of its purposes.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 1994.

OWNERS:

TALMO CORPORATION

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at \_\_\_\_\_  
My appointment expires \_\_\_\_\_

**Exhibit "C"**

City of Gig Harbor Proposed Zoning  
ANX 91-07 (Gig Harbor Interchange)

**Exhibit "D"**

Park Development Plan

PLEASE SEE ATTACHED DRAWING

**CITY OF GIG HARBOR  
RESOLUTION NO. 426**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE PURCHASE OF A BIG BOAT TOY FOR A CITY PARK TO BE LIMITED TO A SOLE SOURCE, AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR PURCHASE OF THE BIG BOAT TOY.**

WHEREAS, on January 1, 1994, the City Council included in the Parks Department budget, an allocation for the purchase of a big boat toy to be placed in City Park; and

WHEREAS, in order to determine whether there were manufacturers of a big boat toy suitable for the City's purposes, the Public Works Director assigned an employee to call distributors in six states, including Washington; and

WHEREAS, such telephone survey disclosed that only two manufacturers made a big boat toy which resembled the type of boat toy by the City; and

WHEREAS, on May 18, 1994, the Public Works Department competitively bid the proposed purchase of the big boat toy; and

WHEREAS, on June 1, 1994, the Public Works Department received bids from two suppliers for the big boat toy; one of which from Pacific Playground, manufactured by Kompan for a toy which most nearly resembled the boat toy sought by the City, met the Department's specifications and was the most aesthetically acceptable. The other bid received was distributed by Recreational Resources, manufactured by Landscape Structures, Inc., respectively. In addition, the City decided to obtain the opinions of children who would be using the toy, and the toy distributed by Pacific Playground was unanimously approved by these children for installation in the park; and

WHEREAS, the difference in purchase price of the big boat toys described on the bids received by the City was \$1,328.25; and

WHEREAS, on June 13, 1994, the City Council determined to reject the bids on the big boat toy, for the reason that the Recreation Resource Bid envelope was opened prior to the scheduled time; and

WHEREAS, since the Council's rejection of the bids, the Public Works Department has attempted to obtain additional information to determine whether there are other manufacturers of the type of big boat toy which most nearly resembles the toy supplied by Pacific Playground, and

WHEREAS, the Public Works Department has been able to locate no manufacturer, other than Kompan, who makes a similar big boat toy, and has determined that this purchase is limited to a sole source; and

WHEREAS, the City Council may waive the requirements of advertisement and formal sealed bidding of purchases if the Council declares that the proposed purchase is clearly and legitimately limited to a single source or supply within the near vicinity, and recites why this situation exists (RCW 35.23.352);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council declares that purchase of the big boat toy for the City park is clearly and legitimately limited to a single source or supply within the near vicinity, because only the big boat toy manufactured by Kompan is the most aesthetically acceptable and because it is was unanimously chosen by the children who would be using the park. Therefore, the City Council waives all competitive bidding requirements for this sole source purchase.

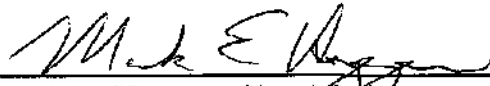
Section 2. The Public Works Director is hereby authorized to purchase the big boat toy as described in the specifications submitted by Pacific Playground, in the amount of \$13,805.81, for placement in the City park.

Resolved by the City Council this 12th day of September, 1994.

APPROVED:

  
\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator  
City Clerk

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:  
BY: \_\_\_\_\_

Filed with City Clerk: 8/30/94  
Passed by City Council: 9/12/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 425**

**WHEREAS**, Dave Hagen and Raymond Nelsen have requested site plan approval for the construction of a minimart gas station at building at 7102 Stinson Avenue, and

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated July 20, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on July 20, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated August 4, 1994; and,

**WHEREAS**, the City Council, during its regular meeting of August 22, 1994 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the proposed use, site plan and the recommendation of the Hearing Examiner is consistent with City codes and policies regulating allowed uses and site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing Examiner in his report dated August 4, 1994, are hereby adopted and the site plan is approved subject to the following conditions:

1. The increased asphalt area resulting from the decrease in the rear yard buffer shall be compensated with increased buffering and berming along the Stinson Avenue frontage including:
  - (a) Landscaped berms in the front yard perimeter area at least three feet high, provided that clear vision near the driveway exit is retained as per Public Works Department standards.
  - (b) Maximum driveway widths of 24 feet.
2. Prior to building permit issuance, a final landscape and sprinkling plan which indicates all berms and specific plant species shall be submitted to and approved by both the Tacoma Public Utilities Department and the City of Gig Harbor Planning and Public Works Departments. Berms shall be a minimum of 3 feet high spanning the full width of the

landscaped area except for required tapering at the edges. Landscaping shall be sufficient to provide screening from the freeway.


3. All landscaping shall be installed prior to issuance of a final occupancy permit unless a bond or assignment of funds totalling 110% of the estimated cost of landscaping is posted with the City.
4. Due to the alternative landscape plan's reliance on reduced buffer areas in exchange for a more unique style of architecture, all structures and signs shall be built in substantial compliance with the design as reviewed and approved through the site plan review process.
5. The roof color shall be limited to subdued earthtone matte finish colors (e.g., grays to charcoals, browns to reddish-browns or forest greens). Brighter colors may be acceptable if they are imbued with black or brown undertones (e.g., nautical blue). A color sample of the roofing material shall be submitted to and approved by the Planning Staff prior to installation.
6. Wainscot panels on the exterior of the building shall be steel, wood or masonry
7. Details for the dumpster screen shall be submitted to and approved by the Planning Staff prior to permit issuance. The dumpster screen shall be designed to match the building using similar colors and materials.
8. Fire flow must be provided to within 150 feet of each portion of the building in accordance with the Section 10.401, 1991 Uniform Fire Code.
9. Fire flow must be provided to the building in accordance with Section 10.401, 1991 Uniform Fire Code.
10. Access around the building must be provided to within 150 feet of all portions of the building in accordance with Chapter 10, 1991 Uniform Fire code. (fire sprinklers may be provided as an alternative).
11. Access must be provided to all areas in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards.
12. The project must conform to Chapter 15.20 GHMC (gasoline service stations).
13. The applicant shall submit for the City's review a copy of the agreement between the applicant and Tacoma Public Utilities which allows use of the Tacoma/Cushman right of way for this project's required parking and landscaping.
14. Prior to permit issuance, a final grading and drainage plan shall be submitted to the City for review and approval by both the Gig Harbor Public Works Department and the Washington State Department of Transportation.
15. The driveway shall be subject to the conditions as agreed and stipulated by the applicant and



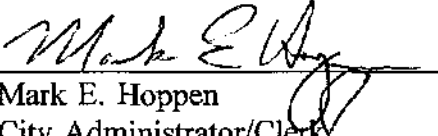
the Public Works Department including the following:

- a. The south driveway will be restricted to right-in and right-out only operation upon determination of the City in the future that this driveway is adversely affecting the traffic operations on Stinson Avenue.
  - b. The north driveway will be restricted to right-in and right-out only operation upon determination of the City in the future that this driveway is also affecting the traffic operations on Stinson Avenue.
  - c. The City's determination can be verified by an independent traffic engineer selected mutually by both parties and paid by the property owners.
  - d. There will not be open trench cut on Stinson Avenue for any utilities which includes, but not limited to, city water, sewer and storm sewer. All connections to the existing utilities will be completed by boring rather than cutting the brand new pavement on Stinson Avenue.
16. Prior to permit issuance, the applicant shall provide a copy of the lease agreement with Tacoma Light which allows use of the use right-of-way as specified on the site plan. In the event the lease is terminated, the owner of the mini-mart parcel shall have 90 days to bring the parking and circulation into compliance with codes in place at that time. Failure to bring the parking and circulation into compliance may result in termination of the existing use.
17. Site plan approval and all associated conditions of approval shall be file with the Pierce County Auditor's office as a covenant with the land. A copy of the filed covenant and filing number shall be submitted to the Planning Department prior to permit issuance.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 22nd day of August, 1994.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 8/22/94

**CITY OF GIG HARBOR  
RESOLUTION # 424**

**WHEREAS**, Rick North has requested site plan approval for the construction of an office/retail building at 5790 Soundview Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 22, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 22, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 6, 1994; and,


**WHEREAS**, the City Council has determined that the findings accurately reflect site conditions, zoning code requirements and building code requirements;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, the recommendation of the Hearing Examiner on the North Retail/Office Park site plan (SPR 94-01) is hereby approved, subject to the following conditions:


1. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
2. All significant trees within the proposed buffer and perimeter landscape areas (front, rear, and sides) shall be retained, except for a 20 foot wide driveway access to the Tacoma/Cushman right-of-way. It will also require preliminary identification of the building and parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g., a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.
3. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.

4. All parking stalls shall be a minimum of 9 feet x 19 feet except for required handicap stalls which shall be installed in accordance with ADA standards and as approved by the Building Official.
5. Fire hydrants must be within 150 feet of any portion of the building and the building must include a fire-sprinkler system as reviewed and approved by the Building Official/Fire Marshal.
6. All landscaping shall be installed prior to issuance of a final occupancy permit, or during the first growing season following occupancy if a landscape bond acceptable to the City is provided prior to issuance of the Certificate of Occupancy.
7. Prior to permit issuance a final landscape plan shall be reviewed and approved by the Planning Staff. The plan shall indicate (a) significant vegetation to be retained on both the front, rear, and side of the building, (b) specific plant species in accordance with zoning code landscaping requirements, and (c) a sprinkling plan.
8. The final site and landscape plan shall indicate a location for waste recycling bins.
9. All trees, shrubs and/or power poles located within the right-of-way which interfere with safe sight distances shall be removed. The Public Works Department shall review and approve final site and landscape plans to assure adequate sight distance.
10. The landscape plan shall meet all regular provisions of the code

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of August, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

**CITY OF GIG HARBOR  
RESOLUTION NO. 423**

**A RESOLUTION DENYING AN APPLICATION FOR A REZONE FROM R-1 TO RB-1 WITH AN RB-2 CONTRACT OVERLAY ZONE, REJECTING THE HEARING EXAMINER'S RECOMMENDATION OF JUNE 20, 1994.**

Be it resolved by the City Council of the City of Gig Harbor to enter the following Findings of Fact relating to the application for rezone by Phillip K. Israelson (Providence Ministries), City File No. REZ 93-01, and the June 20, 1994 recommendation of the Hearing Examiner on this application.

**FINDINGS OF FACT**

Application and Background.

1. On April 29, 1994, Phillip K. Israelson ("applicant") filed an application on behalf of the property owner, Providence Ministries, for a rezone from R-1 to RB-1 with an RB-2 contract overlay zone for a parcel of property located at 9515 No. Harborview Drive. An application for a variance from Gig Harbor Municipal Code Section (GHMC) Section 17.100.020C was also submitted for a reduction in the minimum lot size of the rezone.
2. The subject property is 19,220 sq. ft. in size, and is zoned residential (R-1). The underlying comprehensive plan designation for the property is Low Urban Residential. It is surrounded on all sides by residential zoned property.
3. The subject property is currently developed with a commercial building which is fully wired for power. The interior of the building is in good to excellent shape and the outside is in reasonable shape. This building is not suitable for a residential dwelling because substantial changes to the interior would be required to accommodate this use. The exterior is also clearly not consistent with residential use.
4. In 1983, the property was zoned RB-1, and the existing structure was renovated to accommodate office use and light assembly. Professional office was a permitted use and development under this zoning classification. Although this use is not allowed under the subsequently adopted R-1 zoning, it was a legally nonconforming use during the period of time that the previous property owner maintained the commercial use.
5. The current owner purchased this property in June of 1990. Since that time, the owner has used the property for storage, which is a use not specifically addressed by the City's Zoning Code.
6. In 1990, the City initiated an area-wide rezone and the subject property was rezoned to R-1. All required notice of the area-wide rezone was provided by the City.

7. The structure was last occupied in 1991. Because the structure has been vacant for more than one year, the property's owner's right to continue the legal nonconforming use under the RB-1 zoning has expired.
8. In August 1993, the property owner requested a contract rezone from R-1 to RB-2, to allow limited light assembly. The Hearing Examiner reviewed the application under the criteria set forth in GHMC Section 17.100.040, which requires consideration of the change in conditions upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public interest. Additional information was requested by the Hearing Examiner from the City about the Planning Commission and City Council's intent to rezone this parcel as R-1 in 1990.
9. After researching the City's records relating to the 1990 rezone, the City staff were unable to find any record of any discussion by either the Planning Commission or City Council regarding the subject parcel. Thereafter, the Hearing Examiner determined that the City had unintentionally rezoned the property to R-1, and had erroneously designated this property R-1 on its Official Zoning Map. In his decision of March 2, 1994, the Hearing Examiner did not describe how the application met the rezone criteria set forth in GHMC Section 17.100.040, but recommended to the City Council that the property be rezoned on the basis that an error had occurred.
10. Upon the City Council's review of the rezone application, the City's legal counsel advised that chapter 17.100 GHMC did not provide a "map error correction" process contemplated by the Examiner's decision, and that the application must be processed according to the procedures set forth in chapter 17.100 GHMC for rezones. On March 14, 1994, the Council tabled the proposal indefinitely.
11. The present application for a rezone and variance was submitted to the Hearing Examiner, who held a public hearing on May 25, 1994 to consider the matter.
12. At the hearing, the City staff submitted its report of May 25, 1994, which recommended three actions: (1) approval of the variance; (2) denial of a rezone to RB-1; (3) conditional approval of a contract rezone to RB-2, and the addition of certain conditions in the contract relating to structural design, landscaping, signs and other land use features.
13. Pursuant to GHMC Section 17.10.100, the Examiner's decision on a variance is final. A decision on a rezone is a recommendation to the Council for final action.
14. In his decision of June 20, 1994, the Examiner approved the variance and recommended that the City Council conditionally approve the rezone of the property from R-1 to RB-1 with an RB-2 contract overlay zone. While the Examiner specified that certain conditions be added to the contract submitted by the applicant, he did not recommend inclusion of all conditions recommended by staff in the May 25, 1994 report.

15. Under GHMC Section 17.100.050, the Council is required to consider the Hearing Examiner's recommendation at its next regular meeting after receipt of the recommendation. Although the matter was scheduled to be considered at the Council's next regular meeting, there was a power failure during the meeting, and no tape recording of the meeting could be made. Therefore, the Council scheduled a special meeting to be held on July 18, 1994, for its consideration of the Hearing Examiner's recommendation.

Council Consideration of Application.

16. At a special meeting held on July 18, 1994, the Council considered the report of City staff (for the Planning Director) dated July 11, 1994, the City staff report submitted to the Hearing Examiner dated May 25, 1994, the Hearing Examiner's recommendation of June 20, 1994, the Concomitant Zoning Agreement proposed by the applicant, information submitted in the Council packet on this application and all the oral presentations by Ray Gilmore, Planning Director. All required notices of the meeting were properly given.
17. As stated in GHMC Section 17.28.010, the intent of the RB-1 zone is to serve as a buffer between higher intense commercial uses and lower intense residential uses.
18. As required by GHMC 17.100.040(A), both the Examiner and staff evaluated the application in light of the City's comprehensive plan, and agreed that a contract rezone to RB-2 would further the goals, policies and objectives of the plan. (Staff Report, No. 11, p. 16, May 25, 1994; Examiner decision, p. 3 (adoption of No. 11 of Staff Report by reference in B.), June 20, 1994.)
19. As required by GHMC 17.100.040(B), the staff evaluated whether or not there has been a change in conditions upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public interest. (Staff Report, No. 12, p. 16-17, May 25, 1994.) Staff determined that the rezone request was not based upon a change in circumstances since the last rezone, but upon the fact that the previous rezone allowed construction of a commercial building, taken together with the building's current vacant condition. The Examiner determined only that a mapping error occurred, and did not fully discuss this criteria. Specifically, the Examiner did not find that current conditions were not anticipated or foreseen since the last area zoning. (Examiner decision, p. 2, No. I.(B)(1) and II.(A)(1).)
20. As required by GHMC 17.100.040(C), both the Examiner and staff evaluated the application to determine whether it would further the public health, safety and general welfare. The Examiner concluded that the requested RB-2 contract rezone would, with appropriate conditions, accomplish this by allowing a viable use for an existing building which would otherwise remain vacant. (Examiner decision, p. 3, II.(A)(9).) The staff agreed with this conclusion, and also found that if the contract rezone with staff's

recommended conditions was approved, it would allow a viable use for a building that would otherwise remain vacant, become a public nuisance, and contribute to a blighted condition in the area. (Staff Report, p. 17, No. 13.)

21. The Council must consider this application under GHMC Section 17.100.050, which requires the Council to review the report of the planning director and the hearing examiner. In order to approve the rezone request, the Council must find from the facts presented by the findings of these reports that the public health, safety and general welfare would be preserved, and that the rezone would be in keeping with the spirit and intent of the comprehensive plan.

### CONCLUSIONS

22. After consideration of these reports and the information presented at the July 18, 1994 public meeting, the Council concludes that the current zoning designation of the subject property is R-1, as shown on the City's Official Zoning Map.
23. The Council concludes that the request for reclassification does not further the goals, policies and objectives of the comprehensive plan. The underlying comprehensive plan designation for this property is Low Urban Residential, and is meant, as a general rule, to provide a guideline for subsequent rezones. Therefore, a rezone of the property to allow commercial uses in an area designated for low intensity residential uses is inconsistent with the comprehensive plan.
24. The Council concludes that there have been no changes in conditions, upon which the existing zoning classification of R-1 is based, sufficient to demonstrate that the current classification does not meet the public's interest. In addition, the applicant has not shown that there has been a material change in circumstances which was not anticipated or foreseen since the adoption of the comprehensive plan or the last area zoning.

Because the property was once zoned for commercial uses, any commercial use of the property after the R-1 area-wide rezoning could have been maintained as a legal, non-conforming use. However, the property owner allowed its right to maintain the non-conforming use to lapse, and this is the only "changed circumstance" presented to the Council in support of the rezone.

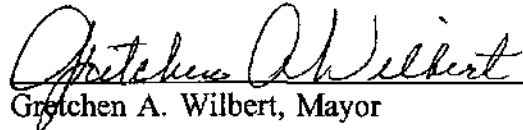
25. The Council concludes that neither of the requested reclassifications, RB-1 or RB-2, meet the code criteria for rezone approval. If the property were to be rezoned to a commercial use in the midst of a residentially zoned area, there would be no buffer between these uses. As a result, the existing residential uses would be negatively impacted by a commercial use, to the detriment of the public health, safety and welfare. Even with the conditions proposed by the Hearing Examiner and the City staff, these obvious public health, safety and welfare concerns would not be satisfied

by the carving out of this subsized property for a rezone incompatible with the comprehensive plan designation.


**DECISION**

The City Council hereby denies the application request for an approval of a rezone from R-1 to RB-1 with a RB-2 contract overlay zone, No. 93-01, and rejects the Hearing Examiner recommendation of June 20, 1994 on this application.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 25th day of July, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 7/21/94  
Passed by City Council: 7/25/94



**CITY OF GIG HARBOR  
RESOLUTION NO. 422**

**A RESOLUTION UPHOLDING THE HEARING EXAMINER'S DECISION TO ALLOW  
A BED & BREAKFAST AT 8212 DOROTICH STREET**

**WHEREAS**, Mrs. Mary Jackson has requested a conditional use permit allowing a bed & breakfast at 8212 Dorotich Street (CUP 94-01); and

**WHEREAS**, the planning staff recommended that the Hearing Examiner approve the conditional use permit based upon findings that the request was consistent with the conditional use criteria as defined by section 17.64.040 of the Gig Harbor Zoning Code and as stated in the Staff Report to the Hearing Examiner dated May 25, 1994; and

**WHEREAS**, a public hearing was held on May 25, 1994 at which time public input stated support for the proposed bed & breakfast; and

**WHEREAS**, Messrs. Mike Thornhill and Bob Ellsworth submitted public input after the public hearing was closed in a letter to the Hearing Examiner which identified health /safety issues relating primarily to the building; and

**WHEREAS**, the Hearing Examiner considered all public and staff input and approved the conditional use permit subject to the conditions recommended in the staff report to the Hearing Examiner; and

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of appeals of decisions of the Hearing Examiner; and

**WHEREAS**, Mike Thornhill and Bob Ellsworth have filed a timely appeal in a letter to the City Council dated June 15, 1994; and

**WHEREAS**, at its special meeting of July 18, 1994, the appellants Ellsworth and Thornhill failed to appear before the Council; and

**WHEREAS**, the Gig Harbor City Council has reviewed the record of the staff recommendation, the record of the Hearing Examiner's decision, the appeal filed by the applicant and the applicant's and appellants presentation at its regular session of July 11, 1994; and

**WHEREAS**, the City Council has determined that the issues addressed by the appellants have either been addressed by the condition of approval as required by Hearing Examiner or are items typically address through building code compliance; and

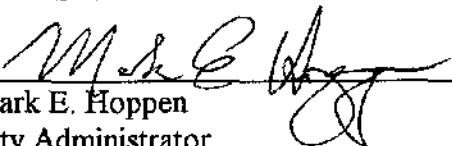
**WHEREAS**, the City Council agrees with the determinations and findings of the city's staff and Hearing Examiner;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, that the appeal filed by Messrs. Ellsworth and Thornhill is denied and the decision of the Hearing Examiner to approve the conditional use permit for a bed & breakfast is upheld, subject to the conditions of approval stated in the June 8, 1994 Hearing Examiner report, and subject to additional conditions that the building shall be inspected by the City's building official/Fire Marshall prior to opening of the bed & breakfast, that the building shall comply with all applicable Uniform Building Code requirements for converting the house to a bed & breakfast and that the greywater line which currently discharges directly into Gig Harbor Bay shall be connected to the City sewer line in accordance with City standards prior to the issuance of an occupancy permit for the bed and breakfast facility..

