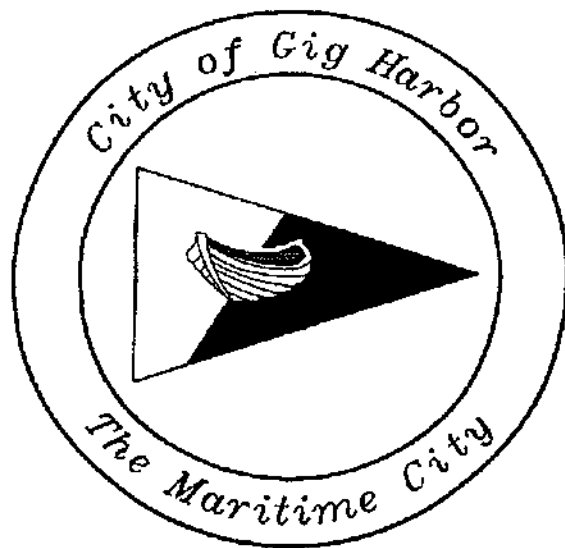


Gig Harbor City Council Meeting



February 23, 1998

7:00 P.M., CITY HALL COUNCIL CHAMBERS

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

February 23, 1998 - 7:00 p.m.

PUBLIC HEARING: Closed Record Appeal – Hearing Examiner’s Decision SDP-97-05,
Sunset Yacht Sales.

CALL TO ORDER:

APPROVAL OF MINUTES:

APPROVAL OF MINUTES FROM SIGN CODE PUBLIC HEARING:

CORRESPONDENCE / PROCLAMATIONS:

1. Puget Sound Regional Council – Meeting Date for General Assembly.
2. State of Washington - Emergency Management Division.
3. Pierce Transit – Request for Nominations to Board.
4. Thank you notes from Takuma, Japan.
5. International Institute of Municipal Clerks – Certified Municipal Clerk.

OLD BUSINESS:

1. First Reading of Ordinance (Reintroduction) -- Planning Commission Recommendations on Amendments to Chapter 17.80 -- Sign Code.
2. First Reading of Ordinance (Reintroduction) - Planning Commission Recommendation on Amendments to Chapter 17.98 – Design Review.
3. Second Reading of Ordinance Correcting the 1998 Salary Schedule.
4. Memo to Council - Resolution for Development Fee Schedule Adjustments.

NEW BUSINESS:

1. Resolution – Appeal of SDP 97-05, Sunset Yacht Sales.
2. Interlocal Agreements – Pierce Transit and Fire District No. 5.
3. Declaration of Surplus Property.
4. Liquor License Assumption – Green Turtle.

PUBLIC COMMENT/DISCUSSION:

MAYOR’S REPORT: None scheduled.

COUNCIL COMMENTS:

STAFF REPORTS:

ANNOUNCEMENTS OF OTHER MEETINGS:

APPROVAL OF BILLS:

EXECUTIVE SESSION: For the purpose of discussing property acquisition per RCW 42.30.110, (b) and litigation per RCW 42.30.110 (i).

ADJOURN:

DRAFT

REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 9, 1998

PRESENT: Councilmembers Ekberg, Young, Owel, Dick, Picinich, and Mayor Wilbert. Councilmembers Platt and Markovich were absent.

SPECIAL PRESENTATIONS:

1. Presentation of the 1998 Explorer Charter. Chief Mitch Barker explained that the City of Gig Harbor has had an active Explorer program since 1980 and that it was time to renew the charter. He introduced John Tupper, Scouting Executive, and Officers Scott Emmett and Paige Sanders, who are both active in the program.

Mr. Tupper explained that these young people are learning character development, citizenship training and personal fitness through the Explorer division of the Boy Scouts of America. He added that this post is one of the finest he has had the opportunity to work with. He presented the charter to Officer Emmett on behalf of the GHPD Explorer Post 108. Officer Emmett accepted the charter and added that these young men and women work very hard serving the community and that the GHPD was fortunate to have such wonderful young people involved. He introduced the Explorer members present in the audience and thanked Mr. Tupper and the City for supporting the program.

2. Reserve Police Officer of the Year – Officer Dave Baca. Chief Barker explained that another active program in the department is the Reserve Police Officers. He gave an overview of the program and added that the Reserve Police Officer of the Year award was initiated to try to give some recognition to these volunteers. He noted the hours that Dave Baca had contributed to the program and commended him on his participation as a Reserve. He then presented Mr. Baca with the Reserve Officer of the Year Award.
3. Life Saving Award – Officer David Crocker. Chief Barker asked Officer David Crocker forward and presented him with a Departmental Commendation and the Life Saving Award. He described the incident where Officer Crocker was called to respond to a victim with no pulse or respiration and that he had administered CPR until the Paramedics arrived. The Paramedics reported that without Officer Crocker's efforts, the patient would not have survived.

CALL TO ORDER: 7:14 p.m.

APPROVAL OF MINUTES:

MOTION: Move approval of the minutes of the January 26, 1998 as presented. Ekberg/Owel - unanimously approved.

CORRESPONDENCE/PROCLAMATIONS:

1. Department of Ecology – Litter. Mayor Wilbert said she had included this letter for Council's information and that she would be passing it on to Citizens Against Litter to help in their effort to obtain grants for clean-up projects.
2. Pierce Transit – Amendment to Bylaws. Mayor Wilbert explained that she had included these amendments to the Pierce Transit bylaws for review.
3. Joan Bassett – New Bowling Alley/Recreation Facility. Mayor Wilbert summarized the letter from local Citizens in support of the newly proposed bowling facility.

OLD BUSINESS: None scheduled.

NEW BUSINESS:

1. Interlocal Agreement for ESB 6095, Buildable Lands. Mark Hoppen, City Administrator, introduced this Interlocal Agreement allowing for the City of Gig Harbor to receive their portion of funds for assisting Pierce County in monitoring the amount of buildable lands.

MOTION: Move to authorize the Mayor to sign Exhibit 'A' to Pierce County Resolution No. R97-144, an interlocal agreement.
Picinich/Owel – unanimously approved.

2. First Reading of Ordinance Correcting the 1998 Salary Schedule. Dave Rodenbach, Finance Director, presented the first reading of an ordinance to amend the salary schedule to reflect recent additions, changes and salary adjustments. This will return for a second reading at the next meeting.
3. Resolution – Development Fee Schedule Adjustments. Ray Gilmore, Planning Director, gave an overview of the proposed changes to the fee schedule and answered Council's questions regarding the changes.

Jim Pasin - 3208 50th St Ct NW. Mr. Pasin voiced concerns on several areas of the Development Fee Schedule and asked for Council's consideration in these areas.

Councilmember Picinich said that he would like to postpone action until the concerns could be met and clarified. He mentioned several issues that were brought up, and Mr. Gilmore addressed several of these. Councilmember Owel said that philosophically she had an objection to charging fees for compliance. She recommended that the first visit for the Design Review Board and the Master Sign Plan Review be free, with any subsequent meetings being charged a fee. Mr. Gilmore answered other questions that

Councilmembers presented, and the following motion was made.

MOTION: Move that we continue this agenda item until the next meeting.
Ekberg/Picinich – unanimously approved.

4. Appointment to Pierce County Regional Council. Mayor Wilbert explained that she has been serving as the Representative and Councilmember Owel has been the Alternate. She asked if another Councilmember would like to act as Alternate during the 1998 year. Councilmember Derek Young volunteered.

MOTION: Move to appoint Derek Young as the Alternate to the Pierce County Regional Council.
Owel/Ekberg – unanimously approved.

5. Liquor License Renewal–Spiro’s Pizza. No action taken.

PUBLIC COMMENT:

Jim Pasin - 3208 50th St Ct NW. Mr. Pasin passed out two pictures and explained that both signs are examples that would not be in compliance of the new sign code as proposed.

Carol Dick – 4002 32nd Ave Ct NW. Ms. Dick said that she would like to call to Council’s attention that it was time to renew the Sister City membership for the four-year relationship with the Sakhalin Islands. She presented the bill to the Mayor to submit for payment. Mayor Wilbert explained that Ms. Dick was a teacher at Discovery Elementary who had taken over the Sister-City project, along with her students.

MAYOR’S REPORT:

Happenings at the Head of the Bay. Mayor Wilbert described the new activities that are occurring in the business district on North Harborview Drive. She gave an overview of the mural scheduled to be painted on the front of the Finholm Market by students from Gig Harbor and Peninsula High Schools. She encouraged contributions to the Cultural Arts Commission to further this project.

COUNCIL COMMENTS:

Councilmember Picinich gave a brief report on the upcoming “Maritime Gig” festival scheduled for the first weekend in June and added that he hoped it would become a yearly event. The theme of the event will be “Unity in the Community.”

STAFF REPORT:

Mitch Barker, Chief of Police – GHPD Stats. Chief Barker said that the January figures include the newly annexed areas so the comparison from one year ago were unbalanced and should improve as the year progresses.

ANNOUNCEMENT OF OTHER MEETINGS:

Sign Code Public Hearing – February 11th, 6:00 p.m. at City Hall. Councilmember Ekberg asked for clarification of the testimony allowed at this meeting. Mr. Gilmore explained that per recommendation from Legal Counsel, the testimony will not be limited to the recommendations by the Planning Commission. He added that the Mayor would be limiting the time allowed to speak.

APPROVAL OF PAYROLL:

MOTION: Move approval of January payroll checks #15221 through #15360 in the amount of \$250,495.34.
Young/Ekberg - unanimously approved.

APPROVAL OF BILLS:

MOTION: Move approval of checks #19451 through #19552 in the amount of \$125,554.95
Young/Ekberg - unanimously approved.

EXECUTIVE SESSION:

MOTION: Move to adjourn to Executive Session for approximately 20 minutes for the purpose of discussing property acquisition per RCW 42.30.110, (b) and litigation per RCW 42.30.110 (i).
Picinich/Owel – unanimously approved.

MOTION: Move to return to regular session at 8:40.
Picinich/Owel – five voted in favor, one Councilmember voted against it.

MOTION: Move to extend our Executive Session for another fifteen minutes.
Picinich/Owel – unanimously approved.

MOTION: Move to return to regular session at 8:55 p.m.
Picinich/Owel – unanimously approved.

MOTION: Move to extend Executive Session for approximately another fifteen minutes.
Picinich/Owel -

AMENDED MOTION: Move to amend the time for extension to ten minutes and to keep the discussion on track.
Ekberg/Owel – unanimously approved.

MOTION: Move to return to regular session at 9:10.
Picinich/Ekberg – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:10 p.m.
Picinich/Owel - unanimously approved.

Cassette recorder utilized.
Tape 480 Side B 295 – end.
Tape 481 Both Sides.
Tape 482 Side A 000 – 063.

Mayor

City Clerk

DRAFT

SPECIAL GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 11, 1998

PRESENT: Councilmembers Ekberg, Young, Owel, Picinich, Markovich and Mayor Wilbert. Councilmembers Platt and Dick arrived later in the meeting.

CALL TO ORDER: 6:06 P.M.

OPEN THE PUBLIC HEARING ON THE SIGN CODE: 6:06 P.M.

Mayor Wilbert opened the public hearing on the proposed revisions to the sign code. She asked that members of the audience keep their comments pertinent to the proposal before the council.

STAFF PRESENTATION:

Ray Gilmore, Planning Director, explained that this was an open-record hearing and that there would be no limit on the content of the testimony. He added that the packet for this public hearing was the same as was presented to Council in January. He described how Council could proceed with the information gathered during the public hearing. He said that Council could hold a worksession either after the next regular council meeting or hold a separate worksession outside the February 23rd Council meeting.

PUBLIC COMMENT:

David Graef – 2129 114th Dr NE, Lake Stevens. Mr. Graef explained that he represented Bartell's Store. He thanked the Council for the opportunity to speak, and added that he had been following this process for some time. He voiced his concerns regarding the regulation of Logo shields as they are important part of his business. He asked Council to reconsider the four square foot limit as well as the 21" letter height, and added that if you comply with sign size you should be able to do whatever you want within that size.

John Holmaas – 7524 Goodman Drive NW. Mr. Holmaas said that the area by the new Inn at Gig Harbor, where he owns two buildings, is currently outside the Freeway Visibility Node, and asked that the language be changed so that this area would be included.

Dave Morris – 6108 106th Ave. Mr. Morris explained that he owns property in city limits. He recited a portion of an article printed in The News Tribune last spring regarding the issuance of several Notices of Violations for the sign code, where Steve Osguthorpe was quoted as saying "...that he thought the real problem wasn't non-compliance, but that many business owners do not understand the code." He added that since that time, business owners had spent many hours trying to educate themselves by becoming involved with the Planning Commission and Planning Staff. He added that he was surprised that after such a long arduous process, that the Planning Staff have come forth with two additional recommendations. He said that he supported the

comments from the Chamber on the Logo shields, non-conforming signs and color content. He addressed real estate signage and said that he objected to Staff's recommendations regarding these signs. He closed by asking that Council review the proposed changes to the sign code for confusing, arbitrary language.

Lois Eyrse – Gig Harbor Peninsula Area Chamber of Commerce. Ms. Eyrse passed out a copy of a letter from the Chamber Sign Code Task Force and thanked the Planning Commission for their efforts. She then addressed several concerns regarding the Planning Commission recommendations. She said that a 4 square foot limit on logo shields is not realistic and spoke against the 21" letter height restriction. She voiced concerns regarding the color content definition, which she said is discriminatory and suggested that the city's Legal Counsel should review the Lanham Act regarding trademark and logo copyright infringements. Ms. Eyrse then addressed the Staff recommendations. She agreed with Mr. Morris on his comments regarding real estate signs. She said that the Staff's recommendation regarding non-conforming signs would trigger instant amortization and encouraged the Council to accept the Planning Commission's recommendations instead.

Wade Perrow – 9119 No. Harborview Dr. Mr. Perrow asked for consideration that his property, the Inn at Gig Harbor, be included in the Freeway Interchange Visibility Node. He talked about signs that are not in the interchange areas that are also visible from SR-16, such as the new Best Western Wesley Inn, making them non-conforming under the new language.

Michael O'Connor – 3619 47th St. Ct. NW. Mr. O'Connor thanked the Planning Commission and the Council for their work on this issue. He used Sedona, Arizona as an example of how a strict sign code could benefit and keep the character of a community.

James White – 3803 Bridgeport Way W. Mr. White explained that he was representing Hogan Enterprises. He said that Chamber had done a good job and that the proposed, amended sign code was better than the existing code. He voiced his concerns that the proposed changes would render the signs at Olympic Village and Olympic Plaza non-conforming and would trigger instant amortization. He spoke about illuminated signs, and said that they were important to safety in areas where no residential neighborhoods would be affected. He asked that the letter height be adjusted to 24" to protect signs created over the last few years from non-conformity.

Peter Stanley – 602 No. 'C' Street, Tacoma. Mr. Stanley explained that he is the owner of the Tides Tavern and added that he wished to support the Chamber of Commerce in their efforts. He strongly encouraged Council to adopt the proposed changes without an amortization clause.

Jim Pasin - 3208 50th St Ct NW. Mr. Pasin thanked Council for giving the community the opportunity to work with the Planning Commission during 1997. He said he would like to see real estate signs and the non-conformity issues modified. He continued with his concerns about the definition of an abandoned sign and asked that the language be changed to 90 – 180 days to remove them. He added that vandalized signs should not have to come under compliance. He spoke against several of the new fee schedule changes proposed at the last council meeting and

asked about the legality of tying references to the Design Manual to the Sign Code because of the frequency of changes in the manual.

Paul Kadzik – 3518 Harborview Dr. Dr. Kadzik, a member of the Planning Commission, commented on several issues that had been brought up. He addressed 'Corporate Colors' and said that businesses that chose colors encouraged by the Design Manual would be allowed to paint their buildings in those colors. He said that he didn't think those colors would give a competitive advantage. He addressed the 21" letter height and said that this figure had not been picked arbitrarily. He gave a background on how the Planning Commission derived that figure.

Tom Leander – 7702 Pioneer Ave. Mr. Leander said he was representing Harbor Bank, who developed their signs under the old code. He said that those signs would now be non-conforming under the new code's 21" letter height restriction. He described the efforts the bank had made to illuminate their sign while trying to meet the code. He urged Council not to forget the other half of the community, the businesses, and asked for predictability and leniency on the letter height issue.

Hank Searls – 4435 Holly Lane NW. Mr. Searls thanked the Planning Commission for taking the time and trouble to keep Gig Harbor what it is. He asked that before any effort to relax the sign code took place, to remember the possible toll on the bridge. He said that the effect of these tolls on consumers coming from Tacoma might be a deterrent, especially if they found Gig Harbor to look like an extension of South Tacoma Way.

Don Huber – 8310 Warren Drive. Mr. Huber also thanked the Planning Commission. He said that he supported the Chamber's position on most of the issues and that he could accept the recommendations of the Planning Commission without the inclusion of Staff's recommendations. He voiced his concern about how many times the Design Review process was mentioned. He also asked that after a few months, if the changes to the sign code were not working well, if they would be allowed to return and ask for further consideration.

Jean Gazabat – 3101 Judson Street. Mr. Gazabat thanked Council for the opportunity to speak. He asked for consideration when changing the name of a business in an existing sign. He said that he hoped businesses would be allowed to change the face of an existing sign without having to replace the entire sign.

Burt Talcott – 2720 42nd St. NW. Mr. Talcott said he came to commend the Planning Commission and the Staff for having come a long way since the first meeting pertaining to the sign code, which, he added, included many threats and ridicule of Staff members and the Planning Commission. He said that he was particularly unimpressed by the outside lawyer that had been brought in. He continued by saying that a sign code was necessary for any decent community and that he was disappointed in the grandfathering and amortization clauses that had been modified. He added that there should be one date certain so every sign owner would know when they would have to come into compliance.

Tom Morfee – 3803 Harborview Dr. Mr. Morfee explained that he represented the Peninsula Neighborhood Association, who had representation at all the sign code meetings. He said that the organization felt that most of the difficult issues had been resolved, and each side had made concessions that were based on sound logic. He added that the Planning Commission had done a good job and complimented Council on their choice to allow them to do their job rather than appointing an Ad Hoc Committee. He addressed some of the major issues such as non-conforming signs. He said that amortization has predictability and encouraged Council to review a memo to the Planning Commission from the city's Legal Counsel, reinforcing that these amortization clauses are upheld by the courts. He spoke of the advantages and disadvantages of tying conformity to new permits and remodeling of signs or buildings. He encouraged Council not to waiver from including an amortization clause. He addressed the expansion of the Freeway Interchange Visibility Node, and said that if the objective of this request was to remove more buffering and add more signage, he objected to the expansion. He added that there has been a long-standing debate for the character of the SR-16 corridor and asked for continued support. He briefly touched on the issues of 21" lettering and the real estate signs and the logo issues.

Monique Wallace – 5903 Lagoon Lane. Ms. Wallace said she was in favor of keeping the visual screening along Highway 16 in keeping with the character of the community.

Glen Burden – 2822 42nd St. Mr. Burden said that he had spoken to several of the Councilmembers and thanked them for taking the time to speak to him. He said that the big issue with the sign code was predictability. He said he built his sign to code, but it now would become illegal and urged Council to consider the Planning Commission's recommendations and eliminate the amortization clause. He said he had concerns about the Design Manual and the fact that it changes so often. He said the sign code should be tied to the Design Manual in effect at the time of the sign permit.

Mayor Wilbert asked if there were any other persons in the audience to speak toward the sign code. No one responded, so she closed this public comment portion of the meeting at 7:40 p.m. and asked for Council's questions or comments.

COUNCIL DISCUSSION / ACTION:

Councilmember Dick asked if Staff knew how many signs would be non-conforming if the 21" letter height were adopted. Dr. Kadzik replied that he did not know. Steve Osguthorpe, Planning Associate explained that the 21" letter height was not the real concern for non-conformity, because if someone wanted to change one of these pan-channel type signs, the whole sign would need to be changed, not just the lettering. He gave an explanation of what would trigger the need to change an existing sign.

Councilmember Ekberg asked for clarification on the issue of adding on to an existing building and if that would trigger replacement of the existing signs on the rest of the building. Steve explained that only the signs that were all-inclusive would need to be brought into compliance, and the newly designed signs.

Councilmember Owel asked Mr. Graef from Bartells to restate his concern. He replied that if the sign size was in compliance, not to mandate the letter size.

Councilmember Markovich addressed the non-conformity issue. He said that the city did not have a proliferation of ugly signs needing to be removed. He added that to adopt something that forces the business owners to have to remove their existing signs is ludicrous. He then said that he was confused at the rationale of tying the sign code to the Design Review process. Steve Osguthorpe stressed that the Design Review process was optional with the intent to provide more flexibility. Councilmember Markovich continued to say that he was concerned about the color restrictions. Steve explained that the only restrictions on colors were Day-Glo florescent colors and backlit illumination. He added that in the current code, illumination was restricted to text only, but added that under the proposed code combination signs would be an option which would allow logo shields to be fully illuminated can of any color. He then discussed the issue of utilizing corporate colors to paint entire buildings and/or trims on buildings.

Councilmember Young asked what "dull and weak" meant as far as color value, and how would that would be determined and enforced. Steve explained that 'chroma' was a technical term which was hard to define, and added that there would be a review by a group of individuals that would make any necessary determinations. He also explained that the proposed code gives examples of colors that meet the requirement. Councilmember Young then asked about signs such as the one in Milton that is an optical board with constantly changing illustrations, and whether there was a provision for those in the city code. Steve answered that there is language about changing lights and illuminated background colors that would not allow this type of sign. Steve then clarified that when someone is doing routine maintenance on an existing sign such as painting it, a permit is not required.

Councilmember Platt asked about laser light signs. Steve said that these are not addressed in the code. Councilmember Dick asked about National Logos and a voiced a concern that someone may attempt to purchase space in another business for advertising their product. Steve explained that the product would have to be sold at the location for a sign to be displayed.

Mayor Wilbert reopened the Public Hearing at 8:29 p.m. to allow others from the audience to speak.

Lois Powell – 4511 69th St. Ct. NW. Ms. Powell spoke in favor of protecting the corridor along Highway 16. She asked that the law that allowed the Lube & Oil sign by the highway be changed as to not allow that type of sign to happen again.

Joe Hoots – 2602 64th St NW. Mr. Hoots said that he believes in logos and gave a history of the current city logo, the Burgee. He added that he thought the city should capitalize on this logo and have it placed on all directional signs along the highway.

Councilmember Dick voiced concerns that the Design Review and Design Manual didn't have sufficient guidelines for signage issues and added that effort needed to be exercised to develop criteria for decision makers to follow. Steve Osguthorpe explained that the guidelines existed in the sign code itself.

Councilmember Ekberg said that during the past 16 years that he had sat in council meetings, that this had been the best, most constructive meeting he had attended. He thanked the Planning Commission for their time and effort as well as the Staff and community who worked together to come to an agreement. He recommended that council proceed by basing any further deliberations on the Planning Commission's draft and that any additions, corrections, or comments be presented in writing to the City Clerk prior to the next council meeting on the 23rd of February.

Steve Osguthorpe said he wish to clarify that without exception, the proposed changes in the sign code would allow more flexibility, and is less restrictive than the current code, and simpler to read. He assured Mr. Leander that his signs would still be conforming under the proposed changes.

Mayor Wilbert closed the public hearing at 8:45 p.m.

MOTION: I move that we consider the next meeting of February 23rd to be the first reading of the proposed changes to the sign code, working off the Planning Commission's submitted draft, and that if a Councilmember has changes that they wish to introduce, that they be submitted to the City Clerk before the cut-off deadline for the agenda.
Ekberg/Owel – unanimously approved.

ADJOURN:

MOTION: Move to adjourn at 9:00 p.m.
Owel/Young - unanimously approved.

Cassette recorder utilized.
Tape 482 Side A 064 - end.
Tape 482 Side B 000 – end.
Tape 483 Both Sides.
Tape 484 Side A 000 – end.
Tape 484 Side B 000 – 224.

Mayor

City Clerk

RECEIVED
FEB 13 1998
CITY OF GIG HARBOR

IMPORTANT - MEETING NOTICE

MEMORANDUM

February 11, 1998

To: General Assembly Members and Interested Parties

From: Councilmember Dave Russell, President
Puget Sound Regional Council

Subject: Meeting Date for General Assembly Meeting

The General Assembly will meet on Thursday, March 19, 1998, to elect new officers, approve a fiscal year 1999 Budget and Work Program (for July 1, 1998 to June 30, 1999), receive a progress report on regional growth and transportation, and hear a perspective on Growth Management Hearings Board decisions within our region by Board Member Joe Tovar. Following the business meeting will be a one-hour social, and then the General Assembly dinner.

At the dinner we will present the VISION 2020 Awards for innovative efforts in our region that help implement VISION 2020. Then we'll hear a presentation by David Harrison, a lecturer at the UW's Institute for Public Policy and Management, and a representative from the media. They'll explore results from the Front Porch Forum "Region on Trial" series and offer perspectives on how local government can most effectively involve citizens.

All county executives, commissioners, mayors, councilmembers, and other representatives of member jurisdictions are encouraged to attend the General Assembly. An agenda will be mailed to all Assembly members early in March. A registration form is enclosed.

Please mark your calendars:

**GENERAL ASSEMBLY MEETING
THURSDAY, MARCH 19, 1998
3:30 - 8:00 P.M.
MUSEUM OF FLIGHT
9404 EAST MARGINAL WAY SOUTH
SEATTLE, WA**

Puget Sound Regional Council



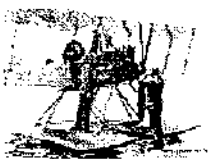
Museum of Flight

9404 East Marginal Way South • Seattle (see map on back)

3:30-5:15PM: General Assembly

5:15-6PM: No-host Reception

6-8PM: Dinner, VISION 2020 Awards and Guest Speakers



- Yes, I will be attending both the General Assembly Meeting and Dinner
 Yes, I will be attending the dinner only.

Choice of dinner entree, please check one:

- Grilled Breast of Chicken, Green Peppercorn Cognac Cream Sauce
 Roasted Pork Loin Medallions, Bourbon Raisin Sauce
 If you have special dietary requirements, please contact Sylvia Nelson

Price for dinner is \$30.00. Please make checks payable to PSRC



- Yes, I will be attending the General Assembly Meeting only
 Sorry, I will be unable to attend

NAME _____

TITLE _____

JURISDICTION/AGENCY _____

ADDRESS _____

PHONE _____ FAX _____

Please mail or FAX your registration by Monday, March 13, to:

SYLVIA NELSON
PUGET SOUND REGIONAL COUNCIL
1011 WESTERN AVENUE, SUITE 500
SEATTLE, WA 98104-1035
FAX (206) 587-4825

Please mail your check for dinner to the above address.
For additional information, please call Sylvia Nelson at (206)464-7518.



RECEIVED

FEB 13 1998

STATE OF WASHINGTON
MILITARY DEPARTMENT

EMERGENCY MANAGEMENT DIVISION CITY OF GIG HARBOR

PO Box 40955

Olympia, WA 98504-0955

Phone: (360) 459-9191 • FAX: (360) 923-4591

February 9, 1998

The Honorable Gretchen Wilbert
Mayor of the City of Gig Harbor
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

RE: State No. MD-97-7358-417
Disaster No. 1159-DR-WA
FEMA No. 053-26735

Dear Mayor Wilbert:

The Federal Emergency Management Agency (FEMA) will pay for 100 percent of the administrative costs associated with sections 403, 404, 406, 407, 502, and 503 of the Stafford Act based on the following percentages:

- For the first \$100,000.00 of net eligible costs = 3%
- For the next \$900,000.00 = 2%
- For the next \$4,000,000.00 = 1%
- For those costs over \$5,000,000.00 = .5%

Based on the final costs, FEMA has approved \$451.00 in administrative costs.

If you have any question, please do not hesitate to contact this office at (360) 923-4577.

Sincerely,

Donna J. Voss
Public Assistance Program Administrator

DV:hsg

cc: Dick Kern





STATE OF WASHINGTON
MILITARY DEPARTMENT
EMERGENCY MANAGEMENT DIVISION

PO Box 40955
Olympia, WA 98504-0955
Phone: (360) 459-9191 • FAX: (360) 923-4591

February 9, 1998

The Honorable Gretchen Wilbert
Mayor of the City of Gig Harbor
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

RE: State No. MD-97-7358-417
Disaster No. 1159-DR-WA
FEMA No. 053-26735

Dear Mayor Wilbert:

The Federal Emergency Management Agency (FEMA) and the state of Washington have reviewed your claim and determined that you have met the requirements of the law and regulations. FEMA and the State do not expect to take further action on your project application. However, it is required that the City of Gig Harbor maintain all records pertinent to the project application for a period of six years from the date of this letter. During this period, the City's records are subject to inspection by state and federal officials.

The City of Gig Harbor's disaster application under the 1996/97 Winter Storms event is now considered closed.

It has been a pleasure working with you and other members of the City's staff.

If you have any questions, please contact this office at (360) 923- 4577.

Sincerely,

A handwritten signature in cursive script that reads "Donna J. Voss".

Donna J. Voss
Public Assistance Program Administrator

DV:hsg

cc: Dick Kern





RECEIVED
FEB 12 1998
CITY OF GIG HARBOR

February 11, 1998

THE HONORABLE
Gretchen Wilbert, Mayor
City of Gig Harbor
3105 Judson Street
Gig Harbor, WA 98335

Dear Mayor Wilbert:

The position on the Board of Commissioners for Pierce Transit, elected by the fourteen towns and cities within the Pierce Transit boundary, will be up for renewal May 1, 1998. Councilmember Mary Joyce, from the Town of Ruston, has represented these municipalities since December 1993. The Board of Commissioners is requesting your cooperation in the nomination and selection of one representative to fill this at-large position. Accordingly, we ask that you please present this item at your next Council meeting for action.

As information, the Pierce Transit Board meets the second and fourth Mondays of each month at 5 p.m. at Pierce Transit headquarters, located at 3701 - 96th Street S.W., Tacoma. Board members also have committee responsibilities that require additional meeting commitments. All Board members' terms are for a three-year period; this position's term will expire on May 1, 2001.

