

Ordinance Table

550	Amends § 15.04.040, 15.04.060 and 15.04.070, flood hazard construction standards (15.04)	579	Annexation (Special)
551	Rezone (Special)	580	Annexation (Special)
552	Amends § 13.32.010 and 13.32.060, sewer rates and charges (13.32)	581	Amends § 10.04.010, traffic code (10.04)
553	Water and sewer revenue bonds (Special)	582	Adds § 9.36.040, miscellaneous crimes (9.36)
554	Continuation of zoning approval; adds Ch. 17.30 and § 17.04.185, 17.04.305, 17.04.322, 17.04.392 and 17.04.441; amends Ch. 17.58, zoning (17.30, 17.58)	583	Adds § 13.02.195 and 13.04.015; amends § 13.04.030, water and sewers (13.02, 13.04)
555	Rezone (Special)	584	Relocates Ch. 8.29 to Ch. 3.28, city dock moorage fees, and amends said chapter (3.28)
556	Rezone (Special)	585	Adds § 17.80.070, zoning (17.80)
557	Amends § 6 of Ord. 553, water and sewer revenue bonds (Special)	586	Amends § 9.06.010, crimes relating to animals (9.06)
558	Amends § 17.80.020(6), 17.80.030(A)(1)(d)(ii), 17.80.040(D)(4) and 17.80.060(10), zoning (17.80)	587	Adds § 3.26.015 and 3.26.100; amends § 3.26.010(C) and 3.26.020, real estate excise tax (3.26)
559	Rezone (Special)	588	Adds § 12.06.010 and 13.24.095; amends § 13.08.030 and 16.44.090, relating to road and utility construction and land clearing (12.06, 13.08, 13.24, 16.44)
560	Amends § 13.32.060, sewer connection fees (13.32)	589	Street vacation (Special)
561	Amends § 6.04.040, dogs (6.04)	590	Adds Ch. 3.40, land use development application fee schedule (3.40)
562	Adds subsection C to § 9.01.060, public peace, morals and welfare (9.01)	591	Franchise to Peninsula Light Company, Inc. (Special)
563	Adds § 15.32.011, 15.32.012 and Ch. 15.34; amends § 15.06.015, 15.06.035, 15.06.037, 15.08.015, 15.10.010, 15.12.020, 15.12.060, 15.18.010 and 15.32.010; repeals § 15.06.025 and 15.06.040, buildings and construction (15.06, 15.12, 15.18, 15.32, 15.34)	592	Hotel/motel excise tax (3.27)
564	Final assessment roll for ULID No. 2 (Special)	593	Adopts 1991 budget (Special)
565	Adds § 15.06.020, 15.08.020, 15.10.015, 15.12.025, 15.32.020, and 15.34.020, buildings and construction (15.06, 15.08, 15.10, 15.12, 15.32, 15.34)	594	(Pending)
566	Cable television franchise (Not codified)	595	Budget emergency (Special)
567	1990 budget (Special)	596	Tax levy (Special)
568	Budget emergency (Special)	597	State building code adoption; repeals § 15.06.015, 15.08.015, 15.10.010 and 15.12.020 (Repealed by 623)
569	Tax levy (Repealed by 571)	598	Rezone; adds § 17.04.265, 17.04.268, 17.32.045, Ch. 17.45, 17.40.065, 17.50.020(9, 10, 11), 17.50.040(10)(A)(B), 17.68.090 and 17.68.040(G); amends § 17.12.010, 17.32.050, 17.32.060, 17.32.070, 17.46.040, 17.50.030 and 17.68.040, zoning; repeals Chs. 17.44, 17.48, 17.52, 17.56 (17.04, 17.12, 17.32, 17.40, 17.46, 17.48, 17.50, 17.68)
570	Adds § 2.04.030; amends § 2.28.010, administration and personnel (2.04, 2.28)	599	Fire permit and inspection fees; adds § 3.40.020, advertising fees; amends § 3.40.010(Q), special inspection and permit fees (3.40)
571	1990 tax levy; repeals Ord. 569 (Special)	600	Adds Ch. 10.14, miscellaneous traffic provisions (10.14)
572	Street vacation (Special)	601	Amends § 17.04.080, 17.04.890, 17.04.900, 17.04.910, 17.28.050(J) and 17.96.020(B), zoning (17.04, 17.28, 17.96)
573	Adds Chs. 17.01, 17.31, 17.46, 17.50, 17.60, 17.66, 17.78, 17.88, 17.90, 17.96 and 17.100; amends § 17.60.020; repeals and replaces Chs. 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.64, 17.68, 17.72 and 17.84, zoning (17.01, 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.31, 17.36, 17.40, 17.46, 17.50, 17.60, 17.64, 17.66, 17.68, 17.72, 17.78, 17.84, 17.89, 17.90, 17.96, 17.100)	602	Amends paragraph F of Ord. 597, state building code (Repealed by 623)
574	Repeals Ch. 10.16 and Ord. 249, truck traffic (Repealer)	603	Adds Ch. 2.18, city attorney/legal counsel (2.18)
575	Adds § 9.14.060, controlled substances; § 9.22.030, frauds (9.14, 9.22)	604	Bond issue (Special)
576	Rezone (Special)	605	Adds Ch. 5.06 and repeals 17.01.040(B), private use of public property (5.06, 17.01)
577	Amends § 10.04.010, vehicles and traffic regulations (10.04)	606	Amends § 3 and 6 of Ord. 604, bond issue (Special)
578	Tax levy (Special)	607	Adds Ch. 8.30, skateboards (8.30)
		608	Repeals and replaces Ch. 16.40, short subdivisions (16.40)
		609	Adds § 3.16.031, business license issuance (3.16)

610	Adds § 15.06.021, 15.06.022, 15.12.021, 15.12.022 and 15.12.023, uniform codes (15.06, 15.12)	646	Adds § 18.04.115, amends § 18.04.230, SEPA (18.04)
611	Adds Ch. 18.08 and amends § 18.04.270, wetlands management (18.04, 18.08)	647	Amends § 16.40.130, subdivisions (16.40)
612	1992 budget (Special)	648	Adds Ch. 2.24, city engineer and traffic engineer (2.24)
613	Tax levy (Special)	649	Amends § 15.02.010, 15.06.037, building code advisory board (15.02, 15.06)
614	Budget emergency (Special)	650	Adds § 15.12.017, amends § 15.12.060F, fire code (15.12)
615	Annexation (Special)	651	Adds Ch. 6.06, animal fecal matter (6.06)
616	Annexation (Special)	652	Amends § 17.08.010, 17.01.070, 17.10.110, 17.78.020, and 17.78.060, and adds § 17.04.269, zoning (17.01, 17.04, 17.08, 17.10, 17.78)
617	Creates ULID No. 3 (Special)	653	Adds Ch. 12.02, right-of-way use permits (12.02)
618	Adds Ch. 2.10, city administrator (2.10)	654	1994 budget (Special)
619	Adds Ch. 18.12, city of Gig Harbor critical areas (18.12)	655	Tax levy (Repealed by 658)
620	Telecommunications franchise (Not codified)	656	Amends 1993 budget (Special)
621	Annexation (Special)	657	Adds § 9.34.015 and amends § 9.34.010, crimes relating to public peace (9.34)
622	Annexation (Special)	658	Tax levy; repeals Ord. 655 (Special)
623	Buildings and construction; repeals and replaces § 15.32.010; adds § 15.06.015, 15.08.015, 15.10.010, 15.12.015, 15.12.095 and 15.32.005; amends § 15.06.060 and 15.12.060; and repeals Chs. 15.05 and 15.16 and § 15.06.050, 15.08.035 and 15.12.100 (15.06, 15.08, 15.10, 15.12, 15.32)	659	Municipal court judge compensation (Not codified)
624	Annexation (Special)	660	Adds Ch. 13.34, water and sewer service outside city limits (13.34)
625	Amends § 10.04.010, traffic code (10.04)	661	Amends § 13.32.010, 13.32.015 and 13.32.020, sewer rates and charges (13.32)
626	Amends § 4 of Ord. 611, wetlands management (Not codified)	662	Amends § 14.10.050, storm drainage billing policy and collection (14.10)
627	Adds § 3.40.010(S), radon testing fee (3.40)	663	Amends § 13.04.010 and 13.04.020, water service charges (13.04)
628	Amends § 18.08.040(A)(4)(a), 18.08.070(H), 18.08.090(A), 18.08.100 and 18.08.230, wetlands management (18.08)		
629	Adds § 17.04.015 and 17.16.030(G); and amends § 17.72.030(A), zoning (17.04, 17.16, 17.72)		
630	Adds Ch. 8.32, construction hours (8.32)		
631	Annexation (Special)		
632	Adds § 15.12.024 and 15.12.026; and amends § 3.40.010, building and construction (3.40, 15.12)		
633	Water and sewer revenue bond notes (Special)		
634	Street vacation (Special)		
635	Amends § 4 and 18 of Ord. 633, water and sewer revenue bond notes (Special)		
636	Amends § 13.04.010 and 13.04.020, water service charges (13.04)		
637	Amends § 13.32.010, 13.32.015 and 13.32.020, sewer rates and charges (13.32)		
638	Amends § 14.10.050 and 14.10.070, storm drainage billing policy and collection (14.10)		
639	1993 ad valorem taxes (Special)		
640	Budget (Special)		
641	Budget (Special)		
642	Budget (Special)		
643	Renumbers § 3.40.020 to be 3.40.030 and adds new § 3.40.020, fee schedule (3.40)		
644	Amends § 15.06.015, 15.12.015, 15.08.015, and 15.32.005, building codes (15.06, 15.12, 15.08, 15.32)		
645	Revised shoreline master program (Not codified)		

CITY OF GIG HARBOR

ORDINANCE NO. 595

AN ORDINANCE RELATING TO THE 1990 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR GENERAL GOVERNMENT FUND (#001), GENERAL GOVERNMENT CAPITAL ASSET FUND (#301), WATER ASSET FUND (#420), DRUG INVESTIGATION FUND (#105), SEWER OPERATING FUND (#402) AND KIMBALL - HUNT CONSTRUCTION FUND (#106)

WHEREAS, Insufficient funds were appropriated to cover debt service of utility bond in the Sewer Utility budget (#402 and drug purchases during drug investigations in the Drug Investigation Fund (#105); and

WHEREAS, insufficient funds were appropriated to cover law enforcement services in the Police Department budget (#001.06); and

WHEREAS, the cost to construct sidewalks along Harborview and to remodel and expand city hall are in excess of the funds appropriated in the 1990 General Government Capital Assets Fund (#301); and

WHEREAS, the completion of Well No. 5 was a carry over project into 1990 and no funds were appropriated into Water Capital Assets Fund (#420); and

WHEREAS, a new Local Improvement District fund needs to be created to expend monies for expenses incurred in the reconstruction of Hunt and Kimball,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS, as follows:

Section 1.

- a. The General Government Fund, Non-departmental (#001.01) shall be increased by \$130,400 to provide \$118,400 transfer to General Government Capital Projects for sidewalk and city hall construction and \$12,000 to the Kimball-Hunt LID fund for funding the project preliminary engineering design.
- b. The General Government Fund, Police (#001.06) shall be increase by \$4,000 to cover law enforcement overtime expenses.
- c. The Drug Investigation Fund (#105) shall be increased by \$5,000 to provide for "buy monies" for acquisition of illegal drugs during drug investigations.

- d. The Water Capital Asset Fund (#420) shall be increased by \$127,000 to fund capital project #7 (Well No. 5) which was a project carried over from 1989 into 1990.
- e. The Kimball-Hunt LID Construction Fund (#106) is hereby created to account for the accumulation of revenues and the payment of expenses for the Kimball-Hunt Streets Construction project, and \$12,000 shall be appropriated to pay for the preliminary design of the street project.
- f. The Sewer Operating Fund (#402) shall be increase by \$25,000 to pay for debt service funding of old utility bond issues.
- g. The General Government Capital Assets fund (#301) shall be increased by \$84,000 to cover additional costs of the Harborview sidewalks and city hall construction projects.


An appropriation totaling \$377,400 is hereby made as provided in Exhibit "A".

Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication according to law.

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 10th day of December, 1990


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk: 11/22/90
Passed by the city council: 12/10/90
Date published: 12/26/90
Date effective: 12/31/90

EXHIBIT "A"
BUDGET EMERGENCY

Fund #001 - General Government

001.01 Non-departmental

Increase: Expenditure/Use

597.301.00	Transfer/G.G. Cap Proj.	\$118,400
597.106.00	Transfer/Kimball - Hunt LID	12,000

Decrease: Expenditure/Use

597.101.00	Transfer/Street	130,400
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001.06 Police

Increase: Expenditures/Use

521.200.11	Salaries	3,000
521.200.21	Benefits	1,000

Decrease: Expenditures/Use

508.000.00	Ending Fund Balance	4,000
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Fund #105 - Drug Investigation

Increase: Expenditure/Use

521.230.60	Capital Outlay	5,000
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Decrease: Expenditure/Use

508.000.00	Ending Fund Balance	5,000
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Fund #420 - Water Capital Assets

Increase: Expenditure/Use

501.341.11	Salaries	6,500
21	Benefits	2,500
31	Supplies	9,000
41	Professional Services	20,000
595.341.41	Project #6	71,000
41	Project #7	18,000

Decrease: Expenditure/Use

508.000.00	Ending Fund Balance	127,000
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Fund #106 - Kimball - Hunt Construction

Increase: Revenues/Resources

397.001	Transfer/General Gov't	12,000
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Increase: Expenditures/Uses

595.300.41	Professional Services	12,000
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Fund #402 - Sewer Operating

Increase: Expenditures/Uses
597.413.00 Transfer/Adv. Ref. Bond Red. 25,000

Decrease: Expenditures/Uses
508.000.00 Ending Fund Balance 25,000

Fund #301 - General Government Capital Assets

Increase: Revenues/Resourses
397.001 Transfer/General Gov't. 57,000
318.300 Real Estate Excise Tax 10,000
308.000 Beginning Fund Balance 17,000

Increase: Expenditures/Uses
595.610.63 Sidewalks 20,000
594.190.62 Building - City Hall 64,000

CITY OF GIG HARBOR

ORDINANCE NO. 596

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1991

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1991, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

WHEREAS, it is the duty of the City Council to certify to the board of county commissioners/council estimates of the amounts to be raised by taxation on the assessed valuation of property in the city,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1991, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$177,701,783. Taxes levied upon this value shall be:

- a. approximately \$1.77 per \$1,000 assessed valuation, producing estimated revenue of \$313,839 for general government; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1991, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$175,646,833. Taxes levied upon this value shall be:

- a. approximately \$0.228 per \$1,000 assessed valuation, producing an estimated amount of \$40,100 for sewer general obligation; and

General Property Tax Ordinance
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- b. approximately \$0.039 per \$1,000 assessed valuation, producing and estimated amount of \$6,845 for fire protection facilities general obligation.
- c. approximately \$0.556 per \$1,000 assessed valuation, producing an estimated revenue of \$97,660 for the 1987 sewer bond redemption general obligation.

Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/ council and taxes hereby levied shall be collected and paid to the Finance Officer of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for the collection of taxes.

Section 4. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after the date of publication.

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 10th day of December 1990.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/20/90
Passed by city council: 12/10/90
Date published: 12/26/90
Date effective: 12/31/90

CITY OF GIG HARBOR

ORDINANCE NO. 597

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE WASHINGTON STATE BUILDING CODE.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAINS as follows:

Section 1. The State Building Code, as follows, is adopted by reference:

- A. The Uniform Building Code, 1988 Edition including Appendix Chapters 32 and 70, Uniform Building Code Standards, 1988 Edition, the Uniform Code for the Abatement of Dangerous Buildings, 1988 Edition, published by the International Conference of Building Officials and as amended by the Washington State building code council on November 27, 1989 and published as WAC 51-16;
- B. The Uniform Mechanical Code, 1988 Edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials as adopted by the Washington State Building Code Council and published as WAC 51-16;
- C. The Uniform Fire Code, 1988 Edition including Appendix Chapters I-A, II-C, II-E, III-C, V-A, and VI-A, Uniform Fire Code Standards published by the International Conference of Building Officials and the Western Fire Chiefs Association as amended by the Washington State Building Code Council and published as WAC 51-16;
- D. The Uniform Plumbing Code, 1988 Edition including Appendix Chapters A, B, C, D, and H, Uniform Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials as amended by the Washington State Building Code Council and published as WAC 51-16;

- E. The Regulations for Barrier-Free Facilities as amended by the Washington State Building Code Council on November 9, 1989 and published as WAC 51-10;
- F. The Washington State Energy Code as amended by the Washington State Building Code Council on November 9, 1989 and published as WAC 51-12; and,
- G. The Washington State Water Conservation Performance Standards as adopted by the Washington State Building Code Council on November 9, 1989 and published as WAC 51-18.
- H. In case of conflict among the codes enumerated subsections A, B, C, and D of this section, the first named code shall govern over those following.

Section 2. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. The following Sections of the City of Gig Harbor Municipal Code, are hereby repealed:

Section # 15.06.015, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989

Section # 15.08.015, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989

Section # 15.10.010, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989

Section # 15.12.020, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989


Section 4. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 5. This Ordinance shall take effect and be in full force five (5) days after passage and publication.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 28th day of January, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/13/90
Passed by city council: 1/28/91
Date published: 2/6/91
Date effective: 2/11/91

CITY OF GIG HARBOR

ORDINANCE NO. 598

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH THE ZONING CODE, ENACTING A NEW CHAPTER TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING A PORTION OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF GIG HARBOR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor City Council directed the City of Gig Harbor Planning Commission to conduct subarea meetings throughout the City in the furtherance of the refinement and implementation of the City of Gig Harbor Comprehensive Plan of 1986, and;

WHEREAS, the City of Gig Harbor Planning Commission conducted numerous work sessions in 1989 and 1990, four subarea meetings in April and May of 1990, a public hearing on June 19, 1990 and three work sessions in July and August of 1990 regarding proposed changes to Title 17 of the City of Gig Harbor Municipal Code in respect to text amendments and revisions to the zoning district map, and;

WHEREAS, the City of Gig Harbor Planning Commission in its Findings, Conclusions and Recommendations of August 1990 to the City Council did recommend twenty-eight changes to the zoning district map, two amendments to the Comprehensive Plan map and four revisions to the zoning code text, Title 17 of the City of Gig Harbor Municipal Code, and;

WHEREAS, upon referral by the Mayor for public comment, the Planning Commission conducted one additional public hearing on January 29, 1991, for consideration of changes to the zoning code text and map as proposed by Council, and;

WHEREAS, the City Council has considered the findings, conclusions and recommendations of the Planning Commission in its report of February 7, 1991, and;

WHEREAS, the adoption of the revised zoning code and zoning district map furthers the goals and objectives of the 1986 City of Gig Harbor Comprehensive Plan and promotes the public's health, safety and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The following chapters of Title 17 of the Gig Harbor Municipal Code are hereby repealed: 17.44 (Waterfront District 1), 17.48 (Waterfront District 2), 17.52 (Waterfront District 3) and 17.56 (General Services).

SECTION 2. The following chapters are hereby enacted:

CHAPTER 17.48

WATERFRONT MILLVILLE (WM)

SECTIONS

17.48.010	Intent
17.48.020	Permitted Uses
17.48.030	Conditional Uses
17.48.035	Hours of Operation
17.48.037	Prohibited Uses
17.48.040	Development Standards
17.48.050	Site Plans
17.48.060	Maximum Height
17.48.070	Parking and Loading Requirements
17.48.080	Signs
17.48.090	Performance Standards

17.48.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium density

residential, marine dependent and marine related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.

17.48.020 Permitted Uses

1. Single family and two-family (duplex) structures.
2. Marinas and boat launch facilities.
3. Boat Repair and sales facilities
4. Marine related sales.
5. Boat construction, not to exceed one boat per calendar year.
6. Public park and access facilities.
7. Professional offices.
8. Wholesale and retail sales of fisheries products for human consumption.
9. Live bait sales.
10. Piers, docks, wharfs and associated buildings.
11. Commercial fishing net sheds.

17.48.030 Conditional Uses

Subject to the standards and procedures for conditional uses as set forth in Section 17.64, the following uses may be authorized in this district:

1. One Triplex or one fourplex residential structure.
2. Yacht Clubs.
3. Bed and Breakfasts.
4. Public utilities and services.
5. Delicatessens.
6. Coffee houses, not to exceed 1,000 square feet in total size.

17.48.035 Hours of Operation

The following uses shall be limited to operating between the hours of 7:00 am to 7:00 pm, daily:

1. Sales.
2. Delicatessens.
3. Boat construction.
4. Coffee houses.

17.48.037 Prohibited Uses

Zoning District/Text Changes
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The following uses are prohibited in this district:

1. Outdoor public telephones.

17.48.040 Development Standards

	<u>Single Family</u>	<u>Multi-family (duplex-fourplex)</u>	<u>Non-Res.</u>
1. Min. lot area (sq.ft.)	12,000	15,000 per duplex 18,000 per triplex 21,000 per fourplex	12,000
2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear and/or side yard abutting Tidelands	0	0	0
5. Min. int. side setback	8'	8'	10'
6. Min. street side setback	10'	10'	10'
7. Max. Impervious coverage	50%	55%	70%
8. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.			

17.48.050 Site Plans

Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision, except for increased height as per Section 17.48.060.

17.48.060 Height

The maximum building height is 16 feet, except as provided

for under Section 17.62. Additional height of up to 24 feet may be permitted if two additional water view/access opportunities are provided and the following criteria are met:

1. The structure shall not exceed two stories or floors in height.
2. Each story or floor shall be less than or equal to ten feet in height as measured from the top of the first floor to the top of the second floor.
3. There shall be no occupancy of the attic space.
4. The pitch of the roof shall have a minimum slope of 2:1 (6:12 pitch) and a maximum slope of 1:1 (12:12 pitch).
5. The proposal is reviewed in accordance with the site plan review criteria and procedure as established in Section 17.96.

The two water view/access opportunities are in addition to the water view/access opportunities provided for increased impervious coverage, pursuant to Section 17.48.090, 5A and 5B.

17.48.070 Parking and Loading Facilities

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

17.48.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.48.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title

and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing related equipment is exempt from this standard.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)
- 5A. Maximum impervious lot coverage may be increased up to a maximum of eighty (80) percent upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses or for increased height, as follows:

Maximum Imp. Coverage	Number of Water View /Access Opportunities
a. 50/55/70	-0-
b. +10%	1
c. +10%	2

d. +10%

3

5B. Waterview/Harbor Access Opportunities

- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code.
- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the

small boat landing.

- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

Section 3. The following chapters of the Gig Harbor Municipal Code are modified as follows:

...

17.04 Definitions

...

17.04.265 Coffee House - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

17.04.268 Delicatessen - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

...

17.12.010 Districts Established

- ~~K. Waterfront Residential District (W-1) WR~~
- ~~L. Waterfront Millville Use District A (W-2) WM~~
- ~~M. Waterfront Commercial Use District B (W-3) WC~~
- ~~N. General Service Use District (GS)~~

17.32.045 Impervious Coverage

The maximum impervious coverage in a B-1 district shall be 70 percent.

...

17.32.050 Front Yard

...

Commercial uses shall provide a minimum yard of thirty feet

adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.060 Rear Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.070 Side Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

...

17.46.040 Development Standards (Waterfront Residential)

	<u>Single</u>	<u>7000-</u>	<u>less than</u>	<u>Duplex</u>	<u>Non-</u>
	<u>Family</u>	<u>12,000</u>	<u>7,000</u>		<u>Res.</u>
4. Minimum Rear Yard Setback if Tidelands Not Owned	20'	20'	15'	20'	30'
5. Minimum Rear and/or Side Yard Setback to Owned-Abutting Tidelands.	0	0	0	0	0

...

17.50.020 Permitted Uses (Waterfront Commercial)

- 9. Restaurants, taverns and lounges
- 10. Professional Offices
- 11. Residential, up to a fourplex

12. General Retail Sales

...

17.50.030 Conditional Uses

- ~~1.~~ ~~Residential development, up to a fourplex.~~
- ~~2-1.~~ Guest accommodations
- ~~3-2.~~ Public facilities
- ~~4-3.~~ Parking lots for related shoreline uses
- ~~5.~~ Restaurants, taverns and lounges
- ~~6-4.~~ Processing of fisheries products for off-premise human consumption.
- ~~7-5.~~ Boat construction

...

17.50.040 Performance Standards

10A. Maximum impervious lot coverage may be increased up to a maximum of 80 % upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

	<u>Maximum Imp. Coverage</u>	<u>Number of Waterview</u>
	<u>Opportunities</u>	<u>Access</u>
a.	<u>50/55/70</u>	<u>-0-</u>
b.	<u>+10%</u>	<u>1</u>
c.	<u>+10%</u>	<u>2</u>
d.	<u>+10%</u>	<u>3</u>

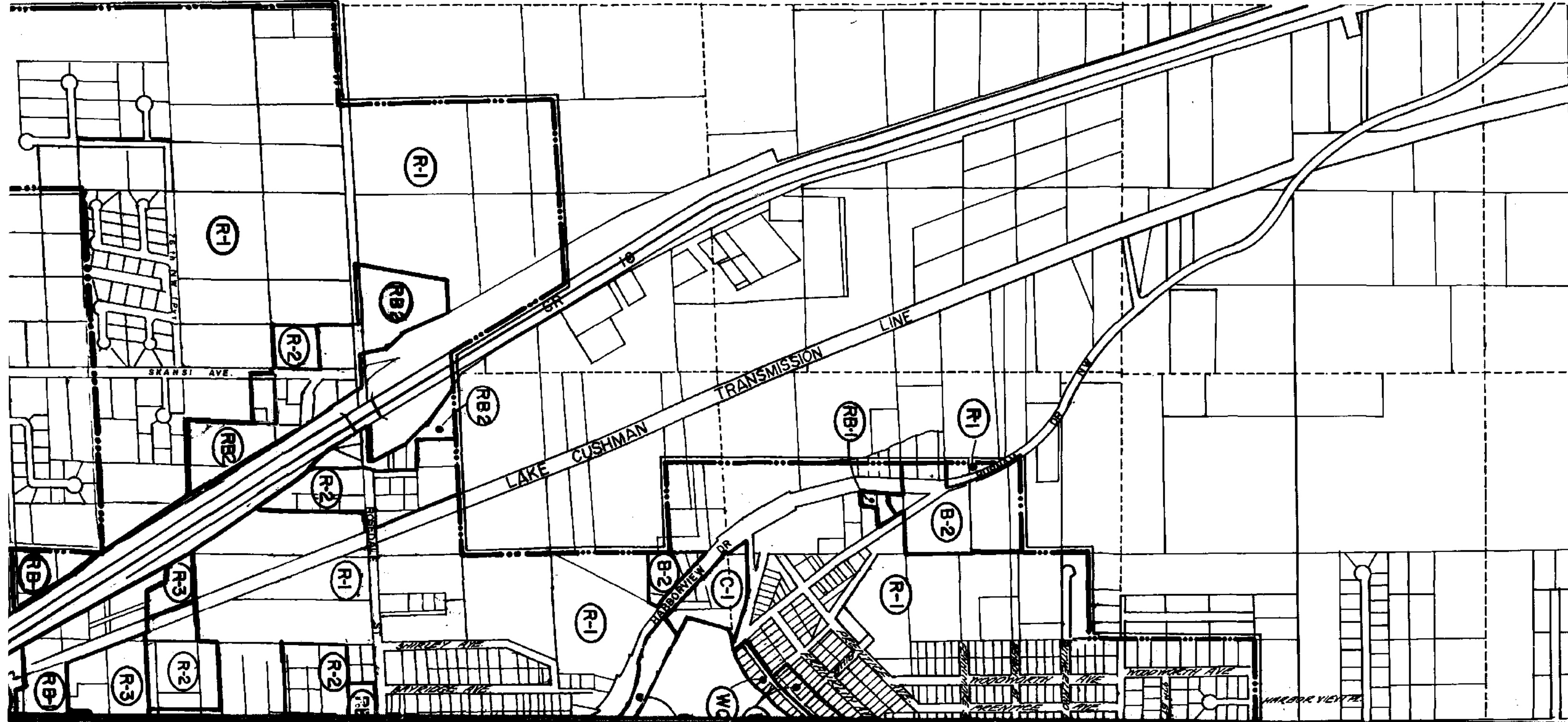
10B. Waterview / Harbor Access Opportunities

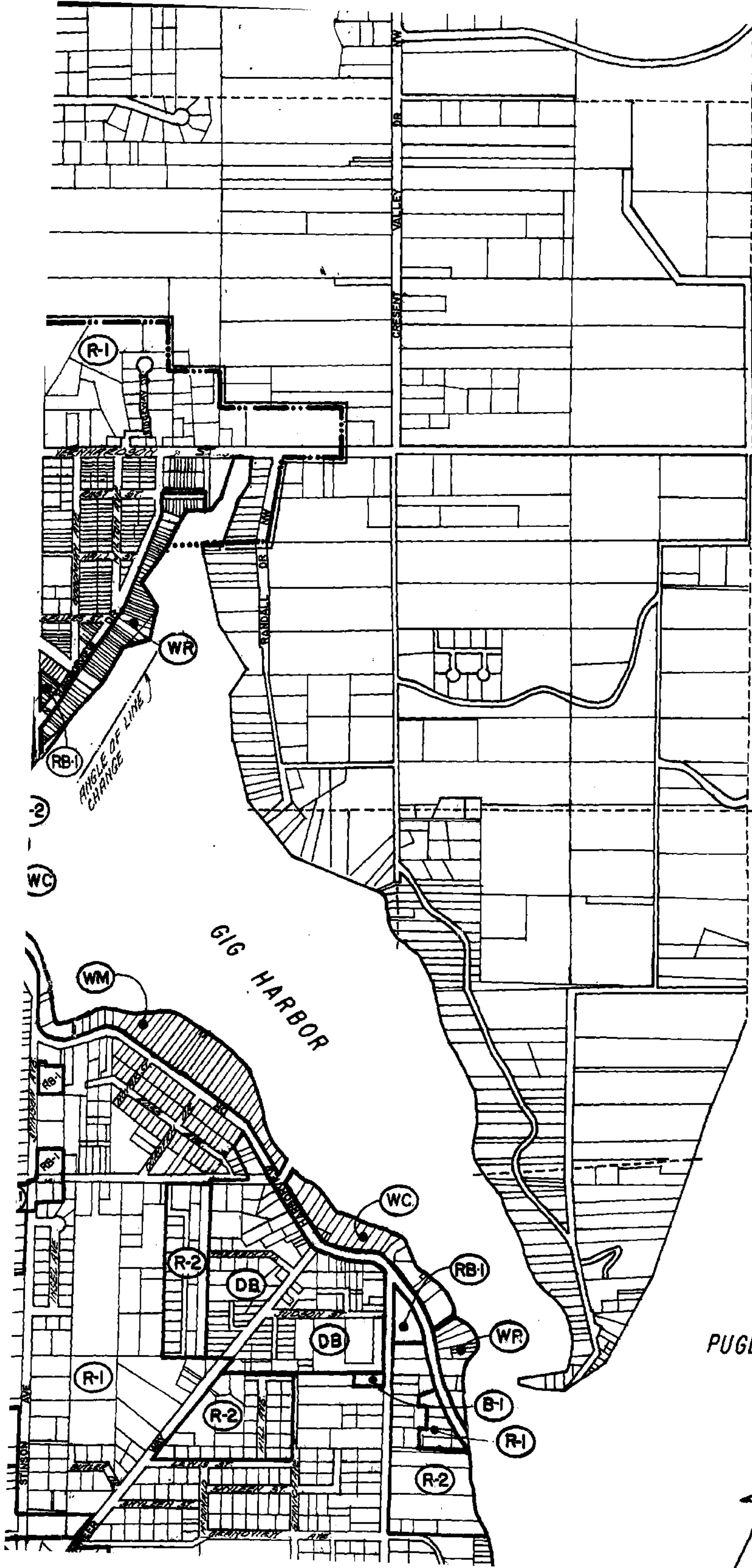
- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the Street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall

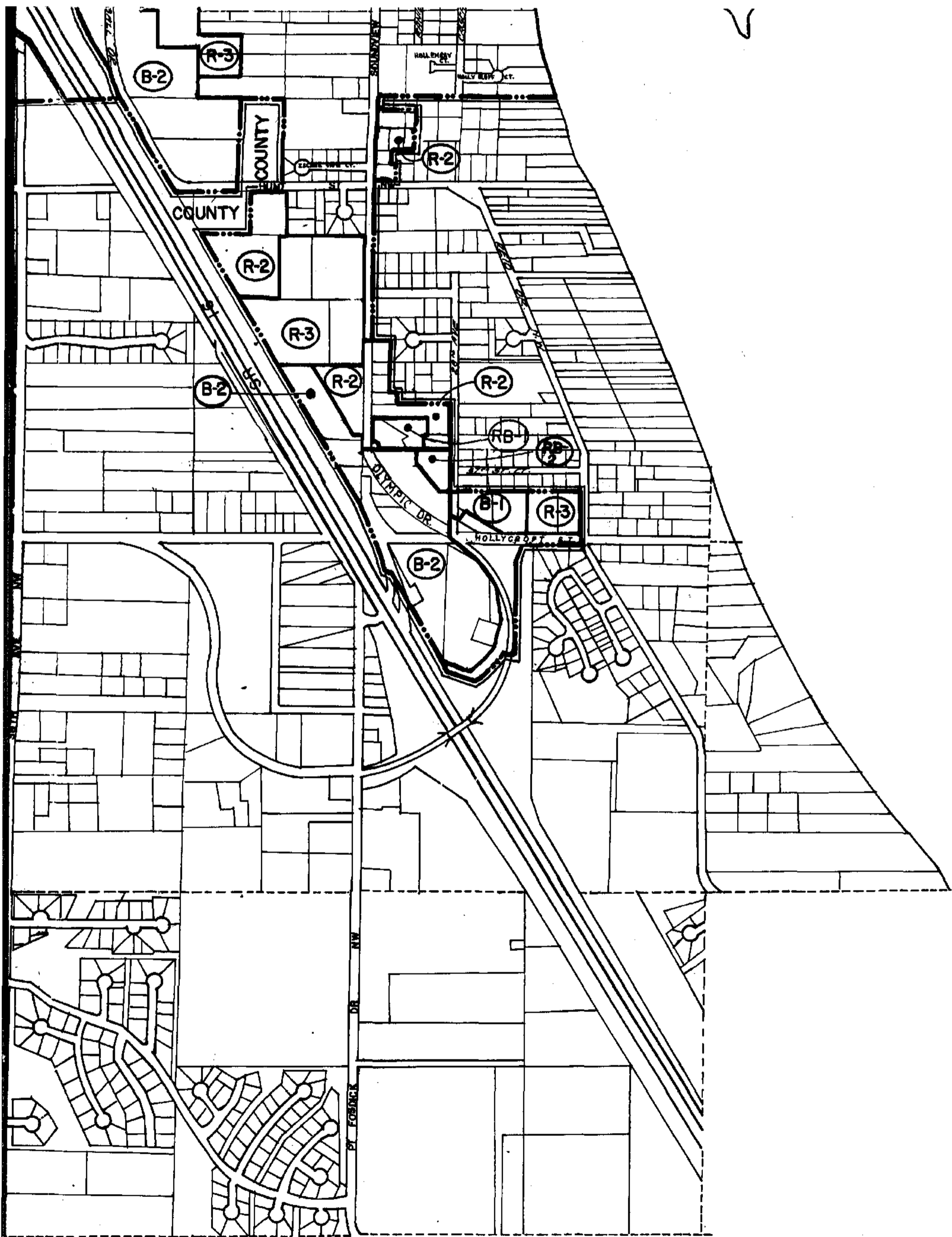
not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.

- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot boats and which must have a

EXHIBIT 'A'







BOB AND VICINITY
ARIES(3/11/91)

minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

...

17.68.040 Non-Conforming Structures

...

- B. Should such nonconforming structure or nonconforming portion of a structure be damaged to less than fifty (50%) percent of its replacement cost by any means, it may be replaced to its original dimensions, and this shall occur within one (1) year of the time of damage, or not at all. The reconstruction shall comply with all applicable building codes in force at the time of replacement and Section 17.68.090.

...

- G. Nonconforming structures may be altered in external appearance with the approval of the City Council so long as there is no enlargement of any dimensions.

...

17.68.090 Non-conforming Uses in Waterfront Districts

When a structure or premise has a nonconforming use status and it is damaged with a loss greater than fifty (50%) percent of the replacement costs at the time of destruction, the owner shall provide a minimum of one water view/harbor access opportunity, as defined pursuant to Section 17.48.090 (5A or 5B), as part of the reconstruction of the non-conforming use or structure.

...

17.40.065 Commercial District Minimum Requirements and Performance Standards Along the Waterfront.

Commercial districts along the waterfront, between the City right of way and the Gig Harbor Bay shoreline, shall comply with the minimum requirements and performance standards of the Waterfront Commercial (WC) district, Sections 17.46.040, 050, 060, 070, and 080.

Section 4. The official zoning district map for the City of Gig Harbor is hereby modified as indicated on the attached Exhibit "A".

Section 5. Those properties in the City of Gig Harbor so affected by zoning district changes established under this ordinance shall not be considered for any additional zoning district change for a period of twelve (12) months from the date of adoption of this ordinance, pursuant to Section 17.100.020 (D).


Section 6. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

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 February, 1991.


Gretchen S. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 02/07/91
Passed by City Council: 02/25/91
Date published: 03/06/91
Date effective: 03/11/91

CITY OF GIG HARBOR

ORDINANCE NO.599

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTER 3.40 OF THE GIG HARBOR MUNICIPAL CODE "FEE ORDINANCE" TO ADD A NEW SECTION TO PROVIDE A MECHANISM FOR COLLECTING FEES FOR INSPECTION AND PERMIT APPLICATIONS.

WHEREAS, the Mayor and City Council finds that RCW 19.27.110 authorizes cities to impose fees sufficient to pay the cost of inspections, administration and enforcement of the Uniform Fire Code; and

WHEREAS, the Mayor and City Council finds that the imposition of reasonable fees is necessary to ensure the adequate enforcement of the Uniform Fire Code; and

WHEREAS, the Mayor and City Council finds that no fees are currently being charged for permit applications or for inspections;

NOW THEREFORE, the Mayor and City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Gig Harbor Municipal Code Chapter 3.40 is hereby amended as incorporated herein.

Section 2. The Gig Harbor Fire Marshal is hereby authorized to charge fees for processing permit applications for permits required pursuant to Article IV of the Uniform Fire Code as now enacted or hereafter amended. The Gig Harbor Fire Marshal shall charge those fees as are set forth in Exhibit "B" attached hereto and by this reference incorporated herein.

Fire Marshal Fee Ordinance

Page 2

Section 3. A new sub-section 3.40.020 is hereby enacted to read as follows:

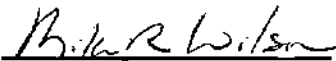
3.40.020 Advertising Fees. For those applications which require a notice of public hearing to be published in a newspaper of general circulation, the applicant shall bear the costs of all advertising.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

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 *15th* day of *March* 1991.


Gretchen S. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk: 3/8/91
Passed by city council: 3/25/91
Date published: 4/3/91
Date effective: 4/8/91

EXHIBIT "A" TO ORDINANCE NO. _____

Section 3.40.010 (ph) Q of the Gig Harbor Municipal Code is hereby amended to read as follows:

Q. 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 sub-section 4. 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 minimum of one-hour to be measured in quarter hour increments including travel time.

4. Building Official Inspections \$50.00

Fire Marshal Fee Ordinance
Page 4

EXHIBIT "B" TO ORDINANCE NO. _____

TYPE OF PERMIT	FEE
AIRCRAFT REFUELING VEHICLE	\$10.00
AIRCRAFT REPAIR HANGER	\$50.00
AUTOMOBILE WRECKING YARD	\$50.00
BONFIRES/RUBBISH	\$10.00
BOWLING PIN/ALLEY REFINISH	\$50.00
BURNING IN PUBLIC PLACE	\$10.00
CANDLES/OPEN FLAME	\$10.00
CELLULOSE NITRATE STORAGE	\$10.00
COMBUST. FIBER STORAGE	\$25.00
COMPRESSED GAS/FLAMMABLE	\$25.00
COMBUSTIBLE MATERIAL	\$25.00
CRYOGENS	\$10.00
DRY CLEANING PLANT	\$25.00
DUST PRODUCING OPER.	\$50.00
EXPLOSIVES/BLASTING USE	\$50.00
EXPLOSIVES/BLASTING STORAGE	\$25.00
EXPLOSIVES/BLASTING TRANS.	\$10.00
FLAMMABLE LIQUIDS STORAGE	\$15.00
COMBUSTIBLE LIQUIDS STORAGE	\$10.00
FLAMMABLE LIQUIDS USE	\$15.00
COMBUSTIBLE LIQUIDS USE	\$10.00
FLAMMABLE TANK INSTALL	\$15.00

Fire Marshal Fee Ordinance
Page 5

FLAMMABLE TANK REMOVE	\$15.00
COMBUSTIBLE TANK INSTALL	\$15.00
COMBUSTIBLE TANK REMOVE	\$15.0
FLAMMABLE TANK CHANGE CONTENT	\$15.00
COMBUSTIBLE TANK CHANGE CONTENT	\$15.00
FLAMMABLE OR COMBUSTIBLE - PIPE LINE	\$50.00
FRUIT RIPENING	\$10.00
FUMIGATION/FOGGING	\$10.00
GARAGES/VEHICLE REPAIR	\$25.00
HAZARDOUS MATERIAL/STORE	\$50.00
HAZARDOUS MATERIAL/USE	\$25.00
HAZARDOUS MATERIAL/TRANS.	\$10.00
HAZ. PRODUCTION MAT. STORE	\$50.00
HAZ. PRODUCTION MAT. USE	\$25.00
HAZ. PRODUCTION MAT. TRANS.	\$10.00
HIGHLY TOXIC PESTICIDES/STORE	\$50.00
HIGH PILED COMBUST. STORAGE	\$25.00
JUNK YARDS/OPERATE	\$50.00
LIQUEFIED PETRO. GAS/INSTALL	\$15.00
LIQUEFIED PETRO. GAS/OPERATE	\$15.00
LUMBER YARDS/STORE LUMBER	\$50.00
MAGNESIUM WORKING	\$50.00
MALL, COVERED FOR DISPLAY	\$10.00
MALL, COVERED FOR CONCESSION	\$10.00

Fire Marshal Fee Ordinance
Page 6

MALL, COVERED FOR KIOSKS	\$10.00
MALL, COVERED FOR ASSEMBLY	\$25.00
MALL, COVERED FOR G.P.E.	\$10.00
MALL, COVERED FOR OPEN FLAME	\$10.00
MALL, COVERED FOR GAS UNIT	\$10.00
MATCHES/MANUFACTURE	\$50.00
MATCHES/STORE	\$25.00
NITRATE FILM/STORE	\$25.00
NITRATE FILM/USE	\$10.00
NITRATE FILM/HANDLE	\$10.00
OIL WELL/OWN	\$10.00
OIL WELL/DRILL	\$50.00
OIL WELL/OPERATE	\$25.00
OIL WELL/MAINT.	\$10.00
GAS WELL/OWN	\$10.00
GAS WELL/DRILL	\$50.00
GAS WELL/OPERATE	\$25.00
GAS WELL/MAINT.	\$10.00
OPEN FLAME/IN MARINAS/BOATS/SLIP/WHARVES	\$10.00
COOKING ON WHARF/SLIP/BOAT	\$10.00
ORGANIC COATING/MAN.	\$50.00
OVENS INDUSTRIAL	\$10.00
PARADE FLOATS	\$10.00
PLACE OF ASSEMBLY/OPERATE	\$25.00
RADIOACTIVE MATERIAL/STORE	\$50.00

Fire Marshal Fee Ordinance
Page 7

RADIOACTIVE MATERIAL/HANDLE	\$50.00
REFRIGERATION EQUIP./INSTALL	\$10.00
REFRIGERATION EQUIP./OPERATE	\$10.00
SPRAYING/OPERATE	\$50.00
DIPPING/OPERATE	\$25.00
TANK VEHICLE/OPERATE	\$10.00
TENT/ERECT	\$25.00
TENT/OPERATE	\$10.00
TIRE RECAPPING	\$50.00
WASTE MATERIAL PLANT	\$100.00
WELDING/CUTTING OPERATE	\$50.00

NOTE: 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.

CITY OF GIG HARBOR

ORDINANCE NO. 600

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, PROHIBITING THE USE OF COMPRESSION BRAKES IN THE CITY EXCEPT IN EMERGENCIES; PROVIDING PENALTIES THEREFOR; AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO POST APPROPRIATE SIGNS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Gig Harbor finds that the use of motor vehicle brakes that are activated or operated by the compression of the engine of a motor vehicle disturbs and disrupts the public peace and quiet and, therefore, finds that it would be in the best interests of the public health, safety, and general welfare to prohibit the use of such brakes except in emergency situations,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. A new chapter 10.14 is hereby added to the Gig Harbor Municipal Code, to read as follows:

10.14 Miscellaneous Traffic Provisions

10.14.010 Compression Brakes Prohibited. No person shall use motor vehicle brakes which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to prosecution under this section that said compression brakes were applied in an emergency and were necessary for the protection of persons and/or property.


10.14.020 Penalty for violations. Any person violating any of the provisions of this chapter shall be civilly liable for an infraction and shall be assessed a monetary penalty not to exceed two hundred fifty dollars (\$250.00).

Section 2. The Director of Public Works is authorized and directed to post appropriate signs consistent with the provisions of this ordinance.


Ordinance No. _____
Prohibiting Compression Brakes
Page 2

Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

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 May, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 4/17/91
Passed by city council: 5/13/91
Date published: 5/29/91
Date effective: 6/3/91

CITY OF GIG HARBOR

Ordinance No. 601

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REVISING SECTION OF THE CITY OF GIG HARBOR ZONING CODE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor Planning Commission has determined that certain sections of the zoning code should be refined, clarified and adjusted to more effectively implement the policies and goals of the City of Gig Harbor Comprehensive Plan; and,

WHEREAS, the Planning Commission conducted a public hearing on February 19, 1991, on the proposed house keeping changes; and,

WHEREAS, the Planning Commission finds that the proposed changes promote the public health, safety and general welfare of the community.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Title 17 of the City of Gig Harbor Municipal Code is amended as follows:

...

17.04.080 Area, site. "Site area" means all the area within the boundaries of a lot, tract, parcel or site, excluding public right-of-ways dedicated to the state, county or city for use as thoroughfares and private right-of-ways established for motor vehicular thoroughfares, provided that private rights-of-ways which provide common access to three or less lots within a short plat may be included for the purposes of calculating lot area.; also, ~~excluding any area excluding easements granted for purposes other than public access or thoroughfares.~~

...

17.04.890 Yard, front. "Front yard" means a yard extending the full length of the front lot line and its depth is measured horizontally at right angles to the front lot line from midpoint of the front lot line to the midpoint of the front building line, except roof eaves, bump-out windows and decks/balconies may encroach up to a maximum of eighteen inches into the yard.

...

17.04.900 Yard, rear. "Rear yard" means a yard extending the full length of the rear lot line and its depth is measured horizontally at right angles to the rear lot line from midpoint of the front lot line to the midpoint of the rear building line, except roof eaves, bump-out windows and decks/balconies may encroach up to a maximum of eighteen inches into the yard.

...

17.04.910 Yard, side. "Side yard" means a yard extending from the front yard to the rear yard and its depth is measured horizontally at right angles to the side lot line from midpoint of the side lot line to the midpoint of the side building line, except roof eaves, bump-out windows and decks/balconies may extend up to a maximum of eighteen inches into the yard.

...

17.96.020 Applicability.

...

B. Site plan review and approval shall be required for all new nonresidential uses and for the location of any building or multifamily development in which more than two dwelling units would be contained, and shall apply throughout the city...

...

17.28.050 Minimum Development Standards.

...

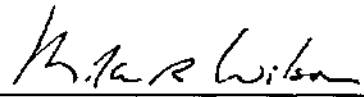
J. ~~Parking is not permitted in setback areas in the side yards.~~ Parking in front and rear yards is permitted, provided that a minimum landscape buffer of ten feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.

Section 2. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the City Council held on this 28th day of May, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 4/15/91
Passed by City Council: 5/28/91
Date published: 6/12/91
Date effective: 6/17/91

CITY OF GIG HARBOR

ORDINANCE NO. 602

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING THE WASHINGTON STATE BUILDING CODE AS AMENDED BY THE WASHINGTON STATE BUILDING CODE COUNCIL.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAINS as follows:

Section 1. Paragraph F. of the State Building Code, as adopted in Gig Harbor Ordinance No. 597 is hereby amended as follows:

- F. The Washington State Energy Code (and the Ventilation and Indoor Air Quality Code) as amended by the Washington State Building Code Council on November 9, 1989 and published as WAC 51-~~12~~ 11 and 13; and,

Section 2. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 4. This Ordinance shall take effect and be in full force five (5) days after passage and publication.


Building Code Amendments
Page 2

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the 24th day of June, 1991.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: June 5, 1991
Passed by city council: June 29, 1991
Date published: August 7, 1991
Date effective: August 12, 1991

CITY OF GIG HARBOR

ORDINANCE NO. 603

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,
ESTABLISHING A PROCEDURE FOR THE SELECTION OF LEGAL COUNSEL
FOR THE CITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to approve and contract
for the services of the City Attorney/Legal Counsel for the
city; and

WHEREAS, the Gig Harbor Municipal Code does not currently
provide for the city council to be involved in the selection
of the City Attorney;

NOW, THEREFORE, the City Council of the City of Gig Harbor,
Washington, ORDAINS as follows:

Section 1.

A new Chapter 2.18 of the Gig Harbor Municipal Code is
hereby enacted.

CHAPTER 2.18

CITY ATTORNEY/LEGAL COUNSEL

2.18.010 Appointment of City Attorney/Legal Counsel.
The City Council shall approve and contract for the
services of the City Attorney/Legal Counsel. The
contract shall be approved following a public hearing
before the City Council to consider all proposals.

2.18.020 Proposals for City Attorney/Legal Counsel.
The Mayor, City Administrator and/or City
Councilmembers may propose individuals and/or firms for
the position of City Attorney/Legal Counsel.

2.18.030 Term of Office. The City Attorney/Legal
Counsel shall serve at the will of the City Council.
All contracts shall contain a clause allowing for a
thirty (30) day termination for convenience.

Ordinance establishing procedure for selection of attorney
Ordinance #603
Page 2


Section 2.

This ordinance shall be in full force and effect five days after publication as required by law.

PASSED by the City Council of the City of Gig Harbor, Washington at a regular meeting of the council held on this 8th day of July, 1991.

Although approved by the city council in a unanimous vote, the mayor did not wish to sign the ordinance.

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/20/91
Passed by city council: 7/8/91
Date published: 7/31/91
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CITY OF GIG HARBOR, WASHINGTON

LIMITED TAX GENERAL OBLIGATION BONDS, 1991

ORDINANCE NO. 604

AN ORDINANCE of the City Council of the City of Gig Harbor, Washington, providing for the issuance and sale of general obligation bonds of the city in the aggregate principal amount of \$900,000, for the purpose of providing funds to pay part of the costs of road improvements; providing the date, form, terms and maturities of said bonds and for limited tax levies to pay the principal thereof and interest thereon; authorizing a preliminary official statement; approving the sale of such bonds; and declaring an emergency.

Approved: July 22, 1991

Prepared by:

PRESTON THORGRIMSON SHIDLER GATES & ELLIS

Seattle, Washington

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WHEREAS, the City of Gig Harbor, Washington (the "City") has determined that Soundview Drive is in need of certain improvements to the road surface, the costs of which are in excess of immediately available funds; and

WHEREAS, the City is authorized to issue and sell its general obligation bonds for such purposes without a vote of the electors upon approval of the Council within statutory limitations; and

WHEREAS, the City has received the offer of Security Pacific Securities, Inc., Seattle, Washington to purchase said bonds in the aggregate principal amount of \$900,000; and

WHEREAS, the City has been advised that changing market conditions require that this offer be accepted immediately, necessitating a waiver of the two-reading requirement of Chapter 1.08 of the City Code;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN, as follows:

Section 1. Definitions. As used in this ordinance, the following words shall have the following meanings:

"Bond Fund" means the special fund of the City designated as the Fund No. 207 - 1991 General Obligation Bond Redemption Fund - Soundview Drive.

"Bond Registrar" means the fiscal agency of the State of Washington in either Seattle, Washington, or New York, New York, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

"Bonds" means the \$900,000 of the City of Gig Harbor, Washington, Limited Tax General Obligation Bonds, 1991, issued pursuant to this ordinance.

"City" means the City of Gig Harbor, Washington, a municipal corporation duly organized and existing under and by virtue of the laws of the State of Washington.

"Code" means the federal Internal Revenue Code of 1986, as amended from time to time, and the applicable regulations thereunder.

"Council" means the duly constituted City Council as the general legislative authority of the City.

"City Treasurer" means the City Treasurer of the City, or any successor to the functions of the City Treasurer.

"Government Obligations" means those obligations now or hereafter defined as such in chapter 39.53 RCW; provided that such

obligations are indirect obligations or guaranteed by the United States Government or an agency or instrumentality thereof.

"Project Fund" means the special fund of the City established in the office of the City Treasurer, designated as Fund No. 108 - Soundview Drive Construction Project Fund, into which fund the proceeds of the Bonds shall be deposited.

Section 2. Authorization of Project. The City hereby authorizes the undertaking of improvements to Soundview Drive within the City, including repaving, sidewalks, landscaping, addition of a bicycle lane, parking and turning lanes (the "Project"). The total cost of the Project, including costs of issuance of the Bonds hereinafter authorized, is estimated to be \$975,000, of which \$97,500 is expected to be paid from funds on hand in the City. The remaining costs shall be paid from the proceeds of the Bonds herein authorized.

Section 3. Authorization of Bonds. The City shall now issue and sell \$900,000 of bonds required to pay the cost of the Project (the "Bonds"). The Bonds shall be designated "City of Gig Harbor, Washington, Limited Tax General Obligation Bonds, 1991," shall be dated as of July 1, 1991, shall be fully registered as to both principal and interest, shall be in the denomination of \$5,000 each, or any integral multiple thereof, provided no Bond shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall

bear interest from their date at the following per annum rates, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June and shall mature on December 1 of the following years in the following principal amounts:

<u>Maturity Years</u> <u>(December 1)</u>	<u>Principal</u> <u>Amounts</u>	<u>Interest</u> <u>Rates</u>
1992	\$ 40,000	5.25%
1993	40,000	5.5
1994	40,000	5.75
1995	45,000	6.0
1996	50,000	6.15
1997	50,000	6.3
1998	55,000	6.4
1999	55,000	6.6
2000	60,000	6.7
2001	65,000	6.8
2002	70,000	6.9
2003	75,000	7.0
2004	80,000	7.10
2005	85,000	7.20
2006	90,000	7.30

The Bonds shall be in registered form as to both principal and interest. The Bond Registrar shall maintain the Bond Register. Such Bond Register shall contain the name and mailing address of the owner of each Bond or nominee of such owner and the principal amount and number of Bonds held by each owner or nominee.

Upon surrender thereof to the Bond Registrar, the Bonds are interchangeable for Bonds in any authorized denomination of an equal aggregate principal amount and of the same interest rate and maturity. Bonds may be transferred only if endorsed in the manner provided thereon and surrendered to the Bond Registrar. Such

exchange or transfer shall be without cost to the owner or transferee.

Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be paid by check or draft mailed (on the date such interest is due) to the registered owners or assigns at the addresses appearing on the Bond Register as of the 15th day of the month preceding the interest payment date. Principal of the Bonds shall be payable upon presentation and surrender of the Bonds by the registered owners at the principal offices of either of the fiscal agencies of the State of Washington in the cities of Seattle, Washington, or New York, New York, at the option of such owners.

Section 4. Redemption Prior to Maturity and Purchase of Bonds.

(a) Optional Redemption. The Bonds maturing on and prior to December 1, 1998 shall not be subject to redemption in advance of scheduled maturity. The Bonds maturing on and after December 1, 1999 shall be subject to redemption at the option of the City on and after December 1, 1998, in whole at any time or in part in inverse order of maturity on any interest payment date and, if in part, by lot (or in such random manner as the Bond Registrar shall determine), at a price of par plus accrued interest to the date of redemption.

(b) Selection of Bonds for Redemption. Upon any redemption of Bonds, portions of the principal amount of such Bonds, in installments of \$5,000 or any integral multiple of \$5,000, may be redeemed. If less than all of the principal amount of any Bond is redeemed, upon surrender of such Bond at the principal office of the Bond Registrar there shall be issued to the registered owner, without charge therefor, for the then unredeemed balance of the principal amount thereof, a new Bond or Bonds, at the option of the registered owner, of like maturity and interest rate in any denomination authorized by this ordinance.

(c) Purchase of Bonds on Open Market. The City also reserves the right to purchase any of the Bonds in the open market at any time at a price determined to be reasonable by the City Treasurer.

Section 5. Notice of Redemption. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such registered owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

(a) the redemption date,

(b) the redemption price,

(c) if fewer than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,

(d) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and

(e) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Bond Registrar.

On or prior to any redemption date, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or portions of Bonds which are to be redeemed on that date.

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date

shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be cancelled and destroyed by the Bond Registrar and shall not be reissued.

In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed.

(1) Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (i) the CUSIP numbers of all Bonds being redeemed; (ii) the date of issue of the Bonds as originally issued; (iii) the rate of interest borne by each Bond being redeemed; (iv) the maturity date of each Bond being redeemed; and (v) any other descriptive information needed to identify accurately the Bonds being redeemed.

(2) Each further notice of redemption may be sent at least 35 days before the redemption date by registered or certified mail or overnight delivery service to all registered securities depositories then in the business of holding substantial amounts of obligations of types comprising the Bonds (such depositories now being The Depository Trust

Company of New York, New York, Midwest Securities Trust Company of Chicago, Illinois, Pacific Securities Depository Trust Company of San Francisco, California and Philadelphia Depository Trust Company of Philadelphia, Pennsylvania) and shall be sent to one or more national information services that disseminate notices of redemption of obligations such as the Bonds (such as Moody's Investors Service and Standard & Poor's Corporation at their respective offices in New York, New York) and to Security Pacific Securities, Inc.

(3) Upon the payment of the redemption price of Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Bonds being redeemed with the proceeds of such check or other transfer.

The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO. _____

\$ _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

LIMITED TAX GENERAL OBLIGATION BOND, 1991

INTEREST RATE: % MATURITY DATE: CUSIP NO.:

Registered Owner:

Principal Amount:

THE CITY OF GIG HARBOR, WASHINGTON (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from July 1, 1991, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June. Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft (on the date such interest is due) to the Registered Owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agencies of the State of Washington in either Seattle, Washington or New York, New York (collectively the "Bond Registrar").

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. ___ duly passed by the City Council on July 22, 1991 (the "Bond Ordinance").

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed

precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington has caused this bond to be executed by the manual or facsimile signatures of the Mayor and Clerk of the City and the seal of the City imprinted or impressed hereon as of this first day of July, 1991.

CITY OF GIG HARBOR, WASHINGTON

By /s/ manual or facsimile
Mayor

ATTEST:

 /s/ manual or facsimile
Clerk

[SEAL]

ADDITIONAL PROVISIONS

This bond is one of an authorized issue of bonds of like date, tenor, rate of interest and date of maturity, except as to number and amount in the aggregate principal amount of \$900,000, and is issued pursuant to the Bond Ordinance for certain improvements to roads within the City.

The bonds of this issue maturing on or after December 1, 1999 are subject to redemption on and after December 1, 1998 in whole at any time and in part in inverse order of maturity on any interest payment date and, if in part, by lot within a maturity, in increments of \$5,000, with the manner of selection to be as chosen by the Bond Registrar), at a price of par plus accrued interest to the date of redemption.

Notice of any such intended redemption as provided above shall be given no fewer than 30 nor more than 60 days prior to said redemption date by first class mail, postage prepaid, to the Registered Owner of any bond to be redeemed at the address appearing on the Bond Register. The requirements of the Bond Ordinance shall be deemed to be complied with when notice is mailed as herein

provided, regardless of whether or not it is actually received by the owner of any bond. Interest on any bond so called for redemption shall cease on such redemption date unless the same is not paid in full upon presentation made pursuant to such call.

Portions of the principal sum of this bond in installments of \$5,000 or any integral multiple thereof may also be redeemed in accordance with the provisions set forth above, and if less than all of the principal sum hereof is to be redeemed, upon the surrender of this bond at the principal office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum hereof, at the option of the owner, a bond or bonds of like maturity and interest rate in any of the denominations authorized by the Bond Ordinance.

The bonds of this issue are not "private activity bonds" as such term is defined in the Internal Revenue Code of 1986, as amended (the "Code"). The bonds of this issue are qualified tax-exempt obligations under Section 265(b) of the Code, and banks, thrift institutions and other financial institutions will not be denied a deduction of 100% of their interest and expenses allocable to this bond.

The City hereby irrevocably covenants that it will levy taxes annually upon all the taxable property in the City within the levy limits permitted to cities without a vote of the electors and in amounts sufficient, with other monies legally available therefor, to pay the principal of and interest on the bonds of this issue as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest. The pledge of tax levies may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

Bonds are interchangeable for bonds of any authorized denomination of equal aggregate principal amount and of the same interest rate and maturity upon presentation and surrender to the Bond Registrar.

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Bonds, 1991 of the City of Gig Harbor, Washington, dated July 1, 1991.

WASHINGTON STATE FISCAL AGENCY
as Bond Registrar

By _____
Authorized Signer

The following abbreviations, when used in the inscription on the face of the within bond, shall be construed as though they were written out in full according to applicable laws or regulations.

UNIF GIFTS (TRANSFERS)
MIN ACT - _____ Custodian _____
(Cust) (Minor)

under Uniform Gifts (Transfers) to
Minors Act

(State)

Additional abbreviations may also be used though not in the list above.

(form of assignment)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____

PLEASE INSERT SOCIAL SECURITY OR TAXPAYER IDENTIFICATION NUMBER
OF TRANSFEREE

_____ /

(Please print or typewrite name and address, including zip code of
Transferee)

the within bond and does hereby irrevocably constitute and

appoint _____ of _____, or its successor, as Bond Registrar to transfer said bond on the books kept for registration thereof with full power of substitution in the premises.

DATED: _____, _____.

NOTE: The signature on this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SIGNATURE GUARANTEED:

Section 7. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk and the seal of the City impressed or imprinted thereon.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by

the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City as though those who signed the same had continued to be such officers of the City. Any Bond may also be signed and attested on behalf of the City by such persons who are at the actual date of delivery of such Bond are the proper officers of the City although at the original date of such Bond any such person shall not have been such officer of the City.

Section 8. Bond Registrar. The City hereby adopts the system of registration specified and approved by the Washington State Finance Committee. The Bond Registrar shall keep, or cause to be kept, at its principal corporate trust office, sufficient books for the registration and transfer of the Bonds which shall at all times be open to inspection by the City. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver the Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance.

The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Bonds. The Bond Registrar may become the owner of Bonds with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other

capacity with respect to, any committee formed to protect the rights of Bond owners.

Section 9. Application of Bond Proceeds. From the moneys derived from the sale of the Bonds, (a) the accrued interest to the date of delivery shall be deposited in the Bond Fund and shall be used to pay the interest on the Bonds coming due on June 1, 1992, and (b) the balance of said proceeds shall be deposited in the Project Fund and shall be expended solely to pay the cost of issuing and selling the Bonds and undertaking the Project.

There is hereby authorized to be created in the office of the City Treasurer a special fund of the City to be known as the "Fund No. 108 - Soundview Drive Construction Project Fund" (the "Project Fund"). At the time of delivery of the Bonds, the proceeds of the Bonds, with the exception of accrued interest to the date of delivery which shall be deposited in the Bond Fund, shall be paid into the Project Fund to be used for the purpose of paying the costs of the Project authorized in Section 2 hereof, including costs necessary and incidental thereto and the costs of issuance of the Bonds, or for the purpose of reimbursing any fund or funds of the City for advances, if any, made to pay such costs. Other money of the City may be deposited in the Project Fund for the purpose of paying costs of the Project. The City Council will amend its current annual budget, if necessary, to include an appropriation for expenditure of funds for the Project. Money on

hand in the Project Fund shall be invested as provided by direction of the City Treasurer in legal investments for City funds.