**PASSED** this 18th day of July, 1994.

  
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GRETCHEN A. WILBERT, MAYOR

ATTEST:

  
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Mark E. Hoppen  
City Administrator

**CITY OF GIG HARBOR  
RESOLUTION NO. 421**

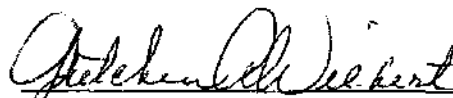
**A RESOLUTION RELATING TO THE CITY'S PERSONNEL REGULATIONS:  
CREATING A JOB CLASSIFICATION AND ADDING A JOB DESCRIPTION TO  
THE CITY'S JOB DESCRIPTIONS.**

WHEREAS, the Gig Harbor City Council desires to approve the creation of a new job classification of Public Works Assistant; and,

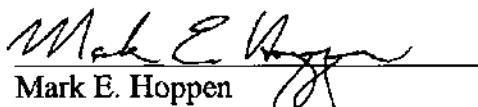
WHEREAS, the existing personnel classifications for the City of Gig Harbor do not currently have a job description for the "Public Works Assistant";

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, hereby RESOLVES that the classification of Public Works Assistant be adopted as city policy and that a salary range for the position be adopted through ordinance. BE IT FURTHER RESOLVED, that the attached job description for Public Works Assistant be included in City Job Descriptions as approved by Council Motion on June 13, 1993.

PASSED this 13th day of June, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with city clerk: 6/9/94  
Passed by city council: 6/13/94

**RESOLUTION NO. 420**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON FIXING A TIME AND DATE FOR A HEARING ON THE FINAL ASSESSMENT ROLL FOR UTILITY LOCAL IMPROVEMENT DISTRICT NO. 3.

WHEREAS, the City Council of the City of Gig Harbor, Washington (the "City") adopted Resolution No. 336 on November 25, 1991, declaring its intention to order certain local improvements within the City and to create a utility local improvement district; and


WHEREAS, a hearing was held on January 13, 1992, and after due consideration the Council passed Ordinance No. 617 on January 27, 1992, ordering the improvements and creating Utility Local Improvement District No. 3 ("ULID No. 3"); and

WHEREAS, construction of the improvements within ULID No. 3 is now complete and the assessment roll for ULID No. 3 has been filed with the City Clerk;


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington as follows:

A hearing on the final assessment roll shall be held at 7:00 p.m. or as soon thereafter as possible on June 27, 1994, in the Council Chambers in the City Hall, 3105 Judson Street, Gig Harbor, Washington. All persons who may desire to object to such improvements are hereby notified to appear and present such objections at such hearing. The City Clerk is hereby directed to give notice of said hearing by publication in two consecutive weeks in the City's official newspaper, with the date of the last publication to be at least fifteen days prior to the date of said hearing, and to mail a notice of such hearing at least fifteen days before the date thereof, to each owner or reputed owner of any lot, tract, parcel of land, or other property in ULID No. 3, at the address shown on the tax rolls of the Pierce County Treasurer.

ADOPTED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor this 6th of June, 1994.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator

**RESOLUTION NO. 419**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, WAIVING A PORTION OF THE BUILDING PERMIT AND INSPECTION FEES ASSOCIATED WITH A HIRED CONSULTANT'S PLAN REVIEW AND INSPECTION OF THE EXPANSION OF THE CITY'S WASTEWATER TREATMENT FACILITY.**

WHEREAS, the City is engaged in an expansion of its wastewater treatment facility (hereinafter the "expansion project") which involves, among other things, the installation of extremely complex equipment into the existing facility; and

WHEREAS, the plan review, equipment installation, inspections and other work associated with the expansion project is of such a technical nature that the City's Building Official does not have the expertise to perform all of the duties usually required for plan review and inspection under the City's Building Code and the other Uniform Codes; and

WHEREAS, the City's Public Works Director/City Engineer and the Wastewater Treatment Plant Supervisor has completed the portion of the plan review and the City has hired technical consultants to perform the construction inspection for the expansion project required by the applicable Codes portions of which cannot be accomplished by the City's Building Official, and has committed funds to pay for the consultants' fees from the sewer and wastewater treatment funds, consisting of revenues collected from sewer services; and,

WHEREAS, the City's payment of such consulting fees from the Sewer and Wastewater Treatment Fund, together with the fact that the City will pay the City's administrative fees associated with the plan review, inspection, or any other work actually performed by the City's Building Official on the expansion project, would allow the Council to waive the portion of the building permit fee over the amount of \$1,885.15.

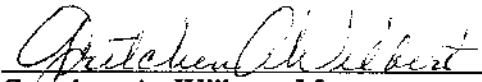
NOW, THEREFORE,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**


Any building permit or inspection fee which might otherwise be imposed on the City's waste water treatment facility expansion project over the amount of \$1,885.15, which constitutes the City's fees for plan review and inspection by City inspectors is hereby waived.

RESOLVED by the City Council this 9th day of May, 1994.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
MARK E. HOPPEN,  
City Administrator/Clerk

FILED WITH THE CITY CLERK: 5/4/94  
PASSED BY THE CITY COUNCIL: 5/9/94

CITY OF GIG HARBOR  
RESOLUTION NO. 418

A RESOLUTION OF THE CITY OF GIG HARBOR AUTHORIZING THE CITY TO ENTER INTO A STATE REVOLVING FUND LOAN AGREEMENT WITH THE STATE OF WASHINGTON DEPARTMENT OF ECOLOGY FOR APPROXIMATELY \$891,000 FOR FINANCING THE WASTEWATER TREATMENT FACILITY UPGRADE.

WHEREAS, the Department of Ecology, a Washington State Agency, has established a State Revolving Fund (SRF) for providing financial assistance for the construction of Wastewater Treatment Facilities; and,

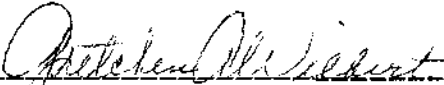
WHEREAS, the City has completed the design of the Wastewater Treatment Plant Expansion Project; and,

WHEREAS, the City desires to obtain the lowest financing costs possible for the construction project; and


WHEREAS, a condition of the loan agreement is that the City Council adopt a resolution authorizing the loan,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Gig Harbor is hereby authorized by the City Council to enter into a loan agreement with the State of Washington Department of Ecology for approximately \$891,000 for the financing of the Wastewater Treatment Plant facility upgrade. The terms of and conditions of said loan agreement are attached as Exhibit A and are hereby incorporated by reference.

PASSED this 9th day of May, 1994.

  
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Gretchen A. Wilbert, Mayor

ATTEST:

  
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Mark E. Hoppen, City Clerk

CITY OF GIG HARBOR  
RESOLUTION NO. 417

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING AN ANNEXATION PETITION SUBMITTED BY ANNA NELSON AND ESTABLISHING A ZONING DESIGNATION OF R-2 (SINGLE FAMILY/DUPLEX) FOR A ONE ACRE PARCEL OF LAND LOCATED EAST OF AND ADJACENT TO SOUNDVIEW DRIVE, AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on December 21, 1993, a petition for annexation of approximately 1 acre was submitted for the property lying east of Soundview Drive, at 65th Street Court NW; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 100% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and

WHEREAS, the petitioner requests annexation to obtain city services, principally sewer, to correct an on-site sewage disposal problem; and,

WHEREAS, on the 8th of March, 1993, the City Planning Commission conducted a public hearing on the proposed zoning for the property; and,

WHEREAS, the Planning Commission found that a zoning designation of R-2 (single family/duplex) is appropriate for the parcel as the property is built-out with two-family dwelling units at a density compatible with the proposed zone; and,

WHEREAS, the City Council has reviewed the petition for annexation in which the petitioner agrees to annexation under the following terms:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as single family/duplex (R-2), subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code;



WHEREAS, on March 3, 1994 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at the public hearings of March 28, 1994 and May 9, 1994, the City Council does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as described in Exhibit "A" as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The area shall be zoned as single family residential/duplex (R-2) subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.

Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto. The City Council does refer the petition and petitioner to the Pierce County Boundary Review Board for approval of the annexation and the City Council shall not take any further action on the annexation proposal until such time the Pierce County Boundary Review Board has completed its review of the notice of intent to annex.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 9th day of May, 1994.

  
Gretchen Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 3/23/94

Passed by City Council: 5/9/94

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**ANX 93-02**

Beginning at the southwest corner of the southeast quarter of Section 8, Township 21 North, Range 2 E.Wm., in a northerly direction approximately 380 feet along the approximate centerline of Soundview Drive to the true point of beginning.

Thence east a distance of approximately 330 feet; thence north a distance of approximately 146 feet; thence west a distance of 330 feet; thence south a distance of 146 feet to the true point of origin.

**CITY OF GIG HARBOR  
RESOLUTION NO. 416**

**WHEREAS**, Mrs. Monique DeMartin had requested a 4 foot sideyard setback variance and a 4 foot 8 inch height variance at 7017 Stanich Avenue (VAR 94-05); and

**WHEREAS**, the Planning Staff recommended that the Hearing Examiner deny the variance based upon findings that the request was not based upon site specific hardships as required by section 17.66 of the Gig Harbor Zoning Code and as stated in the Staff Report to the Hearing Examiner dated March 16, 1994; and

**WHEREAS**, the Hearing Examiner denied the variance based upon the findings outlined by the Staff and upon showing that there are other alternatives for building the additions without the need for a variance as stated in his report dated March 30 1994; and

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of appeals of decisions of the Hearing Examiner; and

**WHEREAS**, the applicant has filed a timely appeal in a letter to the City Council dated April 7, 1994; and

**WHEREAS**, the Gig Harbor City Council has reviewed the record of the Staff recommendation, the record of the Hearing Examiner's decision, the appeal filed by the applicant and the applicant's presentation at its regular session of April 25, 1994; and


**WHEREAS**, the City Council agrees with the determinations and findings of the City's Staff and Hearing Examiner;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, that the requested variance for a 4 foot sideyard encroachment and a 4 foot 8 inch height variance is hereby denied.

**PASSED** this 25th day of April, 1994.

  
GRETCHEN A. WILBERT, MAYOR

ATTEST:

  
Mark E. Hoppen  
City Administrator

**CITY OF GIG HARBOR  
RESOLUTION 415**

A RESOLUTION ALLOWING THE CITY OF GIG HARBOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PIERCE COUNTY IN CONNECTION TO THE COMMUTE TRIP REDUCTION ACT.


WHEREAS, the 1991 Washington State Legislature enacted the Transportation Demand Management Act and the City Council has passed Ordinance No. 669 to comply with this Act; and

WHEREAS, this Interlocal Agreement is required pursuant to RCW 39.34 and RCW 70.94.527 to better manage distribution of State funds and the development and administration of the Commute Trip Reduction plans;

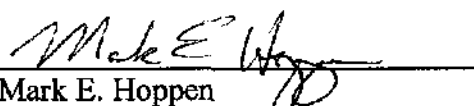
NOW THEREFORE, BE IT RESOLVED by the City Council, as follows:

The City of Gig Harbor will enter into an Interlocal Agreement with Pierce County to help facilitate the distribution of State funds and to develop and administer the Commute Trip Reduction plan per the attached copy of the Interlocal Agreement.

PASSED this 11th day of April, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 4/1/94  
Passed by City Council: 4/11/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 414**

**WHEREAS**, the City Council approved Resolution No. 352 on April 27, 1992 granting site plan approval for SPR 92-01 - a dental clinic at 6867 Kimball Drive; and,

**WHEREAS**, Section 17.96.070 of the City's zoning ordinance states that construction shall commence within twenty-four months from the date of approval; otherwise the approval of the project becomes null and void; and,

**WHEREAS**, Snodgrass Freeman Associates, AIA. has requested a two year site plan extension for SPR 92-01/VAR 92-02.

**WHEREAS**, Section 17.66.050 of the City's zoning code states that variances may be approved by the Planning Director for no more than one year

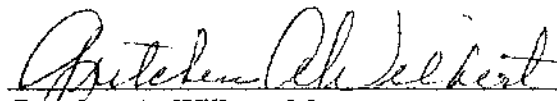
**WHEREAS**, the City Council, during its regular meeting of March 14, 1994 has determined that there have been no material change of circumstances applicable to the property since the approval of the site plan; and

**WHEREAS**, the City of Gig Harbor City Council has determined that the site plan extension should be consistent with the variance extension time limit of one year;

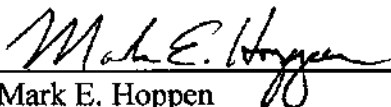
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the request to extend the site plan approval for SPR 92-01 is hereby approved for a period not to exceed one year.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of March, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 3/10/94  
Passed by City Council: 3/14/94

**CITY OF GIG HARBOR  
RESOLUTION #413**

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, on August 23, 1993 PBA Inc. received site plan approval for SPR 93-02 - a carwash/retail center located at 6750 Kimball Drive as stated in the City of Gig Harbor Resolution #387; and,

**WHEREAS**, PBA Inc. has requested an amendment to SPR 93-02 - Site Plan approval for a carwash/retail center located at 6750 Kimball Drive; and,

**WHEREAS**, the Planning Department has reviewed the requested amendment and found that the amended site plan is consistent with zoning code requirements for site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a memo to the City Council dated February 28, 1994; and

**WHEREAS**, the City Council, during its regular meeting of February 28, 1994 reviewed the proposed site plan amendment and the recommendation of the Planning Staff; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Planning Staff to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

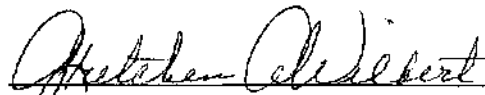
That the amended site plan for SPR 93-02 be approved subject to the following conditions:

1. Any revisions to the plan required to widen driveways or provide fire access shall not result in further encroachment into landscaped areas.
2. Condition #7 of Resolution #387 shall be revised to read as follows


The applicant shall pay a fair share of improvement costs to bring the current level-of-service (LOS) from F to D at the Kimball/Pioneer intersection. The amount as based upon the revised traffic study of March 7, 1994, and as determined by an analysis of the Public Works Director is 1.1% of the total of \$243,750 for the required improvements to the Kimball Drive/Pioneer Way intersection, with an additional 10% credit dedicated for the total mitigation for traffic to the facility that utilizes both the oil change and carwash services. The said amount shall be \$2,413.13 paid to the City by the applicant prior to issuance of a Certificate of Occupancy.

3. A revised site plan showing final parking and driveway layouts shall be submitted to the Staff for review and approval. The plan shall conform to all conditions of approval.
4. A revised final landscape plan reflecting the revised site plan shall be submitted for staff review and approval prior to permit issuance.
5. All other conditions as required with the original site plan approved under Resolution #387 shall be complied with.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 14th day of March, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 3/14/94  
Passed by City Council: 3/14/94

**RESOLUTION NO. 411**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ON THE SUBJECT OF PUBLIC WORKS CONTRACTING AND PURCHASING; ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND FOR THE PURCHASE OF SUPPLIES, MATERIALS AND EQUIPMENT.

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WHEREAS, the Washington State Legislature has recently amended the laws regarding purchasing of materials, supplies and equipment and contracting for public works by municipalities, allowing certain purchases and contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement the small works roster process, the City Council is required by law to adopt a resolution establishing the specific procedures; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The following small works roster procedures are established for use by the City, pursuant to RCW 35.23.352, 35A.40.210 and chapter 39.04 RCW.

**A. Purchase of Materials, Supplies or Equipment.**

1. **Cost.** The City is not required to use formal sealed bidding procedures or the procedures set forth in this Resolution, to purchase materials, supplies or equipment where the cost of same will be under Seven Thousand Five Hundred Dollars (\$7,500.00). When the City desires to purchase materials, supplies or equipment estimated to cost from Seven Thousand Five Hundred Dollars (\$7,500.00) to Fifteen Thousand Dollars (\$15,000.00), the procedures set forth in Section A of this Resolution may be used.
2. **Publication of Notice.** At least twice a year, the City shall publish, in the City's official newspaper, notice of the existence of the City's roster of vendors for materials, supplies and equipment, and shall solicit names of vendors for the roster.
3. **Telephone Quotations.** The City shall follow the following process to obtain telephone quotes from vendors for the purchase of materials, supplies or equipment:
  - a) a written description shall be drafted of the specific materials, equipment or supplies to be purchased, including the number, quantity, quality and type desired, the proposed delivery date, and any other significant terms of purchase;



- b) a City representative shall make a good faith effort to contact at least three of the vendors on the roster established according to subsection 2 above, and, reading from the written description, obtain telephone quotes from the vendors on the required materials, equipment or supplies;
  - c) at the time such telephone quotes are solicited, the City representative shall not inform a vendor of any other vendor's bid on the materials, supplies or equipment;
  - d) a written record shall be made by the City representative of each vendor's bid on the materials, equipment and supplies, and of any conditions imposed on the bid by such vendor;
  - e) all of the telephone bids or quotes shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder and award of the contract.
4. **Determining Lowest Responsible Bidder.** The City shall purchase the materials, equipment or supplies from the lowest responsible bidder, provided that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City may call for new bids or enter into direct negotiations to achieve the best possible price. The following factors, in addition to price, may be taken into account by the City in determining the lowest responsible bidder:
- a) any preferences provided by law to Washington products and vendors;
  - b) the quality of the materials, supplies and equipment to be purchased;
  - c) the conformity of the materials, supplies and equipment to the City's specifications;
  - d) the purposes for which the materials, supplies and equipment are required;
  - e) the times for delivery of the materials, supplies and equipment;
  - f) the character, integrity, reputation, judgment, experience and efficiency of the bidder; and
  - g) such other information as may have a bearing on the decision to purchase the supplies, materials or equipment.
5. **Life Cycle Costing.** In considering bids for purchase or lease, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation

would result in the lowest total cost to the City, first consideration shall be given to the bid with the lowest life cycle cost which complies with the specifications. "Life cycle cost" mean the total cost of an item to the City over its estimated useful life, including costs of selection, acquisition, operation, maintenance, and where applicable, disposal, as far as these costs can reasonably be determined, minus the salvage value at the end of its estimated useful life. The "estimated useful life" of an item means the estimated time from the date of acquisition to the date of replacement or disposal, determined in any reasonable manner.

6. **Award.** Immediately after the contract award is made, the written record of each vendor's bids or quotes shall be open to public inspection and available to the public by telephone inquiry. Any contract awarded under this subsection need not be advertised.
7. **Posting.** A list of all contracts awarded under the above procedures must be posted at City Hall on the front entry bulletin board, at least once every two months. The list shall contain the name of the vendor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract and the date it was awarded. The list shall also state the location where the bid quotations are available for public inspection.

**B. Public Works Contracts.**

1. **Cost.** The City need not comply with formal sealed bidding procedures to award public works contracts where the estimated cost is under One Hundred Thousand Dollars (\$100,000.00), which includes the costs of labor, material and equipment, and the City may use the small works roster procedures set forth herein.
2. **Number of Rosters.** The City may create a single general small works roster, or may create a small works roster for different categories of anticipated work.
3. **Contractors on Small Works Roster(s).** The small works roster(s) shall consist of contractors who:
  - a) have requested to be on the roster(s); and
  - b) are properly licensed or registered in this state to perform the work.
4. **Publication.** In the months of January and June of every year, the City shall publish a notice in the City's official newspaper, stating the existence of the small works roster(s) and shall solicit names of contractors for the roster(s).
5. **Telephone or Written Quotations.** The City shall obtain telephone or written quotes for public works contracts under this section as follows:

- a) the City shall write a description of the scope and nature of the work to be done, together with any other specifications material to the bid;
  - b) a City representative shall contact at least five appropriate contractors from the small works roster(s), and, reading from the written description, obtain telephone or written bids from the contractors. At the time each of the bids are solicited, the City representative shall not inform the contractors of the terms or amount of any other contractor's bid for the same project;
  - c) once a contractor has been afforded an opportunity to submit a proposal, that contractor shall not be offered another opportunity until all other appropriate contractors on the roster have been given an opportunity to submit a bid;
  - d) a written record shall be made by the City representative of each contractor's bid on the project, and of any conditions imposed on the bid;
  - e) all of the telephone bids or quotes shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder and award of the contract.
6. **Determining Lowest Responsible Bidder.** The City Council shall award the contract for the public works project to the lowest responsible bidder provided that whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City Council may call for new bids or enter into direct negotiations to achieve the best possible price. In addition to price, the City Council shall take into account all of the factors described in Section A(4) of this Resolution, together with the following:
- a) the ability, capacity and skill of the bidder to perform the contract;
  - b) whether the bidder can perform the contract within the time specified by the City;
  - c) the quality of the bidder's performance of previous contracts or services;
  - d) the previous and existing compliance by the bidder with laws relating to the contract or services.
7. **Life Cycle Costing.** In considering bids for the construction of public works projects, whenever there is reason to believe that applying the "life cycle costing" method to bid evaluation would result in the lowest total cost to the City, first consideration shall be given to the bid with the lowest life cycle cost which complies

with the specifications. Evaluation of "life cycle cost" shall follow the process described in Section A(5) of this Resolution.