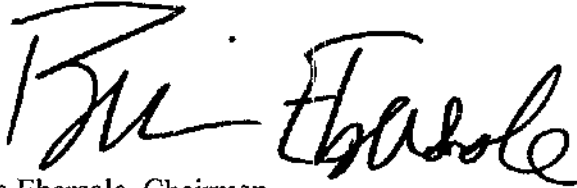
In accordance with our bylaws, the following election procedure will be followed:

1. If your council wishes to submit a nomination, the enclosed nomination form must be submitted to Sandy Byers, Pierce Transit Clerk of the Board, no later than **5 p.m. on Wednesday, March 25, 1998.**
2. On **March 27, 1998**, a ballot listing the prospective nominees will be mailed to the fourteen town and city councils. Your council will have until **5 p.m. on May 1, 1998**, to return your ballot to the Pierce Transit Clerk of the Board.
3. A certified copy of the council resolution or motion must accompany all ballots. The Clerk of the Board shall count the ballots and announce the results of the balloting to the Board of Commissioners. A plurality of ballots cast will determine the successful candidate.
4. In the event of a tie, the city and town councils will have an additional thirty days to reconsider. The ballot procedure will be repeated until a candidate is selected by a plurality vote.

Nomination Letter
February 11, 1998
page 2

On behalf of Pierce Transit's Board of Commissioners, I wish to express my appreciation for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Ebersole". The signature is written in a cursive style with a large initial "B" and "E".

Brian Ebersole, Chairman
Pierce Transit Board of Commissioners

Enclosure

cc: Pierce Transit Board of Commissioners
Don S. Monroe, Executive Director
Sandy Byers, Clerk of the Board
City Clerk, City of Gig Harbor



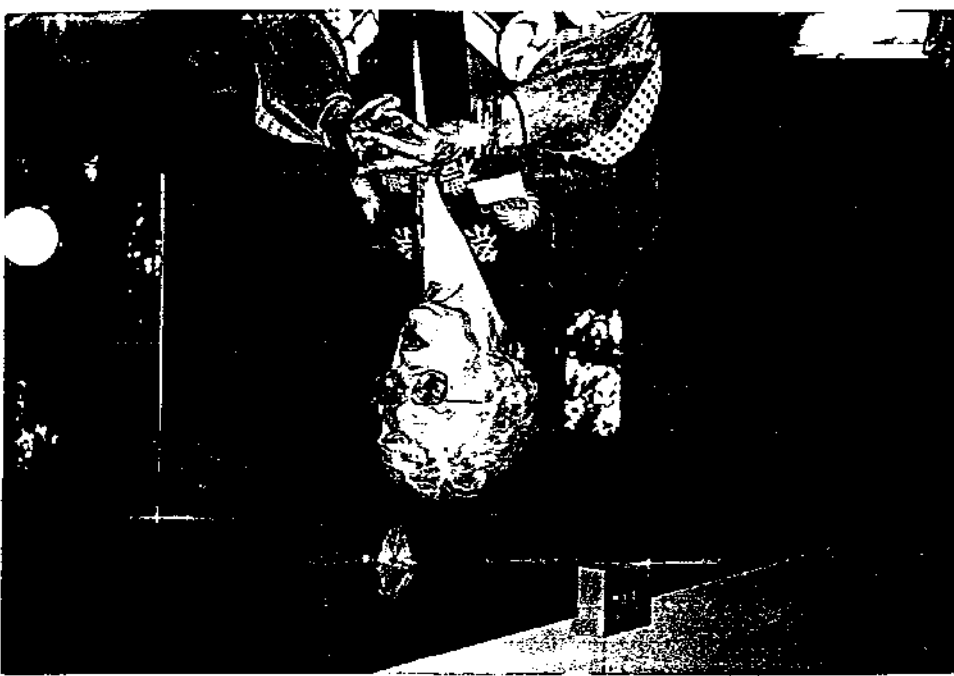
NOMINATION FORM

The town/city of _____ wishes to nominate
Councilmember _____ to serve as a member
of the Board of Commissioners for Pierce Transit for a three-year term, May 1, 1998, to
April 30, 2001, representing the following towns and cities within the Pierce Transit
boundary:

Bonney Lake	Milton
Buckley	Orting
Dupont	Puyallup
Edgewood	Ruston
Fife	Steilacoom
Fircrest	Sumner
Gig Harbor	University Place

Date: _____ By: _____

**This form must be received by Pierce Transit's Clerk of the Board by 5 p.m.,
Wednesday, March 25, 1998.**

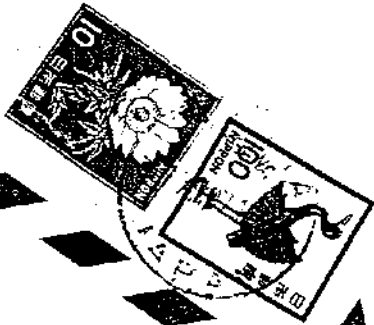


TADASHI YOKOYAMA
 TAKUMA
 1338-13 TAKUMA
 KAGAWA-CHO, TAKUMA,
 KAGAWA-KEN, JAPAN
 BY AIR MAIL

Mayor
 Gig Harbor
 3/05 Judson Street
 Gig Harbor, WA 98335

Gretchen Wilbert
 City Hall

USA



DEC 22 1987

Dear Mayor Wilbert.

Hearty greetings for a Merry Christmas
and a Happy New Year.

I am very grateful to you for the
kindness you showed us last year.

I wish next year will be the happiest
and best for you and the beautiful City,
Gig Harbor.

Sincerely yours,

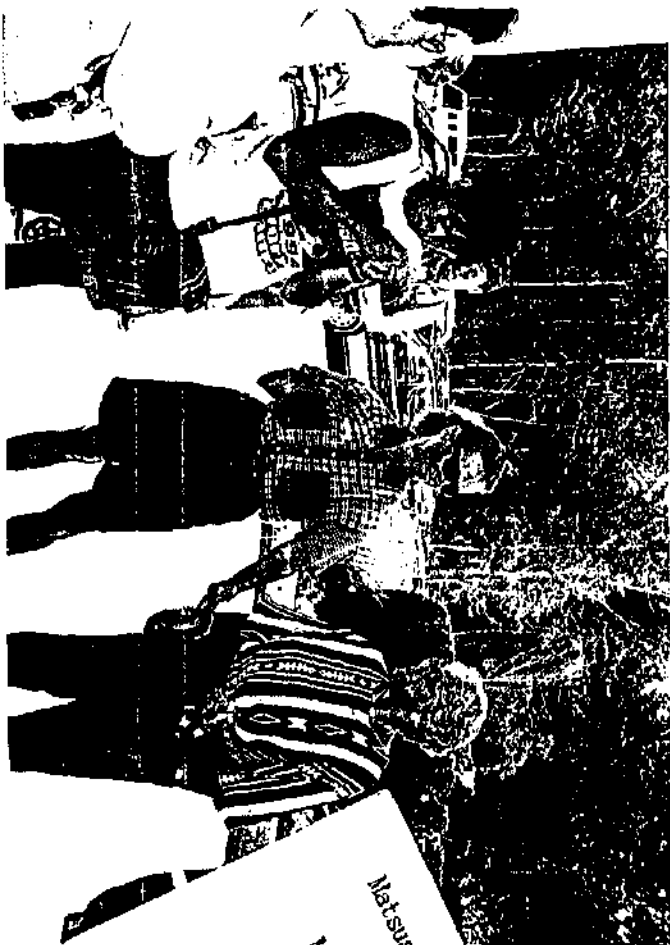
Tadashi Yokoyama

TADASHI YOKOYAMA

MAYOR,

TAKUMA TOWN OFFICE

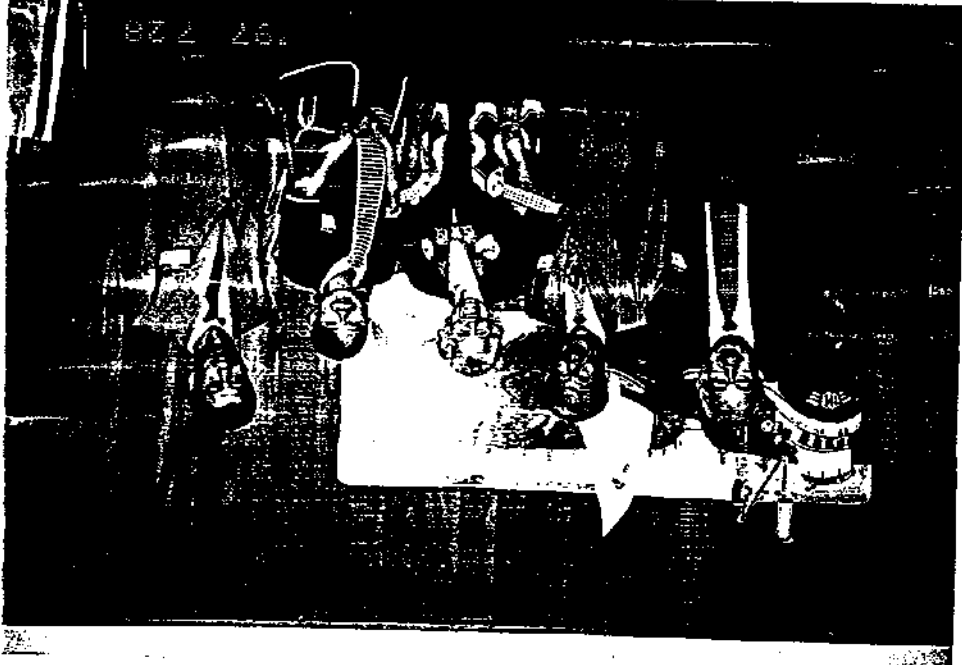




Matsusaki Elementary School of Takuma-City

Michio Iwakura
Principal

722-0aza-Matsusaki, Takuma-City
Mitoyo Kagawa 769-11 Japan
(TEL) 0875-83-2856 (FAX) 0875-83-2857



PARCEL
航空

3105 Quaker Major A. Willcutt
 Big Harbor, MA 02025
 U.S.A.

REC'D
 DEC 15 1997
 CITY OF GIG HARBOR

Japan
 5496-1
 Mito, Ibaraki
 Prefecture
 Japan 309-1111

190
 ANON
 07.12.97

Dear Ms. Gretchen A. Wilbert,
Hello. How have you been?
Students took final exams last week.
They really studied very hard.
Our winter vacation begins in Dec. 25th.
How about in Sig Harbor?
I'm writing report cards of my
homeroom students.



9 8 26.



Thank you very much for
 giving us a chance to stay in Big Harbor
 and really had a lot of good memories
 and will never forget it. We like to go again
 in Big Harbor. I wish happy new year
 in some way. I wish happy new year
 Christmas and a happy new year.



International Institute of Municipal Clerks

Los Angeles County, California

1212 N. San Dimas Canyon Rd. • San Dimas, California 9177
Phone (909) 592-IIMC • Fax (909) 592-155..
E-mail 74357.1567@compuserve.com

January 30, 1998

BOARD OF DIRECTORS—1997-1998 Executive Committee

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Borough Clerk
Kenai Peninsula Borough
Soldotna, Alaska

VICKY MIEL, CMC/AAE

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Immediate Past President
Clerk Administrator
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City Clerk/Treasurer
Whitesville, Kentucky

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City Recorder - Ogden City, Utah

ROLAND SIGNETT, CMC/AAE

Clerk/Treasurer - Ferndale, Washington

GARMT KOLHORN

City Manager/Clerk
Noordoostpolder, Emmeloord
The Netherlands

Directors—1999 Expiration

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Township Clerk
South Brunswick Township, New Jersey

L. RANETTE WOOD-LARSEN, CMC/AAE

City Secretary - Garland, Texas

JAMES R. VILLESSE, CMC

Clerk/Treasurer
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City Clerk/Treasurer
Española, New Mexico

PIERRE PAGE, CMC

City Clerk - Ottawa, Ontario, Canada

JAN S. VAN ZYL, CMC

Local Government Consultant
Pretoria, South Africa

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City Clerk/Recorder
Germantown, Tennessee

MARGARET DURBALA, CMC/AAE

City Clerk - Newton, Iowa

BETTY W. HENNEMAN, CMC/AAE

City Clerk - Park Ridge, Illinois

ELISA D. FRITZ, CMC/AAE

City Recorder - Klamath Falls, Oregon

DONNA B. KENNY, CMC

City Manager/Legislative Services/City Clerk
Surrey, B.C. Canada

John R. Devine

Executive Director

Francis L. Adshead, Ph.D

Director of Education

RECEIVED

FEB 05 1998

CITY OF GIG HARBOR

Honorable Gretchen A. Wilbert
Mayor
City of Gig Harbor
3105 Judson Street
Gig Harbor, Washington 98335

Dear Mayor Wilbert,

On behalf of the International Institute of Municipal Clerks, it gives me great honor and pleasure to announce that **Molly M. Towslee, City Clerk of the City of Gig Harbor, Washington**, has been awarded the designation of Certified Municipal Clerk.

This prestigious award fully recognizes the professional competency of Ms. Towslee fulfilling the responsibilities of her office. It is granted only after a person has met high educational, experience, participatory and service standards established by IIMC.

The International Institute of Municipal Clerks was founded in 1947, and has a membership of 10,000 members throughout the United States, Canada and 15 other countries. IIMC prepares and meets challenges of the diverse role of the Municipal Clerk through its Certification and Advanced Academy educational service programs. These programs are updated regularly to keep pace with changing local government needs.

We are very pleased to have Ms. Towslee as a member of the International Institute of Municipal Clerks, and deeply appreciate your encouragement of her involvement with the IIMC Certification program. It reflects your understanding of the purpose of IIMC and your commitment to professional development and growth.

Sincerely,

Linda S. Murphy, CMC/AAE
President, IIMC
M/s



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: PLANNING STAFF
**SUBJECT: PROPOSED REVISIONS TO CHAPTER 17.80 (SIGN CODE) – FIRST
READING OF ORDINANCE**
DATE: FEBRUARY 18, 1998

INTRODUCTION/BACKGROUND

A public hearing on the proposed sign code changes was held before the City Council on February 11, 1998. There were 21 individuals who testified at the public hearing representing both the business community and concerned local residents. Residents expressed support of the proposed amendments. Business representatives expressed concern over the following 10 items:

1. The code's allowance for a 4 square-foot logo shield.
2. The 21 inch increased letter height.
3. Freeway visibility.
4. Non-conforming signs -- "instant amortization" -- 20% expansion issue.
5. Real estate signs.
6. Color review by the DRB on illuminated sign faces.
7. Corporate color -- exclusion from sign definition if colors meet Design Manual criteria for building colors.
8. Abandoned signs -- concerns over 30 day time limit.
9. Concerns permit requirements and sign maintenance.
10. Effects of proposed amendments on existing signs.

After hearing public testimony, the City Council had several questions of the staff which focused primarily on the above items. The Council agreed to further discuss specific concerns at the first reading on February 23, and stated that such concerns should be submitted in writing in time to be incorporated into the Council packet.

A draft ordinance to adopt the Draft 3 amendments of the sign code is attached. This is the first reading of the ordinance and no action will be taken by the City Council at this time

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO REGULATION OF COMMERCIAL AND NON-COMMERCIAL SIGNS; MAKING REVISIONS TO TITLE 17.80 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City Council finds and declares that outdoor advertising is a legitimate, commercial use of private property adjacent to City street, roads and highways; and

WHEREAS, outdoor advertising is an integral part of the business and marketing function, and an established segment of the City's economy which serves to promote and protect private investments in commerce and industry; and

WHEREAS, the City has adopted sign regulations in order to safeguard the general welfare of the property owner, to preserve the beauty of the community and to balance this with growth, development and commercial pursuits; and

WHEREAS, the City of Gig Harbor amended its sign code in June 1995 to bring the sign code into conformance with the Design Element of Gig Harbor's Comprehensive Plan; and

WHEREAS, the amended sign code has been in effect for a period of over two years, and the City Council has directed the Planning Commission to review the sign code to determine its effectiveness and to address concerns expressed by the business community regarding the restrictiveness and complexity of the sign code; and

WHEREAS, two public hearings were held on March 6, 1997 and March 20, 1997 to receive input from the community on the existing sign code, at which time the planning commission listened to over six hours of public testimony which focused primarily on the following 13 issues:

1. Master sign plans.
2. Window signs.
3. National brand product or logo signs.
4. Freeway visibility of signage.
5. Amortization.
6. Illumination restrictions on internally illuminated signs.
7. Inflatable displays.
8. Allowable wall signage.
9. Portable signs.
10. Real Estate Signs.
11. Reader Boards.
12. Sign Areas.
13. Miscellaneous Items. (Clarification of terms, format, and general housekeeping items); and

WHEREAS, the planning commission submitted to the City Council a recommended process of addressing the 13 identified issues which allowed the public to submit specific recommendations on any issue under review or to request that additional items be added to the review process, and which allowed public input during scheduled worksession/hearings; and

WHEREAS, the planning commission held worksession/hearings over a 7 month period to address concerns and to receive public input; and

WHEREAS, public input during the worksession/hearings was submitted by a limited number of individuals, which input was carefully considered by the planning commission and balanced against the goals and policies stated in the City's Comprehensive Plan; and

WHEREAS, the Comprehensive Plan states several goals and policies relating to maintaining signage as a subordinate element in building design including, but not limited to (a) minimizing sign area in facade design, (b) avoidance of signage as a dominant architectural feature, (c) including corporate or logo panels into signage area calculations, (d) avoidance of covering architectural details, (e) avoidance of signage as a dominant architectural statement, (f) encouragement of sign designs which reflect the building style or period by use of incentives and dis-incentives; and,

WHEREAS, the Planning Commission finds that the solid/void ratio requirements for buildings specified in the Architecture section of the City's Design Manual and also the landscaping requirements specified in Section 17.78 of the Gig Harbor Municipal Code provide sufficient interest in building and site designs to assure that signage does not become a dominant statement in the building or site design; and

WHEREAS, the Comprehensive Plan has the stated goal on page 32-33 to avoid flamboyancy in signage by keeping internally illuminated signs subdued through restrictions on sign face illumination; and,

WHEREAS, the Comprehensive Plan on page 33 has the stated goal to coordinate sign designs on multi-tenant buildings through the use of master sign plans designed to allocate signage among tenants and to unify the site design; and,

WHEREAS, the Comprehensive Plan has the stated goal on page 34 to restrict use of off-premise signage and to avoid signage design for viewing beyond the street on which a business is located; and,

WHEREAS, the Comprehensive Plan identifies SR-16 as an enhancement corridor which should require an extensive level of design review; and,

WHEREAS, the Planning Commission recognized that the Growth Management Act requires that any amendments to the City's sign code must be consistent with the Comprehensive Plan; and

WHEREAS, after carefully evaluating the existing sign code's effectiveness in implementing the goals and policies of the Comprehensive Plan by reviewing signs installed since the 1995 sign code update was adopted, and also after reviewing concerns over the complexity of some of the language in the existing code, the Planning Commission has made the following findings:

1. Since the adoption of the master sign plan requirement, it has become evident that signs installed prior to the master sign plan requirement often exceeded the allotted signage allowances because they were installed without the full knowledge of existing signage on a building. The master sign plan provides complete knowledge of existing and allocated signage prior to issuance of a sign permit and therefore assures that maximum sign allowances are not exceeded.
2. Signs installed under the master sign plan requirement have resulted in a more unifying site design and better reflect the architectural qualities of the buildings the signs apply to.
3. To achieve a unified site design, and to assure that signs reflect the architectural qualities of a building, it is not necessary that all signs on buildings look alike, provided there is a limit to the number of types of signs on any given building and that multiple types of signs are not used on the same wall plane.
4. Window signs have as much visual impact on the community as other outdoor forms of advertising. Window signs placed behind or on the inside of clear glass are no less intrusive to the community than window signs placed on the outside of glass. However, interior signs more than 3 feet from the window may be intended for indoor advertisement and are far enough away from a window to allow a legal aisle width between a window and an interior display. While signs placed more than three feet may be visible from public rights-of-way, they are far enough away from the window to soften their visual impacts on the community.
5. Temporary interior window signs are currently allowed without limits on their size, design, or on the number of days temporary window signs may be displayed; permanent window signs are subject to the same restrictions as exterior wall signs. Illuminated window signs have more visual impact on the community than non-illuminated window signs because of their visibility at night, and their greater brilliancy both day and night. Illuminated window signs should therefore be regulated the same as other wall signs. Non-illuminated permanent window signs have no greater visual impacts to the community than temporary window signs and should therefore be regulated the same as temporary signs. However, to assure (a) that the architectural purpose, function and integrity of windows are retained, (b) that windows are not inadvertently converted into large wall signs without the regulations of wall signs, and (c) that signage is a subordinate element in the building design, neither temporary or permanent window signs should be allowed to cover entire window areas.
6. Illumination is necessary for both signage and general site lighting. Illumination of signage increases the effectiveness of signs in the evening hours and is essential for evening viewing.

Illumination of sites increases safety by discouraging criminal activity and by illuminating pedestrian areas. Uncontrolled illumination for either signs or site lighting results in light trespass and glare and can impact other evening activities such as astronomical observations or sleeping.

The City's standards for site and building lighting are contained in the City's Design Manual. These standards allow necessary lighting for safety and convenience while mitigating the impacts of lighting by (a) specifying the surface to which lighting may be directed, and (b) regulating the fixture from which light may emanate. Generally, lighting regulations require that light fixtures be shielded, or that fixtures have horizontal cut-offs (shields) which direct light downward. Because such horizontal cut-offs would effectively shield the sign face, it is not possible to allow illumination of signs without either restricting illumination to shielded spot lights focused on a sign surface, or without allowing horizontal light to emanate from a sign fixture. Light emanating from a sign results in more glare than light being directed to a sign from a shielded fixture. It is therefore necessary to limit the amount of horizontal light emanating from the face of internally illuminated signs.

The City's current sign code effectively limits the amount of horizontal light emanating from signs by allowing light to emanate only from a sign's text, and not its entire sign face background. This has resulted in a reduction of glare and also assures that sign faces are consistent with other City lighting standards which, for aesthetic purposes, prohibit internal illumination of translucent panels and awnings. Back-lit panels and awnings are generally incompatible with Gig Harbor's small-town atmosphere and fishing village character.

Some back-lit sign panels have been found to meet the intent of the City's lighting regulations because they are of darker color values which allow very little light to emanate from them. Allowing these darker colors to be internally illuminated requires a criteria for a case-by-case review.

In addition to limiting internal illumination to the text only, the code also minimizes horizontal light emissions by limiting the size of the text. The current code limits the first letter of signs to 24 inches in height, and all remaining letters to 18 inches. Research pertaining to sign legibility indicates that it takes one inch of letter height for every 50 feet of distance it is read from and that speeds of up to 55 mph on a six lane highway requires a letter height of 16 inches (visible from a distance of 800 feet) to allow adequate time to respond to the sign. Restricting internally illuminated letter heights to up to eighteen and twenty-four inches is therefore reasonable in that it allows letter heights that are more than adequate in size to be read from all of Gig Harbor's streets. Nevertheless, allowing the first letter to be larger than all remaining letters does not reflect typical fonts of upper and lower case letters. Allowing 21 inches for all letters would more readily allow both upper and lower case letters while reasonably limiting the amount of horizontal light emanating from a sign fixture.

Because allowances for individual internally illuminated letters of up to 21 inches are proposed, and because businesses often wish to internally illuminate their logo backgrounds, it is reasonable to conclude that an internally illuminated logo background of up to 21 inches (or 4 square feet) would be no more impacting than an internally illuminated letter of up to 21 inches. Larger logos may be fully illuminated by an external light source directed to the logo if desired.

7. Sign with illuminated text and a non-illuminated background area easier to read at night and therefore represent more effective signage. This has been demonstrated both by personal observation of planning commission members and also by photographs of signs with both illuminated backgrounds and non-illuminated backgrounds. In most cases, the text of signs with illuminated backgrounds were blurred and illegible in the photos because of excess glare emanating from the signs; while signs with opaque backgrounds and illuminated text were fully readable in the photos.
8. Alternate methods of controlling light and glare, such as the use of light meters which measure foot candles, are difficult to administer and regulate because conformance can only be determined with special equipment and only after regular business hours when staff is not available.
9. Portable sandwich board signs are no more or less impacting than other portable signs and should therefore be regulated the same.
10. SR-16 is a designated Enhancement Corridor having visual integrity which should be protected and, where necessary, reestablished. The Green belts and buffering which characterize the SR-16 Enhancement Corridor have been damaged, removed or altered in areas where signage is oriented toward SR-16. Prohibiting signage oriented toward the SR-16 Enhancement Corridor is necessary to assure its continued protection. However, signs oriented toward interchanges would not threaten the Corridor's integrity because the Visually Sensitive Areas map which defines the Enhancement Corridor also defines visual nodes at each interchange.
11. The wall sign calculations have proven cumbersome to calculate and administer. A revised method of determining wall signage using a strict percentage approach would facilitate easier calculations.
12. Excessive use of balloons as attention-getting devices and for advertising result in a carnival atmosphere which is incompatible with the visual quality of Gig Harbor's environment. Without regulations, balloons have been shown to proliferate in use and to dominate entire streetscapes (e.g., the car dealerships along Puyallup's River Road).
13. While the code's current amortization clause is legally defensible, it will be difficult to administer because of the difficulty of identifying all non-conforming signs. Many non-

conformities are minor and could not be easily discerned through a windshield survey. However, all non-conforming signs should eventually be eliminated. Without an amortization clause, other "triggers" for the removal of non-conforming signs will be necessary.

14. The current code's prohibition on readerboard signs is based upon concerns over the excess light and glare caused by most readerboard signs, and also over the size, bulk and design of most portable readerboard signs. However, the code's restrictions on sign illumination combined with other restrictions on portable signs address these concerns. There is no reason to prohibit readerboard signs if they conform to all other sign code requirements.
15. National Brand/Product Logo signs are legitimate signs for advertising as long as they advertise a product or service available on the premises. The bulk or volume of the product sold is difficult to determine and should not be a factor in determining if a sign advertises an on-site product or service; and
16. Public event signs are allowed, but it is difficult to determine which events may legitimately be considered "public" events. Traditional events in Gig Harbor, including Tide Fest or Winterfest, have been allowed signage under this definition, but it may be argued that, while they are sponsored by a non-profit organization, individual vendors do receive profits from their sales and should therefore not be considered "public". It would be convenient to define a public event as an event which requires a special event license, but the special events provisions of Chapter 5.28 apply only to those events on public rights-of-way. Many of the traditional events in Gig Harbor would not be covered under these provisions.

WHEREAS, the Planning Commission finds that the City has visual integrity which may be threatened by incompatible signage or by inadvertently encouraging removal of the vegetation which provides visual integrity to the City's enhancement corridor by allowing signs oriented to the enhancement corridor which would only be visible if the characteristic vegetation were removed; and

WHEREAS, the City Council agrees with the findings of the Planning Commission and hereby adopts the same findings; and

WHEREAS, the Planning Commission has proposed amendments to the sign code which reflect its findings stated above and which will (a) further the goals and policies outlined in the City's Comprehensive Plan (b) protect the public health/safety/welfare by avoiding excessive light and glare of illuminated signage, and (c) preserve the visual quality which has attracted tourists and new residents to the Gig Harbor area thereby preserving property values and promoting economic development in the Gig Harbor area; and

WHEREAS, the proposed amendments reflect substantial changes intended to address, to the degree possible, the concerns of the business community and any further changes to relax the City's sign

code standards would seriously alter the visual integrity of the City and would not protect the welfare of the citizenry; and

WHEREAS, the Planning Commission held a public hearing on the proposed sign code amendments of Chapter 17.80 on December 4, 1997 to accept public testimony on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Chapter 17.80 of the Gig Harbor Municipal Code is hereby amended as follows:

Chapter 17.80
SIGN CODE

Sections:

- 17.80.010 Purpose and scope.
- ~~17.80.015~~ 17.80.020 Permits not required.
- ~~17.80.020~~ 17.80.030 Definitions.
- ~~17.80.030~~ 17.80.040 Permit procedures.
- 17.80.050 Variances & Administrative Waivers
- ~~17.80.031~~ 17.80.060 General regulations.
- 17.80.070 Master Sign Plans
- 17.80.080 Sign Districts
- ~~17.80.033~~ 17.80.090 Sign standards for Areas 1 and 2 Area 1.
- ~~17.80.035~~ 17.80.100 Sign standards for Area 3 2.
- ~~17.80.040~~ 17.80.110 Temporary signs.
- ~~17.80.050~~ 17.80.120 Prohibited signs.
- ~~17.80.060~~ 17.80.130 Administration and enforcement Nonconforming Signs.
- 17.80.140 Design Review Board Approval
- ~~17.80.080~~ 17.80.150 Liability.

17.80.010 Purpose and scope.

A. Purpose. It is the purpose of this chapter to promote a quality visual environment by establishing reasonable standards for the size, placement, height and maintenance of outdoor signs, graphics and advertising. It is further intended to encourage quality design and material composition which create an attractive community and business climate. ~~Special emphasis should be placed on achieving harmony with building design, settings and the character of the surrounding areas by implementing the goals and policies described in the Community Design Element of the City's Comprehensive Plan. Implementing these goals and policies will assure that signage is in harmony with building designs and the character of the surrounding areas.~~

B. Scope. This chapter shall not regulate traffic and directional signs installed by a governmental entity; signs not readable from nor intended to be viewed from a public right-of-way or waterway; interior signs placed more than three (3) feet behind a window or opening of a building unless within an enclosed display window; merchandise displays; points-of-purchase advertising displays on product dispenser machines; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; or lettering sign graphics or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business. (Ord. 691 § 1, 1995; Ord. 532 § 2, 1988).

~~17.80.015~~ 17.80.020 Permits not required.

The following shall not require a sign permit; provided however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance.

