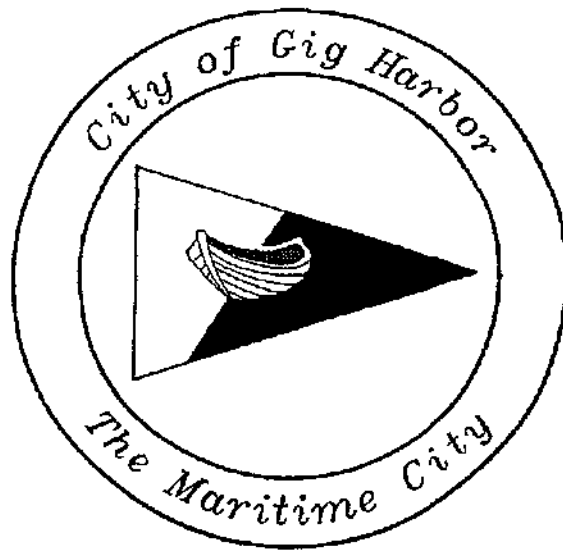


# **Gig Harbor City Council Meeting**



**April 13, 1998**

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



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**April 13, 1998 - 7:00 p.m.**

**CALL TO ORDER:**

**PUBLIC HEARING:** Amendments to Chapter 17.80 – Sign Code.

**APPROVAL OF MINUTES:**

**CORRESPONDENCE / PROCLAMATIONS:**

**OLD BUSINESS:**

1. Third Reading of Ordinance –Amendments to Chapter 17.80 – Sign Code.

**NEW BUSINESS:**

1. Appointments to the Planning Commission.
2. Council Committees.
3. Voting for Representative for Pierce Transit.
4. First Reading of Ordinance Amending GHMC 9.26.050 – Domestic Violence.
5. Resolution – Hotel-Motel Tax, Proposed Uses.
6. Liquor License Renewal – Harvester Restaurant.

**PUBLIC COMMENT/DISCUSSION:**

**MAYOR'S REPORT:** Salmon Protection and Recovery Plan.

**COUNCIL COMMENTS:**

**STAFF REPORTS:**

**ANNOUNCEMENTS OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**APPROVAL OF PAYROLL:**

**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 MARCH 23, 1998**

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

**CALL TO ORDER:** 7:03 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of March 9, 1998 as presented.  
Picinich/Owel – unanimously approved.

**CORRESPONDENCE/PROCLAMATIONS:**

Mayor Wilbert gave an overview of several pieces of correspondence that arrived after the packets were prepared.

Proclamation – Friends of Peninsula Library Week. Mayor Wilbert read the proclamation proclaiming the week of April 19<sup>th</sup> as Friend of the Library Week. She introduced members from the Friends of the Library organization who thanked Mayor Wilbert and passed around bookmarks.

**OLD BUSINESS:**

1. Second Reading of Ordinance (Continuation) – Planning Commission Recommendations on Amendments to Chapter 17.80 – Sign Code. Ray Gilmore, Planning Director, explained that because changes have been made to the original ordinance since the first public hearing, Carol Morris, Legal Counsel, suggested a public hearing be scheduled for the April 13<sup>th</sup> council meeting. Ms. Morris added that due to public notice issues, the most conservative approach would be to hold another public hearing on the final changes to the ordinance.

**MOTION:** Move to hold a public hearing and third reading of this ordinance at the April 13, 1998 regular meeting.  
Ekberg/Picinich – unanimously approved.

2. Second Reading of Ordinance (Reintroduction) – Planning Commission Recommendation on Amendments to Chapter 17.98 – Design Review. Steve Osguthorpe explained that a first reading of this ordinance was held on February 23rd and was continued to the March 9<sup>th</sup> meeting. He added that this ordinance would redefine the design review process and would allow the Design Review Board to consider items in the

zoning code that have reference to the Design Review Board.

**MOTION:** Move to adopt Ordinance No. 787 as presented.  
Picinich/Young – unanimously approved.

**NEW BUSINESS:**

1. Resolution – Hotel-Motel Tax, Proposed Uses. Dave Rodenbach, Finance Director, explained that after two meetings of the Lodging Tax Advisory Committee, proposed expenditures had been made. He gave an overview of the proposed uses of the funds. Councilmember Owel suggested that an explanation be added to the resolution that these funds must be spent on tourist related activities.

**MOTION:** Move to adopt Resolution No. 513, adding the language, “Whereas, the funds should be directed toward tourism,” utilizing the language from the statutes, and in Section 1-A, changing the words “ten thousand” to “eleven thousand.”  
Owel/Picinich – unanimously approved.

2. Communications Equipment Maintenance Contract – Public Works. Mark Hoppen, City Administrator, explained that this is a standard radio maintenance agreement, similar to the one for the police department.

**MOTION:** Move to authorize the Mayor to renew the contract with Pierce County for communications maintenance services for 1998.  
Platt/Owel – five voted in favor. Councilmember Dick abstained as an employee of the County.

3. Interlocal Agreement with Pierce County for Maintenance Services. Mark Hoppen explained that this agreement with Pierce County was to supplement current maintenance capabilities to include such items as traffic signals and controllers.

**MOTION:** Move to approve execution of the attached Interlocal Agreement between Pierce County and the City of Gig Harbor to Provide Street and Traffic Maintenance Services.  
Picinich/Owel – unanimously approved. Councilmember Dick abstained as an employee of the County.

**PUBLIC COMMENT:** Mayor Wilbert introduced members of Scout Troop #212 and asked them to lead the Council and audience in the Pledge of Allegiance.

**MAYOR’S REPORT:** None.

**COUNCIL COMMENTS:** Councilmember Young announced that he had recently become involved with the efforts to build a Skateboard Park. He added that the group was looking for creative fund-raising ideas.

**STAFF REPORT:** None.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #19701 through #19801 in the amount of \$213,065.71.  
Young/Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session at 7:30 p.m. for approximately 30 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 7:59 p.m.  
Picinich/Owel – unanimously approved.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:00 p.m.  
Owel/Platt - unanimously approved.

Cassette recorder utilized.  
Tape 490 Side B 233 - end.  
Tape 491 Side A 000 – 172.

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Mayor

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City Clerk







*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** *Stewart L. Johnson*  
**SUBJECT: PROPOSED REVISIONS TO CHAPTER 17.80 (SIGN CODE) – THIRD  
READING OF ORDINANCE - PUBLIC HEARING**  
**DATE: APRIL 7, 1998**

### **INTRODUCTION/BACKGROUND**

A first reading of the proposed sign code amendments was held on February 23, 1998 and continued to the March 9, 1998 meeting. In conjunction with the first reading, the Council had submitted written comments on the proposed amendments. Review of the Council's written comments was completed at the March 9<sup>th</sup> meeting and the Council listened to testimony from the public over the proposed amendments to the sign code.

The Council agreed upon select changes to the sign code at both the February 23<sup>rd</sup> and March 9<sup>th</sup> meetings. Changes made as a result of the February 23<sup>rd</sup> meeting were presented to the Council on March 9<sup>th</sup> and were reflected in Draft 3-B. Changes resulting from the March 9<sup>th</sup> meeting are reflected in what is now Draft C.

Because of the changes made by the Council after the public hearing on the proposed amendments, Legal Counsel advised that a final public hearing should be held allowing public input on the changes made by the City Council. Accordingly, this is the third reading and public hearing on the Draft C ordinance.

### **RECOMMENDATION:**

The sign code has been open to public input and comment during ongoing worksession/hearings and at formal public hearings before both the Planning Commission and the City Council. Additional written comments from the public are attached for the Council's consideration.

It does not appear that there will be 100% agreement by the public on every issue. However, the staff believes that the proposed amendments as forwarded by the Planning Commission and as subsequently changed by the City Council represent a significant effort to address as many concerns as possible. The staff further believes that the proposed amendments come as close to achieving consensus among differing points of view as may be possible on a matter this controversial.

The current sign code update has been a lengthy process which will achieve closure with the City Council's final action. The staff recommends that the Council approve the attached draft ordinance adopting the proposed amendments to Section 17.80 as stated in the ordinance and as indicated on Exhibit 1.