Upon completion of the Project, any remaining money in the Project Fund shall be transferred to the Bond Fund, and the Project Fund shall be closed.

Section 10. Creation of Bond Fund and Provision for Tax Levy Payments. A special fund of the City known as the "Fund No. 207 - 1991 General Obligation Bond Redemption Fund - Soundview Drive" (the "Bond Fund") is hereby authorized and directed to be created in the office of the City Treasurer. The Bond Fund shall be drawn upon for the sole purpose of paying the principal of and interest on the Bonds.

The City hereby further irrevocably covenants that, unless the principal of and interest on the Bonds are paid from other sources, it will make annual levies of taxes upon all of the property in the City subject to taxation within and as a part of the tax levy permitted to cities without a vote of the electors in amounts sufficient to pay such principal and interest as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and for the prompt payment of such principal and interest.

Section 11. Defeasance. In the event that money and/or "Government Obligations," as such Obligations are defined in Ch. 39.53 RCW, as now or hereafter amended, maturing at such time

or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to redeem and retire part or all of the Bonds in accordance with their terms, are set aside in a special account of the City to effect such redemption and retirement, and such moneys and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the bond redemption fund of the City for the payment of the principal of and interest on the Bonds so provided for, and such Bonds shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive the moneys so set aside and pledged, and such Bonds shall be deemed not to be outstanding hereunder.

Section 12. Tax Covenants and Designation.

(a) Covenants Regarding Arbitrage and Private Activity Bonds. The City hereby covenants that it will not make any use of the proceeds of sale of the Bonds or any other funds of the City which may be deemed to be proceeds of such Bonds pursuant to Section 148 of the Code which will cause the Bonds to be "arbitrage bonds" within the meaning of said section and said Regulations. The City will comply with the requirements of Section 148 of the Code (or any successor provision thereof applicable to the Bonds) and the applicable Regulations thereunder throughout the term of the Bonds.

The City further covenants that it will not take any action or permit any action to be taken that would cause the Bonds to constitute "private activity bonds" under Section 141 of the Code.

(b) Bonds Designated "Qualified Tax-Exempt Obligations."

The City hereby designates the Bonds as "qualified tax-exempt obligations" for purchase by financial institutions pursuant to Section 265 of the Code. The City does not anticipate that it will issue more than \$10,000,000 in "qualified tax-exempt obligations" during the year 1991.

Section 13. Sale of Bonds. The Bonds shall be sold by negotiated sale to Security Pacific Securities, Inc., Seattle, Washington, under the terms and conditions thereof as provided in its purchase offer and in this ordinance.

The Mayor and City Administrator of the City are hereby authorized to review and approve on behalf of the City the preliminary and final Official Statements relative to the Bonds with such additions and changes as may be deemed necessary or advisable to them. The proper City officials are hereby authorized and directed to do everything necessary for the prompt execution and delivery of the Bonds to said purchaser and for the proper application and use of the proceeds of sale thereof.

Section 14. Authorization of Temporary Bond. Until the definitive Bonds are prepared, the City may, if deemed necessary by the City Administrator, utilize a temporary Bond which shall be typewritten, and which shall be delivered to the purchaser or

purchasers of the Bonds in lieu of definitive Bonds, but subject to the same provisions, limitations and conditions as the definitive Bonds. The temporary Bond shall be dated July 1, 1991, shall be in the denomination of \$900,000, shall be substantially of the tenor of such definitive Bonds, but with such omissions, insertions and variations as may be appropriate to temporary bonds, and shall be signed by the Mayor and the City Clerk.

Upon surrender to the City of the temporary Bond, the City, without charge to the holder, shall execute and deliver to the holder of the temporary Bond, in exchange therefor, definitive Bonds of the same maturities, interest rates, redemption provisions and aggregate principal amount as the temporary Bond, if any, surrendered. Until so exchanged, the temporary Bond shall be in all respects entitled to the same benefit and security as definitive Bonds executed and issued pursuant to this ordinance.

Section 15. Severability. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds.


Section 16. Declaring an Emergency and Effective Date. The underwriter for the Bonds, Security Pacific Securities, Inc., has

advised this Council that market conditions are changing, and that the interest rates offered to this Council will not be continued to the next regular meeting of this Council. Accordingly, the Council hereby determines that such conditions constitute an emergency sufficient to constitute a waiver of the requirement of two readings of an ordinance prior to its adoption, as set forth in Chapter 1.08 of the City Code. This ordinance shall be introduced and considered for final reading on this date, July 22, 1991.

This ordinance shall become effective five days following its passage, approval and publication as required by law.


INTRODUCED ON July 22, 1991 and PASSED by the City Council of the City of Gig Harbor, Washington, at a regular meeting thereof held this 22nd day of July, 1991 and APPROVED by the Mayor on the same date.

CITY OF GIG HARBOR, WASHINGTON



Mayor

ATTEST:



City Clerk


CERTIFICATE

I, the undersigned, Clerk of the City of Gig Harbor, Washington, (the "City") and keeper of the records of the City Council (the "Council"), DO HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 604 of the Council (the "Ordinance"), duly passed at a regular meeting thereof held on the 22nd day of July, 1991.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of July, 1991.



City Clerk

CITY OF GIG HARBOR
ORDINANCE NO. 605

AN ORDINANCE OF THE GIG HARBOR MUNICIPAL CODE RELATING TO THE REGULATION OF COMMERCIAL/BUSINESS USE OF PUBLIC LANDS AND STRUCTURES.

WHEREAS, the zoning code currently provides for commercial/business use of public land or structures, subject to the written approval of the planning director and public works director; and,

WHEREAS, commercial/business use of public lands and structures should only be provided in those situations where there is a demonstrated public benefit to be derived and where a large number of the public would be served; and,

WHEREAS, a proliferation of commercial/business use of public lands and structures is not in the public's interest or welfare; and,

WHEREAS, commercial/business use of public lands and structures should be limited to special events or occasions available to the general public.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. A new section 5.06 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

5.06

COMMERCIAL/BUSINESS USE OF PUBLIC LANDS AND STRUCTURES

5.06.010 Private Use of Public Property.

1. When private use is made of any public land or public structures, such private use shall fully conform to the regulations set forth in this title.

2. Commercial/business uses of public land and structures, including streets and sidewalks, shall not be permitted except as follows:
 - a. In those limited instances where a business license is required for special occasions for a community promoted/sponsored festival or event. The issuance of a business license shall serve as authorization.
 - b. A business which uses a public sidewalk fronting the business establishment as part of the normal service of the business. Such use shall be reviewed and approved by the public works director and planning director if such use does not unreasonably restrict or limit pedestrian movement or circulation, does not present a traffic hazard and is allowed within the zoning district.
3. Commercial/business users or festival/ special occasion sponsors shall obtain insurance, with limits, and coverages as required by the city administration. The city shall be named as additional insured in respect to all coverages.


Section 2. Section 17.01.040 (9B) of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Validity. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

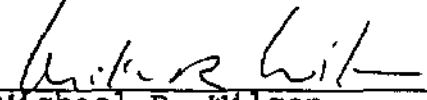
Section 4. This ordinance shall take effect and be in full force five (5) days after publication.

Commercial/business use of public lands
Page 3

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 August, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 7/22/91
Passed by City Council: 8/12/91
Date published: 9/18/91
Date effective: 9/23/91

CITY OF GIG HARBOR, WASHINGTON

ORDINANCE NO. 606

AN ORDINANCE of the City Council of Gig Harbor, Washington, approving an amendment to Ordinance No. 604, of the City to change the dated date of the bonds authorized therein.

WHEREAS, to finance a portion of the cost of certain road improvements in the City of Gig Harbor (the "City"), the City Council of the City passed on July 22, 1991 Ordinance No. 604, authorizing the issuance and sale of limited tax general obligation bonds in the aggregate principal amount of \$900,000 (the "Bonds")

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, AS FOLLOWS:

Section 1. Definitions. Unless otherwise defined, capitalized terms used in this ordinance shall have the same meanings given to such terms in Ordinance No. 604 of the City Council.

Section 2. Amendment of Section 3 of Ordinance No. 604. The first paragraph of Section 3 of Ordinance No. 604, of the City Council is hereby amended to read as follows (with additions underlined and deletions stricken through):

Section 3. Authorization of the Bonds. The City shall now issue and sell \$900,000 of bonds required to pay the cost of the Project (the "Bonds"). The Bonds shall be designated "City of Gig Harbor, Washington, Limited Tax General Obligation Bonds, 1991," shall be dated as of [August 1]~~July 1~~, 1991, shall be fully registered as to both principal and interest, shall be in the denomination of \$5,000 each, or any integral

multiple thereof, provided no Bond shall represent more than one maturity, shall be numbered separately in such manner and with any additional designation as the Bond Registrar deems necessary for purposes of identification, and shall bear interest from their date at the following per annum rates, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June and shall mature on December 1 of the following years in the following principal amounts:

<u>Maturity Years</u> <u>(December 1)</u>	<u>Principal</u> <u>Amounts</u>	<u>Interest</u> <u>Rates</u>
1992	\$40,000	5.25%
1993	40,000	5.50
1994	40,000	5.75
1995	45,000	6.00
1996	50,000	6.15
1997	50,000	6.30
1998	55,000	6.40
1999	55,000	6.60
2000	60,000	6.70
2001	65,000	6.80
2002	70,000	6.90
2003	75,000	7.00
2004	80,000	7.10
2005	85,000	7.20
2006	90,000	7.30

Section 3. Amendment of Section 6 of Ordinance No. 604.

The front page and Certificate of Authentication in Section 6 of Ordinance No. 604 of the City Council is hereby amended to read as follows (with additions underlined and deletions stricken through).

Section 6. Form of Bonds. The Bonds shall be in substantially the following form:

UNITED STATES OF AMERICA

NO.

\$ _____

STATE OF WASHINGTON

CITY OF GIG HARBOR

LIMITED TAX GENERAL OBLIGATION BOND, 1991

INTEREST RATE: % MATURITY DATE: CUSIP NO.:

Registered Owner:

Principal Amount:

THE CITY OF GIG HARBOR, WASHINGTON (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from [August 1] ~~July 1~~, 1991, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on June 1, 1992, and semiannually thereafter on the first days of each succeeding December and June. Both principal of and interest on this bond are payable in lawful money of the United States of America. Interest shall be paid by mailing a check or draft (on the date such interest is due) to the Registered Owner or assigns at the address shown on the Bond Register as of the 15th day of the month prior to the interest payment date. Principal shall be paid to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agencies of the State of Washington in either Seattle, Washington or New York, New York (collectively the "Bond Registrar").

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No. ___ duly passed by the City Council on July 22, 1991 (the "Bond Ordinance").

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

Reference is hereby made to additional provisions of this bond set forth on the reverse side hereof and such additional provisions shall for all purposes have the same effect as if set forth in this space.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist, to have happened, been done and performed precedent to and in the issuance of this bond have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Gig Harbor, Washington has caused this bond to be executed by the manual or facsimile signatures of the Mayor and Clerk of the City and the seal of the City imprinted or impressed hereon as of this first day of ~~[August]~~ July, 1991.

CITY OF GIG HARBOR, WASHINGTON

By /s/ manual or facsimile
Mayor

ATTEST:

 /s/ manual or facsimile
Clerk

[SEAL]

The Bond Registrar's Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Bonds, 1991 of the City of Gig Harbor, Washington, dated ~~[August 1]~~ July 1, 1991.

WASHINGTON STATE FISCAL AGENCY
as Bond Registrar

By _____
Authorized Signer

Section 4. Ratification. As amended by this ordinance, Ordinance No. 604 of the City Council, is hereby ratified, approved and confirmed.

Section 5. Effective Date. This ordinance shall become effective five days after its passage and publication as provided by law.

INTRODUCED ON August 26, 1991 AND FINALLY PASSED by the City Council of the City of Gig Harbor, Washington, at a regular meeting thereof and approved by the Mayor of the City, on this 26th day of August, 1991.

CITY OF GIG HARBOR, WASHINGTON

By *Pitcher A. Gilbert*
Mayor

ATTEST:
M. L. R. L. L.
City Clerk

CERTIFICATE OF CLERK

I DO HEREBY CERTIFY that I am the duly chosen, qualified and acting City Clerk of the City Council (the "Council") of Gig Harbor, Washington (the "City"), and keeper of the records of the City; and

I HEREBY CERTIFY:

1. That the attached ordinance is a true and correct copy of Ordinance No. 606 of the City (the "Ordinance"), as finally passed at a regular meeting of the Council held on the 26th day of August, 1991 and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 10th day of September, 1991.

City Clerk

(SEAL)

CITY OF GIG HARBOR

ORDINANCE NO. 607

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 8.30 TO THE GIG HARBOR MUNICIPAL CODE PROHIBITING THE NEGLIGENT OPERATION OF SKATEBOARDS AND ESTABLISHING A PENALTY FOR VIOLATIONS.

WHEREAS, the Gig Harbor City Council finds that the regulation of skateboards upon roadways, sidewalks, and publicly owned parking lots is necessary to promote the public health, safety, and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. There is hereby added to the Gig Harbor Municipal Code a new Chapter 8.30 to read as follows:

Chapter 8.30

Negligent Operation of Skateboards Prohibited - Penalty.

8.30.010 Prohibition. It is unlawful for any person to operate a skateboard in a negligent manner upon any roadway, sidewalk, publicly owned facility, or parking lot. For the purpose of this section, "to operate in a negligent manner" means the operation of a skateboard in such a manner as to endanger or be likely to endanger any persons or property.


8.30.020 Penalty. Any person violating any provision of this section shall be guilty of a civil infraction, and upon conviction thereof, shall be punished by the imposition of a monetary penalty of not more than Two Hundred Fifty Dollars (\$250.00). Community service hours may be imposed in addition to or in lieu of a monetary penalty.

Prohibiting the Negligent Operation of Skateboards
Page 2

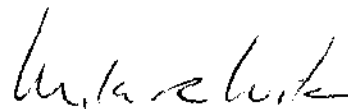
Section 2. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance or a summary thereof which includes the penalty provision shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

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 September, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 9/6/91
Passed by city council: 9/23/91
Date published: 10/23/91
Date effective: 10/28/91

CITY OF GIG HARBOR

ORDINANCE NO. 608

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CHAPTER 16.40 AND ADOPTING A NEW CHAPTER 16.40 FOR THE REGULATION AND MANAGEMENT OF SHORT SUBDIVISIONS WITHIN THE INCORPORATED LIMITS OF THE CITY OF GIG HARBOR AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor adopted its short subdivision ordinance, Chapter 16.40 of the Gig Harbor Municipal Code in 1975; and,

WHEREAS, Chapter 16.40 has not been updated since its adoption; and,

WHEREAS, it is in the public's interest and welfare to update Chapter 16.40 of the G.H.M.C. to provide more definitive standards for the development of streets, subdivision design, street layout, dedication of right-of-way, storm drainage control, fire protection, common facilities maintenance, application requirements and revised administrative procedures; and,

WHEREAS, the updated Chapter 16.40 of the G.H.M.C. reflects the most recent revisions to Chapter 58.17 (State Subdivision Act).

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Chapter 16.40 is hereby repealed.

Section 2. The following chapter is hereby enacted:

Chapter 16.40

SHORT SUBDIVISIONS

16.40.010 Title
16.40.020 Applicability
16.40.030 Definitions

Short Subdivision Management

Ordinance #

Page 2

- 16.40.035 Exemptions
- 16.40.040 Administration
- 16.40.050 Short Sub Application Info Requirement
- 16.40.060 Short Sub Application Procedure
- 16.40.070 Adequacy Distribution
- 16.40.080 Administrator's Action
- 16.40.090 Administrator's Decision
- 16.40.100 Appeal of Administrator's Decision
- 16.40.110 Expiration
- 16.40.120 Requirements for Short Subdivisions
- 16.40.130 Minimum Standards and Improvements
- 16.40.140 Common Facilities Ownership
- 16.40.150 Inspection Procedures
- 16.40.155 Monuments, Standards and Requirements
- 16.40.160 Format of Short Plat
- 16.40.170 Administration
- 16.40.180 Variances Authorized
- 16.40.190 Performance Assurance
- 16.40.200 Penalties and Enforcement
- 16.40.210 Severability

16.40.010 Title. The ordinance codified in this chapter shall be referred to as the City short subdivision ordinance.

16.40.020 Applicability. Every division of land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer shall be considered a short subdivision of land within the City of Gig Harbor and shall proceed in conformance with this Chapter.

16.40.030 Definitions. Whenever the following words or phrases appear in this Chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory and the word "may" indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the edition of Webster's New Collegiate Dictionary published in 1990.

1. Administrator: The City of Gig Harbor Planning Director or his/her designee.
2. Cul-de-sac: A road closed at one end with no through access; a dead-end street.
3. Dedication: The deliberate appropriation of land by an owner for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property

has been devoted. The intention to dedicate shall be evidenced by the owner of the presentment for filing of a final plat or short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

4. Easement: A written grant by a property owner of one or more property rights to a person.
5. Final short plat: The final drawing of the short subdivision and dedication prepared for recording with the Pierce County Auditor and containing all elements and requirements of this chapter and any conditions of preliminary short subdivision approval.
6. Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek the development of land.
7. Short Subdivision: The subdivision or redivision of land into four or fewer lots, tracts parcels or sites, any one of which is less than five acres or 1/128th of a section in area for the purpose of sale, lease, transfer or ownership.
8. Utilities: Utilities shall consist of all necessary utilities for construction and habitation purposes such as sewer, potable water, electrical and phone.

16.40.035 Exemptions. The following are excluded from the provisions of this chapter:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions made by testamentary provisions, or the laws of descent.
- C. Divisions of land into lots or tracts classified or designated for industrial use or commercial use when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- D. A division for the purpose for lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- E. A division made for the purpose of alteration by boundary line adjustment, between platted or

unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site

16.40.040 Administration. The City of Gig Harbor Planning Director or his/her designee is vested with the responsibility to administer the provisions of this chapter and shall have the authority to approve or disapprove short subdivisions.

16.40.050 Preliminary Short Subdivision Application Information Requirements. The preliminary short subdivision application shall consist of a short subdivision map drawn to scale, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly represent the proposed short subdivision. The following data shall be furnished:

1. The name of the short subdivision.
2. A legal description of the boundary of the short subdivision.
3. A map depicting: the boundaries of the subject property, including exterior dimensions; the dimensions of the lots created; the date of the map, and a north arrow; a scale of the map not to be less than 1 inch equals 50 feet; the total area of the short plat and the total area of each lot created.
4. The name and addresses of the land owner(s), land dividers, engineer and surveyor.
5. Existing zoning district map designation.
6. Existing land use, including location of all existing structures and setbacks (in feet) from property lines.
7. Proposed uses for each lot.
8. A vicinity map which clearly relates the property's location respective to public roads, natural water courses (lakes, streams or ponds), including wetlands, and any bluffs or slopes exceeding 15%.
9. Location of proposed streets and access to public road and location of all existing and proposed easements on the property or lots to be created.
10. A preliminary stormwater management plan which shows the current slope and drainage vectors and

which also describes the approximate degree and extent of storm water to be generated and how it will be contained.

11. A preliminary utilities plan which shows the general layout of water, sanitary and storm sewer power lines.
12. Names and addresses of adjacent property owners on all sides of the property.
13. Environmental impact evaluation as may be required by the State Environmental Policy Act, RCW 43.21c, and the City of Gig Harbor Environmental Policy Ordinance, Title 18, of the Gig Harbor Municipal Code.

16.40.060 Preliminary Short Subdivision Application

Procedure. Any person seeking approval of a short subdivision shall complete the preliminary application forms provided by the Administrator, submit the required copies of the application including the application fee, as set forth in Chapter 3.40, G.H.M.C.

16.40.070 Adequacy, Distribution and Agency Response to Preliminary Short Subdivision Application.

Upon a determination by the Administrator that an application for a short subdivision is complete as required by this Chapter, the Administrator shall affix a file number and date of receipt to the application and distribute copies of the application to all or a portion to the below listed agencies which may have an interest in the proposal. Distribution of the application to review agencies shall occur by no later than three days from the receipt of the complete application. Upon receipt of the application, the review agencies may submit comments to the Administrator by no later than fifteen (15) days from their receipt of the application. Review agencies are:

1. City Department of Public Works
2. City Fire Marshal
3. Pierce County Assessor's Office
4. Peninsula Light Company
5. Telephone Utilities
6. Other agencies as deemed appropriate by the Administrator.

Comments from the Department of Public Works and the Department of Community Development shall reference any requirements of City Code or Washington State law.

16.40.080 Administrator's Action. Within forty-five (45) days following the filing of a complete application or such additional period as the land divider may authorize, the Administrator shall approve or disapprove the preliminary short subdivision and shall notify the applicant, in writing, of the specific findings for the decision.

16.40.090 Administrator's Decision. The Administrator shall consider the recommendations of the responding agencies. Based upon the information provided, the Administrator shall determine if the preliminary short subdivision is consistent with the requirements of this chapter; the City Comprehensive Plan; the City Zoning Code; the City Wetland Management Ordinance; the City Environmentally Sensitive Areas Ordinance and Environmental Policy Ordinance; the City Shoreline Master Program, as applicable; the City Floodhazard Protection Ordinance; the City Fire Code Ordinance, and; the public health, safety, welfare, use and interest.

If the Administrator finds that the preliminary short subdivision complies with the above requirements, the preliminary short subdivision shall be approved. If the Administrator finds that the preliminary short subdivision does not comply with the above requirements, the preliminary short subdivision shall be denied.

The Administrator shall apply such reasonable conditions to the approval as may be necessary to assure that the preliminary short subdivision is consistent with the requirements of this section. The administrator shall provide written findings of fact for a decision to approve or deny a preliminary short subdivision.

16.40.100 Appeal of Administrator's Decision. Any decision of the Administrator regarding a preliminary short subdivision application may be appealed in writing to the City of Gig Harbor Hearing Examiner by the applicant or any interested person as defined below by no later than ten (10) days from the date of the decision. The written appeal shall be on forms supplied by the Administrator and shall be filed with the City. An interested person shall be defined as a property owner immediately adjacent to all boundaries of the proposed short subdivision.

The appeal to the Hearing Examiner shall be conducted in accordance with the procedures established under Chapter

17.10 for hearings conducted by the Hearing Examiner. The Examiner's decision is final and shall be supported by findings and conclusions, and is final unless appealed to the City Council, pursuant to Chapter 17.10.

16.40.110 Expiration. Proposed final short subdivisions shall be submitted within one year of preliminary short subdivision approval unless an extension of not more than one year is granted by the Administrator in writing prior to the expiration date.

If the proposed final short subdivision is not submitted within the required time period, or an extension is not granted, the approval of the preliminary short subdivisions shall be null and void. Requests for an extension shall be submitted not later than ten (10) days prior to the expiration of the original approval period. No extension shall be considered after that date. Approval of an extension shall be based upon a determination that the land divider is making reasonable progress towards completing the requirements for finalization of the short subdivisions. The Administrator shall not grant more than one extension.

16.40.120 Requirements for Short Subdivisions. All short subdivisions shall comply with the minimum standards and improvements as set forth in Section 16.40.130 of this chapter. All required improvements shall be installed after preliminary approval and prior to final approval of the short subdivision.

16.40.130 Minimum Standards and Improvement Requirements.

A. Street Right-of-Way, Surface Width and Surfacing Requirements.

Public roads shall conform to the requirements of the City of Gig Harbor Public Works Department, and shall also include the provisions for sidewalks and other safe pedestrian walking areas, and curbs and gutters, as required. As built plans, bearing the stamp of a civil engineer licensed in the State of Washington shall, be provided. Additionally, dedicated right-of-way shall be provided, as required, and shall conform to City standards. Public streets shall be dedicated to the City on the final plat and shall be maintained by the City.

Private streets may be permitted for any short subdivision where access to three or less lots will be provided to a public street. Private streets shall meet the following minimum standards:

1. A minimum surface width of 24 feet, consisting of an all-weather compacted surface.
 2. A minimum easement width of thirty feet. Upon execution of a written agreement between adjacent property owners, an easement may be combined with an easement on neighboring property to create the required thirty foot minimum width.
- B. Access: Each lot created shall adjoin a dedicated public street or have access to such a public street by recorded easement of not less than thirty (30) feet.
- C. Road Design Geometrics and Alignment:
1. Curves - The centerline radii of street curves shall not be less than 100 feet. If the Department of Public Works determines that a greater radii is required for public safety, based upon anticipated speed limits and superelevation, such radii may be required.
 2. Grades - Street grades shall not exceed fifteen (15) percent.
 3. Street Intersection Requirements - Streets intersecting with other streets shall have an approach angle of not less than 75 degrees. Streets must be aligned with streets approaching from the opposite direction. If an off-street approach is requested, the off-set interval shall not be less than 125 feet. Edge of lane radii at intersections shall be 55 feet.
 4. Dead-end Streets - Dead-end streets shall terminate in a turnaround which has a minimum radius of 45 feet or with a hammerhead design consistent with the requirements of the City Fire Code, Title 15 of the Gig Harbor Municipal Code.

D. Right-of-Way Dedication, When Required.

The City may require the dedication of right-of-way within a portion of the short plat for future public road development. The determination of the need for the dedication of right-of-way shall be based upon:

1. The potential for alignment of internal streets within the plat and on adjacent properties with existing or proposed public streets; or,
2. Implementation of the City's Six Year Road Improvement Program; or,
3. A determination by the City that the dedication of right-of-way would further the public's health, safety, convenience and welfare; or,
4. The property fronts a public street which currently has insufficient right-of-way width and additional right-of-way is required to bring right-of-way width up to City standards.

Right-of-way shall be dedicated on the final short plat.

- E. Street Name Sign: Street name signs shall be placed at all street intersections within or abutting the short subdivision. Sign type and location shall conform to the applicable City standards.
- F. Traffic Control: Streets in a short subdivision shall be marked and signs posted for traffic control in conformance with the Manual of Uniform Traffic Control Devices.
- G. Fire Protection Facilities and Improvements: Fire protection facilities and improvements as required by the City Fire Code, Title 15 of the Gig Harbor Municipal Code, shall be installed, as per the requirements of the City Fire Marshal. Prior to final plat approval, detailed plans for the fire protection system, bearing the stamp of a civil engineer licensed by the State of Washington, shall be submitted to the City for Approval.
- H. Storm Drainage Control and Improvements:

1. Preliminary Short Subdivision Drainage Plans: Preliminary drainage plans necessary for common drainage improvements shall be provided with the application by the land divider. Preliminary drainage plans shall be reviewed and approved by the Department of Public Works prior to preliminary approval of the short subdivision. The drainage plan submitted shall be reviewed in conjunction with adopted or accepted area-wide City of Gig Harbor storm drainage plans or programs.

Prior to final short plat approval, the land divider shall submit to the Department of Public Works a final detailed storm drainage plan, if required during preliminary short subdivision approval. The final storm drainage plan shall be submitted to the Department of Public Works for approval at least thirty (30) days prior to final short subdivision approval. The final plan shall be designed by, and bear the stamp of, a civil engineer licensed by the State of Washington.

2. Drainage improvements for individual lots: Each final short subdivision shall include a statement which requires the lot owner to submit a site drainage plan prior to approval of a building permit for each lot. Drainage improvements required by the City approved drainage plan shall be installed by the land owner at the time the lot is developed and shall be inspected by the City for conformance with the approved drainage plan prior to occupancy. Lot-by-lot improvements shall be maintained by the lot owner within the short subdivision.
- I. Utility Installation and Requirements: All necessary utilities serving the lots within the short subdivision shall be installed underground. Installation shall occur prior to final short subdivision approval.
 - J. Utility Easements: Utility easements shall be reserved as required by the City.
 - K. Zoning: All short subdivisions shall conform to City Zoning Code requirements in effect at the time the short subdivision is submitted for preliminary

approval.

- L. Appropriate provisions shall be made for open space, recreation areas and parks, consistent with the City Comprehensive Plan or other recreation plan or program of the City.

16.40.140 Common Facilities Ownership and Maintenance. The responsibility for the maintenance and operation of common facilities and improvements which are not under public ownership shall be the responsibility of the lot owners within the short plat. The maintenance of such facilities may be the responsibility of the land divider, a lot owner's association, a public agency or a private entity consistent with applicable state requirements. The determination of the maintenance entity shall be made prior to a preliminary decision on the short subdivision.

If common facilities are to be maintained by a lot owners association, the lot owners' association shall be established and incorporated prior to final short subdivision approval. The bylaws of such an association shall authorize, at a minimum, the following authorities and responsibilities:

1. The enforcement of covenants imposed by the landowner or developer, and which shall be stated on the final plat.
2. The levying and collection of assessments against all lots to adequately accomplish the association's responsibilities.
3. The collection of money from lot owners to finance future improvements.
4. The collection of delinquent assessments through the courts, including monies to pay for the costs of court actions.
5. The letting of contracts to build, maintain and manage common facilities.

The final short subdivision shall include a covenant which requires indefinite existence of the association and automatic membership in the association upon the purchase or ownership of a lot. Articles and bylaws of incorporation of the association shall be submitted and approved by the Administrator prior to final short subdivision approval.

The covenant shall be filed with the County Auditor and the Auditor's file number for the short plat and covenants shall

be submitted to the City within thirty days of the filing date.

16.40.150 Improvements - Installation, Construction and Inspection Procedures. All required improvements shall be installed by the land divider prior to final short subdivision approval. Work shall not commence until final plans have been approved by the City and the City has given authority to proceed. All improvements shall be installed in accordance with applicable City construction and performance standards.

16.40.155 Monuments, Standards and Requirements.

- A. Permanent control monuments shall be established at:
1. All controlling corners on the boundaries of the short subdivision;
 2. The intersections of centerlines of roads within the short subdivision;
 3. On the centerlines of roads within the short subdivision at point of curve and point of tangency, or points of intersection, as required by the City Engineer.
- B. Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats or short plats.
- C. Permanent control monuments within the streets shall be set after the roads are paved.
- D. Every lot corner shall be marked by a 1/2" galvanized iron pipe or equivalent monument which shall be driven into the ground.
- E. All monuments must be at least partially composed of a ferrous material.

16.40.160 Format of Short Plat. The proposed final short plat may be presented to the Administrator at any time following preliminary short subdivision approval. The final short plat shall be accompanied by three copies.

Every final short plat shall consist of one or more pages, each 18 inches wide by 24 inches in length, clearly and legibly drawn on polyester base (mylar) film with a minimum thickness of three mil. All drawings and letterings on the final short plat shall be in permanent black ink or, as an acceptable alternative, photographically processed mylar film copies.