A. The changing of the advertising copy or message on a lawfully erected readerboard or similar sign specifically designed for the use of replaceable copy;

B. Repainting or cleaning of a lawfully erected sign and other normal maintenance which does not involve a change of sign color or design, unless a structural or electrical change is made;

C. Temporary Seasonal decorations customary for special holidays erected entirely on private property;

D. On-premises directional signs not exceeding four square feet. The height of the sign shall not exceed four (4) feet and distance from the ground level at the base of the sign to the top of the sign shall not exceed four feet unless it is attached to a wall, in which case the sign must have a maximum clearance of 27 twenty-seven (27) inches or a minimum clearance as defined in GHMC ~~17.80.035(E)(2)~~ 17.80.090(D)(2) and ~~17.80.100(E)(2)~~;

E. Poster signs, per GHMC ~~17.80.040(B)~~ Non-illuminated window signs conforming to GHMC 17.80.090(C)(2) and 17.80.100(D)(2);

F. Campaign and political signs, per conforming to GHMC ~~17.80.040(F)~~ and (G) 17.80.110(D);

G. One temporary construction sign of up to 32 thirty-two (32) square feet or one project identification sign, per conforming to GHMC ~~17.80.040(D)(1)~~ 17.80.110(C);

H. One wall or projecting gas station price sign or one portable gas station price sign per station limited to a maximum of 30 fifteen (15) square feet total area on all sides per sign face, and no more than two (2) faces. In addition to one wall or projecting gas price sign and in lieu of a portable gas station price sign, one gas price sign may be incorporated into an approved freestanding ground sign, subject to maximum size and height allowances for freestanding signs. Portable gas price signs shall have be limited to a maximum height from the ground of five (5) feet; illumination of portable gas price signs shall be limited to an external source or to an opaque face with illuminated letters sign graphics only;

I. One lot identification sign per single-family dwelling in the R-1 district with the total area not to exceed two square feet;

~~J. One neighborhood identification sign not exceeding a total of 12 square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet;~~

J. Real Estate signs conforming to GHMC 17.80.110(B).

K. ~~One nonelectric Non-electric portable signs not exceeding four square feet located on premises conforming to GHMC 17.80.060(H) and 17.80.100(F). (Ord. 691 § 1, 1995; Ord. 532 § 6, 1988. Formerly 17.80.050).~~

~~17.80.020~~ 17.80.030 Definitions.

The following definitions shall apply for the purpose of this code:

1. "Abandoned sign" means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located and which has not been changed or removed within thirty (30) days of a tenancy change; or a sign which is damaged, in disrepair, or vandalized and not repaired within thirty (30) days of the damaging event.
2. "Advertising copy" includes any letters, ~~figures, symbols,~~ sign graphics, background colors, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.
3. "Awning" means a shelter projecting from and supported by a structure or building wall and constructed of a rigid supporting framework and a flexible or non-rigid covering.
4. "Awning sign" means a sign applied to or incorporated into the covering of an awning.
5. "Building" means a roofed and walled structure built for permanent use.
6. "Bulletin board" means a board or small sign on which notices, community events or hours of operation are posted.
7. "Cabinet sign" means an internally illuminated sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.
8. ~~"Code administrator"~~ "Director" means the city's planning director, or the director's designee, who shall be authorized to administer and enforce all of the provisions of the sign code.
9. District, Sign.
 - a. "Area 1" ~~These includes those properties situated 300 feet back from the beginning and ending of the Olympic Drive freeway interchange, including those properties located within the Olympic Village and interchange area in all B-2 zones except the B-2 zone in the vicinity of the Burnham Drive/Harborview Drive junction; and all C-1 zones except C-1 zones in the height restriction area.~~
 - b. "Area 2" includes all properties not defined under Area 1. ~~The Westside business district outside the defined interchange area, the commercial zones on Pioneer Way and Kimball Drive and the commercial zones on the west side of Soundview Drive outside the Olympic Village interchange.~~
 - c. ~~Area 3. The RB-1 zoning district along Soundview Drive, and all other commercial districts and residential areas.~~
10. "Double-faced sign" means a sign that has advertising copy on opposite sides of a single display surface or sign structure.
11. "Electric sign" means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.
12. "Event" means a current or planned activity or occurrence which involves a gathering of people or solicits their participation. In this context, an event does not include the commemoration of a holiday.
13. "Facade" means the entire building front or street wall face of a building extending from the

grade of the building to the top of the parapet or eaves and the entire width of the building elevation.
14. "Festoon" means a strip or string of balloons which includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.

15. "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.

16. "Freestanding sign" means a sign supported by a pole(s) or mounted on a sign base and is not connected to or supported by any other structure.

17. Freeway Interchange Area. The freeway interchange of State Route 16 (SR-16) shall be the area between where the present or designed future on and off ramps to the highway are situated measured between the intersection of the fog line of the exit and on ramps that are near SR-16. This designation applies to those properties situated 300 feet back from the freeway interchange, is illustrated on Exhibit 1 and defines the area where signage may be oriented to SR-16, subject to the provisions of Section 17.80.060(K).

18. "Gas station price sign" means a sign advertising the price of motor fuel and contains no other business advertising.

14. "Grade" means the elevation as measured at the relative ground level in the immediate vicinity of the sign.

19. "Holiday" includes all State holidays as defined under RCW 1.16.050, except Sunday.

20. "Incidental sign" means a small nonelectric information sign four (4) square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.

21. "Internal illumination" means a source of lighting concealed entirely within a sign which makes sign graphics visible by transmitting light through a translucent or semi-translucent material.

22. "Institutional sign" means a sign to identify educational, civic and religious institutions.

23. "Landscaping" means the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.

24. "Logo" means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.

25. "Logo shield" means a logo contained within an area no greater than four (4) square feet, incorporated into a larger sign face or designed as an individual sign or a component of a sign containing individually mounted sign graphics.

26. "Lot identification sign" means a sign to identify the occupants of the premises.

27. "Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

28. "Marquee" means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.

29. "Neighborhood identification sign" means a sign to identify a particular residential area or development four acres or greater in size.

30. "Neon lighting" means illuminated tubing forming signs graphics or which is otherwise used

as an exposed lighting source. For the purpose of this ordinance the term "neon" will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

~~22~~ 31. "Neon sign" means illuminated neon tubing neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon text, symbols sign graphics, logos or outlining of a building's architectural features. ~~Neon signs shall not flash, oscillate or revolve.~~

~~23~~ 32. "Off-premises directional sign" means a permanently installed sign which provides directional information to a parcel located in the Gig Harbor area, but not located on the same parcel as the sign in question.

~~24~~ 33. "Off-premises sign" means a sign relating, through its message and content to a commercial or non-commercial business activity, use, product or service not available or conducted on the premises on which the sign is erected.

~~25~~ 34. "On-premises directional sign" means a permanent sign that directs the public to a specific place such as an entrance, exit, or parking or service area, or a particular aspect of a business establishment.

~~26~~ 35. "On-premises sign" means a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

36. "Pan-channel" means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

~~27~~ 37. "Portable sign" means a free-standing sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.

~~28~~ 38. "Projecting sign" means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

39. "Public event" means an event held no more than once a year by an individual sponsor, business or agency, and which is on a site normally associated with activities or uses other than the event, and which does not represent or promote a use, product or service normally associated with the site of the event. Special sales or promotions of products or services commonly available on the site, or which are readily available at a permanent outlet or site within the City, do not represent public events.

~~29~~ 40. "Readerboard" means a sign face designed to hold readily changeable letters sign graphics allowing frequent changes of copy.

41. "Returns" are the exposed sides of pan-channel sign graphics and cabinet signs.

~~30~~ 42. "Revolving sign" means a sign which rotates or turns in a circular pattern.

~~31~~ 43. "Roof sign" means a sign supported by and erected on and above a roof, parapet or fascia of a building or structure (shall not include a sign erected on the face of a mansard roof).

~~32~~ 44. "Sandwich board/sidewalk sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

45. "Seasonal decorations" mean temporary decorations for holidays which do not fall under the definition of a sign and which are installed no sooner than thirty (30) days before a holiday and removed no later than five (5) days after the holiday. Decorations which fall under the definition of a sign must conform to all provisions of the sign code.

~~33. "Sign" means any visual communication device, structure, or fixture which is visible from any right-of-way or waterway and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building, using graphics, letters, figures, symbols, trademarks or written copy. Steel, plastic or similar panels displaying corporate colors, logos or trademarks and as are common on corporate signature buildings to give identity to the business shall be considered signage. Corporate colors which conform to design guidelines as may be adopted by the city shall be excluded from this definition. Inflatable displays, figures, , or product representations shall also be considered signage.~~

46. "Sign" means:

(a) any visual communication device, structure, or fixture which is visible from any public right-of-way or waterway placed for the promotion of the sale of products, goods, services, events or to identify a building, using sign graphics or trademarks; or

(b) Steel, plastic or similar panels displaying corporate colors, logos or trademarks and as are common on corporate signature buildings to give identity to the business (Corporate colors which conform to the City's Design Manual requirements for color shall be excluded from this definition of a sign); or

(c) Inflatable figures, balloons (in a display of six or more), festoons, streamers, spinners, product representations and advertisements for services which are attached to a fixed object or stationary vehicle.

34 47. "Sign area" means the entire area of a sign, including the sign face background, on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features which contain no written or advertising copy, which are not illuminated and which contain no logos or trademarks shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of calculation.

48. "Sign graphics" include all lines, strokes, text, symbols and logo shields applied to a sign surface and does not include the background surface to which they are applied.

49. "Silhouette lighting", sometimes called "halo lighting" means lighting being emitted from the back side of pan-channel sign graphic which has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics.

35 50. "Temporary construction sign" means a sign jointly erected and maintained on premises undergoing construction by an architect, contractor, subcontractor and/or materialman upon which property such person is furnishing labor or material.

36 51. "Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames, intended to be displayed for a limited time only and not permanently attached to a building or site.

52. "Trim caps" are the corner trim pieces holding the translucent materials or sign faces on pan-channel sign graphics and cabinet signs.

37 53. "Wall graphics" means a wall sign of which color and form are part of an overall design on the building.

38 54. "Wall plane" includes that portion of a facade which is contained on one general plane. If

there is a shift in the facade, forward or back, a new plane is created. A single wall plane may contain windows and doors but it is generally a solid surface; notwithstanding the. The fascia of projecting porches or colonnades may be considered part of the wall plane the porch or colonnade projects from for calculating signage area.

39 55. "Wall sign" means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign. (Ord. 691 § 1, 1995; Ord. 558 § 1, 1989; Ord. 532 § 3, 1988).

56. "Window Sign" means a sign which is mounted on a window, or placed within three (3) feet of the inside of a window or opening, or is within an enclosed display window (i.e., the display area in the window is separated from the main floor area by a wall, curtain or screen).

~~17.80.030~~ 17.80.040 Permit procedures.

The following regulations shall apply to all signs.

A. Permit Requirements. Signs located on public right-of-way must conform to all provisions of this chapter, except that such signs are exempt from the permit requirements of this section and shall be processed and administered as per Chapter 12.02 GHMC. No sign shall be installed, constructed, painted, structurally altered, posted or applied without first obtaining a sign permit from the code administrator, director unless exempted by this chapter. A separate permit shall be required for each group of signs installed simultaneously on a single supporting structure. Thereafter, each additional sign erected on the structure must have a separate permit.

B. Permit Application Procedures. ~~Applications for signs shall be accompanied by~~ A complete application for a sign permit shall consist of:

1. Two site plans showing the location of the affected lot, building(s) and sign(s), showing both existing and proposed signs;

2. Two copies of a scaled drawing of the proposed sign or sign revision including size, height, copy, structural footing details, material specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photograph of site and building marked to show where sign or marquee is proposed, and any other information required to ensure compliance with appropriate laws;

3. Written consent of the sign owner and the owner of the building, structure, or property where the sign is to be erected;

4. A permit fee as adopted by resolution of the city council;

5. Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign.

5 6. Exemptions. The code administrator may waive submission of plans and specifications when the structural aspect is of minor importance.

C. Administrative Permit Processing Requirements. ~~The code administrator shall ascertain that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign.~~ A sign permit shall be processed according to the procedures in Title 19 of the Gig Harbor Municipal Code, and is a Type II permit

application.

17.80.050 Variances and Administrative Waivers

~~D A. Variances. Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Variances shall be processed by the code administrator. The hearing examiner shall review a sign variance application in accordance with the applicable procedures established in Chapter 17.10 GHMC. In the examiner's determination whether a sign variance should be granted, the examiner will follow the applicable criteria in lieu of the criteria set forth in GHMC 17.66.030 (B)(1), (2), (3), (4) and (5): A variance may be requested from any requirement in this chapter, with the exception of the requirements described in GHMC Section 17.80.050(B), Administrative Waiver. The variance shall be processed as a Type III application, and the variance criteria described in the Zoning Code (GHMC Section 17.66.030) shall not be used to determine whether a variance may be granted. A variance may be approved if all of the following criteria are satisfied:~~

- ~~1. The granting of the variance would not be materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant; and~~
- ~~2. The granting of the variance would not be contrary to the objectives of this chapter; and~~
- ~~3. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the chapter; and~~
- ~~4. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size; site distance and limited view to property.~~

~~E B. Administrative Waiver - Design Restrictions. Restrictions pertaining to the location of a sign within architectural features of a building or to color of illumination as required in GHMC 17.80.033(B)(2) and 17.80.035(A) 17.80.090(B)(2) and 17.80.100(A) and 17.80.100 (C)(2) shall be observed unless a waiver is granted by the code administrator director. Waivers may be granted by the code administrator director upon a clear demonstration that all of the following conditions apply:~~

- ~~1. The proposed sign design is consistent with design guidelines in place at the time the waiver is requested the City's Design Manual;~~
 - ~~2. The building for which the waiver is requested lacks usable wall and/or fascia space common to newer buildings;~~
 - ~~3. The waiver shall not be granted for the purposes of increasing advertising effectiveness;~~
 - ~~4. 3. If colored illumination other than white or ivory is desired in Area 3 2, the proposed sign is not visible to any residents from residential property within 200 two-hundred (200) feet of the parcel the sign is located on;~~
 - ~~5. 4. All reasonable alternative locations for signage have been explored by the applicant.~~
- (Ord. 691 § 1, 1995; Ord. 664 § 4, 1994; Ord. 558 § 2, 1989; Ord. 532 § 4, 1988).

~~17.80.031~~ 17.80.060 General regulations.

~~A. Sign District. Three sign districts are created as designated on Map 1. The requirements of this chapter shall be applied to signs in all districts except for the special requirements to be imposed on signs located in each of the three districts.~~

~~B A. Motion Signs Prohibited. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners.~~

These devices, when not part of any sign, are also prohibited. Balloons may be permitted on signs if they conform to the provisions of Section 17.80.110(F). Limited use of thematic flags, banners and pennants which are complementary to a specific location or structure may be permitted upon approval of the code administrator. This waiver is not intended to permit the use of numerous types of devices which as a result of wind pressure may move to a point of attracting attention of vehicular and pedestrian traffic.

€ B. Exposed Sign Supports. Exposed braces and angle irons are prohibited unless they are a decorative element in the sign structure (e.g., wrought iron "S" curve braces) or unless there are no other practical means of supporting the sign.

Ð C. Flashing Signs. No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.

E D. Uniform Building Code Compliance. The structure and installation of all signs shall comply with the latest adopted edition of the city's building code. Such sign shall meet all other applicable provisions of this chapter.

F E. Off-premises Directional Signs. Off-premises directional signs may only be allowed if a variance is granted pursuant to GHMC 17.80.030 (Ð) 17.80.050(A) If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

€ F. Maintenance Required. All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.

H G. Illumination Restrictions.

1. Externally illuminated signs. Signs may be externally illuminated and shall conform to the City's Design Manual standards for lighting. ~~The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way.~~

2. Internal illumination and neon. ~~Electric signs shall not use incandescent bulbs for internal illumination. Lights on externally illuminated signs shall be so shielded as to contain the light to the sign surface only. Internally illuminated signs shall be limited-~~ conform to the following:

a. Individual pan-channel sign graphics and emblems. Sign graphics and emblems (e.g., fully illuminated logo shields) shall not exceed twenty-one (21) inches in height.

b. Individual sign graphics using "halo" or "silhouette" lighting. Sign graphic height shall not be restricted on opaque sign graphics using "halo" or "silhouette" lighting where the light is reflected off the surface to which the sign graphics are mounted.

c. Internal illumination and neon lighting. All sign graphics which are internally illuminated, or illuminated with neon tubing, are limited to no more than twenty-one (21) inches in height, except that illuminated outlines and borders may extend to the height of the sign face. Sign faces may not be internally illuminated and must be sealed at the seams to avoid light leaks. However, design allowances for illuminated sign faces may be approved by the Design Review Board (DRB) under the provisions of Section 17.80.140 if the sign conforms to all of the following criteria:

i. Illumination may be the minimum required to reveal the background color, but no brighter.

ii. Color Value of the sign face shall be limited to the darker values which are heavily imbued with brown or black undertones. Intensity (or chroma) shall be dull or weak. Examples of acceptable colors and unacceptable contrasts include: deep burgundy or maroon as opposed to red; dark forest green as opposed to kelly or lime green; dark navy blue as opposed to royal or sky blue). These darker hues are naturally more opaque due to their darker values.

d. Internally illuminated awning signs. Awning materials must be totally opaque. Only the sign graphics on an awning may be translucent.

~~individual pan-channel letters or to cabinet or awning signs with individual letters cut out of an opaque sign or awning face. Internally illuminated letters shall be limited to a letter height of 24 inches for the first letter of each word with the remaining letters limited to an 18-inch height maximum. Sign or awning materials must black out all light. Only the text may be translucent. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.~~

H. Portable Signs. Portable signs shall not exceed 12 square feet in sign area six (6) square feet per side and shall not exceed twelve (12) square feet total. Portable signs shall not exceed four (4) feet in height and not more than one such sign plus one portable sandwich board sign may be displayed per business. Portable signs must be located on the premises to which they relate, except real estate signs and those signs allowed under Section 17.80.100(F).

I. Abandoned Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located after the business or service advertised is no longer conducted on the premises.

J. Color and Material Restrictions. Reflective materials, brilliant luminescent or fluorescent colors shall be permitted for sign graphics and one logo shield per sign face only and may not be used on the background, field, or surface to which graphics or logo shields are applied. Materials which give the appearance of changing color or of movement are prohibited.

K. SR-16 Sign Orientation. Signage shall not be oriented for SR-16 visibility, except as follows:

1. Signage for existing establishments may be oriented to the road or parking lot providing primary access to the customer entrance.

2. Wall signage may be oriented toward designated freeway interchange areas as defined on Exhibit 1, provided all screening or buffering requirements specified in the City's Design Manual or zoning code are in compliance on the subject site, and provided that no more than one sign is visible from the interchange for any one business.

L. Wall Graphics. There are no restrictions on wall graphics except as regulated by the City's Design Manual for color, provided that they do not constitute advertising of a business, product, service or event normally subject to the provisions for painted signs.

17.80.070 Master Sign Plans

~~K. Master Sign Plan. Before a sign permit can be issued for any commercial multi-tenant building, All commercial buildings shall provide a master sign plan for the entire structure or project a master sign plan shall be developed and approved by the City. Individual buildings on a single site may have separate master sign plans.~~

A. Required contents of master sign plans. ~~The plan~~ Master sign plans shall indicate the amount and location of signage allocated to each tenant space. ~~The signage plan must be designed so that~~

it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background. In addition, master sign plans shall specify from the following list of sign types which sign types are permitted on each building .

1. Individual pan-channel sign graphics - internally illuminated
2. Individual sign graphics - silhouette lighting
3. Individual cut-out sign graphics - no internal light source (e.g., wood, foam, brass)
4. Cabinet signs
5. Sandblasted or carved wood signs
6. Flat wood signs with hand-painted or vinyl graphics.
7. Neon signs
8. Awning signs
9. Fabric signs (e.g., banners)
10. Combination signs - signs which incorporate multiple sign types into one single sign in a specified or pre-determined fashion (e.g., individual pan-channel sign graphics combined with internally illuminated logo shields or reader lines; cabinet signs with neon mounted to the sign face; wood-carved signs combined with metal cut-out sign graphics).
11. Other - The Director may approve other sign types which have specific and unique design characteristics which are visually distinct from other sign types described herein (e.g., mosaic signs, concrete formed signs, etc.).

B. Design limitations. No more than one sign type may be used on any one building, except that up to two sign types plus one combination sign (as described in the above list) are permitted on a single building provided that no more than one sign type is used on any single wall plane, and provided that the separate sign types used on one building have at least two of the following design elements in common with each other:

- a. Common colors on the background or text
- b. Common lettering style.
- c. Common size (e.g., a specified height common to each sign).
- d. Common materials

C. Sign structure color requirements. Regardless of whether one or three sign types are specified, all sign cabinets, trim caps, returns and all sign supports such as poles and braces, shall be of a common color.

D. Approval process. Sign plans shall be approved through the site plan review process except that existing buildings may have sign plans approved administratively by the Director. Owners, or owner's designees, of all All existing multi-tenant projects or buildings shall submit a master sign plan prior to issuance of any new sign permits for said buildings. The Director may approve a master sign plan prepared by an owner or owner's designee.

E. Amendment procedures. Master sign plans shall be amended no more than once every five years, except that a plan may be amended more frequently if all signs approved under an existing master sign plan are in conformance, or are brought into conformance, with the provisions of the amended sign plan.

~~L. Color Restrictions. "Day-glo", fluorescent, or reflective colored materials that give the appearance of changing color or brilliant luminescent colors shall not be permitted. Additional color restrictions are defined for Area 3. Reflective materials, brilliant luminescent or fluorescent colors shall be permitted for sign graphics only. Materials which give the appearance of changing color or of movement are prohibited.~~

~~M. Sign Orientation. Signage shall not be oriented for distant viewing. At least 70 percent of the allowed signage for a building shall be oriented to the road or main parking lot the project has direct driveway access to. The remaining signage may be oriented to the building side or rear, provided that the building has road frontage along that side or rear and provided that the signage is not oriented to the freeway or freeway interchange areas. (Ord. 691 § 1, 1995).~~

17.80.080 Sign Districts

Two sign districts are created as defined under Section 17.80.030(9). The requirements of this chapter shall be applied to signs in both districts except for the special requirements to be imposed on signs located in each of the two districts.

~~17.80.033~~ 17.80.090 Sign standards for ~~Areas 1 and 2~~ Area 1.

In addition to other applicable requirements of this chapter, signs located in ~~Areas 1 and 2~~ Area 1 shall conform to the following:

A. Freestanding Signs.

1. Height Measurement. Freestanding signs shall be measured from the highest point of the sign to the finished grade at the base of the sign support. Finished grade shall be the final grade approved through the site plan review process and shall not be increased for purposes of increasing overall sign height.

2. Height Standards. Freestanding ground signs shall not exceed eight feet in height.

3. Clearance Standards. Freestanding signs which abut the edge of a sidewalk shall have a maximum clearance of ~~27~~ twenty-seven (27) inches.

4. Maximum Sign Area. Fifty (50) square feet for a single side or ~~100~~ one-hundred (100) square feet total both sides, or one square foot of sign area for every three (3) feet of frontage the sign is located on, whichever is less.

5. Location. Freestanding signs may not be located on public property. The placement of freestanding signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

6. Density. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than ~~1,000~~ one thousand (1,000) feet of continuous street frontage and with more than one (1) entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC ~~17.80.033(A)(4)~~ 17.80.090(A)(4). Where there is frontage on more than one street, each frontage is treated independently.

7. Landscaping. Freestanding signs must be landscaped around the base of the sign.

a. Each sign shall have a landscaped area twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by a six-inch high curb (or equivalent)

at least three (3) feet from the sign base.

b. Landscaping shall be installed in the planting season closest to the date of the sign permit issuance. Signs installed after the planting season shall be landscaped by no later than the following planting season.

c. These requirements may be waived by the administrator if the sign is located in an area that is part of an approved overall site landscape plan.

B. Wall Mounted Signs.

1. Total Area. Painted or attached signs on any wall shall not exceed the following ratios: ~~Area 1 Two square feet of sign area to one lineal foot of commercial building front or 50 square feet of sign area, whichever is greater, is allowed each business provided that signage does not exceed 10 percent of the wall plane it is mounted to.~~

~~Area 2 One and one-half square feet of sign area to one lineal foot of commercial building front, provided that signage does not exceed 10 percent of the wall plane it is mounted to.~~

3 percent (3%) of the wall plane the sign is mounted to, except that signage covering up to ten percent (10%) of a wall plane is allowed if the wall plane conforms to all solid/void ratio requirements specified in the City's Design Manual, and if all on-premise yards on the side of the building the sign faces conform to all landscaping provisions of the City's Design Manual and of Chapter 17.78. In no case may a single sign exceed one-hundred (100) square feet.

2. Architectural Details. Signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural signs bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution. However, to avoid a "maxed out" appearance, signs shall be no larger than 70 seventy percent (70%) of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window which is 30 thirty (30) inches wide may have a sign which is 21 twenty-one (21) inches wide.

3. Height Restriction. Wall signs shall not project above roof lines or fascia boards.

C. Window Signs.

1. Allowed Size. Illuminated Window Signs. ~~Where a window sign is utilized in place of a wall sign, the area standards contained in GHMC 17.80.033(B)(1) shall apply.~~ Illuminated window signs shall conform to the total wall sign area standards in 17.80.090(B) and shall conform with all master sign plan requirements in 17.80.070.

2. Non-illuminated Window Signs. Non-illuminated window signs are allowed in addition to the standards in 17.80.090(B), provided that they do not exceed fifty percent (50%) of the nominal window size (i.e., the window size as specified by the manufacturer). Additionally, non-illuminated window signs are not required to conform to the design standards of master sign plans.

~~2. Extra Sign Allowed. In addition to the area requirements of GHMC 17.80.033(B)(1), businesses are allowed one painted window sign identifying the business. The maximum area of these signs is six square feet.~~

~~3. Second Story Signs. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.~~

D. Projecting Signs.

1. Surface Area. Projecting signs are limited to ~~32~~ thirty-two (32) square feet total both sides. Projecting sign area shall be deducted from the allowable wall signage determined under GHMC ~~17.80.033(B)(1) 17.80.090(B)(1)~~.

2. Clearance Requirements. All projecting signs must be at least eight (8) feet above sidewalks and walkways and ~~15~~ fifteen (15) feet above vehicular ways.

3. Maximum Projection. Projecting signs shall have a maximum width of three (3) feet with a maximum clearance of six (6) inches from the building wall.

4. Design Restriction. Projecting signs may not be cabinet-type signs and may not be internally illuminated.

E. Sidewalk/Sandwich Board. ~~One sidewalk or sandwich board sign per business building entrance (not to exceed one sign per business) may be permitted subject to the following:~~

~~1. Location. If allowed in public right-of-way such as a sidewalk, sandwich board signs shall be located next to the sidewalk curb edge in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, car or pedestrian traffic, as approved by the public works director. No sign may be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.~~

~~2. Hours of Display. Signs shall be located directly in front of the sponsoring business, within 12 feet of the building entrance and during business hours only.~~

~~3. Owner Liability. Owners of such signs shall assume liability for damage resulting from their use and shall provide the city with an appropriate legal document holding the city harmless for such resulting loss.~~

~~4. Allowed Size. Maximum allowable sign area shall be 12 square feet total both sides. Such signs shall have a maximum height of three feet and width of two feet located in front of the business.~~

~~5. Signs in Public Right-of-Way. In order to place a sandwich board or portable sign in the public right-of-way, the sign owner must comply with the requirements of this chapter as well as the requirements of Chapter 12.02 GHMC, Right-of-Way Permits.~~

F. Wall Graphics. There are no restrictions on wall graphics provided that they do not constitute advertising of a business or product normally subject to the provisions for painted signs. (Ord. 691 §1, 1995).

~~17.80.035~~ 17.80.100 Sign standards for Area 3 2.

The following sign standards shall apply:

A. Illumination. When illumination is desired in Area 3 2, the city encourages use of external light sources subject to the provisions of GHMC ~~17.80.031(H) 17.80.060(G)(1)~~. Internally illuminated signs are permitted. Internal illumination is permitted on all signs except neighborhood identification signs, subject to the provisions of GHMC ~~17.80.031(H) 17.80.060(G)(2)~~. ~~except that illuminated text must be a light color contrasted against a dark background.~~ Internally illuminated sign graphics are limited to white or ivory colors if the proposed sign is visible from residential property within 200 feet of the parcel the sign is located on;

B. Freestanding Signs.

1. Height Measurement. Freestanding signs shall be measured from the highest point of the sign to the finished grade at the base of the sign support. Finished grade shall be the final grade approved through the site plan review process and shall not be increased for purposes of increasing overall sign height.

2. Height Standards. Freestanding ground signs shall not exceed six (6) feet in height.

3. Clearance Standards. Freestanding signs which abut the edge of a sidewalk shall have a maximum clearance of ~~27~~ twenty-seven (27) inches.

4. Maximum Sign Area. Twenty-four (24) square feet for a single side or ~~48~~ forty-eight (48) square feet for both sides. If a carved or sandblasted wooden sign is used, freestanding signs may be ~~30~~ thirty (30) square feet for a single side or ~~60~~ sixty (60) square feet total both sides.

5. Location. Freestanding signs may not be located on public property. The placement of freestanding signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

~~6. Density. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than 1,000 feet of continuous street frontage and with more than one entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC 17.80.035(B)(4). Where there is frontage on more than one street, each frontage is treated independently.~~

6. Density. Freestanding signs shall be limited to the following number and locations::

a. Commercial. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than one-thousand (1,000) feet of continuous street frontage and with more than one entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC 17.80.100(B)(4). Where there is frontage on more than one street, each frontage is treated independently.

b. Residential. One freestanding neighborhood identification sign is permitted at each entrance to a residential neighborhood.

7. Landscaping. Freestanding signs must be landscaped around the base of the sign.

a. Each sign shall have a landscaped area twice the size of the sign area. If a carved or sandblasted wooden sign is used, landscaping may be reduced by ~~50~~ fifty percent (50%) for all grade level landscaping, or by ~~75~~ seventy-five percent (75%) if landscaping is contained in a raised planter around the base of the sign. Raised planters must be at least ~~18~~ eighteen (18) inches high. Planter and organic materials shall be installed within ~~30~~ thirty (30) days of sign installation. The landscaping, sign base or planter shall be protected from vehicles by a six inch high curb stop or sidewalk edge at least three feet from the planter base.

b. Landscaping shall be installed in the planting season closest to the date of the sign permit issuance. Signs installed after the planting season shall be landscaped by no later than the following planting season.

c. These requirements may be waived if the sign is located in an area that is part of

an approved overall site landscape plan.

C. Wall Mounted Signs.

1. Total Sign Area. ~~Painted or attached wall signs must meet each of the following size criteria:~~

~~a. Allowed Signage per Facade. The combined area of wall signs on a given facade shall not exceed one square foot of sign for every lineal foot of commercial wall upon which it is mounted.~~

~~a. Allowed Signage per Wall Plane. Total allowed signage in Area 2 shall not exceed three percent (3%) of the wall plane the sign is mounted to, except that signage covering up to eight percent (8%) of a wall plane is allowed if the wall plane conforms to all solid/void ratio requirements specified in the City's Design Manual, and if all on-premise yards on the side of the building the sign faces conform to all landscaping provisions of the City's Design Manual and of Chapter 17.78.~~

~~b. Individual Sign Size. No single wall sign shall exceed 50 fifty (50) square feet.~~

~~c. Allowed Signage per Wall Plane. Wall signage may not exceed 10 percent of the wall plane or surface it is mounted to (see definition of wall plane).~~

~~d. c. Increased Size Option. If a carved or sandblasted wooden sign is used, the sign size may be increased by 20 twenty percent (20%) of its underlying allowable sign area.~~

~~e. d. Size Restriction. Wall signs must meet the 70 seventy percent (70%) space coverage allowances described under the surface coverage requirements in GHMC 17.80.035(C)(2) 17.80.100(C)(2).~~

2. Architectural Details. Signs may not cover or obscure important architectural details of a building; they should appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural signs bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. However, to avoid a "maxed out" appearance, signs shall be no larger than 70 seventy percent (70%) of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window which is 30 thirty (30) inches wide may have a sign which is 21 twenty-one (21) inches wide.