(Draft C)

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REVISING THE SIGN CODE TO STATE THE CITY'S INTENT THAT THE CODE IMPLEMENT THE CITY'S COMPREHENSIVE PLAN, CLARIFY THE SCOPE OF THE SIGN CODE, CLARIFY THE SITUATIONS IN WHICH SIGN PERMITS ARE NOT REQUIRED, AMEND THE DEFINITIONS WITHIN THE SIGN CODE FOR CLARIFICATION AND EASE OF ENFORCEMENT, ADDING NEW DEFINITIONS FOR: AWNING, CABINET SIGN, ELECTRONIC SIGN, EVENT, FESTOON, HOLIDAY, INTERNAL ILLUMINATION, LOGO, LOGO SHIELD, NEON LIGHTING, PAN-CHANNEL, PUBLIC EVENT, RETURNS, SEASONAL DECORATIONS, SIGN GRAPHICS, SILHOUETTE LIGHTING, TRIM CAPS AND WINDOW SIGN; CLARIFYING THE DEFINITION OF A SIGN; CLARIFYING THE SIGN PERMIT PROCEDURES; SETTING FORTH THE CIRCUMSTANCES UNDER WHICH A SIGN VARIANCE MAY BE OBTAINED; GIVING REFERENCE TO THE CITY'S DESIGN MANUAL FOR ILLUMINATION AND COLOR REGULATIONS; CHANGING THE ILLUMINATION RESTRICTIONS ON SIGNS TO ALLOW ILLUMINATION OF ALL SIGN GRAPHICS AS DEFINED AND TO CHANGE THE ALLOWED HEIGHT OF INTERNALLY ILLUMINATED SIGN GRAPHICS; ALLOWING SIGN ORIENTATION TOWARD SR-16 FROM SPECIFIED PARCELS; ELIMINATING THE RESTRICTIONS ON THE NUMBER AND LOCATION OF REAL ESTATE OPEN HOUSE SIGNS; CHANGING THE COLOR AND MATERIAL RESTRICTIONS ON SIGNS TO IDENTIFY WHICH COLORS AND MATERIALS THAT ARE OTHERWISE RESTRICTED THAT MAY BE USED ON LOGO SHIELDS; CHANGING THE REQUIREMENTS FOR MASTER SIGN PLANS BY REQUIRING THAT PLANS IDENTIFY SPECIFIC SIGN TYPES FOR MULTI-TENANT BUILDINGS; PROVIDING MASTER SIGN PLAN AMENDMENT PROCEDURES; COALESCING THE CITY'S THREE SIGN DISTRICTS INTO TWO SIGN DISTRICTS; REDEFINING ALLOWABLE WALL SIGNAGE CALCULATIONS; REDEFINING ALLOWABLE WINDOW SIGNAGE; REDEFINING SANDWICH BOARD SIGNS AS PORTABLE SIGNS; PROVIDING PERMIT PROVISIONS FOR BALLOON SIGN DISPLAYS; ELIMINATING AMORTIZATION PROVISIONS FOR NON-CONFORMING SIGNS AND REDEFINING TRIGGERS FOR REMOVAL OF NON-CONFORMING SIGNS; ELIMINATING THE ENFORCEMENT PROCEDURES TO ALLOW THE CITY TO ENFORCE THE PROVISIONS OF CHAPTER 17.80 UNDER THE GENERAL ZONING CODE ENFORCEMENT CHAPTER 17.07 GHMC; ADDING PROVISIONS FOR DESIGN REVIEW BOARD CONSIDERATION OF SPECIFIED SIGNAGE OPTIONS; AMENDING THE CAPTION OF GHMC SECTION 17.80; RENUMBERING AND AMENDING SECTION 17.80.015 TO 17.80.020; RENUMBERING AND AMENDING SECTION 17.80.020 TO 17.80.030; RENUMBERING AND AMENDING SECTION 17.80.030 TO 17.80.040 & 17.80.050; REPEALING SECTION 17.80.060; RENUMBERING AND AMENDING SECTION 17.80.031 TO 17.80.060 & 17.80.070; ADDING NEW SECTION 17.80.080; RENUMBERING AND AMENDING SECTION**

**17.80.033 TO 17.80.090; RENUMBERING AND AMENDING SECTION 17.80.035 TO 17.80.100; RENUMBERING AND AMENDING SECTION 17.80.040 TO 17.80.110; RENUMBERING AND AMENDING SECTION 17.80.050 TO 17.80.120 & 17.80.130; ADDING NEW SECTION 17.80.140; RENUMBERING SECTION 17.80.080 TO 17.80.150, TO 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 are 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; and

**WHEREAS**, the City sent copies of the proposed amendments to Section 17.80 to DCTED at least 60 days prior to final adoption as per WAC 365-195-620(1) and RCW 36.70A.106.

**WHEREAS**, the City Council reviewed, acted upon and invited public participation on the proposed sign code amendments as follows:

1. The City Council held a public hearing on the proposed sign code amendments of Chapter 17.80 on February 11, 1998 to accept public testimony on the proposed amendments.
2. The City Council held a first reading of the proposed amendments of Chapter 17.80 on February 23, 1998, which first reading was continued to March 9, 1998. At both dates of the first reading, the Council agreed upon specific changes to the Planning Commission's recommended amendments to the sign code.
3. The City Council held a second reading of the proposed amendments on March 23, 1998.
4. The City Council held a final public hearing on \_\_\_\_\_, 1998 to address the changes made by the City Council during the first reading of the proposed sign code amendments.

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

Section 1. The caption of Chapter 17.80 of the Gig Harbor Municipal Code is hereby amended to read 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.

Section 2. Section 17.80.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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 ~~not 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).

Section 3. Section 17.80.015 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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.).

Section 4. Section 17.80.020 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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 one hundred eighty (180) days of a tenancy change; or a sign which is damaged, in disrepair, or vandalized and not repaired within sixty (60) 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.

5 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.

6. 9. District, Sign.

a. "Area 1" ~~Those 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.~~

7 10. "Double-faced sign" means a sign that has advertising copy on opposite sides of a single display surface or sign structure.

8 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. "Electronic sign" means a sign designed to allow changes in the sign graphics electronically.

13. "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.

9 14. "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.

15. "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.

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

11 17. "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.

12 18. 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 I and defines the area where signage may be oriented to SR-16, subject to the provisions of Section 17.80.060(K).~~

19. "Frontage" means the linear distance of property along a street or highway.

13 20. "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.

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

+522. "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.

23. "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.

+6 24. "Institutional sign" means a sign to identify educational, civic and religious institutions.

+7 25. "Landscaping" means the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.

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

27. "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.

+828. "Lot identification sign" means a sign to identify the occupants of the premises.

+929. "Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.

2030. "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.

2131. "Neighborhood identification sign" means a sign to identify a particular residential area or development four acres or greater in size.

32. "Neon lighting" means illuminated tubing forming sign 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.

22-33. "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.

23-34. "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 35. "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 36. "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.

2637. "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.

38. "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.

2739. "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.

2840. "Projecting sign" means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

41. "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 42. "Readerboard" means a sign face designed to hold readily changeable letters sign graphics allowing frequent changes of copy.

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

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

31 45. "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 46. "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.

47. "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.~~

48. "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 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 49. "Sign area" means the entire area of a sign 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, including the sign face background, and including all spaces and voids between or within letters or symbols which comprise a single word, statement, description, title, business name, graphic symbol or message. ~~excluding simple support structures~~: Sign supporting structures which are part of the sign display shall be included in the area of calculation.

50. "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.

51. "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 52. "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 53. "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.

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

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

38 56. "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 57. "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).

58. "Window Sign" means a sign that is mounted on, painted on or attached to a window, or is 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).

Section 5. Section 17.80.030 of the Gig Harbor Municipal Code is hereby renumbered and amended

to read as follows:

~~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, except as allowed under the provisions of Section 17.80.020 or as otherwise 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 director 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).

Section 6. Section 17.80.060 of the Gig Harbor Municipal Code is hereby repealed as follows:

~~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.)~~

Section 7. Section 17.80.031 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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 director. 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.~~

~~C 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.~~

⊖ 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 (⊖) 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 diminish glare. Intensity (or chroma) shall be dull or weak. 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 block 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 fluoreseent 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).~~

Section 8. A new Section 17.80.080 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

**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.

Section 9. Section 17.80.033 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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 on all sides, not to exceed 50 square feet on any one side, 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).~~

Section 10. Section 17.80.035 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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 ~~17.80.034(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 ~~17.80.034(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 total on all 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 on all sides 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).~~

Section 11. Section 17.80.040 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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.~~

CB. 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. "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.

DC. 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.

ED. 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).

Section 12. Section 17.80.050 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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;~~

J. Electronic signs

~~± K. Signs not meeting the requirements of this section. (Ord. 691 § 1, 1995; Ord. 558 § 4, 1989; Ord. 532 § 7, 1988. Formerly 17.80.060.)~~

Section 13. A new Section 17.80.130 is hereby added to the Gig Harbor Municipal Code as follows:

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 tenant space(s) to which the sign applies is undergoing an expansion or renovation which increases the size of the tenant space floor area or site coverage area by twenty percent (20%) or more, unless the sign is brought into conformance under the provisions of Section 17.80.130(E).

5. The building to which the sign applies is demolished.

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.

Section 14. A new Section 17.80.140 is hereby added to the Gig Harbor Municipal Code to read as follows:

**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.

Section 15. Section 17.80.080 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

~~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 16. 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 17. 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.