8. **Award.** Immediately after the contract award is made, the written record of each contractor's bids or quotes shall be open to public inspection and available to the public by telephone inquiry. Any contract awarded under this subsection need not be advertised.
  
9. **Posting.** A list of all contracts awarded under the above procedures must be posted at City Hall on the front entry bulletin board, at least once every two months. The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the items purchased under the contract and the date it was awarded. The list shall also state the location where the bid quotations are available for public inspection.

RESOLVED this 28th day of February, 1994.

APPROVED:

  
MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

  
CITY CLERK, MARK HOPPEN

FILED WITH THE CITY CLERK: February 11, 1994  
PASSED BY THE CITY COUNCIL: February 28, 1994

**CITY OF GIG HARBOR  
RESOLUTION NO. 410**

**WHEREAS**, Mr. Mike Crum has submitted a request to the Gig Harbor City Council to consider a time extension on the preliminary plat of Silverwood, which was previously approved by the Pierce County Hearing Examiner in 1991; and,

**WHEREAS**, in reference to the State Subdivision Act (RCW 58.17), a preliminary plat may be granted one extension up to a maximum of one year; and,

**WHEREAS**, the criteria for granting an extension is the showing of a "good faith effort" to submit the final plat within the three year period; and,

**WHEREAS**, the City subdivision code, Title 16 of the GHMC, does not provide any additional elaboration on the time requirements for a preliminary plat; and,

**WHEREAS**, Mr. Crum has agreed to construct the plat to City standards, including that portion of 76th Street NW which provides access from Skansi Avenue; and,

**WHEREAS**, the conditions of preliminary plat approval, as stipulated by the Pierce County Hearing Examiner, and as relevant and pertinent to City of Gig Harbor standards, remain applicable to this preliminary plat.

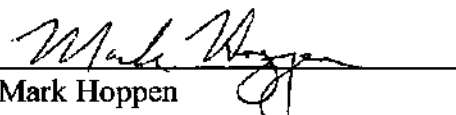
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the preliminary plat of Silverwood is granted a one year extension to May 31, 1995.

**PASSED** this 28th day of February, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark Hoppen  
City Administrator

Filed with City Clerk: 2/23/94  
Passed by City Council: 2/28/94

**CITY OF GIG HARBOR  
RESOLUTION #409**

**WHEREAS**, Heartwood Homes LTD. has requested site plan approval for the construction and operation of a motel or inn building at 3212 Harborview Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated January 19, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on January 19, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated February 10, 1994; and,

**WHEREAS**, the City Council, during its regular meeting of February 28, 1994 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

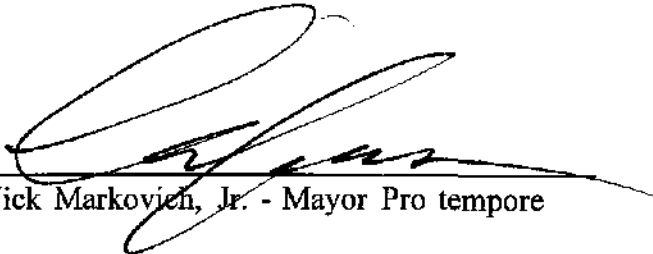
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing Examiner in his report dated February 10, 1994, are hereby adopted and the site plan is approved subject to the following conditions:

- (1) Fire Hydrant(s) and fire fighting equipment access shall be required within 150 feet of all portions of the building.
- (2) One unit shall be handicap accessible and shall include a telephone and fire alarm for the hearing impaired.
- (3) A complete fire alarm and sprinkler system as approved by the City's Fire Marshall shall be required.
- (4) Required parking shall not be located in the shared driveway (roadway). Therefore, stall #20 as shown on the submitted site plan shall be eliminated.

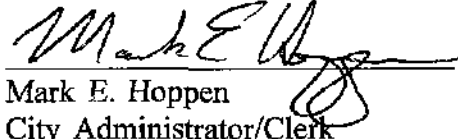
- (5) The handicap accessible parking stall shall be van accessible (16' wide) and as approved by the Building Official.
- (6) Minimum walkway widths shall be 44 inches or as approved by the Building Official.
- (7) The two-way driveway width shall be 24 feet minimum.
- (8) The trash enclosure shall accommodate recycle bins as approved by the Building Official. Plans for the enclosure shall be submitted to the Department of Community Development for review and approval prior to the issuance of a building permit.
- (9) A final landscape plan meeting the requirements of the Landscaping Section of the city zoning Code shall be submitted to and approved by the Planning Staff prior to clearing, excavation or building permit issuance. Landscaping, as approved, shall be installed prior to occupancy of the structure. Special attention shall be paid to providing a landscape buffer between the proposed project and the single family house to the north.
- (10) Final elevation drawings showing the treatment of the foundation in the front of the building and all other trim details and materials shall be submitted to the Planning Staff prior to building permit issuance. The applicant is encouraged to incorporate window and trim details on the existing building into the final plan.
- (11) A grading and drainage plan shall be submitted to and approved by the Public Works Department prior to building permit issuance.
- (12) A sign shall be installed near the deck which limits hours of use of the deck. The deck shall not be used between the hours of 10:00 p.m. and 8:00 a.m.
- (13) No hot tub shall be permitted on the deck or on the north side of the property as long as the adjacent house to the north is used for single family purposes.
- (14) All mechanical equipment shall be either located or vented to the south of the existing and proposed buildings.
- (15) All exterior lighting shall be shrouded to minimize light and glare on adjacent properties.
- (16) One sign shall be permitted near the vehicular entrance to the project and shall comply with all requirements of Section 17.80 of the Zoning Code.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 28th day of February, 1994.



Nick Markovich, Jr. - Mayor Pro tempore

ATTEST:



Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 2/28/94

Date published: 3/7/94

Date effective: 3/12/94



**CITY OF GIG HARBOR  
RESOLUTION NO. 408**

**A RESOLUTION OF THE CITY OF GIG HARBOR DECLARING CITY  
EQUIPMENT SURPLUS AND ELIGIBLE FOR SALE**

**WHEREAS**, the Gig Harbor City Council has determined that city-owned equipment is surplus to the City's equipment needs and has been or is in need of being replaced with new equipment; and

**WHEREAS**, the City may declare such equipment surplus and eligible for sale;

**NOW, THEREFORE**, the City Council of the City of Gig Harbor hereby resolves as follows.

To declare as surplus:

1983 Chevrolet 1-Ton Utility Truck, 2CBHK34M4D1155922

Public Works Shop

Sun Exhaust Analyzer, SER #47E-14807

Sun Engine Analyzer, SER #470-3142

Sony Word Processor

Computer Monitor SER #010601

Computer Monitor SER #98-15583217

Computer Monitor SER #98-15100680

Computer Keyboard, SER #9815583217

Computer Keyboard, SER #9814932743

ANMCO Brake Shoe Grinder, SER #29314

Two-Side Tool Boxes for Pickup

GE Mobile Radio, SER #6490481

GE Mobile Radio, SER #4451308

Motorola Mobile Radio, SER #37012

RCA Mobile Radio, Ser #615071

Goldak Metal Locator

Centronics Data Computer Printer, Ser #01165

NCR Computer, SER #61-14347779

KISS Printer

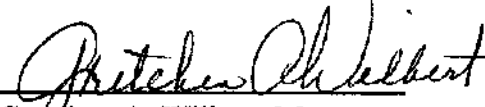
Old Baseball Backstop (Scrap)

Wastewater Treatment Plant

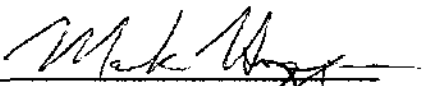
208 Plastic Diffusers  
SOLA Standby Power Source  
Hot Water Heaters (2)  
Mercury Switches (6)  
Wallace & Tiernan Scale  
Tandem Set Mixing Tank  
RH Fender C-10 Truck, '73 - '80  
LH Fender C-10 Truck, '73 - '80  
20" 3.5 HP Craftsman Mower  
Horizontal Mount Pump & Motor - Reliance  
Allis-Chalmer 20 HP Motors (3)  
90 Gear Motor - Dayton  
90 Gear Drive Motor - Westinghouse  
1/2 HP Galdor Motor  
Fractional HP Motor - G.E.  
Polymer Pump  
7.5 HP U.S. Motors (2)  
Grundfos Pump Motor, 7-1/2 H>P>  
Sliding Doors (2)  
Wood Door  
Case Light Bulbs  
Electrical Enclosures (5)  
Lampson Meter  
Dezurik Valve Openers (2)  
Steel Drums (21)  
Leads & Northrup Speed Recorder Strip Chart  
Misc. Wire, Metal & Piping

**RESOLVED** this 14th day of February, 1994.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

  
Mark Hoppen, City Administrator

Filed with the City Administrator: 2/10/94  
Passed by the City Council: 2/14/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 407**

**A RESOLUTION OF SUPPORT FOR THE PIERCE COUNTY COUNCIL TO ESTABLISH THE ROADWAY CORRIDOR AND TO ENTER INTO THE DESIGN AND CONSTRUCTION OF PART I OF THE EAST/WEST ROAD.**

**PART I - SR-16 TO PEACOCK HILL AVENUE THROUGH THE ROUTE IDENTIFIED AS ALTERNATIVE 3 WITHIN PIERCE COUNTY'S ENTRANCO ENGINEERS STUDY**

**PART II - PEACOCK HILL AVENUE TO CRESCENT VALLEY**

WHEREAS, existing commuters from Peacock Hill continually request of the County an alternative access to SR-16 without the need to go through the City; and,

WHEREAS, steep-slope truck traffic up and down Peacock Hill Avenue and through the City should be reduced for safety improvement and for noise abatement; and,

WHEREAS, the deterioration of city streets is currently exacerbated beyond normal limits by existing county development off Peacock Hill Road, which has resulted in heavy truck and auto traffic through Peacock Hill and the City; and,

WHEREAS, the Entranco traffic engineering study by Pierce County indicates 3,400 current Peacock Hill daily vehicle trips and 6600 Peacock Hill daily vehicle trips by the year 2010 on City of Gig Harbor streets without the construction of Part I; and,

WHEREAS, the City of Gig Harbor's city-conducted 1992 traffic study suggests more rapid and pronounced Peacock Hill traffic growth than the Entranco study; and,

WHEREAS, the Pierce County Hearings Examiner Case No. AE20-91/Swede Hill Corridor EIS found that the EIS was adequate for the purposes of establishing the road corridor from the Swede Hill interchange to Peacock Hill Avenue NW; and,

WHEREAS, the Pierce County Hearings Examiner approved the Environmental Impact Statement for the route between Peacock Hill and Swede Hill Interchange; and,

**City of Gig Harbor  
Resolution No. 407**

WHEREAS, immediate action on the final design plan of Part I is requested by the owners of Gig Harbor North, by all elected representatives of the residents of the City of Gig Harbor, by many residents of the Peacock Hill area, and by the neighborhoods adjacent to Gig Harbor's North Harborview, Harborview, and Stinson Avenues; and,

WHEREAS, the Peninsula School District needs a suitable future site in this area for both an elementary school and a middle school, and Alternative 3 would allow the school to proceed with their plans; and

WHEREAS, the substantial portion of cost of construction of Part I would be borne by private interests; and,


WHEREAS, the developers of Gig Harbor North are committed to work with the City, the school district, the neighborhoods, and Pierce County to determine the exact design of the Alternative 3 corridor;


NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington:

That the City of Gig Harbor request the Pierce County Council to support the selection of the Alternative 3 corridor from the Swede Hill Interchange to Peacock Hill Avenue at 112th Street (described as Part I in this resolution). And further, that the Pierce County Council direct the County Executive to authorize Pierce County Public Works to work with the City of Gig Harbor and all affected property owners to complete the design and construction of this Swede Hill to Peacock Hill route as soon as possible.

PASSED this 14<sup>th</sup> day of February, 1994.

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

Filed with City Clerk:

Passed by City Council:

**CITY OF GIG HARBOR  
RESOLUTION NO. 406**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON,  
WHICH ESTABLISHES FEES FOR LAND USE PLANNING AND BUILDING  
APPLICATIONS AND PERMITS**

WHEREAS, the City of Gig Harbor desires to establish such fees by Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, AS FOLLOWS:

The Planning and Building fees for various land use development applications and permits are established as follows:

**A. LAND USE DEVELOPMENT APPLICATION FEE**

**1) Amendment to Comprehensive Plan**

Map Designation	\$750
Text	\$400
Map change + text	\$1,000

**2) Amendments to Zoning Code**

Zoning District Boundary	\$425
Text	\$275
Boundary change + text	\$650

**3) Conditional Use Permit** \$450

**4) Variance** \$450  
Administrative Variance No Charge

**5) Planned Residential District** \$75

**6) Site Plan/Binding Site Plan Review**

Occupancy Change (no external structural changes)	\$200
0 - 10,000 sq. ft. commercial floor area (CFA)	\$75/each 1000 sq. ft.
10,001-20,000 sq. ft. CFA	\$100/each 1000 sq. ft.

	>20,000 sq. ft. CFA	\$125/each 1000 sq. ft.
	Multifamily (3 or more attached dwelling units)	\$200 + \$25/dwelling unit
<b>7)</b>	<b>Land Clearing/Erosion Control</b>	
	Permit	\$100
<b>8)</b>	<b>Subdivisions</b>	
	Preliminary Plat	\$550 + \$25 per lot
	Final Plat	\$25 per lot
	Replats	\$225
	Amendments	\$150
<b>9)</b>	<b>Short Subdivisions</b>	
	Preliminary Plat	\$225
	Final Plat	\$150
	Amendment	\$75
	Boundary Line Adjustment	\$30
<b>10)</b>	<b>Shoreline Management Permits</b>	
	Substantial Development (based upon actual costs or fair market value, whichever is higher)	
	< \$10,000	\$100
	> \$10,000 < \$100,000	\$350
	> \$100,000 < \$500,000	\$700
	> \$500,000 < \$1,000,000	\$1,200
	> \$1,000,000	\$1,700
	Variance (w/o SDP)	\$400
	Conditional Use (w/o SDP)	\$400
	Revision	\$150
	Request for Exemption	\$15
<b>11)</b>	<b>Wetlands/Critical Areas Analysis</b>	
	Steep Slopes/Erosion Hazard	\$15
	Critical Habitat	\$35
	Wetlands Preliminary	\$35

Site Investigation

Wetlands Report Review \$75

**12) Appeals to Hearing Examiner**

Administrative Variance \$225  
Administrative Decision \$120  
Requests for Reconsideration  
of Examiner's decision \$85

**13) Sign Permits**

All signs less than 25 sq. ft. \$20  
Change of Sign, all sizes \$20  
Request for Variance \$150  
  
Projecting \$35  
Wall Sign, nonelectric  
25-50 sq. ft. \$35  
51-99 sq. ft. \$45  
>100 sq. ft. \$55  
Wall Sign, electric  
25-50 sq. ft. \$40  
26-99 sq. ft. \$50  
>100 sq. ft. \$60  
Ground Sign, nonelectric  
25-50 sq. ft. \$50  
26-100 sq. ft. \$60  
Ground Sign, electric  
25-50 sq. ft. \$60  
26-100 sq. ft. \$70

**B. ENVIRONMENTAL REVIEW (SEPA)**

**1) Checklist \$150**

**2) Environmental Impact Statement**

Prepared by Staff \$1,000 + \$45/hour  
Prepared by Private Party \$250 + \$45/hour

**3) Appeals of Decisions**

Conditioning/Denying of  
Permit \$200

4) **After Hours Inspection.** For any inspections authorized or required pursuant to the Uniform Fire Code and for which it is necessary to have an inspection made after normal business hours, which are Monday through Friday, 8:30 a.m. until 5:00 p.m., or on recognized City of Gig Harbor holidays, the Gig Harbor City Fire Marshal shall charge an inspection fee of \$45.00 per hour with a minimum of one hour to be measured in quarter-hour increments including travel time.

5) **Building Official Inspections** \$50

6) **Radon Testing.** The applicant for a building permit to construct a new single-family or multi-family building within the City of Gig Harbor shall pay \$15.00 for each living unit to cover the cost of supplying the owner of each new living unit a three-month etched track radon measuring device in accordance with a new section to RCW Chapter 19.27.


**G. ADVERTISING FEES:**

For those applications which require a notice of public hearing to be published in a newspaper of general circulation, the applicant shall bear the costs of all advertising.


**H. COPY SERVICES**

1) Zoning Map (18" x 24")	\$2.50
2) Zoning Code	\$18.00
3) Comprehensive Plan	\$15.00
4) Shoreline Master Program	\$10.00

APPROVED:

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator  
City Clerk

Filed with City Clerk: 1/19/94  
Passed by City Council: 2/14/94  
Date Published: 2/23/94  
Date Effective: 2/28/94



**CITY OF GIG HARBOR**

**RESOLUTION NO. 405**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.**

**WHEREAS**, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously adopted a Comprehensive Street Program, including an arterial street construction program, and thereafter periodically modified said Comprehensive Street Program by resolution, and

**WHEREAS**, the City Council has reviewed the work accomplished under the said Program, determined current and future City street and arterial needs, and based upon these findings has prepared a Six-Year Transportation Improvement Program for the ensuing six (6) calendar years, and

**WHEREAS**, a public hearing has been held on the said Six-Year Transportation Improvement Program, and

**WHEREAS**, all improvement projects listed on the Plan are exempt from the State Environmental Policy Act (WAC 197-11-800(2)(b)(c) and WAC 197-11-800(24)(b), with the exception of Project Nos. 8 and 9 which will be subject to SEPA review at the time of application by the city for the Shoreline Substantial Development Permit for the projects, **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

Section 1 - Program Adopted. The Six-Year Transportation Improvement Program for the City of Gig Harbor, as revised and extended for the ensuing six (6) calendar years (1995-2000, inclusive), a copy of which is attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth, which Program sets forth the project location, type of improvement and the estimated cost thereof, is hereby adopted and approved.

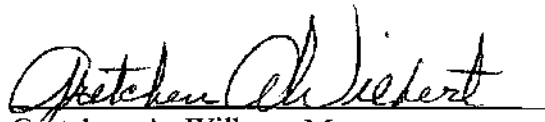
Section 2 - Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together

Six Year Transportation Plan - Resolution No. 405  
Page two

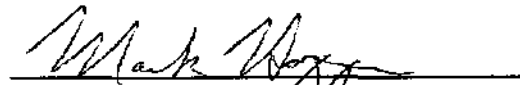
with the Exhibit attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.

RESOLVED this 14th day of February, 1994.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

  
Mark Hoppen, City Administrator

Filed with the City Administrator: February 8, 1994  
Passed by the City Council: February 14, 1994  
Resolution No. 405

**CITY OF GIG HARBOR  
RESOLUTION NO. 403**

**A RESOLUTION ADOPTING THE PUBLIC WORKS STANDARDS  
OF THE CITY OF GIG HARBOR**

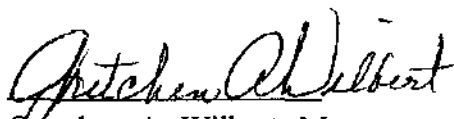
WHEREAS, it is necessary that the City of Gig Harbor has definite written guidelines and Public Works standards for development projects so that both the city staff and all property owners, developers, and contractors can better plan for development projects and

WHEREAS, it is of benefit to all concerned that said guidelines and standards be located in one reference manual, now, therefore,

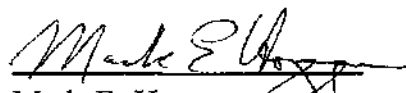
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, as follows:

Those certain guidelines and standards entitled "PUBLIC WORKS STANDARDS" for the City of Gig Harbor and published in 1994 and a copy filed with this resolution with the City Clerk are hereby adopted as the official public works standards for use on all development projects within the City of Gig Harbor and on all development projects located within the City of Gig Harbor's service areas, annexation areas, or planning areas to the extent that the city has the authority to require such guidelines and standards.

Passed this 24th day of January, 1994.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with City Clerk: 1/18/94  
Passed by City Council: 1/24/94

**CITY OF GIG HARBOR  
RESOLUTION NO. 402**

A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, ADOPTING A NEW COMPREHENSIVE SEWER PLAN AND AMENDING THE CITY OF GIG HARBOR COMPREHENSIVE LAND USE PLAN OF 1986.