3. Height Restriction. Wall signs shall not project above roof lines or fascia boards.

D. Window Signs.

1. Allowed Size. Illuminated Window Signs. ~~Where a window sign is utilized in place of a wall sign, the area standards contained in GHMC 17.80.035(C)(1) shall apply.~~ Illuminated window signs shall conform to the total wall sign area standards in 17.80.100(C)(1) and shall conform with all master sign plan requirements in 17.80.070.

2. Non-illuminated Window Signs. Non-illuminated window signs are allowed in addition to the standards in 17.80.100(C)(1), provided that they do not exceed 50 percent (50%) of the nominal window size (i.e., the window size as specified by the manufacturer). Additionally, non-illuminated window signs are not required to conform to the design standards of master sign plans.

~~2. Extra Sign Allowed. In addition to the area requirements of GHMC 17.80.035(C)(1), businesses are allowed one painted window sign identifying the business. The maximum area of these signs is six square feet.~~

~~3. Second Story Signs. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area~~

of one square foot of sign area for each lineal foot of window frontage.

E. Projecting Signs.

1. Surface Area. Projecting signs in Area 3 2 are limited to ~~32~~ thirty-two (32) square feet total for both sides. Projecting sign area shall be deducted from the allowable wall signage determined under ~~GHMC 17.80.035(C)(1) and (D)(1) respectively~~ 17.80.100(C)(1).

2. Clearance Requirements. All projecting signs must be at least eight (8) feet above sidewalks and walkways and ~~15~~ fifteen (15) feet above vehicular ways.

3. Maximum Projection. Projecting signs shall have a maximum width of three feet with a maximum clearance of six inches from the building wall.

4. Design Restriction. Projecting signs may not be cabinet-type signs and may not be internally illuminated.

F. Sidewalk/Sandwich Board, Portable Sign. One (1) portable sidewalk or sandwich board sign per customer building entrance (not to exceed one sign per tenant ~~thirty~~ (30) feet of building frontage) shall may be permitted subject to the following:

1. Location. Signs shall be located on the premises or directly in front of the sponsoring business at a point on the sidewalk right-of-way which is closest to the building entrance. ~~Signs shall be located in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, car or pedestrian traffic. No sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.~~

2. Hours of Display. Signs may be displayed during business hours only.

3. Owner Liability. ~~Owners of such signs shall assume liability for damage resulting from their use and shall provide the city with an appropriate legal document holding the city harmless for such resulting loss.~~

~~4-3. Allowed Size- Height. Maximum allowable sign area shall be 12 square feet total both sides. height of portable sidewalk signs shall be three (3) feet. All other size requirements of portable signs described in Section 17.80.060(H) shall apply.~~

~~5 4. Signs in Public Right-of-Way. Right-of-Way Permit. In order to place a sandwich board or portable sign in the public right-of-way, the sign owner must comply with the requirements of this chapter as well as the requirements of Chapter 12.02 GHMC, Right-of-Way permits.~~

G. Wall Graphics. ~~There are no restrictions on wall graphics provided that they do not constitute advertising of a business or product normally subject to the provisions for painted signs. (Ord. 691 § 1, 1995).~~

~~17.80.040~~ 17.80.110 Temporary signs.

Except for business signs described under subsection A of this section and balloon signs described under subsection F of this section, no permit is required for temporary signs. Temporary signs are not allowed to continually advertise goods, services, political messages or events on a site; permanent signs shall be used for that purpose. Temporary signs located within public right-of-way shall be subject to the requirements of Chapter 12.02 GHMC.

A. Exterior Business Signs. Such signs include grand opening signs, sale signs, promotional signs,

quitting business signs, and other nonpermanent exterior signs used by businesses. Exterior business signs shall be limited to ~~20~~ twenty (20) square feet in size. No more than one (1) exterior business sign may be displayed at any one time for any one business or tenant. Exterior business signs may be displayed for no more than ~~60~~ sixty (60) cumulative days per calendar year. A permit is required for each exterior business sign.

~~B. Poster Signs. Notwithstanding the business sign restrictions in subsection A, each business may continually display temporary poster-type signs. Poster signs are allowed on the inside of windows only.~~

~~C. Real Estate (On-Premises and Off-Premises Signs).~~

1. Residential "For Sale", "For Rent" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed six (6) square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six (6) feet. One off-premises "For Sale" or "For Rent" sign no larger than two (2) square feet and no further from the subject house than the nearest arterial street intersection is permitted. No more than one (1) "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller or owner. No off-premises "Sold" signs are allowed. All real estate signs shall be removed within five (5) days of the final sale or rental.

If a development or subdivision with more than eight (8) parcels or units has more than ~~50~~ 25 percent (25%) of the parcels or units for sale at any one time by a single or joint developer, agent, or seller, signage shall be limited to one (1) project identification sign, no larger than ~~32~~ thirty-two (32) square feet, at the subdivision or project entrance with a map showing available lots or units by number. Each lot or unit may have a corresponding number sign not exceeding one (1) square foot.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one (1) sign per street frontage on the premises for sale and which is no further from the open house than the nearest arterial street intersection. ~~No and no~~ more than one (1) open house sign may be used at any street intersection for any one developer, broker or seller. Such "Open House" signs are permitted only during daylight hours and when the broker/agent or seller is in attendance at the property for sale. No such sign shall exceed five six (6) square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial property for sale or for rent is permitted while the property is actually for rent or sale. The sign shall not exceed ~~32~~ thirty-two (32) square feet in sign area per side and six (6) feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. Such signs shall be limited to one (1) sign per street frontage not to exceed sixteen (16) square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six (6) feet.

~~D. Construction Signs. Sign copy shall be limited to information about a building under construction or being remodeled. Maximum duration shall be until construction is completed or one year, whichever is shorter. Maximum area shall be ~~32~~ thirty-two (32) square feet.~~

~~E. Campaign/Political Signs. Campaign/political signs may be posted on private property or on the planting strip between the sidewalk and the street, which when such planting strip is immediately~~

adjacent to the sign owner's property, provided that it does not present a safety hazard to pedestrian or vehicular traffic. ~~These signs may be posted for a period not to exceed 90 days.~~ If related to an event or election, such signs shall be removed within seven days after the event or election. It shall be the responsibility of the property owner, tenant or candidate to remove such signs as required by this section. Maximum sign area shall be ~~12~~ twelve (12) square feet. Maximum height shall be ~~three~~ six (6) feet.

~~FE. Seasonal Decoration Signs and Signs Advertising a Public Event.~~ Maximum duration shall be from one month before the event to five days after the event. Because public events are allowed on a limited time basis and on sites not normally associated with the event, public event signs may be located off-premise within the City right-of-way, subject to the provisions of Chapter 12.02 GHMC, Right-of-way permits, or within the windows of buildings, subject to the building owner's approval and all other window sign requirements. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter's expense. (Ord. 691 § 1, 1995; Ord. 558 § 3, 1989; Ord. 532 § 5, 1988).

F. Balloon signs. Such signs include display of six (6) or more balloons, either individually or as festoons, connected to one or more fixed objects or vehicles. Balloon sizes shall not exceed eighteen (18) inches in any dimension. Balloon signs may be displayed for no more than sixty (60) cumulative days per calendar year. A permit is required for each balloon sign display.

G. Temporary window signs conforming to Section 17.80.020(E).

~~17.80.050~~ 17.80.120 Prohibited signs.

The following signs are prohibited:

- A. Signs which by coloring, shape, wording or location resemble or conflict with traffic-control signs or devices;
- B. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs may be removed if they already exist;
- C. Flashing signs or lights;
- D. Signs or parts of signs which revolve or otherwise have mechanical or motorized motion;
- E. Portable signs exceeding six square feet each side;
- F. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;
- G. Off-premises signs, except as specifically allowed in this chapter;
- H. Any sign affixed to or painted on trees, rocks or other natural features or utility poles;
- I. Roof signs;
- ~~J. All readerboard signs, including portable readerboard signs except such signs used for theaters or public schools;~~
- ~~K. Signs that display the symbol, slogan or trademark of national brands of soft drinks or other products that do not form the bulk of the business transacted on the premises;~~
- ~~L. J. Signs not meeting the requirements of this section. (Ord. 691 § 1, 1995; Ord. 558 § 4, 1989; Ord. 532 § 7, 1988. Formerly 17.80.060.).~~

17.80.060 — Administration and enforcement.

The code administrator shall be responsible for enforcing the provisions of this code.

~~A. Removal of Signs. The code administrator or the public works director may order the removal of any sign erected, installed or maintained in violation of this chapter. Where there is no immediate threat to public safety or welfare, written notice shall be first given to the sign owner, the sign permittee or the owner of the property where the sign is placed, pursuant to Chapter 15.18 GHMC. Any sign located in the city's right-of-way which violates this chapter or Chapter 12.02 GHMC shall be subject to immediate removal by the city. Temporary or sandwich board signs removed by the city may be reclaimed by the owner after paying the city's administrative costs associated with storage. Signs not reclaimed after five working days shall be deemed refuse and may be discarded by the city.~~

~~B. Cumulative Civil Penalty. In addition to any other remedy available to the city, a person violating or failing to comply with any of the provisions of this chapter shall be subject to the procedures for violation, hearing and penalties as set forth in Chapter 15.18 GHMC.~~

~~C. Nonconforming Signs:~~

~~1. Nonconforming sign(s) shall be required to be brought into compliance with this chapter upon the earlier occurrence of any of the following events:~~

~~a. Abandonment of the sign or premises;~~

~~b. Destruction of the sign beyond 50 percent of its value;~~

~~c. A change in the use of the property where the sign(s) is located requiring additional permits or approvals from the city; or~~

~~d. On June 1, 2002, provided that such time limitation may be extended for periods not to exceed two years at a time by the administrator upon the granting of a hardship variance as set forth in subsection (C)(2) of this section.~~

~~2. Hardship variances may be granted by the administrator to extend the time period for compliance with subsection (C)(1)(d) of this section, if the administrator finds that all of the following are true:~~

~~a. Strict compliance with the provisions of subsection (C)(1)(d) of this section may impose an undue hardship upon the sign owner. This showing of "undue hardship" may be met, for example, by the sign owner's demonstration that the sign has not fully depreciated for federal income tax purposes. A sign owner's expenditures toward improvement or repair of any nonconforming sign shall not be considered by the administrator in the showing of hardship.~~

~~b. Granting of the variance from the provisions of this chapter will not:~~

~~i. Depreciate or damage neighboring property;~~

~~ii. Create a safety hazard; or~~

~~iii. Be contrary to the purposes of this chapter.~~

~~c. The nonconforming sign has been and will be properly maintained. (Ord. 691 § 1, 1995; Ord. 585 § 1, 1990; Ord. 532 § 8, 1988. Formerly 17.80.070.)~~

17.80.130 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or

2. The sign was erected prior to January 1, 1992.
- B. A sign must be brought into compliance with the requirements of this code unless it conforms to Section 17.80.130(A).
- C. Changes to the sign face and sign graphics may be made to a legally nonconforming sign except that such changes must conform to this code as to colors, sign graphics, materials, and illumination. A permit for such changes must be obtained.
- D. A legal nonconforming sign shall be brought into compliance with this ordinance or shall be removed if:
1. The sign is abandoned; or
 2. The sign is damaged in excess of fifty percent (50%) of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner; or
 3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair;
 4. The building or property to which the sign applies is undergoing an expansion or renovation which increases the size of the building footprint by twenty percent (20%) or more, unless the sign is brought into conformance under the provisions of Section 17.80.130(E).
- E. An owner of a nonconforming sign may, under the provisions of Section 17.80.140, request the Design Review Board (DRB) to approve a design allowance deeming the sign conforming if the DRB makes all findings of fact specified for the following sign types:
1. Signs attached to buildings.
 - a. The sign is not a dominant feature on a blank wall, but is positioned within architectural features of a building specifically designed and intended for signage, such as parapets, sign bands, or fascias, or is positioned between other architectural features such as doors, windows or projections which provide architectural relief and detailing.
 - b. The sign is smaller than the architectural space the sign fits within so as to leave wall reveal around all sides of the sign.
 - c. The sign face conforms to all restrictions on background illumination and sign color.
 - d. The sign is consistent with the intent and general scope of the sign code and Design Manual standards.
 2. Freestanding signs.
 - a. The sign has design features which reflect design elements of surrounding structures, or the sign is incorporated into a landscaped area with large and mature plantings which provide a backdrop to the sign and which are at least as tall as the sign.
 - b. The sign has the characteristics of a monument sign rather than a pole sign (e.g., the base of the sign support where it meets the ground is at least as wide as the sign face).
 - c. The sign is consistent with the intent and general scope of the City's sign code and Design Manual standards.

17.80.140 Design Review Board Approval.

Those sections of this chapter which require a determination by the Design Review Board shall be processed as a design allowance in accordance with GHMC Chapter 17.98.035, and not as a design

variance.

~~17.80-080~~ 17.80.150 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the city or any of its agents. (Ord. 532 § 9, 1988).

Section 2. Severability. 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. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

Mark E. Hoppen, City Administrator


APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:

02/17/98

To: My fellow councilmembers

From: Steve 

Re: Thoughts and comments on the sign code revision

After reviewing what the Planning Commission has suggested for adjustments to the sign code, I have a few areas that I thought we might want to consider for some additional changes. Overall, I feel that the Planning Commission did an outstanding job identifying and correcting the areas that were in need of adjusting in the code. I bring up the following for our discussion and consideration and look forward to your comments.

17.80.030 Definitions

1 - Abandoned Signs

Increase from 30 to 90 days the time for allowance due to tenancy change. Also increase from 30 to 60 days time to repair damaged sign.

15 - Flashing Signs

Amend second line to read "... and off in a constant *or random* pattern. Also I think we need to add a definition for **Changing message centers**.

40 - Readerboard

I think we need to add the words *non-electric* in here somewhere. I think we are trying to define here the type of readerboard sign that has manually changeable letters and I want to be sure we do not allow electric type readerboards.

56 - Window Sign

Amend first line to read "... means a sign which is mounted on, *painted on, attached to, or placed within...*

- Another thought on Window signs...while we limit them to no more than 50% of the window area, do we want to limit them to the lesser of 50 % of window area or allowable building signage allowed. For example, if the total allowable signage for a business was 50 sq. feet but they had 200 sq

feet of window area, should we limit their window signage to 50% of the window space (100 sq feet) or no more than the allowable business sign area of 50 sq feet?

17.80.090 Sign Standards for Area 1

A.4. Maximum Sign Area

Amend second line to read "... (100) square feet total *on all sides*, not to exceed 50 square feet on *any one side*, or one square..."

17.80.110 Temporary Signs

D Campaign/Political Signs

While we limit when the signs have to come down (7 days after the election) I think we also need to limit when they go up. Possibly no sooner than the official filing date for the office.

17.80.130 Nonconforming Signs

C - Amend line two to read "... changes must conform to this code as to color, sign graphics, materials, illumination, and *height*."

D.4. - We need to make sure that the wording here applies to signs only in the area of the 20% increase. We don't want this to apply, in the case of a multiple occupancy building, to tenants who did not participate in or benefit from the increase building size.

If anyone has any questions please give me a call at work 756-2000 or home 851-7937. Thanks.

Memorandum

To: The Community of Gig Harbor, Mayor Wilbert and Council
CC: Planning Commission and City Staff
From: Marilyn E. Owel, City Council :
Date: February 18, 1998
Re: Proposed Revisions to Sign Code: Planning Commission and Staff Recommendations

Of the 13 issues reviewed by Planning Commission and their proposed revisions thereto, I support Planning Commission Recommendations as follows:

1. Master sign plans;
2. Window signs;
3. National brand product or logo signs;
5. Amortization.
6. Illumination restrictions on internally illuminated signs.
8. Allowable wall signage.
9. Portable signs.
10. Real Estate Signs.
11. Reader boards.
12. Sign areas.

My point of view on Item 4 (Freeway visibility of signage) and Item 7(Inflatable Displays) are as follows

4. Freeway visibility of signage:

I am opposed to treating the interchange nodes differently from non-interchange nodes. Defining them as "Interchange Nodes" in effect, creates another signage 'area' separate and apart from the area a given business may be in – it creates an overlay zone of sorts – is this really what we want to do?

I am not willing to consign public rights of way to private use for any purpose (advertising included). I don't expect to ever understand why, if freeway visibility is so important, it is that the least attractive aspects of commercial buildings face the freeway (the trash cans, the dumpsters, the loading zones) and why business would want to put their signature on it. Be that as it may, there is a difference between incidental visibility and the grossly insensitive, "in your face", visibility that has come to dominate those areas having no restrictions whatever. Largely, here in Gig Harbor, the status quo in signage does not violate the premise that the general public has a legitimate interest in the public rights of way as well.. That is what I would like to protect and retain, and that is what I would like this section to address. I think an attractive environment is as important to businesses as it is to anyone.. and I suggest that we not prohibit limited (size, height, illumination) wall signage, but that we require landscaping, screening, etc anytime signage is visible across freeway public right of way. These landscaping requirements are not intended to obscure the limited wall signage, but rather to integrate it into an area so that it does not dominate a scenic right of way that belongs to everyone.

Should the interchange node concept remain, I am completely opposed to expanding its current definition.

Item 7: Inflatable Displays

Spent, burst, fragmented balloons are a specific environmental hazard to birds. Therefore, my preference would be to ban outdoor inflatable displays.

Item 13: Miscellaneous Housekeeping

A. Definitions: 18.80.030

1. Define frontage. Use the Black's Law Dictionary definition (attached)
2. Definition, 1.: Abandoned Sign: Increase the time – 120 days.
3. 46. "Sign"(a): delete: "of the sale". Sentence now reads (a) any visual communication. . .placed for the promotion of products, goods, . . ." Rationale: This should apply to all signage, not just those "of the sale"
4. 47. " Sign Area" next to the last sentence, after: . . .the largest sign area. . . , insert, "all sign graphics including all spaces and voids between or within letters or

symbols which comprise a single statement word, description, title, business name, graphic symbol or message.

5. 48. "Sign Graphics" insert "sign face" after "... does not include and just before "background surface".

6. Section 17.80.040: Second sentence. . .after "...first obtaining a sign permit..." insert "except as outlined in Section 17.80.020. (so people understand a permit is not required for normal maintenance.

7. Section 17.80.120 Prohibited Signs

D. Signs or parts of signs which revolve or otherwise have mechanical or motorized motion. . .ADD " or change text or graphics electronically".

To: Marilyn Ouel
(253) 858-0164

BLACK'S LAW DICTIONARY®

Definitions of the Terms and Phrases of
American and English Jurisprudence,
Ancient and Modern

By

HENRY CAMPBELL BLACK, M. A.

SIXTH EDITION

BY

THE PUBLISHER'S EDITORIAL STAFF

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1990

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Frivolous action. Groundless lawsuit with little prospect of success; often brought to embarrass or annoy the defendant. See Failure to state cause of action.

Frivolous appeal. One in which no justiciable question has been presented and appeal is readily recognizable as devoid of merit in that there is little prospect that it can ever succeed. *Brooks v. General Motors Assembly Division*, Mo.App., 527 S.W.2d 50, 53. In federal practice, if a court of appeals determines that an appeal is "frivolous," it may award damages and single or double costs to the appellee. Fed.R.App.P. 36.

From. As used as a function word, implies a starting point, whether it be of time, place, or condition; and meaning having a starting point of motion, noting the point of departure, origin, withdrawal, etc., as he traveled "from" New York to Chicago. *Silva v. MacAuley*, 135 Cal.App. 249, 26 P.2d 887. One meaning of "from" is "out of." Word "from" or "after" an event or day does not have an absolute and invariable meaning, but each should receive an inclusion or exclusion construction according to intention with which such word is used. *Acme Life Ins. Co. v. White*, Tex.Civ.App., 99 S.W.2d 1059, 1060. Words "from" and "to," used in contract, may be given meaning to which reason and sense entitles them, under circumstances of case. *Woodruff v. Adams*, 134 Cal.App. 490, 25 P.2d 529.

From one place to another. From premises owned by one person to premises owned by another person in some legal subdivision or from one legal subdivision to another.

From person. Includes taking from presence of person assaulted as well as taking of property in actual contact with person of one robbed.

From, through, or under. The term refers to origin or devolution of property, and unless some title to or interest therein has been derived by assignment or otherwise from party adverse to decedent's estate, statute barring testimony is inapplicable.

From time to time. Occasionally, at intervals, now and then. See From.

Front. Forepart, as opposed to the back or rear. Any side or face of a building is a front, although the word is more commonly used to denote the entrance side. In *McInerney*, 47 Wyo. 258, 34 P.2d 35, 43. As applied to a bare lot, it is that side of lot towards which, in ordinary circumstances, house, when built, will most likely face, and very general usage of building houses with their main entrance toward shorter street line results in common understanding that this is side intended when front of lot is referred to.

Frontage. Linear distance of property along street, highway, river, or lake. Extent of front along road or street. *Tzses v. Barbahann*, 125 N.J.L. 643, 17 A.2d 539, 540. The line of property on a public street. *Jagendorf v. City of Memphis*, Tenn., 520 S.W.2d 333, 335. Space available for erection of buildings, and does not include cross streets or space occupied by sidewalk or any ornamental spaces in plat between sidewalks and

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curb. The expense of local improvements made by municipal corporations (such as paving, curbing, and sewerage) is generally assessed on abutting property owners in proportion to the "frontage" of their lots on the street or highway, and an assessment so levied being called a "frontage assessment."

Front foot. Measurement used in assessing and apportioning cost of public improvements; e.g. curbs, sewers, sidewalks, streets. As respects assessment, synonymous with "abutting foot." See also Frontage.

Front-foot rule. One by which cost of improvement is to be apportioned among several properties in proportion to their frontage on improvement and without regard to benefits conferred.

Frontier. In international law, that portion of the territory of any country which lies close along the border line of another country, and so "fronts" or faces it. Border between two countries. The term means something more than the boundary line itself, and includes a tract or strip of country, of indefinite extent, contiguous to the line.

Fronting and abutting. Very often, "fronting" signifies abutting, adjoining, or bordering on, depending largely on the context. *Rombauer v. Compton Heights Christian Church*, 328 Mo. 1, 40 S.W.2d 545, 551. As used in statutes relating to assessment for improvements, property between which and the improvement there is no intervening land.

Front wages. Type of prospective compensation paid to a victim of job discrimination without harm to incumbent employees until the victim achieves the position that he would have attained but for the illegal and discriminatory act. See also Back pay award.

Frozen account. An account in which no activity is permitted until a court order is lifted.

Frozen assets. Those assets of a business which cannot be readily sold without injuring the capital structure of the business in contrast to liquid assets which are readily convertible into cash.

Frozen deposits. Bank deposits that cannot be withdrawn because, for example, the financial institution is bankrupt or insolvent. In general, taxpayers are not required to report interest on frozen deposits.

Fructuaris /fraktyuáriyas/. Lat. In the civil law, one who had the usufruct of a thing; i.e., the use of the fruits, profits, or increase, as of land or animals. Bracton applies it to a lessee, farmer, or farmer of land, or one who held lands *ad firmam*, for a farm or term.

Fructus /fráktas/. Lat. In the civil law, fruit, fruits, produce; profit or increase; the organic productions of a thing. The right to the fruits of a thing belonging to another. The compensation which a man receives from another for the use or enjoyment of a thing, such as interest or rent.

Fructus augent hereditatem /fráktas ógent herédotéyrtam/. The yearly increase goes to enhance the inheritance.

Fructus x. a. recompenses whing, are recogni includes such th property, interes

Fructus fundi /fí yield) of land.

Fructus industr. trial fruits, or fru as of land, which of the occupant, such as are pro Emblems are crops obtained k includes those 1 grown primarily and vegetables. 60, 61.

Fructus legis /fr execution.

Fructus natural: icts which are p as wool, metals, includes any pla trees, shrubs and 182 A.2d 60, 61.

Fructus pecudiar increase of flocks

Fructus p 1 fruits; thos. ut thing which prod principal thing.

Fructus pendant déntiyr párs fín: part of the land.

Fructus percept: perséptows vily: not make a part

Fructus rei alien: of another's prop tate.

Fructus separati the fruits of a th

Fructus stantew' thoes not yet save

Krugos /frújiys/. from vines, under

Grains and leg stricted sense, any

Fruit. The produc seed or is used for a seed plant. Th operation.

Civil fruits. In t things as the rex

MEMORANDUM

**TO: Mayor Wilbert, City Council Members
and Planning Staff**
FROM: Nick Markovich
SUBJECT: Proposed Revisions to Sign Code - First Reading.
DATE: February 23, 1998

At the conclusion of the last sign code hearing, it was determined that we submit comments in writing if suggesting changes to the Planning Commission Recommendations.

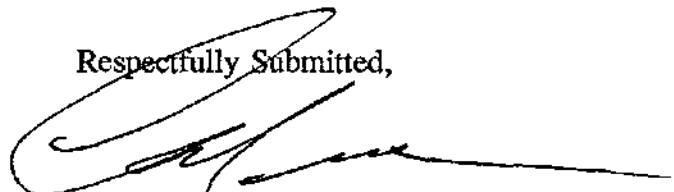
The Planning Commission worked through a difficult process in arriving at their recommendations for revision to the current sign code. I applaud each and every member of the Planning Commission for their dedication to this process. I also applaud them for their conscientious and well reasoned recommendations.

I support the recommendations of the Planning Commission, including those recommendations pertaining to non-conforming signs and open house signs. There are a few other minor issues which were not entirely resolved in my mind at the last hearing, but which I am hopeful can be resolved at the first reading. These areas are as follows:

1. Whether references and preferences for certain colors might be discriminatory or foster arbitrary decision making;
2. Whether we care if individual pan-channel sign graphics are 21" or 24" in height;
3. Whether the definition of "abandonment" provides for a sufficient period of time; and
4. Whether it is necessary or desirable to refer sign permitting to the design review process.

I want to make it very clear that I can live with the Planning Commission Recommendation in its entirety. However, the above issues have been raised and we will do well to address them at this time.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nick L. Markovich', with a long horizontal flourish extending to the right.

Nick L. Markovich

To: Mayor Wilbert and Council Members
From: Derek Young
Date: February 18, 1998
Subject: Sign Code areas that need amending

1) Remove the "color" wording from 17.80.020 B (permits not required), 17.80.060 2cii (general regulations), and 17.80.130 C (non-conforming signs). These all have to do with the colors that are allowed in signage, especially regarding the general regulation section. I have philosophical problems with trying to objectively determine what colors are allowed when the most offensive ones are already regulated (neon and fluorescent). Please take the time to look at some of the signs that would be non-conforming. For example, Safeway, Bartells, and even possibly the Pierce County Library signs, none of which are "heavily imbued with brown or black undertones" but I do not perceive them as offensive. Lighting intensity is already regulated around residential areas in 17.80.100 A.

2) Change the number of days for removal of abandoned signs from 30 to 60 days, 17.80.030 1. (definitions). This time period, while one needs to be in place, is relatively short and already examples are popping up around the city where this could be a problem (Chesapeake Bagel Company, Borgen's, etc.)

3) It seems that there might be good reason, as pointed out in the Public Hearing, that we should consider altering the freeway interchange node in 17.80.030 17. (definitions) as per request of Mr. Perrow and Mr. Holmaas.

4) As I believe the color content should be removed it follows that 17.80.040 A. (permits) we should remove the word "painted" from the list of changes that require a permit.

5) 17.80.060 2a and 2c (general regulations) Three inches of signage does not seem that detrimental to aesthetics to warrant additional financial burden to franchises or other stores that would have to special order 21 inch signs. Therefore, I would propose altering the limit from 21 to 24 inches.

6) Finally, re:17.80.110 B1 and B2 (temporary signs) I am convinced that open house signs are self regulated by the realty companies as they are expensive and in most cases, the agents are personally financially responsibly for the return of those signs.

*If any questions call me at home
857-2067*

Molly Towslee

From: Bob Dick <bdick@harbornet.com>
To: harbor@harbornet.com
Subject: Proposed Amendments to Planning Commission Draft Sign Code
Date: Tuesday, February 17, 1998 8:14 PM

Molly,

Please prepare the following proposed amendments to the draft sign code amendments recommended by the Planning Commission, including their new numbering:

1. Amend Section 17.80.030(1) by deleting the words "thirty (30)" and substitute the words "ninety (90)" in each place where it appears.
2. Amend Section 17.80.060(G)(2)(a) and (c) by deleting the words "twenty-one (21)" and substituting the words "twenty-four (24)" where appearing.
3. Amend section 17.80.110(D) by removing the strikeout markings from the second sentence, restoring the former sentence, which reads "These signs may be posted for a period not to exceed 90 days."

Please share these proposed amendments for consideration at the first reading on February 23, 1998.

Thank you.

Molly Towslee

From: Bob Dick <bdick@harboret.com>
To: harbor@harboret.com
Subject: Sign Code Draft Amendments
Date: Wednesday, February 18, 1998 6:53 AM

Molly,

Please add the following change to the Whereas paragraphs of the Planning commission draft to support the changes I previously offered.

On page 4 of 28, line 36, and on page 5 of 28 lines 1, 3, and 5, substitute the words "24" for the words "21".

Thank you

2/18/98

Set 17.80.030

- ① change 30 days to 180 days for tenancy
change 60 days for damaged vandalized
- ② Review the Review of the Design Manual. If we are going to use it, it should be reviewed in one year.
- ③ Re comment the planning Commission resolution on non-complying signs.
- ④ I believe we should have public input on Council recommendations Monday night.
- ⑤ Impact on Wade Rivers remarks. Letter dated 1/12/98

John A. Lee

PAUL L KADZIK D.D.S.
3518 Harborview Drive NW
Gig Harbor, Washington 98332

TO: Mayor Wilbert and City Council Members
Re: Proposed revisions to sign code

Dear Madam Mayor and Council Members,

As you know the Gig Harbor Planning Commission spent the the better portion of 1997 dealing with the issues and controversies surrounding the current sign code. After much testimony, research, and discussion, revisions to the code were proposed and submitted to the City Council for your deliberation. One area that still is a cause for concern in the business community is that of illumination. Specifically , how illumination relates to: 1. the sign face opacity of cabinet signs and, 2. the height of sign graphics on internally illuminated signs. I feel that it would be useful to make you aware of the decision making process that the Planning Commission went through in relation to these two items.