Section 18. Transmittal to DCTED. The Planning Director is hereby directed to send a copy of the final ordinance as adopted by the City to DCTED within ten days after adoption (WAC 365-195-620).

Section 19. Copies to County Assessor. The Planning Director is hereby directed to send a copy of the final ordinance as adopted by the City to the Pierce County Assessor, pursuant to RCW 35A.63.260.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

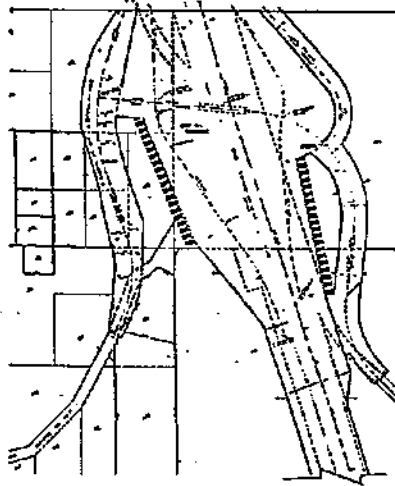
BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/7/98  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO:



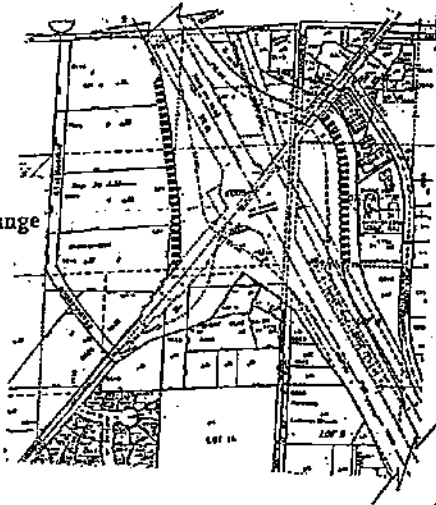
EXHIBIT 1

FREEWAY INTERCHANGE AREAS

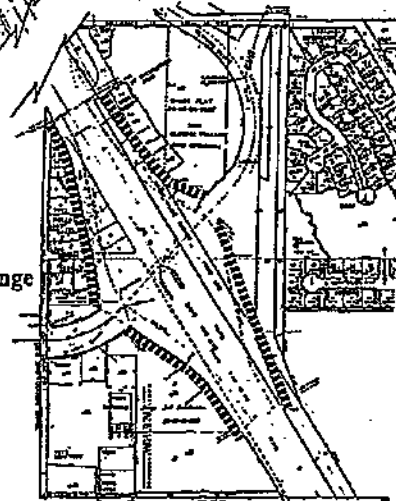


Swede Hill Interchange

Wollochet/Pioneer Interchange



Olympic Drive Interchange



----- Indicates frontages where sign orientation is permitted, subject to GHMC Section 17.80.060(K).

RECEIVED

APR 1 1998

CITY OF GIG HARBOR

3423 47<sup>th</sup> St. Ct. NW

Gig Harbor, WA 98335

March 28, 1998

Members

Gig Harbor City Council

Gig Harbor, WA 98335

Ref.: Sign Variance - Sun at Gig Harbor

Dear Council Members,

Citizens Against Litter is opposed to any variance allowing the Sun at Gig Harbor to have a chimney sign oriented toward State Route 16. CAA volunteers have planted hundreds of trees over the years to protect the green belt along the highway corridor. This corridor should also be protected against intrusive signs.

Sincerely,

Lois Hartwig and

Jo Whetzel

Citizens Against Litter

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

RECEIVED

MAR 18 1998

CITY OF GIG HARBOR  
RECEIVED  
CITY OF GIG HARBOR

MAR 27 1998

PLANNING AND BUILDING  
SERVICES

March 17, 1998

To: Mayor Wilbert and City Council Members

Re: Proposed revisions to sign code - Freeway Interchange definition

Dear Madam Mayor and Council Members;

I would like to commend the City Council on its decisions to date regarding the proposed sign code. The changes you have made are logical and the resulting code will be one which is both fair and enforceable. It will allow our business community adequate means of identification and promotion and will also be sensitive to the needs of the larger community.

I wish to address one unfinished issue - that of Mr. Wade Perrow's request to find a way to include *The Inn At Gig Harbor* in the Olympic interchange area.

The Planning Commission recommended changing the definition of Freeway Interchange in the sign code because we felt that the "fog line" definition was too vague, relied on subjective interpretation, was hard to exactly determine, and could be variable over time. We felt that it was better to identify the exact parcels which would be considered part of the interchanges therefore eliminating subjectivity and, hopefully, future disputes. The Freeway Interchange map included with the proposed sign code, when viewed in larger scale, does identify exact parcels .

I acknowledge and agree with the Planning Commission's findings in this matter. Beyond that however, I wish to speak not for the Planning Commission, but as an individual citizen of Gig Harbor. I do feel that the interchanges should be kept within well defined limits but that in certain circumstances there may be more logical boundaries than those drawn on the interchange map. *The Inn At Gig Harbor* is one of those instances. I do not feel that it is an issue of fairness on one side, or of spot zoning on the other. This is simply a building which, by the nature of its business and the uniqueness of its location and situation, should be included in the Olympic interchange area. I believe that the following findings of fact would justify extending the node in this situation without setting a precedent that would be hard to live with in the future:

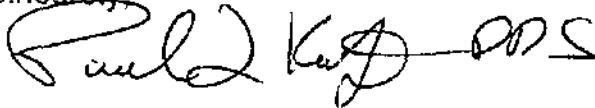
1. The business is one of four types of businesses recognized by the state as travel oriented.
2. The original building was located within a then existing interchange area.
3. The current building was constructed within the same footprint as the original building.

4. The current building was constructed under a different definition of freeway interchange than that currently proposed.
5. The building has prominent facade orientation to an interchange, with no intervening frontage road.

Because the above findings are based upon an existing building I do not feel that this will result in "interchange creep." Of the twelve possible on/off ramps for the three interchanges, only four have existing buildings. None of these existing buildings come close to having any justification for the same consideration.

**I recommend acknowledging the unusual circumstances in this matter and enlarging the Olympic interchange node to include the parcel upon which *The Inn at Gig Harbor* is located.**

Sincerely,

A handwritten signature in black ink, appearing to read "Paul L. Kadzik, D.D.S.", with a stylized flourish at the end.

Paul L. Kadzik, D.D.S.

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

JAMES T. SEELY

Direct Dial Tacoma: (253) 820-6414  
Direct Dial Seattle: (206) 678-6414  
eMail Address: [esej@gth-law.com](mailto:esej@gth-law.com)

SEATTLE OFFICE  
ONE UNION SQUARE  
600 UNIVERSITY, SUITE 2101  
SEATTLE, WASHINGTON 98101-4185  
(206) 447-9505  
FACSIMILE (206) 622-9779

RECEIVED

MAR 26 1998

CITY OF GIG HARBOR

March 25, 1998

Mayor Gretchen A. Wilbert  
City Council Members  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

Re: **Proposed Sign Code, Draft C (March 9, 1998)**

Dear Mayor Wilbert and Members of the City Council:

This firm represents John and Carole Holmaas, and the Inn at Gig Harbor, L.L.C. As we indicated at the Council's March 9 meeting, we are in favor of protecting the SR-16 Enhancement Corridor's visual integrity, and we support implementation of a sign code which discourages and regulates -- but does not flatly prohibit -- signage directed toward SR-16.

However, we believe that the proposed code's attempt to designate "visual nodes" at SR-16 "interchanges" (where signage directed to SR-16 is permissible) is insufficient. The basis for our position is the fact that Exhibit 1 to the proposed code does not accurately reflect the scope of the interchanges, and it is not based on the "nodes" defined in the Comprehensive Plan.

I am writing to address these concerns, to point out inconsistencies between the stated goals of the sign code and the provisions intended to achieve them, and to supplement the record in case further proceedings are necessary. It is my belief, however, that these issues can be resolved by including in the "nodes" properties (like the Inn at Gig Harbor) which are logically, practically, and actually a part of the interchange. It is our sincere hope that the Council will do so.

Please feel free to call me, Wade or Beth Perrow, or John or Carole Holmaas, if you have any questions or wish to discuss any particular aspect of this letter or its exhibits in greater detail.

March 25, 1998

Page 2

**A. Neither the Inn at Gig Harbor nor Westside Square have impacted the SR-16 Enhancement Corridor.**

One of the stated bases for implementing a sign code is the Planning Commission's finding that

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.

[Page 6 of 31 of Draft C of the proposed Gig Harbor Sign Ordinance, paragraph 10.]

The Inn at Gig Harbor and West Side Square (located immediately south) as can be seen from the aerial photographs attached as exhibits to this letter, are both oriented toward the Olympic Drive overpass, not toward SR-16. Referencing the Inn, Planner Osguthorpe commented March 9 that "the only reason there would be a need to put signs on the [east side] of the building where the chimney case is, is for the potential of getting more visibility to traffic traveling in a southbound [on SR-16] direction, which would require the removal of trees to see the sign in that direction."