The perimeter of the short plat shall be depicted with

heavier lines than appear elsewhere on the plat and shall be at a scale of not less than one inch to one hundred (100) feet. The map shall include, but not be limited to, the following:

- A. All section, township, City or County lines lying within or adjacent to the short subdivision.
- B. Description of all corners necessary to determine the exterior boundaries of the short subdivision and show bearing and distance ties to a minimum of two monumented corners of record which were utilized for the construction of the survey.
- C. The location of all permanent monuments found and established within the short subdivision.
- D. The boundary of the short subdivision complete with the bearings to the nearest one second and lineal dimensions to the nearest one-hundredth of a foot.
- E. The lengths and bearings of all straight lines; the radii, length of arcs and central angles of all curves.
- F. The location, width, centerline and name of all streets within and adjoining the short subdivision.
- G. The location and width of all easements.
- H. Numbers assigned to all lots.
- I. The required minimum yards of the City Zoning Code or any setbacks which may be more restrictive than the Zoning Code. In lieu of dashed lines representing the required setback, a notation may be entered on the face of the plat to describe the required setbacks.
- J. Statements identifying the purpose of all dedicated common areas, other than streets,
- K. Dedications of land to the public or to the lot owners association shall be clearly indicated on the face of the final short plat for road rights-of-way, drainage ways, utility easements, recreation and open space.
- L. The name of the short subdivision, scale, north arrow and the date of preparation.
- M. A legal description of the land contained within the short subdivision.
- N. A signed statement by the surveyor of the short subdivision, attesting that it is a true and correct representation of the land surveyed, substantially as follows:

"I _____,

- registered as a land surveyor by the State of Washington, certify that this short subdivision is based on an actual survey of the land described herein conducted by me or under my supervision; that the distances, courses, angles are shown thereon correctly; and that the monuments other than those monuments approved for setting at a later date, have been set on lot corners staked on the ground as depicted on the this short plat.
- O. A statement that all lots shall be a valid land use notwithstanding a change in zoning laws for a period of five years from the date of recording of the final short plat.
- P. A statement in substantially the following language:
"No portion of the this short subdivision may be altered, amended, deleted, added to or changed in any manner except by the short subdivision procedures set forth under this Title and in conformance with Chapter 58.17 RCW."
- Q. A statement of approval with signature space for the City Public Works Director as to:
1. Survey data, for correct mathematical closure of all lots, blocks and boundaries.
2. Certification that all required drainage and utility improvements have been constructed in conformance with approved plans.
- R. A statement of approval with signature space for the City Administrator which attests that there are not any delinquent assessments outstanding on the property.
- S. A statement of approval with signature space for the Administrator which attests that the short plat conforms to the City Zoning Code and the provisions of this Chapter.
- T. Where common facilities are to be owned and maintained by a lot-owners association, the short plat must contain a statement specifying that all lot owners are automatically members of the lot owners association upon assumption of ownership of a lot and that the association is responsible for the maintenance and management of specified common facilities consistent with the articles of incorporation.
- U. A full and correct legal description of the land divided by the short plat, including a declaration that the short plat is made with the free consent and in accordance with the desires of the owners.

Signature spaces for the land divider shall be provided.

- V. Where dedication for road right-of-way is required or provided, the final short plat or a separate written instrument shall contain and specify the dedication to the City and shall include a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. The certificate of dedication or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and shall be recorded as part of the final plat.
- W. A title report of not less than thirty days from the date of submission of the final short plat which confirms that the title of the land as described and shown on the short plat is in the name of the owners signing the plat and any instrument of dedication.
- X. A signature space for the Pierce County Treasurer and a statement that all state and county taxes levied against the short platted property described hereon have been fully paid and discharged.
- Y. A signature space for the Pierce County Auditor, as required.

16.40.170 Administrator Action on Final Short Plat. The Administrator shall approve the final short plat if all of the following are met:

- A. That the requirements of state law and this Chapter pertaining to finalization of the short subdivision has been satisfied by the land divider.
- B. That a current title insurance report of not less than thirty days confirms the ownership interest in the divided land is in the names of the person whose signatures appear on the final short plat.
- C. That the conditions imposed as part of the preliminary approval have been met.

16.40.180 Variances Authorized. Variances to the standards prescribed by this section may be authorized by the City Hearing Examiner, provided that variances to dwelling density and minimum lot size may not be considered under this section. Request for variances shall be submitted

simultaneously with the application. A variance may only be granted by the Hearing Examiner if all of the following are met:

- A. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other, similarly situated property in the City.
- B. There are special circumstances applicable to the property, including size, shape, drainage, topography, location and surroundings which under a strict application of the regulations would deprive the property of rights and privileges enjoyed by other property in the vicinity.
- C. Granting of the variance would not be materially detrimental to the public health, safety, welfare, use or interest, or injurious to property or improvements in the vicinity.
- D. The variance is necessary to correct a special circumstance and not simply for economic convenience.
- E. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or be inconsistent with other City land use ordinances.

16.40.190 Performance Assurance in Lieu of Required Improvements. In lieu of required minimum improvements, a bond in the amount of 150% of a contractors bid for the cost of the required minimum improvements shall be posted with the city prior to final plat approval. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the final plat with the Pierce County Auditor. Required improvements shall be constructed and installed within twelve (12) months of the filing of the final plat. Failure on the part of the land divider or land developer to construct or install the required improvements shall result in the city's foreclosure of the bond. Upon foreclosure of the bond, the City shall construct or complete the required improvements or contract for the construction or completion of the improvements.

16.40.200 Penalties and Enforcements. Any firm, corporation, partnership or individual found in violation of this Chapter or the applicable provisions of Chapter 58.17 RCW, or who subdivides land in violation of this Chapter shall be subject to civil penalties in an amount not to exceed fifty dollars (\$50) per day for each and every day

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the violation continues. Assessment of a civil penalty shall be in accordance with the procedures established pursuant to Chapter 15.06, Gig Harbor Municipal Code. Appeal of a civil penalty order shall be to the City of Gig Harbor Hearing Examiner, pursuant to the procedures established under Chapter 17.10.

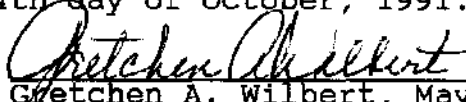
16.40.210 Severability.

If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

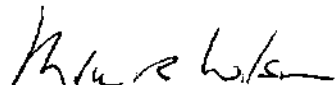
Section 3. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other section, sentence, clause or phrase of this section.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

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 October, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 8/18/91
Passed by City Council: 10/14/91
Date Published: 10/30/91
Date Effective: 11/4/91

CITY OF GIG HARBOR

ORDINANCE NO. 609

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW SECTION 3.16.031 TO THE GIG HARBOR MUNICIPAL CODE ESTABLISHING CRITERIA FOR ISSUANCE OF A BUSINESS LICENSE.

WHEREAS, Section 3.16.030 of the Gig Harbor Municipal Code currently requires all businesses in the City of Gig Harbor to obtain and annually renew a business license and to pay a fee therefore, and

WHEREAS, the City Council finds that some businesses in the City are operating in violation of provisions of the City code, and

WHEREAS, the City Council finds that the following ordinance is necessary for the preservation of the public health, safety, and general welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. A new Section 3.16.031 is hereby added to the Gig Harbor Municipal Code to read as follows:

3.16.031 Grounds for Issuance. Before issuing or renewing any license required by Section 3.16.030, the City Clerk shall forward the initial application or the renewal application to relevant City departments for review. The City departments shall advise the City Clerk if there are any violations of any provision of the Gig Harbor Municipal Code at the business location and if so shall cite the particular section being violated. The City Clerk shall not issue a business license to the business until all such violations have been corrected.

Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Ordinance amending business license requirements
Page 2

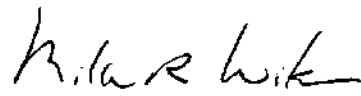
Section 3. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

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 October, 1991.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 10/10/91
Passed by city council: 10/28/91
Date published: 11/13/91
Date effective: 11/18/91

CITY OF GIG HARBOR

ORDINANCE NO. 610

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTERS 15.06 & 15.12 OF THE GIG HARBOR MUNICIPAL CODE "UNIFORM BUILDING CODE" & "UNIFORM FIRE CODE".

WHEREAS, the State Building Code Advisory Council periodically adopts Uniform Building Codes of statewide applicability; and

WHEREAS, the City of Gig Harbor must conform its adoption of Uniform Building and Fire Codes to the rules and regulations of the State Building Code Advisory Council and the City did so by the adoption of Ordinance 597; and

WHEREAS, the Fire Marshall and the Gig Harbor Building Code Advisory Board have completed their analysis of the Uniform Codes and have found that the public health, safety and welfare could be more adequately protected if fire sprinkler systems were required in certain types of multi-family dwelling units within which and for which the Uniform Codes do not require sprinkler systems; and

WHEREAS, the Council finds that the public health, safety and welfare of the public would be served by adopting the Fire Marshal's and Building Code Advisory Board's recommendations; and

NOW THEREFORE, the Mayor and City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Gig Harbor Municipal Code Chapter 15.06 & 15.12 are hereby amended as incorporated herein.

Section 2. That Chapter 15.06 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.06.021, reading as follows:

15.06.021. AMENDMENT TO SECTION 1211, UNIFORM BUILDING CODE. Section 1211. A manual and automatic approved fire alarm system shall be installed in apartment houses that are three or more stories in height or two or more stories in height with a basement, or containing more than ~~15, 5~~ 5 dwelling units, and in hotels three or more stories in

height or containing 20 or more guest rooms, and every hotel and motel which contains six (6) or more guest rooms, in accordance with the Fire Code.

Exceptions: 1) A fire alarm need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.

2) A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system installed in accordance with U.B.C. standard no. 38-1 and having a local alarm to notify all occupants.

For the purpose of this section, area separation walls shall not define separate buildings.

Section 3. That Chapter 15.06 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.06.022, reading as follows:

15.06.022. AMENDMENT TO SECTION 3802(h) UNIFORM BUILDING CODE. Section 3802(h). Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every ~~apartment house three or more stories in height or containing more than 15 dwelling units, and every hotel three or more stories in height or containing 20 or more guest rooms,~~ building classified as a Group R, Division 1 occupancy which exceeds 5,000 square-feet or exceeds two (2) stories in height (e.g., for the purposes of this section, a structure with two (2) stories and a basement shall be considered as exceeding two stories.) An automatic sprinkler system shall be installed throughout every apartment house which contains five (5) or more dwelling units, and every hotel and motel which contains six (6) or more guest rooms.

Residential or quick-response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

For the purpose of this section, area separation walls shall not define separate buildings.

Section 4. That Chapter 15.12 of the official code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.021, reading as follows:

15.12.021 AMENDMENT TO SECTION 14.104(c), UNIFORM FIRE CODE. 15.12.021 Section 14.104(c). A manual and automatic approved fire alarm system shall be installed in apartment houses that are three or more stories in height or two or more stories in height with a basement, or containing more than 15, 5 dwelling units, and in hotels three or more stories in height or containing 20 or more guest rooms, and every hotel and motel which contains six (6) or more guest rooms, in accordance with the Fire Code.

Exceptions: 1) A fire alarm need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.

2) A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system installed in accordance with U.B.C. standard no. 38-1 and having a local alarm to notify all occupants.

Alarm systems for Group R, Division 1 Occupancies having interior corridors serving as a required exit for an occupant load of ten or more shall consist of not less than an approved and listed system-type smoke detector installed within such corridors in accordance with the manufacturers instructions. When activated, such detectors shall initiate an alarm audible throughout the building.

The fire alarm system for Group R, Division 1 Occupancies other than those specified above shall be provided with manual sending stations or equivalent alternate protection in location as required by the chief.

An approved and listed system-type automatic heat detector shall be installed within common areas such as recreational rooms, laundry rooms and furnace rooms of buildings containing Group R, Division 1 Occupancies.

The detectors shall be installed on the ceiling or wall of such rooms in accordance with the manufacturer's installation instructions and, when activated, shall initiate an alarm which is audible throughout the building.

The detectors shall be installed on the ceiling or wall of such rooms in accordance with the manufacturer's installation instructions and, when activated, shall initiate an alarm which is audible throughout the building.

For the purpose of this Section, area separation walls shall not define separate buildings.

Section 5. That Chapter 15.12 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.022, reading as follows:

15.12.022. AMENDMENT TO SECTION 10.306(h) UNIFORM FIRE CODE. Section 10.306(h). Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every ~~apartment house three or more stories in height or containing more than 15 dwelling units, and every hotel three or more stories in height or containing 20 or more guest rooms,~~ building classified as a Group R, Division 1 occupancy which exceeds 5,000 square-feet or exceeds two (2)

stories in height (e.g., for the purposes of this section, a structure with two (2) stories and a basement shall be considered as exceeding two stories.) An automatic sprinkler system shall be installed throughout every apartment house which contains five (5) or more dwelling units, and every hotel and motel which contains six (6) or more guest rooms. Residential or quick-response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

For the purpose of this Section, area separation walls shall not define separate buildings.

Section 6. That Chapter 15.12 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.023, reading as follows:

15.~~06~~¹².023. AMENDMENT TO SECTION 85.104, UNIFORM FIRE CODE. Section 85.104. When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the authority enforcing the Electrical Code. The Washington State Division of Labor and Industries must provide all necessary electrical inspections within the City of Gig Harbor to identify any electrical hazards as defined by the Washington State Electrical Code. Such inspections must include, but are not limited to, 1) underground work prior to cover; 2) roughing in wiring prior to cover; 3) final prior to occupancy; and, 4) other requested inspections when a hazard has been identified by the Gig Harbor Fire Marshal.


Section 7. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstances is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

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Section 8. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 9. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

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 October, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk: 10/10/91
Passed by city council: 10/28/91
Date published: 11/13/91
Date effective: 11/18/91

CITY OF GIG HARBOR
ORDINANCE NO.611

AN ORDINANCE AMENDING TITLE 18 OF THE GIG HARBOR MUNICIPAL CODE ADOPTING A NEW CHAPTER 18.08 FOR THE INTERIM MANAGEMENT AND REGULATION OF WETLANDS WITHIN THE CITY OF GIG HARBOR AND WHICH FURTHER IMPLEMENTS THE REQUIREMENTS UNDER THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A, FOR THE PROTECTION OF WETLANDS AS CRITICAL AREAS.

WHEREAS, wetlands are deemed valuable and important natural areas which, in their natural state, provide many benefits to the public; and,

WHEREAS, wetlands can serve a natural controls to flooding and stormwater runoff by storing and regulating natural surface flow and also can provide areas suitable for groundwater recharge; and,

WHEREAS, wetlands provide habitat for many species of fish, wildlife and vegetation, many of which are dependent on wetlands for their survival; and,

WHEREAS, the City of Gig Harbor Planning Commission has extensively reviewed and considered policies and regulations for the management and regulations of wetlands within the City of Gig Harbor and has conducted 10 public meetings and one public hearing on a interim wetlands management ordinance; and,

WHEREAS, the Planning Commission has recommended has transmitted to the City Council a letter of its findings for the adoption of the interim wetlands management ordinance; and,

WHEREAS, the Interim Wetland Management Ordinance (New Title 18.08) implements the policies of the State Growth Management Act, the State Environmental Act, and the City of Gig Harbor Comprehensive Plan and promotes the public health, welfare and interest.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1 A new Chapter 18.08 is hereby adopted to read as follows:

CHAPTER 18.08

CITY OF GIG HARBOR WETLAND MANAGEMENT REGULATIONS

Sections:

18.08.010	Purpose
18.08.020	Goal
18.08.030	Definitions
18.08.040	Wetlands Classification Guidelines and Ratings
18.08.050	Regulated Activities
18.08.060	Exemptions
18.08.070	Permitting Process
18.08.080	Administration
18.08.090	Wetland Analysis Report Requirements
18.08.100	Buffer Areas
18.08.110	Alteration of Buffers
18.08.120	Permitted Uses in Buffer Areas
18.08.130	Alteration of Wetlands
18.08.140	Sequence of Mitigation Actions
18.08.150	Mitigation Plan Submittal Requirements
18.08.160	Criteria for Compensatory Mitigation/Location Criteria and Timing of Compensatory Mitigation
18.08.170	Wetland Replacement Criteria
18.08.180	Monitoring Program and Contingency Plan
18.08.190	Reconsideration and Appeal
18.08.200	Variances
18.08.210	Suspension and Revocation
18.08.220	Enforcement
18.08.230	Designated Wetlands
18.08.240	Non-Conforming Uses
18.08.250	Severability
18.08.260	Chapter and Ordinance Updates

18.08.010 Purpose.

This document contains guidelines, criteria, standards and requirements designed to analyze and mitigate potential impacts to City of Gig Harbor's wetland resources. The intent of these regulations is to avoid where possible, or in appropriate circumstances, to minimize, rectify, reduce or compensate for impacts arising from land development and other activities affecting wetlands. This document also contains planning and

implementation requirements for submission and approval of wetland mitigation projects.

18.08.020 Goal.

The general goal of these regulations is to avoid impacts to wetlands where such avoidance is feasible and reasonable. Where such impacts are unavoidable, the standards of this ordinance seek to minimize impacts on wetlands as a result of land development by:

1. Maintaining and enhancing the biological and physical functions and values of wetlands.
2. Maintaining the natural value of wetlands to control flooding and stormwater runoff through the storage and regulation of natural flow.
3. Maintaining the habitat value of wetlands for the many species of fish, wildlife and vegetation which are dependent upon wetlands for their survival.
4. Providing open space and visual relief from intense development within the urban area.
5. Providing opportunities for recreation, scientific study and natural resources education.
6. Providing for reasonable buffers around wetlands in order to stabilize soil, filter suspended solids and excess nutrients, moderate impacts from stormwater runoff, provide a local habitat for wetland plant and animal communities, and to reduce or minimize intrusions from humans and domestic animals.
7. Implement the goals, objectives and policies of the State of Washington Growth Management Act, the State Environmental Policy Act, the City of Gig Harbor Comprehensive Land Use Plan and the City of Gig Harbor Environmental Policy Ordinance.
8. Promote and protect the public's health, safety, welfare and interest in maintaining and protecting wetlands as a valuable natural resource.
9. Protecting private property rights by allowing for a reasonable use of property where wetlands are present.

18.08.030 Definitions.

For purposes of this chapter, the following definitions shall apply:

- A. "Alteration" means any activity which materially affects the existing condition of land or improvements.
- B. "Applicant" means the person, party, firm, corporation, or other legal entity that proposes any activity. The applicant is either the owner of the land on which the proposed activity would be located, a contract vendee, a lessee of the land, the person who would actually control and direct the proposed activity, or the authorized agent of such a person.
- C. "City" means The City of Gig Harbor
- D. "Clearing" means the removal of timber, brush, grass, ground cover or other vegetative matter from a site which exposes the earth's surface of the site.
- E. "Compensatory Mitigation" means mitigation for wetland losses or impacts resulting from alteration of wetlands and/or their buffers. It includes, but is not limited to, creation, enhancement and restoration.
- F. "Creation" means the producing or forming of a wetland through artificial means from an upland (non-wetland) site.
- G. "Department" means the City of Gig Harbor Department of Community Development.
- H. "Designated Wetland" means those lands identified through the classification process established by this chapter.
- I. "Development" means alteration (See definition for Alteration).
- J. "Earth/Earth Material" means naturally occurring rock, soil, stone, sediment, organic material, or combination thereof.
- K. "Enhancement" means actions performed to improve the condition of existing degraded wetlands and/or buffers so that the functions they provide are of a higher quality (e.g., increasing plant diversity, increasing wildlife habitat, installing environmentally-compatible erosion

controls, removing nonindigenous plant or animal species, removing fill material or garbage).

- L. "Erosion" means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.
- M. "Excavation" means the mechanical removal of earth material or fill.
- N. "Existing and Ongoing Agricultural Activities" means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including but not limited to operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and normal operation, maintenance or repair of existing serviceable structures, facilities or improved areas. Activities which bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be on going when the area on which it was conducted has been converted to a non-agricultural use or has lain idle both more than five years and so long that modifications to the hydrological regime are necessary to resume operations, unless the idle land is registered in a federal or state soils conservation program.
- O. "Fill/Fill Material" means a deposit of earth material, placed by human or mechanical (machine) means, and which is not defined as solid waste according to RCW 70.95.
- P. "Filling" means the act of placing fill material on any surface.
- Q. "Floodplain Development Permit" means the permit required by the City of Gig Harbor Flood Hazard Construction Ordinance.
- R. "Grading" means any excavating, filling, clearing, leveling, or contouring of the ground surface by human or mechanical means.
- S. "Grading Permit" means the permit required by the City of Gig Harbor Grading and Clearing Ordinance.
- T. "In-Kind Mitigation" means to replace wetlands with substitute wetlands whose characteristics and functions and values are intended to replicate those destroyed or degraded by a regulated activity.

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- U. "Mitigation" means to avoid, minimize, or compensate for adverse wetland impacts.
- V. "Out-of Kind Mitigation" means to replace wetlands with substitute wetlands whose characteristics do not closely approximate those destroyed or degraded by a regulated activity.
- W. "Permanent Erosion Control" means continuous on-site and off-site control measures that are needed to control conveyance or deposition of earth, turbidity or pollutants after development, construction, or restoration.
- X. "Person" means an individual, firm, co-partnership, association or corporation.
- Y. "Restoration" means the reestablishment of a viable wetland from a previously filled or degraded wetland site.
- Z. "Significant Impact" means a meaningful change or recognizable effect to the ecological function and value of a wetland, which is noticeable or measurable, resulting in a loss of wetland function and value.
- AA. "Single family Residence" or "Dwelling" means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings, including mobile homes, as defined in the City of Gig Harbor Zoning Code (Section 17.04.300.305.).
- BB. "Site" means any parcel or combination of contiguous parcels, or right-of-way or combination of contiguous rights-of-way under the applicant's ownership or control where the proposed project impacts a wetland(s).
- CC. "Slope" means an inclined earth surface, the inclination of which is expressed as the ratio of horizontal distance to vertical distance.
- DD. "Stockpiling" means the placement of material with the intent to remove at a later time.
- EE. "Substrate" means the soil, sediment, decomposing organic matter or combination of those located on the bottom surface of the wetland.

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- FF. "Utility Line" means pipe, conduit, cable or other similar facility by which services are conveyed to the public or individual recipients. Such services shall include, but are not limited to, water supply, electric power, gas and communications.
- GG. "Wetland" or "Wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, retention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those wetlands intentionally created to mitigate conversion of wetlands.
- HH. "Wetland Buffer Zone" means a designated area contiguous or adjacent to a wetland that is required for the continued maintenance, function, and structural stability of the wetland. Functions of a buffer include shading, input of organic debris and coarse sediments, uptake of nutrients, stabilization of banks, protection from intrusion, or maintenance of wildlife habitat. For further information on permitted uses, see Section 18.08.120.
- II. "Wetland Class" means the U.S. Fish and Wildlife Service wetland classification scheme using an hierarchy of systems, subsystems, classes and subclasses to describe wetland types (refer to USFWS, December 1979, Classification of Wetlands and Deepwater Habitats of the United States for a complete explanation of the wetland classification scheme). Eleven class names are used to describe wetland and deepwater habitat types. These include: forested wetland, scrub-shrub wetland, emergent wetland, moss-lichen wetland, unconsolidated shore, aquatic bed, unconsolidated bottom, rock bottom, rocky shore, streambed, and reef.
- JJ. "Wetland Specialist" is a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, soil science, limnology or an equivalent academic background who also has experience in performing wetland delineations, analysis of wetland functions and values and project impacts, and wetland

mitigation and restoration techniques. The person must be familiar with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, City of Gig Harbor Grading and Clearing Ordinance, and the City of Gig Harbor Wetlands Management Ordinance.

18.08.040 Wetland Classification Guidelines/Ratings.

A wetland rating and classification shall be established based upon the completion of a delineation report prepared by a wetland specialist to determine boundary, size, function and value. Guidelines for preparing a wetland delineation report are defined in Section 18.08.070 and the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, as now or hereafter amended.

- A. Wetlands shall be classified as Category I, II, III, IV and V, in accordance with the following criteria:

Category I

- a. Documented habitat for endangered or threatened plant, fish or animal species or for potentially extirpated plant species recognized by state or federal agencies; or
- b. High quality native wetland communities, including documented category I or II quality natural heritage wetland sites and sites which qualify as a category I or II quality natural heritage wetland; or
- c. High quality, regionally rare wetland communities with irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

Category II

- a. Regulated wetlands that do not contain features outlined in category I; and
- b. Documented habitats for sensitive plant, fish or animal species recognized by federal or state agencies; or
- c. Regionally rare wetland communities which are not high quality, but which have irreplaceable ecological functions, including sphagnum bogs and fens, estuarine wetlands, or mature forested swamps; or

- d. Wetland types with significant functions which may not be adequately replicated through creation or restoration. These wetland may be demonstrated by the following characteristics:
 - 1) Significant peat systems; or
 - 2) Forested swamps that have three canopy layers, excluding monotypic stands of red alder averaging eight inches diameter or less at breast height; or
 - 3) Significant spring fed systems; or
- e. Wetlands with significant habitat value based on diversity and size, including wetlands which are:
 - 1) Ten acres or greater in size; and two or more wetland classes together with open water at any time during a normal year; or
 - 2) Ten acres or greater in size; and three or more wetland classes; and five or more subclasses of vegetation in a dispersed pattern; or
 - 3) Five acres or greater in size; and forty to sixty percent open water at any time during a normal year; and two or more subclasses of vegetation in a dispersed pattern; or
- f. Regulated wetlands which are contiguous with both year-round and intermittent salmonid fish-bearing waters; or
- g. Wetlands with significant use by fish and wildlife.

Category III

Regulated wetlands that do not contain features outlined in category I, II or IV.

Category IV

- a. Regulated wetlands which do not meet the criteria of a category I or II wetland; and

- b. Hydrologically isolated wetlands that are less than or equal to one acre in size, and have only one wetland class, and have only one dominant plant species (monotypic vegetation).

Category V Criteria

- a. All streams designated as Type 3-5 waters by the Department of Natural Resources, Forest Practices Rules and Regulations pursuant to WAC 222.16.020 and .030

18.08.050 Regulated Activities.

- A. Unless specifically exempted by Section 18.08.060, the following activities in a wetland and/or its associated buffer shall be regulated pursuant to the requirements of this Chapter. The regulated activities are as follows:
 - 1. Removing, excavating, disturbing or dredging soil, sand, gravel, minerals, organic matter or materials of any kind.
 - 2. Dumping, discharging or filling with any material.
 - 3. Draining, flooding or disturbing the water level or water table.
 - 4. Constructing, reconstructing, demolishing or altering the size of any structure or infrastructure except repair of an existing structure or infrastructure, where the existing square footage or foundation footprint is not altered.
 - 5. Destroying or altering vegetation through clearing, harvesting, cutting, intentional burning, shading or planting vegetation that would alter the character of a wetland.
 - 6. Activities from construction or development that result in significant, adverse changes in water temperature, physical or chemical characteristics of wetland water sources, including quantity and pollutants;

- B. Activities listed in subsection A. above which do not result in alteration in a wetland and/or its associated buffer, may require fencing along the outside perimeter of the buffer or erosion control measures as provided in Section 18.08.160.B. of this Chapter.

18.08.060 Exemptions.

The following activities shall be exempt from the provisions of this Chapter:

- A. Existing and ongoing agricultural activities, as defined in this Chapter.
- B. Forestry practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practice regulations.
- C. Activities affecting a wetland, if the functional wetland size is less than 2,500 square feet, except that such activities shall comply with the City of Gig Harbor Flood Hazard Construction Code and the City of Gig Harbor Storm Drainage Management Plan.
- D. Maintenance, operation and reconstruction of existing roads, streets, utility lines and associated structures, provided that reconstruction of any such facilities does not extend outside the scope of any designated easement or right-of-way.
- E. Activities on improved roads, rights-of-way, easements, or existing driveways.
- F. Normal maintenance and reconstruction of structures, provided that reconstruction may not extend the existing ground coverage.
- G. Site investigative work necessary for land use application submittals such as surveys, soil logs, percolation tests and other related activities.
- H. Activities having minimal adverse impacts on wetlands, such as passive recreational uses, sport fishing or hunting, scientific or educational activities.

- I. Activities and developments which are subject to the policies and standards and subject to review pursuant to the State Shoreline Management Act and the City of Gig Harbor Shoreline Master Program.
- J. Emergency actions which must be undertaken immediately or for which there is insufficient time for full compliance with this chapter where necessary to:
 - (1) prevent an imminent threat to public health or safety; or
 - (2) prevent an imminent danger to public or private property; or
 - (3) prevent an imminent threat of serious environmental degradation.

The Department shall determine on a case-by-case basis emergency action which satisfies the general requirements of this subsection.

In the event a person determines that the need to take emergency action is so urgent that there is insufficient time for review by the Department, such emergency action may be taken immediately. The person undertaking such action shall notify the Department within one working day of the commencement of the emergency activity. Following such notification the Department shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Department determines that the action taken or part of the action taken is beyond the scope of allowed emergency action, enforcement action according to provisions of this chapter is warranted.

18.08.070 Permitting Process.

- A. Overview: Inquiries regarding conduct of a regulated activity in a wetland can be made to the City of Gig Harbor Planning Department. The Department shall utilize the National Wetlands Inventory (NWI) maps and the Department of Natural Resources Stream Type maps to establish general location of wetland sites. If the maps indicate the presence of a wetland, a wetland delineation report shall be filed, unless the Department determines that a wetland is not on or within the site. This determination may be based on information provided by the applicant and from other sources. If the map does not indicate the presence of a

wetland or wetland buffer zone within the site, but there are other indications that a wetland may be present, the Department shall determine whether a wetland analysis report is required.

- B. **Permit Requirements:** No separate application or permit is required to conduct regulated activities within a wetland or its associated buffer. The department shall utilize existing environmental review procedures, City of Gig Harbor SEPA Ordinance, Chapter 18, to assess impacts to wetlands and impose required mitigation. Department review of proposed alterations to wetlands and buffer areas and a mitigation plan may be required prior to issuance of a SEPA determination by the City of Gig Harbor responsible official.
- C. This chapter applies to all regulated activities, public or private, which will occur within wetlands, including but not limited to, the following:
 - 1. Building, grading, filling, special and sanitary sewer permits;
 - 2. Subdivisions, short plats, and planned unit developments;
 - 3. Site plan approvals, variance and conditional use permits;
 - 4. Any activity which is not categorically exempt within the environmental review procedures of the State Environmental Policy Act for environmentally sensitive areas, pursuant to WAC 197-11-908, and the City of Gig Harbor SEPA Ordinance, Chapter 18.
- D. Prior to submittal of a wetland delineation report, recommendation on wetland category, proposed alterations to wetlands and buffer areas, or mitigation plan, the Department may require a pre-filing conference with the applicant. The purpose of the conference is to determine the materials which must be submitted, timing of submittals and to provide additional information.
- E. **Request for Official Determination:** A request for an official determination of whether a proposed use or activity at a site is subject to this chapter must be in writing and made to the City of Gig Harbor Office of Community Development. The request can be accompanied by a SEPA

environmental checklist. The request shall contain plans, data and other information in sufficient detail to allow for determination, including a wetland delineation report. The applicant shall be responsible for providing plans and the wetland delineation report to the Department. Upon review of the submitted material and within forty-five (45) days of submittal, the Department shall request any additional information it determines necessary to properly evaluate the wetland delineation, functions and values, proposed mitigation and other information related to wetlands associated with the proposal.

- F. A wetland analysis report shall be submitted to the Department for review of a proposal for activity which lies within a wetland, or within 150 feet of a wetland. The purpose of the wetland analysis report is to determine the extent and function of wetlands to be impacted by the proposal.
- G. Preliminary Site Inspection: Prior to conducting a wetland analysis report, the applicant may request that the Department conduct a preliminary site inspection to determine if a wetland may be present on the proposal site. Upon receipt of the appropriate fee, the Department shall make a site inspection. If the Department determines that a wetland is not on the site, this shall be indicated to the applicant in writing, and a wetland analysis report shall not be required.
- H. Prior to submittal of the wetland analysis report, boundaries of wetlands 2,500 square feet or more, shall be staked and flagged in the field by a wetland specialist. Field flagging shall be distinguishable from other survey flagging on the site.
- I. If alteration of a wetland or buffer is proposed, a wetland mitigation plan shall be required to be submitted pursuant to requirements of this Chapter, subsequent to staff review of the wetland analysis report. In no event will a mitigation plan be required prior to a determination of whether a designated wetland is present on a site.

18.08.080 Administration.

- A. Filing Fees: A wetland regulatory processing fee in an amount established under the City's Development Fee Ordinance, Chapter 3, shall be paid at the time of a request for official determination of whether a proposed use or

activity at a site is subject to this Chapter. The fee shall be paid prior to administrative review, including environmental review. It shall include all costs of administrative and environmental review, including the preliminary site inspection, and review and approval of a wetland analysis report. It shall be in addition to any other fees for environmental assessment and environmental impact review, provided by the City of Gig Harbor Environmental Policy Ordinance, Title 18.