The Planning Commission not only accepted testimony but also did research on the subject of signs . This research included numerous publications from the sign industry, and from both the planning and the legal communities. It also included a slide presentation of signs under both day and night conditions and on-site observations of numerous signs. It was determined that the single factor which most effected a sign's impact on the community was its illumination. Some signs emit a harsh glare while others do not. "Harsh glare " is a very subjective term which the Planning Commission struggled with. It is a term that is hard, if not impossible, to define. We tried to find the language and/or a method which would allow for a variety of signs that would be clearly visible but would not impact adversely on the community.

The commission found that signs using external or silhouette illumination gave off a significantly less harsh glare than signs using internal illumination. Reflected light is kinder to the observer than directly transmitted light, even if the intensity is similar. It was therefore decided to place more stringent restrictions on internally illuminated signs. These restrictions include the the use of an opaque sign face on cabinet and awning signs and a maximum height for sign graphics on all internally illuminated signs. The intent is to limit the amount of translucent area in those signs and therefore reduce the amount of light transmitted.

Recognizing that not all translucent sign faces in cabinet signs emit a harsh glare, a provision was placed in the proposed code to allow a business the option of appealing to the Design Review Board for a subjective determination based upon certain criteria contained in the proposed code. This pertains to cabinet signs only and is strictly optional. A business may ignore this option and opt for a strict interpretation of the

code and use only opaque materials for the sign face.

The 21" limit for height on sign graphics on internally illuminated signs was determined by observation of existing signs. Although there are many signs within the city that are taller than 21", there are not that many which contain sign graphics, specifically letters, which are that high. It is important to remember that the height restriction does not apply to externally illuminated or silhouette illuminated signs. The area of the city that was heavily used for our research was the Olympic Village Shopping Center. It has numerous examples of different types and sizes of signs, it was readily accessible for slides, and most of the signs had current sign permits available at city hall. Attached is a list of most of the signs at Olympic Village and our best determination of their dimensions. A review of those signs shows that of 46 signs listed, only 13 have sign graphics that exceed 21". Of these most have only the first letter or logo exceeding 21". Based on these observations and the fact that most other signs within the city fall into a similar pattern, it was decided that the 21" compromise between the 18/24" allowance in the existing code was a very good alternative.

Revising the sign code has been a difficult task, but one which the Planning Commission did in a though, deliberate and thoughtful manner. We have tried to balance the wishes of the community with the needs our businesses. I feel that we have been successful.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Kadzik". The signature is stylized with a large, looping initial "P" and a long, sweeping underline that extends across the name.

Paul Kadzik, D.D.S.

OLYMPIC VILLAGE SIGNS

Except as noted all heights are of text and were determined from existing sign permits

On store fronts:

OLYMPIC VILLAGE	Direct measurement	16"	Three signs at entrances and on Hwy 16
MOUNTAIN SHOP		24"	
WILD BIRD NATURE CO.		12"	
CELLULAR SYSTEMS	logo	30"	letters 12"
PAPER DOLLS		21"	
CHESAPEAKE BAGEL BAKERY		15" & 12"	
PAYLESS SHOES		22"	
PETS N PALS		18"	
BARTELS	est. cabinet	45"	letters 27"
STOCK MARKET	est.	larger than 21"	
RADIO SHACK		30"	
GNC	est.	21"	
KITS CAMERAS		18" & 14"	
GOOD NEWS	est.	20"	
MAIL PLUS	est.	18"	
NAGOYA TERIYAKI		6" & 14"	
BASKEN AND ROBBINS		18" & 14"	
TGIF CUTTERS		24" & 18"	
AUSTIN CHASE	logo	27"	cabinet 20" letters 16" est.
OLYMPIC CLEANERS		13 1/2 "	& 9"
HUNAN GARDENS	est. cabinet	18"	letters 12"
CRUISE HOLIDAY	est.	18"	
GOURMET ESSENTIALS	est.	18"	
GOODYEAR		18"	
JOHN L. SCOTT		24" first letters	16" all other letters
ROUND TABLE		24"	

On store rears:

CELLULAR SYSTEMS	logo	30"	letters 12"
PAPER DOLLS		24" first letter	12" all other letters
CUSTOM HEARTH		18"	
CHESAPEAKE BAGEL BAKERY		18" & 12"	
BARTEL	est. cabinet	24"	letters 15"
STOCK MARKET	est.	larger than 21"	
RADIO SHACK		13 1/2"	
GNC	est.	13"	
KITS CAMERAS	est.	18" & 14"	
GOOD NEWS	est.	18"	
MAIL PLUS	est.	18"	
NAGOYA TERIYAKI		14" & 16"	
HUNAN GARDENS	est.	12"	
CRUISE HOLIDAY		15"	
GOURMET ESSENTIALS		12" & 10"	
GOODYEAR	logo	30"	letters 18" & 12"
JOHN L. SCOTT		24" first letter	6" all other letters
ROUND TABLE		18"	

Wade Perrow
P O Box 1728
Gig Harbor, WA 98335

Gig Harbor City Council
3105 Judson Street
Gig Harbor, WA 98335

February 16, 1998

RE: Sign Code Request by Inn at Gig Harbor

Dear Mayor Wilbert, Council Members and Staff:

As a follow-up to my public testimony during your sign code review, I have the following information which may clarify some issues that were possibly overlooked.

First off of concern, Photo #1, do not worry, the temporary tarp sign over the old Cimarron pedestal sign will be removed once this sign code issue has been resolved, if not sooner.

Secondly, our request is only for what would be acceptable under the sign code were it not for the fact the present ordinance does not include The Inn at Gig Harbor in a freeway interchange area. *(That is a little hard to believe when the freeway is so close to the building.)*

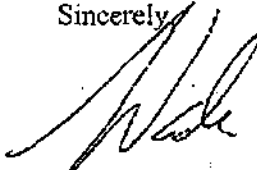
The 2nd photo indicates The Inn sign as it is attached to the chimney. The present sign is somewhat temporary in nature and would redone to better match The Inn sign shown in photo #3. If and when the freeway interchange ordinance is corrected to allow for this needed sign.

Therefore, it is my request and hope that the City Council can do one of two things when they vote on this matter.

1. Extend the existing freeway interchange map line 300 feet to the west, which would include The Inn at Gig Harbor chimney sign. (Extend line on Exhibit #1. See aerial photo indicating off ramp to 56th.)
2. Change the language to allow signage and freeway interchanges, proposed interchanges or previously existing interchanges. (See Sign Code Section 17.)

I thank you for your consideration in this matter and hope you realize the importance of having this sign on the chimney part of The Inn to make it truly recognizable but not objectionable. A landmark building that cannot be identified is not much of a landmark. Without a sign this hotel will suffer greatly and so will the community.

Sincerely,



Wade Perrow

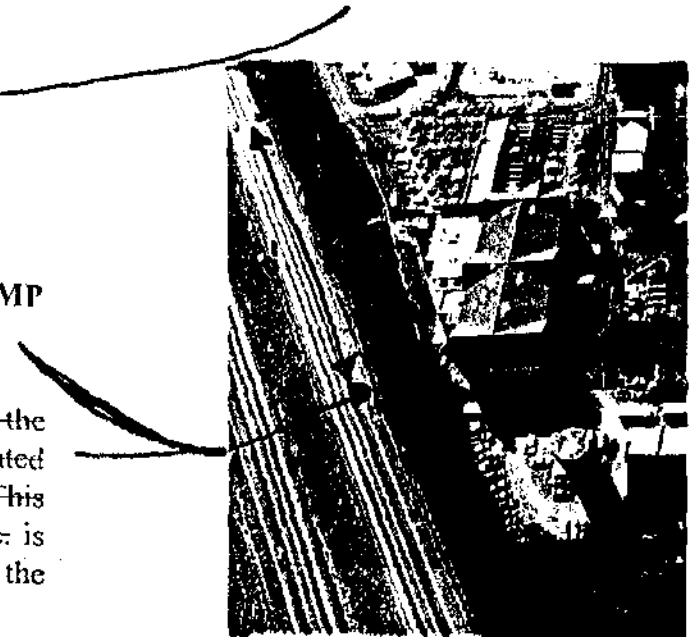
cc: Steve Osguthorpe
Ray Gilmore



#2 SIGN WE FEEL SHOULD BE PERMITTED. LOOKING AT BUILDING FROM SR 16 SIDE. SIGN LETTERS WOULD MATCH.



NOTE WHERE OFF RAMP TO 56TH IS



17.17. Freeway Interchange Area. The freeway interchange of State Route 16 (SR-16) shall be the area between where the present or ~~designated~~ future on and off ramps to the highway are situated measured between the intersection of the fog line of the exit and on ramps that are near SR-16. This designation applies to those properties situated 300 feet back from the freeway interchange; is illustrated on Exhibit 1 and defines the area where signage may be oriented to SR-16, subject to the provisions of Section 17.80.060(K).

17.18. "Gas station price sign" means a sign advertising the price of motor fuel and contains no other



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: PLANNING STAFF
SUBJECT: PROPOSED REVISIONS TO CHAPTER 17.98 REDEFINING THE
DESIGN REVIEW PROCESS - FIRST READING
DATE: FEBRUARY 18, 1998

INTRODUCTION/BACKGROUND

The Planning Commission has prepared a draft amendment of the sign code which includes criteria for Design Review Board (DRB) consideration of specified sections of the sign code. Currently, however, there is no legally defined process for the DRB's review of anything outside the City's Design Manual. The Planning Commission has therefore prepared draft amendments of Chapter 17.98 which redefines the design review process to allow the DRB to consider design criteria specified in the zoning code, which includes the sign code.

STAFF ANALYSIS

The staff agrees with the amendments as proposed.

STAFF RECOMMENDATION:

A draft ordinance to adopt the proposed amendments to Chapter 17.98 is attached. This item was introduced to the Council on January 12th at the same time the sign code amendments were introduced. Because no action was taken on either item, this is being re-introduced as the first reading of the ordinance and no action will be taken by the City Council at this time. However, the staff will be recommending approval of the proposed changes as defined in the draft ordinance.

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO THE DESIGN REVIEW BOARD PROCESS OF REVIEWING SPECIFIED SECTIONS OF THE ZONING CODE; MAKING REVISIONS TO TITLE 17.98 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Planning Commission has proposed amendments to the City's sign code which would allow the City's Design Review Board (DRB) to make decisions on specified sections of the sign code; and

WHEREAS, there are currently no defined provisions in GHMC Chapter 17.98 which allow the DRB to review or act on regulations outside the City's Design Manual; and

WHEREAS, it is expected that future amendments to the City's zoning code will also include criteria for DRB consideration of specified sections of the zoning code; and

WHEREAS, the Planning Commission's recommendation to amend the sign code includes a recommendation to amend Chapter 17.98 to provide a process for DRB consideration of all sections of the zoning code (including the sign code) which provide a criteria for DRB review; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments to Chapter 17.98 on December 4, 1997 to accept public testimony on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Chapter 17.98 of the Gig Harbor Municipal Code is hereby amended as follows:

Chapter 17.98
DESIGN STANDARDS AND REVIEW*

- Sections:
- 17.98.010 Intent.
 - 17.98.020 Design manual.
 - 17.98.030 Design Manual Applicability.
 - 17.98.035 Design Allowances
 - 17.98.040 Design review application requirements.
 - 17.98.050 Design review and project approval.
 - 17.98.060 Variances.
 - 17.98.070 Appeal of director's or DRB's decision.
 - 17.98.080 Design Review Decision Chart.

*Code reviser's note: Section 2 of Ord. 735 provides as follows:

~~Applicability and Review of Historic District Design Section. The Historic District Design section of the design manual shall be mandatory for the entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards contained in the Design Manual. The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.~~

17.98.010 Intent.

This chapter is intended to implement the goals and policies established in the design element of the city's comprehensive plan by providing design standards and procedures for the review of outdoor projects and development as described herein to determine their compliance with design standards as adopted by the city. The design review process is not intended to determine the appropriateness of a given use on a given site or to address technical requirements which are otherwise reviewed under the site plan review process. It is intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the city's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well designed commercial districts which attract customers and businesses. (Ord. 735 § 1, 1996).

17.98.020 Design manual.

The city's design standards are primarily contained in the design manual which is hereby adopted by the city. A copy of the design manual is on file with the city clerk. In those cases where the design manual is found to be in conflict with performance standards of the zoning code, the standards in the design manual shall prevail. (Ord. 735 § 1, 1996). ~~The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.~~

17.98.030 Design Manual Applicability.

- A. **General Applicability.** The design manual applies to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element including, but not limited to, landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials (hereafter referred to as outdoor proposals), as described in the design manual. Design review approval is required for all outdoor proposals which require a building permit, clearing and grading permit or which are part of a project or development requiring site plan, conditional use, or city council approval. (Ord. 735 § 1, 1996). ~~All outdoor proposals, whether requiring permits or not, must comply with adopted development and design standards. Specific application requirements may be waived by the Planning Director if they are found to be unrelated to the proposed project, or if the application requirements are addressed under a separate and concurrent application.~~
- B. **Applicability and Review of Historic District Design Section.** The Historic District Design section of the design manual shall apply to all activities described in subsection (A) above in the

entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards contained in the Design Manual. Exercise of this option by the property owner shall not affect the City's ability to require compliance with all other applicable codes.

17.98.035 Design Allowances

All sections of Title 17 which provide a criteria for DRB decision making shall be considered criteria for design allowances and not design variances. Design allowances shall be processed as a Type II application in accordance with all design review application and review criteria of this chapter.

17.98.040 Design review application requirements.

Application for design review, whether administrative or through the city's design review board (DRB), shall be submitted in such detail as to allow the review of the specific project on the merits of the city's design manual and other applicable city codes. A formal Design Review Application must be submitted for any project requiring City approval or permits, or for any project which will be reviewed by the DRB.

Projects which require design review in one or more of the categories listed under 17.98.040 (A - E) shall be reviewed under one application addressing each category under review, or under a separate application for each individual category. ~~may be reviewed in one complete application or may be reviewed by category.~~ To be considered complete, the following information must be submitted with applications for each category of requested design review.

A. Site Plan Review.

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, vehicle areas.
2. Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within five feet of all setback lines.
3. Landscape Plan. A preliminary landscape plan showing the species size and location of all significant natural vegetation to be retained.
4. Site Section Drawings. Section drawings which illustrate existing and proposed grades in specified areas of concern as identified by the staff. Alternatively, a topographic map delineating contours, existing and proposed, at no greater than five-foot intervals and which locates existing streams, marshes and other natural features may be submitted.
5. Grading and Drainage Plan. An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.
6. Utilities Plan. A utilities plan showing location of utilities in relation to landscape and buffer areas (utility plan must be consistent with proposed areas of non-disturbance).

B. Landscaping and Paving Review.

1. Final Landscape Plan. A final landscape plan showing type, size, species, and spacing of all retained and new vegetation.

2. Irrigation Plan. Showing irrigation of all domestic vegetation.

3. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and/or texture.

C. Architectural Design Review.

1. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.

2. Sign Plan. A master sign plan or individual sign plans showing the location of signage on buildings, proposed sign colors, materials, design and methods of illumination, consistent with Chapter 17.80 GHMC.

3. Architectural Lighting Details. Details on all lighting proposals which affect architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.

4. Screening Details. Details on how all mechanical and utility equipment will be screened.

D. Color and Material Review.

1. Color Palette. A color palette of the building's exterior including roof, siding, trim.

2. Material Samples. Sample colors of all factory finished materials including roofing and masonry materials.

3. Fencing Details. Color, type and specification of all fencing and screening materials.

E. Outdoor Lighting and Accessories Review.

1. Light Fixture Details. The type, model, color, location, height, and area of illumination for all outdoor light fixtures.

2. Accessory Details. The type, model, color, and location of all outdoor furniture, trash receptacles, and accessories. (Ord. 735 § 1, 1996).

17.98.050 Design review and project approval.

Design review shall be processed by the director as a Permit Application Type II (refer to GHMC Title 19), or may be reviewed at a public meeting by the city's design review board (DRB), as follows:

A. Project Review Time. Design review must be completed as defined in GHMC Title 19, except that if an applicant requests DRB review under GHMC 17.98.050(B)(1) below, ~~the DRB review option is requested;~~ the applicant must submit a signed statement waiving rights to be reviewed under the time limits defined in GHMC Title 19. An applicant may also be requested to sign a waiver of GHMC Title 19 time limitations, if the applicant chooses to allow the planning director additional time under Section 17.98.050(B)(2). ~~A waiver of GHMC Title 19 time limitations may also be issued if the applicant chooses to grant the planning director additional time for the director's review.~~

B. Project Approval. All outdoor proposals must comply with the design manual and zoning code development standards. Outdoor proposals shall be reviewed according to the following review options:

1. Design Review Board (DRB) Approval. Outdoor projects which conform to the general requirements of the design manual (as defined within the design manual) or DRB review criteria for design allowances specified in the zoning code shall be approved by the DRB unless the DRB

makes specific findings for denial as defined in GHMC ~~17.98.030(C)~~ 17.98.050(C). The DRB shall issue a written decision on the proposal within 14 days of full-quorum DRB review, unless the DRB and the applicant agree to continue review of the proposal to the next DRB public meeting.

2. Director Approval. Outdoor proposals which conform to the specific requirements of the zoning code and design manual (as defined within the design manual) shall be approved by the planning director (or designee). The planning director's decision shall be issued in writing.

C. Project Denial. The planning director (or designee) shall deny projects or portions of projects which he/she finds are not in compliance with the specific requirements of the design manual. ~~The applicant may appeal the director's decision to deny a project to the design review board if he or she believes the director interpreted the specific requirements of the design manual incorrectly, or if he or she believes that the project conforms to the general requirements of the design manual.~~ Projects may be denied by the DRB if it finds that the project does not comply with the specific or general requirements of the design manual, or if it finds that the project does not conform to the DRB review criteria in specified sections of the zoning code.

D. Notice of Decision. For projects requiring site plan approval, notice of the staff director or DRB decision on the project design shall be included in the site plan staff report to the hearing examiner.

E. Site Plan Review Design Amendments. Design approval as granted by the planning director or DRB shall not be revisited by the hearing examiner except upon appeal or where specific health/safety considerations as determined by the hearing examiner require changes to a site plan. Changes to project designs resulting from site plan review shall be consistent with the specific or general requirements of the design manual as determined by the hearing examiner. (Ord. 735 § 1, 1996).

17.98.060 Variances.

A. Required Findings. Variances from the requirements of the design manual may be granted by the DRB as a Type II application, except that variances affecting height and setbacks which exceed the limitations established in GHMC 17.66.020(A) must be reviewed by the hearing examiner as per the Type III general variance procedures established in GHMC 17.66.030. Before a design variance can be granted, the design review board shall make findings of fact setting forth and showing that all of the following circumstances exist:

1. Special conditions and circumstances exist which render a specific requirement of the design manual unreasonable, given the location and intended use of the proposed development;
2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant;
3. The special conditions and circumstances are not representative of typical retail, professional office or residential-type development which may be allowed within the zoning district;
4. The requested variance is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;
5. Architectural changes in the project design as a result of the variance have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the variance have been sufficiently compensated by other site amenities; and

6. The requested variance will not result in a project which is inconsistent with the intent and general scope of the design manual standards.

B. Notice. Notice of ~~variances affecting increased height or setbacks~~ approved by the DRB under the increased height options described in the Design Manual shall be sent to owners of all contiguous parcels. (Ord. 735 § 1, 1996).

17.98.070 Appeal of director's or DRB's decision.

The planning director's decision may be appealed to the ~~DRB~~ Hearing Examiner if the applicant believes the director interpreted the specific requirements of the design manual incorrectly, ~~or if the applicant believes his or her project conforms to the general requirements of the design manual~~. The decision of the DRB may be appealed to the hearing examiner by the applicant, parties of record, ~~or contiguous property owners~~, if the parties of record believe that the DRB interpreted the ~~general requirements of the Design Manual~~ incorrectly. Appeals are subject to the provisions of Chapter 19.06 GHMC. (Ord. 735 § 1, 1996).

Section 2. Severability. 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. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

Mark E. Hoppen, City Administrator

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO:



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: DAVID RODENBACH
SUBJECT: SECOND READING - ORDINANCE TO CORRECT THE 1998 SALARY SCHEDULE
DATE: FEBRUARY 3, 1998

BACKGROUND

The salary schedule included with the original budget ordinance did not include two positions, Information Systems Specialist and Public Works Clerk. Also, the Administrative Assistant position has been changed to City Clerk; and the salary ranges for Police Sergeant and Police Officer have been changed as per contract. Lastly, the Police Lieutenant salary range has been reduced by the amount of the 3% college degree allowance which will instead be provided as a stipend.

RECOMMENDATION

Staff recommends adoption of this ordinance.

**CITY OF GIG HARBOR
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING
ORDINANCE 779, RELATING TO THE ESTABLISHMENT OF THE 1998 CITY
PERSONNEL SALARY SCHEDULE.**

WHEREAS, RCW Chapter 35A.33.075 requires that the City adopt a yearly budget ordinance setting the next year's salary schedule for city employees; and

WHEREAS, the City complied with the above and adopted Ordinance No. 700 setting the 1998 salary schedule for city employees; and

WHEREAS, Ordinance No. 779 must now be amended to reflect the 1998 salary ranges for the Police Sergeant and Police Officer positions and to correct an error in the salary schedule;

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

Section 1. Ordinance No. 779 is hereby amended to establish and adopt the 1998 personnel salary schedule as set forth in Attachment 'A', attached hereto and incorporated herein by this reference.

Section 2. 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 ____ day of February, 1998.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with city clerk:

Passed by the city council:

Date published:

Date effective:

ATTACHMENT "A"

1998 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$5,026	\$6,283
Public Works Director	4,501	5,627
Chief of Police	4,259	5,324
Finance Director	4,055	5,069
Planning Director	3,968	4,960
Police Lieutenant	4,067 3,948	5,084 4,936
Public Works Supervisor	3,622	4,528
Project Engineer	3,601	4,501
Police Sergeant	3,425 3,551	4,281 4,439
Fire Marshal/Building Official	3,474	4,343
Sewer Plant Supervisor	3,467	4,334
Foreman	3,088	3,861
Information System Specialist	2,986	3,733
Police Officer	2,872 3,044	3,590 3,805
Planning Associate	2,973	3,717
Construction Inspector	2,923	3,654
Sewer Plant Operator	2,879	3,599
Maintenance Worker	2,798	3,497
Planning / Building Inspector	2,707	3,383
Engineering Technician	2,601	3,250
Administrative Assistant City Clerk	2,518	3,148
Public Works Assistant	2,518	3,148
Court Administrator	2,431	3,039
Finance Technician	2,301	2,876
Planning-Building Assistant	2,301	2,876
Laborer	2,259	2,824
Court Clerk	2,204	2,754
Police Services Specialist	2,163	2,706
Administrative Receptionist	1,869	2,251 2,334
Public Works Clerk	1,869	2,334



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: RAY GILMORE, PLANNING STAFF
SUBJ.: RESOLUTION – FEE SCHEDULE UPDATE FOR 1998
DATE: FEBRUARY 18, 1998

Background/Summary

At the last regular Council Meeting, several concerns were expressed by Council respective to proposed fee schedule adjustments. Specifically, the issues addressed were :

- Charging a fee for the DRB review ;
- Master Sign Plan fee of \$100;
- Pre- application review fees;
- Conditional use permit fees (as currently exists – no changes proposed)

Recommendation

Because of the items previously scheduled for this meeting, staff advises that action on the fee schedule resolution be deferred to the next meeting in March.



City of Gig Harbor. The "Maritime City"

DEPARTMENT OF PLANNING & BUILDING SERVICES
3125 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-4278

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: RAY GILMORE, PLANNING STAFF
SUBJ.: APPEAL OF HEARING EXAMINER'S DECISION – SDP 97-05, SUNSET YACHT SALES
DATE: FEBRUARY 19, 1998

Background/Summary

The City of Gig Harbor Hearing Examiner approved, with conditions, a shoreline management substantial development permit for the addition of four moorages space at Sunset Yacht Sales at 2905 Harborview Drive. The Examiner's decision was issued on December 29, 1997.

On January 12, 1997, Mr. Al Malanca and Mr. Randy Babich appealed the Examiner's decision. A copy of the appeal is attached. The appeal is based primarily on vessel navigation and restriction and these issues were disclosed at the open record hearing of December 17, 1997. The appeal also claims that improper notice was given on the Shoreline Management Permit. This issue was not raised before the Hearing Examiner at the open record hearing.

A transcript of Mr. Babich and Mr. Malanca's testimony from the public hearing is attached.

Policy Issues

Respective to this closed record appeal, the following adopted policies of the city are applicable:

Title 19

19.06.003 Standing to initiate administrative appeal.

A. Limited to Parties of Record. Only parties of record may initiate an administrative appeal of a Type II or III decision on a project permit application.

B. Definition. The term "parties of record", for the purposes of this chapter, shall mean:

1. The applicant;

2. **Any person who testified at the open record public hearing on the application; and/or**

3. Any person who submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or mechanically produced form letters).

19.06.004 Closed record decisions and appeals.

A. Type II or III project permit decisions or recommendations. Appeals of the

hearing body's decision or recommendation on a Type II or III project permit application shall be governed by the following:

1. Standing. Only parties of record have standing to appeal the hearing body's decision.

2. Time to File. An appeal of the hearing body's decision must be filed within 14 calendar days following issuance of the hearing body's written decision. Appeals may be delivered to the planning department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period.

3. Computation of Time. For the purposes of computing the time for filing an appeal, the day the hearing body's decision is rendered shall not be included. The last day of the appeal period shall be included unless it is a Saturday, Sunday, a day designated by RCW 1.16.050 or by the city's ordinances as a legal holiday, then it also is excluded and the filing must be completed on the next business day (RCW 35A.21.080).

4. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

- a. Appellant's name, address and phone number;
- b. Appellant's statement describing his or her standing to appeal;
- c. Identification of the application which is the subject of the appeal;
- d. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;
- e. The relief sought, including the specific nature and extent;
- f. A statement that the appellant has read the appeal and believes the contents to be true, following by the appellant's signature.

5. Effect. The timely filing of an appeal shall stay the effective date of the hearing body's decision until such time as the appeal is adjudicated by the council or withdrawn.

The appeal is based upon the record established at the hearing conducted by the Hearing Examiner. New information, testimony or exhibits may not be introduced at the appeal hearing and only parties of record have standing in this issue.

Respective to the appellant's contention that issues purporting to navigation were not addressed, staff relies upon the policies and regulations adopted by the Council in governing any decision respective to performance standards. As such, the City of Gig Harbor Shoreline Master Programs provides as follows:

City of Gig Harbor Shoreline Master Program

Section 3.11 Moorages and Marinas

* * *

2. Marinas should be designed so that they will have minimum interference with public use of the surface of the water and should not extend beyond the Outer Harbor Line.
3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.

Regulations

* * *

4. Marinas shall be designed, built, and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.
7. All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24) feet.

The above stated regulations are the adopted standards which the city utilizes in addressing vessel navigation. Regulation #4 is based upon the harbor-lines established by the Washington State Department of Natural Resources and, as such, is managed by that agency. This was addressed by staff at the hearing before the Hearing Examiner.

Regulation #7 is a standard regulated by the City and addresses the issue of vessel navigation between adjacent private ownerships. Please refer to the staff report attached to this memo for further detail.

The application presented is consistent with the applicable policies and regulations that address navigation and vessel restriction.

Public Notice

The Shoreline Management Act provides that public notice been given in one of three ways: By posting the property, by publishing in the local newspaper or by mailing to property owners within 300 feet. Notice was given by publishing in the Peninsula Gateway and by mailing to property owners within 300 feet. According to the property owner listing provided with the application, Mr. Malanca was included and was provided notice prior to the hearing.

Recommendation

Staff recommends that the Examiner's decision for the conditional approval of the shoreline permit be upheld. A resolution affirming the Hearing Examiner's decision is attached for Council's decision.

**CITY OF GIG HARBOR
RESOLUTION _____**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING, WITH CONDITIONS, THE SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (SDP 97-05) SOUGHT BY SUNSET YACHT SALES, FOR THE DEVELOPMENT OF TWO FINGER FLOATS AT 2905 HARBORVIEW DRIVE, GIG HARBOR, WASHINGTON.

WHEREAS, Sunset Yacht Sales, located at 2905 Harborview Drive, Gig Harbor, applied for a shoreline management substantial development permit to provide additional moorage for four vessels; and,

WHEREAS, at a hearing conducted by the City of Gig Harbor Hearing Examiner on December 17, 1998, several people spoke in opposition to the proposal; and

WHEREAS, on December 29, 1997, the Hearing Examiner approved, with conditions, Sunset Yacht Sales application for the substantial development permit; and,

WHEREAS, on January 12, 1998, Randy Babich and Albert R. Malanca, both parties of record in this matter, filed a notice of appeal with the city contesting the decision of the City Hearing Examiner; and,

WHEREAS, on February 23, 1998, the City Council conducted a closed record hearing to consider the appeal filed by Mr. Babich and Mr. Malanca.

FACTS

The City Council incorporates by reference the facts set forth in the Staff Report of December 10, 1997 (attached as Exhibit “__”) and the Hearing Examiner’s Findings, Conclusions and Decision of December 29, 1997 (attached as Exhibit “__”).

FINDINGS AND CONCLUSIONS

1. The application for the shoreline management substantial development permit as filed by Sunset Yacht Sales is consistent with the City of Gig Harbor Shoreline Master Program, for those sections stated in the City of Gig Harbor Planning Department staff report dated December 10, 1997.
2. Issues related to navigation and vessel restriction are addressed in the City of Gig Harbor Shoreline Master Program, as detailed in Chapter 3.11, as follows:

- A. Policy No. 2, Page 30
- B. Policy No. 3, Page 30
- C. Regulation No. 4, Page 32
- D. Regulation No. 7, Page 32

3. The proposed moorage expansion, subject of shoreline substantial development permit application SDP97-05, is consistent with the above policies and regulations.
4. The findings, conclusions and decision of the City of Gig Harbor Hearing Examiner are correct and the permit for the shoreline management substantial development permit SDP97-05 should issue.