WHEREAS, the City of Gig Harbor Comprehensive Plan of 1986 contains a utility element, which is an optional plan element pursuant to RCW 35A.63.062, and which includes general goals and policies regarding the provision of sewer and water within the city and its urban planning area; and,

WHEREAS, as optional elements of the comprehensive plan, any amendments related thereto must proceed in compliance with the public hearing requirements of RCW 35A.63; and,

WHEREAS, the Comprehensive Sewer Plan is an optional element of the 1986 Comprehensive Plan, and is also required under Washington Administrative Code (W.A.C.) 173-240 and under which are rules established by the Washington Department of Ecology which govern the design and operation of municipal sewer systems; and,

WHEREAS, a consulting engineering firm was engaged by the City to aid it in the formulation of the Comprehensive Sewer Plan; and,

WHEREAS, the City Planning Commission did consider at a public hearing on December 7, 1993, a comprehensive sewer plan and updated comprehensive water plan as prepared and presented by staff; and,

WHEREAS, the SEPA responsible official did find that the Comprehensive Sewer Plan would have an insignificant impact upon the environment and did issue an environmental determination of non-significance (DNS) on December 23, 1992; and,

WHEREAS, the Planning Commission finds that the proposed plans, in coordination with the other elements of the Comprehensive Plan, provide a managed and phased approach to the provision of sewer and water services within the City's existing and proposed urban service area and will be subject to consideration as the City Comprehensive Land-use Plan is updated per the State Growth Management Act; and,

WHEREAS, the adoption of the Comprehensive Sewer Plan is in the public's interest and will provide a substantial public benefit in utility services as the plans are implemented.

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:


Section 1. That certain document entitled "City of Gig Harbor Comprehensive Sewer Plan, September, 1993", prepared by Consoer Townsend and Associates, is hereby adopted as the current Comprehensive Sewer Plan for the City of Gig Harbor, and shall supersede all such previous plans adopted by the City which encompass the same areas. The Comprehensive Sewer Plan shall be an element of, and amendment to, the City's Comprehensive Land Use Plan.

Section 2. The City Clerk is hereby instructed to file with the original of this resolution three copies of the "City of Gig Harbor Comprehensive Sewer Plan, September, 1993", which shall be available for public inspection.


Section 3. As required by RCW 35A.63.072, this resolution has been passed by an affirmative vote of not less than a majority of the total members of the City Council.

RESOLVED by the City Council this 13th day of December, 1993.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 12/8/93

Passed by City Council: 12/13/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 401**

A RESOLUTION OF THE CITY COUNCIL OF THE GIG HARBOR CITY, WASHINGTON, ADOPTING AN UPDATED COMPREHENSIVE WATER PLAN AND AMENDING THE CITY OF GIG HARBOR COMPREHENSIVE LAND USE PLAN OF 1986.

WHEREAS, the City of Gig Harbor Comprehensive Plan of 1986 contains a utility element, which is an optional plan element pursuant to RCW 35A.63.062, and which includes general goals and policies regarding the provision of sewer and water within the city and its urban planning area; and,

WHEREAS, as optional elements of the comprehensive plan, any amendments related thereto must proceed in compliance with the public hearing requirements of RCW 35A.63; and,

WHEREAS, the Comprehensive Water Plan is prepared under the authority of WAC 246-290-100, which provides the minimum requirements for the State Board of Health Drinking Water Regulations for municipal water systems; and,

WHEREAS, a consulting engineering firm was engaged by the City to aid it in the formulation of the Comprehensive Water Plan update; and,

WHEREAS, the City Planning Commission did consider at a public hearing on December 7, 1993, a comprehensive sewer plan and updated comprehensive water plan as prepared and presented by staff; and,

WHEREAS, the SEPA responsible official did find the Comprehensive Water System Plan update would have an insignificant impact upon the environment and did issue an environmental determination of non-significance on October 25, 1993; and,

WHEREAS, the Planning Commission finds that the proposed plans, in coordination with the other elements of the Comprehensive Plan, provide a managed and phased approach to the provision of sewer and water services within the City's existing and proposed urban service area; and,

WHEREAS, the adoption of the Comprehensive Water Plan is in the public's interest and will provide a substantial public benefit in utility services as the plans are implemented.

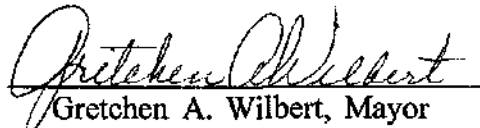
THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. That certain document entitled "City of Gig Harbor Comprehensive Water System Plan, October, 1993", prepared by Gray and Osborne, Inc., Consulting Engineers, is hereby adopted as the current Comprehensive Water System Plan for the City of Gig Harbor, and shall supersede all such previous plans adopted by the City which encompass the same areas. The Comprehensive Water System Plan shall be an element of, and amendment to, the City's Comprehensive Land Use Plan.

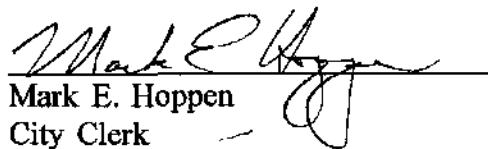
Section 2. The City Clerk is hereby instructed to file with the original of this resolution three copies of the "City of Gig Harbor Comprehensive Water System Plan, October, 1993", which shall be available for public inspection.

Section 3. As required by RCW 35A.63.072, this resolution has been passed by an affirmative vote of not less than a majority of the total members of the City Council.

PASSED this 13th day of December, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 12/8/93  
Passed by City Council: 12/13/93

**RESOLUTION NO. 400**

WHEREAS, the Gig Harbor City Council on December 7, 1987 adopted Ordinance #526 which established the Building Code Advisory Board; and

WHEREAS, the Gig Harbor City Council on September 27, 1993 adopted Ordinance #649 which modified Ordinance #526; and

WHEREAS, the Gig Harbor City Council has adopted in Ordinances #526 & 649 guidelines for the appointment of Building Code Advisory Board members; and,

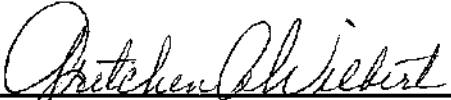
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington:

The following persons shall serve as members of the Building Code Advisory Board for the designated term beginning on January 1, 1994:

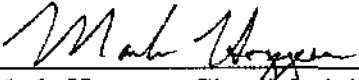
Mr. Tom Bates, AIA, (Architect) . . . . . four year term

Mr. Jim Zusy, PE, (Engineer) . . . . . four year term

PASSED this 13th day of December, 1993.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark Hoppen, City Administrator

Filed with city clerk: 12/9/93  
Passed by city council: 12/13/93



**CITY OF GIG HARBOR  
RESOLUTION NO. 399**

**WHEREAS**, a recent attorney general's memorandum states that a lending of credit or a gift of public funds results when an employee uses a cellular phone for personal calls if a public agency is ultimately liable for the bill; and,

**WHEREAS**, in response to these concerns the following guidelines have been recommended by the Association of Washington Cities;

**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington, hereby **RESOLVE** as follows:

Section 1. General Policy: Cellular phones may be provided to the various Departments to enhance normal and emergency operations when such usage is operationally effective relative to alternative communication choices. Cellular telephones should not be used when a less costly alternative is safe, convenient, and readily available. All cellular telephones are a public resource and should not be misused for personal telephone calls. Casual calls to friends and family or conducting personal business wastes this resource and could prevent prompt reporting or attention to emergencies. The city will inventory all city owned cellular phones. The city reserves the right to monitor the use of all city-owned cellular telephones. Reasonable precautions should be made to prevent equipment theft and vandalism.

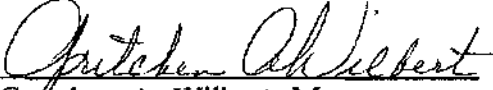
Section 2. Emergency Exceptions: The city recognizes that work-related situations, such as the necessity to work unanticipated overtime or family emergencies, may require the use of a cellular telephone by an employee for personal business. Employees should keep such personal calls brief and to the point.

Section 3. Reimbursement: The Washington State Constitution prohibits the use of public telephones and property for private benefit. Cellular telephone charges and long distance calls will be reported and employees are required to reimburse the city for the cost of personal telephone calls which are not business-related. Employees who use city-owned cellular telephones shall sign reimbursement agreements which authorize withholding of employee pay for failure to pay reimbursement of personal calls not authorized in Section 2.


Section 4. Employee-Owned Cellular Phones: City employees may purchase their own cellular phones. If approved by the city, the employee may use their personal cellular phone for business-related calls and be reimbursed by the city. City employees may accept group discount rates for purchasing and using cellular phones for personal use, but government contracts may not be used to obtain cellular equipment or services for personal use. The government rate will not be applicable for employee-owned phones. Expenses accrued for the

purchase of employee-owned cellular phones and air-time usage should be billed directly to the employee. Prior approval and usage agreements will be established for employee-owned cellular phones being used for city business.

PASSED this 13th day of December, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with city clerk: 12/9/93  
Passed by city council: 12/13/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 398**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING THE ANNEXATION PETITION FOR THE AREA KNOWN AS THE GIG HARBOR INTERCHANGE (ANX 91-07) AND AS SUBMITTED BY PETITIONERS JAMES TALLMAN, ET.AL., AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on July 31, 1991, a petition for annexation of approximately 150 acres was submitted for the property; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 60% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution as exhibit "A" and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and,

WHEREAS, on the 23rd of October, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as per the attached Exhibit "C".

WHEREAS, on May 18, 1992 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at a public hearing of November 9th, 1992, the City Council considered the recommendation of the City Planning Commission on preannexation zoning for the area; and,

WHEREAS, following the public hearing on November 9, the City Council remanded the preannexation zoning to the Planning Commission for the development of a contract zoning agreement which would consider the following:

1. That they specifically address screening and buffers, not only between the properties, but also to properties across the street towards the waterfall business and any future development there.
2. That they specifically address development and ownership of the wetlands as it relates to wetlands directly and to how wetlands might be developed into a park.
3. Place emphasis on one and two, then establish uses for the parcels in the annexation.

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone; and

WHEREAS, the City Council, at a public hearing on November 8 and December 13 considered the concomitant agreement as recommended by the Planning Commission and, in consideration of testimony offered at the public hearings, does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council finds that the portion of the property to be annexed within the interchange area north of Wollochet Drive contains site characteristics and natural environmental constraints that make it unique and worthy of special land use considerations as reflected in the performance standards in the pre-annexation zoning concomitant agreement; and

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The development of the land within the annexation area shall be consistent with

the zoning concomitant agreement, which is attached as exhibit "B" and which shall be filed as a covenant with the land so affected by the agreement.

3. The area shall be zoned as per the attached exhibit "C" and designated as within the height overlay district, subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.
4. The wetlands and buffers as described in the attached exhibit "D" shall be established as a open space/conservation easement, developed as a public park and dedicated to the City of Gig Harbor.
5. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.


Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto.

The City Council does refer the petition and petitioner to the Pierce County Boundary Review Board for approval of the annexation and the City Council shall not take any further action on the annexation proposal until such time the Pierce County Boundary Review Board has completed its review of the notice of intent to annex.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 13th day of December, 1993.

  
Gretchen Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 12/10/93  
Passed by City Council: 12/13/93

RE-F **CORD**

9806040192

6-4-1998 10:00 am

Fee Amt: \$24.00

Return Address:

City Clerk  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

Please print legibly or type information.

Document Title(s) (Or transaction contained therein):

1. Concomitant Zoning Agreement for Tallman Annexation (ANX 91-07)
- 2.
- 3.
- 4.

Grantor(s) (Last name first, then first name and initials):

1. City of Gig Harbor
- 2.
- 3.
- 4.
5.  Additional Names on Page \_\_\_\_\_ of Document.

Grantee(s) (Last name first, then first name and initials):

1. Tallman, James O., Talmo, Inc.
2. Talmo, Inc.
3. Garrison, Paul & Betty
4. Olsen, Vaughn & Shirley
5.  Additional Names on Page 10 of Document.

Legal Description (Abbreviated: i.e., lot, block, plat; or section, township, range):

PORTIONS OF SECTIONS 7 AND 8, TOWNSHIP 21 NORTH, RANGE 2 EAST,  
W.M., PIERCE COUNTY, WASHINGTON.

Legal Description is on Page 14 & 15 of Document.

Reference Number(s) (Of documents assigned or released):

Additional Reference numbers on Page \_\_\_\_\_ of Document.

Assessor's Property Tax Parcel/Account Number

022107-4-054 022107-4-040 022107-8-001 022107-4-025 022107-3-091  
022107-4-004 022107-4-042 022107-8-002 022107-4-032 022107-4-037  
022107-4-012 022107-4-060 022107-8-003 022107-4-087  
022107-4-061 022107-4-048 022107-8-004 022107-4-089

The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

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Resolution No. 398 - ANX 91-07

95 FEB -8 PM 2: 11

After recording with the Pierce County Auditor, return to:  
*Administrative Assistant*  
City of Gig Harbor  
*3105 Judson St.*  
Gig Harbor, Washington 98335

RECORDED  
CATHY PEARSALL-STIPEK  
AUDITOR PIERCE CO. WASH

**Exhibit "B"**

**CONCOMITANT ZONING AGREEMENT  
FOR TALLMAN ANNEXATION (ANX 91-07)**

THIS AGREEMENT, executed this date in favor of the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and by the undersigned owners of the within-described property (herein called "Owners"):

**W I T N E S S E T H:**

WHEREAS, the Owners are persons owning a fee simple and/or having a substantial beneficial interest in the real property comprised of one hundred twenty (120) acres and legally described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property" hereinafter); and

WHEREAS, a petition (No. 91-07) has been filed to annex the property, and requesting pre-annexation zoning, pursuant to chapter 35A.14 RCW; and

WHEREAS, the City Council conducted a public hearing on November 9, 1992 on the petition to annex and preannexation zoning, and directed the City Planning Commission to develop and recommend a preannexation zoning agreement; and

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement

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with the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns as follows:

Section 1. Conditions. If the Property is rezoned to RB-2 zone, development of the Property shall be accomplished in accordance with the following conditions and restrictions:

- A. Plans and Surveys. The Owners agree to submit a site plan to the City for approval prior to the clearing of any lot, tract or parcel on the Property. In addition, a tree survey for required buffers on the property shall also be submitted to the City in order to document the nature and composition of the existing vegetation on the Property.
- B. Buffers. The Owners agree to provide the following buffers on the Property, and to depict such buffers in the site plan submitted for the City's approval:
  - 1. A forty (40) foot dense vegetative screen buffer is required on all boundaries with single family uses.
  - 2. Along SR-16, a buffer shall be placed twenty-five feet (25') wide. Existing vegetation shall be retained as much as possible.
  - 3. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.

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C. Land Use Restrictions North of Wollochet Drive. In addition to any other

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applicable requirements of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the area of the Property north of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be allowed, with the exception of multi-family dwellings.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met, with the exception of mini-warehousing. In addition, food stores and delicatessens may also be conditionally allowed, provided that:
  - (a) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
  - (b) they do not exceed a total of eight hundred (800) square feet in area;
  - (c) they do not contain any outside sales, storage or drive-in service;
  - (e) their hours of operation are limited to sixteen (16) hours per day.
4. **Signage.** Signage shall not be oriented toward the freeway; however signage may be oriented toward Wollochet Drive N.W., 46th Street N.W., Hunt Street, 72nd Street NW and any private roadway within this district.
5. **Design.** Minimum roof pitch shall be 4/12.

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- 6. **Impervious Coverage.** Maximum impervious coverage shall be sixty percent (60%) per site, which shall include buffers, but exclude wetlands.
- 7. **Outdoor Lighting.** Outdoor lighting shall be provided on the property only in accordance with GHMC Section 17.28.090(D).

D. Land Use Restrictions South of Wollochet Drive. In addition to any other applicable regulations of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the Property south of Wollochet Drive.

- 1. **Zoning Designation.** RB-2.
- 2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be permitted on the Property, with the exception of multi-family dwellings. In addition, nurseries and landscaping services shall be permitted outright on the Property.
- 3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met. In addition, the following uses may also be conditionally allowed:
  - a) Wholesale and Retail Sales where the business is conducted entirely within an enclosed structure;
  - b) Restaurants with associated lounges;
  - c) Gasoline Service Stations;
  - d) Food Stores and delicatessens, provided that:
    - (1) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);

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- (2) they do not exceed a total of eight hundred (800) square feet;
  - (3) they do not contain outside sales, storage or drive-in service;
  - (4) their hours of operation are limited to sixteen hours per day.
4. **Signage.** Signage shall be oriented so that it does not directly face SR-16, however, signage may be directly oriented toward Wollochet Drive N.W. or 38th Street N.W. and any private roadway within this district.
  5. **Design.** Minimum roof pitch for all non-residential uses shall be 4/12. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
  6. **Impervious Coverage.** Maximum impervious coverage is sixty percent (60%) per site, including buffers but excluding wetlands.
  7. **Outdoor Lighting.** Outdoor lighting shall be provided on the Property only in accordance with GHMC Section 17.28.090(D).

E. Development of Wetlands on the Property.

1. **Wetland buffers.** The wetlands identified on the site as a Class III (Pierce County) wetlands shall be subject to a minimum fifty (50) foot buffer along the perimeters of the wetland, as designated in the Wetland Mitigation Plan approved by Pierce County. Wollochet Creek, which is

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a Type 3 water course as identified under the Department of Natural Resources Stream Typing Maps, shall be subject to a minimum buffer of thirty-five feet as measured from ordinary high water, per the City of Gig Harbor Wetland Management Ordinance. The wetland and its associated buffer shall be identified and established as a conservation easement as a covenant running with the Property.

2. **Wetland Use.** The use of the wetlands and wetland buffers shall be limited to the following:

(a) Wells and necessary appurtenances as per Section 18.08.120 of the GHMC.

(b) Impervious trails and associated viewing platforms as per Section 18.08.120 of the GHMC. The development of a impervious trail along the perimeter of the wetland and within the buffer shall be developed as each adjoining parcel is developed.

(b) The placement of underground utilities, other utilities and access roads as per Section 18.08.120 of the GHMC.

3. **Parking areas.** A parking area sufficient to accommodate a minimum of eight (8) vehicles shall be developed in proximity to the wetlands. The parking area shall be clearly identified as "**Public Parking, Trail Access.**"

4. **Plans.** The plan titled Park Development Plan from Pac Tech Engineering and drawn to the scale of 1" = 50' and sealed on October

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14, 1993, shall be recorded with this Agreement in the records of the Pierce County Auditor as a covenant running with the Property. A copy of the documents and proof of recording shall be submitted to the City prior to the submission of any application for development permits in the affected area of the Property.

5. **Park Dedication.** The development of the park facilities shall be done in a phased manner by the respective property owner as each property is developed. Upon completion of the park, the facility will be dedicated to the city. It is acknowledged that the property, or portions of the property in the annexation area will be sold, and that the terms and conditions of this Agreement shall be binding upon the successive owners of the property. The owner of any portion of property designated in this Agreement as the future City park shall, at the same time as he or she develops the property, construct and install the necessary park facilities described herein. However, even if such property is not developed, each owner must construct and install the park facilities on that portion of the park located on his or her property so that completion and dedication of the park to the City occurs not later than Dec. 13, 2003.  
The City shall have the right to require dedication of the unimproved park property at any time prior to Dec. 13, 2003, and to thereafter install the necessary facilities for completion.

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F. Transportation. Prior to adoption of the annexation by the City of Gig Harbor,

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the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street Nw. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. Binding Effect of Agreement. This Agreement shall be recorded in the records of the Pierce County Auditor, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to the Owners of after-acquired title to the Property.

Section 3. Owners' Payment of Costs and Fees. The Owners shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owners and the City; Provided, that such amended agreement shall be approved by the legislative authority of the City by ordinance.

Section 5. Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendment to its Comprehensive Plan, Zoning Ordinances or any other City code or ordinance as the City deems necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the RB-2 zone, except as permitted by this agreement.

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Section 6. Benefit of Covenant. This Agreement is made for the benefit of the City, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement. If the City prevails in such proceeding, it shall be entitled to recover all costs and fees, including reasonable attorneys' fees.

Section 7. Payment of Costs and Recording Fees. The Owners agree to pay all costs of recording this Agreement and its Exhibits, together with all reasonable costs incurred by the City in the preparation of this Agreement, including the City Attorneys' fees.

Section 8. Severability. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained; PROVIDED, however, that in the event that any section, paragraph, sentence, term or clause of this Agreement is found to conflict with applicable law, the City shall have the right to unilaterally modify this Agreement in order to ensure accomplishment of its purposes.

EXECUTED this 17th day of June, 1994.

OWNERS:

TALMO CORPORATION

By James O. Tallman  
Its Pres.

PO Box 492  
(address)

Og Harbor, WA. 98325

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JAMES AND DIANE TALLMAN

James A. Tallman  
Diane M. Tallman  
13021 Pt. Richmond Dr. NW  
(address)  
Gig Harbor, WA 98332

Francis G. Jones

Francis G. Jones  
Francis G. Jones

P O Box 549  
Wauna WA 98395

PAUL GARRISON

Paul Garrison  
Billy Garrison  
P O Box 527  
(address)  
Gig Harbor WA 98335

Rodney H. Pardey

Rodney H. Pardey

2300 Zafra Ct  
Las Vegas Nv 89102

Cathy Ford

VAGN OLSEN

Vagn Olsen  
Shirley A. Olsen  
3110 White Cloud Ave  
(address)  
NW. Gig Harbor Wa. 98335



CATHY FORD  
Notary Public - Nevada  
Clark County  
My appt. exp. Feb. 1, 1998

6/13/94

Vagn Olsen  
Vagn Olsen

6309 51st Ave NW  
Gig Harbor WA 98335

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STATE OF WASHINGTON )  
 )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that Francis G. Jones and Ann Ellen Jones <sup>is</sup> the person who appeared before me and said persons <sup>they were</sup> acknowledged that they signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as their \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: June 15, 1994

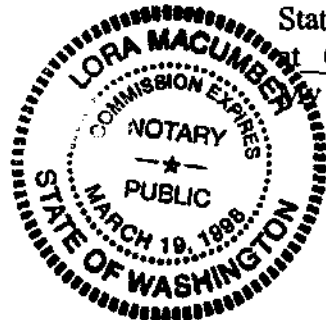
Martha Jacobson  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Gig Harbor  
My appointment expires 9-16-97

STATE OF WASHINGTON )  
 )  
 ) ss.  
COUNTY OF PIERCE )

I certify that I know or have satisfactory evidence that JAMES O. TALMAN is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the PRESIDENT of TALMO, INC. to be the free and voluntary act of such part for the uses and purposes mentioned in the instrument.