B. Notice and Title:

1. Notice: Upon submission of a complete application for a wetland development approval, notice shall be provided in accordance with the City of Gig Harbor Zoning Code for site plan review for notification of property owners within 300 feet of the subject property.
2. Notice on Title: The owner of any property with field verified presence of wetland or wetland buffer on which a development proposal is submitted shall file for record with the Pierce County Auditor a notice approved by the Department in a form substantially as set forth below. Such notice shall provide notice in the public record of the presence of a wetland or wetland buffer, the application of this ordinance to the property, and that limitations on actions in or affecting such wetlands and their buffers may exist. The notice shall be notarized and shall be recorded prior to approval of any development proposal for such site. The notice shall run with the land and shall be in the following form:

WETLAND AND/OR WETLAND BUFFER NOTICE

Legal Description:

Present Owner: _____

NOTICE: This property contains wetlands or their buffers as defined by City of Gig Harbor Ordinance. Restrictions on use or alteration of the wetlands or their buffers may exist due to natural conditions of the property and resulting regulations.

Date

Signature Owner

- C. Other Laws and Regulations: No approval granted pursuant to this ordinance shall remove an obligation to comply with the applicable provisions of any other federal, state or local law or regulation.
- D. Atlas: As part of its review, the Department shall include the appropriately designated wetland in the Pierce County Wetlands Atlas or in the City of Gig Harbor Wetland Atlas, as may be adopted.

18.08.090 Wetland Analysis Report Requirements.

- A. A wetland analysis report shall be prepared by a qualified wetland specialist and submitted to the Department as part of the SEPA review process established by the City of Gig Harbor Environmental Policy Ordinance, Chapter 18. In any case in which a land use application is submitted prior to a determination that a wetland analysis report is required, the wetland analysis report shall be submitted to the Department and distributed by the Department to appropriate reviewing agencies for environmental review.
- B. The wetland analysis report shall be prepared in accordance with the Uniform Federal Methods for Wetland Delineation and submitted to the Department for review for any proposals that are within 150 feet of a wetland.
- C. Within thirty (45) days of receipt of the wetland analysis report and other information, the Department shall determine the appropriate wetland category, buffering requirement, and

required mitigation. The report shall be accorded substantial weight and the department shall approve the report's findings and proposals, unless specific, written reasons are provided which justify not doing so. Once accepted, the report shall control future decision-making related to designated wetlands unless new information is found demonstrating the report is in error.

18.08.100 Buffer Areas.

- A. Following the Department's determination of the Category for a wetland associated with a proposal, the Department shall determine appropriate buffer widths. Wetland buffer zones shall be evaluated for all development proposals and activities adjacent to wetlands to determine their need to protect the integrity, functions and values of the wetland. All wetland buffer zones are measured perpendicular from the wetland edge as marked in the field. Except as otherwise permitted by this Chapter, they shall consist of an undisturbed area of native vegetation and existing non-native vegetation. The following maximum buffer widths are required:

<u>Wetland Category</u>	<u>Buffer Width</u>
Category I	150 Feet
Category II	100 Feet
Category III	50 Feet
Category IV	25 Feet
Category V	Type 3 waters - 35 feet
(as measured from	Type 4 waters - 25 feet
ordinary high water)	Type 5 waters - 15 feet

- B. Landscape buffering between the wetland boundary and the building setback will be evaluated. If it is determined that such uses could cause secondary impacts to the wetlands, a maximum 15 feet setback may be imposed.

18.08.110 Alteration of Buffers.

Alteration of a buffer may occur in two ways:

1. Quantitative alteration, in which the boundaries of the designated buffer area are adjusted, so that the actual area within the buffer is altered from the parameters of section 18.08.110.A; and
 2. Qualitative alteration, in which permitted activities within the buffer area alter its character. In determining appropriate buffer alterations, quantitative and qualitative alterations are generally reviewed concurrently.
- A. Buffer zones may be modified under the following conditions (quantitative alteration):
1. Buffer width reductions shall be considered on a case-by-case basis to take varying values of individual portions of a given wetland into consideration. Reductions may be allowed where the applicant demonstrates to the Department that the wetland contains variations in sensitivity due to existing physical characteristics and that reducing the buffer width would not adversely effect the wetland functions and values, and the minimum buffer shall not be less than 50% of the widths established in 18.12.100
 2. Buffer widths may be increased by the Department on a case-by-case basis provided that the maximum buffer for Category II or III wetlands shall not exceed 100 feet.
 3. The Department may require increased buffer width when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be reasonably related to protection of the functions and values of the regulated wetland. Such determination shall demonstrate that:
 - a. A larger buffer is necessary to maintain viable populations of existing species; or
 - b. The wetland is used by species listed by the federal government or the state as endangered, threatened, sensitive or as documented priority or species or habitats, or essential or outstanding

potential sites such as heron rookeries or raptor nesting areas; or

- c. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse wetland impact; or
- d. The adjacent land has minimal vegetative cover or slopes greater than fifteen percent.

B. Alteration or character of buffer (qualitative alteration):

1. Qualitative alteration of buffer for Categories II and III wetlands shall be allowed when it is demonstrated that modification of the existing character of the buffer would not reduce the functions and values of the wetland, and
2. That the alteration does not include structures associated with the development unless identified in Section 2, i.e. wells and associated access, and
3. No net loss of wetland acreage due to the alteration occurs.

18.08.120 Permitted Uses in Buffer Areas.

The following activities are permitted within the wetland buffer:

- A. Wells and necessary appurtenances including a pump and appropriately sized pump house, including a storage tank, may be allowed on each site in a wetland buffer if all the following conditions are met:
 1. The well is either an individual well (serving only one residence) or a Class B well (a maximum of fifteen connections including necessary storage tanks).
 2. For Category I and II wetlands, the minimum distance from the well and appurtenances to the wetland edge is no less than fifty percent of the buffer widths established in the table in Section 18.08.110. A decrease in the required buffer width through buffer width averaging or other means does not indicate a corresponding decreased distance is allowed from the wetland edge to the well and appurtenances.
 3. Access to the well and pump house shall be allowed.

- B. Pervious trails and associated viewing platforms, provided that, in the case of Category I wetlands, the minimum distance from the wetland edge is no less than fifty percent of the Category I buffer width established in the table in Section 18.08.100. A decrease in the required buffer width through buffer width averaging or other means does not indicate a corresponding decreased distance from a Category I wetland edge for trails and viewing platforms.
- C. The placement of underground utility lines, on-site septic drainfields meeting the requirements of the Pierce County Health code, and grass-lined swales and detention/retention facilities for water treated by biofiltration or other processes prior to discharge, provided the minimum distance from the wetland edge is no less than fifty percent of the buffer widths established in the table in Section 18.08.100.
- D. Placement of access roads and utilities across Category II, III and V wetland-buffers, if the Department determines that there is no reasonable alternative location for providing access and/or utilities to a site.

18.08.130 Alteration of Wetlands.

Alteration of Category I wetlands is prohibited.

18.08.140 Sequence of Mitigation Actions.

- A. Alteration of Category II, III, IV and V wetlands may be allowed when all significant adverse impacts to wetland functions and values can be shown to be fully mitigated. Criteria to be considered by the applicant or the property owner are:
 - 1. Avoiding the impact altogether by not taking a certain action or parts of actions.
 - 2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.
 - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - 4. Compensating for the impact by replacing or providing substitute resources or environments.

Mitigation may include a combination of the above measures and may occur concurrently, unless a phased schedule is agreed.

18.08.150 Mitigation Plan Submittal Requirements.

- A. Following submittal of any proposed alterations to wetland and buffer areas, the applicant shall submit to the Department a wetland mitigation plan substantially in the following form:
1. Conceptual Phase. A conceptual compensatory mitigation plan shall be submitted to the Department. In cases in which environmental review is required, a threshold determination may not be made prior to Department review of the conceptual mitigation plan. The conceptual mitigation plan shall include:
 - a. General goals of the compensatory mitigation plan, including an overall goal of no net loss of wetland function and acreage, and to strive for a net resource gain in wetlands over present conditions.
 - b. A review of literature or experience to date in restoring or creating the type of wetland proposed.
 - c. Approximate site topography following construction.
 - d. Location of proposed wetland compensation area.
 - e. General hydrologic patterns on the site following construction.
 - f. Nature of compensation, including wetland types (in-kind and out-of-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer.
 - g. A conceptual maintenance plan.
 - h. Conceptual monitoring and contingency plan.
 2. Detailed Phase. Following approval of the conceptual mitigation plan by the Department, a detailed

mitigation plan shall be submitted to the Department. The detailed plan shall contain, at a minimum, the following components, and shall be consistent with the standards in Sections 18.08.180 and 18.08.190:

- a. Text and map of the existing condition of the proposed compensation area, including:
 1. Existing vegetation community analysis;
 2. Hydrological analysis, including topography, of existing surface and significant sub-surface flows into and out of the area in question;
 3. Soils analysis providing both Soil Conservation Service mapping and data provided by on-site verified determinations;
 4. Detailed description of flora and fauna existing on the site;
 5. Description of existing site conditions in relation to historic conditions for those sites which have been recently altered or degraded.
- b. Text and map of the proposed alterations to the compensation area, including:
 1. Relationship of the project to the watershed and existing water bodies.
 2. Topography of site using one foot contour intervals.
 3. Water level data, including depth and duration of seasonally high water table.
 4. Water flow patterns.
 5. Grading, filling and excavation, including a description of imported soils.
 6. Irrigation requirements, if any.
 7. Water pollution mitigation measures during construction.

8. Aerial coverage of planted areas to open water areas (if any open water is to be present).
9. Appropriate buffers.

The compensation plan shall include detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data.

- c. As part of the compensation plan, a landscaping plan shall be designed by a registered landscape architect or contractor working with a wetland scientist/ ecologist, describing what will be planted where and when. The landscape plan shall include the following:
 1. Soils and substrate characteristics.
 2. Specification of substrate stockpiling techniques.
 3. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirements.
 4. Specification of where plant materials will be procured. Documentation shall be provided which guarantees plant materials are to be procured from licensed regional nurseries, or from wetlands on site which are part of the mitigation plan.
- d. A schedule shall be provided showing dates for beginning and completing the mitigation project, including a sequence of construction activities.
- e. A monitoring and maintenance plan, consistent with Section 18.08.190 of this Chapter. The plan shall include all the following:

1. Specification of procedures for monitoring and site maintenance.
2. A schedule for submitting monitoring reports to the Department.
- f. A contingency plan, consistent with Section 18.08.190 of this Chapter.
- g. A detailed budget for implementation of the mitigation plan, including monitoring, maintenance and contingency phases.
- h. A guarantee that the work will be performed as planned and approved, consistent with Section 18.08.190 of this Chapter.
- i. The mitigation plan shall be signed by the wetland specialist to indicate that the plan is according to specifications determined by the wetland specialist. A signed original mitigation plan shall be submitted to the Department.
3. Approval of the detailed mitigation plan shall be signified by a notarized memorandum of agreement signed by the applicant and Director of the Department, and recorded with the Pierce County Auditor. The agreement shall refer to all mitigation requirements for the project.
4. Approval of the detailed mitigation plan shall occur prior to the issuance of building permits or other development permits. No development activity shall occur on the site prior to approval. Required mitigation may also be required prior to issuance of permits or prior to commencing development activity. Timing of required mitigation shall be determined on a case by case basis.

18.08.160 Criteria for Compensatory Mitigation/Location
Criteria and Timing of Compensatory Mitigation.

The applicant shall develop a plan that provides for construction, maintenance, monitoring and contingencies of the replacement wetland. In addition, the applicant and landowner shall meet the following criteria:

- A. The restored, created, or enhanced wetland shall be as persistent as the wetland it replaces.
- B. The applicant shall demonstrate sufficient capability to carry out the compensation project.
- C. The compensation area shall be provided with permanent protection and management to avoid further development or degradation and to provide for the long term persistence of the compensation area as designed.

In cases in which it is determined that compensatory mitigation is appropriate, the following shall apply:

- A. Compensatory mitigation shall be provided on-site, except where on-site mitigation is not scientifically feasible or practical due to physical features of the site. The burden of proof shall be on the applicant to demonstrate that mitigation cannot be provided on-site.
- B. When compensatory mitigation cannot be provided on-site, mitigation shall be provided in the immediate vicinity of and within the same watershed as the permitted activity.
- C. Compensatory mitigation shall duplicate the overall values and standards of the wetland to be replaced and shall include at 50% in-kind compensation mitigation unless it can be demonstrated by the applicant that the overall wetland values of the mitigation area and adjacent or connecting wetlands can be enhanced by a higher percentage of out-of-kind mitigation.
- D. Only when it is determined by the Department that A, B and C above are inappropriate and/or impractical shall off-site, compensatory mitigation be considered.
- E. Mitigation projects shall be completed concurrent with other activities on the site, unless a phased schedule is agreed upon between the Department and the applicant.

Refer to Section 18.08.180 of this Chapter for guidelines on determining wetland acreage replacement ratios.

18.08.170 Wetland Replacement Criteria.

- A. Where wetlands are altered, the applicant shall meet the minimum requirements of this section.
- B. When it is proposed to alter or eliminate a wetland and the Department is considering the alteration or elimination, the applicant shall be required to replace or preferably enhance the functional and biological values of the affected wetland. The wetland values will be based on an approved evaluation procedure such as Wetlands Evaluation Technique (WET), Habitat Evaluation Procedure (HEP) etc. A reduction in overall wetland acres is allowed if the conditions in Section E are met. The recommended ratios for replacement/compensation are as follows:

Category I: (No Alteration or Replacement)

Category II :
Forested: 2:1
Scrub/Shrub: 1.5:1
Emergent: 1:1
Open water: 1:1

Category III:
Forested: 1.5:1
Scrub/Shrub: 1:1
Emergent: 1:1
Open Water: 1:1

Category IV: 1:1

Note that within Category II and III wetlands replacement ratios vary depending on wetland class. For example, it will be required to replace the forested portion of a wetland at a higher ratio than the other portions of the wetland.

- C. Ratios provided are for proposed projects with on-site, in-kind replacement which occurs prior to development of the site. Replacement ratio for unauthorized wetland elimination requires resurface at a ratio two times that listed for the wetland categorical type. The increased ratio is based on the uncertainty of probable success of proposed replacement, projected losses of wetland functional value, or significant period of time

between elimination and replacement of wetland. Such required increases in replacement ratios will be made by the Department after review of all pertinent data relating to the proposed or committed alteration.

- D. The Department will allow the ratios to be decreased if the applicant provides findings of special studies coordinated with agencies with expertise which demonstrate to the satisfaction of the Department that no net loss of wetland function or value is attained under the decreased ratio.
- E. The replacement ratio may be decreased to a ratio of less than 1:1, if the following criteria are met:
 - 1. The applicant shows to the satisfaction of the Department that a replacement ratio of greater than 1:1 is either not feasible on-site, would be likely to result in substantial degradation of other natural features or results in an increase of wetland function and values; and
 - 2. The applicant submits to the Department a mitigation plan according to requirements of Section 18.08.160 which shows to the satisfaction of the Department that a net increase in wetland functional values will result from the mitigation; and
 - 3. The mitigation is completed and monitored by the Department for one year after completion of the mitigation. After one year the Department shall make a determination of whether or not the mitigation has been successful.
 - a. If the Department is satisfied that the mitigation will successfully meet the anticipated final outcome of the mitigation plan, development permits may be issued and development activity on the site may begin.
 - b. If the Department is not satisfied that the mitigation will successfully meet the anticipated final outcome of the mitigation plan, development permits shall not be issued and development activity on the site shall not begin. Modifications to the mitigation plan and further monitoring may be required

until the Department is satisfied that the mitigation will be successful.

F. In-kind compensation shall be provided except where the applicant can demonstrate to the satisfaction of the Department that:

1. The wetland system is already significantly degraded and out-of-kind replacement will result in a wetland with greater functional value; or
2. Scientific problems such as exotic vegetation and changes in watershed hydrology make implementation of in-kind compensation impossible; or
3. Out-of-kind replacement will best meet identified regional goals (e.g., replacement of historically diminished wetland types).
4. Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

G. Site specific quantifiable criteria shall be provided for evaluating whether or not the goals and objectives for the proposed compensation are being met. Such criteria include but are not limited to water quality standards, survival rates for planted vegetation, habitat diversity indices, species abundance or use patterns, hydrological standards including depths and durations of water patterns. Detailed performance standards for mitigation planning shall include the following criteria:

1. Use only plants indigenous to Pierce County (not introduced or foreign species);
2. Use plants appropriate to the depth of water at which they will be planted;
3. Use plants available from local sources;
4. Use plant species high in food and cover value for fish and wildlife;
5. Plant mostly perennial species;

6. Avoid committing significant areas of site to species that have questionable potential for successful establishment;
7. Plant selection must be approved by wetland scientist/ecologist;
8. Water depth is not to exceed 6.5 feet (2 meters);
9. The grade or slope that water flows through the wetland is not to exceed 6 percent;
10. Slopes within the wetland basin and the buffer zone should not be steeper than 3:1 (horizontal to vertical);
11. The substrate should consist of a minimum of one foot, in depth, of clean (uncontaminated with chemicals, or solid/hazardous wastes) inorganic/organic materials;
12. Planting densities and placement of plants shall be determined by a wetlands biologist/ecologist and shown on the design plans;
13. The wetland (excluding the buffer area) should not contain more than 60 percent open water as measured at the seasonal high water mark;
14. The planting plan must be approved by a wetland scientist/ecologist;
15. Stockpiling shall be confined to upland areas and contract specifications should limit stockpile durations to less than four weeks;
16. Planting instructions shall describe proper placement, diversity, and spacing of seeds, tubers, bulbs, rhizomes, sprigs, plugs, and transplanted stock;
17. Apply controlled release fertilizer at the time of planting and afterward only as plant conditions warrant (determined during the monitoring process), and only to the extent that the release would be conducted in an environmentally sound manner;

18. Install an irrigation system, if necessary, for initial establishment period;
 19. Construction specifications and methods shall be approved by a wetland scientist/ecologist and the Department.
 20. All mitigation shall be consistent with requirements of the City of Gig Harbor Flood Hazard Construction Ordinance and City of Gig Harbor Storm Drainage Comprehensive Plan
 21. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, capacity of the wetland to store surface water should be equal to or greater than surface water storage capacity prior to the proposed activity;
 22. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, ability of the wetland to intercept surface water runoff on the site should be equal to or greater than such ability prior to the proposed activity;
 23. As appropriate, and if impacts to natural wetland functional values can be fully mitigated, the ability of the wetland to perform stormwater detention functions should be equal to or greater than such functions prior to the proposed activity;
- H. Wetland mitigation shall occur according to the approved wetland mitigation plan, and shall be consistent with all provisions of this regulation.
- I. On completion of construction required to mitigate for impacts to wetlands, the wetland mitigation project shall be signed off by an approved wetland scientist/ecologist and the County's Environmental Official. Signature will indicate that the construction has been completed as planned.

18.08.180 Monitoring Program and Contingency Plan.

- A. If the mitigation plan includes compensatory mitigation, a monitoring program shall be implemented to determine the success of the compensatory mitigation project.

- B. Specific criteria shall be provided for evaluating the mitigation proposal relative to the goals and objectives of the project and for beginning remedial action or contingency measures. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological or hydrological criteria.
- C. A contingency plan shall be established for compensation in the event that the mitigation project is inadequate or fails. A cash deposit, assignment of funds, or other acceptable security device is required for the duration of the monitoring period specified in the approved mitigation plan, to ensure the applicant's compliance with the terms of the mitigation agreement. The amount of the security device shall equal 125 percent of the cost of the mitigation project.
- D. Requirements of the monitoring program and contingency plan are as follows:
 - 1. During monitoring, use scientific procedures for establishing the success or failure of the project.
 - 2. For vegetation determinations, permanent sampling points shall be established.
 - 3. Vegetative success equals 80 percent per year survival of planted trees and shrubs and 80 percent per year cover of desirable understory or emergent species.
 - 4. Submit monitoring reports of the current status of the mitigation project to the Department. The reports are to be prepared by a wetland biologist/ecologist and shall include monitoring information on wildlife, vegetation, water quality, water flow, stormwater storage and conveyance, and existing or potential degradation, and shall be produced on the following schedule:
 - a. At time of construction.
 - b. 30 days after planting.

- c. Early in the growing season of the first year.
 - d. End of the growing season of first year.
 - e. Twice the second year.
 - f. Annually.
5. Monitor a minimum of three and up to ten growing seasons, depending on the complexity of the wetland system. The time period will be determined and specified in writing prior to the implementation of the site plan.
 6. If necessary, correct for failures in the mitigation project.
 7. Replace dead or undesirable vegetation with appropriate plantings.
 8. Repair damages caused by erosion, settling, or other geomorphological processes.
 9. Redesign mitigation project (if necessary) and implement the new design.
 10. Correction procedures shall be approved by a wetlands biologist/ecologist and the Pierce County Environmental Official.

18.08.190 Reconsideration and Appeal Procedure.

Requests for Reconsideration and Appeals of a decision issued pursuant to this Chapter shall be considered by the City of Gig Harbor according to procedures described in Section 17.10.40 of the City of Gig Harbor Zoning Code.

18.08.200 Variances.

- A. Wetland Variance Applications shall be considered by the City according to Variance procedures described in Section 17.66 of the City of Gig Harbor Zoning Code, except that required showings for a Wetland Variance shall be according to this Section (18.08.220.B.1.).
- B. Wetland Variance Application: The Examiner shall have the authority to grant a Wetland Variance from the provisions of

this Chapter, including variance for buffer widths, when, in the opinion of the Examiner, the conditions as set forth below have been found to exist. In such cases a Wetland Variance may be granted which is in harmony with the general purpose and intent of this Chapter.

1. Required showings for a Wetland Variance: Before any Wetland Variance may be granted, it shall be shown:
 - a. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties and which support the granting of a variance from the buffer width requirements; and
 - b. That such Wetland Variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of this ordinance is denied to the property in question; and
 - c. That the granting of such Wetland Variance will not be materially detrimental to the public welfare; and
2. Required showings for wetland buffer area variance. Before any wetland buffer area variance may be granted, it shall be shown:
 - a. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which because of this regulation is denied to the property in question; and
 - b. The granting of such buffer width variance will not be materially detrimental to the public welfare; and
 - c. The granting of the buffer width variance will not materially affect the subject wetland.
3. When granting a Wetland Variance, the Examiner shall determine that the circumstances do exist as required by this Section, and attach specific conditions to the Wetland Variance which will serve to accomplish the

standards, criteria, and policies established by this Chapter.

4. To apply for a Wetland Variance the applicant shall submit to the City a complete Wetland Variance Application. Such application shall be submitted subsequent to the Department's rating of the wetland as part of its review of a Wetland Application. The Variance Application shall include a site plan, pertinent information, a cover letter addressing the required showings for a variance, and appropriate fees. City review of the variance application shall follow the same public hearing process as that for an appeal of a decision of the Department on a Wetland Application.

18.08.210 Suspension and Revocation.

In addition to other penalties provided for elsewhere, the Department may suspend or revoke an approval if it finds that the applicant has not complied with any or all of the conditions or limitations set forth in the approval, has exceeded the scope of work set forth in the approval, or has failed to undertake the project in the manner set forth in the approved application.

18.08.220 Enforcement.

- A. The Department shall have authority to enforce this Chapter, any rule or regulation adopted, and any permit, order or approval issued pursuant to this Chapter, against any violation or threatened violation thereof. The Department is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this Chapter, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this Chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.
- B. Enforcement actions shall include civil penalties, administrative orders and actions for damages and restoration.

1. The Department may bring appropriate actions at law or equity, including actions for injunctive relief, to ensure that no uses are made of regulated wetlands or their buffers which are inconsistent with this chapter or an applicable wetlands protection program.
2. The Department may serve upon a person a cease and desist order if an activity being undertaken on regulated wetlands or its buffer is in violation of this Chapter. Whenever any person violates this Chapter or any approval issued to implement this Chapter, the Department Director may issue an order reasonably appropriate to cease such violation and to mitigate any environmental damage resulting therefrom. The order shall set forth and contain the following:
 - a. A description of the specific nature, extent and time of violation and the damage or potential damage.
 - b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty may be issued with the order.
 - c. Effective date: The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.
 - d. Compliance: Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
3. Any person who undertakes any activity within a regulated wetland or its buffer without first obtaining an approval required by this Chapter, except as specifically exempted, or any person who violates one or more conditions of any approval required by this Chapter or of any cease and desist order issued pursuant to this Chapter shall incur a penalty allowed per violation. In the case of a continuing violation, each permit violation and each day of activity without a required approval shall be a separate and distinct violation. The civil penalty shall be assessed at a

rate of two hundred fifty dollars per day per violation. The penalty provided shall be appealable to the City of Gig Harbor Hearing Examiner in accordance with the procedures established pursuant to Section 15.06 of the Gig Harbor Municipal Code.

4. Aiding or abetting: Any person who, through an act of commission or omission procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the penalty.
5. Notice of penalty: Civil penalties imposed under this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the Department. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.
6. Application for remission or mitigation: Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the Department for remission or mitigation of such penalty. Upon receipt of the application, the Department may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.
7. Orders and penalties issued pursuant to this section may be appealed as provided for by this chapter.

18.08.230 Designated Wetlands.

- A. Pursuant to WAC 197-11-908, the City of Gig Harbor designates the following wetland areas as environmentally sensitive areas:
 1. Areas designated on the Pierce County Wetland Atlas of _____ 1990.
 2. Areas that meet the definition of wetlands found in this ordinance.

18.08.240 Non-Conforming Uses.

An established use of existing structure that was lawfully permitted prior to adoption of this chapter, may continue subject to the following:

- A. Nonconforming uses shall not be expanded or changed in any way that increases their nonconformity. However, an existing use may be changed to a less intensive use provided all other zoning and land use regulations are met;
- B. Existing structures shall not be expanded or altered in any manner which will increase the nonconformity;
- C. Activities or uses which are discontinued for twelve (12) consecutive months shall be allowed to resume only if they are in compliance with this chapter; and
- D. Nonconforming uses or structures destroyed by an act of God may be replaced or resumed.

18.08.250 Severability.

If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutionally a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

18.08.260 Chapter and Ordinance Updates.

This Chapter and its related ordinance shall be reviewed by the City of Gig Harbor within two years of the effective date of this Chapter. The purpose of reviewing is to determine what amendments are appropriate to be made, and to establish a schedule for effecting those amendments.

Section 2 The following sections are hereby amended as follows:

Section 18.04.270 Environmentally sensitive areas. ~~(Reserved)~~ The following are adopted as environmentally sensitive areas, in

accordance with WAC 197-11-908:

- A. Wetlands identified pursuant to:
1. The Pierce County Wetland Atlas, 1990.
 2. The United States Fish and Wildlife Wetland Inventory Maps for the Gig Harbor Peninsula, 1987.
 3. The United States Department of Agriculture Soil Survey for Pierce County (1982).
 4. The criteria for wetlands delineation as established pursuant to the Title 18.08 of the Gig Harbor Municipal Code.

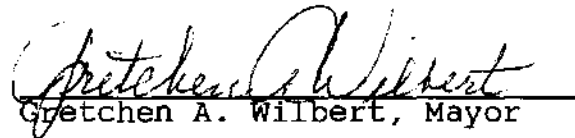
Section 3

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.


Section 4

This ordinance shall take effect and be in full force five (5) days after publication. Upon completion of the mapping of wetlands within the current city boundary, this ordinance will be reviewed by the Planning Commission and City Council and revised as appropriate. The ordinance, in this current form, will expire by no later than June 15, 1992.

Wetland Ordinance
Page 39


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 9/19/91
Passed by City Council: 11/12/91
Date published: 11/20/91
Date effective: 11/25/91

CITY OF GIG HARBOR

ORDINANCE NO. 612

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1992 FISCAL YEAR.

WHEREAS, the mayor of City of Gig harbor, Washington completed and placed on file with the city administrator/ clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1991 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 12 and 25, 1991 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1992 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1992 proposed budget; and

WHEREAS, the 1992 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1992 and being sufficient to meet the various needs of Gig Harbor during 1992.

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1992 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1992 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1992 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1992 as set forth below:

1992 Budget Ordinance
Page 2

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 14,300
	Municipal Court	141,500
	Administration/Finance	204,180
	Legal Services	36,500
	Police	621,990
	Hearing Examiner	14,500
	Planning & Community Dev.	190,150
	Parks and Recreation	92,075
	Building	33,800
	Non-departmental	794,276
	Ending Fund Balance	<u>113,849</u>
	Total General Fund	\$ 2,257,120
Street Operating Fund (101)		\$ 790,121
Risk Management (103)		202,000
Trust Fund - Misc. (Performance Pay) (104)		20,670
Drug Investigation Fund (105)		10,800
Hotel/Motel Tax (107)		2,300
Soundview Drive Construction (108)		937,000
G.O. Fire - Debt Service (200)		20,930
G.O. Sewer - Debt Service (201)		85,500
G.O. P.W. Bldg. - Debt Service (202)		27,500
G.O. Sewer Bond Redemption (203)		679,200
General Gov't Capital Asset Fund (301)		303,500
Capital Improvement Fund (305)		35,000
Water Operating Fund (401)		474,900
Sewer Operating Fund (402)		693,850
Sewer Capital Replacement (404)		96,000
Storm Drainage Operating Fund (411)		475,950
Utility Bond Redemption Fund (408)		490,276
Sewer Capital Asset Fund (410)		1,956,500
Utility Reserve (407)		415,350
Advanced Refunding Bond Redemption (413)		162,500
Water Capital Asset Fund (420)		227,500
Trust - Lighthouse Maintenance (605)		4,000
G.O. Soundview - Debt Service (208)		<u>119,450</u>
	Total All Funds	\$ 10,487,917

Section 3. Attachment "A" is adopted as the 1992 personnel salary schedule.

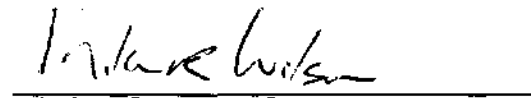
Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1992 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

Section 5. This ordinance shall be in force and take effect five (5) days after its publication according to law.

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 November, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/4/91
Passed by city council: 11/25/91
Date published: 2/12/92
Date effective: 2/17/92

ATTACHMENT "A"

1992 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,860	\$ 4,825
Public Works Director	3,505	4,380
Chief of Police	3,275	4,090
Planning Director	3,025	3,780
Finance Officer	2,840	3,550
Police Sergeant	2,735	3,415
Public Works Supervisor	2,680	3,350
Sewer Plant Supervisor	2,495	3,113
Fire Marshal/Building Official	2,450	3,060
Police Officer	2,375	2,965
Public Works Foreman	2,335	2,915
Associate Planner	2,271	2,835
Sewer Plant Operator	2,270	2,835
Equipment Operator	2,215	2,770
Maintenance Worker	2,115	2,640
Engineering Technician	2,060	2,575
Administrative Assistant	1,975	2,465
Planning/Building Technician	1,975	2,465
Laborer	1,755	2,195
Court Clerk	1,710	2,135
Police Clerk	1,620	2,025
Accounting Clerk	1,620	2,025
Utility Clerk	1,620	2,025
Office Clerk	1,480	1,850
Administrative Receptionist	1,480	1,850
Assistant Municipal Court Clerk	1,480	1,850

CITY OF GIG HARBOR

ORDINANCE NO. 613

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1992.

WHEREAS, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1992, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

WHEREAS, it is the duty of the City Council to certify to the board of county commissioners/council estimates of the amounts to be raised by taxation on the assessed valuation of property in the city,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1992, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$223,707,482. Taxes levied upon this value shall be:

- a. approximately \$1.704 per \$1,000 assessed valuation, producing estimated revenue of \$381,240 for general government; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1992, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$220,762,222. Taxes levied upon this value shall be:

- a. approximately \$0.171 per \$1,000 assessed valuation, producing an estimated amount of \$38,100 for sewer general obligation; and

General Property Tax Ordinance
Page 2

- b. approximately \$0.0297 per \$1,000 assessed valuation, producing an estimated amount of \$6,570 for fire protection facilities general obligation.
- c. approximately \$0.430 per \$1,000 assessed valuation, producing an estimated revenue of \$95,000 for the 1987 sewer bond redemption general obligation.


Section 3. This ordinance shall be certified by the city clerk to the clerk of the board of county commissioners/ council and taxes hereby levied shall be collected and paid to the Finance Officer of the City of Gig Harbor at the time and in a manner provided by the laws of the state of Washington for the collection of taxes.

Section 4. This ordinance shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after the date of publication.