DECISION

Based on the foregoing findings and conclusion, the City Council hereby approves the decision of the Gig Harbor Hearing Examiner as stated in his report dated December 29, 1997, and the findings and conditions of approval of the Hearing Examiner are hereby affirmed.

RESOLVED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 23rd day of February, 1998.

Gretchen A. Wilbert, Mayor

ATTEST:

Molly Towslee
City Clerk

Filed with City Clerk: 02/19/98
Passed by City Council:

#37126

RECEIVED
CITY OF GIG HARBOR

JAN 12 1998

PLANNING AND BUILDING
SERVICES

CITY OF GIG HARBOR
Department of Planning and Building Services

NOTICE OF APPEAL

I.

The Following Parties Are The Appellants

- Albert R. Malanca (not Malenka as contained in the Notice of Decision)
7916 Goodman Drive NW
Gig Harbor, WA 98332
253-851-8280 or 253-572-5050
Fax: 253-620-6565
- Randy Babich
17020 Rouse Road
Longbranch, WA 98351
253-884-4855
Fax: 253-884-4865

II.

Standing

Both appellants share standing to appeal based upon their designation as Parties of Record in the Notice of Decision, City of Gig Harbor Hearing Examiner. Mr. Malanca is acting individually and as attorney for Randy Babich.

III.

Identification Of The Application

APPLICANT: Sunset Yacht Sales

CASE NO.: SDP 97-05

LOCATION: 2905 Harborview Drive

APPLICATION: Request for a Shoreline Substantial Development Permit to construct two 6-foot x 44-foot finger piers to provide moorage for four additional vessels.

Date of Application	June 2, 1997
Date of Notice of Completion of Application	October 29, 1997
Date of Notice of Public Hearing	November 17, 1997
Applicant	Sunset Yacht Sales, P.O. Box 1872, Tacoma, WA 98401
Project Location	2905 Harborview Drive Parcel No. 02-21-08-1138
Project Description	Shoreline Development Permit (SDP 97-05) to construct two new finger floats and replace existing main float.
Project Permit required	Shoreline Development Permit, Building Permit.
Type of Environmental Documents Filed	Environmental Checklist
PUBLIC HEARING DATE	December 17, 1997
DATE OF DECISION	December 29, 1997
FINAL DECISION	Approved with condition (per Hearing Examiners report)

**IV.
Grounds For Appeal**

- Lack of Notice to all affected parties. Notice to parties within a certain distance of applicants' site does not provide notice to other property owners in Gig Harbor who have boats traversing in and out of Gig Harbor bay, nor to the vast boating public who moor their boats in or use Gig Harbor bay.
- This area of the harbor is a bottleneck and is too congested now. This proposal will exacerbate the problem, particularly for those in larger vessels.
- Boats which would use the proposed docks would need to back out or swing out wide into the navigational channel.

- Navigational concerns cut across all of the code provisions.
- There may be a different way to add space without impacting navigation.
- Sunset Yacht Sales has done a good job cleaning up the area, however, they should not be rewarded by allowing them to create a navigational problem.
- The proposal will block the view of the inner harbor from adjacent properties.
- An extension at that location will impact kayakers or rowers when the tide is flooding. If the extension is approved, boaters will be pushed into flood tides and power and non-power boaters will be in potential conflict situations.
- Extreme difficulty for tour and sightseeing vessels entering the Harbor.
- Similar requests for adjoining parties have been **denied** in the past.
- Granting the application will create a substantial public safety problem for users of the Harbor entrance.
- Creates an intolerable interference with the use and enjoyment of the beach and dock facilities for the two properties immediately south of the applicant's site.

**V.
Relief Sought**

The relief sought is denial of the Application.

**VI.
Verification**

The undersigned has prepared and read this Notice of Appeal and believes the contents hereof to be true.

DATED this 12th day of January, 1998.



Albert R. Malanca
Albert R. Malanca, Appellant

LAW OFFICES

GORDON, THOMAS, HONEYWELL, MALANCA, PETERSON & DAHEIM, P.L.L.C.

TACOMA OFFICE
2200 FIRST INTERSTATE PLAZA
POST OFFICE BOX 1157
TACOMA, WASHINGTON 98401-1157

(206) 572-5050
FACSIMILE (206) 572-4516
REPLY TO TACOMA OFFICE
ALBERT R. MALANCA, P.S.

SEATTLE OFFICE
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2101
SEATTLE, WASHINGTON 98101-4185
(206) 447-8905
FACSIMILE (206) 622-9779

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JAN 21 1998

PLANNING AND BUILDING
SERVICES

Direct Dial Tacoma: (253) 920-6417
Direct Dial Seattle: (206) 678-6417
eMail Address: malaa@gth-law.com

January 20, 1998

City of Gig Harbor
Department of Planning & Building Services
3125 Judson Street
Gig Harbor WA 98335

Re: **Sunset Yacht Sales**
Appeal of Hearing Examiner's Decision

Dear Sirs:

I received your notice that the above appeal has been filed with the City of Gig harbor. Thank you. Again, you have misspelled my last name (please note the appeal). I would like this corrected.

Now, more importantly, you indicate that the appeal is a closed record hearing. That no new evidence will be considered. I ask you to carefully review my appeal. One ground is a failure to provide adequate notice to all affected parties, a lack of "due process" if you will. This in turn means there was not adequate notification or time to prepare a full presentation before the Examiner ruled against the rights of some individuals.

According to Kathy Marshall of DNR this application has been dormant for well over one year. She forgot about it since it was that old. Limited notice was attempted for a hearing on December 17, 1997 when many affected property owners in Gig Harbor Bay were not available even if such notice was provided which it was not. We will present at the hearing aerial photographs; photos and video film of the actual encroachment of the project into boat traffic patterns and written protests from parties

GORDON, THOMAS, HONEYWELL
MALANCA, PETERSON & DAHEIM, PLLC.

January 20, 1998
Page 2

who received no notice of the December 17, 1997 hearings.

Very truly yours,

A handwritten signature in cursive script that reads "Albert R. Malanca".

Albert R. Malanca

ARM:lh

cc Kathy Marshall, DNR

TRANSCRIPTION OF TESTIMONY

Mr. Randy Babich and Mr. Al Malenka

RB: My name is Randy Babich. Address: 17020 Rouse Road, Long Branch. And I have a dock just to the north . . .

?: How do you spell "Rouse," sir?

RB: R O U S E, sir.

?: O.K. And do you swear to tell the truth?

RB: Yes, I do.

?: O.K.

RB: Yeah, I've been involved in commercial fishing for 34 years and I navigate the harbor quite a bit. I'm opposed to the extension out toward the outer harbor line any more than what exists right now because it happens to be a very narrow section of Gig Harbor. North and southbound traffic on nice days when there's lots of yachts; it tends to be very congested now. Deep water draft have to hug the west side of Gig Harbor coming in and therefore have to swing toward the east, and by extending a float out to this nature, 44 feet, which does not preclude the applicant from putting a larger vessel in with a swim step perhaps, boats will be swinging wide. It narrows the congestion or exacerbates what already is becoming more and more of a problem. There are floats on the east side of Gig Harbor that extend out a ways. The wake level will increase as traffic is forced more to the east. I'm not opposed to the addition of floats in Gig Harbor per se, but in this particular area, I feel it is the wrong area. It's far too congested right now. Uh, that's all I have to say. Thank you.

?: Thank you. Yes.

AM: For the record, my name is Al Malenka. I live at 7916 Goodman Drive Northwest, Gig Harbor 98332.

?: Do you swear to tell the truth?

AM: Yes, I do swear.

?: Thank you.

AM:

To orient people, I always tell them that I live directly across from the Tides Tavern so that they can find me on the east side. I've been there a long time, in excess of 15 years. This dock business makes strange bedfellows. Wendall Stroud is a close, personal friend. He dealt with refurbishing the dock that I have at 7922 which I still own and haven't sold. And he supervised the construction of the new dock at 7916. Now, there's two things that I don't think the City addressed in this application. They did a good job of looking at the technicalities and seeing whether the technicalities were met, but they did not address the navigational problems which were just addressed by Mr. Babich. I've sat over there on my property for all these years and I've looked at the boats coming in and out of the harbor, particularly during the summer months, when it's low tide and high tide, and this is an extremely congested area. As I bring my boat in and out, I am very careful to hug the side of the shoreline as I come in where the lighthouse is, make a very quick move to the right and go down along the shoreline. Coming out, I hug virtually within a few feet of the boats that are tied up at the Sunset Dock. Every other boat does that. And as the boats come in and out in the summertime, the congestion in that area is unbelievable and I think that as the Examiner who's going to look at this application, you need to talk to a lot of people who are familiar with that particular problem. Now, the way these docks, the way these fingers are proposed, I have to agree with Mr. Babich that the boats that would come in to use those fingers have to either back out into the traffic further than the fingers already extend or they have to swing out to come into those particular fingers. That creates additional traffic problems. Now, when I proposed or applied for the new dock at my residence at 7916, the county examiner rejected it. And the town council overrode that objection. But one of the things that we had to comply with was that the dock—the length of the dock in no way interfere with navigational ability of the boats that come in and out of the harbor. And we're way over on the other side, the length doesn't extend out beyond any of the other docks and navigation was not a problem, and that's why the council overruled the county examiner's recommendation that the dock not be approved. Navigation is a critical factor. Navigation cuts across all the little technical things that this gentleman commented about in meeting all of the various code provisions for this particular project. Now, I don't think anybody can get up. John can't get up, the owner can't get up, Sunset can't get up and say that this will not create substantial problems for navigation. Bless

Wendell's heart, he said it'll have a minimal effect. He's in and out of the harbor a lot and perhaps he's a better boater than I am, but I'm going to tell you, Wendell, it's going to affect it a lot, not just a minimal amount. There may be a different way to add some possible additional space without the extreme interference with navigation. This particular plan is going to create a serious, serious problem. Now, I admire what Sunset Yacht Sales has done in cleaning up that area. Took a long time. I remember a great big tug boat that sat there for a long time, and whoever ran that tug boat would run it into the dock— almost ran it into Mr. [end of tape, side A] — and we all admire what you've done there. On the other hand, because you've done that, I don't believe that you should be rewarded by creating a situation that interferes with navigation. This is a navigational problem— it's a serious problem, I think the examiner needs to take a very, very, very careful look at that and reject the present plan as it's proposed. Thank you.

?: Thank you.

Sunset Yacht Dock Expansion (SDP97-05)
Speakers/Issues

Randy Babich – See transcript

Al Malanca – See transcript

Nick Natiello

Navigation restriction to his 50 ton yacht.

John Carr

Blocks his view. Navigational hazard.

John Holmass

Navigation restriction for non-motor powered vessels.

Tom Morfee

Navigation restriction. Channel is very narrow, very serious congestion problem.

Dan Long (Response to above)

Charts show that the water is deeper in front of Malanca's property. Babich's dock sits out 25-30 feet further.

Currents follow the east shore .

Staff Comment – Explanation of DNR inner-outer harborlines.

How many people are present in opposition to this proposal? Show of hands - 16 opposed to this project.

Nick Natiello

Attractive nuisance, other boaters slow down and want to look at the boats, slowing things down.

Randy Babich

Question on DNR line. Did DNR did not take into consideration what a bottleneck that area would be?

John Barline (attorney for Sunset Yacht Sales)

How far does the city dock go out to the outer harbor line? This proposal is inside the outer harborline by 80 feet.

CITY OF GIG HARBOR SHORELINE PERMIT(S) APPLICATION	CITY USE ONLY Case Number <u>SDP 97-05</u> Date Received <u>6-2-97</u> By <u>D. Gagnon</u> Receipt # <u>35708</u> By <u>Akey</u> <u>\$ 350.00 - SDP</u> <u>\$ 150.00 - Env. Check</u>
Please check the permit(s) you wish to apply for: <input checked="" type="checkbox"/> Shoreline Management Substantial Development <input type="checkbox"/> Shoreline Conditional Use <input type="checkbox"/> Shoreline Variance	
<i>To the Applicant:</i> This is an application for a Substantial Development Permit and is authorized by the Shoreline Management Act of 1971. It is suggested that you check with the appropriate local, state or federal officials to determine whether your project falls within any other Permit system, since a Permit under the Shoreline Management Act will not excuse the applicant from compliance with any other local, state or federal ordinances, regulations or statutes applicable to the project.	
Name of project/proposal <u>Renovation of Moorage and Addition of two finger floats</u>	

Applicant <u>Sunset Yacht Sales Ltd.</u> <small>(name)</small> <u>2905 Harborview Drive</u> <u>858-8811</u> <small>(street address)</small> <small>(telephone)</small> <u>Gig Harbor, WA</u> <u>98335</u> <small>(city & state)</small> <small>(zip)</small>	Property location Property Address <u>2905 Harborview Drive</u> Section <u>NE8</u> Township <u>T21</u> Range <u>2E</u> Assessor's Parcel Number <u>0221081138</u> Full Legal Description (attach separate sheet if too long) <u>Attached</u>
Owner <u>Haub Bros. Enterprise Trust</u> <u>593-5620</u> <small>(name)</small> <u>c/o John Barline-- Williams, Kastner & Gibbs</u> <u>1145 Broadway Plaza Tacoma WA 98402-3502</u> <small>(street address)</small> <small>(telephone)</small> <small>(city & state)</small> <small>(zip)</small>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
I (We) <u>Haub Brothers Enterprises Trust</u> <small>(name)</small> <u>[Signature]</u> <small>(signature)</small> <u>3/10/97</u> <small>(date)</small>	Total Square Footage of the Site <u>40,000</u>
do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the herein described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.	

Property Information	
Existing Zoning Designation: <u>RB-1</u>	Slopes exceeding 15%? _____
Existing land use: Describe (or illustrate separately) existing land use, including location of all existing structures and setbacks (in feet) from property lines. Existing structures house a restaurant (The Green Turtle) and a Yacht Brokerage which includes the moorage area used for mooring and showing boats that are for sale.	

Summary of Request (list type of uses)

Propose to replace the existing floats at same size and configuration and add two finger floats 6' X 44'. The fingers will afford some protection from the south and including wakes from boat traffic.

The moorage is used exclusively for brokerage boats as opposed to a conventional moorage with its attendant activities.

For Tax Purposes Only

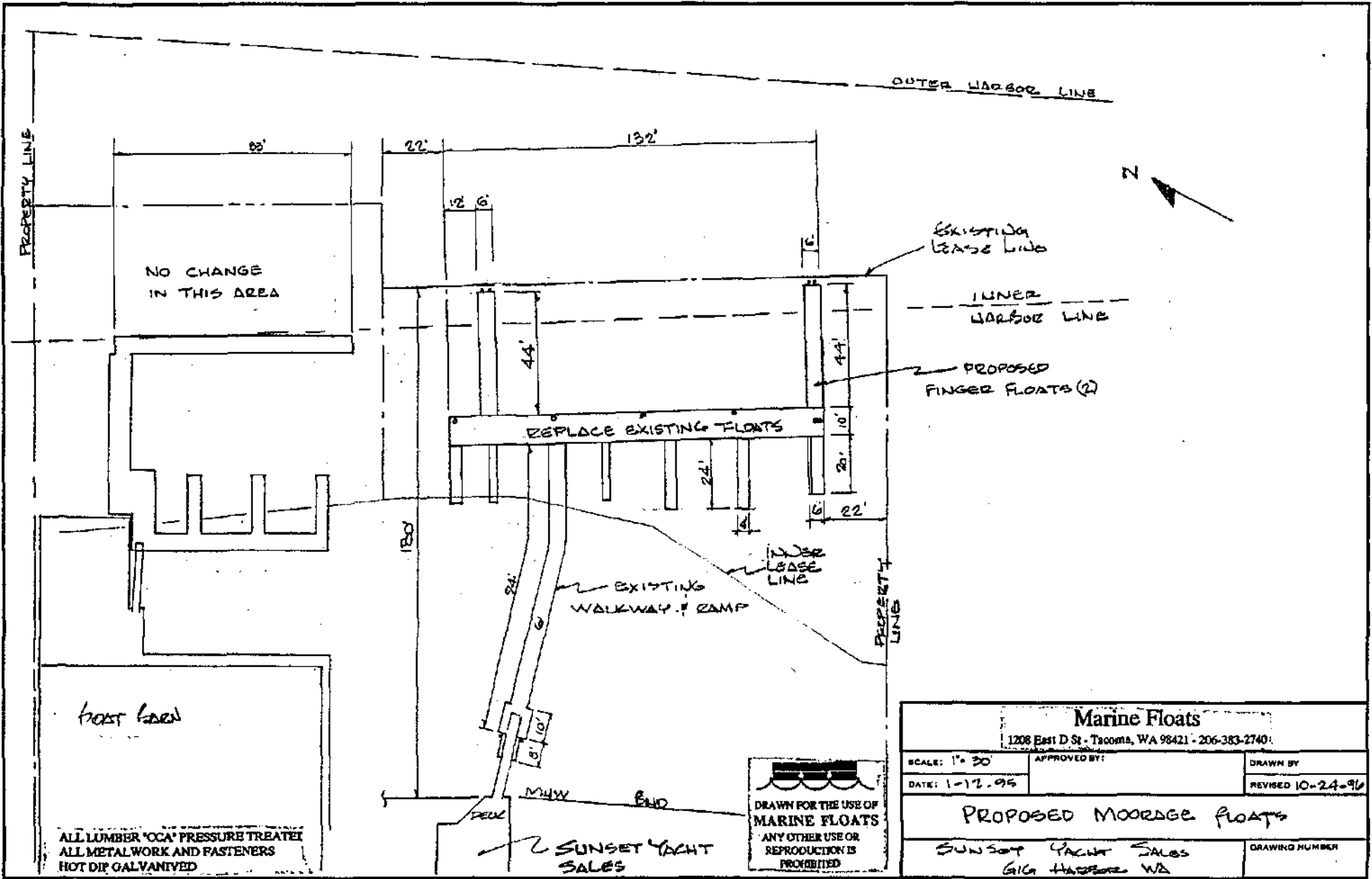
Property Tax Description for Parcel # 0221081138

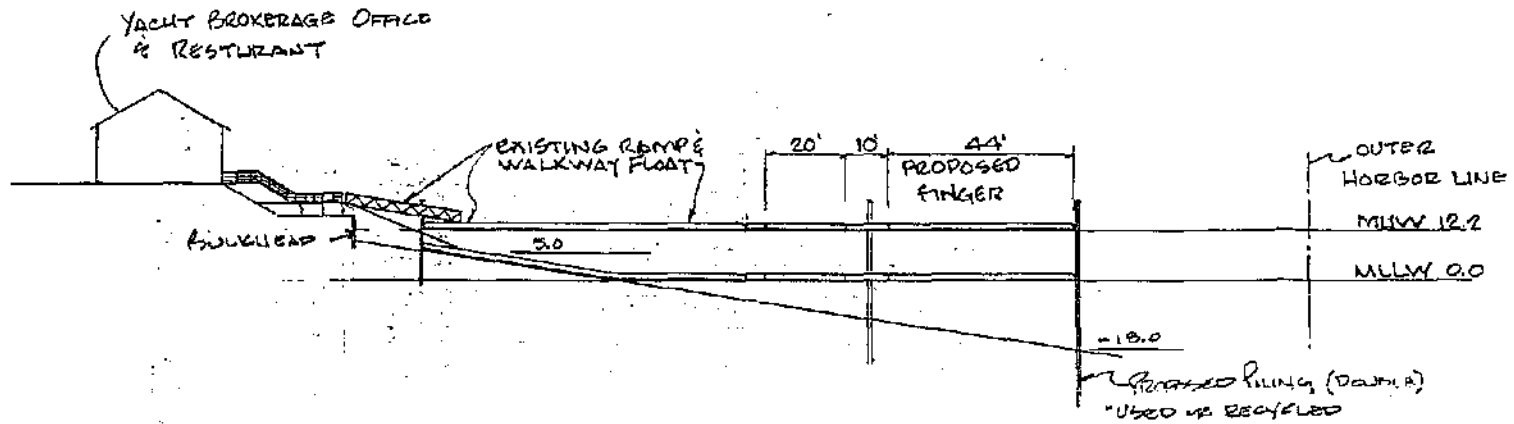
As of: 1/9/97 15:24:23

Location: 2905 HARBORVIEW GH

POR OF GOVT LOT 2 DESC AS FOLL
THAT POR OF FOLL DESC TR LY ELY OF
JERSICH DR COM NE COR OF SE OF NE
OF NW IN C/L OF GILBERT WICKERSHAM
RD TH S 00 DEG 58 MIN W 10.63 FT
TH S 38 DEG 47 MIN E 332.37 FT &
POB TH S 51 DEG 13 MIN W 105 FT TH
S 44 DEG 03 MIN E 200 FT TH N
51 DEG 13 MIN E 250 FT M/L TO PT
IN ML TH ALG ML N 51 DEG W 8 FT
M/L TO A PT TH ALG ML N 27 DEG
30 MIN W 195.62 FT TH S 51 DEG
13 MIN W 202 FT M/L TO POB TOG/W
TDLDS ABUTT EXC RD SEG F 7111

SUNSET



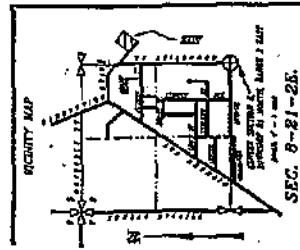
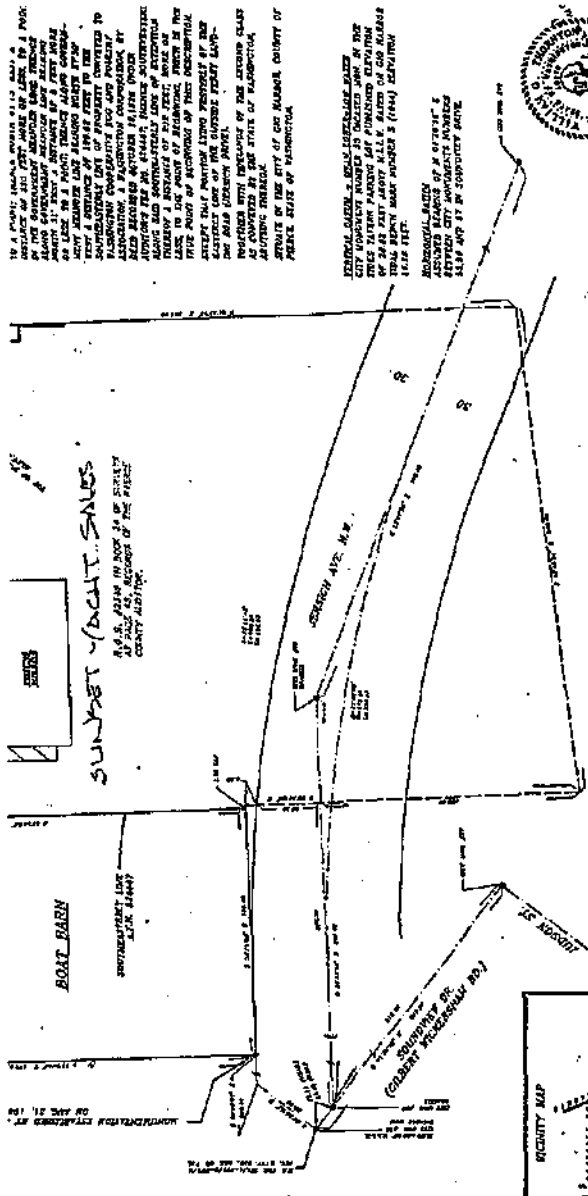
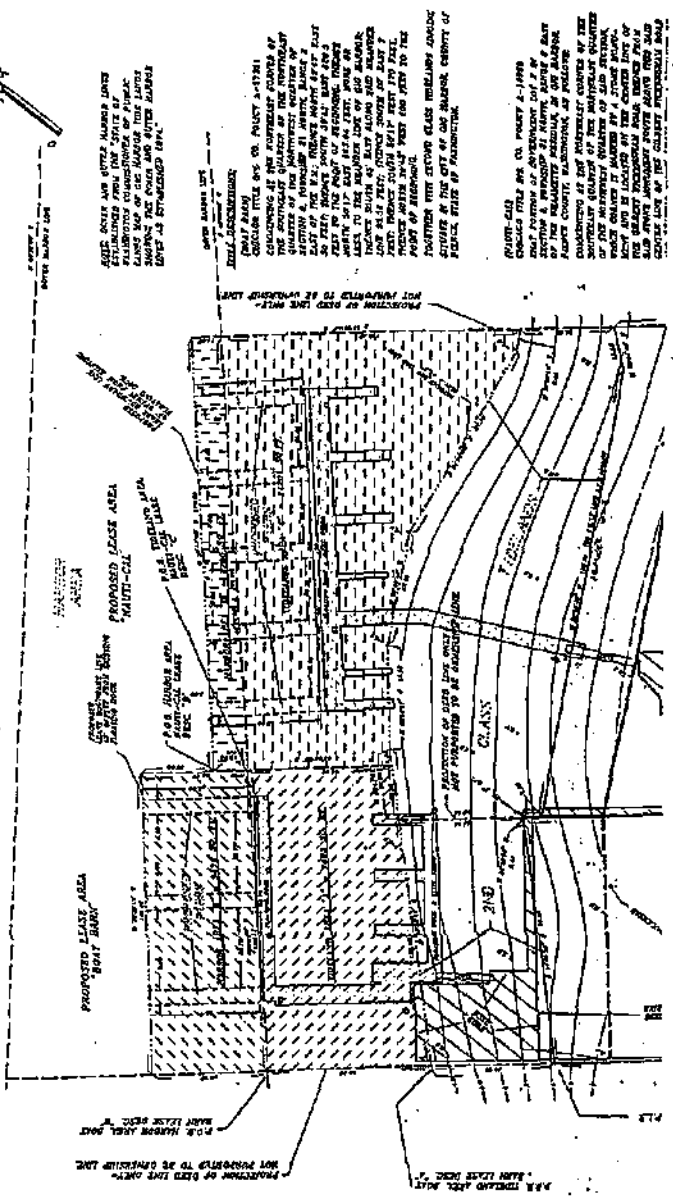


CROSS SECTION
@
HIGH & LOW WATER

Marine Floats		
1208 East D St - Tacoma - WA 98421 - 206-383-2740		
SCALE: 1" = 30'	APPROVED BY:	DRAWN BY
DATE:		REVISED
PROPOSED MOORING floats		
SUNSET YACHT SALES GIG HARBOR WA		DRAWING NUMBER

NEW LEASE EXHIBIT

CIG HARBOR, BAY



SURVEYOR'S NOTE:
THIS EXHIBIT MAP DOES NOT PURPORT TO SHOW ALL IMPROVEMENTS,
ENCUMBRANCES AND OR EASEMENTS OF RECORD.

SHEET 2 OF 2

Churton Wood Surveying, Inc.
P.O. BOX 249
CIG HARBOR, WASHINGTON 98223
TELEPHONE (206) 623-8100 / FAX 623-7468

TIDELAND LEASE EXHIBIT MAP
SHOWING PROPOSED LEASE AREAS
FOR
R.R.S. INVESTMENTS
DRAWN BY [Signature] DATE JULY 1991 SHEET NO. 509
CHECKED BY [Signature] TOTAL 1'-0" JOB NUMBER 2396



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TO A PART, BEING A PART OF THE...
...THE STATE OF WASHINGTON.

FEDERAL AGENCIES...
...THE STATE OF WASHINGTON.