Such an assertion is simply untrue. Because of the Inn's orientation, the signage on the south side of the building is not at all "aimed" at SR-16, even to cars traveling westbound (northwest) on SR-16. In fact, the sign on that side of the building faces in virtually the same direction (south) as the Wesley Inn sign, except that the Wesley Inn sign is located on the *east* side of SR-16. It, therefore, faces directly at cars traveling westbound on Highway 16, while the Inn's parallel sign on the *west* side of the freeway is not directed at all to SR-16. [See aerial photographs attached.]

We have *no intention* of removing any trees to increase signage visibility on the Inn at Gig Harbor. The existing "chimney face" sign is aimed at the Olympic Drive overpass, and it is in place for the purpose of attracting and directing vehicles from that interchange to the Inn at Gig Harbor.

March 25, 1998

Page 3

As a result, the Planning Commission's finding 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" is not compromised by including the two properties in question in the visual node. [See Draft C of the Sign Code Ordinance, at page 7 of 31.]

**B. The node definitions are arbitrary.**

One of the primary reasons given for not including these properties in the "node" is that they are not in the "nodes" defined in the Comprehensive Plan. However, proposed Exhibit 1 to the latest draft Ordinance does not reflect the nodes defined in the Comprehensive Plan.

A comparison of Exhibit A (the original proposed visual nodes, purportedly based on the Comp Plan) and Exhibit 1 demonstrates the difference. Both are attached. Exhibit A includes identically-sized, spherical areas apparently centered around both the Olympic and Wollochet interchanges. Their identical shape demonstrates that the nodes do not take into account the existing or historical development, topography, site lines, traffic, signage, or vegetation, or any other of the number of factors which should logically define which properties are and which are not within the existing interchange. While it might be good practice to draw spherical, identical "nodes" if the City were flat and being planned on a blank slate, that is not what is happening here.

In any event, Exhibit 1 does not comport with Exhibit A or the spherical visual nodes which are part of the Comprehensive Plan. Once the purported basis for the interchange definitions -- the Comprehensive Plan -- is abandoned, it seems only realistic, fair and proper to define an area which in fact comprises the actual interchange. By any reasonable measure, the Inn at Gig Harbor is at the northern end of the Olympic/SR-16 interchange, but it is inarguably within that interchange. The proposed sign code should be amended to strictly define exactly which properties are, and which properties are not, within the interchange. The definition should be based on an objectively justifiable and discernible standard, such as a *detailed* map which specifically includes or excludes particular properties. Exhibit 1, like Exhibit A, is of little use to a layman (and probably not much use to a professional) because individual properties are simply not identifiable.

In short, visual nodes, as defined in the most recent draft of the sign ordinance, are *not* based on visual nodes in the Comprehensive Plan. Having abandoned that definition, the City should endeavor to adopt one which reflects the existing and

March 25, 1998  
Page 4

historical development, site lines, topography, vegetation and signage, as well as a practical definition of what constitutes an interchange.

**C. Including these properties in the "visual node" will not promote "creep."**

Another reason cited for refusing to include these properties in the visual node is that doing so will promote "creep." I am assuming that that term refers to the incremental inclusion of each property as it is developed, one step further from the actual interchange until, as in places like River Road in Puyallup, there is really no distinction from one interchange to the next.

There is no risk of that in this case. Viewed from the top of the Olympic Interchange northwest, there is a clear line of demarcation between existing businesses from Olympic northwest along SR-16 to the Inn at Gig Harbor, and the long-standing grove of trees located immediately north of the Inn at Gig Harbor. These trees, and the lack of them to the south, have been virtually unchanged for thirty years. No trees were removed to build the Inn at Gig Harbor. Creep can be prevented by drawing a clear line -- a reasonable, logical line -- which is consistent not only with the actual interchange, but with the values and goals which this sign ordinance seeks to preserve and achieve.

## PROPOSALS

Having pointed out what we perceive are shortcomings in the proposed code, we think it fair that we propose changes.

Our proposals are fairly simple:

1. Delete the reference to "prohibiting" signage directed to SR-16. [¶ 10, page 6 of 31, Draft C.] "Prohibit" is an unequivocal word which implies a bright line rule. However, there is no such bright line here. Instead, use a phrase like "strongly discourage" or "strictly regulate" -- either of which more accurately reflects what the code should and will do.

2. Modify Exhibit 1 to include those properties -- specifically the Inn and Westside Square - which are a part of the Olympic Interchange, and make the Exhibit large and detailed enough that one viewing it can tell which properties are included. Our proposed Exhibit 1 is attached and highlighted.



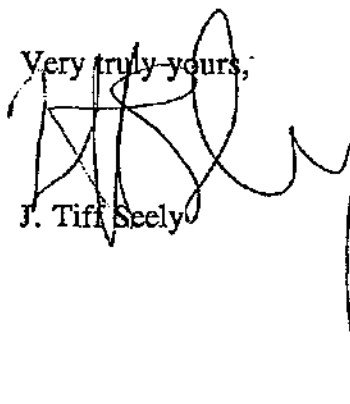
March 25, 1998

Page 5

\* \* \*

I want to reiterate our willingness to discuss these matters with any interested Council member or planner. The arduous task of crafting a sign code is one that needed to be undertaken and which, if properly done, will enhance the quality of life for all residents. However, signage -- and particularly existing signage in interchange areas -- should be *regulated*, not prohibited. Thank you for your attention and willingness to address our concerns.

Very truly yours,

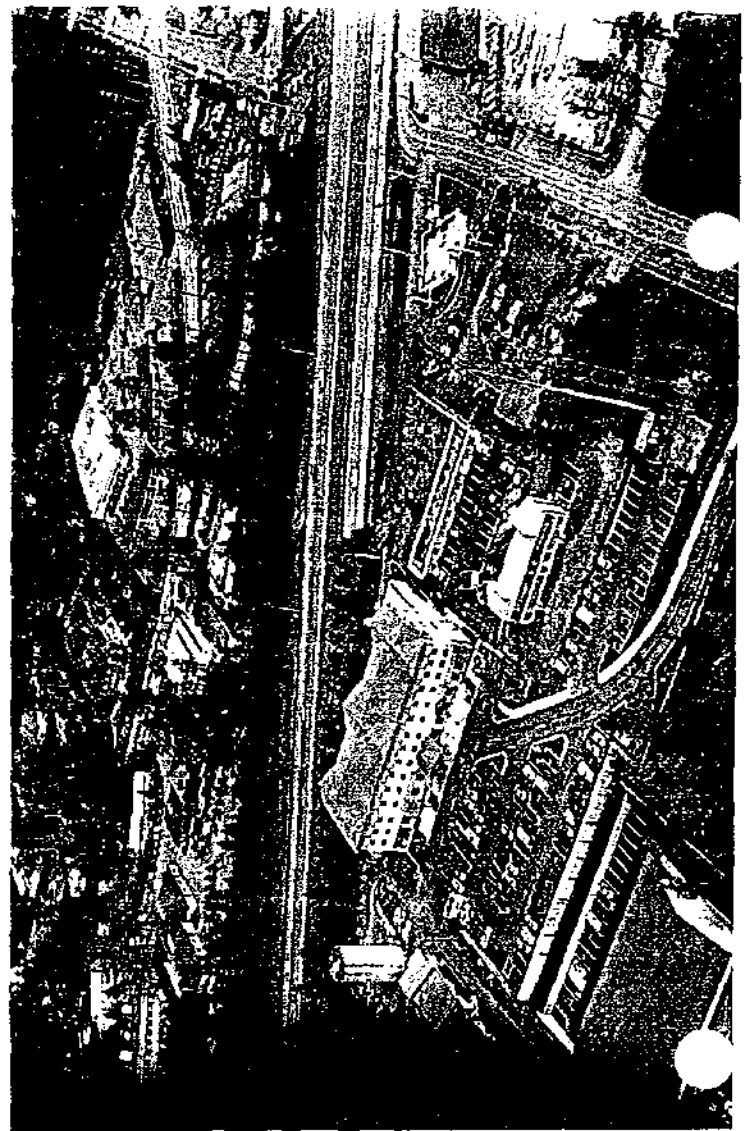
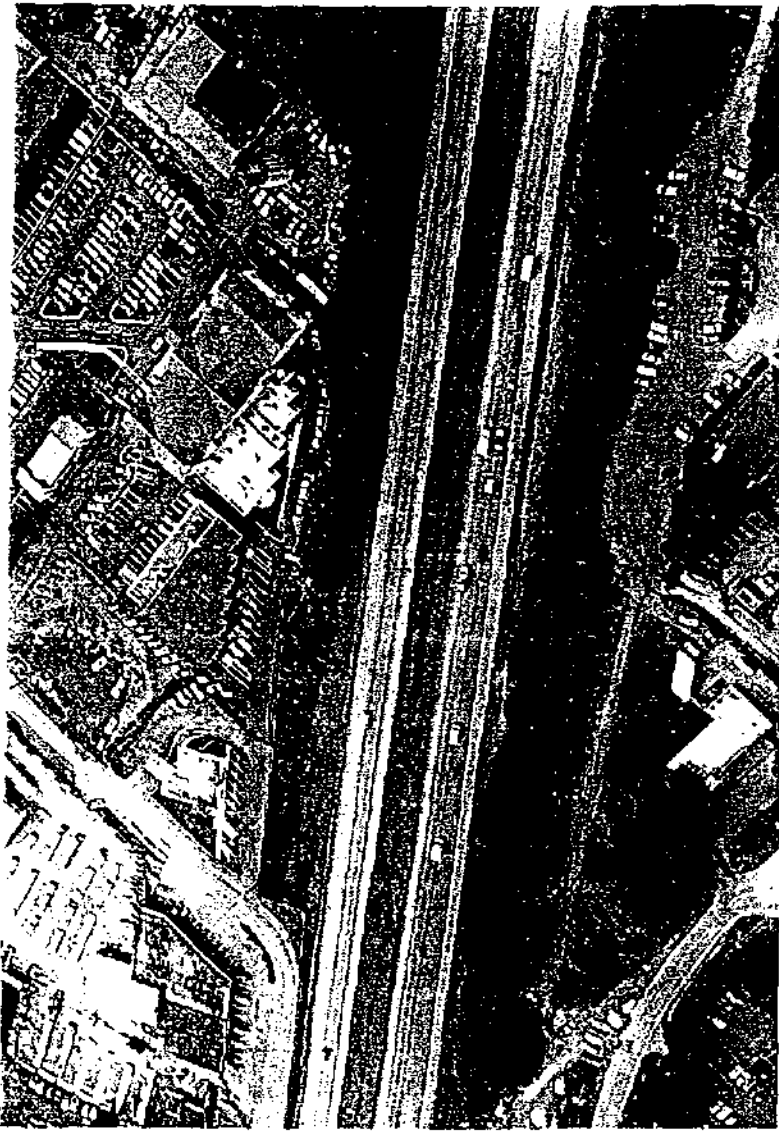
A handwritten signature in black ink, appearing to read "J. Tiff Seely". The signature is stylized and somewhat cursive, with a long vertical line extending downwards from the end of the name.