Dated: JUNE 17, 1994

Lora Macumber  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at GIG HARBOR  
appointment expires 3/19/98  
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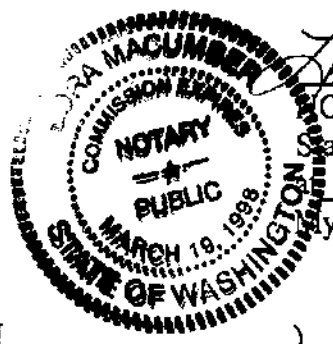
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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

Vagn Olsen and

I certify that I know or have satisfactory evidence that Shirley A. Olsen ~~are~~ is the persons who appeared before me and said person acknowledged that ~~he~~ <sup>she</sup> signed this instrument, on oath stated that ~~he~~ <sup>she</sup> ~~was~~ <sup>is</sup> authorized to execute the instrument and acknowledged it as their ~~own~~ <sup>free and voluntary</sup> act of such part for the uses and purposes mentioned in the instrument.

Dated: June 14, 1994



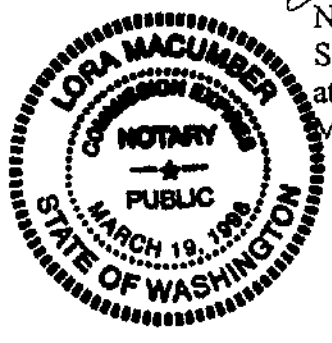
Lora Macumber  
NOTARY PUBLIC in and for the  
State of Washington, residing  
Gig Harbor  
My appointment expires 3/19/98

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF PIERCE )

Wayne Olsen and

I certify that I know or have satisfactory evidence that Louise Olsen ~~are~~ is the persons who appeared before me and said person acknowledged that ~~he~~ <sup>she</sup> signed this instrument, on oath stated that ~~he~~ <sup>she</sup> ~~was~~ <sup>is</sup> authorized to execute the instrument and acknowledged it as their ~~own~~ <sup>free and voluntary</sup> act of such part for the uses and purposes mentioned in the instrument.

Dated: June 13, 1994



Lora Macumber  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Gig Harbor  
My appointment expires 3/19/98

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EXHIBIT "A"

LEGAL DESCRIPTION FOR GIG HARBOR INTERCHANGE ANNEXATION  
ANX 91-07

PORTIONS OF SECTIONS 7 AND 8, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.,  
PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF HUNT STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTH LINE OF SAID SECTION 18, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE; THENCE NORTHERLY ALONG SAID PROLONGATION AND SAID WESTERLY RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY LINE OF 72ND STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 7; THENCE EASTERLY ALONG SAID LAST MENTIONED PROLONGATION AND SAID NORTHERLY RIGHT-OF-WAY LINE TO AN INTERSECTION WITH THE WESTERLY LINE OF LOT 7 OF THE PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE IN SAID SECTION 7; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 TO THE WESTERLY RIGHT-OF-WAY LINE OF STATE ROUTE 16; THENCE NORTHWESTERLY ALONG SAID WESTERLY LINE TO A LINE 660 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 7; THENCE EASTERLY PARALLEL WITH, AND 660 FEET SOUTH OF, THE NORTH LINE OF SECTION 7, ALONG SAID LINE TO THE EASTERLY LINE OF LOT 2 OF AFORESAID PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE, IN SAID SECTION 7; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 2 AND 3 AND/OR ITS WESTERLY PROLONGATION OF SAID PLAT IN SAID SECTION 7 TO THE EASTERLY RIGHT-OF-WAY LINE OF AFORESAID STATE ROUTE 16; THENCE SOUTHEASTERLY ALONG SAID EASTERLY LINE TO SAID NORTHERLY RIGHT-OF-WAY LINE OF 72ND STREET NORTHWEST; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE TO THE EASTERLY LINE OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY, AS DESCRIBED IN QUIT CLAIM DEED TO CITY OF TACOMA, RECORDED AS AUDITOR'S FILE NO. 8205070163 AND AS SHOWN HATCHED ON EXHIBIT "A" ATTACHED THERETO, BEING SHEETS 7 AND 9 OF 52 SHEETS OF THAT CERTAIN MAP OF DEFINITE LOCATION ENTITLED SR 16, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE WESTERLY RIGHT-OF-WAY LINE OF STINSON AVENUE; THENCE NORTHEASTERLY IN A DIRECT LINE TO THE NORTHWESTERLY CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED UNDER AUDITOR'S FILE NO. 2883468; THENCE SOUTHEASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF PIONEER WAY; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PIONEER WAY AT THE MOST

NORTHWESTERLY CORNER OF LOT 1 OF GIG HARBOR SHORT PLAT, RECORDED UNDER AUDITOR'S FILE NO. 8402100196; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF PIONEER WAY AS SHOWN ON SAID PLAT TO SAID EASTERLY LINE OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY AS SHOWN ON SHEET 9 OF SAID EXHIBIT "A"; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF KIMBALL DRIVE NORTHWEST, BEING A LINE PARALLEL AND/OR CONCENTRIC WITH AND DISTANT 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES OR RADIALLY, FROM THE FR-3 CENTERLINE AS SHOWN ON SAID SHEET 9 OF EXHIBIT "A"; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE TO THE NORTHERLY LINE OF LOT 10 OF AFORESAID PLAT OF GIG HARBOR MILITARY RESERVE, IN SAID SECTION 8; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 10 AND 9 OF SAID PLAT IN SAID SECTION 8 TO THE NORTHWEST CORNER OF SAID LOT 9 BEING ALSO THE NORTHEAST CORNER OF LOT 16 OF SAID PLAT IN SAID SECTION 7; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 16 TO THE NORTHWEST CORNER THEREOF, BEING ALSO THE NORTHEAST CORNER OF LOT 4 OF SUNNYBRAE, RECORDED IN VOLUME 37 OF PLATS, AT PAGE 50, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 4 THROUGH 1, *INCLUSIVE* OF SAID SUNNYBRAE TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF WOLLOCHET DRIVE NORTHWEST AS SHOWN ON SAID LAST MENTIONED PLAT; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND IT SOUTHWESTERLY PROLONGATION TO SAID SOUTHERLY RIGHT-OF-WAY LINE OF HUNT STREET NORTHWEST IN THE NE QUARTER OF SECTION 18; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING. THE FOREGOING DESCRIBED ANNEXATION PARCEL BEING CONTIGUOUS ON ITS NORTH AND EAST SIDES WITH THE EXISTING CITY LIMITS OF GIG HARBOR.

TOGETHER WITH THE TACOMA LAKE CUSHMAN POWER LINE RIGHT-OF-WAY IN THE SOUTH HALF OF THE NORTH EAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 E.W.M; AND TOGETHER WITH THE RIGHT OF WAY FOR GRANDVIEW AND STINSON AVENUE NW BORDERING THE GIG HARBOR ANNEXATION, ORDINANCE #47, IN THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 E.W.M.; EXCEPT THOSE PORTIONS PREVIOUSLY ANNEXED INTO THE CITY OF GIG HARBOR PER ORDINANCES #57 (4-28-60), #206 (9-9-74), #296 (9-25-78), #438(11-28-83), AND # 621 (2-10-91).

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CITY OF GIG HARBOR  
RESOLUTION NO. 397

A RESOLUTION NOMINATING MARY K. JOYCE AS CANDIDATE FOR THE AT-LARGE POSITION ON THE BOARD OF COMMISSIONERS FOR PIERCE TRANSIT.

WHEREAS, there is an unexpired, vacant position on the Board of Commissioners for Pierce Transit; and

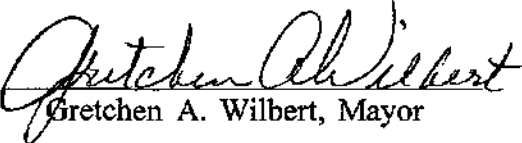
WHEREAS, Mary K. Joyce, has voiced an interest in running for this position; and

WHEREAS, Council votes to nominate Mary K. Joyce for this position; NOW THEREFORE,


BE IT RESOLVED by the City Council, as follows:

We, the City Council of the City of Gig Harbor formally cast our vote for Mary K. Joyce to serve as a Member of the Board of Commissioners for Pierce Transit to fill the unexpired portion of a three-year term, May 1, 1992 to April 30, 1995, representing the ten towns and cities within the Pierce Transit boundary.

PASSED this 22nd day of November, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 11/9/93

Passed by City Council: 11/22/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 396**

A RESOLUTION SHOWING THE INTENT OF THE CITY TO ASSIST IN PROVIDING THE R.U.O.K. (*ARE YOU O.K.?*) PROGRAM TO THE CITIZENS OF GIG HARBOR.

WHEREAS, the Rotary Club of Gig Harbor is a local service organization; and

WHEREAS, this program will be implemented with the cooperation of the City of Gig Harbor Police Department, Peninsula Fire District #5, and Peninsula Fire District #16; and

WHEREAS, the Rotary Club shall purchase the system and the Gig Harbor Police Department will be responsible for any computer software updates or computer repairs for a period of five years from the date of purchase, NOW THEREFORE,

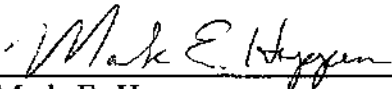
BE IT RESOLVED by the City Council, as follows:

We, the City Council of the City of Gig Harbor authorize software updates and computer repairs for a period of five years from the initial purchase and installation of the R.U.O.K. system.

PASSED this 22nd day of November, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 11/04/93  
Passed by City Council: 11/22/93



**CITY OF GIG HARBOR  
CITY COUNCIL  
RESOLUTION NO. 395**

**WHEREAS**, Mr. Stan Stearns has submitted a request to the Gig Harbor City Council to consider a height increase allowance of up to twenty-four feet for a residence under remodel at 3403 Harborview Drive and which is located on the same parcel as Arabella's Landing Marina; and

**WHEREAS**, Mr. Stearns has based his request on the provisions of Section 17.48.060 which allows a height increase of up to twenty four feet, subject to the provisions of two amenities being provided as listed in Section 17.48.090; and,

**WHEREAS**, the original site plan and shoreline permit for the marina was approved by the City Council in 1986; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #598 which establishes guidelines for the review of site plans to provide for increased height in the Waterfront Millville District per Section 17.48.060; and,

**WHEREAS**, the City Planning Staff has concluded that the proposal for increased height of the residence may be considered in respect to the performance requirements of Section 17.48.060 which requires two amenities to be provided for the general public's use; and,


**WHEREAS**, the provision of two amenities as proposed by Mr. Stearns, and which would consist of a public fishing pier (E.2.d.) and transient moorage (E.2.f) as per Section 17.48.090, suffice to permit Council to approve increased height of the residence up to a maximum of twenty-four feet.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

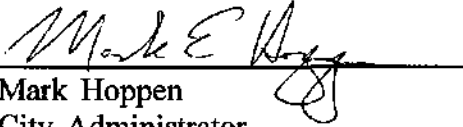
That the maximum height of the residence located at 3403 Harborview Drive is **APPROVED** for twenty-four feet and Site Plan #85-12 is hereby amended, subject to the following conditions:

1. The owner shall file a covenant with the Pierce County Auditor that identifies the two public access amenities and their locations at the marina, consistent with the provisions of Section 17.48.090 E.2 and a copy of the recorded document shall be presented to the Planning Department prior to the issuance of a building permit for the roof reconstruction.

PASSED this 25th day of October, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark Hoppen  
City Administrator

Filed with City Clerk: 10/22/93  
Passed by City Council: 10/25/93

AFTER RECORDING RETURN TO:  
City of Gig Harbor  
City Administrator  
P.O. Box 145  
Gig Harbor, WA 98335

RECEIVED

JAN 12 1994

94 JAN -6 AM10:13

CITY OF GIG HARBOR

RECORDED  
CATHY PEARSALL-STIPEK  
AUDITOR PIERCE CO. WASH.

HARBOR ACCESS OPPORTUNITIES COVENANT

This Agreement is executed by and between GIG HARBOR MARINA, INC., dba ARABELLA'S LANDING MARINA, a corporation organized under the laws of the State of Texas (the "Marina" herein), and the City of Gig Harbor, a Washington municipal corporation (the "City" herein).

RECITALS

WHEREAS, Gig Harbor Municipal Code Section 17.48.060 allows a building permit applicant to increase the height of a proposed structure up to twenty-four feet, contingent upon the owner's agreement to provide two public access amenities (as described in GHMC Section 17.48.090(E)(2),) on the property under a covenant recorded against the property; and

WHEREAS, Stan Stearns, as the president of the Marina, submitted a request to the City for a height increase allowance of up to twenty-four feet for a residence under remodel at 3403 Harborview Drive, which residence is located on the same parcel as the Marina in the Waterfront Millville District; and

WHEREAS, the original site plan and shoreline permit for the Marina was approved by the City Council in 1986; and

WHEREAS, City Ordinance No. 598 establishes guidelines for the review of site plans to provide for increased height in the Waterfront Millville District (GHMC Section 17.48.060); and

12-

WHEREAS, in Resolution No. 395, the City Council approved Stearns' proposal to provide a public fishing pier and transient moorage on the marina property as the consideration required by GHMC Sec. 17.48.060 for an amendment of the site plan and an increase in height of the residence on the marina property, which shall be no more than twenty-four feet in height, subject to the Marina's execution and recording of a covenant against the property; provided that further structures proposed for the marina property shall be subject to site plan review and shall meet the criteria set forth in GHMC Sec. 17.48.060; Now, Therefore,

In consideration of the mutual obligations set forth herein, the parties agree as follows:

TERMS

1. Property Subject to Covenants. The real property which is now owned by the Marina and which is the subject of and subject to this Covenant is the real property included in site plan #85-12 and described in Exhibit A (the "Property" herein), attached hereto and by this reference incorporated herein.

2. Public Fishing Pier. A public fishing pier shall be provided and maintained by the Marina at its cost on the Marina property, which pier shall extend out to the mean lower low water and be connected by a minimum five (5) foot wide public pathway to the frontage street. The pier shall be constructed so that a minimum of ten (10) feet of open water shall surround the pier.

3. Public Transient Moorage. Public transient moorage shall be provided and maintained by the Marina at its cost on the Marina property, for up to two (2), thirty foot (30') boats, which will

have a minimum water depth of eight feet (8'). The public transient moorage shall be easily accessible to visiting boats and shall be posted by the Marina with signage to identify availability as public transient moorage. Such signage shall be readable at a distance of one hundred feet (100').

4. Covenant to Run with the land. The conditions and restrictions contained herein shall constitute a covenant or equitable servitude, the burden and benefit of which shall run with the land and bind successive owners with equitable or legal interests in the Property.

5. Recordation, Modification and Termination. This Covenant shall be recorded in the Office of the Pierce County Auditor for Pierce County, Washington, and shall serve as notice to holders of after-acquired interests in the Property. This Covenant may not be modified or terminated except by written agreement which has been approved in form and content by the duly authorized representative of the City and the Marina. Nothing in this Covenant shall prevent the Gig Harbor City Council from making such further amendment to the Gig Harbor Municipal Code, its ordinances or any other regulations as the City Council may deem necessary in the public interest.

6. Notices. Any notice to the parties shall be provided at the addresses listed below:

Stanley Stearns  
President  
Arabella's Landing Marina  
3323 Harborview Drive  
Gig Harbor, WA 98335

~~The City of~~ Gig Harbor  
City Administrator  
3105 Judson Street  
PO Box 145  
Gig Harbor, WA 98335

Following conveyance by the Marina of any portion of the Property, any notice to a subsequent owner shall be to such address as the owner shall designate in writing to the City.

Executed this 28<sup>th</sup> day of December, 1993.

GIG HARBOR MARINA, INC.

THE CITY OF GIG HARBOR

By: *Stanley D. Adams*  
President

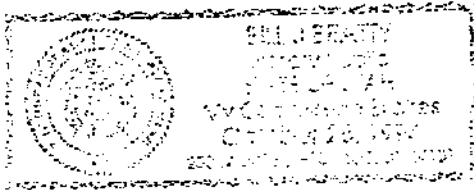
By: *Gitchell H. Gilbert*  
Mayor

9401060377

STATE OF WASHINGTON )  
:  
County of Pierce )

I certify that I know or have satisfactory evidence that Stanley Stearns is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Gig Harbor Marina, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 12-28-93



Bee J. Beatty

NOTARY PUBLIC for the State of ~~Washington~~ <sup>Utah</sup>, residing at: 230 W. 200 So R-101 JLC ut. 8440  
My commission expires: Oct. 26, 1994

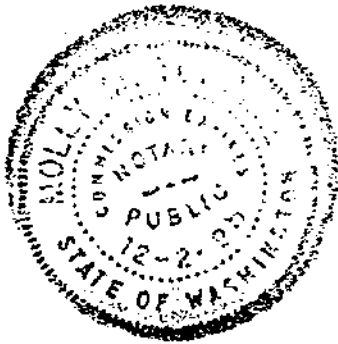
STATE OF WASHINGTON )  
:  
County of Pierce )

I certify that I know or have satisfactory evidence that Gretchen Wilbert is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Mayor of the City of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 1/5/94

Mally M Dowler

NOTARY PUBLIC for the State of Washington, residing at: Gig Harbor  
My commission expires: 12/2/95



9401060377

BK0832PG1495

EXHIBIT A

PARCEL A:

Lots 5, 6, 7 and 8, Block 1, TOWN OF MILVILLE, according to plat recorded in book 2 of plats at page 23, in Pierce County, Washington.

TOGETHER WITH lands lying between the above described lands and the meander line and between the Northwesternly and Southeasternly side lines of said lands extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.

ALSO a tract of land lying between the Easterly line of First Street as shown on said plat and the meander line, and between the side lines of said First Street extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.

PARCEL C:

The Northwesternly 25 feet of Lot 4, Block 1, TOWN OF MILVILLE, according to plat recorded in book 2 of plats at page 23, in Pierce County, Washington.

TOGETHER WITH lands lying between the above described lands and the meander line and between the Northwesternly and Southeasternly side lines of said lands extended to the meander line.

TOGETHER WITH second class tidelands abutting thereon.

9211230320

9401060377





*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

January 7, 1994

Mr. Thomas Oldfield  
Sloan Bobrick & Oldfield, Inc. P.S.  
P.O. Box 7127  
Tacoma, WA 98407-0127

Re: Gig Harbor Marina, Inc. / City of Gig Harbor Covenant Regarding Harbor  
Access Opportunities - File No. 92-5536

Dear Mr. Oldfield:

Please find enclosed the executed copy of the Covenant. It is currently being recorded with Pierce County, and the number at the top of your document reflects the recording number.

If you would like a copy of the fully recorded document when it is returned to our office, please let me know.

Sincerely,

Molly M. Towslee  
Administrative Assistant

LAW OFFICES OF

SLOAN BOBRICK & OLDFIELD, INC. P.S.

RECEIVED

JAN - 5 1994

CITY OF GIG HARBOR

2601 NORTH ALDER ST.  
P.O. BOX 7127  
TACOMA, WA 98407-0127

TACOMA (206) 759-9500  
SEATTLE (206) 838-0589  
FAX (206) 752-5324

January 3, 1994

Mr. Mark E. Hoppen  
Gig Harbor City Administrator  
City of Gig Harbor  
3105 Judson Street  
P.O. Box 145  
Gig Harbor, WA 98335

Re: Gig Harbor Marina, Inc./City of Gig Harbor  
Covenant Regarding Harbor Access Opportunities  
Our File No. 92-5536

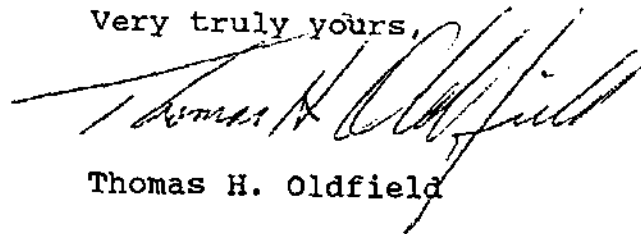
Dear Mr. Hoppen:

Enclosed please find the original and one copy, each executed, of a Harbor Access Opportunities Covenant between Gig Harbor Marina, Inc. and the City of Gig Harbor. This is as approved by Carol Morris, pursuant to our discussions on December 6th. Would you please have each of these Covenants signed by the Mayor. If you wish for us to record the original, please return the original to me, and retain the copy. If you wish to record the original yourself, please return the copy to me.