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 9th day of December 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Dennis Richards
Acting City Clerk

Filed with city clerk: 11/4/91
Passed by city council: 12/9/91
Date published: 1/15/92
Date effective: 1/20/92

RECEIVED

DEC 10 1991



Pierce County

Office of Assessor-Treasurer

CITY OF GIG HARBOR

WENDELL BROWN
Assessor-Treasurer

2401 South 35th Street, Room 142
Tacoma, Washington 98409
Tel. 206: 591-7111
FAX 206: 591-3680

OFFICIAL NOTIFICATION TO:

DATE: December 6, 1991

TAXING DISTRICTS IN PIERCE COUNTY

RE: CERTIFICATION OF ASSESSED VALUES

In accordance with RCW 84.48.130, I hereby certify that the assessed valuation of all taxable property within your taxing district of GIG HARBOR - TOTAL, as established in 1991 assessment year for 1992 taxation is as follows:

FOR REGULAR LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>223,707,482</u>	<u>-0-</u>	<u>223,707,482</u>

FOR EXCESS LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>220,762,222</u>	<u>-0-</u>	<u>220,762,222</u>

Your 1991 new construction value of 18,495,300 is included in the above taxable values. All values are subject to the Board of Equalization changes until the time your rates are established.

NOTIFICATION OF DEADLINE: Official Notification to Taxing Districts was delayed this year due to late arrival of State Assessed Values of Operating Property. Your 1991 Budget Ordinance or Resolution must be received in the office of Assessor-Treasurer on or before Monday, December 26, 1991. Reminder to Fire Protection Districts and Park Districts; if you have not already submitted a copy of your Budget and Resolution to Pat Swan in Pierce County Budget and Finance Department please remember to do so.

If you have any questions regarding this notification please call Carrie Baarslag at 591-7114 or Mae Shephard at 596-2757 or Deanne Weber at 591-7123.

Wendell Brown
Pierce County Assessor-Treasurer

WB:DW:ck
Enclosure





Pierce County

Office of Assessor-Treasurer

2401 South 35th Street, Room 142
Tacoma, Washington 98409
Tel. 206: 591-7111
FAX 206: 591-3680

WENDELL BROWN
Assessor-Treasurer

OFFICIAL NOTIFICATION TO:

DATE: December 6, 1991

TAXING DISTRICTS IN PIERCE COUNTY

RE: CERTIFICATION OF ASSESSED VALUES

In accordance with RCW 84.48.130, I hereby certify that the assessed valuation of all taxable property within your taxing district of GIG HARBOR NB, as established in 1991 assessment year for 1992 taxation is as follows:

FOR REGULAR LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>20,870,247</u>	<u>-0-</u>	<u>20,870,247</u>

FOR EXCESS LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>20,870,247</u>	<u>-0-</u>	<u>20,870,247</u>

Your 1991 new construction value of 4,832,000 is included in the above taxable values. All values are subject to the Board of Equalization changes until the time your rates are established.

NOTIFICATION OF DEADLINE: Official Notification to Taxing Districts was delayed this year due to late arrival of State Assessed Values of Operating Property. Your 1991 Budget Ordinance or Resolution must be received in the office of Assessor-Treasurer on or before Monday, **December 26, 1991**. Reminder to Fire Protection Districts and Park Districts; if you have not already submitted a copy of your Budget and Resolution to Pat Swan in Pierce County Budget and Finance Department please remember to do so.

If you have any questions regarding this notification please call Carrie Baarslag at 591-7114 or Mae Shephard at 596-2757 or Deanne Weber at 591-7123.

Wendell Brown
Pierce County Assessor-Treasurer

WB:DW:ck
Enclosure





Pierce County

Office of Assessor-Treasurer

WENDELL BROWN
Assessor-Treasurer

2401 South 35th Street, Room 142
Tacoma, Washington 98409
Tel. 206: 591-7111
FAX 206: 591-3680

OFFICIAL NOTIFICATION TO:

DATE: December 6, 1991

TAXING DISTRICTS IN PIERCE COUNTY

RE: CERTIFICATION OF ASSESSED VALUES

In accordance with RCW 84.48.130, I hereby certify that the assessed valuation of all taxable property within your taxing district of GIG HARBOR, as established in 1991 assessment year for 1992 taxation is as follows:

FOR REGULAR LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>202,837,235</u>	<u>-0-</u>	<u>202,837,235</u>

FOR EXCESS LEVY

<u>Taxable Value</u>	<u>Timber Assessed Value</u>	<u>Total Taxable Value</u>
<u>199,891,975</u>	<u>-0-</u>	<u>199,891,975</u>

Your 1991 new construction value of 13,663,300 is included in the above taxable values. All values are subject to the Board of Equalization changes until the time your rates are established.

NOTIFICATION OF DEADLINE: Official Notification to Taxing Districts was delayed this year due to late arrival of State Assessed Values of Operating Property. Your 1991 Budget Ordinance or Resolution must be received in the office of Assessor-Treasurer on or before Monday, **December 26, 1991**. Reminder to Fire Protection Districts and Park Districts; if you have not already submitted a copy of your Budget and Resolution to Pat Swan in Pierce County Budget and Finance Department please remember to do so.

If you have any questions regarding this notification please call Carrie Baarslag at 591-7114 or Mae Shephard at 596-2757 or Deanne Weber at 591-7123.

Wendell Brown
Pierce County Assessor-Treasurer

WB:DW:ck
Enclosure



106% REGULAR LEVY LIMIT - 1991 LEVY FOR 1992 TAX

DECEMBER 2, 1991
 106% REGULAR LEVY
 GIG HARBOR

REGULAR TAX LEVY LIMIT:

A. Highest regular tax which could have been levied beginning with the 1985 levy TIMES 106%	1990 313,839.00 1.06 332,669.00
B. Current yr's A.V. of NC & I in original district before annexation occurred TIMES last year's tax rate per \$1000 A.V.	18,495,300.00 1.7617 32,583.00
C. Cur yr's A.V. for state assessed prop LESS last year's A.V. of state assessed property EQUALS increase or decrease, MULTIPLIED BY last yr's regular tax rate.	12,878,219.00 12,235,717.00 642,502.00 1.7617 1,132.00
D. REGULAR PROPERTY TAX LIMIT A + B + C=	366,384.00

 ADDITIONAL LEVY LIMIT DUE TO ANNEXATIONS:

E. To find rate to be used in F, take the 106% limit as shown in D above and divide it by the cur A.V. of the orig dist including NC & I	366,384.00 216,345,982.00 1.6935
F. Annexed area's cur A.V. including new construction and improvements (NC & I) times rate found in E above.	7,361,500.00 1.6935 12,467.00
G. NEW 106% LEVY LIMIT FOR ANNEX = D + F=	378,851.00

 EXCESS LEVY FOR REFUNDS:

H. Per RCW 84.55.070 the 106% levy limit will not apply to the levy for taxes refund or to be refund under Chapters 84.68 & 84.69 RCW. (D or G + Refund, if any)	378,851.00 0.00 0.00
I. TOTAL-CONTROLLED BY 106% LIMIT D,G,or H.	378,851.00
J. Amount of levy under statutory rate H3 limitation.	223,707,482.00 1.9625 439,026.00
K. LESSER OF I OR J	378,851.00

CITY OF GIG HARBOR

ORDINANCE NO. 614

AN ORDINANCE RELATING TO THE 1991 CITY BUDGET: ADOPTING A BUDGET EMERGENCY FOR GENERAL GOVERNMENT FUND (#001), RISK MANAGEMENT FUND (#103), SOUNDVIEW DRIVE CONSTRUCTION FUND (#108), 1987 GENERAL OBLIGATION BOND FUND (#203), AND WATER OPERATING FUND (#401)

WHEREAS, insufficient funds were appropriated to cover jail costs in municipal court services (#001.03), legal services (#001.05), hearings examiner services (#001.13), park ballfield improvements at City Park, park supplies and utilities services (#001.15) within General Government; and

WHEREAS, insufficient funds were appropriated to cover insurance premium payments in Risk Management Fund (#103); and

WHEREAS, the issuance of bonds for construction of Soundview Drive is a new project and there were no funds appropriated into Soundview Drive Construction Fund (#108); and

WHEREAS, the property tax revenues were increased in the 1987 General Obligation Bond Fund (#203); and

WHEREAS, the increased cost of supplies and utilities services, and repair of an emergency water line break along Harborview Drive in the Water Operating Fund (#401); and

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS, as follows:

Section 1.

- a. The General Government Fund, Municipal Court (#001.03) shall be increased by \$6,000 to provide for increased in the amount jail time necessary to carry out sentences.
- b. The General Government Fund, Legal (#001.05) shall be increased by \$10,000 to provide for increased legal expenses.
- c. The General Government Fund, Hearings Examiner (#001.13) be increased by \$2,500 to provide for increased time spent on hearings services.

- d. The General Government Fund, Parks (#001.15) be increased by \$20,000 to provide for increased supplies cost, increased utility expenses and higher costs than anticipated in expansion of the ballfield at City Park.
- e. The Risk Management Fund (#103) be increased by \$6,000 to provide for higher insurance premiums than anticipated.
- f. The Soundview Construction Fund (#108) is hereby created to account for the accumulation of revenues and the payment of expenses for the Soundview Drive Construction project, and \$915,000 shall be appropriated to receive bond proceeds and pay for the construction of the street project.
- g. Through Council action, the property tax levy for deposit into the 1987 General Obligation Bond Fund (#203) shall be increased by \$17,660.
- h. The Water Operating Fund (#401) shall be increased by \$45,000 to cover additional costs of the supplies, utility services, salaries and benefits associated with emergency water line breaks along Harborview Drive, and contracting for repair of the emergency water line breaks along Harborview Drive.


An appropriation totaling \$1,022,160 is hereby made as provided in Exhibit "A".

Section 2. This emergency ordinance shall be in full force and take effect five (5) days after its publication according to law.

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 9th day of December, 1991.


Gretchen A. Wilbert, Mayor

ATTEST:


Dennis Richards
Acting City Clerk

Filed with the city clerk: 12/2/91
Passed by the city council: 12/9/91
Date published: 1/15/92
Date effective: 12/10/91

EXHIBIT "A"
BUDGET EMERGENCY

Fund #001 - General Government

001.03 Municipal Court

Increase: Expenditure/Uses
512.500.51 Intgov'tal Professional Svcs \$6,000

001.05 Legal Services

Increase: Expenditure/Uses
515.200.41 Professional Services \$10,000

001.13 Hearings Examiner

Increase: Expenditure/Uses
558.600.41 Professional Services \$2,500

001.15 Parks

Increase: Expenditure/Uses
576.800.31 Operating Supplies \$4,000
.47 Public Utility Service 6,000
.62 Improvements Other than Bldg 10,000

001.19 Ending Fund Balance

Decrease: Expenditures/Uses
508.000.00 Ending Fund Balance \$38,500

Fund #103 - Risk Management

Increase: Expenditure/Use
514.760.46 Insurance \$6,000

Decrease: Expenditure/Use
508.000.00 Ending Fund Balance \$6,000

Fund #108 - Soundview Construction

<u>Increase:</u>	Revenues/Resources	
361.110	Investment Interest	\$15,000
391.100	G O Bond Proceeds	900,000
<u>Increase:</u>	Expenditures/Uses	
592.420.84	Debt Issue Costs	\$12,600
508.000.00	Ending Fund Balance	902,400

Fund #203 - 1987 General Obligation Bond Fund

<u>Increase:</u>	Revenues/Resources	
311.100	Real & Personal Property	\$17,660
<u>Increase:</u>	Expenditures/Uses	
508.000.00	Ending Fund Balance	\$17,660

Fund #401 - Water Operating

<u>Increase:</u>	Expenditures/Uses	
501.340.11	Salaries	\$8,000
.21	Benefits	2,000
.47	Public Utility Services	14,000
.62	Imp other than Bldgs	21,000
<u>Decrease:</u>	Expenditures/Uses	
508.000.00	Ending Fund Balance	\$45,000

CITY OF GIG HARBOR

ORDINANCE NO. 615

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property as described in "Exhibit A" to this ordinance, and;

WHEREAS, the annexation of the property is a reasonable extension of the west city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is bordered on the north by a public street (Rosedale Street), and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

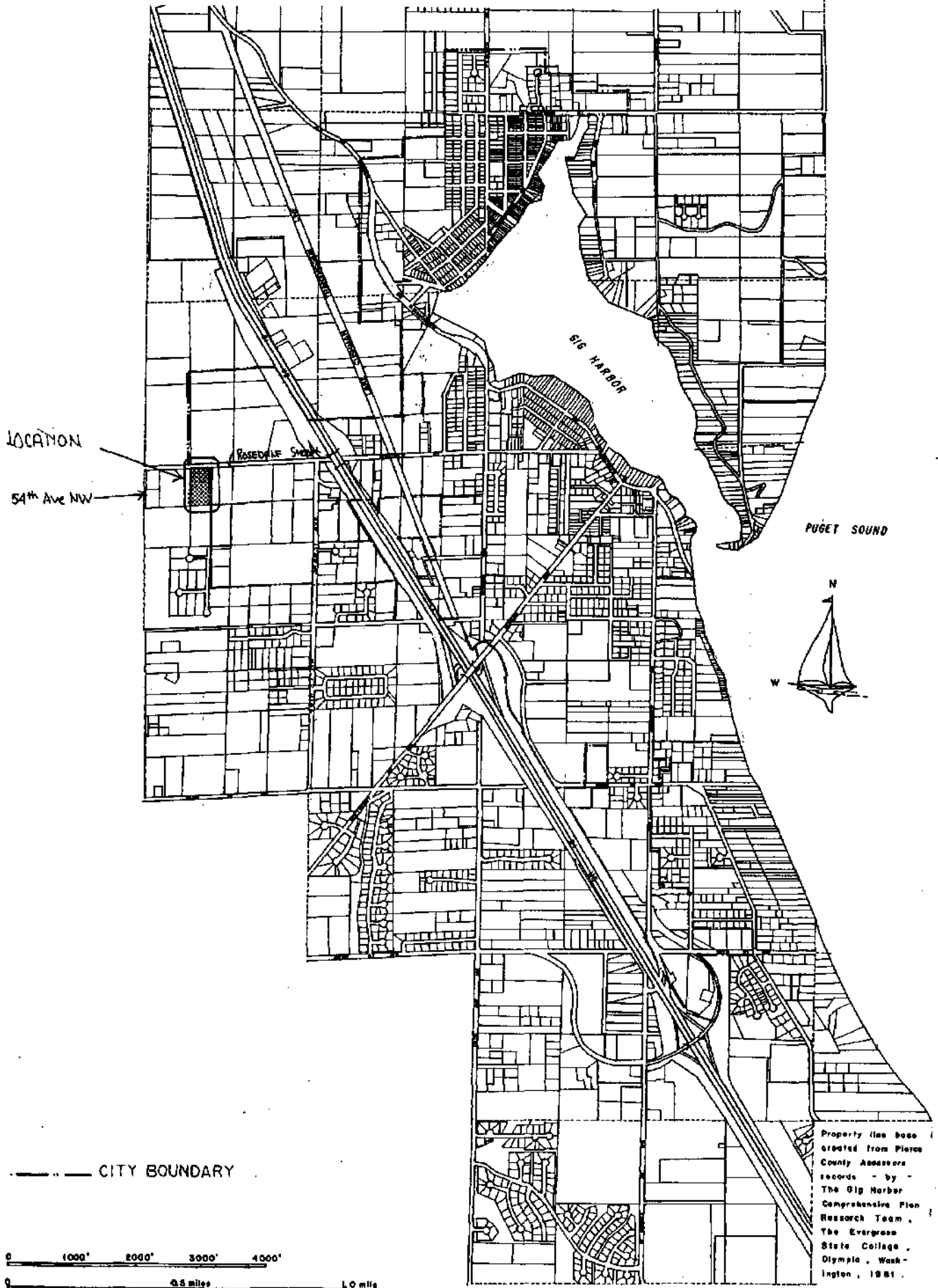
WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

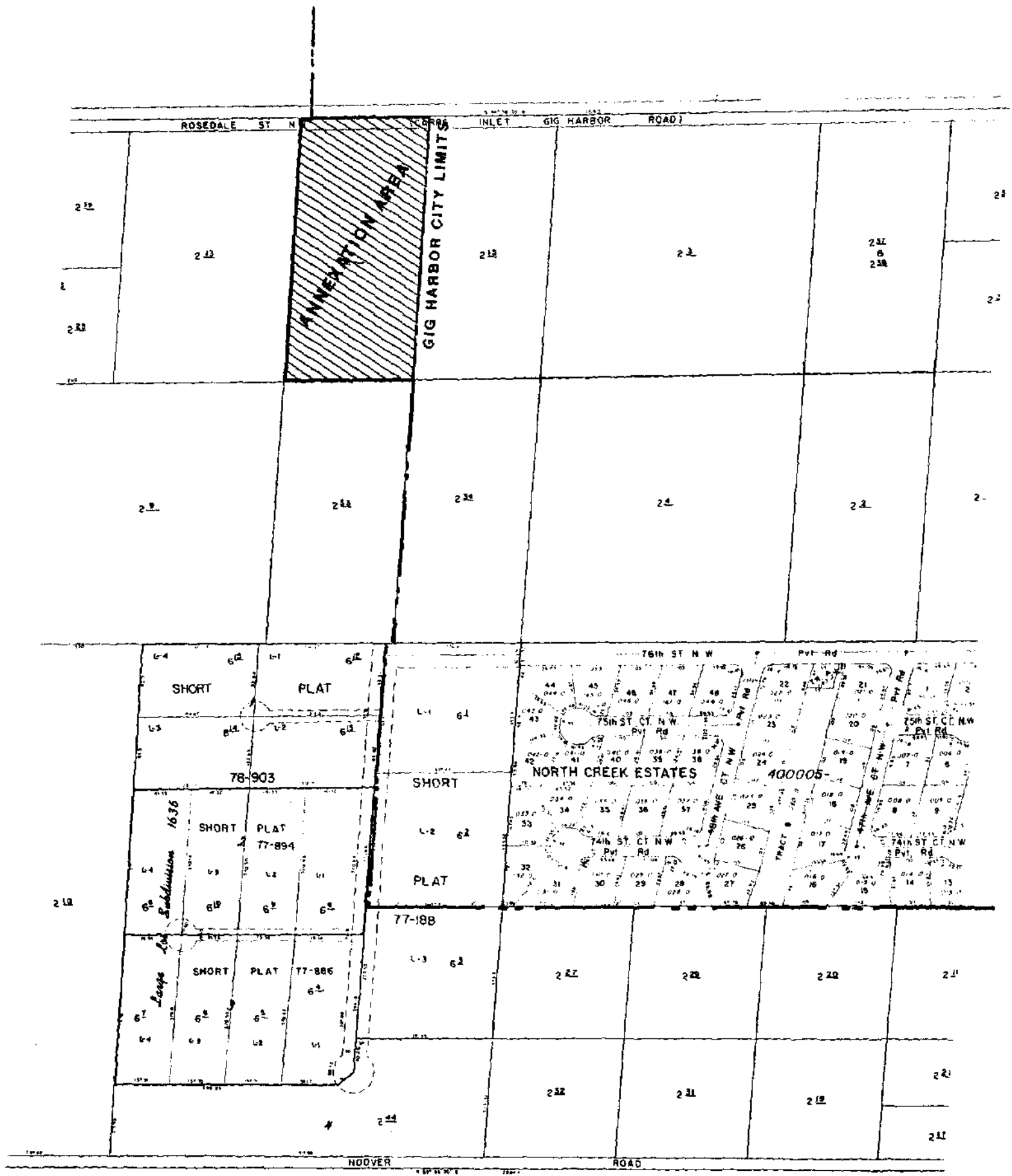
NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

ANNEXATION 91-02 - HIGGINS/RAINWATER



CITY OF GIG HARBOR AND VICINITY




NW 7 T 21 N R 2
 ROAD 3 SCHOOL 401 P.P.O. 6

Ordinance No.
Page 2

Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council on this 13th day of January, 1992.


Gretchen Wilbert, Mayor

ATTEST:


Dennis R. Richards
Acting City Clerk

Filed with the City Clerk: 12/6/91
Passed by the City Council: 1/13/92
Date Published: 1/29/92
Effective Date: 2/3/92

EXHIBIT A

October 15, 1991
File #15685

LEGAL DESCRIPTION

for

HIGGINS-RAINWATER ANNEXATION

THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN.

TOGETHER WITH THE SOUTH 30.00 FEET OF THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON.



CITY OF GIG HARBOR

ORDINANCE NO. 616

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property as described in "Exhibit A" to this ordinance, and;

WHEREAS, the annexation of the property is a reasonable extension of the north city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is accessed by a public street (Sutherland) and city utility services are immediately available to the east, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance as "Exhibit A" is hereby annexed into the City of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

Ordinance No.
Page 2

Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council on this 13th day of January, 1992.


Gretchen Wilbert, Mayor

ATTEST:


Dennis R. Richards
Acting City Clerk

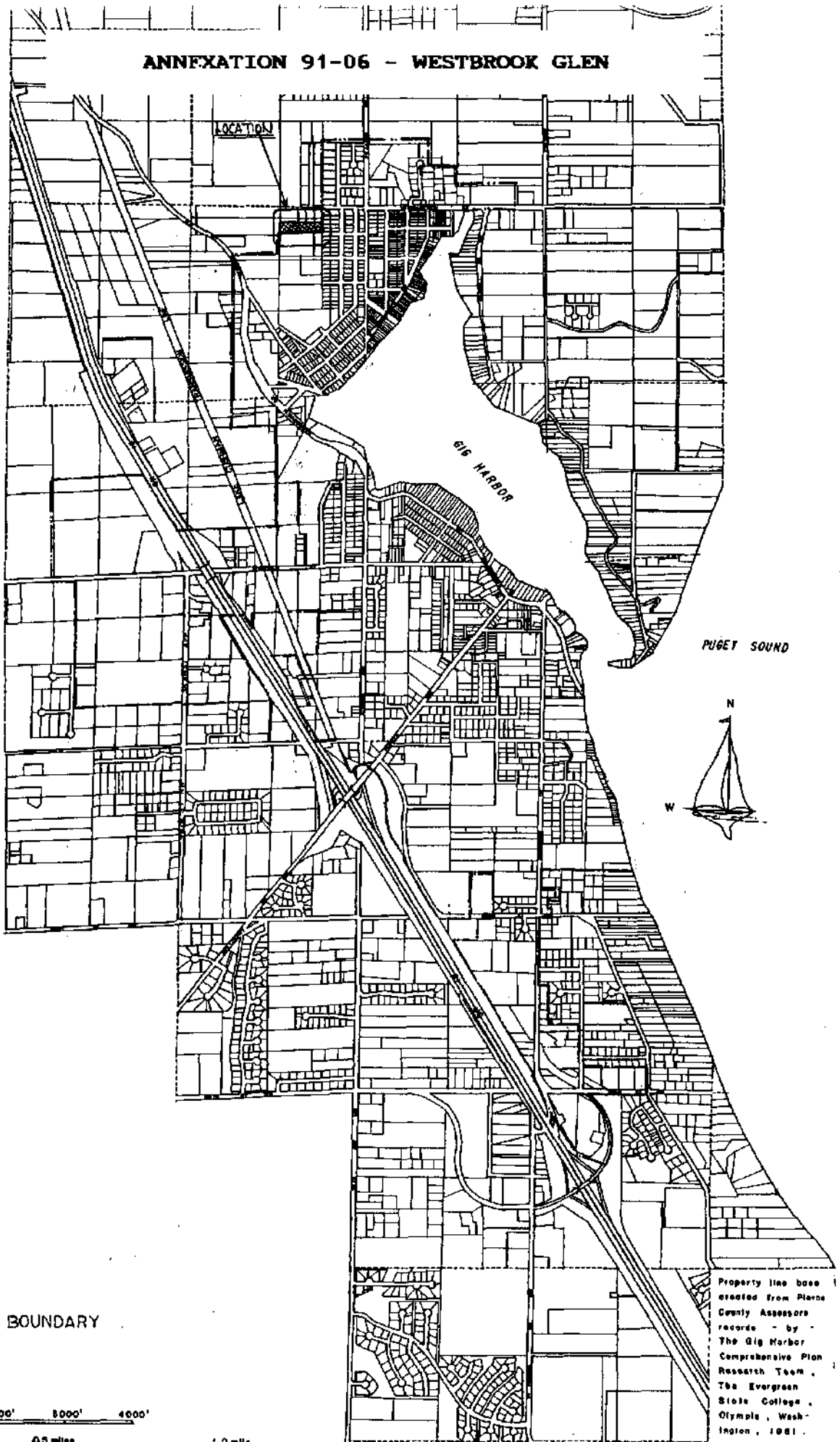
Filed with the City Clerk: 12/6/91
Passed by the City Council: 1/13/92
Date Published: 1/29/92
Effective Date: 2/3/92

EXHIBIT "A"

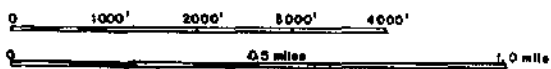
LEGAL DESCRIPTION

The South half of the North half of the North 10 acres of the West half of the Northeast Quarter of the Northeast Quarter of Section 6, Township 21 North, Range 2 East W.M.; EXCLUDING any portion within Woodworths' Addition to Gig Harbor, all in Pierce County, Washington.

ANNEXATION 91-06 - WESTBROOK GLEN



--- CITY BOUNDARY



Property line base created from Pierce County Assessor's records - by The Gig Harbor Comprehensive Plan Research Team, The Evergreen State College, Olympia, Washington, 1981.

ORDINANCE NO. 617

AN ORDINANCE of the City of Gig Harbor, Washington, ordering certain local improvements and creating a utility local improvement district; providing for the payment of the cost of such improvements by special assessments; and authorizing payment of such assessments into a revenue bond fund of the City.

WHEREAS, on November 25, 1991, the City Council of the City of Gig Harbor, Washington (the "City") adopted Resolution No. 366 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 after notice as provided by law, and after discussion of the proposed improvements and due consideration thereof and of all objections thereto, the Council has determined to order the local improvements described below and to create a utility local improvement district; and

WHEREAS, estimates of the costs and expenses of the proposed improvements, a description of the boundaries of the utility local improvement district, a statement of what portion of the costs and expenses of the improvements would be borne by the property within the proposed district, a statement in detail of the local improvement assessments outstanding and unpaid against property in the proposed district and a diagram showing the lots, tracts and parcels to be benefited and other information pertaining to the proposed district, have been filed with the City Clerk and certified to the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City shall acquire, construct and install the following sewer improvements within the following described areas of the City: a sewer utility collection system extending from and including the Wood Hill pump station to the City's sewer treatment plant including the construction of force mains and sewer gravity lines and the upgrading of existing sewer lines on Burnham Drive. The foregoing improvements are hereafter referred to as the "Improvements." The above-described trunk and lateral sewers shall be installed complete with all necessary manholes, lampholes, wyes, ties, side sewers and other appurtenances necessary to the proper operation of the sewer system. The undertaking of the Improvements shall be subject to the conditions specified therefor in Section 4.

Section 2. The preliminary plans and specifications for the Improvements, as prepared by the City Engineer, and now on file in the Office of Public Works, are hereby adopted and approved. The Improvements, when completed, shall be in accordance with said plans, the provisions of this ordinance and any other ordinances as may hereafter be adopted in connection herewith; provided, however, that changes in detail of such plans that do not significantly alter the scope or costs of the Improvements will not require further approval.

Section 3. There is hereby established a utility local improvement district of the City to be known as "Utility Local Improvement District No. 3" (herein referred to as "ULID No. 3"). The boundaries of ULID No. 3 shall be as described in Exhibit A attached hereto and incorporated herein by this reference.

It is hereby found that the above-described boundaries embrace as nearly as practicable all the property specially benefited by the Improvements.

Section 4. The total cost and expense of the Improvements and all work necessary in connection therewith and incidental thereto is estimated to be \$1,650,115, of which 100% shall be borne by and assessed against the property within ULID No. 3 specially benefited by the Improvements. Assessments shall be made against the property within ULID No. 3 in accordance with the special benefits accruing to such property as a result of the Improvements. In order to provide additional security for the payment of assessments to be levied within ULID No. 3, the following conditions are imposed upon the ULID No. 3. Prior to commencing any work on the Improvements within ULID No. 3, and within 90 days of the final approval of this ordinance, the following conditions are required to be satisfied:

A. Each of the property owners within ULID No. 3 shall execute a waiver to the two-year foreclosure period for the payment of delinquent assessments in form satisfactory to the Director of Public Works;

B. The owners of any property that may be subject to farm and agricultural land exemptions pursuant to RCW 84.34.310 shall have filed waivers of such exemptions in form satisfactory to the Director of Public Works; and

C. The Director of Public Works shall be furnished with evidence that the assessed value (or appraised value) of each parcel of property subject to assessment within ULID No. 3 is equal to at least 2.0 times the proposed assessment against such property or in lieu thereof, with a letter of credit issued by a banking institution in an amount equal to at least 10% of the proposed assessment. The letter of credit shall be maintained until the value (assessed or appraised) of the property meets the foregoing limitations.

Section 1. Upon completion of the Improvements, an assessment roll shall be prepared and, after notice and hearing in the manner provided by law, an assessment roll shall be confirmed. Assessments not paid within the 30-day prepayment period provided by law shall be payable in installments and the City shall issue revenue bonds payable from such unpaid installments. The number of years said installments shall run, the dates of payment of the same and the rate of interest that the unpaid installments shall bear shall be as hereafter fixed by ordinance. Such assessments shall be paid into the City's revenue bond fund heretofore created for the payment of water and sewer revenue bonds of the City and shall be used solely for the

payment of the revenue bonds hereafter to be issued to defray the cost of the Improvements to be constructed in ULID No. 3.

Section 2. Effective Date. This ordinance shall be effective from and after the date of its final passage and publication as provided by law.

INTRODUCED on January 13, 1992 and PASSED by the Council of the City of Gig Harbor, Washington, at a regular meeting thereof held this 27th day of January, 1992.

CITY OF GIG HARBOR, WASHINGTON

BY *Peter A. Wilbert*
Mayor

ATTEST:

Dennis Richardson
City Clerk


CLERK'S CERTIFICATE

I, the undersigned, the duly chosen, qualified, and acting Clerk of the City of Gig Harbor Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance No. 617 (herein called the "Ordinance") is a true and correct copy of an ordinance of the City, introduced on January 13, 1992 and finally passed at a meeting of the Council held on the 27th day of January, 1992, and duly recorded in my office.

2. That said meetings were duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meetings was given; that a quorum was present throughout the meetings and a legally sufficient number of members of the Council voted in the proper manner for the passage of the Ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City this 27th day of Jan, 1992.


City Clerk

[SEAL]

EXHIBIT B

LEGAL DESCRIPTION FOR GIG HARBOR NORTH:

The Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 30;

The Northeast Quarter and the East Half of the Southeast Quarter of the Northwest Quarter; the Northeast Quarter, the Northwest Quarter, the Southwest Quarter, and the North Half of the Southeast Quarter of the Northeast Quarter; the Northwest Quarter of the Southeast Quarter of Section 31;

All within Township 22 North, Range 2 East, WM, Pierce County.

EXHIBIT C

Thompson Properties Four

NOV 19 '91 10:41 THOMPSON PROPERTIES

P.3/6

EXHIBIT C

Thompson Properties Four

Gig Harbor 34 Acres

The land referred to in this policy is situated in the State of Washington, County of Pierce and is described as follows:

PARCEL "A":

The South half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT that portion thereof conveyed to the City of Tacoma for power transmission line by Warranty Deed recorded August 13, 1923 under Auditor's No. 678953.

PARCEL "B":

The North half of the Northwest quarter of the Northwest quarter of Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT the East half of the East half thereof.

ALSO EXCEPT the following described property:

Beginning at the Northwest corner of Section 31, Township 22 North, Range 2 East of the Willamette Meridian; thence East on the North line thereof, a distance of 54 feet; thence South $14^{\circ}49'$ East on the East line of that certain property conveyed to the City of Tacoma by Warranty Deed recorded July 14, 1923 under Auditor's No. 675775, a distance of 679 feet to the South line of the North half of the Northwest quarter of the Northwest quarter of said Section 31; thence West on said South line, a distance of 230 feet to the West line of said Section 31; thence North on said West line 666 feet to the point of beginning.