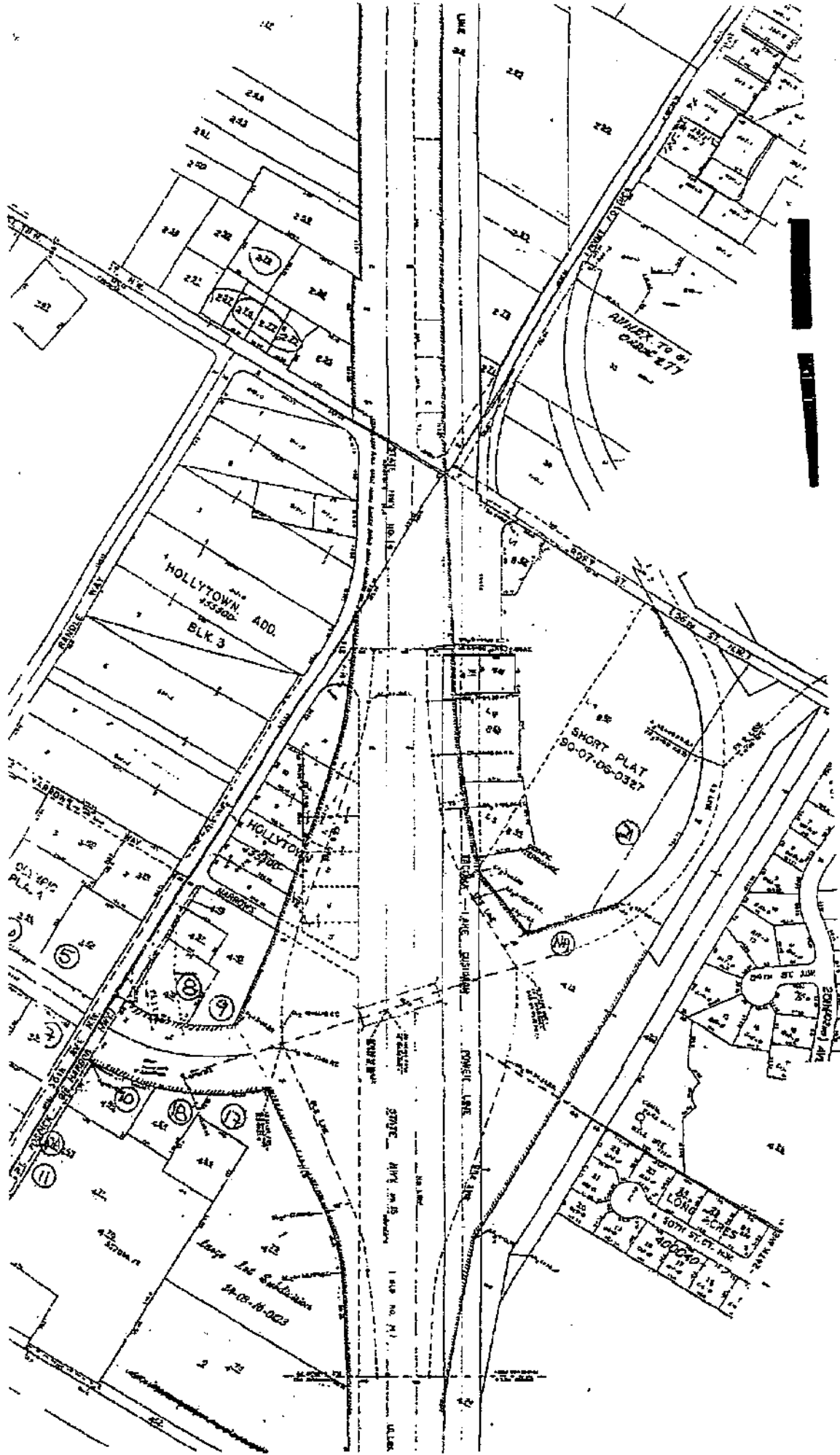
J. Tiff Seely

JTS:bjn

Enclosures

cc: John and Carole Holmaas  
Wade and Beth Perrow  
William T. Lynn





# COMMUNITIES

## Council plans another sign code hearing

Gig Harbor revisions will be discussed at public meeting before vote is conducted

By KRIS SHERMAN  
THE NEWS TRIBUNE

It will be three more weeks before the Gig Harbor City Council hears final public testimony on proposed revisions to the city's sign code and then votes on the document.

Council members voted Monday night to conduct a final public hearing and a third reading of the proposal at their April 13 meeting.

That's because the council itself has made substantive amendments to the proposed ordinance, presented to it by the city's planning commission after

months of scrutiny, overhaul and public input, said associate planner Steve Osguthorpe.

Probably the biggest change made by the City Council over the last few weeks, Osguthorpe said, was eliminating location or number restrictions on real estate open house signs.

The council also modified language in some areas and clarified wording on sign coverage areas.

Still at issue, though, is a complaint from Wade Perrow, owner of the Inn at Gig Harbor, and others that the code doesn't allow their businesses the same kind of sign freedom as other businesses at highway interchanges.

Perrow's Inn sits a few blocks from the Olympic Drive interchange, near the spot of a former Washington 16 exit. He contends he's close enough to the interchange to be "let in" under the more liberal in-

terchange area sign rules.

Once they have held a final public hearing on the proposed sign code revisions, council members will vote whether to approve it on third reading.

But if substantive changes are made at the April 13 council meeting, it's possible the entire document would be reintroduced with all of the amendments at a future meeting, Osguthorpe said.

The sign issue has dominated city politics for more than a year. Business people were unhappy with it when it was revised in 1995, but protests and complaints didn't get really loud until about a year ago.

Some business owners complain the code is too restrictive, hampers their ability to attract customers and tramples on their right of free speech.

Others in the community argue that regulating the sizes, shapes, colors and

display of signs is the only way to protect the city's small-town, tourist ambience.

In other business Monday night, the council:

■ Approved an \$11,000 grant from the city's hotel-motel tax fund to the Gig Harbor Peninsula Area Chamber of Commerce to publicize Gig Harbor's attractions.

The money is to be spent in this way: \$5,000 for hiring a marketing consultant to develop an image for the city; \$3,000 to create a lodging brochure which will include a map and points of interest in the city; and \$3,000 to buy advertising in regional travel publications.

In addition, the Gig Harbor Peninsula Historical Society will get \$2,000.