Thank you for your cooperation and consideration in this matter. If you have any questions, please feel free to call.

Thank you.

Very truly yours,



Thomas H. Oldfield

THO:mis  
Enclosures  
cc: Stanley Stearns  
5536\Hoppen.ltr

**CITY OF GIG HARBOR  
RESOLUTION NO. 394**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON WHICH ESTABLISHES FEES FOR RIGHT-OF-WAY USE PERMITS AND SETS FORTH LIMITS OF REQUIRED PUBLIC LIABILITY/PROPERTY DAMAGE INSURANCE REQUIREMENTS IN CONNECTION WITH RIGHT-OF-WAY USE PERMITS**

WHEREAS, the City of Gig Harbor desires to establish such fees by Resolution.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR AS FOLLOWS:

Section 1. Right-of-Way Use Permits are established as follows:


- |    |  |          |
|----|--|----------|
| A. | Residential (Fence/Retaining Walls) - Indefinite | \$ 50.00 |
| B. | Commercial (one year term)                       | \$ 50.00 |
| C. | Temporary (30-day term)                          | \$ 25.00 |

Section 2. Revocation In the event Right-of-Way Use Permit is revoked by the Director of Public Works, as provided by Ordinance, there shall be no refund of the Right-of-Way Use Permit Fees set forth in Section 1.

Section 3. A Right-of-Way Permit for temporary and commercial permits will not be issued until applicant has provided to the Director of Public Works a certificate evidencing the existence of public liability and property damage in the following minimum limits and naming the City of Gig Harbor as an additional insured:

Bodily Injury Liability	\$300,000
Property Damage Liability	\$300,000
OR	
Combined Single Limit Bodily Injury and Property Damage	\$600,000

APPROVED:

  
Gretchen A. Wilbert, Mayor

CITY OF GIG HARBOR  
RESOLUTION 393

**A RESOLUTION ESTABLISHING A SHARED LEAVE POLICY FOR CITY OF  
GIG HARBOR EMPLOYEES.**


WHEREAS, the City Council finds it appropriate and in the public interest to adopt a policy to allow employees to donate accrued vacation to other employees; NOW THEREFORE,

BE IT RESOLVED by the City Council, as follows:

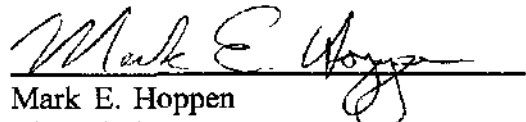
Section 1. There is hereby added to the Gig Harbor Personnel Policies "Shared Leave" as follows:

Employees may extend their accrued vacation time to any employee to a maximum benefit of 261 days in any one incidence. For employees eligible for unpaid FMLA leave, shared leave must be used at the same time as the unpaid FMLA.

PASSED this 11th day of October, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 10/7/93  
Passed by City Council: 10/11/93

CITY OF GIG HARBOR  
RESOLUTION 391

A RESOLUTION NOMINATING COUNCILMAN CORBETT PLATT AS CANDIDATE FOR THE AT-LARGE POSITION ON THE BOARD OF COMMISSIONERS FOR PIERCE TRANSIT.

WHEREAS, there is an unexpired, vacant position on the Board of Commissioners for Pierce Transit; and

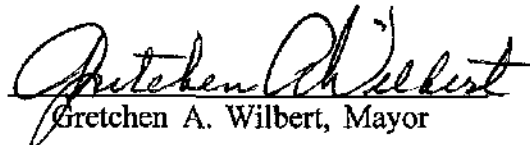
WHEREAS, the Corbett Platt, City Councilman has voiced an interest in running for this position; and

WHEREAS, Council voted to nominate Councilman Platt for this position; NOW THEREFORE,

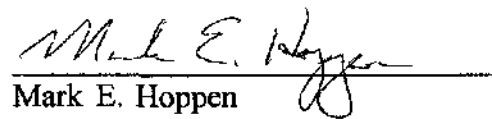
BE IT RESOLVED by the City Council, as follows:

We, the City Council of the City of Gig Harbor formally cast our vote for Councilman Platt to serve as a Member of the Board of Commissioners for Pierce Transit to fill the unexpired portion of a three-year term, May 1, 1992 to April 30, 1995, representing the ten towns and cities within the Pierce Transit boundary.

PASSED this 11th day of October, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 10/5/93

Passed by City Council: 10/11/93

CITY OF GIG HARBOR  
RESOLUTION 390

A RESOLUTION CHANGING THE PERSONNEL POLICY RELATING TO TRAVEL REIMBURSEMENT.

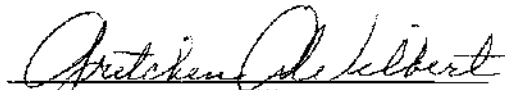
WHEREAS, the current City of Gig Harbor travel reimbursement rate is \$.26 per mile; and

WHEREAS, the Internal Revenue Service has raised its maximum allowable travel reimbursement to \$.28 per mile;

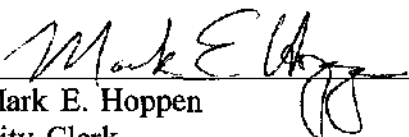
NOW THEREFORE, BE IT RESOLVED by the City Council, as follows:

Section 1. The rate of reimbursement for mileage when employees are required to travel on city business in a private vehicle shall be \$.28 per mile.

PASSED this 13th day of September, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 9/9/93

Passed by City Council: 9/13/93

**CITY OF GIG HARBOR  
RESOLUTION # 389**

**WHEREAS**, Lori DiPinto has requested site plan approval for operation of a drive-up espresso booth at 3209 Judson Street; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated July 21, 1993; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on July 21, 1993 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated September 1, 1993; and,

**WHEREAS**, the City Council, during its regular meeting of September 13, 1993 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing Examiner in his report dated September 1, 1993 are hereby adopted and the site plan is approved subject to the following conditions:

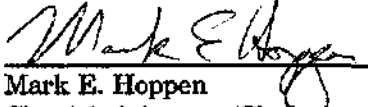
1. The current access point on Pioneer Street nearest the intersection must be blocked off.
2. The pavement shall be striped to reserve two access lanes, a minimum of 10' wide, including painted arrows showing the direction of traffic flow.
3. The kiosk shall provide access as required by Washington Accessibility Standards and as approved by the building Official.
4. Nine off street parking spaces must be provided. Any spaces which cannot be accommodated on the subject site must be provided. ; Any spaces which cannot be accommodated on the subject site must be provided off-site within 100 feet of the subject property, subject to a legal agreement to use the parking space being submitted to the Staff for review and provided that off-site parking spaces do not reduce the amount of required parking for other uses on a given site.
5. A disposal plan for the kiosk's grey water shall be submitted to and approved by the Public Works Department.

6. The restroom facilities in the Service Station shall be open or available to the Barista Employee(s) during all Barista business hours.
7. Prior to installation of any signage on the awning, the applicant shall obtain a sign permit.
8. The skirting material around the base of the building shall be of the same material as the material used on the exterior of the building.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 13th day of September, 1998.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 9/18/98  
Date published: 9/22/98  
Date effective: 9/27/98



**CITY OF GIG HARBOR  
RESOLUTION #388**

**WHEREAS**, Dan and Sharon Snuffin have requested site plan approval for the construction and operation of a retail building at 6900 Kimball Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated August 18, 1993; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on August 18, 1993 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated September 1, 1993; and,

**WHEREAS**, the City Council, during its regular meeting of September 13, 1993 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing Examiner in his report dated September 1, 1993, are hereby adopted and the site plan is approved subject to the following conditions:

1. Curbs, gutters and sidewalks shall be provided along the entire length of the parcel's frontage.
2. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
3. A two-way left turn lane along the entire frontage of the property, with proper taper length on each side of the turn lane shall be provided. The design of the turn lane shall be submitted to and approved by the Public Works Department.
4. A fair share financial contribution, as identified in the submitted traffic study is required. The contribution must be submitted to the City prior to issuance of the Final Occupancy permit.
5. All significant trees within the proposed buffer and perimeter landscape areas shall be retained. This will require preliminary identification of the parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should

be visually and functionally significant (e.g. a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). This shall apply to the 30 foot landscape buffer on the back side of the parcel also. The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.

6. The driveway must maintain a clear area of 15 feet and a minimum outside turning radius of 45 feet unless approval to reduce the turning radius is granted through formal process as determined by the Building Official.

7. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.

8. All parking stalls shall be a minimum of 9 X 19 feet.

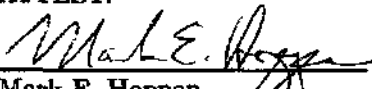
9. Fire hydrants must be within 150 feet of any portion of the building.

10. All landscaping shall be installed prior to issuance of a final occupancy permit.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 13rd day of September, 1993.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 9/13/93

Date published: 9/22/93

Date effective: 9/27/93

**CITY OF GIG HARBOR  
RESOLUTION # 387**

**WHEREAS**, PBA Inc. has requested site plan approval for the construction and operation of a car wash/retail building at 6750 Kimball Drive; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 9, 1993; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 9, 1993 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 19, 1993; and,

**WHEREAS**, the City Council, during its regularly scheduled meeting of August 9, 1993, has considered the Hearing Examiner's recommendation and has determined that all conclusions and recommendations of the Examiner (with the exception of the Examiner's conclusions on the driveway location for the project) accurately reflect existing conditions and circumstances; and,

**WHEREAS**, the City Council has determined, based upon input from the fire department, that concerns over the driveway location can be mitigated by providing a two-way left turn lane the full length of the parcel frontage; and,

**WHEREAS**, after hearing a Staff presentation and considering input by the Staff and the applicant, the City Council moved to approve the proposed site plan at its August 9, 1993 meeting;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the hearing Examiner in his report dated July 19, 1993, with the exception of conclusion C and Recommendation 8, are hereby adopted and the site plan is approved subject to the following conditions:

Resolution #387 - Gig Harbor Car Wash


Page 2

1. Sidewalks, curbs and gutters must be installed along the street frontage (of Kimball Drive) prior to occupancy of the facility.
2. A storm drainage management plan must be submitted to the City of Gig Harbor Department of Public Works (and the City of Tacoma Public Utilities Department, as necessary) for review and approval prior to the issuance of a building permit for this project. Storm drainage improvements must be installed, as approved, prior to occupancy of the facility (verification of approval from the Tacoma Public Utilities Department should be provided prior to permit issuance.). Storm drainage shall also include provisions for treatment of car-wash residual waste-water, in accordance with local and state requirements.
3. A final landscape plan meeting the requirements of the Landscaping Section of the City Zoning Code shall be submitted for approval prior to the issuance of a building permit for the facility. Landscaping as approved shall be installed prior to occupancy of the facility. The landscape buffer along the south property line of the subject property shall be a minimum of ten (10) feet in width as is shown on the short plat.
4. Fire protection improvements as required per the City Fire Code shall be installed, as follows:
  - A. Fire equipment access must be provided by a twenty four (24) foot-wide all weather lane for two-way traffic.
  - B. Fire hydrants shall be provided within 150 feet of all portions of the building and structures and locations must be accessible to fire fighting equipment and approved by the City Fire Marshal.
  - C. A 2 hr. fire wall with a 30-inch parapet will be required for all structures along the north property line (no openings permitted); a 1 hr. fire wall with a 30 inch parapet will be required for all structures within twenty feet of the south property line.
  - D. Fire-lane access to within 150 feet of all portions of the buildings are required; if a fire truck will be required to go further than 150 feet from the public street, a hammer-head turnaround will be required.
5. Consistent with the Uniform Building Code, a van parking stall will be required which conforms to the Washington State regulations for Accessibility. Sidewalks must be ramped at the curbs. Additionally, the canopy post shown on the site plan must be located outside of the 25 foot


canopy post shown on the site plan must be located outside of the 25 foot west setback.

6. In lieu of construction of required improvements prior to final plat approval, a bond or cash assignment equal to an amount of 110% of a contractors bid for all improvements required shall be posted with the City. If accepted by the City, the improvements shall be installed within twelve months of the date of issuance of the occupancy permit for the facility. Failure to construct or install the required improvements within the time specified to City standard shall result in the City's foreclosure of the bond. Upon foreclosure, the City shall construct, or may contract to construct and complete, the installation of the required improvements. This condition does not absolve the applicant or developer of their responsibility to comply with the construction and maintenance bond requirements of the applicable City codes.
7. The applicant shall pay his fair share of improvement costs to bring the LOS from F to D at the Kimball/Pioneer intersection. Said amount shall be determined by the City's Public Works Director and shall be paid to the City by the applicant prior to issuance of a Certificate of Occupancy.
8. A two-way left turn lane along the entire frontage of the property, with proper taper length on each side of the turn lane shall be provided. The design of the turn lane shall be submitted to and approved by the Public Works Department.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 23rd day of August, 1993.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 8/23/93  
Date published: 9/1/93  
Date effective: 9/6/93

**CITY OF GIG HARBOR**

**RESOLUTION NO. 386**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING A SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM AND DIRECTING THE SAME TO BE FILED WITH THE STATE SECRETARY OF TRANSPORTATION AND THE TRANSPORTATION IMPROVEMENT BOARD.

WHEREAS, pursuant to the requirements of Chapters 35.77 and 47.26 RCW, the City Council of the City of Gig Harbor has previously adopted a Comprehensive Street Program, including an arterial street construction program, and thereafter periodically modified said Comprehensive Street Program by resolution, and

WHEREAS, the City Council has reviewed the work accomplished under the said Program, determined current and future City street and arterial needs, and based upon these findings has prepared a Six-Year Transportation Improvement Program for the ensuing six (6) calendar years, and

WHEREAS, a public hearing has been held on the said Six-Year Transportation Improvement Program, and

WHEREAS, the City Council finds that there will be no significant adverse environmental impacts as a result of adoption or implementation of the Six-Year Transportation Adoption Program, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:


Section 1 - Program Adopted. The Six-Year Transportation Improvement Program for the City of Gig Harbor, as revised and extended for the ensuing six (6) calendar years (1994-1999, inclusive), a copy of which is attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth, which Program sets forth the project location, type of improvement and the estimated cost thereof, is hereby adopted and approved.

Section 2 - Filing of Program. Pursuant to Chapter 35.77 RCW, the City Clerk is hereby authorized and directed to file a copy of this resolution forthwith, together with the Exhibit attached hereto, with the Secretary of Transportation and a copy with the Transportation Improvement Board for the State of Washington.


Six Year Transportation Plan - Resolution No. 386  
Page two

RESOLVED this 14th day of June, 1993.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

  
Mark Hoppen, City Administrator

Filed with the City Administrator: 6/10/93  
Passed by the City Council: 6/14/93  
Resolution No. 386

**CITY OF GIG HARBOR 1994 - 1999 SIX-YEAR  
TRANSPORTATION IMPROVEMENT PLAN  
NARRATIVE**

**1) NORTH HARBORVIEW DRIVE - Harborview Drive to Vernhardson Street.**

This project consists of storm drainage, curbs, gutters, and sidewalk improvements. Existing pavement will be overlaid with asphalt concrete pavement and any deficiency related to signage and pedestrian circulation will also be addressed.

Limited city funds appear to be available in 1994. The City will aggressively pursue any federal and state grants for complete funding of the project.

**2) HARBORVIEW DRIVE - Dorotich Street to Burnham Drive.**

The proposed improvements for this project consist of minor storm drainage improvements and pavement overlay. The city overlaid Harborview Drive between Soundview Drive and Dorotich Street in 1992. This year another portion between Clay Hill area and Burnham Drive will be overlaid as part of the ULID#3 Sewer Project. The proposed 1994 project will overlay the missing link between the two previously overlaid sections.

Funding source for this project is expected to be strictly city funds as there is a very small chance this project will qualify for federal or state grants.

**3) VERNHARDSON STREET - North Harborview Drive to East City Limit.**

The proposed improvements with this project consist of pavement overlay, enclosed storm drainage system, and curb, gutter, and sidewalk construction on one side of the street.

City funds appear to be the only source of funds for this project.

**4) ROSEDALE STREET - Harborview Drive to Skansie Avenue.**

The purpose of this project is to rehabilitate the existing pavement with asphalt overlay and to provide safe pedestrian walkways by building curbs, gutters and sidewalk on one side of the street.

Funding source for this project is not known at this time.



**5) KIMBALL DRIVE - Pioneer Way to Hunt Street.**

The proposed improvements with this project consist of two through lanes (one each direction), one two-way, left-turn lane, a bike lane, and curbs, gutters and sidewalks on both sides of the street. A fully actuated traffic signal at the Kimball/Pioneer Way intersection, enclosed storm drainage system, and illumination along the length of the project will also be constructed.

Preliminary engineering work for this project has been completed but the funding source is unknown at this time.

**6) JUDSON STREET - Soundview Drive to Pioneer Way**

The existing sidewalk on the north side of the street will be connected to Soundview Drive. The existing pavement will be overlaid with asphalt concrete pavement.

City funds appear to be the only funding source for this project.

**7) PRENTICE STREET**

**8) BURNHAM DRIVE**

These projects propose to build curbs, gutters, and sidewalks along with an enclosed storm drainage system on one side of each street. The projects are proposed primarily to address storm drainage problems and pedestrian safety issues.

Funding source for these projects are not known at this time.

**9) REPAIR AND RESTORATION OF VARIOUS STREETS**

This proposes paved roadway surfaces and storm drainage improvements on various public streets throughout the city.

The city owns approximately 16 miles of asphalt paved roads. They are very expensive to build. In order to protect the city's investment and to extend the useful life of roads, some type of maintenance should be implemented. The total of \$35,000 has been scheduled for 1993 with this six-year plan to address such problems.

**10) EMERGENCY**

City: : GIG HARBOR  
 City No: 0490  
 County No.: 27

Hearing Date JUNE 14, 1993  
 Adoption Date JUNE 14, 1993  
 Resolution No. 0

P r i o r i t y No	PROJECT IDENTIFICATION  DESCRIPTION OF WORK  (Street name or number, Co. road name or number, termini beginning & end. Describe work to be done.)	m a j o r i t y No	T O L C L N G T H S	F U N C T I O N S	C I R C U L A R E L E M E N T S	PROJECT COSTS IN THOUSANDS OF DOLLARS										
						O B L I G A T I O N S C H E D U L E  Y E A R  1 s t A n n l E l m t	F U N D I N G S O U R C E			T O T A L  F U N D S						
							F E D E R A L				R A P o r U A B	L o c a l				
							1 s t A n n l E l m t	2 n d 3 r d 4 t h	3 r d 4 t h				4 t h	5 t h	6 t h	7 t h
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	NORTH HARBORVIEW DRIVE Harborview Drive to Vernhardson Street Storm drainage, curbs, gutters, sidewalk and channelization improvements.	4	BFGH	0.68	6	X	252	718						776	194	970
2	HARBORVIEW DRIVE Dorotich Street to Burnham Drive Minor storm drainage improvements and Asphalt Concrete Pavement overlay	4	AB	0.74	6		96								96	96
3	VERNHARDSON STREET N. Harborview Drive to City Limit Storm drainage, curbs, gutters, sidewalk and channelization improvements.	35	ABDFC	0.23	6		84								84	84
4	ROSEDALE STREET City limits to Harborview Drive.- Overall Curbs, gutters and sidewalk construction along with pavement improvements	4	CDE	2.10	8	X	380							304	76	380
5	KIMBALL DRIVE Pioneer Way to Hunt Street - Minor widening, curbs, gutters and sidewalks. Storm drainage improvements.	3	ABDFC HIJO	0.75	8	X				700					700	700
6	JUDSON STREET Soundview Drive to Pioneer Way - Overall street repair and restoration with Asphalt Concrete Pavement overlay. Partial sidewalk construction.	4	ABDFC	0.19	8		55								55	55
7	PRENTICE STREET Burnham Drive N.W. to Fennimore Street Minor widening, enclosed storm drainage, curb, gutter and sidewalk improvements on one side of street.	3	BFG	0.30	9					110					110	110

City: : GIG HARBOR  
 City No: 0490  
 County No.: 27

Hearing Date        JUNE 14, 1993  
 Adoption Date        JUNE 14, 1993  
 Resolution No.        0

P r i o r i t y No	PROJECT IDENTIFICATION  DESCRIPTION OF WORK  (Street name or number, Co. road name or number, termini beginning & end. Describe work to be done.)	m a j o r c o d e (s)	T O L A E L N G T H	F U N C T I O N A L	C A T E G O R Y	PROJECT COSTS IN THOUSANDS OF DOLLARS													
						work code	TL AE LN G T H	N C T I O N A L	OBLIGATION SCHEDULE				FUNDING SOURCE			TOTAL FUNDS			
									YE	A	R	1st Annl Elmt	2nd	3rd	4,5 6th		FEDERAL	RAP or UAB	Local
																	AMT	Pro- gram	AMT
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			
8	BURNHAM DRIVE N.W. North Harborview Drive to Harborview Drive Minor widening, enclosed storm drainage, curb, gutter and sidewalk improvements on one side of street.	BFG	0.35	9					130						130	130			
9	REAPIR & RESTORATION OF VARIOUS STREETS This project includes various street and stom drainage improvements on Public Alleys.	BCDE					35	35	35	35					110	110			
10	EMERGENCY	ABD				X	5	5	5	5					20	20			

CITY OF GIG HARBOR  
RESOLUTION NO. 385

A RESOLUTION OF THE GIG HARBOR CITY COUNCIL FOR THE APPROVAL OF A SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT PERMIT (SDP 93-01) FOR THE RECONSTRUCTION AND UPGRADE OF NORTH HARBORVIEW DRIVE, PORTIONS OF WHICH ARE WITHIN THE SHORELINE MANAGEMENT ACT JURISDICTION.

