

**CITY OF GIG HARBOR
RESOLUTION NO. 530**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING, WITH CONDITIONS, THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SDP 97-07) SOUGHT BY MRS. ROSE TARABOCHIA, FOR THE AUTHORIZATION OF THE PLACEMENT OF FLOATS, A FLOATING MAINTENANCE SHED ON A BARGE AND PROVIDING REQUIRED OFF-STREET PARKING FOR A MOORAGE FACILITY LOCATED AT 3615 HARBORVIEW DRIVE, GIG HARBOR, WASHINGTON.

WHEREAS, Mrs. Rose Tarabochia applied for a shoreline management substantial development permit to authorize the placement of moorage floats including the use of a barge with a building constructed on it used as a floating maintenance shed, the provision of moorage for non-commercial fishing craft, and provision of off-street parking to accommodate the numbers and types of vessels moored at the facility and the uses on the site; and,

WHEREAS, at a hearing conducted by the City of Gig Harbor Hearing Examiner on October 21, 1998, several people spoke in opposition to the proposal; and

WHEREAS, the public hearing was continued to December 16, 1998 to allow the applicant sufficient time to produce additional information as requested by the Examiner at the October 21 meeting; and,

WHEREAS, on, December 28, 1998, the Gig Harbor Hearing Examiner approved the application for the substantial development permit, with conditions, and further limiting the effective time of the permit for a period of two years from the date of filing with the Department of Ecology; and,

WHEREAS, Mr. Robert Frisbie, a party of record in this matter, submitted a timely and proper appeal of the decision on January 11, 1999; and,

WHEREAS, Mr. Frisbie's appeal was based on two issues:

1. The Council should require that the applicant's survey provide specific dimensions clearly identifying the distance from existing pilings to the westerly and easterly side lines as well as the distance from the existing piling to the outer harbor line.
2. The Council should amend the two year time provision of the Examiner to thirty calendar days to bring the development into compliance with the conditions of the permit, as so stated by the Examiner.

WHEREAS, on February 22, 1999, the City Council conducted a closed record hearing to

consider the appeal filed by Mr. Frisbie; and,

WHEREAS, after hearing the oral argument and council deliberation, the Council voted to deny the appeal.

FACTS

The City Council incorporates by reference the facts set forth in the Staff Report of October 14, 1998 (attached as Exhibit "A"), the addendum to the Staff Report dated October 19, 1998 (attached as Exhibit "B") and the Hearing Examiner's Findings, Conclusions and Decision of December 28, 1998 (attached as Exhibit "C").

FINDINGS AND CONCLUSIONS

1. With regard to the first issue raised by Mr. Frisbie, applications for a shoreline management substantial development permit do not require a survey encompassing the scope or detail of information as requested by Mr. Frisbie in his appeal.
2. With regard to the second issue, the two-year effective time period for the shoreline permit was recommended by the staff and approved by the Gig Harbor Hearing Examiner and is a reasonable amount of time for the applicant to comply with the provisions and conditions of the shoreline permit granted.
3. The decision of the Gig Harbor Hearing Examiner includes reasonable and appropriate conditions to ensure that this facility is in compliance with the applicable provisions of the City of Gig Harbor Shoreline Master Program.
4. The appellant has failed to demonstrate that the Hearing Examiner erred in his decision, respective to the two issues raised in the appeal.
5. The findings, conclusions and decision of the City of Gig Harbor Hearing Examiner are supported by substantial evidence in the administrative record and the permit for the shoreline management substantial development permit SDP97-07 should issue.
6. The decision of the Gig Harbor Hearing Examiner in his report dated December 28, 1998, is hereby affirmed.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of March, 1999.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee, City Clerk

Filed with City Clerk: 02/19/99
Passed by City Council: 03/08/99