The hotel-motel tax fund still contains about \$8,000 for future use, city finance

*Please see Sign code, B10*

## Veteran director presents 'Aladdin'



### GIG HARBOR

#### Complaint against

A complaint associated studently was dismissed of the Superintendent

Peninsula School filed the unprofessional 1996, alleging the without proper au-

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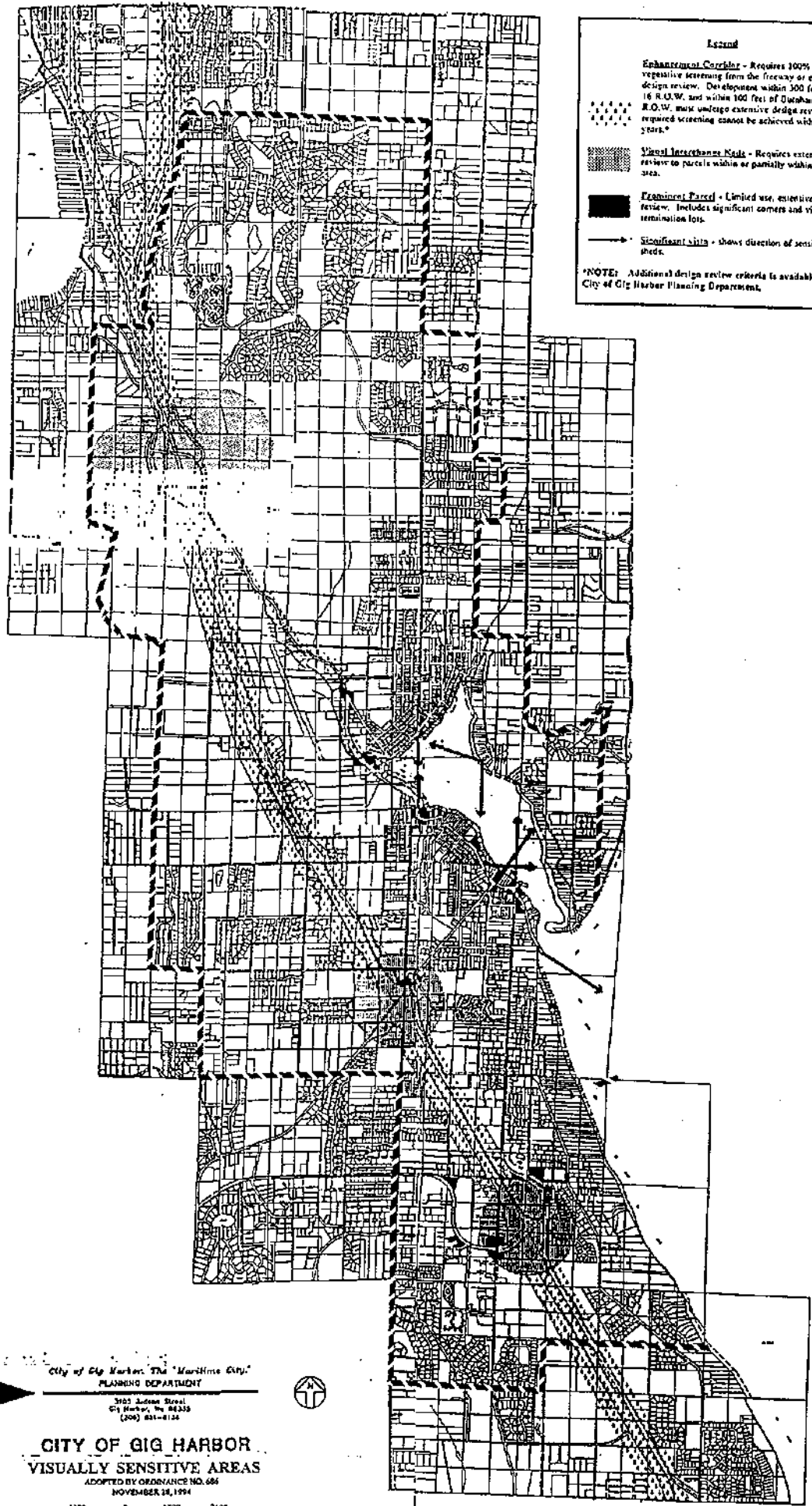
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Weekend rainfa-



**Legend**


**Enhancement Corridor** - Requires 100% on-site vegetative screening from the frequency of extensive design review. Development within 500 feet of SR-16 R.O.W. and within 100 feet of Duwamish Drive R.O.W. must undergo extensive design review if required screening cannot be achieved within 3 years.

**Visual Interchange Node** - Requires extensive design review on parcels within or partially within shaded area.

**Prominent Parcel** - Limited use, extensive design review. Includes significant corners and view termination lots.

**Significant Vista** - Shows direction of sensitive view sheds.

**\*NOTE:** Additional design review criteria is available at the City of Gig Harbor Planning Department.


 City of Gig Harbor, "The Maritime City"  
 PLANNING DEPARTMENT  
 3102 Adams Street  
 Gig Harbor, WA 98258  
 (206) 831-8134

**CITY OF GIG HARBOR**  
**VISUALLY SENSITIVE AREAS**  
 ADOPTED BY ORDINANCE NO. 686  
 NOVEMBER 18, 1994

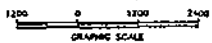
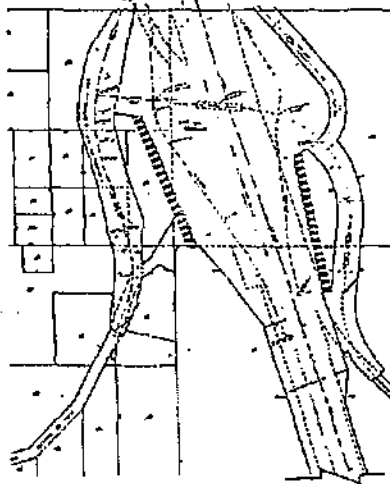


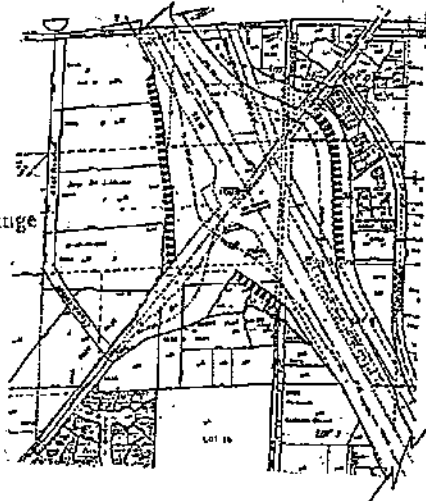
EXHIBIT 1

FREEWAY INTERCHANGE AREAS

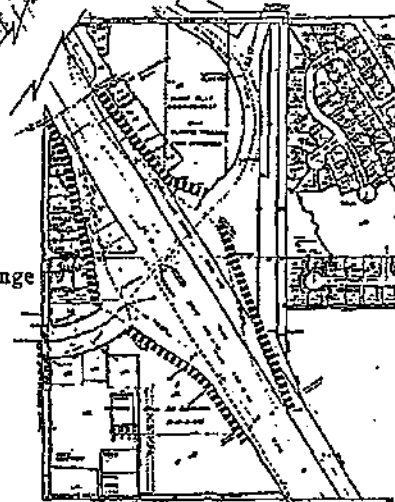


Swede Hill Interchange

Wollochet/Pioneer Interchange



Olympic Drive Interchange



||||| Indicates frontages where sign orientation is permitted, subject to GHMC Section 17.30.060(K).



*City of Gig Harbor. The "Maritime City."*

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

**TO: CITY COUNCIL**  
**FROM: MAYOR GRETCHEN WILBERT**  
**SUBJECT: APPOINTMENT OF PLANNING COMMISSION MEMBERS**  
**DATE: April 7, 1998**

#### **INFORMATION/BACKGROUND**

The Gig Harbor Planning Commission is composed of seven members appointed by the Mayor. Two members recently resigned and notification requesting volunteers to serve on the Commission was given in the local newspaper.

Five applications were received. Three of the applicants live within the city limits, Mark Robinson, Bruce Gair and Daniel Glover. Of the other two, Gary Glein lives at Horsehead Bay and owns a Millville Condo in city limits, and Sandy Herrera lives on 26<sup>th</sup> Avenue Ct. NW, east of Peacock Hill at 136<sup>th</sup>.

I have invited the candidates to come to the Council meeting and introduced themselves. I wish to extend a thank you to all five candidates and ask permission to retain the names of those not appointed to the Planning Commission at this time as citizens ready and willing to serve their community.

All the applicants are aware of my recommendation for the appointments of Mark Robinson and Bruce Gair to complete the terms of Carl Halsan and Debra Vosberg on the Planning Commission. Mr. Gair will bring representation from the business community and Mr. Robinson will enlighten the Commission with contributions from his "Suggestion Box."