**WHEREAS**, the City of Gig Harbor Public Works Department has submitted an application for a substantial development permit to reconstruct and improve North Harborview Drive from Burnham Drive to Vernhardson Street, said improvements consisting of a new asphalt overlay along the entire length of the project, addition of sidewalks, curbs and gutters on both sides of the street, including provisions for storm drainage and the addition of a bike path, bus pull-outs and pedestrian rest/view areas; and,

**WHEREAS**, the Gig Harbor City Council has previously adopted Ordinance #489 which establishes guidelines for the review of Shoreline Management Substantial Development permits; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report April 15, 1993; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on April 21, 1993 to accept public comment on the application; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of in his report dated May 20, 1993; and,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated May 20, 1993 are hereby adopted and the application for shoreline Management Substantial Development permit is granted subject to the following conditions:

- 1) A minimum of two pedestrian rest/view areas shall be provided.

CITY OF GIG HARBOR  
RESOLUTION NO. 384

**The City Council of the City of Gig Harbor, Washington, enters the following findings:**

1. Mr. Peter Darrah requested a Shoreline Management Substantial Development permit and variance approval from the parking standards of the Shoreline Master Program and Zoning Code.
2. The Gig Harbor City Council had previously adopted Ordinance #489, which establishes guidelines for the reviewing of Shoreline Management Substantial Development permits and variances and other land use issues.
3. The Planning Department for the City of Gig Harbor recommended denial of the application in a staff report dated November 12, 1992.
4. The Gig Harbor Hearing Examiner conducted a public hearing on the application on November 18, 1992, and subsequent to said public hearing, the Hearing Examiner entered findings and conclusions and recommended denial of the application in his report dated December 3, 1992.
5. The Gig Harbor City Council, at its regular public meeting of January 11, 1993, considered the recommendation of the Hearing Examiner and in review of the information provided, determined to establish their own public hearing and directed the applicant to submit detailed plans to City staff to address the items set forth hereinafter, which plans were to be submitted on or before April 1, 1993 for consideration at a public hearing by the City Council on May 10, 1993. The items and materials to be provided were as follows:
  - A. The Staff, working with the applicant, shall modify all documents to reflect that the applicant is within the WM zoning district.
  - B. The staff will prepare a report detailing the required parking based upon the parking condition contained within the WM zone under Section 17.48.070.
  - C. The applicant shall submit a revised plan, to scale, signed by a Washington State Registered Engineer or Land Surveyor, that details at a minimum all of the following:
    - 1) Show all existing improvements from Harborview Drive to the Outer Harbor Line and from the northerly side of the covered condominium moorage;

- 2) Show the area of the Hix tideland lease and the area if the Hix harbor area lease;
  - 3) Show the area of the Ross tideland lease and the area of the Ross Harbor Area lease;
  - 4) Show the tidelands area proposed to be leased by the applicant;
  - 5) Locate the outer harbor line consistent with the surveys done prior to Pac-Tech/Mel Garland's survey of the Hix property;
  - 6) Clearly indicate all new improvements proposed;
  - 7) For the applicant's property, draw a cross section of all existing improvements and proposed improvements from Harborview Drive to the outer harbor line;
  - 8) Dimension all major components in the drawing; and
  - 9) Plan view shall contain five (5) foot intervals of the applicant's property from Harborview Drive to the outer harbor line.
- D. The applicant shall list all of the various uses existing and proposed for the applicant's property such as but not limited to:
- 1) Moorage greater than 45 feet;
  - 2) Moorage less than 45 feet;
  - 3) Museum;
  - 4) Single family residences;
  - 5) Bed and breakfast;
  - 6) Office;
  - 7) Repair Shop;
  - 8) Detail any/all other uses.
- E. Show the location of the parking to support uses described in letter D, above.
6. The applicant did submit material by April 1, 1993, which substantially complied with the Council's directive.

7. The Planning Department in its report of May 10, 1993, recommended denial of a zoning variance from the parking standards of the zoning code and recommended conditional approval of that portion of the project which provided for moorage, off-street parking and a museum. The staff concluded that the proposal meets the requirements for obtaining a shoreline management variance permit from the parking standards of the Shoreline Master Program pursuant to WAC 173-14-150, due to the limitations of the property as detailed in the staff report of May 10, 1993, pages 12 and 13 as follows:
  - A. Extraordinary circumstances, including the existence of three historical structures, make development of this parcel difficult without the removal of the structures. Because of the Comprehensive Plan's emphasis on retaining, preserving, and adaptive reuse of older buildings, it is presumed that the public interest is best served by protecting the dwindling number of historical structures which reflect local culture and historical development, and that it would be to the detriment of the public to remove such structures without a substantial effort to save them.
  - B. The historic nature of the museum, net shed, and Novak house make them integral components of the site's characteristics and should not be separated from any consideration of the site's natural characteristics or from a determination of a "reasonable" use of the property without due consideration of their value to the community. Accordingly, a strict application of the parking requirements may preclude a reasonable use of the property by destroying or excessively altering the historic character of the site.
  - C. The hardship is specifically related to the existence of two historic structures on a small parcel with a developable portion of less than 9500 square feet and not from the actions of the applicant.
  - D. The design of the project is nautically oriented, making the waterfront location appropriate and compatible with other permitted activities. However, the park plan option does not meet the full parking requirement and it is difficult to determine (a) if the benefits of the park plan outweigh the costs of the reduced parking, or (b) what the costs of reduced parking will be (e.g., will 5 spaces be adequate for the proposed uses on the site?). Currently there are no parking spaces.
  - E. The requested variance does not constitute a grant of special privilege not enjoyed by other property owners in the area. Few remaining waterfront parcels involving development requests have structures which might be considered historical in nature.

8. The City Council convened a public hearing on the application at its regular meeting of May 10, 1993, pursuant to notice.
9. At the hearing, the City Council received into the record all of the previous staff reports and Hearing Examiner's recommendation, together with substantial public testimony by the applicant, the applicant's representatives, the legal representative on behalf of the adjacent owner and several members of the public who expressed concerns about past operations and problems concerning parking with respect to the applicant's proposal.
10. At the hearing, Mr. Paglia, representative of an adjacent property owner, challenged Councilmember Markovich on the basis of appearance of fairness due to the fact that Councilmember Markovich was alleged to have made statements prior to this hearing concerning zoning. The statements were made prior to the time that this matter was before the City Council, were not specific to this project and did not constitute a prior statement concerning said application. The City Attorney ruled that on the bare basis of the challenge made by Mr. Paglia, that the Appearance of Fairness Doctrine was not violated.
11. Mr. Paglia objected to the jurisdiction of the City Council holding its own hearing. The City Council has delegated the hearing functions on these matters to the Office of the Hearing Examiner. The Hearing Examiner makes only a recommendation to the City Council. The City Council determined that an additional hearing was necessary and exercised its inherent power as the final decision maker to conduct its own de novo hearing.
12. The City Council received written and oral testimony and at the conclusion of the receipt of the same, closed the public input portion of the hearing and returned the matter to the Council for deliberation.

**From the foregoing findings, the City Council makes the following conclusions:**

1. The proposal, as modified by City Council with respect to allowed uses and parking, is consistent with the City of Gig Harbor zoning codes, Chapter 17.48 (Waterfront Millville District), Chapter 17.72 (Off-Street Parking and Loading Standards) and Section 17.76 (Boat Moorage).
2. The current use of the floating structure as a residence is prohibited by the City of Gig Harbor Shoreline Master Program, Page 27, Regulation 7.
3. The City of Gig Harbor Shoreline Master Program, Page 27, Regulation 7, provides that living on watercraft may be allowed provided that a Shoreline Management Conditional Use permit is obtained on an annual basis and that conditions for waste disposal shall be included.
4. The City Council concludes that the proposal is consistent with the City of Gig



Harbor Shoreline Master Program for marinas, piers and docks, and commercial development.

5. The City Council concludes that the maritime museum is consistent with the intent section of Chapter 17.48, Waterfront Millville District, of the Gig Harbor Municipal Code.

**The proposal, as modified hereafter, meets the requirements for obtaining a Shoreline Management Substantial Development and Variance permit. The following decision on the Shoreline Substantial Development Variance permit and conditions are hereby approved by the City Council as follows:**

1. The zoning variance request for parking is denied. There is ample evidence that the proposed use of the premises will need parking and the criteria for granting of a zoning variance has not been met.
2. A request for phased development approval is denied and the only phase to be considered for any approvals hereunder would be the proposed phase one.
3. The historic nature of the museum, net shed and Novak house make them integral components of the site's characteristics and should not be separated from any consideration of the site's natural characteristics or from a determination of a reasonable use of the property without due consideration of their value to the community. Due to the Comprehensive Plan's emphasis on retaining, preserving and adaptive reuse of older buildings, it is in the public interest to protect the dwindling number of historical structures which reflect local culture and historical development. The City Council concludes that it would be to the detriment of the public to remove such structures without a substantial effort to save them.
4. The particular site is a very small parcel with a developable portion of less than ninety-five hundred (9,500) square feet. These site restrictions are not due to the actions of the applicant.
5. The design of the project is nautically oriented, making the waterfront location appropriate and compatible with other permitted activities. However, the park plan option does not meet the full parking requirement.
6. The substantial development permit and variance permit is approved subject to the following conditions:
  - A. Access to the existing museum structure shall be limited to 9 people and shall be clearly posted inside. An increase of occupancy may be achieved by constructing a stairway which provides egress from the northeast end of the museum, subject to review and approval of the City's Building Official.

- B. All new decking shall be no wider than 8 feet in any section unless incorporated with alternating grated areas which allow light to penetrate the deck. Additionally, no grated area shall be covered with materials which do not allow light to penetrate or be used for storage or placement of any materials, furnishings, etc.
- C. The site plan referred to as "2-P" shall be taken back by the applicant's representative and remove all reference to Phase II and remove the reference to Phase I so it will depict solely this application. This will make it the least confusing document possible.
- D. The site plan shall not be approved as a phased plan. Any additions or alterations proposed on the applicant's phased plan shall be reviewed under a new Shoreline permit application.
- E. No commercial lodging shall be permitted aboard the Ketch Krestine or other vessels while moored at the facility.
- F. The site plan shall include a covenant which shall state that any conversion, addition, new construction or expansion of any structure or use shall comply with the relevant sections of the City's master program and zoning code for parking.
- G. All fire flow and fire protection shall be provided for the marina and buildings as per Uniform Fire Code and Uniform Building Code and as approved by the City's Building Official.
- H. All walkways and ramps shall have the required guardrails and handrails as per UBC requirements and as reviewed and approved by the City's Building Official.
- I. Prior to permit issuance, a landscaping plan shall be submitted, which is consistent with Chapter 17.78 of the Gig Harbor zoning code, and approved by the Planning Staff. An assignment of funds equal to 110 percent of the cost of the landscaping, shall be required prior to issuance of building permits.
- J. Prior to building permit issuance, the applicant shall provide the City with evidence of a lease agreement with the DNR which shall reflect the proposed lease area identified on the submitted site plan, and reference updated drawing 2-P and the Layton & Sells drawing dated 4/30/93 - Revision 1, Sheet 1, revised 5/04/93.
- K. The amended site plan 2-P and the Layton & Sells drawing Revision 1, Sheet 1, shall be a binding site plan. A copy of the site plan indicating all commercial areas as well as personal storage and office areas, etc., shall be

recorded with the Pierce County Auditor's office, with a copy of the recorded document and its recording number being returned to the City prior to permit issuance.

- L. The project shall be completed within two years of the date of filing of the Shoreline Permit with the Department of Ecology. If the project is not completed by the end of this two year period, the Shoreline Permit shall be considered void and all vessels, structures, uses and expansions not in compliance with this approval, the City's zoning code, the Uniform Building Code, and the Uniform Fire Code shall be removed or be subject to civil penalty charges.
- M. The applicant is to revise drawing 2-P with the latest revision made forth 1993 as submitted by Mr. Gagliano and the Layton Sells' drawing with the date of April 30, 1993, Revision 1, Sheet 1, revised 5/04/93, to reflect what has been approved by Council. Both those drawings shall show complete dimensions of the project, and in addition, all Phase II references and Phase I references are to be removed. The uses on the 2-P drawing are to be detailed as follows:

<u>Use:</u>	<u>Parking Req'd:</u>
1) Museum - maximum 1,000 s.f.	2 spaces
2) Sales	1 space
3) Moorage greater than 45' - 3 boats	3 spaces
4) Moorage less than 45' - 6 boats	3 spaces


Total spaces required - 9 (nine) as per City Code 17.72.

- N. All vessels shall be limited along the dock to side ties of one single vessel as depicted on sheet 2-P.
- O. Applicant recognizes that he or she may be restricted solely to ingress/egress over the tideland area owned and/or leased by applicant from the DNR and accepts this potential restriction to the use of his property.
- P. The applicant shall remove the previously constructed building marked on first floor as 990 s.f., existing personalized storage - non-public, and second floor, stairs to the office with no public access, within 120 days of the execution of this permit unless the applicant, within the next 14 calendar days, can produce a valid building permit authorizing construction or other proof to the satisfaction of our city attorney for that structure.
- Q. Consistent with Regulation 7, Page 27 of the City of Gig Harbor Shoreline Master Program, the applicant shall remove the floating home within thirty (30) days of the date of City Council approval of this permit, to wit, on or before June 23, 1993. Said use is not permitted by the GHMC.

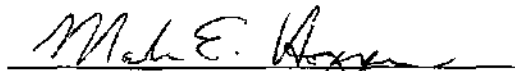
- R. Consistent with Regulation 7, Page 27, of the City of Gig Harbor Shoreline Master Program, should the applicant intend to reside in a vessel at the moorage facility, the applicant shall apply for and receive a Shoreline Conditional Use Permit within 120 days of the date of City Council entry of these findings, conclusions and decision.
- S. Applicant or their successors and assigns shall not allow any use not permitted by City codes of applicable state laws or regulations, to exist on the owned or leased premises.

RESOLVED this 24th day of May, 1993.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 05/20/93  
Passed by City Council: 05/24/93

CITY OF GIG HARBOR  
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
CONDITIONAL USE, VARIANCE PERMIT

- Substantial Development
- Conditional Use
- Variance

Application No.: SDP 92-04

Date Received: 9/26/92

Approved: 5/10/93

Date of Issuance: 5/24/93

Date of Expiration: Two years from the date of filing with the Department of Ecology

Pursuant to RCW 90.58, a permit is hereby **APPROVED** to:

Mr. Peter M. Darrah  
3311 Harborview Drive/P.O. Box 31  
Gig Harbor, WA 98335

To undertake the following development:

Construct a new pier and moorage for nine boats, three of which would be greater than 45 feet in length and six of which would be less than 45 feet in length, as per attached plans.

Upon the following property:

Located within a portion of the SW 1/4 of Section 5, Township 21 North, Range 2 E.WM, assessor's tax parcel number 597000-002-0.

Within Gig Harbor Bay and its associated wetlands. The project **will be** within shorelines of Statewide Significance per RCW 90.50.030 and is within an **Urban** environment designation, per the City of Gig Harbor Shoreline Master Program. Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

- 1) Access to the existing museum structure shall be limited to 9 people and shall be clearly posted inside. An increase of occupancy may be achieved by constructing a stairway which provides egress from the northeast end of the museum, subject to review and approval of the City's Building Official.
- 2) All new decking shall be no wider than 8 feet in any section unless incorporated with alternating grated areas which allow light to penetrate the deck. Additionally, no grated area shall be covered with materials which do not allow light to penetrate or be used for storage or placement of any materials, furnishings, etc.
- 3) The site plan referred to as "2-P" shall be taken back by the applicant's representative and remove all reference to Phase II and remove the reference to Phase I so it will depict solely this application. This will make it the least confusing document possible.
- 4) No commercial lodging be permitted aboard the Ketch Kristine while moored at the facility.
- 5) The site plan shall include a covenant which shall state that any conversion, addition, new construction or expansion of any structure or use shall comply with the relevant sections of the City's master program and zoning code for parking.
- 6) All fire flow and fire protection shall be provided for the marina and buildings as per Uniform Fire Code and Uniform Building Code and as approved by the City's Building Official.
- 7) All walkways and ramps shall have the required guardrails and handrails as per UBC requirements and as reviewed and approved by the City's Building Official.
- 8) Prior to permit issuance, a landscaping plan shall be submitted to and approved by the Planning Staff which is consistent with Section 17.78 of the Gig Harbor zoning code. An assignment of funds equal to 110 percent of the cost of the landscaping shall be required prior to issuance of building permits.
- 9) Prior to building permit issuance, the applicant shall provide the City with evidence of a lease agreement with the DNR which shall reflect the proposed lease area identified on the submitted site plan, and reference updated drawing 2-P and the Layton & Sells drawing dated 4/30/93 - Revision 1, Sheet 1.
- 10) The amended site plan 2-P and the Layton & Sells drawing Revision

1, Sheet 1, shall be a binding site plan. A copy of the site plan indicating all commercial areas as well as personal storage and office areas, etc., shall be recorded with the Pierce County Auditor's office, with a copy of the recorded document and its recording number being returned to the City prior to permit issuance.

11) The project shall be completed within two years of the date of filing of the Shoreline Permit with the Department of Ecology. If the project is not completed by the end of this two year period, the Shoreline Permit shall be considered void and all vessels, structures, uses and expansions not in compliance with this approval, the City's zoning code, the Uniform Building Code, and the Uniform Fire Code shall be removed or be subject to Civil Penalty charges.

12) The applicant is to revise drawing 2-P with the latest revision made forth 1993 as submitted by Mr. Gagliano and the Layton Sells' drawing with the date of April 30, 1993, Revision 1, Sheet 1, to reflect what has been approved tonight by Council. In addition, both those drawings shall show complete dimensions of the project. In addition, all Phase II references and Phase I references are to be removed. The uses on the 2-P drawing are to be detailed as follows:

Use:	Parking Req'd:
Museum - maximum 1,000 s.f.	2 spaces
Sales	1 space
Moorage greater than 45' - 3 boats	3 spaces
Moorage less than 45' - 6 boats	3 spaces

Total spaces required - 9 as per city code 17.72.

13) All vessels shall be limited along the dock to side ties of one single vessel as depicted on sheet 2-P.

14) Applicant recognizes that he or she may be restricted solely to ingress/egress within the water area owned by the applicant and/or leased from the DNR to the applicant and accepts this potential restriction to the use of his property.

15) The applicant shall remove the previously constructed building marked on first floor as 990 s.f., existing personalized storage - non-public, and second floor, stair to office creates no public access, within 120 days of the execution of this permit unless the applicant, within the next 14 calendar days, can produce a valid building permit to the satisfaction of our city attorney for that structure.

16) Consistent with Regulation 7, Page 27, of the City of Gig Harbor Shoreline Master Program, the applicant shall remove the floating

home within thirty (30) days of the date of City Council approval of this permit, to wit, on or before June 23, 1993.

- 17) Consistent with Regulation 7, Page 27, of the City of Gig Harbor Shoreline Master Program, should the applicant intend to reside in a vessel at the moorage facility, the applicant shall apply for and receive a Shoreline Conditional Use Permit within 120 days of the date of Council entry of these findings, conclusions and decision.
- 18) Applicant or their successors and assigns shall not allow any use not permitted by City Codes or applicable state laws or regulations to exist on the owned or leased premises.

This permit is granted pursuant to the Shoreline Management Act of 1972 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

May 26, 1993  
(Date)

Britchen A. Siebert  
Mayor, City of Gig Harbor

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**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN  
REGARD TO A CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Development shall be undertaken pursuant to the following additional terms and conditions:

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Date

Signature of Authorized Department Official

**CITY OF GIG HARBOR**  
**RESOLUTION No. 383**

**WHEREAS**, the City of Gig Harbor Department of Public Works has submitted an application for site plan and conditional use approval for the construction of a 1,300 square foot storage building on property more commonly known as the City Shop; and,

**WHEREAS**, in a report dated April 14, 1993, city Planning Staff recommended conditional approval of the storage building; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the review of site plans and conditional uses; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on April 21, 1993 to accept public comment on; and,


**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of the application in his report dated April 28, 1993; and,

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

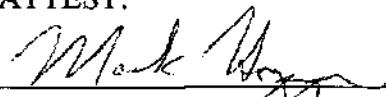
That the findings, conclusions and recommendations of the Hearing Examiner in his report dated April 28, 1993 are hereby adopted by the City Council and the application for site plan and conditional use is APPROVED, subject to the following conditions:

1. The project must comply with the applicable City of Gig Harbor Uniform Fire Codes. Public Works shall coordinate with the City Fire Marshal for compliance with the applicable codes .
2. Prior to occupancy, a final landscaping plan meeting the requirements of the zoning code must be submitted to the Planning Department for review and approval. Landscaping shall be installed as approved within one growing season of approval of the site plan.