PARCEL "C":

The East half of the Northeast quarter of Government Lot 1 in Section 31, Township 22 North, Range 2 East of the Willamette Meridian, in Pierce County, Washington.

EXHIBIT C

Thompson Properties Four

Gig Harbor 12 Acres

The Northeast quarter of the Northeast quarter of Section 36, Township 22 North, Range 1 East of the Willamette Meridian, in Pierce County, Washington.

EXCEPT Primary State Highway No. 14.

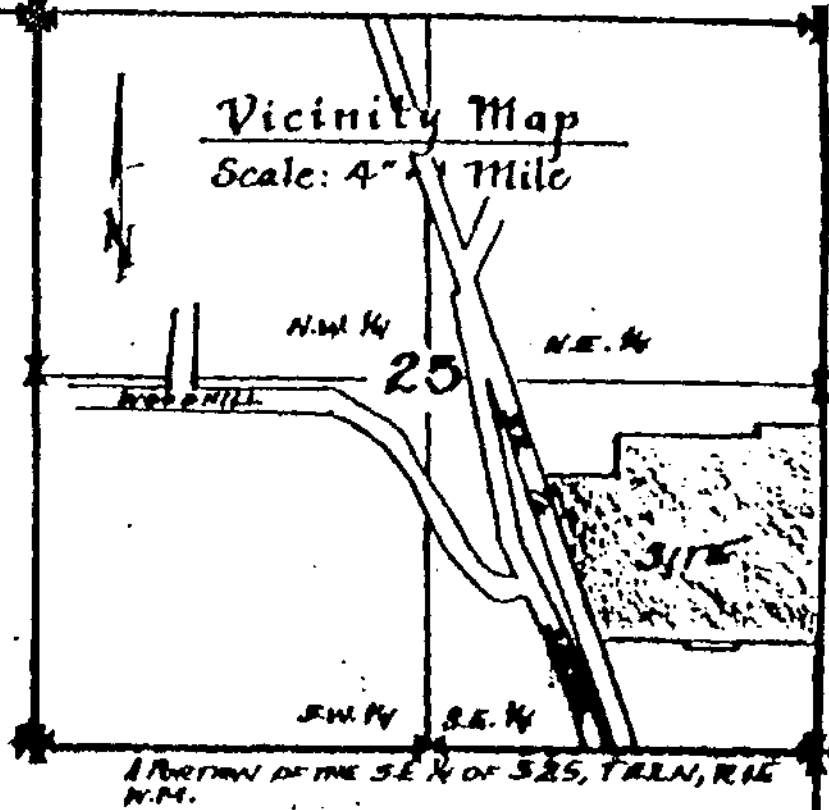
ALSO EXCEPT that portion conveyed to the State of Washington for State Road No. 16 MP 8.34 to MP 18.87 Narrows Bridge to Olympic Drive, as described in Deed recorded under Auditor's No. 2397369.

ALSO EXCEPT Gig Harbor-Longbranch-Purdy-Kitsap County Road.

ALSO EXCEPT Sehmel County Road.

In Pierce County, Washington.

3 AT PAGE TO PER
BE CORNER OF SEC.
THIS CREATES A
57 RECORD DISTANCE
AND 5.



37°44'21"W
593.74'
5°16'53"E
105.01'

25 BELL MAN W/
BRASS DING
D.V. 8-91

#214

#215

#216

#217

#218

#219

#220

#221

SURVEYED BOUNDARY DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 25 TOWNSHIP 22 NORTH, RANGE 18 EAST, N.M., FREDERICK COUNTY, WASHINGTON, MORE SPECIFICALLY DESCRIBED AS FOLLOWS:
COMMENCING AT A 2 1/2" BRASS DING SET BY TROMM LIGHT TO MARK THE QUARTER CORNER COMMON TO SECTIONS 25 AND 30;
THENCE SOUTH 87°30'41" EAST ALONG THE LINE COMMON TO SECTIONS 25 AND 30, 2630.56 FEET TO A 2 1/2" BRASS DING SET BY W.E.D.N.R. TO MARK THE CORNER COMMON TO SECTIONS 25, 30, 31 AND 36;
THENCE N02°26'34"E ALONG THE LINE COMMON TO SECTIONS 25 AND 30, 660.93' TO THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL;
THENCE CONTINUING N02°26'34"E 1630.11';
THENCE N07°44'21"W, 693.74';
THENCE S13°10'53"E, 105.01';
THENCE N07°44'21"W 749.00';
THENCE S02°28'14"W, 209.90';
THENCE N07°51'14"W 582.81';
THENCE S15°31'06"E 464.94';
THENCE S49°34'57"E 374.02';
THENCE S85°34'34"E, 533.10';
THENCE S04°25'31"W 300.00';
THENCE S 05°34'34"E, 188.04';
THENCE N33°55'34"E 34.46';
THENCE S85°34'34"E, 533.63' TO THE TRUE POINT OF BEGINNING AND THE TERMINUS OF THIS DESCRIPTION. EXCEPTING 58TH AVENUE NW AND TROMM LAKE CUSHMAN TRANSMISSION LINE R.O.W.

TRUE POINT OF BEGINNING

ROUND: 1/2" IRON PIPE, 1/2" LOT BOARD
N68°04'02"W 0.41' SET
METAL PLATE

#4219 FND. T.L.S.
RED BAR CAP
N 2' x W. 0.5



1630.11
N02°26'34"E
2643.73'

~~EXHIBIT A~~

012225-3-056 SW-25-22-01	S 1/2 OF SW OF NE OF SW SEC 25 AKA TR 4 OF SURVEY #1582 EASE OF RECORD OUT OF 3-041 SEG K-2452 SI JW
012225-3-008 SW-25-22-01	W 1/2 OF W 1/2 OF SE OF SW
012225-3-018 SW-25-22-01	S 1/2 OF SE OF NE OF SW
012225-3-020 SW-25-22-01	E 3/4 OF SE OF SW LESS E 30 FT OF E 1/2 OF W 1/2 OF SE OF SW
012225-4-027 SE-25-22-01	COM SW COR OF SE TH S 88 DEG 55 MIN 20 SEC E 707 FT TH N 01 DEG 04 MIN 40 SEC E 165 FT TO POB TH CONT N 01 DEG 04 MIN 40 SEC E 100 FT TH S 88 DEG 55 MIN 20 SEC E 100 FT TH S 01 DEG 4 MIN 40 SEC W 100 FT TH N 88 DEG 55 MIN 20 SEC W 100 FT TO POB EASE OF RECORD SE G E 9525
012225-4-037 SE-25-22-01	BEG 165 FT N OF SW COR OF SE TH N 231 FT TH E 640 FT TH S 100 FT TH E 430.24 FT M/L TO C/L GHLB CO RD TH SELY ALG SD C/L TO PT E OF BEG TH W 1000 FT M/L TO BEG EXC THAT POR THEREOF LY E OF FOLL DESC LI COM SW COR OF SE TH E ALG S LI OF SE 707 FT TH N 01 DEG 04 MIN 40 SEC E 165 FT TO POB TH CONT N 01 DEG 04 MIN 40 SEC E 131 FT TO TERM OF SD LI EASE OF RECORD SEG G 3275

EXHIBIT F

012225-4-038 SE-25-22-01	BEG 165 FT N AND 307 FT E OF SW COR OF SE TH N 100 FT TH W 100 FT TH N 31 FT TH E TO W LI OF PROP DEEDED TO STATE OF WASH FOR STATE HWY #16 UNDER AUD FEE #2400280 TH SLY ALG SD WLY LI TO PT E OF BEG TH W TO BEG BASE OF RECORD SEG G 3275
012225-4-057 SE-25-22-01	W 707 FT OF S 165 FT OF SW OF SE SEC 25 TOG/W EASE OUT OF 4/045 SEG K0984 TK TP PP
012225-4-058 SE-25-22-01	S 165 FT OF SW OF SE LY WLY OF SR #16 EXC W 707 FT OUT OF 4/045 SEG K0984 TK TP PP
012225-4-075 SE-25-22-01	PARCEL "A" OF DBLR 85-08-09-0127 DESC AS FOLL BEG AT A PT 640 FT E AND 296 FT N OF SW COR OF SE TH N 115 FT THE E TO A PT ON C/L OF GIG HARBOR LONGBRANCH CO RD FORMERLY STATE HWY #14 (BURNHAM DR NORTHWEST) TH SELY ALG SD C/L TO APT E OF POB TH W 430.24 FT TO POB LE SS GIG HARBOR LONGBRANCH CO RD ALSO EXC THAT POR DEEDED FOR STATE RD #16 NARROWS BRIDGE TO OLYMPIC DR RECORDD UNDER AFN 2393221 OUT OF 4-056 AND 4-005 SEG W-1249 SG ES
012225-4-076 SE-25-22-01	PARCEL "B" OF DBLR 85-08-09-0127 DES AS FOLL BEG ON W LI OF SE AT A PT 396 FT N OF SW COR OF SW OF SE TH E 640 FT TH N 15 FT TH E TO W LI A H BURNHAM CO RD TH NWLY ALGSD RD TO S LI OF A TR CYD TO EDWARD F BAHR BY DEED #101336 AFN 1201192 TH W ALG SD LI TO W LI OF SE TH S ALG SD LI TO POB OUT OF 4-005 AND 4-056 SEG W 1249 SG ES

EXHIBIT F

012236-1-051 NE-36-22-01	N 330 FT OF W 410 FT OF E 1070 FT OF NW OF NE EASE OF REC SEG G 6470 TP
012236-2-000 NW-36-22-01	NE OF NW

EXHIBIT E

16-191 MED 13124 PRODUCTIVE CONSTRUCTION LLC 10-2008 02-10-2008

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT
SCHEDULE A
(Continued)Order No.: 81884
Your No.: FURDY REALTYLEGAL DESCRIPTION - Rynwood -

PARCEL A:

THAT PORTION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN LYING EAST OF THE EAST LINE OF THE GIG HARBOR-LONGBRANCH COUNTY ROAD AND LYING WEST OF THE WEST LINE S.R. #16 (FORMERLY STATE HIGHWAY #14).

EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED DATED JULY 11, 1957 AND RECORDED JULY 24, 1957 UNDER AUDITOR'S FEE NO. 1792762.

ALSO EXCEPT THE SOUTH 10 RODS THEREOF.

ALSO EXCEPT THE FOLLOWING DESCRIBED TRACT OF LAND:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT OF WAY PRIMARY STATE HIGHWAY NO. 14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1489.35 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUE NORTH 17 DEGREES 38 MINUTES WEST 250 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST TO THE EAST RIGHT OF WAY LINE OF THE GIG HARBOR-LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE, 250 FEET, MORE OR LESS, TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 22 MINUTES EAST 159 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON BY INSTRUMENT RECORDED UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2418598.

PARCEL B:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22, NORTH RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON; THENCE 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT-OF-WAY LINE OF PRIMARY STATE HIGHWAY #14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1489.35 FEET ALONG SAID RIGHT-OF-WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUING NORTH 17 DEGREES 38 MINUTES WEST 150.00 FEET ALONG SAID RIGHT-OF-WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST 168 FEET, MORE OR LESS, TO THE EAST RIGHT-OF-WAY LINE OF THE GIG HARBOR LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE 150 FEET, MORE OR LESS, TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING;

EXHIBIT G

CHICAGO TITLE INSURANCE COMPANY

ALTA COMMITMENT
SCHEDULE A
(Continued)

Order No: 81884
Your No: PURDY REALTY

LEGAL DESCRIPTION - *WYNWOOD (cont.)*

THENCE NORTH 72 DEGREES 22 MINUTES EAST 159 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL C:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 22 NORTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 89 DEGREES 34 MINUTES 17 SECONDS EAST 1316.25 FEET ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER TO THE WESTERLY RIGHT OF WAY LINE OF PRIMARY STATE HIGHWAY NO. 14; THENCE NORTH 17 DEGREES 38 MINUTES WEST 1639.35 FEET ALONG SAID RIGHT OF WAY LINE TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE CONTINUE NORTH 17 DEGREES 38 MINUTES WEST 100.00 FEET ALONG SAID RIGHT OF WAY LINE; THENCE SOUTH 72 DEGREES 22 MINUTES WEST TO THE EAST RIGHT OF WAY LINE OF THE GIG-HARBOR LONGBRANCH COUNTY ROAD; THENCE SOUTHEASTERLY ALONG SAID EAST RIGHT OF WAY LINE, 100.00 FEET TO A POINT SOUTH 72 DEGREES 22 MINUTES WEST FROM THE TRUE POINT OF BEGINNING; THENCE NORTH 72 DEGREES 22 MINUTES EAST TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS A STRIP OF LAND 30 FEET IN WIDTH, CONTIGUOUS TO THE WESTERLY LINE OF PRIMARY STATE HIGHWAY NO. 14 AND RUNNING FROM THE NORTHERLY LINE OF THE TRACT COVEYED TO WILLIAM W. SHERROD AND ESTERN J. SHERROD, HUSBAND AND WIFE, BY DEED RECORDED OCTOBER 24, 1966 UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2166322, TO THE EXISTING DRIVEWAY FROM PRIMARY STATE HIGHWAY NO. 14 ADJACENT TO THE SOUTHERLY LINE OF THE TRACT COVEYED TO SHERROD AND WIFE BY DEED RECORDED JULY 9, 1965 UNDER PIERCE COUNTY AUDITOR'S FEE NO. 2107989.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

ALSO PIERCE County PARCEL # 01-22-25-8-004

LEGAL DESCRIPTION

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND THAT PORTION OF GOVERNMENT LOT 1 IN SECTION 25, TOWNSHIP 21 NORTH, RANGE 18 EAST OF THE 6TH 2ND WEST MERIDIAN OF THE WESTERN LINE OF THE HERBERT-LEON BURNHAM - PUNOY - HURST COUNTY ROAD (OLD STATE HIGHWAY NO. 14) AND ADJACENT SOUTHWEST CORNER OF THE EAST END OF THE STATE HIGHWAY NO. 14, IN BENCHES COUNTY, WASHINGTON.

EXCEPT THE STATE HIGHWAY ACCESS ROAD RIGHT-OF-WAY ALONG THE NORTH LINE OF THE ABOVE DESCRIBED PARCEL.

ALSO EXCEPT THAT PORTION CONVEYED TO THE STATE OF WASHINGTON BY DEED RECORDED OCTOBER 15, 1971 UNDER AUDITOR'S FILE NO. 241635. SITUATE IN PIERCE COUNTY, WASHINGTON.

SOUTH PACEY - 8 PAGES -

EXHIBIT I

Memo to: Tom Semon
From: Eva Jacobson

Date: November 20, 1991

RE: Legal description for Canterwood participation in ULID

LOTS 1 THROUGH 8, INCLUSIVE OF CANTERWOOD REPLAT A OF CANTERWOOD
REPLAT A & B, RECORDED JULY 30, 1990 UNDER RECORDING NUMBER
9007300358, WHICH IS A REPLAT OF LOT 22 OF CANTERWOOD DIVISION
FIVE UNDER RECORDING NUMBER 8905170206, IN PIERCE COUNTY,
WASHINGTON.



RECORD OF SURVEY

A PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 22 NORTH, RANGE 1 EAST, W.M. PIERCE COUNTY, WASHINGTON

AL DESCRIPTION

1.A

400 FEET OF THE NORTH AND SOUTH LINE THROUGH THE CENTER OF 24 1/4 ACRES OF 24 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON, AT A POINT 300 FEET SOUTH OF THE NORTH 1/4 CORNER OF SAID SECTION, BEING CONTAINING ON SAID CENTER SOUTH 300 FEET, THENCE SOUTH 89° 50' WEST 1040 FEET, THENCE N 100 FEET, THENCE SOUTH 89° 50' WEST 107.50 FEET TO THE 7/8 LINE OF THE ROAD OF 100 FEET THE PUDGY KIDNEY COUNTY, BEING ON SAID LINE OF 100 FEET NORTH 1132 EAST 400.0 FEET, CE NORTH 89° 50' EAST 1122.00 FEET TO THE POINT OF BEGINNING.

771 THAT PORTION HEREOF CONVEYED TO LEONARD STANFORD, BY DEED DATED OCTOBER 10, 1917 AND RECORDED DECEMBER 10, 1917 UNDER AUDITOR'S NO. 194441.

375 THAT PORTION HEREOF CONVEYED TO STATE OF WASHINGTON FOR HIGHWAY STATE HIGHWAY NO. 19, HARRISON BRIDGE TO PUDGY, BY DEED DATED AUGUST 29, 1917 AND RECORDED SEPTEMBER 22, 1917 UNDER AUDITOR'S NO. 191171.

1.C

1 SOUTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

171 THAT PORTION HEREOF TAKEN FOR HIGHWAY STATE HIGHWAY NO. 19, BEING ENTERED MAY 21, 1919 UNDER PIERCE COUNTY SUPERIOR COURT CASE NO. 134411.

35 EXCEPTING A PORTION OF LAND IN THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. LING A PORTION OF THE COMMON ADJACENT AND ADJACENT BOUNDARY, ACCORDING TO AGREEMENT LINE AGREEMENT UNDER AUDITOR'S NO. 191171, BY CLARIFICATION OF SAID BOUNDARY LINE AGREEMENT BY STANLEY W. COOPER, JANUARY 6, 1912 UNDER AUDITOR'S NO. 191202, (CLARIFIED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 24, THENCE NORTH BY 19° 30' WEST A DISTANCE OF 281.00 FEET ALONG THE NORTH BOUNDARY OF SAID SECTION 24, THENCE SOUTH 182° 30' WEST A DISTANCE OF 340.10 FEET TO A CORNER POINT, THENCE SOUTH 182° 30' WEST A DISTANCE OF 10.30 FEET TO THE SOUTH BOUNDARY LINE, BY THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, THENCE ALONG SAID SOUTH BOUNDARY LINE NORTH 89° 50' WEST A DISTANCE OF 324.10 FEET, THENCE SOUTH 17° 40' WEST A DISTANCE OF 24.50 FEET TO A CORNER POINT, THENCE NORTH 89° 50' WEST A DISTANCE OF 309.14 FEET, MORE OR LESS, ALONG SAID ADJACENT AND ADJACENT BOUNDARY LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THE WEST 100 FEET THEREOF.

ALSO EXCEPTING THAT PORTION HEREOF CONVEYED TO PIERCE COUNTY, A PORTION, A PORTION, FOR ROAD OF WAY, FOR PUDGY LAKE, BY DEED RECORDED UNDER AUDITOR'S NO. 191171, RECORDS OF PIERCE COUNTY, WASHINGTON.

2.A

THE EAST 70 FEET OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE NORTH 30 FEET THEREOF FOR PUDGY-COYNE COUNTY ROAD, ALSO.

EXCEPT THAT PORTION HEREOF CONVEYED TO PIERCE COUNTY, FOR ADDITIONAL ROAD OF WAY FOR 14TH STREET NORTHWEST, AND FIVE SQUARE NORTHWEST, BY DEED RECORDED UNDER AUDITOR'S NO. 191171, RECORDS OF PIERCE COUNTY, WASHINGTON.

2.B

THE SOUTH 330 FEET OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION HEREOF CONVEYED TO WILLIAM HARRIS AND EMMA HARRIS, HUSBAND AND WIFE, BY DEED DATED SEPTEMBER 16, 1912 AND RECORDED OCTOBER 22, 1912 UNDER AUDITOR'S NO. 191151, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M., THENCE WEST PARALLEL WITH THE NORTH BOUNDARY OF SAID QUARTER SECTION 240 FEET, THENCE NORTH PARALLEL WITH THE EAST BOUNDARY OF SAID QUARTER SECTION 300 FEET TO A POINT OF BEGINNING, THENCE NORTH PARALLEL WITH THE EAST BOUNDARY OF SAID QUARTER SECTION 30 FEET, THENCE WEST PARALLEL WITH THE SOUTH BOUNDARY OF SAID QUARTER SECTION 300 FEET, THENCE SOUTH PARALLEL WITH THE EAST BOUNDARY OF SAID QUARTER SECTION 300 FEET, THENCE EAST PARALLEL WITH THE NORTH BOUNDARY OF SAID QUARTER SECTION 300 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION HEREOF, CONVEYED TO PIERCE COUNTY, WASHINGTON, FOR ROAD OF WAY FOR 13TH AVENUE NORTHWEST, BY DEED RECORDED OCTOBER 18, 1912 UNDER AUDITOR'S NO. 191181, RECORDS OF PIERCE COUNTY, WASHINGTON.

2.C

THE SOUTH 330 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION HEREOF CONVEYED TO STATE OF WASHINGTON TO S.R. 14, HARRISON BRIDGE TO OLYMPIC DAM, BY DEED DATED AUGUST 17, 1917 AND RECORDED DECEMBER 14, 1917 UNDER AUDITOR'S NO. 212301.

2.D

THE NORTH 615 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION HEREOF CONVEYED TO STATE OF WASHINGTON FOR S.R. 14, HARRISON BRIDGE TO OLYMPIC DAM, BY DEED DATED AUGUST 17, 1917 AND RECORDED DECEMBER 14, 1917 UNDER AUDITOR'S NO. 212301.

2.E

THE EAST 700 FEET OF THE SOUTH 485 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION HEREOF CONVEYED TO WALTER BLUMER, A SINGLE WOMAN, BY DEED RECORDED DECEMBER 4, 1912 UNDER AUDITOR'S NO. 211401, RECORDS OF PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE EAST 700 FEET OF THE SOUTH 485 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. LING SOUTH OF THE HEAD OF AN UNNAMED STREAM FLOWING THROUGH SAID PROPERTY.

EXCEPT PORTION CONVEYED TO STATE OF WASHINGTON FOR S.R. NO. 14.

EXCEPT PORTION APPROPRIATED BY THE CITY OF BAYONA FOR TRANSMISSION LINE UNDER PIERCE COUNTY SUPERIOR COURT CASE NO. 81234.

ALSO EXCEPT THAT PORTION HEREOF CONVEYED TO STATE OF WASHINGTON FOR HIGHWAY STATE HIGHWAY NO. 19, HARRISON BRIDGE TO OLYMPIC DAM, BY DEED DATED AUGUST 17, 1917 AND RECORDED DECEMBER 14, 1917 UNDER AUDITOR'S NO. 212301.

2.F

THAT PORTION OF THE FOLLOWING DESCRIBED PROPERTY (1900 FEET OF THE HEAD OF A STREAM FLOWING IN A WESTERLY DIRECTION THROUGH THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH 400 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 330 FEET TO THE TRUE POINT OF BEGINNING, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 344 FEET, MORE OR LESS, TO INTERSECT A LINE RUNNING PARALLEL WITH AND 704 FEET WEST OF THE EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 24, THENCE ON SAID PARALLEL LINE SOUTH TO THE NORTH LINE OF ROAD OF WAY OF OLYMPIA (ALONG TRANSMISSION LINE, THENCE WEST ALONG THE NORTHERN LINE OF LAND OLYMPIA-LEWIS TRANSMISSION LINE, TO A POINT SOUTH OF THE TRUE POINT OF BEGINNING, THENCE NORTH TO THE TRUE POINT OF BEGINNING.

2.G

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTH 485 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON, THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SUBDIVISION, 184 FEET, THENCE SOUTH TO THE NORTHERN LINE OF THE OLYMPIA-LEWIS TRANSMISSION LINE, CONVEYED TO THE CITY OF LEWIS, THENCE WEST ALONG THE NORTHERN LINE OF SAID TRANSMISSION LINE TO THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 24, THENCE NORTH TO THE POINT OF BEGINNING.

2.H

THE NORTH 350 FEET OF THE WEST 430 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 22 NORTH RANGE 1 EAST OF THE W.M. IN PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION HEREOF CONVEYED TO STATE OF WASHINGTON FOR S.R. 14, HARRISON BRIDGE TO OLYMPIC DAM, BY DEED DATED AUGUST 17, 1917 AND RECORDED DECEMBER 14, 1917 UNDER AUDITOR'S NO. 212301 AND 212302, RESPECTIVELY.

GIG HARBOR NORTH
ULID BUDGET

I. Expenditures

<u>Items</u>	<u>Amount</u>
Engineering	157,750
Construction	1,120,175
Change Orders/Contingency	141,758
WSST (7.8%)	98,432
Construction Management, Inspections	70,000
Easements	10,000
Administration Costs	10,000
SUBTOTAL	<u>\$1,608,115</u>

Bond Costs (interim, final)	45,000	
Bond Attorney's Fees	5,000	≠ 10,000
Interest Expense (\$144,000 - \$102,000)	42,000	
Miscellaneous	10,000	
	<u>1,710,115</u>	

Less:

Preliminary engineering - Sitts & Hill,
Peck & Associates

<58,170>
\$1,651,945

II. Revenues:

Bond Anticipation Notes 1,651,945

Washington State Dept. of Corrections
ULID Preliminary Assessments

<24,022>
\$1,627,923

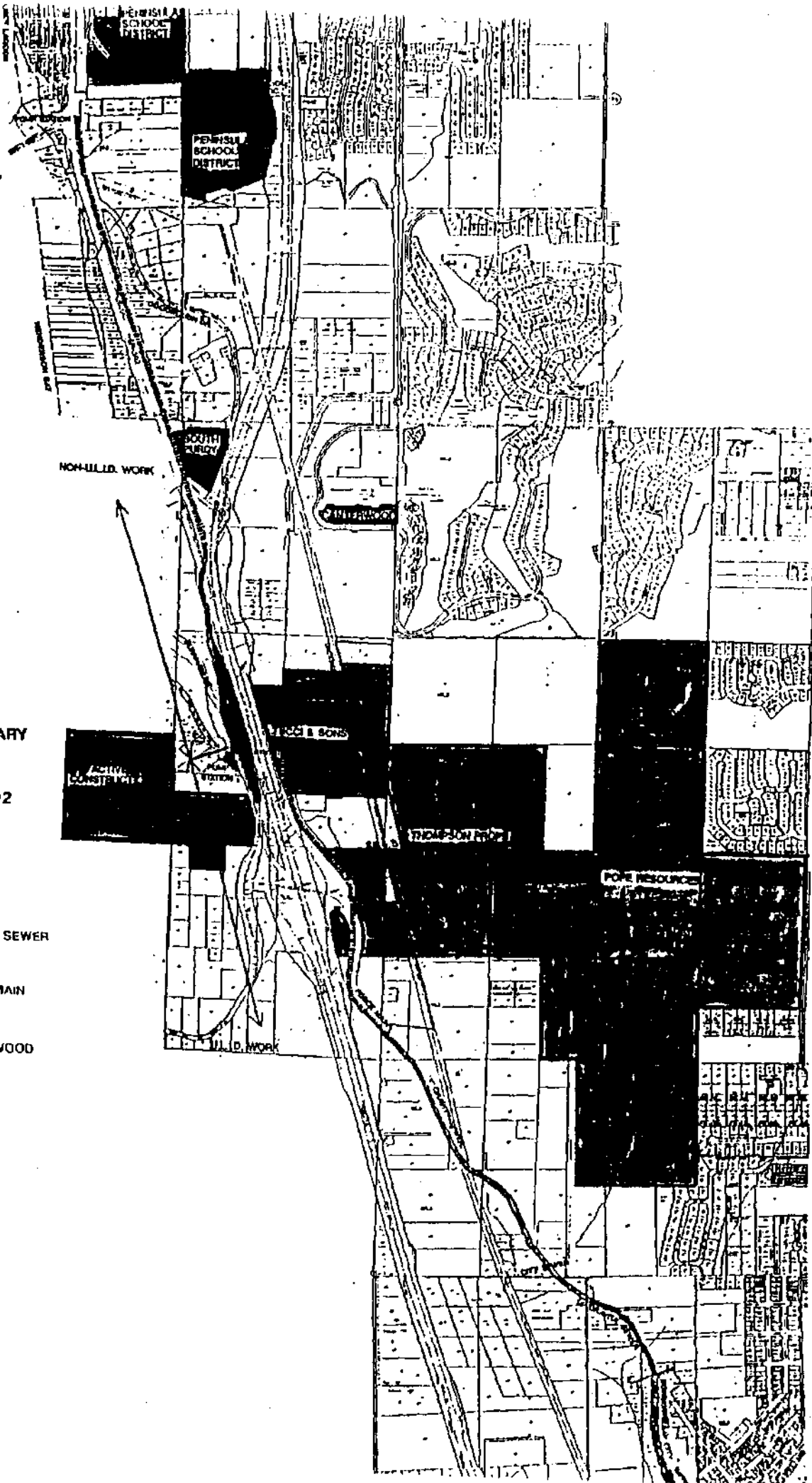
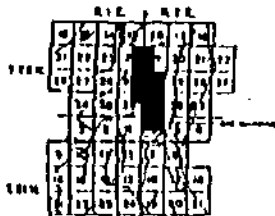
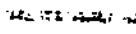




EXHIBIT "A"
ASSESSMENT MAP
U.L.I.D. PARTICIPANTS
PROPOSED PURDY SANITARY
SEWER SYSTEM
 NOV. 21, 1991
 REVISED JAN. 21, 1992

LEGEND

-  GRAVITY SEWER
-  FORCE MAIN
-  CANTERWOOD

ULID NO. 3 PRELIMINARY ASSESSMENT ROLL

Revised: 1/20/92

Participants	Flow (gpd)/ERUs (%)	Assessment (%)
Peninsula School Dist.	101,000/437 ERUs (12.6%)	\$ 280,003 (17.2%)
Pope Resources	296,000/1281 ERUs (37%)	236,049 (14.5%)
Thompson Properties	150,000/649 ERUs (18.7%)	485,121 (29.8%)
Tucci and Sons	127,000/550 ERUs (15.9%)	410,237 (25.2%)
Active Construction	12,000/52 ERUs (1.5%)	39,070 (2.4%)
Wynwood Center	5,000/22 ERUs (.6%)	16,279 (1%)
South Purdy Associates	10,000/43 ERUs (1.2%)	32,558 (2%)
Canterwood (Lorigon)	75,000/325 ERUs (9.4%)	128,606 (7.9%)
	801,000/3,467 ERUs (100%)	\$1,627,923 (100%)

CITY OF GIG HARBOR

ORDINANCE NO. 618

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER 2.10 TO THE GIG HARBOR MUNICIPAL CODE AUTHORIZING THE APPOINTMENT OF A CITY ADMINISTRATOR AND SETTING OUT THE DUTIES AND AUTHORITY OF THE OFFICE.

The City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The City Council hereby adopts a new Chapter 2.10 entitled "City Administrator" to read as follows:

CHAPTER 2.10

CITY ADMINISTRATOR

2.10.010 Office Created. The Mayor is hereby authorized to appoint a qualified person to the office of City Administrator.

2.10.020 Duties. The City Administrator shall assist the Mayor in the performance of his or her administrative responsibilities, implement the policies set forth by the Mayor and City Council as directed by them; report to the Mayor and City Council concerning the affairs of the City; and such other duties as may be assigned from time to time by the Mayor.


2.10.030 Terms of Employment. The City Administrator shall be employed by the City of Gig Harbor through a written contract. Said contract to specifically state all terms of employment, compensation, and shall detail methods of termination by either party.

Section 2. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

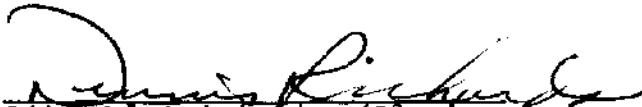
Ordinance creating City Administrator position
Page 2

Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular City Council meeting held on the 27th day of January, 1992.


Gretchen A. Wilbert, Mayor

ATTEST:


City Administrator/Clerk

Filed with city clerk: 12/6/91
Passed by city council: 1/27/92
Date published: 2/5/92
Date effective: 2/10/92

CITY OF GIG HARBOR
ORDINANCE NO. 619

AN ORDINANCE AMENDING TITLE 18 OF THE GIG HARBOR MUNICIPAL CODE ADOPTING A NEW CHAPTER 18.12 FOR THE INTERIM MANAGEMENT AND REGULATION OF CRITICAL AREAS WITHIN THE CITY OF GIG HARBOR AND WHICH FURTHER IMPLEMENTS THE REQUIREMENTS UNDER THE GROWTH MANAGEMENT ACT, CHAPTER 36.70A, FOR THE PROTECTION OF CRITICAL AREAS.