#### **RECOMMENDATION**

A motion accepting the appointment of Mark Robinson and Bruce Gair to fill the vacant positions on the Gig Harbor Planning Commission.







*City of Gig Harbor. The "Maritime City."*

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

**TO: CITY COUNCIL**  
**FROM: MAYOR GRETCHEN WILBERT**  
**SUBJECT: COUNCIL COMMITTEES**  
**DATE: APRIL 7, 1998**

#### **INFORMATION/BACKGROUND**

Thank you for your response to continue to serve on Council Advisory Committees for Finance, Public Safety and Public Works. Along with these committees, I see the need for some input from Council in two other areas. Councilmember Young and Councilmember Dick have indicated an interest in serving on committees for Economic Development and Land Use Planning. The following Councilmembers have agreed to serve on the following committees for a term running through December of 1999.

Finance: Councilmembers Dick, Owel and Platt.

Public Safety: Councilmembers Young, Ekberg and Picinich.

Public Works: Councilmembers Dick, Platt, and Markovich.

Economic Development: Councilmembers Young, Owel, and Picinich. (Councilmember Markovich will be asked to serve as an alternate.)

Land Use Planning: Councilmembers Dick, Markovich and Ekberg.

#### **COMMITTEE EXPECTATIONS**

My expectation is that these committees will help me and staff to better assess the needs of the community and will help foster effective communication between Council and staff.





*City of Gig Harbor. The "Maritime City."*

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

**TO:** CITY COUNCIL  
**FROM:** MAYOR GRETCHEN WILBERT   
**SUBJECT:** VOTING FOR REPRESENTATIVE FOR PIERCE TRANSIT  
**DATE:** April 7, 1998

#### **INFORMATION/BACKGROUND**

On March 9, 1998, Councilmembers voted to support the nomination of David Viafore, Mayor of Fircrest, for the Representative from Pierce County Small Cities and Towns on the Pierce Transit Board.

Since that time, three other candidates have submitted their names for consideration. I have recently received a letter from Mayor Bob Young and Councilmember Phil DeLeo of Bonney Lake, asking for your support. I have included a copy of these letters, as well as the one from Mayor Viafore, for your consideration.

#### **RECOMMENDATION**

A motion to approve the attached Resolution casting a vote for either David Viafore of Fircrest or Phil DeLeo of Bonney Lake, to represent the Small Cities and Towns of Pierce County on the Pierce Transit Board.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, FOR THE SELECTION OF A REPRESENTATIVE TO THE PIERCE TRANSIT BOARD OF COMMISSIONERS.**

---

WHEREAS, the Board of Commissioners for Pierce Transit is comprised of representatives from the local communities; and,

WHEREAS, the Board of Commissioners for Pierce Transit is comprised of representatives from the local communities; and

WHEREAS, a representative is needed to fill the at-large position elected by the fourteen small cities and towns within Pierce Transit's boundaries; and

WHEREAS, Pierce Transit requested the City Council to cast a vote for one of four nominees; and

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES, as follows:

The City Council for the City of Gig Harbor unanimously casts its vote for \_\_\_\_\_ to serve a three year term on the Pierce Transit Board of Commissioners.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 1998.

APPROVED:

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 3/31/98  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.



City Hall

RECEIVED

APR 2 1998

CITY OF GIG HARBOR

March 30, 1998

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

Dear Mayor Wilbert:

In March, members of the Bonney Lake City Council unanimously nominated Councilmember Phil DeLeo to fill a vacant at-large position with the Pierce Transit Board of Commissioners. He is now one of four candidates nominated from various cities to run for that position. I take this opportunity to extend my support to Councilmember Phil DeLeo to fill this position and to ask you to consider your city's vote for him when your Council selection is held.

I believe Mr. DeLeo would be an excellent representative from Pierce County. He has demonstrated to me that he works well with those around him. His active involvement as a Councilmember and his keen interest in regional issues confirm he is very qualified to participate in the important decisions regarding community transportation that will need to be addressed in the months to come.

Please feel free to contact me at 253-862-8602 if you have any questions. Thank you for your support.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Young", written over a white background.

Bob Young  
Mayor

Phil DeLeo  
4610 N. Island Drive  
Bonney Lake, WA 98390

(253) 862-9125 (Home)  
(253) 931-2751 (Work)

March 31, 1998

Dear City Official:

I am writing today to ask for your support in voting for me as your small cities and towns representative to the Pierce Transit Board of Commissioners.

I was born in Renton, Washington fifty-two years ago and have lived in this region all my life. I have seen the county roads grow from the rural lane use of getting farm equipment from one pasture to the other to a bumper-to-bumper crawl of suburb commuters.

For many years I've had an interest in transportation issues, but that interest was intensified in 1994 when I was transferred to Everett. For two and a half years I drove the eastside corridor from Bonney Lake to Puyallup to Everett in a Pierce Transit vanpool van - 155 miles per day. As a result, I am well aware of traffic issues facing Pierce County's smaller communities.

After attending Sound Transit open house forums in the area, I have written letters to the directors to express my concerns regarding transit problems in the South Sound area. I have received some very positive responses to my remarks.

I have been an active leader in my community for the past ten years, beginning with PTA and working up to more than four years on the Bonney Lake City Council. Currently I am also our city's representative to the Rainier Communications Commission, the Sumner-Bonney Lake Communities for Families Coalition, and the Citizens for Safety and Environment.

It is important to preserve the natural beauty of rural Pierce County, while managing growth and increased traffic. Allow me to voice your concerns and be your representative on these important issues by electing me as a member of the Pierce Transit Board of Commissioners.

Please feel free to contact me at my home if you have any questions regarding my candidacy. Thank you.

Sincerely,



Phil DeLeo  
Councilmember  
City of Bonney Lake



RECEIVED

MAR 2 1998

CITY OF GIG HARBOR

## THE CITY OF FIRCREST

115 RAMSDALL STREET • FIRCREST, WASHINGTON 98466-6999 • (206) 564-8901 • FAX (206) 566-0762

February 25, 1998

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

Dear Mayor Wilbert and Councilmembers:

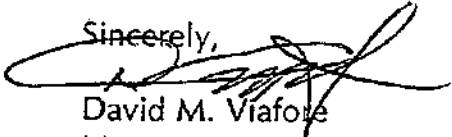
As Mayor of the City of Fircrest and President of the Pierce County Cities & Towns Association, I have had the pleasure of meeting some of you. For those of you I have not met, I wish to introduce myself. I am in my third term as Mayor of Fircrest and have been an elected official since 1992.

I am seeking your support and vote to represent you on the Pierce Transit Board of Commissioners. At their February 24 meeting, the Fircrest City Council voted to place my name in nomination for the Board position which represents fourteen cities and towns and is a three-year term starting May 1, 1998. Mary K. Joyce of Ruston has very capably filled this position for the past several years; however, she has chosen to step down. The Board also has three representatives from Tacoma, two from Pierce County, and one from Lakewood. I feel the role of Pierce Transit is to provide efficient and affordable service to all of Pierce County and to that end, the smaller cities and towns must have a voice.

1998 is bringing a record amount of new bus and vanpool service and the budget for SHUTTLE, special transportation for disabled, has been increased by one-half million. In the future, the light rail line is coming to downtown Tacoma and there will be design of Phase II of the Tacoma Dome Station. As a Board member, I will work to continue these efforts and do the necessary homework to become informed before making decisions. In addition to my experience with City budgets and policy making, I have also served on the P.C. Economic & Community Development & Housing City Advisory Board and was co-chair of the P.C. Sheriff's Specialized Services Task Force.

I feel my experience, expertise, and interest in transportation issues will complement the Board's composition. Please feel free to contact me if you have any questions about this request. I greatly appreciate your support and look forward to bringing your city's transportation suggestions and concerns to the Board's attention.

Sincerely,

  
David M. Viafore  
Mayor



March 27, 1998

RECEIVED

MAR 30 1998

CITY OF GIG HARBOR

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

Dear Mayor Wilbert:

Recently, you were sent a letter from Pierce Transit requesting your Council's nomination of a representative to fill the at-large position elected by the fourteen small cities and towns within Pierce Transit's boundary.

Nominations received as of the March 25, 1998, deadline were:

1. Linda Bird, City of University Place
2. Mike Deal, City of Puyallup
3. Phil DeLeo, City of Bonney Lake
4. David Viafore, City of Fircrest

At your next council meeting, please select one nominee from those provided. A certified copy of the council resolution or motion must accompany the enclosed ballot. Please forward the ballot and appropriate verification to Sandy Byers, Pierce Transit Clerk of the Board, on or before **5:00 p.m., May 1, 1998.**

If you have any questions, please call me at 581-8012.