PASSED this 10th day of May, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark Hoppen  
City Administrator

Filed with City Clerk: 5/6/93

Passed by City Council: 5/10/93

**CITY OF GIG HARBOR  
RESOLUTION No. 382**

**WHEREAS**, Mr. Maurice Manning has submitted a final plat for consideration of approval by the City Council for SUB 91-04 (Gig Harbor Heights); and,

**WHEREAS**, the Gig Harbor City Council granted preliminary plat approval per Resolution #317 to SUB 91-01 on June 29, 1991 and to #358 to SUB 91-04 on June 8, 1992, subject to conditions of approval; and,

**WHEREAS**, a final plat which combines both plats has been reviewed by the City staff for compliance with the requirements of the City Subdivision Ordinance (Title 16 of the Gig Harbor Municipal Code) and the conditions of preliminary plat approval per Resolutions #317 and #358; and,

**WHEREAS**, the City of Gig Harbor staff find that the proposed final plat and improvements as required are in compliance with the applicable City of Gig Harbor codes, the conditions of preliminary plat approval per Resolutions #317 and #358 and the City of Gig Harbor Comprehensive Plan of 1986.

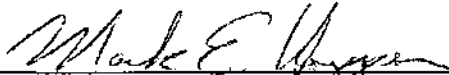
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for SUB 91-04 be accepted and approved by the City of Gig Harbor City Council.

PASSED this 10th day of May, 1993.

  
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 5/6/93  
Passed by City Council: 5/10/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 381**

WHEREAS, the Gig Harbor City Council on December 7, 1987 adopted Ordinance #526 which established the Building Code Advisory Board; and

WHEREAS, the Gig Harbor City Council has adopted in Ordinance #526 guidelines for the appointment of Building Code Advisory Board members; and,

WHEREAS, the Gig Harbor City Council has found that alternate members shall be designated to act on the Building Code Advisory Board for when the principal members cannot serve due to illness or conflict of interest;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington:

The following person shall serve as a principal member of the Building Code Advisory Board for the designated term beginning on April 27, 1993:

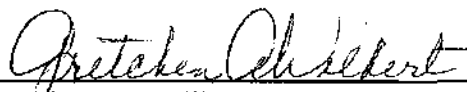
Mr. William Reed, AIA, (Architect) . . . . four year term

BE IT FURTHER RESOLVED:

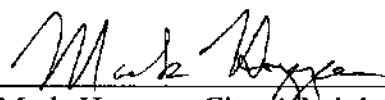
The following person shall serve as an alternate member of the Building Code Advisory Board for the designated term beginning on April 27, 1993:

Mr. Mark Anderson, AIA, (Contractor) . . . four year term

PASSED this 26th day of April, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark Hoppen, City Administrator

Filed with city clerk: 4/20/93  
Passed by city council: 4/26/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 380**

WHEREAS, the City of Gig Harbor has adopted height restrictions which limit building heights to 16 feet; and

WHEREAS, Compliance with height standards is typically verified during the building permit application process; and

WHEREAS, Mr Jim Richardson built a second floor addition to his house at 3505 Grandview Street without applying for or securing required building permits; and

WHEREAS, The City's Building Department notified Mr. Richardson that he would have to apply for a building permit and that his addition could not be approved without a height variance; and

WHEREAS, Mr. Richardson applied for a 54 inch height variance; and

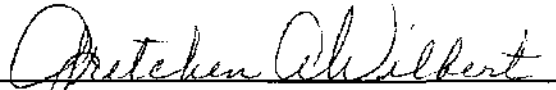
WHEREAS, the City's Hearing Examiner denied the variance based upon findings that the variance does not meet any of the requirements for approval; and

WHEREAS, Mr. Richardson filed a timely appeal in a letter dated April 7, 1993; and


WHEREAS, the Gig Harbor City Council has reviewed the record of the Staff report to the Hearing Examiner, the Hearing Examiner's findings and conclusions, the appeal filed by the applicant and the applicant's presentation at its regular session of April 26, 1993.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Gig Harbor, Washington, that the findings, conclusions, and decision of the Hearing Examiner are found to be correct and are hereby upheld by the City Council and the requested height variance is denied.

PASSED this 26th day of April, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/19/93  
Passed by City Council: 4/26/93

**CITY OF GIG HARBOR  
RESOLUTION NO 379**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING  
TO A REQUEST FOR VARIANCE FROM THE REQUIREMENTS OF SECTION  
16.40.130 OF THE GIG HARBOR MUNICIPAL CODE.**

WHEREAS, Pauline and George Lovrovich applied for a variance from the requirements of Section 16.40.130, which requires curbs, gutters, and sidewalks for short sub-divisions; and,

WHEREAS, the Gig Harbor Hearing Examiner, in a report dated March 10, 1993, denied the variance request following a public hearing and consideration of facts pertinent to the request; and,

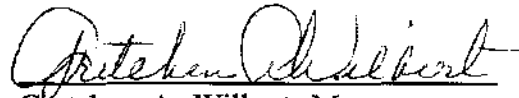
WHEREAS, on March 19, 1993, the applicants notified the City of their intention to appeal the Hearing Examiner's decision to the City Council, requesting the decision be overturned; and,

WHEREAS, at its regular meeting of April 12, 1993, the Gig Harbor City Council considered the appeal based on the record established by the Hearing Examiner; and,

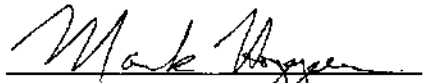
WHEREAS, the City Council acknowledged that, although a general requirement for sidewalks, curbs, and gutters may not be applicable to all streets or developments within the City, the code as currently written prevails in this matter.

NOW THEREFORE BE IT RESOLVED that the Gig Harbor City Council concurs with the findings and conclusions of the Hearing Examiner and the decision of the Hearing Examiner is affirmed.

PASSED this 26th day of April, 1993

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/20/93  
Passed by City Council: 4/26/93

**CITY OF GIG HARBOR  
RESOLUTION NO. 378**

**A RESOLUTION OF THE CITY OF GIG HARBOR, WASHINGTON, WHICH ESTABLISHES NEW ENGINEERING PLAN REVIEW AND INSPECTION FEES FOR LAND USE DEVELOPMENT APPLICATIONS AND PERMITS.**

WHEREAS, the City of Gig Harbor desires to establish such fees by Resolution.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR, AS FOLLOWS:

SECTION 1. The Engineering Plan Review and Construction Inspection Fees for various land use development applications and permits are established as follows:

**ENGINEERING PLAN REVIEW**

Water	\$100/1st 150' + \$.19/LF thereafter
Sewer	\$100/1st 150' + \$.19/LF thereafter
Street or Street w/curb, gutter & sidewalk	\$100/1st 150' + \$.25/LF thereafter
Curb, gutter & sidewalk only	\$100/1st 150' + \$.25/LF thereafter
Storm	\$75 1st/CB + \$10/Add CB
Retention & Detention Facilities	\$100
Lighting	\$80 + \$5/pole
Signals	\$340/Intersection
Right-Of-Way Access	\$25
Resubmittal	<u>\$50/Hour</u> for 3rd submittal <u>(8 hr/min)</u>

**INSPECTION**

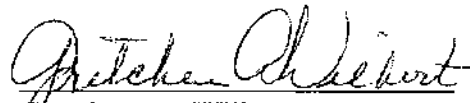
Water	\$180/1st 150' + \$1.00/LF thereafter
Sewer	\$180/1st 150' + \$1.00/LF thereafter
Sewer - Step System (Residence)	\$130/unit
Street	\$180/1st 150' + \$.75/LF thereafter
Curb, Gutter & Sidewalk	\$180/1st 150' + \$.75/LF thereafter
Storm	\$90 ea/retn-detn area + \$.38/LF pipe
Lighting	\$90 + \$10/pole
Signals	\$700/intersection
Right-of-Way Access	
Overhead	\$200/1st 150' + \$.05/LF thereafter
Underground	\$200/1st 150' + \$.10/LF thereafter



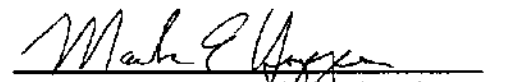
SECTION 2. Engineering Plan Review and Construction Inspection Fees hereby adopted shall not apply to the engineering review and/or inspection of one single family residence.

PASSED this 26th day of April, 1993.  
EFFECTIVE DATE: May 10, 1993.

APPROVED:

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator  
City Clerk

Filed with City Clerk:	4/23/93
Passed by City Council:	4/26/93
Date Published:	5/5/93
Date Effective:	5/10/93

**CITY OF GIG HARBOR  
RESOLUTION No. 377**

**WHEREAS**, Gordon Rush has submitted a final plat for consideration of approval by the City Council for PUD 91-01 (Harbor Summit); and,

**WHEREAS**, the Gig Harbor City Council granted preliminary plat approval per Resolution #346 to PUD 91-01 on February 10, 1992, subject to ten conditions of approval; and,

**WHEREAS**, a final plat has been reviewed by the City staff for compliance with the requirements of the City Subdivision Ordinance (Title 16 of the Gig Harbor Municipal Code) and Zoning Ordinance (Planned Unit Development, Title 17.90) and the conditions of preliminary plat approval per Resolution #346; and,

**WHEREAS**, the City of Gig Harbor staff find that the proposed final plat and improvements as required are in compliance with the applicable City of Gig Harbor codes, the conditions of preliminary plat approval per Resolution #346 and the City of Gig Harbor Comprehensive Plan of 1986.


**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for PUD 91-01 be accepted and approved by the City of Gig Harbor City Council.

PASSED this 12th day of April, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/7/93  
Passed by City Council: 4/12/93

**CITY OF GIG HARBOR**  
**RESOLUTION No. 376**

**WHEREAS**, John Jaquith has submitted a final plat for consideration of approval by the City Council for SUB 90-04 (Sea View Place); and,

**WHEREAS**, the Gig Harbor City Council granted preliminary plat approval per Resolution #299 to SUB 90-04 on December 10, 1990, subject to 12 conditions of approval; and,

**WHEREAS**, a final plat has been reviewed by the City staff for compliance with the requirements of the City Subdivision Ordinance (Title 16 of the Gig Harbor Municipal Code), the policies and standards of the Public Works Department respective to required infrastructure improvements (road, sewer, water) and the conditions of preliminary plat approval per Resolution #299; and,

**WHEREAS**, the City of Gig Harbor staff find that the proposed final plat and improvements as required are in compliance with the applicable City of Gig Harbor codes, the conditions of preliminary plat approval per Resolution #299 and the City of Gig Harbor Comprehensive Plan of 1986.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, as follows:

That the final plat for SUB 90-04 be accepted and approved by the City of Gig Harbor City Council.

PASSED this 12th day of April, 1993.

  
\_\_\_\_\_  
Gretchen A Wilbert, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Mark E. Hoppen, City Administrator

Filed with City Clerk: 4/7/93  
Passed by City Council: 4/12/93

CITY OF GIG HARBOR  
RESOLUTION 375

A RESOLUTION INCREASING THE CITY OF GIG HARBOR LICENSING FEES FOR ALTERED AND UNALTERED DOGS.

WHEREAS, the current City of Gig Harbor license fee of \$5.00 for all dogs does not cover the cost of animal control and the cost of actual license tags; and

WHEREAS, a two dollar increase for altered dogs would be equivalent to similar license fees in Pierce County; and

WHEREAS, a \$17.00 license fee for unaltered dogs would serve as an incentive to encourage dog owners in the City of Gig Harbor to both reduce the population of unwanted pets and discourage harm to wandering dogs; and

WHEREAS, fees for Senior Citizens, age 65 and older, shall remain at \$5.00 for altered pets; and

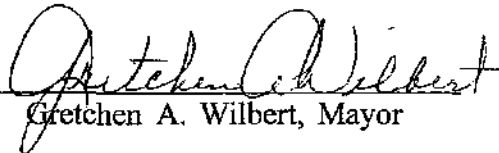
WHEREAS, Ordinance 290, Section 6.04.030 states that all dogs which are kept, harbored, or maintained within Town limits shall be licensed in accordance with such licensing procedures as are established by the Town; NOW THEREFORE,

BE IT RESOLVED by the City Council, as follows:


Section 1. The fee for the licensing of dogs within the City of Gig Harbor is hereby established at \$7.00 each year for altered dogs and at \$17.00 each year for unaltered dogs. Fees for Senior Citizens, 65 years and older, will remain at \$5.00 for altered dogs.

Section 2. Dog owners who have already paid the 1993 licensing fee will not be assessed the additional fee until 1994.

PASSED this 22nd day of March, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Clerk

Filed with City Clerk: 3/17/93  
Passed by City Council: 3/22/93

**CITY OF GIG HARBOR**

**RESOLUTION NO. 374**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING THE LOCAL GOVERNMENT EMPLOYEE WHISTLEBLOWER ACT POLICY, CHAPTER 42.41 OF TITLE 42 RCW: PUBLIC OFFICERS AND AGENCIES.**

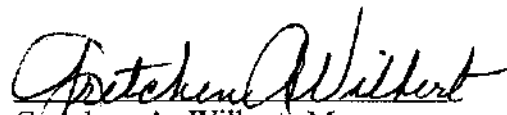
**WHEREAS**, revisions to state statute require that the City of Gig Harbor implement a policy designed to encourage the reporting of improper governmental actions taken by City officers and employees and to protect persons who have made such reportings from retaliation; and

**WHEREAS**, the City Council has reviewed the policy attached hereto as Exhibit 'A' and believes its adoption to be both required by law and in the best interest of the citizens of the City of Gig Harbor;

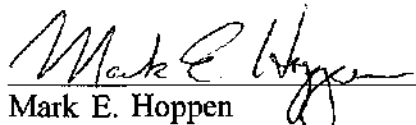
**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington, hereby **RESOLVE** as follows:

Section 1. The LOCAL GOVERNMENT EMPLOYEE WHISTLEBLOWER ACT CITY OF GIG HARBOR POLICIES AND PROCEDURES attached hereto as Exhibit 'A' is hereby approved and adopted by the City Council.

**PASSED** this 22nd day of February, 1993.

  
Gretchen A. Wilbert, Mayor

ATTEST:

  
Mark E. Hoppen  
City Administrator/Clerk

Filed with city clerk: 2/18/93

Passed by city council: 2/22/93

## ATTACHMENT 'A'

### **Reporting Improper Governmental Action and Protecting Employees Against Retaliation**

#### **Policy Statement**

It is the policy of the City of Gig Harbor (1) to encourage reporting by its employees of improper governmental action taken by City of Gig Harbor officers or employees and (2) to protect City of Gig Harbor employees who have reported improper governmental actions in accordance with the City of Gig Harbor's policies and procedure(s).

#### **Definitions**

As used in this policy, the following terms shall have the meanings indicated:

1. "Improper governmental action" means any action by a City of Gig Harbor officer or employee:
  - a. That is undertaken in the performance of the officer's or employee's official duties, whether or not the action is within the scope of the employee's employment; and
  - b. That (i) is in violation of any federal, state, or local law or rule, (ii) is an abuse of authority, (iii) is of substantial and specific danger to the public health or safety or (iv) is a gross waste of public funds.

"Improper governmental action" does not include personnel actions, including employee grievances, complaints, appointments, promotions, transfers, assignments, reassignments, reinstatements, restorations, reemployments, performance evaluations, reductions in pay, dismissals, suspensions, demotions, violations of labor agreements or reprimands.

2. "Retaliatory action" means any adverse change in the terms and conditions of a City of Gig Harbor employee's employment.
3. "Emergency" means a circumstance that if not immediately changed may cause damage to persons or property.

#### **Procedures for Reporting**

City of Gig Harbor employees who become aware of improper governmental actions should raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred. Where the employee reasonably believes the improper governmental action involves

his or her supervisor, the employee may raise the issue directly with the Administrator or such other person as may be designated by the Administrator to receive reports of improper governmental action.

In the case of an emergency, where the employee believes that damage to persons or property may result if action is not taken immediately, the employee may report the improper governmental action directly to the appropriate government agency with responsibility for investigating the improper actions.

The supervisor, the Administrator or the Administrator's designee, as the case may be, shall take prompt action to assist the City of Gig Harbor in properly investigating the report of improper governmental action. City of Gig Harbor officers and employees involved in the investigation shall keep the identity of reporting employees confidential to the extent possible under law, unless the employee authorizes the disclosure of his or her identity in writing. After an investigation has been completed, the employee reporting the improper governmental action shall be advised of a summary of the results of the investigation, except that personnel actions taken as a result of the investigation may be kept confidential.

City employees may report information about improper governmental actions directly to the appropriate government agency with responsibility for investigating the action if the employee reasonably believes that an adequate investigation was not undertaken by the city to determine whether an improper governmental action occurred, or that insufficient action has been taken by the city to address the improper governmental action or that for other reasons the improper governmental action is likely to recur.

City employees who fail to make a good-faith attempt to follow the city's procedures in reporting improper governmental action shall not receive the protection provided by the city in these procedures.

### **Protection Against Retaliatory Actions**

City officials and employees are prohibited from taking retaliatory action against a city employee because he or she has in good faith reported an improper governmental action in accordance with these policies and procedures.

Employees who believe that they have been retaliated against for reporting an improper governmental action should advise the City Administrator in writing. The City Administrator shall take appropriate action to investigate and address complaints of retaliation.

If the City Administrator does not satisfactorily resolve an employee's complaint that he or she has been retaliated against in violation of this policy, the employee may obtain protection under this policy and pursuant to state law by providing a written notice to the Mayor that:

- a. Specifies the alleged retaliatory action, and
- b. Specifies the relief requested.

City employees shall provide a copy of their written charge to the City Administrator no later than thirty (30) days after the occurrence of the alleged retaliatory action. The City Administrator shall respond within thirty (30) days to the charge of retaliatory action.

After receiving either the response of the City Administrator or thirty days after the delivery of the charge to the City Administrator, the employee may request a hearing before a state administrative law judge to establish that a retaliatory action occurred and to obtain appropriate relief provided by law. An employee seeking a hearing should deliver the request for hearing to the Mayor within the earlier of either fifteen (15) days of delivery of the City Administrator's response to the charge of retaliatory action, or forty-five (45) days of delivery of the charge of retaliation to the City Administrator for response.

Upon receipt of request for hearing, the Mayor shall apply within five (5) working days to the State Office of Administrative Hearings for an adjudicative proceeding before an administrative law judge:

Office of Administrative Hearings  
P.O. Box 42488, 4224 Sixth S.E.  
Rowe Six, Building 1  
Lacey, Washington 98504-2488  
(206) 459-6353

The City will consider any recommendation provided by the administrative law judge that the retaliator be suspended with or without pay, or dismissed.

### **Responsibilities**

The City Administrator is responsible for implementing the city's policies and procedures (1) for reporting improper governmental action, and (2) for protecting employees against retaliatory actions. This includes ensuring that these policies and procedures (1) are permanently posted where all employees will have reasonable access to them, (2) are made available to any employee upon request, and (3) are provided to all newly-hired employees. Officers, managers and supervisors are responsible for ensuring the procedures are fully implemented within their areas of responsibility. Violations of these policies and procedures may result in appropriate disciplinary actions, up to and including dismissal.



## List of Agencies

Following is a list of agencies responsible for enforcing federal, state and local laws and investigating other issues involving improper governmental action. Employees having questions about these agencies or the procedures for reporting improper governmental action are encouraged to contact the City Administrator.

Pierce County Prosecuting Attorney  
930 Tacoma Avenue South  
Tacoma, WA 98408  
(206) 591-7400

Tacoma/Pierce County Health Department  
3629 So. 'D' Street  
Tacoma, WA 98408  
(206) 591-6485

Puget Sound Air Pollution Control Agency  
(206) 296-7330

State Attorney General's Office  
Fair Practices Division  
2000 Bank of California Center  
900 Fourth Avenue  
Seattle, Washington  
(206) 464-6684

State Auditor's Office  
Legislative Building  
P.O. Box 40021  
Olympia, Washington 98504-0021  
(206) 753-5280

State Department of Ecology  
3190 160th S.E.  
Bellevue, Washington 98008-5852  
(206) 649-7000

Human Right Commission  
402 Evergreen Plaza Building, FJ-41  
711 South Capitol Way  
Olympia, Washington 98504-2490

Department of Labor & Industries

300 West Harrison, Room 201  
Seattle, Washington  
(206) 281-5400

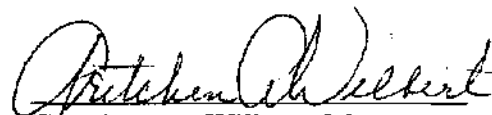
Environmental Protection Agency  
Criminal Investigations  
1200 Sixth Avenue  
Seattle, Washington  
(206) 553-8306

Equal Employment Opportunity Commission  
2815 Second, Suite 500  
Seattle, Washington  
(206) 553-0968

Department of Labor  
Occupational Safety & Health (OSHA)  
1111 Third Avenue, Suite 715  
Seattle, Washington 98101-3212  
(206) 553-5930

#### **Adoption**

These policies and procedures were adopted by the City Council of the City of Gig Harbor on February 22, 1993 and are effective immediately.

  
Gretchen A. Wilbert, Mayor

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