WHEREAS, the City Planning Commission has conducted nine public meetings and a public hearing on a proposed ordinance which provides standards for development in environmentally sensitive areas; and,

WHEREAS, following its public hearings, the Planning Commission recommended approval of the ordinance to the City Council; and,

WHEREAS, this ordinance is intended to promote the maintenance, enhancement and preservation of critical areas and environmentally sensitive natural systems; and,

WHEREAS, the Planning Commission has transmitted to the City Council a letter of its findings for the adoption of the interim critical areas ordinance; and,

WHEREAS, the Interim Critical Areas Ordinance (New Title 18.12) implements the policies of the State Department of Community Development and SEPA, and the City of Gig Harbor Comprehensive Plan and seeks to minimize potential hazards to the general public.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1 A new Chapter 18.12 is hereby adopted to read as follows:

CHAPTER 18.12

CITY OF GIG HARBOR
CRITICAL AREAS

Sections:

- 18.12.010 Purpose
- 18.12.020 Goals
- 18.12.030 Definitions
- 18.12.040 Applicability
- 18.12.050 Hillsides, Ravine Sidewalls and Bluffs
- 18.12.060 Landslide and Erosion Hazard Areas
- 18.12.070 Seismic Hazard Areas
- 18.12.080 Flood Hazard Areas
- 18.12.090 Fish and Wildlife Habitat Areas
- 18.12.100 Aquifer Recharge Areas
- 18.12.110 Reasonable Use Exceptions
- 18.12.120 Maintenance of Existing Structures and Developments
- 18.12.130 Exemptions from Development Standards
- 18.12.140 Variances from the Minimum Requirements
- 18.12.150 Performance Assurance
- 18.12.160 Penalties and Enforcement
- 18.12.170 Severability
- 18.12.180 Chapter and Ordinance Updates

18.12.010 Purpose

This ordinance is intended to promote the maintenance, enhancement and preservation of critical areas and environmentally sensitive natural systems by avoiding or minimizing adverse impacts from construction and development. This ordinance implements the goals and objectives of the State of Washington Growth Management Act of 1990 through the development and implementation of policies and interim regulations to manage critical areas in the public's interest and welfare. It is not the intent of this ordinance to deny a reasonable use of private property, but to assure that development on or near critical areas is accomplished in a manner that is sensitive to the environmental resources of the community.

18.12.020 Goals

In implementing the purposes stated above, it is the intent of this chapter to accomplish the following:

- A. Protect environmentally sensitive natural areas and the functions they perform by the careful and considerate regulation of development.
- B. Minimize damage to life, limb and property due to landslides and erosion on steep or unstable slopes, seismic hazard areas and areas subject to subsidence.
- C. Protect and maintain stream flows and water quality within the streams.
- D. Minimize or prevent siltation to the receiving waters of Gig Harbor Bay for the maintenance of marine water quality and the maintenance and preservation of marine fish and shellfish.
- E. Preserve natural forms of flood control and stormwater storage from alterations to drainage or stream flow patterns.
- F. Protect aquifer recharge areas from undesirable or harmful development.
- G. Protect, maintain and enhance areas suitable for wildlife, including rare, threatened or endangered species.
- H. Protect, maintain and enhance fish and wildlife habitat conservation areas within their natural geographic distribution so as to avoid the creation of subpopulations.
- I. Implement the goals, policies and requirements of the Growth Management Act.

18.12.030 Definitions

This chapter applies to all designated or defined critical areas within the City of Gig Harbor. The following definitions apply:

"Critical areas" consists of those lands which are subject to natural hazards, contain important or

significant natural resources or which have a high capability of supporting important natural resources.

"Aquifer" is a subsurface, saturated geologic formation which produces, or is capable of producing, a sufficient quantity of water to serve as a private or public water supply

"Aquifer Recharge areas" shall consist of those areas which serve as critical groundwater recharge areas and which are highly vulnerable to contamination from intensive land uses within these areas.

"Best management plan" is a plan or program developed by the local Soil Conservation District (U.S.D.A.) which specifies best management practices for the control of animal wastes, stormwater runoff and erosion.

"Bluff" is a steeply rising, near vertical slope which abuts and rises from the Puget Sound Shoreline. Bluffs occur in the east area of the City, fronting the Tacoma Narrows, and are further identified in the Coastal Zone Atlas, Volume 7, for Pierce County. The toe of the bluff is the beach and the top is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is the line of vegetation separating the unvegetated slope from the vegetated uplands, or, if the bluff is vegetated, that point where the bluff slope diminishes to fifteen percent (15%) or less.

"Buffer" is a natural area adjacent to hillsides or ravines which provides a margin of safety through protection of slope stability, attenuation of surface water flows and landslide, seismic and erosion hazards reasonably necessary to minimize risk to the public from loss of life, well-being or property damage from natural disaster.

"Building Setback Line" is a distance, in feet, beyond which the footprint or foundation of a building or structure shall not extend.

"Contaminant" means any chemical, physical, biological or radiological material that is not naturally occurring and is introduced into the environment by human action, accident or negligence.

"DRASTIC" is a model developed by the National Water Well Association and Environmental Protection Agency and which is used to measure aquifer susceptibility to contamination.

"Erosion hazard areas" are those areas which are vulnerable to erosion due to natural characteristics including vegetative cover, soil texture, slope, gradient or which have been induced by human activity. Those areas which are rated severe or very severe for building site development on slopes or cut banks, in accordance with the United States Department of Agriculture Soil Conservation Service Soil Survey for Pierce County Area (Feb. 1979) are included within this definition.

"Flood Hazard Areas" shall consist of those areas within the City of Gig Harbor which are determined to be at risk of having a one percent or greater chance of experiencing a flood in any one year, with those areas defined and identified on the Federal Emergency Management Administration (FEMA) Flood Insurance Rate Maps for the City of Gig Harbor.

"Fish and Wildlife Habitat Areas" consists of those sites or areas identified which, in a natural state, serve as an important habitat for locally important species, including, but not limited to, riparian ecosystems; naturally occurring ponds under twenty acres; areas in which rare, threatened or endangered species have a primary association; commercial and recreational shellfish areas as identified by the State of Washington Department of Fisheries or the Coastal Zone Atlas for Pierce County; kelp and eelgrass beds as identified in the Coastal Zone Atlas for Pierce County or the Puget Sound Environmental Atlas.

"Geologically Hazardous Areas" shall consist of those areas as designated in the City of Gig Harbor Comprehensive Plan as "Landslide Hazards", in the Washington Department of Ecology Coastal Zone Atlas, Volume 7, and which are further defined in WAC 365-190-080(5) and this Title.

"Habitat management plan" means a report prepared by a qualified wildlife biologist.

"Hazardous substance" is any material that exhibits any of the characteristics or criteria of hazardous waste, inclusive of waste oil and petroleum products, and which further meets the definitions of "hazardous waste" pursuant to WAC 173-303.

"Hillsides" are geologic features with slopes of fifteen percent (15%) or greater. The ordinance provides four classes of hillsides in order to differentiate between the levels of protection and the application of development standards.

"Landslide" means an abrupt downslope movement of soil, rock or ground surface material.

"Landslide hazard area" means those areas which are susceptible to risk of mass movement due to a combination of geologic, topographic and hydrologic factors.

"Ravine Sidewall" is a steep slope which abuts and rises from the valley floor of a stream and which was created by the normal erosive action of the stream. Ravine sidewalls are characterized by slopes predominantly in excess of twenty five percent (25%), although portions may be less than twenty five percent (25%). The base of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is a distinct line where the slope abruptly level out. Where there is no distinct break in slope, the top shall be that point where the slope diminishes to fifteen percent (15%), or less.

"Seismic hazard areas" are those areas which are susceptible to severe damage from earthquakes as a result of ground shaking, slope failure, settlement or soil liquefaction.

"Species of local importance" means a species of animal which are of local concern due to their population status or their sensitivity to habitat manipulation. This term also includes game species.

"Slope" is an inclined ground surface, the inclination of which is expressed as a ratio (percentage) of vertical distance to horizontal distance by the following formula:

$$\frac{V \text{ (Vertical Distance)}}{\quad} \times 100 = \% \text{ Slope}$$

H (Horizontal Distance)

"Wildlife biologist" means a person having, at a minimum, a Bachelor's degree in wildlife biology, wildlife science, wildlife ecology, wildlife management or zoology, or a Bachelor's degree in natural resource or environmental science plus twelve semester or eighteen quarter hours on wildlife course works and two years of professional experience.

Section 18.12.040 Applicability

- A. Critical Area Review. All development proposals in critical areas, whether on public or private property, shall comply with the requirements of this Chapter. The Planning Director or his/her designee shall utilize the procedures and rules established in the City of Gig Harbor Environmental Policy Ordinance, Chapter 18.04 (SEPA environmental review), to implement the provisions of this chapter. For the purpose of this chapter, development proposals include any development project which would require any of the following:
1. Building permit for any construction.
 2. Clearing and grading permit.
 3. Any shoreline management permit as authorized under Chapter 90.58 RCW.
 4. Site plan review.
 5. Subdivision, short subdivision or planned unit development.
 6. Zoning variance or conditional use permit.
- B. Special Studies Required. When an applicant submits an application for any development proposal, the application shall indicate whether any critical area is located on the site. The Planning Director or designee shall visit the site, and in conjunction with the review of the information provided by the applicant and any other suitable information, shall make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the Planning Director shall notify the applicant that additional studies as specified herein shall be provided.

- C. Appeals. A decision of the Planning Director to approve, conditionally approve or deny a permit, or any official interpretation in the administration of this Chapter may be appealed to the Hearing Examiner. Such appeal shall be in writing and must be submitted to the City within ten (10) days of the administration's decision. Appeals shall be considered in accordance with the procedures established in Section 17.10 of the City Zoning Code.

18.12.050 Hillside, Ravine Sidewalls and Bluffs

- A. Disturbance Limitations. If a hillside, ravine sidewall or bluff is located on or adjacent to a development site, all activities on the site shall be in compliance with the following requirements:
1. Ravine Sidewalls and Bluffs
 - a. Buffers: A fifty foot (50'), undisturbed buffer of natural vegetation shall be established and maintained from the top, toe and sides of all ravine sidewalls and bluffs. All buffers shall be measured on a horizontal plane.
 - b. Buffer Delineation. The edge of a buffer shall be clearly staked, flagged and fenced prior to any site clearing or construction. Markers shall be clearly visible and weather resistant. Site clearing shall not commence until such time that the project proponent or authorized agent for the project proponent has submitted written notice to the City that the buffer requirements of this section have been met. Field marking of the buffer shall remain in place until all phases of construction have been complete and an occupancy permit has been issued by the City.
 - c. Buffer Reduction: A buffer may be reduced upon verification by a qualified professional and supporting environmental information, to the satisfaction of the City, that the proposed construction method will:
 - 1) Not adversely impact the stability of

ravine sidewalls.

- 2) Does not increase erosion and mass movement potential of ravine sidewalls.
- 3) Use construction techniques which minimize disruption of existing topography and vegetation.
- 4) Includes measures to overcome any geological, soils and hydrologic constraints of the site.

The buffer may be reduced to no less than the minimum rear yard setback established in the respective zoning district, pursuant to Title 17 of the Gig Harbor Municipal Code.

- d. Building Setback Lines: A building setback line of ten feet (10'), is required from the edge of any buffer of a ravine sidewall or bluff.

2. Hillsides of Fifteen Percent Slope and Greater - Studies Required. Developments on hillsides shall comply with the following requirements:

- a. Site Analysis Reports Required: The following chart sets forth the level of site analysis report required to be developed based upon the range of the slope of the site and adjacent properties:

<u>Slope of Site and/or Adjacent Properties</u>	<u>Length of Slope(Feet)</u>	<u>Parameters of Report (See Key)</u>	<u>Report Prepared by:</u>
0-15%	No Limit	Report Not Required	
15-25%	> 50	1, 2, 3	Building Contractor or other technical consultant
25-40%	>35	1, 2, 3, 4	Registered Civil Engineer

40% +	>20	1, 2, 3, 4	Registered Civil Engineer or Geo- Technical Engineer
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Report Key Contents

1. Recommended maximum site ground disturbance.
 2. Estimate of storm drainage (GPM) for pre-construction, during construction and post construction.
 3. Recommended methods to minimize erosion and storm water runoff from site during construction and post construction.
 4. Seismic stability of site, pre-construction, during construction and post construction.
- b. Development Location:
- i. Structures and improvements shall be located to preserve the most sensitive portion of the site, it's natural land forms and vegetation.
- c. Landscaping: The disturbed areas of a development site not used for buildings and other developments shall be landscaped according to the landscape standards of the zoning code, Section 17.78.
- d. Project construction shall be required to implement all recommended requirements of the report referenced in subsection 2.a., above, and any additional requirements as determined by City staff. In addition, should adjacent properties be adversely impacted by the implementation or construction, additional mitigation measures necessary to minimize or

eliminate these impacts shall be implemented by the applicant.

18.12.060 Landslide and Erosion Hazard Areas. Areas which are identified as landslide or erosion hazard areas shall be subject to the requirements established in this section.

A. Regulation. Applications for regulated activities proposed within designated landslide and erosion hazard areas shall be accompanied by a geotechnical report prepared by a geologist or geotechnical engineer licensed as a Civil Engineer with the State of Washington. If it is satisfactorily demonstrated to the Planning Director that a landslide or erosion hazard potential does not exist on the site, the requirements of this section may be waived.

B. Geotechnical Report Requirements. A geotechnical report required under this section shall include, at a minimum, the following information:

1. Topographic data at a minimum scale of 1:240 (1 inch = 20 feet). Slope ranges shall be clearly delineated in increments of 15-25 percent, 25-40 percent and greater than 40 percent.
2. Subsurface data, including boring logs and exploratory methods, soil and rock stratigraphy, groundwater levels and any seasonal variations of groundwater levels.
3. Site history, including description of prior grading and clearing, soil instability or slope failure.

If a geotechnical report has been prepared and accepted by the Planning Director within the previous two years for a specific site and the proposed land-use development and site conditions have not changed, the report may be utilized without the requirement for a new report.

C. Development Standards. Upon submission of a satisfactory geotechnical report or assessment, site development may be authorized by the Director subject to the following:

- 1) Buffers shall comply with the requirements of Section 18.12.050 (A).

- 2) Approved erosion control measures are in place prior to, or simultaneous, with site clearing or excavation.
- 3) Such other conditions as deemed appropriate by the administrator to ensure compliance with the provisions of this chapter.

18.12.070 Seismic Hazard Areas. Designated seismic hazard areas shall be subject to the requirements of this section. At a minimum, seismic hazard areas shall include areas of alluvial and recessional outwash surficial geologic units as identified in Water Resources and Geology of the Kitsap Peninsula and Certain Adjacent Lands, Water Supply Bulletin Number 18, Plate One, U.S. Department of the Interior, Geological Survey, Water Resources Division and any lot, tract, site or parcel which has been modified by imported or excavated earthen fill material.

- A. Regulation. Applications for regulated activities proposed within designated seismic hazard areas shall be accompanied by a geotechnical report prepared by a geologist or geotechnical engineer licensed as a Civil Engineer with the State of Washington. If it is satisfactorily demonstrated that a seismic hazard potential does not exist on the site, the requirements of this section may be waived.
- B. Geotechnical Report Requirements. The required report shall evaluate the existing site conditions, including geologic, hydrologic and site capability to accommodate the proposed activity. At a minimum, the following shall be included:
 - 1) Analysis of subsurface conditions.
 - 2) Delineation of the site subject to seismic hazards.
 - 3) Analysis of mitigation measures which may be employed to reduce or eliminate seismic risks, including an evaluation of the effectiveness of mitigation measures.

If a proposal is required to submit a seismic risk analysis pursuant to any requirements of the most recently adopted edition of the Uniform Building Code (Chapters 23 or 25) by

the City of Gig Harbor, the report requirements of this section may be waived by the Department.

18.12.080 Flood Hazard Areas. Areas which are prone to flooding and which are identified in the Federal Emergency Management Administration Flood Insurance Rate Maps for the City of Gig Harbor (September 2, 1981) shall be subject to the requirements of this section.

- A. Regulation. All development within flood hazard areas shall be subject to the requirements of the City of Gig Harbor Flood Hazard Construction Standards, Title 15.04 of the Gig Harbor Municipal Code.

18.12.090 Critical Fish and Wildlife Habitat Areas. Critical Fish and wildlife habitat areas are those areas identified as being of critical importance in the maintenance and preservation of fish, wildlife and natural vegetation. Areas which are identified or classified as fish and wildlife habitat areas subject to this section shall be subject to the requirements of this section.

- A. General. Critical Fish and wildlife habitat areas are identified as follows:
1. Areas with which federal or state endangered, threatened and sensitive species of fish, wildlife and plants have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
 2. Habitats and species of local importance, including:
 - a) Areas with state listed monitor or candidate species or federally listed candidate species have a primary association and which, if altered, may reduce the likelihood that the species will maintain and reproduce over the long term.
 - b) Special habitat areas which are infrequent in occurrence in the City of Gig Harbor and which provide specific habitats as follows:

- (1) Old growth forests
- (2) Snag-rich areas
- (3) Category 2 wetland areas
- (4) Significant stands of trees which provide roosting areas for endangered, threatened, rare or species of concern as identified by the Washington Department of Wildlife.

3. Commercial and public recreational shellfish areas
4. Kelp and eelgrass beds
5. Herring and smelt spawning areas
6. Naturally occurring ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat
7. Lakes, ponds and streams planted with fish by a governmental agency, an agency sponsored group or tribal entity.
8. State natural area preserves and natural resource conservation areas.
9. Crescent and Donkey (North) Creeks, including those lands within thirty-five (35) feet of the ordinary high-water mark of the stream.

B. Classification. Critical Fish and wildlife habitat areas are identified in the following documents:

1. Puget Sound Environmental Atlas (Puget Sound Water Quality Authority)
2. Coastal Zone Atlas of Washington, Volume IV, Pierce County (Washington Department of Ecology)
3. Commercial and Recreational Shellfish Areas in Puget Sound (Washington Department of Health)
4. The Department of Natural Resources stream typing maps and Natural Heritage Data Base
5. The Washington Department of Wildlife Priority Habitats and Species Program, the Non-Game Data

Base, and the Washington Rivers Information System

C. Regulation

1. Habitat Assessment. For all regulated activity proposed on a site which contains or is within 300 feet of critical fish and wildlife habitat, a habitat assessment shall be prepared by a professional wildlife biologist with a minimum of a bachelor's degree in wildlife biology or an equivalent curriculum. The habitat assessment shall include, at a minimum, the following:
 - a) An analysis and discussion of species or habitats known or suspected to be located within 300 feet of the site.
 - b) A site plan which clearly delineates the critical fish and wildlife habitats found on or within 300 feet of the site.
2. Habitat Assessment Review. A habitat assessment shall be forwarded for review and comment to agencies with expertise or jurisdiction on the proposal, including, but not limited to:
 - a) Washington Department of Wildlife
 - b) Washington Department of Fisheries
 - c) Washington Department of Natural Resources
 - d) United States Fish and Wildlife Service

Comments received by the requested review agencies within forty-five days of the submittal of the assessment shall be considered by the Department. If it is determined, based upon the comments received, that critical fish and wildlife habitat does not occur on or within 300 feet of the site, the development may proceed without any additional requirements under this section. If it is determined that a critical fish and wildlife habitat is on or within 300 feet of the site, a habitat management plan shall be prepared.

3. Habitat Management Plan. Habitat management plans required under this section shall be prepared by a professional wildlife biologist with a bachelor degree in wildlife biology or an equivalent curricula. A habitat management plan shall

contain, at a minimum, the following:

- a) Analysis and discussion on the project's effects on critical fish and wildlife habitat;
- b) An assessment and discussion on special management recommendations which have been developed for species or habitat located on the site by any federal or state agency;
- c) Proposed mitigation measures which could minimize or avoid impacts;
- d) Assessment and evaluation of the effectiveness of mitigation measures proposed;
- e) Assessment and evaluation of on-going management practices which will protect critical fish and wildlife habitat after development of the project site, including proposed monitoring and maintenance programs.
- f) Assessment of project impact or effect on water quality in Crescent or Donkey (North) Creeks, and any proposed methods or practices to avoid degradation of water quality.

Upon a review of the habitat management plan by appropriate federal and state agencies, comments received by the agencies within forty-five days (45) of the submittal of the proposed plan shall be considered by the City and, if mitigation is recommended, may be incorporated into conditions of project approval, as appropriate. If it is determined, based upon the comments received, that a project or proposal will result in the extirpation or isolation of a critical fish or wildlife species, including critical plant communities, the project or proposal may be denied.

- D. Buffer Requirements. If it is determined, based upon a review of the comments received on the habitat management plan, that a buffer would serve to mitigate impacts to a critical fish or wildlife habitat, an undisturbed buffer shall be required on the development site. The width of the buffer shall be based upon a recommendation of at least one of the appropriate

review agencies but, in no case, shall exceed 150 feet, nor be less than 25 feet.

- E. Buffer Reduction. A buffer required under this section may be reduced or eliminated if the local Conservation District has approved a best management plan (BMP) for the site which would provide protection to a critical fish or wildlife habitat.

18.12.100 Aquifer Recharge Areas. Aquifer recharge areas are particularly susceptible to contamination and degradation from land use activities. Areas which have a high potential for groundwater resource degradation are identified as aquifer recharge areas under this section and shall be subject to the requirements herein.

- A. Designation/Classification. For the purposes of this section, the boundaries of any aquifer recharge areas within the City shall consist of the two highest DRASTIC zones which are rated 180 and above on the DRASTIC index range. Any site located within these boundaries is included in the aquifer recharge area.
- B. Regulation.
1. Hydrogeologic Assessment Required. The following land uses shall require a hydrogeologic assessment of the proposed site if the site is located within an aquifer recharge area:
 - (a) Hazardous Substance Processing and Handling
 - (b) Hazardous Waste Treatment and Storage Facility
 - (c) Waste-water treatment plant sludge disposal categorized as S-3, S-4 and S-5
 - (d) Solid Waste Disposal Facility
 2. Hydrogeologic Assessment Minimum Requirements. A hydrogeologic assessment shall be submitted by a firm, agent or individual with experience in geohydrologic assessments and shall contain, at a minimum, and consider the following parameters:

- (a) Documentable Information Sources
- (b) Geologic data pertinent to well logs or borings used to identify information.
- (c) Ambient groundwater quality
- (d) Groundwater elevation
- (e) Depth to perched water table, including mapped location
- (f) Recharge potential of facility site, respective to permeability and transmissivity
- (g) Groundwater flow vector and gradient
- (h) Currently available data on wells and any springs located within 1,000 feet of the facility site
- (i) Surface water location and recharge potential
- (j) Water supply source for the facility
- (k) Analysis and discussion of the affects of the proposed project on the groundwater resource
- (l) Proposed sampling schedules
- (m) Any additional information that may be required or requested by the Pierce County Environmental Health Department.

3. Review of Geohydrologic Assessment. A geohydrologic assessment prepared under this section shall be submitted to the Pierce County Department of Environmental Health for review and comment. Comments received by the Department of Health within sixty (60) days of submittal of the assessment shall be considered by the City in the approval, conditional approval or denial of a project.
4. Findings for Consideration of Approval. A hydrogeologic assessment must clearly demonstrate that the proposed use does not present a threat of contamination to the aquifer system, or provides a

conclusive demonstration that application of new or improved technology will result in no greater threat to the groundwater resource than the current undeveloped condition of the site. Successful demonstration of these findings warrants approval under this section.

18.12.110 Reasonable Use Exceptions. If the application of this chapter would preclude all reasonable use of a site, development may be permitted, consistent with the general purposes and intent of this chapter.

A. Information Required. An application for a reasonable use exception shall be in writing to the Department Director and shall include the following information:

- (1) A description of the area of the site which is within a critical resource area or within the setbacks or buffers as required under this title.
- (2) The area of the site which is regulated under the respective setbacks (minimum yards) and maximum impervious coverage of the zoning code, Title 17 of the Gig Harbor Municipal Code.
- (3) An analysis of the impact that the amount of development proposed would have on the critical area as defined under this Title.
- (4) An analysis of whether any other reasonable use with less impact on the critical area and buffer area, as required, is possible.
- (5) A design of the project as proposed as a reasonable use so that the development will have the least practicable impact on the critical area.
- (6) A description and analysis of the modification requested of the minimum requirements of this title to accommodate the proposed development.
- (7) Such other information as may be required by the Department which is reasonable and necessary to evaluate the reasonable use respective to the proposed development.

B. Findings for Approval of Reasonable Use Exception. If an applicant successfully demonstrates that the

requirements of this title would deny all reasonable use of a site, development may be permitted. The Department Director shall make written findings as follows:

- (1) There is no feasible alternative to the proposed development which has less impact on the critical area;
- (2) The proposed development does not present a threat the public health, safety or welfare;
- (3) Any modification of the requirements of this Title shall be the minimum necessary to allow for the reasonable use of the property;
- (4) The inability of the applicant to derive a reasonable use of the property is not the result of actions by the applicant which resulted in the creation of the undevelopable condition after the effective date of this Title;
- (5) The proposal mitigates the impacts to the critical area to the maximum extent practicable, while maintaining the reasonable use of the site.
- (6) That all other provisions of this chapter apply excepting that which is the minimum necessary to allow for the reasonable use of the site or property.

The Director may impose any reasonable conditions on the granting of the reasonable use exception, consistent with the minimum requirements of this chapter.

- C. Notification of Decision. A decision by the Director under this section shall be provided, in writing, to the applicant and all property owners adjacent to or abutting the site. The applicant shall be responsible for providing a current listing of all adjacent property owners along with application for a reasonable use exception.
- D. Appeal of Director's Decision. The decision of the Director is appealable to the City Hearing Examiner in accordance with the provisions of Section 17.10. An appeal shall be in writing and submitted within ten

(10) days of the date of decision.

- E. Limits of Applying Reasonable Use Exception. A reasonable use exception shall only be considered in those situations where a reasonable use would be prohibited under this Title. An applicant who seeks an exception from the minimum requirements of this title shall request a variance under the provisions of this title.
- F. Time Limitation. A reasonable use exception shall be valid for a period of two (2) years, unless an extension is granted by the department at least thirty (30) days prior to the expiration date. Any extension granted shall be on a one-time bases and shall be valid for a period not to exceed one (1) year. The time limit is void if the applicant fails to procure the necessary development permit within the time allotted. The Department may grant a time extension if:
1. Unforeseen circumstances or conditions necessitate the extension of the development exception; and
 2. Termination of the development exception would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and
 3. The extension of the development exception will not cause adverse impacts to environmentally sensitive areas.

18.12.120 Maintenance of Existing Structures and Developments. Structures and developments lawfully existing prior to the adoption of this section shall be allowed to be maintained and repaired without any additional review procedures under this title, provided that the maintenance or repair activity itself remains consistent with the provisions of this ordinance and does not increase its nonconformity of such structures or development. Additionally, such construction activity shall not prove harmful to adjacent properties. Maintenance consists of usual actions necessary to prevent a decline, lapse or cessation from a lawfully established condition. Repair consists of the restoration of a development comparable to its original condition within two years of sustaining damage or partial destruction. Maintenance and repair shall include damage incurred as a result of accident, fire or the

elements. Total replacement of a structure or development which is not common practice does not constitute repair. In addition to the requirements of this section, the requirements of section 17.68 (Nonconformities) shall apply.

18.12.130 Exemptions from Development Standards. Certain activities and uses may be of such impact and character or of such dependency to the maintenance and welfare a lawfully permitted use that the requirements of this Title shall not apply and may be waived at the discretion of the Department. Notwithstanding the requirements of Title 17, the following uses and activities are exempt from the requirements of this section:

- A. Minimum actions necessary to protect life or property in an emergency situation. Qualification as an emergency shall be based upon the factual occurrence of imminent threat or danger.
- B. Public and private pedestrian trails which consist of a pervious surface not exceeding four feet in width.
- C. Science research and educational facilities, including archaeological sites and attendant excavation, which do not require the construction of permanent structures or roads for vehicle access.
- D. Subsurface drilling for geological exploration associated with a proposed development which is not exempt from the requirements of this Title.
- E. The placement of signs consistent with Section 17.80.

18.12.140 Variances from the Minimum Requirements.

- A. Variance applications shall be considered by the city according to variance procedures described in Section 17.66 of the City of Gig Harbor Zoning Code, except that required showings for a variance shall be according to this Section (18.12.140).
- B. The Examiner shall have the authority to grant a variance from the provisions of this Chapter, including variance for buffer widths, when, in the opinion of the Examiner, the conditions as set

forth below have been found to exist. In such cases a variance may be granted which is in harmony with the general purpose and intent of this chapter.

1. Required showings for a variance: Before any variance may be granted, it shall be shown:
 - a. That there are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to other properties and which support the granting of a variance from the minimum requirements; and
 - b. That such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property but which, because of this ordinance, is denied to the property in question; and
 - c. That the granting of such variance will not be materially detrimental to the public welfare; and
2. Required showings for buffer area variance. Before any buffer area variance may be granted, it shall be shown:
 - a. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other similarly situated property, but which because of this regulation is denied to the property in question; and
 - b. The granting of the buffer width variance will not adversely affect the subject site.
3. When granting a variance, the Examiner shall determine that the circumstances do exist as required by this Section, and attach specific

conditions to the variance which will serve to accomplish the standards, criteria, and policies established by this Chapter.

4. To apply for a variance, the applicant shall submit to the city a complete variance application. Such application shall include a site plan, pertinent information, a cover letter addressing the required showings for a variance, and required fees.

18.12.150 Performance Assurance.

- A. The Planning Director may allow the applicant to provide a performance assurance device in lieu of constructing required mitigation measures and may require a performance assurance device to guarantee installation/construction of required mitigation measures within one year of the issuance of a certificate of occupancy or final inspection
- B. Performance assurance devices shall take the form of one of the following:
 1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the city attorney;
 2. Cash;
 3. A letter of credit approved by the city attorney from a financial institution stating that the money is held for the purpose of development of the landscaping;
 4. Assigned savings pursuant to an agreement approved by the city attorney.
- C. If a performance assurance device is employed, the property owner shall provide the city with a nonrevocable notarized agreement granting the city and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.
- D. If the developer/property owner fails to carry out provisions of the agreement and the city has

incurred costs or expenses resulting from such failure, the city shall call on the bond or cash deposit reimbursement. If the amount of the bond or case deposit is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the city, the remainder shall be released.

18.12.160 Penalties and Enforcement.

- A. The Planning Director shall have authority to enforce this Chapter, any rule or regulation adopted, and any permit, order or approval issued pursuant to this Chapter, against any violation or threatened violation thereof. The Planning Director is authorized to issue violation notices and administrative orders, levy fines, and/or institute legal actions in court. Recourse to any single remedy shall not preclude recourse to any of the other remedies. Each violation of this Chapter, or any rule or regulation adopted, or any permit, permit condition, approval or order issued pursuant to this Chapter, shall be a separate offense, and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense. All costs, fees, and expenses in connection with enforcement actions may be recovered as damages against the violator.

- B. Any person who undertakes any activity within a designated critical area or within a required buffer without first obtaining an approval required by this Chapter, except as specifically exempted, or any person who violates one or more conditions of any approval required by this Chapter or of any cease and desist order issued pursuant to this Chapter shall incur a civil penalty assessed per violation. In the case of a continuing violation, each permit violation and each day of activity without a required approval shall be a separate and distinct violation. The civil penalty shall be assessed at a rate of fifty dollars (\$50) per day per violation. The penalty provided shall be appealable to the City of Gig Harbor Hearing Examiner in accordance with the

procedures established pursuant to Section 15.06 of the Gig Harbor Municipal Code.

18.12.170 Severability. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

18.12.180 Chapter and Ordinance Updates. This Chapter and its related ordinance shall be reviewed by the City of Gig Harbor within two years of the effective date of this Chapter. The purpose of reviewing is to determine what amendments are appropriate to be made, and to establish a schedule for effecting those amendments.

Section 2 If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3 This ordinance shall take effect and be in full force five (5) days after publication.



Gretchen A. Wilbert,
Mayor

ATTEST: 
Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: 1/24/92
Passed by City Council: 2/24/92
Date published: 3/4/92
Effective date: 3/9/92