SUNSET YACHT SALES

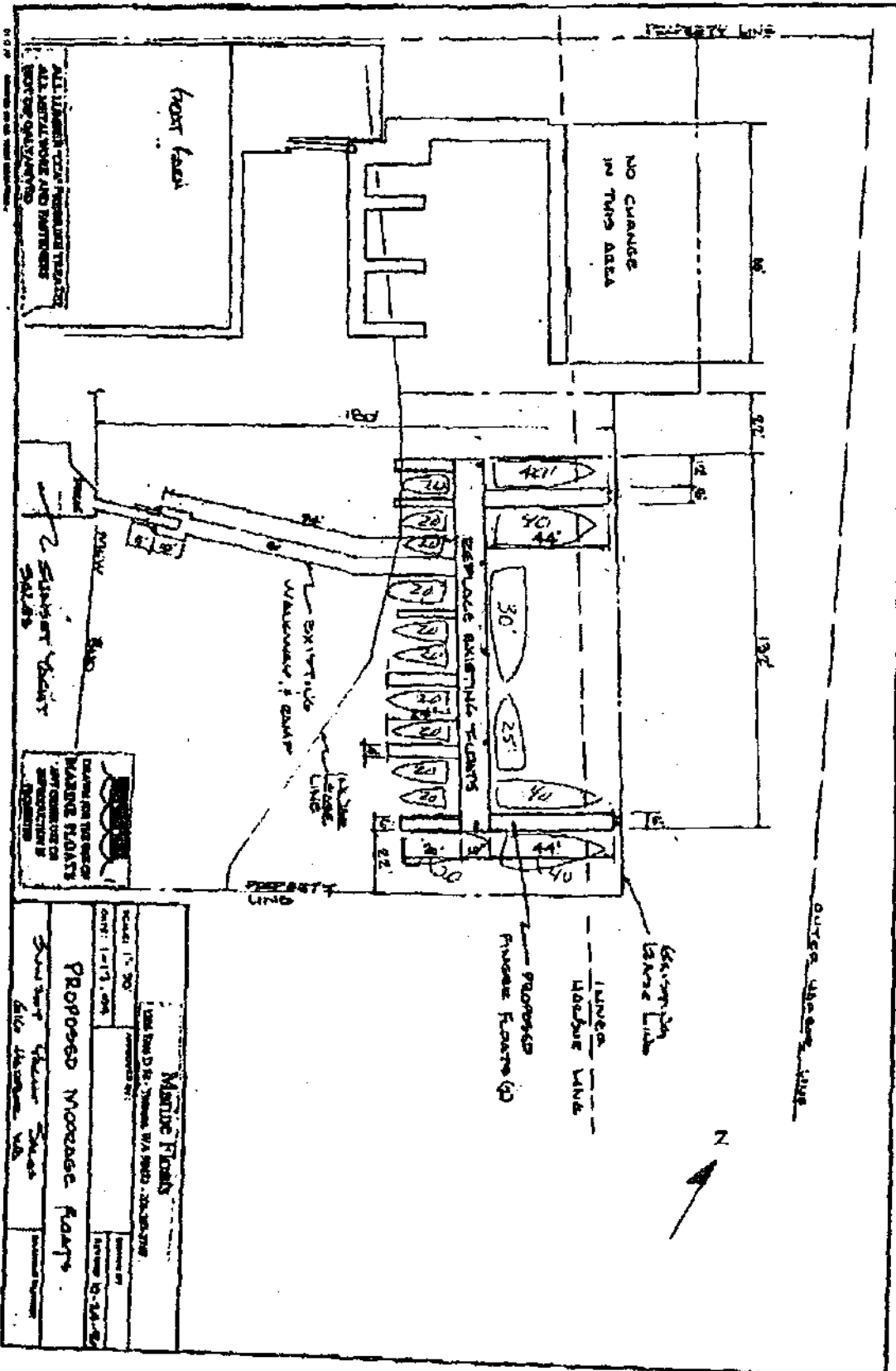
SEC. 8-21-22

As required per Chapter 3.11, Regulation 1, of the GHSMP, the following information is needed:

1. New marina facilities, and alterations to existing facilities, shall submit the following information as part of their application for a Shoreline Substantial Development Permit:
 - A. The number of users. 17 Boats
 - B. The size of water-craft which will be moored in the new facility.
This is a brokerage facility so sizes could vary at times.
 - C. ⁽⁴⁾ 40' - (1) 30' - (1) 25' - (11) 20' - see layout by applicant.
The number of liveaboard vessels or slips allocated for liveaboard vessels. One (1)
 - D. A general plan showing water supply lines, pump-out facilities, solid waste collection points, and outdoor lighting. See Utility Plan
 - E. In addition to the application requirements of WAC 173-14-110, the application shall include a site plan drawn to scale showing adjacent property structures and uses, including existing and proposed state lease land boundaries. See Plan of Adjacent Structures

Wardell,

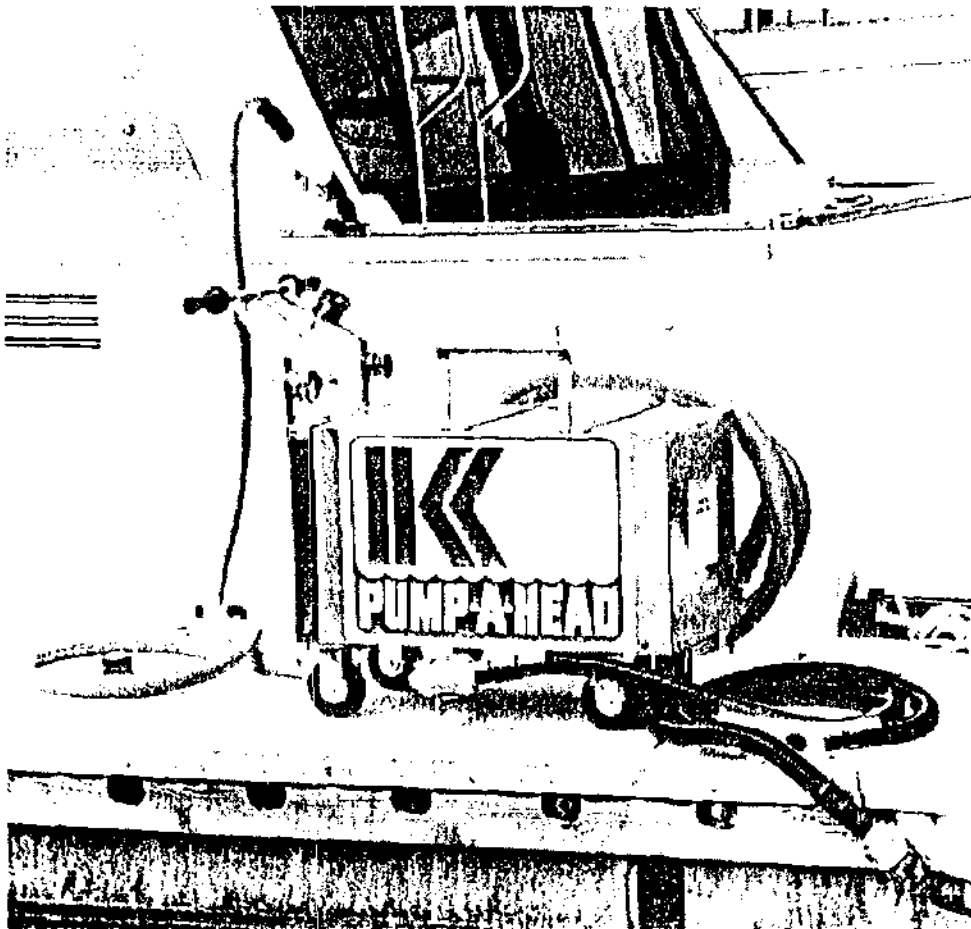
Here's the float plan - 17 Boats under 44'
 IF you have any questions, I'll be back
 Tuesday - Dan



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YOUR SANITATION NEEDS



PORTABLE



Pictured connected to below-deck hydrant [PAH 171]

PORTABLE PUMP-A-HEAD

PUMP-A-HEAD is a convenient, complete pumping system for marinas, live-aboard facilities, boatyards, fuel docks, campgrounds, and RV parks. Components are housed in attractive, all-weather enclosures. The wheel-mounted **Portable PUMP-A-HEAD** eliminates the need to move a boat to a sanitary-waste pump-out station. The **Portable PUMP-A-HEAD** is wheeled alongside the boat. One hose is connected to the boat's waste fitting and another to a dock hydrant discharge system.

KECO, INC./PUMP-A-HEAD marine & recreation sanitation systems

COMPONENTS: ALL COMPONENTS ARE MADE OF NON-CORROSIVE MATERIALS OR FEATURE A TRIPLE-LAYER FINISH. STAINLESS STEEL PARTS, INCLUDING ALL NUTS AND BOLTS ARE GRADE 304 TO 316.

PUMP: THE DIAPHRAGM-TYPE PUMP IS MANUFACTURED SPECIFICALLY FOR SEWAGE HANDLING AND IS CAPABLE OF PASSING SOLIDS UP TO 1½" IN DIAMETER. ALUMINUM PARTS ARE COATED FOR WITH A THREE PART ZINC, EPOXY AND URETHANE FINISH FOR SUPERIOR RESISTANCE TO SALTWATER CORROSION. THE REINFORCED DIAPHRAGM IS SUPPORTED BY TWO PLATES AND SECURED TO A STAINLESS STEEL DRIVE-ROD BY A STAINLESS STEEL NUT AND LOCK WASHER.

HOSE REEL: THE HOSE REEL IS DESIGNED TO GIVE SMOOTH QUIET RELIABLE ACTION AND TO KEEP THE HOSES OFF THE DOCK. THE REEL IS AVAILABLE IN SPRING OR HAND REWIND CONFIGURATION, HOWEVER KECO RECOMMENDS HAND REWIND FOR SUPERIOR CONTROL OF HOSE RETRACTION.

POWER: THE MODEL 140 PUMP IS POWERED BY A STANDARD 1/2HP, 115/230 VOLT, 60 HZ, TEFC, GEAR HEAD MOTOR. THE MODEL 145 PUMP IS POWERED BY A STANDARD 1/2HP, 115/230 VOLT, 60 HZ, EXPLOSION PROOF GEAR HEAD MOTOR AND EXPLOSION PROOF COMPONENTS. A 50HZ MOTOR IS AVAILABLE BY SPECIAL ORDER.

HOSE: THE 1½" DIAMETER HOSE IS MANUFACTURED SPECIFICALLY FOR THE PUMP-A-HEAD SYSTEM. MADE OF ETHYLENE COPOLYMER, IT IS CRUSH-RESISTANT, AND WEATHER-RESISTANT, AND CORROSION-RESISTANT, WITH AN OPERATING RANGE FROM -20°F TO 150°F. THE HOSE HAS REINFORCED JOINTS, AND ITS SMOOTH INTERIOR AND PREVENTS THE TRAPPING OF ANY SOLIDS. STAINLESS STEEL CLAMPS AND FITTINGS PREVENT MARRING OR MARKING OF DECKS AND HULLS. POLYOLEFIN REINFORCEMENTS AT EACH END PREVENT KINKING. THE NEOPRENE NOZZLE

IS COPPER REINFORCED AND WILL FIT MOST HULL MOUNTED WASTE FITTING. THE SANITARY NOZZLE GUARD REDUCES WEAR ON THE NOZZLE AND IS ADAPTED TO A 1½" NATIONAL STANDARD PIPE THREAD, COMMON TO MOST MARINE FITTINGS.

UNITS ARE SHIPPED WITH A 30' SUCTION HOSE ASSEMBLY THAT INCLUDES PUMP-A-HEAD EXCLUSIVE LEXAN SITE GLASS, WHICH PROVIDES A VISUAL SIGNAL WHEN THE HOLDING TANK IS CLEAR OF WASTE. A SHUT-OFF VALVE PROVIDES A DRIP-TIGHT SEAL WHEN HOSES ARE NOT IN USE. ALL UNITS ARE AVAILABLE WITH AN OPTIONAL 50' SUCTION HOSE ASSEMBLY.

CAPACITY: THE DISCHARGE CAPACITY IS 20 GALLONS PER MINUTE. SUCTION LIFTS TO 20'; DISCHARGE HEADS TO 30'. CAPACITY DEPENDS UPON THE LENGTH AND SIZE OF DISCHARGE PIPING AND THE HEIGHT THAT THE FLUID MUST BE LIFTED.

MODEL 140: THIS PUMP CAN BE POWERED BY AN ON/OFF SWITCH, TOKEN OR COIN OPERATOR, SECURITY KEY, OR A .5-20 MINUTE ADJUSTABLE TIMER ACTIVATED BY A PUSH BUTTON.

MODEL 145: THIS PUMP IS INTENDED FOR USE AT A FUEL DOCK OR OTHER HAZARDOUS LOCATION, IT CAN BE POWERED BY AN EXPLOSION PROOF ON/OFF SWITCH OR EXPLOSION PROOF SECURITY KEY LOCK.

DIMENSIONS: BOTH MODELS MEASURE 29 ½" (H) X 48" (W) X 28" (D). THE SHIPPING WEIGHT IS APPROXIMATELY 250 POUNDS.

PUMP-A-HEAD HAS BEEN THE RECOGNIZED LEADER OF ENGINEERING AND TECHNOLOGY IN THE MARINE SANITATION FIELD FOR OVER 25 YEARS. PUMP-A-HEAD RESPONDS TO THE SPECIFIC NEEDS OF ITS CUSTOMERS BY OFFERING A COMPLETE LINE OF PUMP-OUT STATIONS TO SOLVE ANY SANITATION PROBLEM.

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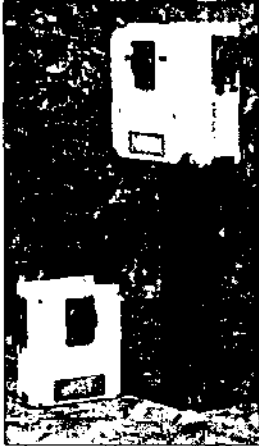
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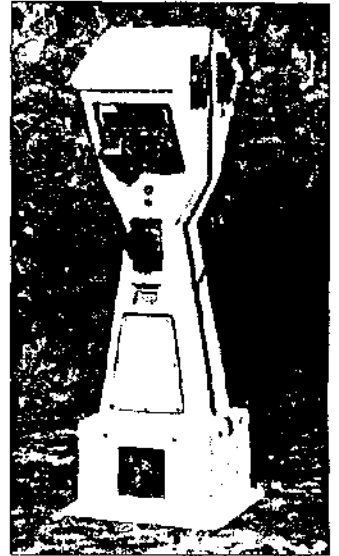
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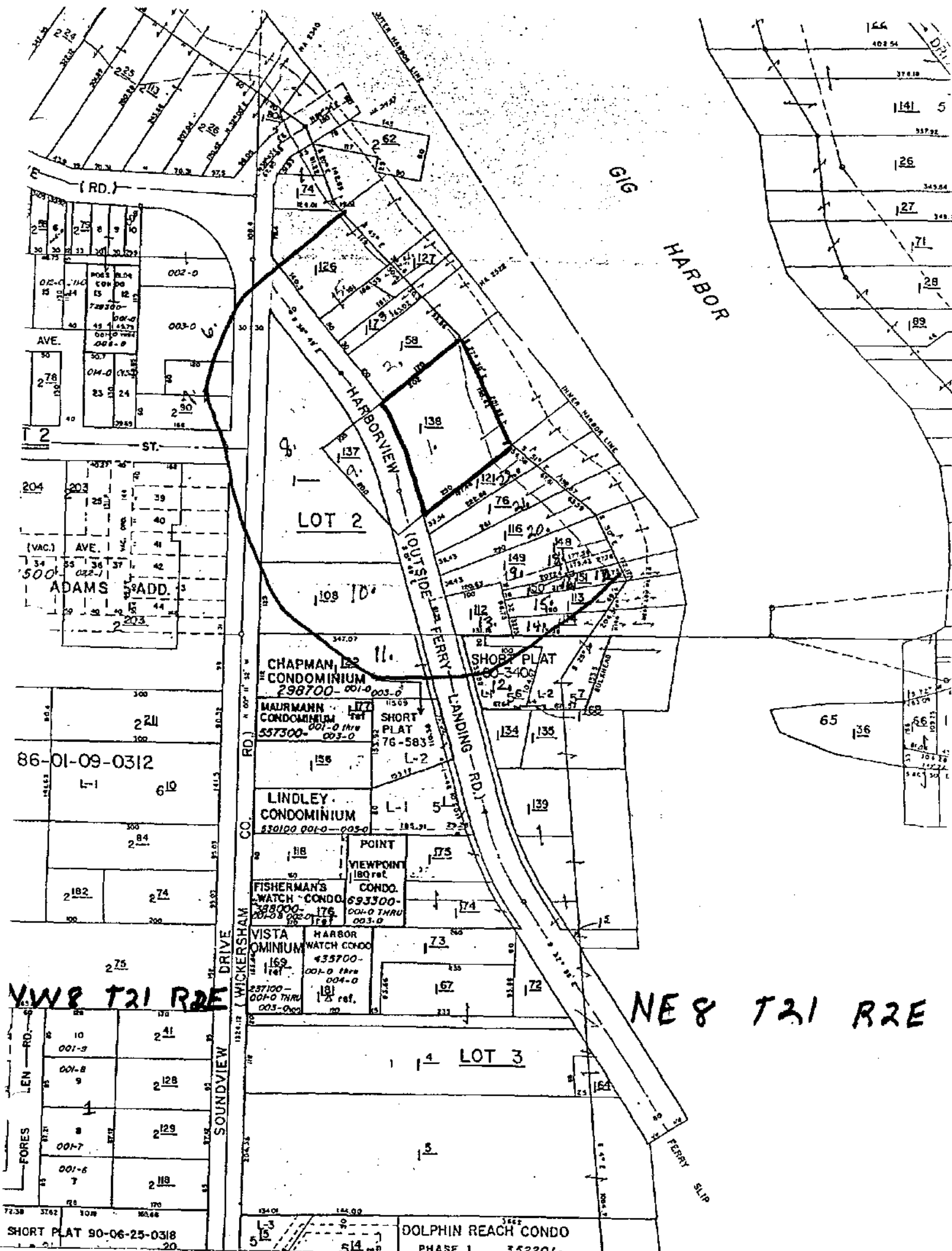
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SHORT PLAT 90-06-25-0318

DOLPHIN REACH CONDO
PHASE 1 352201-

CITY OF GIG HARBOR
HEARING EXAMINER
FINDINGS, CONCLUSIONS AND DECISION

APPLICANT: Sunset Yacht Sales

CASE NO.: SDP 97-05

LOCATION: 2905 Harborview Drive

APPLICATION: Request for a Shoreline Substantial Development Permit to construct two, 6-foot x 44-foot finger piers to provide moorage for four additional vessels.

SUMMARY OF RECOMMENDATION AND DECISION:

Staff Recommendation: Approve with conditions

Hearing Examiner Decision: Approve with conditions

PUBLIC HEARING:

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Sunset Yacht Sales application was opened at 5:05 p.m., December 17, 1997, in the City Hall, Gig Harbor, Washington, and closed at 5:52 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Planning Department.

HEARING TESTIMONY:

The following is a summary of the testimony offered at the public hearing:

From the City:

Ray Gilmore, Director, Planning and Building Services,

From the Applicant:

Wendell Stroud, Agent for the Applicant,

John Borline, Attorney for the Applicant,

Dan Long, Applicant,

Summary of testimony and legal argument offered for the request:

- Moorage now exists at the subject site and the proposed finger piers would have minimal impact. This is a minor expansion and a refurbishment of the existing facility.

- The proposed finger piers would only go approximately 10 feet beyond the inner harbor line and would be approximately 80 feet from the outer harbor line.
- The proposed dock extension would all be within the DNR lease area.
- The Department of Fish and Wildlife has reviewed the application and has found no impact on habitat.
- Normal marine traffic stays to the mid channel and this proposal will not impact that traffic.
- A waste transfer station will be provided.
- This proposal is for a brokerage facility and, therefore, there will not be much coming and going of boats.
- Many of the marinas in the harbor go right up to the outer harbor line.
- The project falls within the guidelines adopted by the City.

From the Community:

The following persons all spoke in opposition to the application:

Randy Babich

Al Malenka

Nat Natiello

John Carr

John Holmaas

Tom Morfee

Summary of testimony offered in opposition to the request:

- This area of the harbor is a bottleneck and is too congested now. This proposal will exacerbate the problem, particularly for those in larger vessels.
- Boats which would use the proposed docks would need to back out or swing out wide into the navigational channel.
- Navigational concerns cut across all of the code provisions.
- There may be a different way to add space without impacting navigation.
- Sunset Yacht Sales has done a good job cleaning up the area, however, they should not be rewarded by allowing them to create a navigational problem.
- The proposal will block the view of the inner harbor from adjacent properties.
- An extension at that location will impact kayakers or rowers when the tide is flooding. If the extension is approved, boaters will be pushed into flood tides and power and non-power boaters will be in potential conflict situations.

Response from the City:

Ray Gilmore said the DNR has jurisdictional authority over navigation in the harbor and the DNR established both the inner and outer harbor lines and adjusted those lines recently. No facility or boat moored can extend beyond the outer harbor line.

CORRESPONDENCE:

Correspondence was received from the following:

- Charles Gale, Department of Ecology (Exhibit A, Attachment 2), comments on environmental checklist.
- Neil Rickard, Department of Fish and Wildlife (Exhibit A, Attachment 3), discussed requirements for a HPA permit.
- John Holmaas discussed the impacts the proposal would have on recreational rowers (Exhibit B).
- Eric Lindgren expressed several concerns in Exhibit C including view impact, constriction of harbor traffic patterns and inadequate landside support facilities.
- Helen Lochridge expressed concern about the proposed extension of the dock into a narrow portion of the harbor and over loss of her view (Exhibit E).
- A petition with 40 signatures in opposition to the application was also submitted (Exhibit D). Signers of the petition opposed the proposal for the following reasons:
 - Extending out another 44 feet would interfere with the marine traffic flow, and during busiest boating season could be a potential safety problem.
 - Special events like boat parades and sailboat races would be hindered by further narrowing the channel.
 - The larger dock and additional boats would obstruct the view from neighboring residences and impair access to existing residential floats and docks.
 - The proposal would detract from the residential character of the neighboring area.
 - The proposal would set a precedent for other larger docks and encourage others to extend their docks to maintain their current level of access.
 - The proposal would interfere with normal, reasonable use of the shoreline.

FINDINGS, CONCLUSIONS AND DECISION:

Having considered the entire record in this matter, the Hearing Examiner now makes and enters the following:

A. FINDINGS:

1. The information contained in Sections I & II of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the

evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

2. The applicant has requested approval of a shoreline substantial development to expand an existing yacht brokerage facility. Construction of two 6-foot x 44-foot finger piers to provide moorage for four additional vessels is proposed. The vessels proposed to be moored at the new finger piers would be two 44+ foot long vessels and two 40 foot long vessels. A total of 17 vessels would be moored at the combined existing and proposed facility.
3. The total over-water site to be occupied by the new piers would be approximately 530 square feet, the majority of which would overlie private tidelands (See Exhibit A, Attachment 7).
4. The SEPA Responsible Official issued a determination of non-significance on October 13, 1997.
5. No change of DNR lease boundaries is required to accommodate the proposed action.

B. CONCLUSIONS:

1. The conclusions prepared by the Planning Staff and contained in Section III of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
2. No adverse comments were received during the SEPA review period. Two state agencies responded to the notice and provided timely comments. There was no timely appeal of the determination of non-significance.
3. Several letters and a petition in opposition to the proposal were received prior to the public hearing. In addition, several people spoke in opposition to the proposal at the hearing. The major concerns expressed related to impacts to vessel navigation from the new moorage floats and aesthetic impacts to adjacent residential properties.
4. It is acknowledged that the proposed finger piers will extend approximately 10 feet beyond the inner harbor line, but will not extend beyond approximately 80 feet from the outer harbor line. However, the location of the facility near the mouth of the harbor suggests that any extension of piers at this location should be done with caution. After review of the file on this case, the Examiner has concluded that the proposed finger piers will not have a substantial impact on navigation. However, if boats moored to the new finger piers were to extend a considerable distance beyond the end of the new piers,

material impacts to navigation could occur. Therefore, there should be a strict limitation on the length of boats which will be allowed to moor at the new finger piers.

5. If the proposal is approved with the conditions listed below, it will comply with the adopted policies and regulations of the City's Comprehensive Plan, Shoreline Master Program, and Zoning Ordinance.

C. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested Shoreline Substantial Development Permit is approved, subject to the following conditions:

1. Prior to issuance of a building permit for the addition to the pier and dock, the applicant shall provide verification of the required off-street parking space for the facility. The required parking spaces must be clearly indicated on the site through striping or a comparable means of identification and shall be used solely for vehicle parking. Utilization of required off-street parking for boats is prohibited.
2. The defined parking spaces must be evident prior to issuance of the occupancy permit. All parking areas must either be asphaltic concrete, concrete or grasscrete.
3. The applicant shall comply with the conditions of the Hydraulics Project Approval issued by Washington State Department of Fish and Wildlife.
4. The applicant shall provide for connection to the City's sewer system for the portable pump-out facility that meets the requirements of the City of Gig Harbor Public Works Standards. Installation of required sewer connection facilities, including the availability of the portable pump-out system, must be completed prior to issuance of the certificate of occupancy.
5. No vessels over 48 feet in length may be moored at the facility.

Dated this 29th day of December, 1997.



Ron McConnell
Hearing Examiner

APPEAL OF EXAMINER'S DECISION:

Any party of record who feels aggrieved by the Examiner's decision may submit an appeal in writing to the Gig Harbor Planning Department within (14) calendar days from the date the final decision of the Examiner is rendered.

Such appeal shall be submitted in accordance with Chapter 19.06 GHMC.

EXHIBITS:

The following exhibits were offered and entered into the record:

- A. Community Development Department Staff report, with attachments:
 - 1. Memo from Steve Bowman, dated 11/5/97
 - 2. Letter from DOE, dated 10/28/97
 - 3. Letter from DFW, dated 6/27/97
 - 4. Information submitted by Sunset Yacht Sales
 - 5. Section view of proposed ramp & floats
 - 6. Site plan for proposed floats
 - 7. "New Lease" documentation
 - 8. Environmental checklist
 - 9. Shoreline Permit application
- B. Letter from John Holmaas, dated 12/3/97
- C. Letter from Eric Lindgren, dated 12/7/97
- D. Petition in opposition to the request, signed by 40 people
- E. Letter from Helen Lockridge, dated 12/3/97
- F. Photo Board, submitted by the applicant

PARTIES OF RECORD:

Dan Long
Sunset Yacht Sales
PO Box 1872
Gig Harbor, WA 98401

Wendell Stroud
Marine Floats
1208 East D Street
Tacoma, WA 98421

John Borline, Attorney
1000 Financial Center
1145 Broadway
Tacoma, WA 98401

Randy Babich
1720 Rose
Longbranch, WA 98351

Al Malenka
7916 Goodman Drive
Gig Harbor, WA 98332

Nat Natiello
5812 Hunt St. NW
Gig Harbor, WA 98335

John Carr
2821 Harborview Dr.
Gig Harbor, WA 98335

John Holmaas
7525 Goodman Dr. NW
Gig Harbor, WA 98332

Tom Morfee
Peninsula Neighborhood Association
PO Box 507
Gig Harbor, WA 98335

Eric Lindgren
7822 Goodman Dr. NW
Gig Harbor, WA 98332

Helen Lochridge
PO Box 53.
Gig Harbor, WA 98335

Community Development Department

**STAFF REPORT
ENVIRONMENTAL EVALUATION AND
REPORT TO THE HEARING EXAMINER**

SDP 97-05 -- Sunset Yacht Sales
Additional Moorage
December 10, 1997

PART I: GENERAL INFORMATION

A. APPLICANTS:

Sunset Yacht Sales
P.O. Box 1872
Gig Harbor, WA 98401

OWNER:

Same as above

AGENT:

Wendell Stroud
Marine Floats
1208 East D Street
Tacoma, WA 98421

D. REQUEST:

Construct two, 6-foot x 44-foot finger piers to provide moorage for four additional vessels. Length of vessels proposed to be moored are 2 - 44'+ craft and 2- 40' craft. Total number of vessels moored would be 17, consisting of 4 - 40' vessels, 1 - 30' vessel, 11 - 20' vessels and 1 - 25' vessel. Because this is a brokerage facility, the size of vessels moored may vary over time.

E. PROPERTY DESCRIPTION:

1. Location:

2905 Harborview Drive, Assessor's Tax Parcel Number 0221081138, within a portion of the NE 1/4 of Section 8, Township 21 North, Range 2 East WM.

2. Site Area/Acreage:

The upland ownership is a commercial building used for office space (yacht sales) and commercial (restaurant) use. The total over-water site to be occupied by the new piers is approximately 530 square feet, the majority of which will overlie private tidelands.

Physical Characteristics:

The shoreline fronting the site is a bulkheaded, marine shoreline .

F. SURROUNDING LAND-USE/ZONING DESIGNATION:

The site is developed as a multi-tenant, mixed-use building housing. The marina serves as moorage for Sunset Yacht Sales, a yacht brokerage firm. The area is characterized as predominantly commercial on the waterward side of Harborview Drive with residential to the south, along Harborview Drive, and east, across Gig Harbor Bay. Two private residential docks lie east of the site, the closest of which is within 12 feet of the side property line.

G. UTILITIES/ROAD ACCESS:

Access is provided by way of Harborview Drive.

H. PUBLIC NOTICE

Public notice was provided as required pursuant to Section 19.03.003 as follows:

- Publish legal notice in the Peninsula Gateway on November 19, 1997, combined notice of application and notice of public hearing.
- Mailed to property owners of record within three hundred feet of the site on November 17, 1997.

I. COMPLIANCE WITH THE STATE ENVIRONMENTAL POLICY ACT

The SEPA responsible official issued a determination of non-significance on October 13, 1997. The determination was made after a review of the completed application and environmental checklist for the proposal.

PART II: ANALYSIS

A. AGENCY REVIEW:

1. Building Official/Fire Marshal

Memo of November 5, 1997 - Several comments offered which pertain to fire flow and emergency vehicle access. (see attached)

2. Public Works Department
No comments received.
3. Department of Ecology
Letter of October 28, 1997 from Charles Gale (attached).
4. Department of Fish and Wildlife
Letter of June 23, 1997 regarding HPA permit (attached).
5. Other Correspondence Received:
 - A. Letter of December 3, 1997, from John and Carol Holmaas, in opposition
 - B. Letter of December 7, 1997 from Eric W. Lundgren, in opposition
 - C. Petition signed by 40 residents of East Gig Harbor, in opposition.

B. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan:

The City of Gig Harbor Comprehensive Plan designates the area as Waterfront. Pertinent goals and policies are as follows:

Shoreline Management, pages 71-72

- A) Goal - Protect Natural Quality: Preserve and protect the unique, interdependent relationship between the water, land and cultural heritage.
- B) Goal - Mixed Use Waterfront: Preserve the commercial fishing fleet as a significant and cultural resource. Retain a mixed-use waterfront including those fishing, boating, tourist and residential uses which provide the shoreline's unique appeal.
- C) Goal - Protect Water Quality. Define and regulate the design and operation of water-oriented activities.
- D) Goal - Quality Urban Development. Create an accessible and visible waterfront and shoreline including the development of public beaches, fishing and boating docks, picnic and passive overlooks and viewpoints.

2. City of Gig Harbor Zoning Ordinance

The area is designated as Waterfront Commercial (WC), Chapter 17.50. The intent of the WC district is to provide a wide range of uses and activities on the shorelines of Gig Harbor located within the area proximate to the downtown business district. Development should be water-oriented and maintain the scale of existing structures. Highest priority will be accorded to those uses that are water-dependent. Other uses that provide a high degree of physical access to the waterfront have the next priority. Those activities that are not water-dependent but maintain or enhance views and the character of the area may also be permitted.

Section 17.50.020-- Marina and boat launching facilities are a permitted use.

Section 17.72.030 (4)(Q) -- Q. For marinas, moorages, and docks:

1. Moorages/slips less than 45 feet, one space for every two berths,
2. Moorages/slips 45 feet or longer, one space for every berth,
3. All moorage facilities shall provide a minimum of two parking spaces,
4. If commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage;

Each off-street parking space must be a minimum 8 feet in width and 18 feet in length.

3. City of Gig Harbor Shoreline Master Program

The following sections of the City of Gig Harbor Shoreline Master Program are applicable to this project:

Part 2: Overall Goal Statements

1. Character

The Shorelines of the City of Gig Harbor support its fishing, boating and tourist activities as well as the residential community. Therefore, preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals.

Goals Particular to Certain Uses

6. Pleasure Boating and Marinas

To permit uncovered moorage and the development of temporary docking facilities for visiting vessels, while retaining the open surface water area for watercraft circulation.

Environment Designation: Urban

Section 3.01 Overall Statements Applicable to All Uses Within the Shoreline

POLICIES

1. New structures should not dominate the shoreline in terms of size, use, location or appearance.

Shoreline developments should provide visual access to the water.

3. After completion of a shoreline project, cleared and disturbed areas should be restored to its pre-project condition. If the previous condition had a negative effect on the shoreline environment, landscaping or other improvements may be required, including maintenance, so that the site will be compatible with adjacent natural terrain. The City Council may require landscaping or other improvements to make the site compatible with other properties.

4. All developments should be designed to minimize their adverse effect on surrounding areas.

5. The estuarine areas of Crescent Valley Creek as designated in the City of Gig Harbor Wetlands Map of May, 1992 and the intertidal area at the mouth of Donkey Creek, should receive special consideration due to their potential as aquatic habitats.

6. All shoreline developments should be assessed by the City of Gig Harbor with special attention given to their cumulative effects on the character, mass, height, scale and balance of the City.

7. All applicants for shoreline management permits or request for exemptions shall comply with any applicable requirements of the Washington State Department of Fisheries and Wildlife, the Department of Natural Resources and the U.S. Army Corps of Engineers, as applicable.

Section 3.05 Commercial Development

Those uses which are involved in wholesale and retail trade, business or professions along with accessory activities such as services, storage and parking. For uses such as marinas, piers, industries, the commercial fishing industry and parking, see Policies and Regulations for the appropriate use activity.

Section 3.11 Moorages and Marinas

Marinas and moorage facilities provide commercial moorage, launching, storage for watercraft, including services, supplies, parking and other supporting activities. Due to the commercial nature of marina activities, marinas should also be consistent with Policies and Regulations under Commercial Development.

GOALS: Marina users should meet the Overall Goals of this Master Program as well as conform to the goals for Pleasure Boating and Marinas and Commercial Areas and Shopping.

POLICIES:

1. Marina developments should be designed and constructed to minimize interference with views.
2. Marinas should be designed so that they will have minimum interference with public use of the surface of the water and should not extend beyond the Outer Harbor Line.
3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.

4. Marinas should be located and constructed so that they minimize harmful effects to the water quality or the aquatic life and habitat.
5. Piers and floats should be designed so that they will have minimum interference with the public use of the water's surface and access along the water's edge.
6. Piers and floats should be designed to accommodate a wide range of uses wherever feasible.
7. Adjoining waterfront property owners should be encouraged to share a common pier or float.
8. Where live-a-board vessels are moored, provision should be made to transfer waste discharges from vessels to a permitted or approved wastewater treatment facility.

REGULATIONS:

Marinas, Piers Docks,...

2. The applicant shall be responsible for obtaining all other necessary state and federal permits for marina development.
3. Automobile parking shall be provided by the marina developer at the following ratios:
 - A. One space for every two berths of moorage less than forty-five feet in length.
 - B. One space for every berth of moorage forty-five feet or greater.

The balance of parking shall be provided as described in Section 3.13 and the requirements of the applicable underlying zoning district.

Marinas shall be designed, built, and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.

7. All moorages, wharves, piers, floats and vessels moored at marina facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24) feet.
8. All authorized piers and floats shall be for the purpose of conducting water related or water-dependent activities.
9. Where moorage is offered in new, expanded or renovated existing marinas, pump-out, holding and/or treatment facilities shall be provided for sewage contained on boats and/or vessels. Such facilities shall be located so as to be conveniently accessible to all boats. The responsibility for the adequate and approved collection and disposal of marina originated sewage, solid waste and petroleum waste lies with the marina operator.

PART III: FINDINGS AND CONCLUSIONS

Based upon the analysis in Section II of this report, staff recommends that the Hearing Examiner find as follows:

1. The proposed use is a permitted use within a Waterfront Commercial District, as defined in Section 17.50.020 of the Gig Harbor Municipal Code.
2. The proposal is to provide moorage for four additional vessels at a yacht brokerage firm, including a portable pump-out facility for sewage disposal.
3. Marinas and moorage facilities are water dependent uses.
4. Off-street parking is available on-site. The total number of parking spaces required is 9. The applicant has stated that the facility has 24 parking spaces. Parking spaces are not clearly defined on the property.

5. The proposed floats extend beyond the inner harborline in this area of Gig Harbor Bay. None of the floats or moorage extends beyond the outer harborline nor would be within 12 feet of adjacent property lines. No change in the existing DNR lease boundaries is required to accommodate the proposed addition.
6. The proposal is consistent with the applicable provisions of the City of Gig Harbor Shoreline Master Program, as stated in Part II of this report.
7. The proposed floats are subject to all applicable building and land development standards of the Gig Harbor Municipal Code.
8. Notices to parties of record within 300 feet of the site were mailed on November 17, 1997.
9. The SEPA Responsible Official issued an environmental determination of nonsignificance (DNS) for this project proposal on October 13, 1997. This was based upon a review of the completed environmental checklist and other documents submitted with the application. No adverse comments were received on the DNS. Two state agencies responded to the notice and provided timely comment.
10. Legal notice was published in the Peninsula Gateway on November 19, 1997.
11. Several letter in opposition to the proposal were received prior to the public hearing. Concerns have been expressed by residents who live east of the facility (East Gig Harbor) about the potential impacts to vessel navigation from the new moorage floats and aesthetic impacts to adjacent residential properties.

PART IV: RECOMMENDATION


Based upon the findings in Section III of this report, staff recommends that SDP 97-05 be approved, subject to the following conditions:

1. Prior to issuance of a building permit for the addition to the pier and dock, the applicant shall provide verification of the required off-street parking space for the facility. The required parking spaces must be clearly indicated on the site through striping or a comparable means of identification and shall be used solely for vehicle parking. Utilization of required off-street parking for boats is prohibited.
2. The defined parking spaces must be evident prior to issuance of the occupancy permit. All parking areas must either be asphaltic concrete, concrete or grasscrete.

3. The applicant shall comply with the conditions of the Hydraulics Project Approval issued by Washington State Department of Fish and Wildlife.
4. The applicant shall provide for connection to the City's sewer system for the portable pump-out facility that meets the requirements of the City of Gig Harbor Public Works Standards. Installation of required sewer connection facilities, including the availability of the portable pump-out system, must be completed prior to issuance of the certificate of occupancy.

Documents pertinent to the Hearing Examiner's review are attached.

Staff report prepared by: Ray Gilmore, Director, Planning and Building Services



Date: December 10, 1997



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR *Wes Hill*
SUBJECT: INTERLOCAL AGREEMENTS - PIERCE TRANSIT AND FIRE
DISTRICT NO. 5
DATE: FEBRUARY 18, 1998

INTRODUCTION/BACKGROUND

Federal funding has been authorized for the Kimball Drive Park and Ride and Related Transportation Facilities project. Federal Transit Administration (FTA) and the Federal Highway Administration (ISTEA-Surface Transportation Program) grants provide a total of up to \$1,099,850 for design and construction. Pierce Transit, the City of Gig Harbor, Fire District No. 5, and developer contributions will provide the local share of the project's estimated \$1,290,000 total cost. A condition for obligation of the federal funds is execution of an interlocal agreement between Pierce Transit and the City. Execution of the interlocal agreement will allow Pierce Transit to proceed with the consultant selection process. Design work is anticipated to begin in May 1998 following completion of the consultant selection process.

The City and Pierce Transit have developed the attached interlocal agreement based on the model developed with Pierce County for the East-West Road. Under the provisions of the FTA grant, Pierce Transit will need to be the lead agency for the design process, including consultant selection. The City, with provisional Certified Agency status issued by the Washington State Department of Transportation for administering federal-aid projects, will need to be the lead agency during construction. This arrangement is reflected in the agreement, including Exhibit B.

The proposed improvements for the park and ride facility include expanding the parking area to provide approximately twice the current capacity, a transit island for buses and passengers, new lighting, landscaping and related improvements. The project also anticipates installation of a new traffic signal at the Kimball Drive-Pioneer Way intersection, together with channelization, signal enhancements or replacement as necessary for the two existing signals on Pioneer Way (Stinson Avenue and Grandview Street), signal interconnect and preferential signal controls (opticom) for emergency and transit vehicles, replacement of the four-inch diameter asbestos cement water main in Pioneer Way, and overlay of Pioneer Way from Stinson Avenue to Grandview Street. These improvements are shown on the 1998-2003 Transportation Improvement Program (Item No. 3).

A separate agreement following the same format has been developed with and approved by Fire District No. 5. The agreement recognizes the City and Pierce Transit as the lead agencies for design and construction, and confirms Fire District No. 5's funding participation for the local match of the ISTEA grant.

MAYOR WILBERT AND CITY COUNCIL

February 18, 1998

Page 2

FISCAL CONSIDERATIONS

Funds are available for the City's portion of the local match.

RECOMMENDATION

Staff recommends that the Council move and approve execution of the attached Interlocal Agreement for Kimball Drive Park and Ride and Related Transportation Facilities with Pierce Transit, and the attached Interlocal Agreement Between the City of Gig Harbor and Fire District No. 5 for Kimball Drive Park-and-Ride and Related Transportation Facilities.

**INTERLOCAL AGREEMENT BETWEEN THE CITY OF GIG HARBOR
AND FIRE DISTRICT NO. 5
FOR
KIMBALL DRIVE PARK-AND-RIDE AND
RELATED TRANSPORTATION FACILITIES**

THIS AGREEMENT, is made and entered into on this ____ day of _____, 1998, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Pierce County Fire Protection District No. 5, a Washington special purpose district (hereinafter the "Fire District").

WHEREAS, the parties desire to establish their responsibilities for the design, management, oversight, construction and financing of the Kimball Drive Park-and-Ride and Related Transportation Facilities Project (hereinafter referred to as the "Project"), as described in Exhibit A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the City and Pierce Transit have executed or will execute a separate interlocal agreement (hereinafter referred to as the City-Transit Interlocal Agreement) as lead agencies for the design, management, oversight, construction and financing of the Project; and,

WHEREAS, the City and the Fire District each possess the authority to enter into this Agreement under chapter 39.34 RCW;

NOW, THEREFORE, in consideration of the mutual promises and mutual benefits described herein, the parties agree as follows:

Section 1. Scope of Project. The anticipated elements of the Project to be constructed under this Agreement, as shown on Exhibit A, attached hereto.

Section 2. Design, Contract Award, Management, Oversight and Construction of the Project. The responsibilities of the City and Pierce Transit for design, bidding, contract award, management, oversight and construction of the Project are described in the Interlocal Agreement between the City of Gig Harbor and Pierce Transit for the Kimball Drive Park-and-Ride and Related Transportation Facilities (hereinafter the "City-Pierce Transit Interlocal Agreement"). The Fire District agrees that the bidding, contract award, and construction management procedures of Pierce Transit and the City are generally consistent with the Fire District's requirements, and that the Fire District shall be responsible to ensure that statutes and procedures applicable to the Fire District, as set forth in RCW 52.14.110 and any resolutions or policies adopted by the Fire District, are satisfied by the City and Pierce Transit in the project's development and construction.

The City and Pierce Transit acknowledges that they are required to follow the procedures for bidding and contract award that are applicable to all parties, including Pierce Transit, and the Fire District. To this end, the Fire District shall review all documents related to bidding and contract

award, shall discuss the applicable procedures with the City and Pierce Transit, and the Fire District shall be responsible to ensure that the statutes and procedures applicable to the Fire District are satisfied by the City and Pierce Transit's performance of this Agreement.

Section 3. Financing of the Project. The responsibilities of the City and Pierce Transit for financing of the Project are described in the City-Transit Interlocal Agreement. The responsibilities of the Fire District for financing of the Project are as follows:

A. During the course of the Project, the City will invoice the Fire District directly for the work performed. An estimate of the Project costs is shown on Exhibit B to this Agreement. Invoice payments shall be made by the Fire District to the City within thirty (30) days after receipt of the invoice. It is agreed that the Fire District's payment of such invoice shall not constitute agreement as to the appropriateness of any charge or cost, and at the time of final audit, all required adjustments will be made and reflected in a final payment. Final payment by the Fire District shall not be made until after final inspection and acceptance by Pierce Transit and the City.

B. The Fire District shall be obligated to contribute a total of Twenty-Five Thousand Dollars to the Project.

Section 4. Acceptance. The City shall notify the Fire District that the Project is ready for acceptance prior to the City's final payment to the contractor.

Section 5. Termination. The City, Pierce Transit and the Fire District all have obligations, which are not limited to funding, for the design and construction of this Project. Therefore, the Fire District may not terminate this Agreement prior to the time it makes full payment to the City for the entire amount due under this Agreement.

Section 6. Hold Harmless. Each party to this Agreement agrees to defend, indemnify and hold the other party harmless for losses, damages, claims, or suits for bodily injury or property damage arising out of or in performance of this Agreement, including claims from each party's own employees to which the other parties may be immune under Title 51 RCW. It is further specifically and expressly understood that the indemnification provided herein constitutes each party's waiver of immunity under Title 51 RCW, solely for the purpose of this indemnification.

Section 7. Modifications. The parties hereby reserve the right to alter, amend or modify the terms and conditions of this Agreement upon another written agreement, executed by each party's duly authorized representative.

Section 8. Waiver. No term or provision herein shall be waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

Section 9. Entire Agreement. This Agreement, including its exhibits and all documents referenced herein, constitutes the entire agreement between the parties, and supersedes all proposals, oral and written, between the parties on the subject.

Section 10. Attorney's Fees. In the event litigation is instituted to enforce the terms of this Agreement, the prevailing party shall be reimbursed for its reasonable costs, expenses and attorneys' fees.

Section 11. Duration. This Agreement shall be in effect from the date of execution by both parties until December 31, 1999, or until the Fire District makes full payment as required in Section 3 above, whichever is later.

Section 12. Severability. If any provision of this Agreement or its application to any person or circumstance is held invalid, the remainder of the Agreement or its application to other persons or circumstances shall not be affected.

Section 13. Filing. A copy of this Agreement shall be filed with the Pierce County Auditor, as required by RCW 39.34.040, and with the Gig Harbor City Clerk.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE CITY OF GIG HARBOR

**PIERCE COUNTY FIRE
PROTECTION DISTRICT 5**

By: _____
Its _____

By:  _____
Its District Secretary/Fire Chief

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

By: _____
City Attorney

EXHIBIT A

Project Description

This project will expand the 165-stall park and ride lot located on Kimball Drive to approximately 300 stalls, and will include a new passenger boarding facility that can accommodate five buses at one time. Additional improvements to the park and ride include, but are not necessarily limited to, new lighting, landscaping, and related improvements.

The project also includes provisions for expediting the movement of emergency and transit vehicles from Kimball Drive to and through the intersection at Pioneer Way, and the intersections of Pioneer Way with Stinson Avenue and Grandview Street. Anticipated street improvements to accomplish this objective include, but are not necessarily limited to, installation of a new traffic signal at the Kimball Drive-Pioneer Way intersection, together with channelization, signal enhancements or replacement as necessary for the two existing signals on Pioneer Way (Stinson Avenue and Grandview Street), signal interconnect and preferential signal controls (opticom) for emergency and transit vehicles, replacement of the four-inch diameter asbestos cement water main in Pioneer Way, overlay of Pioneer Way from Stinson Avenue to Grandview Street, and related improvements.

Project improvements will need to meet the following requirements, at a minimum:

- Pierce Transit
- Federal Transit Administration
- Gig Harbor Public Works Standards
- Gig Harbor Design Review Standards
- Gig Harbor Permits (building, fire, plumbing)
- Washington State Department of Transportation

EXHIBIT B

Project Description

Design

Federal Transit Administration	80%	\$160,000
Pierce Transit	<u>20%</u>	<u>\$ 40,000</u>
Total Design	100%	\$200,000

Construction

Surface Transportation Program- State Wide Competitive	86.2%	\$ 939,850
City Local Funds	2.3%	\$ 25,000
Fire District Local Funds	2.3%	\$ 25,000
Private Funds (held by City)	0.6%	\$ 7,000
Pierce Transit	<u>8.6%</u>	<u>\$ 93,150</u>
Total Construction	100%	\$1,090,000

**Interlocal Agreement for
Kimball Drive Park-and-Ride and
Related Transportation Facilities**

This Agreement is made and entered into on this ____ day of _____, 1998, by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City") and Pierce County Public Transportation Benefit Area Authority, a Washington Municipal Corporation (hereinafter "Pierce Transit").

WHEREAS, the parties desire to establish their responsibilities for the design, management, oversight, construction and financing of the Kimball Drive Park-and-Ride and Related Transportation Facilities Project (hereinafter collectively referred to as the "Project"), as described in Exhibit A, which is attached hereto and incorporated herein by this reference; and

WHEREAS, the City, and Pierce Transit each possess authority to enter into this Agreement under chapter 39.34 RCW;

Now, Therefore, in consideration of the mutual benefits to be received, the parties agree as follows:

Section 1. Scope of Project. The anticipated elements of the Project under this Agreement are shown on Exhibit A hereto.

Section 2. Lead Agency. Pierce Transit shall be the lead agency with regard to design, including but not limited to: preparation of Request for Proposals, advertisement, consultant selection, consultant contract negotiation and administration, design, and preparation of plans, specifications, and estimates (PS&E). The City shall be the lead agency for construction, including but not limited to: bid advertisement, construction contract award, contract administration, construction inspection, and contract closure. Although the tasks of this project will be led by either the City or Pierce Transit, as specified above, it is the intent of all the parties hereto to fully cooperate on each phase of the project. No significant action will be taken by one lead agency without the knowledge and concurrence of the other party to this agreement. Either lead agency, when carrying out their assigned duties, shall follow procedures which meet the requirements of the City and Pierce Transit. Each party will inform the other agency of legal requirements applicable to them in order to ensure compliance.

Section 3. Cost Sharing. The cost of the Project for design and construction is currently estimated to be \$1.29 million as shown in Exhibit B, which is attached hereto and incorporated herein by this reference. Said Exhibit identifies the funding sources and proportionate share of the project's costs. The parties agree that their funding participation of each part of the Project shall be limited to the amounts as identified in Exhibit B.

Section 4. Payment. During the design phase, Pierce Transit will invoice the City directly for the proportionate share of the funds that the City is providing for design of the Project. The total and proportionate share of the estimated Project design costs is shown in Exhibit B. The invoice shall only be for the City's proportionate share of completed work performed by the Consultant, and shall, at a minimum, identify the cost of the work performed by task as set forth in the consultant services contract. Requests for payments shall be made once each month. The City will reimburse Pierce Transit within 30-days after receipt of an

invoice as specified herein for completed design work, and subject to the provisions of Section 3. It is agreed that any such payment will not constitute agreement as to the appropriateness of any item and, at the time of the final audit, all required adjustments will be made and reflected in a final payment.

During the construction phase, the City will invoice Pierce Transit directly for the proportionate share of the funds that Pierce Transit is providing for construction of the Project. The total and proportionate share of the estimated Project construction costs is shown in Exhibit B. The invoice shall only be for Pierce Transit's proportionate share of the work performed by the Contractor, and authorized for payment by the City. Requests for payments shall be made once each month. Pierce Transit will reimburse the City within 30-days after receipt of an invoice as specified herein for completed construction work, and subject to the provisions of Section 3. It is agreed that any such payment will not constitute agreement as to the appropriateness of any item and, at the time of the final audit, all required adjustments will be made and reflected in a final payment. Final payment, exclusive of retainage, by the City to the Contractor shall not be made until after final inspection and acceptance by Pierce Transit and the City.

Should there be approved project costs which exceed those identified herein, due to cost over-runs, etc., the agencies shall negotiate fair share responsibility for such costs.

Section 5. Right of Entry. Each agency hereby grants and conveys to the other agency the right of entry on all land in which any affected agency has an interest, throughout the duration of the project, including within or adjacent to any rights of way, for the purpose of designing and constructing the Project described in this Agreement.

Section 6. Acceptance. The City shall notify Pierce Transit that the Project is ready for acceptance prior to the City's final payment to the Contractor. Upon acceptance, each jurisdiction shall maintain its respective portion of the Project, as required by law.

Section 7. Termination. Due to the obligations lodging with each party as a result of the Federal grants being used to design and construct this project, this Agreement will not terminate until project completion, project acceptance by each agency, and resolution of any and all outstanding invoices and claims. Instead, every effort will be made by the parties to resolve between themselves any outstanding issue(s). Should this effort fail for any reason, the parties agree to attempt to negotiate a settlement of any dispute prior to initiating any litigation. Termination shall not affect the responsibility that any party may have to perform or honor obligations incurred prior to final payment and resolution of claims. Termination shall not affect each party's responsibility to maintain the portion of the Project within its jurisdiction, as provided in Section 6 herein.

Section 8. Release and Indemnification. To the maximum extent permitted by law, Pierce Transit and the City shall defend, indemnify and hold harmless the other party, and all of its officials, employees, principals, and agents from all claims, demands, suits, actions, and liability of any kind whatsoever which arise out of, are connected with, or are incident to any errors, omissions or negligent acts of the indemnifying party, its employees and agents in performing the indemnifying party's obligations under this Agreement; provided however, if any such claims, demands, suits, actions or liability are caused by or result from the concurrent negligence of the parties or their respective agents or employees, this defense and indemnity obligation applies only to the extent of the negligence of the indemnifying party or its employees or agents. The parties agree that their obligations under this paragraph extend to claims made

against one party by the other party's own employees. For this purpose the parties, by mutual negotiation, hereby waive as respects the other party only, any immunity that would otherwise be available against such claims under the industrial insurance provisions of Title 51 RCW, solely for the purposes of this indemnification.

Section 9. Construction Inspection. During construction, Pierce Transit may send an inspector to the Project. All contacts between Pierce Transit's inspector and the Project Contractor(s) shall be through the City's representative. Such inspections shall not be charged to the cost of the Project. Such inspectors are not authorized to perform required inspections, accept materials, issue instructions, or approve change orders, without the prior approval of the City's representative. The City Public Works Director, or the City's designated representative, shall be responsible for coordination between agencies and shall have control over all construction work as provided in the contract documents for the Project. The City Public Works Director's decision shall be final relative to City-owned elements of the Project, and will be considered final relative to Pierce Transit-controlled elements of the Project only after consultation with, and the concurrence of the lead Pierce Transit representative.

Section 10. Insurance. Each party shall maintain, for the duration of this Agreement, either commercial general liability insurance, or a liability self insurance program, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of this Agreement by its officers, officials, employees and agents.

Section 11. Modifications. The parties hereby reserve the right to alter, amend or modify the terms and conditions of this Agreement upon another written agreement, executed by each parties' duly authorized representative.

Section 12. Waiver. No term or provision herein shall be waived and no breach excused unless such waiver or consent shall be in writing and signed by the party claimed to have waived or consented.

Section 13. Legal Relations. No liability shall attach to the City or Pierce Transit by reason of entering into this Agreement, except as expressly provided herein.

Section 14. Entire Agreement. This Agreement, including its exhibits and all documents referenced herein, constitutes the entire agreement between the parties, and supersedes all proposals, oral and written, between the parties on the subject.

Section 15. Attorneys' Fees. In the event litigation is instituted to enforce the terms of this Agreement, the prevailing party shall be reimbursed for its reasonable costs, expenses and attorney's fees.

Section 16. Duration. This Agreement shall be in effect from the date of signing herein until its termination in accordance with Section 7 above, or December 31, 1999, whichever is later.

Section 17. Severability. If any provision of this Agreement or its application to any person or circumstances is held invalid, the remainder of the agreement or its application to other persons or circumstances shall not be affected.

Section 18. Filing. A copy of this Agreement shall be filed with the Pierce County Auditor, as required by RCW 39.34.040, and with the Gig Harbor City Clerk, and the Pierce Transit Clerk of the Board.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

CITY of GIG HARBOR:

PIERCE TRANSIT:

Gretchen A. Wilbert, Mayor
City of Gig Harbor

Don S. Monroe
Executive Director

APPROVED FOR FORM:

APPROVED BY:

City Attorney

Director, Finance and Administration

ATTEST:

ATTEST:

City Clerk

Clerk of the Board

EXHIBIT A

Project Description

This project will expand the 165-stall park and ride lot located on Kimball Drive to approximately 300 stalls, and will include a new passenger boarding facility that can accommodate five buses at one time. Additional improvements to the park and ride include, but are not necessarily limited to, new lighting, landscaping, and related improvements.

The project also includes provisions for expediting the movement of emergency and transit vehicles from Kimball Drive to and through the intersection at Pioneer Way, and the intersections of Pioneer Way with Stinson Avenue and Grandview Street. Anticipated street improvements to accomplish this objective include, but are not necessarily limited to, installation of a new traffic signal at the Kimball Drive-Pioneer Way intersection, together with channelization, signal enhancements or replacement as necessary for the two existing signals on Pioneer Way (Stinson Avenue and Grandview Street), signal interconnect and preferential signal controls (opticom) for emergency and transit vehicles, replacement of the four-inch diameter asbestos cement water main in Pioneer Way, overlay of Pioneer Way from Stinson Avenue to Grandview Street, and related improvements.

Project improvements will need to meet the following requirements, at a minimum:

- Pierce Transit
- Federal Transit Administration
- Gig Harbor Public Works Standards
- Gig Harbor Design Review Standards
- Gig Harbor Permits (building, fire, plumbing)
- Washington State Department of Transportation

EXHIBIT B

Project Description

Design

Federal Transit Administration	80%	\$160,000
Pierce Transit	<u>20%</u>	<u>\$ 40,000</u>
Total Design	100%	\$200,000

Construction

Surface Transportation Program- State Wide Competitive	86.2%	\$ 939,850
City Local Funds	2.3%	\$ 25,000
Fire District Local Funds	2.3%	\$ 25,000
Private Funds (held by City)	0.6%	\$ 7,000
Pierce Transit	<u>8.6%</u>	<u>\$ 93,150</u>
Total Construction	100%	\$1,090,000



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET
GIG HARBOR, WASHINGTON 98335
(253) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS
FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR
SUBJECT: DECLARATION OF SURPLUS PROPERTY
DATE: FEBRUARY 18, 1998

INTRODUCTION/BACKGROUND

In conjunction with the City's fleet management program, the 1998 budget anticipated replacement of several vehicles that have reached either 10-years, 100,000-miles, and/or that have experienced or are anticipated to need extensive maintenance or repair. In the process of reviewing current equipment inventories, several additional items have been determined to be obsolete or surplus to the City's present or future needs. The vehicles and other items of City property proposed for declaration as surplus are set forth in the attached resolution.

FISCAL CONSIDERATIONS

Monies received for the vehicles and equipment will be used to offset the costs for new vehicles and equipment.

RECOMMENDATION

Staff recommends that the Council move and approve the attached resolution declaring the specified equipment surplus and eligible for sale.

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

A RESOLUTION OF THE CITY OF GIG HARBOR DECLARING CITY EQUIPMENT SURPLUS AND ELIGIBLE FOR SALE.

WHEREAS, the Gig Harbor City Council has determined that city-owned equipment is surplus to the City's equipment needs and has been or is in need of being replaced with new equipment; and

WHEREAS, the City may declare such equipment surplus and eligible for sale;

NOW, THEREFORE, the City Council of the City of Gig Harbor hereby resolves as follows.

To declare as surplus:

<u>Item</u>	<u>Model</u>	<u>Serial No.</u>	<u>Age</u>	<u>Dept.</u>
1989 Case Backhoe	# 580K	# JJCO129181	5+	Public Works
Root Snow Plow	#RXT6210PR	# 2833292	20+	Public Works
John Deere Riding Mower	# LX176	# 176X044422	5+	Public Works
Southland Lawn Mower	# 92-226	# 443150	UNK.	Public Works
Hoyt Hot Water Heater	# 52FES	# 0000119534	UNK.	Public Works
Honda Mower	# HRA214	# 1182664	7+	Public Works
Metromag Metal Locator	# 880	# 006660	10+	Public Works
Homelite Pump	# 270DP3-1	# 3481907	15+	Public Works
Sears Battery Charger	# 041186	# C141358	10+	Public Works
Banding Tool	UNK.	UNK.	12	Public Works
Ryan Weedeater	UNK.	# 806045549	10	Public Works
Ryan Weedeater	UNK.	# 704003619	10	Public Works
Ryan Weedeater	UNK.	# 600647162	10	Public Works
Homelite Weedeater	UNK.	# HN0300656	7	Public Works
Weedeater	UNK.	# R-033491	7	Public Works
Stanley Hydraulic Trimmer	UNK.	# 6049	10	Public Works
Sander	UNK.	UNK.	20	Public Works
Computer	UNK.	# 90865	UNK.	Public Works
Printer-Star	# NX1000	#310071024912	UNK.	Public Works
Monitor-Qume	UNK.	# MA6108146	UNK.	Public Works
Victor 10-Key Calculator	# 1250	#70938501331	UNK.	Administration

<u>Vehicle</u>	<u>Make</u>	<u>Vin No.</u>	<u>Mileage</u>	<u>Dept.</u>
1975 1-Ton Dump Truck	Chevrolet	# CCY335S132001	52,000	P.W.D.
1986 5 C.Y. Dump Truck	Chevrolet	# 1GBL7D1E7GV102262	32,300	P.W.D.
1987 3/4-Ton Pick-up Truck	Chevrolet	# 1GCGR24K8HJ155512	67,385	WWTP
1993 Crown Victoria	Ford	# 2FACP71W7PX147874	87,207	P.D.
1993 Crown Victoria	Ford	# 2FACP71W9PX147875	104,037	P.D.

RESOLVED this ____ day of _____, 1998.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST / AUTHENTICATED:

Mark Hoppen, City Administrator

Filed with the City Administrator:
Passed by the City Council:



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
 License Division - 1025 E. Union, P.O. Box 43075
RECEIVED Olympia, WA 98504-3075
 (360) 664-0012

FEB 17 1998

DATE: 2/13/98

TO: CITY OF GIG HARBOR

CITY OF GIG HARBOR

RE: ASSUMPTION

From WAMBOLD, KYONG MI
 WAMBOLD, MARK HENRY
 Dba THE GREEN TURTLE

APPLICANTS:

GLENN JR, NOLAN F
 08-07-62 534-22-2231
 GLENN, KYONG SUE
 11-03-62 533-72-6471

License: 078190 - 2E County: 27

Tradename: THE GREEN TURTLE
 Loc Addr: 2905 HARBORVIEW DR E
 GIG HARBOR WA 98335

Mail Addr: 925 HILLANDALE DR E
 PORT ORCHARD WA 98366-3829

Phone No.: 253-851-3167 NOLAN GLENN JR

Classes Applied For:

- C Wine on premises
- D Beer by open bottle only - on premises

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within **20 DAYS** from the date above, it will be assumed that you have no objection to the issuance of the license. **If additional time is required you must submit a written request for an extension of up to 20 days.** An extension of more than 20 days will be approved only under extraordinary circumstances.

- | | | |
|---|--------------------------|--------------------------|
| | YES | NO |
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing
before final action is taken? | <input type="checkbox"/> | <input type="checkbox"/> |

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