Sincerely,

Sandy Byers, CMC  
Clerk of the Board

Enclosure

cc: Pierce Transit Board of Commissioners  
Don S. Monroe, Executive Director  
City Clerk





## OFFICIAL BALLOT

Candidates: Linda Bird, City of University Place  
Mike Deal, City of Puyallup  
Phil DeLeo, City of Bonney Lake  
David Viafore, City of Fircrest

The city/town of \_\_\_\_\_ wishes to cast its vote  
for Councilmember \_\_\_\_\_ of the  
City of \_\_\_\_\_ 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 fourteen small cities and towns within Pierce Transit's  
boundary.

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

By: \_\_\_\_\_

Title: \_\_\_\_\_

This form must be accompanied by a certified copy of the council resolution or motion. Ballots must be received by Pierce Transit's Clerk of the Board by 5 p.m., May 1, 1998.





*City of Gig Harbor. The "Maritime City."*

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MITCH BARKER**  
**SUBJECT: ORDINANCE TO AMEND GHMC 9.26.050**  
**DATE: APRIL 8, 1998**

#### **INFORMATION/BACKGROUND**

Gig Harbor Municipal Code 9.26.050 is no longer current with state law. In order to enforce the Domestic Violence laws to their fullest, an amendment of the GHMC is needed. Legal counsel has reviewed the current code and has recommended the attached ordinance.

#### **FISCAL IMPACTS**

There is no fiscal impact related to the proposed ordinance.

#### **RECOMMENDATION**

The Police Department recommends that the Council adopt the proposed ordinance at the second reading.

0008.160. \_\_\_  
JLS:clr  
03/11/98  
Rev: 3/17/98

**ORDINANCE NO. \_\_\_**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CRIMES AND PUNISHMENTS, AMENDING SECTION 9.26.050 OF THE GIG HARBOR MUNICIPAL CODE, ADDING THE FOLLOWING STATE STATUTES TO THOSE ADOPTED BY REFERENCE IN THE CITY'S CRIMINAL CODE: RCW 9A.36.150 (REGARDING INTERFERING WITH REPORTING OF DOMESTIC VIOLENCE); RCW 10.22.010, 10.22.020, 10.22.030 (REGARDING COMPROMISE OF MISDEMEANORS); RCW 10.99.060 (REGARDING NOTIFICATION OF VICTIMS OF PROSECUTION DECISION); RCW 10.99.070 (REGARDING LIABILITY OF PEACE OFFICERS IN MAKING DOMESTIC VIOLENCE ARRESTS); RCW 26.50.035 (REGARDING DEVELOPMENT AND DISTRIBUTION OF INFORMATIONAL MATERIALS BY COURT); RCW 26.50.055 (REQUIRING INTERPRETERS FOR NON-ENGLISH SPEAKING PARTIES); RCW 26.50.085 AND 26.50.095 (REGARDING SERVICE BY PUBLICATION OF DOMESTIC VIOLENCE RESTRAINING ORDERS); RCW 26.50.110 (REGARDING PENALTIES FOR VIOLATING DOMESTIC VIOLENCE RESTRAINING ORDER); RCW 26.50.115 (REGARDING ENFORCEMENT OF EX PARTE RESTRAINING ORDERS); RCW 26.50.123 AND 26.50.125 (REGARDING SERVICE BY MAIL OR PUBLICATION OF DOMESTIC VIOLENCE ORDERS); AND RCW 26.50.135 (REGARDING RESIDENTIAL PLACEMENT OF CHILDREN DURING DOMESTIC VIOLENCE PROCEEDINGS); AMENDING THE TITLES OF STATE STATUTES WHICH WERE PREVIOUSLY ADOPTED BY REFERENCE TO REFLECT EXISTING STATE STATUTE TITLES, AND ESTABLISHING AN EFFECTIVE DATE.

---

WHEREAS, the City of Gig Harbor has adopted a criminal code which is set forth in Title 9 of the Gig Harbor Municipal Code; and

WHEREAS, it has come to the attention of the City Council that the section which relates to domestic violence is no longer current with state law and needs to be updated; NOW, THEREFORE

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1. Section 9.26.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**9.26.050 Domestic violence — State statutes adopted by reference.**

The following state statutes, including all future amendments, are hereby adopted by reference:

RCW

- ~~9A.36.150 Interfering with the reporting of domestic violence.~~
- ~~10.22.010 When permitted — Exceptions. [Compromise of misdemeanors.]~~
- ~~10.22.020 Procedure — Costs.~~
- ~~10.22.030 Compromise in all other cases forbidden.~~
- 10.99.020 Definitions.
- 10.99.030 Law enforcement officers — Training, powers, duties — Domestic violence reports.
- 10.99.040 Restrictions upon and duties of court.
- 10.99.045 Appearances by defendant — No-contact order Orders prohibiting contact.
- 10.99.050 Victim contact — Restriction, prohibition — Violation, penalties — Written order — Procedures. Restrictions or prohibition of contact with victim — Procedures:
- 10.99.055 Enforcement of orders, against defendants.
- ~~10.99.060 Notification of victim of prosecution decision — Description of criminal procedures available.~~
- ~~10.99.070 Liability of peace officers.~~
- 26.50.010 Definitions.
- 26.50.020 Commencement of action — Jurisdiction — Venue.

- 26.50.030 Petition for an order for protection — Availability of forms and instructional brochures — Filing fee — Bond not required.
- ~~26.50.035 Development of instructions, informational brochures, forms, and handbooks by the administrator for the courts — Community resource list — Distribution of master copy.~~
- 26.50.040 ~~Fees not permitted — Filing, service of process, certified copies.~~ Application for leave to proceed in forma pauperis.
- ~~26.50.055 Appointment of interpreter.~~
- 26.50.060 Relief: ~~— Duration — Realignment of designation of parties — Award of costs, service fees, and attorneys' fees.~~
- 26.50.070 Ex parte temporary order for protection.
- 26.50.080 Issuance of order — Assistance of peace officer — Designation of appropriate law enforcement agency.
- ~~26.50.085 Hearing reset after ex parte order — Service by publication — Circumstances.~~
- 26.50.090 Order — Service: ~~— Fees.~~
- ~~26.50.095 Order following service by publication.~~
- 26.50.100 Order — Transmittal to law enforcement agency — Record in law enforcement information system — Enforceability.
- ~~26.50.110 Violation of order — Penalties.~~
- ~~26.50.115 Enforcement of ex parte order — Knowledge of order prerequisite to penalties — Reasonable efforts to serve copy of order.~~
- 26.50.120 Violation of order — Prosecuting attorney or attorney for municipality may be requested to assist — Costs and attorney's fee.
- ~~26.50.123 Service by mail.~~
- ~~26.50.125 Service by publication or mailing — Costs.~~
- 26.50.130 Order — Modification — Transmittal.
- ~~26.50.135 Residential placement or custody of a child — Prerequisite.~~
- 26.50.140 Peace officers — Immunity.
- 26.50.200 Title of real estate — Effect.
- 26.50.210 Proceedings additional.

Section 2. Codes adopted by Reference. Pursuant to RCW 35A.12.140, one copy of the statutes adopted by reference herein have been and are now on file with the City Clerk and are available for examination by the public.

Section 3 - Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 4 - Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the Council of the City of Gig Harbor, this day of \_\_\_\_\_  
\_\_\_\_\_, 1998.

APPROVED:

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

Filed with City Clerk: \_\_\_\_\_  
Passed by City Council: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_**

of the City of Gig Harbor, Washington

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On the \_\_\_\_\_ day of \_\_\_\_\_, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO CRIMES AND PUNISHMENTS, AMENDING SECTION 9.26.050 OF THE GIG HARBOR MUNICIPAL CODE, ADDING THE FOLLOWING STATE STATUTES TO THOSE ADOPTED BY REFERENCE IN THE CITY'S CRIMINAL CODE: RCW 9A.36.150 (REGARDING INTERFERING WITH REPORTING OF DOMESTIC VIOLENCE); RCW 10.22.010, 10.22.020, 10.22.030 (REGARDING COMPROMISE OF MISDEMEANORS); RCW 10.99.060 (REGARDING NOTIFICATION OF VICTIMS OF PROSECUTION DECISION); RCW 10.99.070 (REGARDING LIABILITY OF PEACE OFFICERS IN MAKING DOMESTIC VIOLENCE ARRESTS); RCW 26.50.035 (REGARDING DEVELOPMENT AND DISTRIBUTION OF INFORMATIONAL MATERIALS BY COURT); RCW 26.50.055 (REQUIRING INTERPRETERS FOR NON-ENGLISH SPEAKING PARTIES); RCW 26.50.085 AND 26.50.095 (REGARDING SERVICE BY PUBLICATION OF DOMESTIC VIOLENCE RESTRAINING ORDERS); RCW 26.50.110 (REGARDING PENALTIES FOR VIOLATING DOMESTIC VIOLENCE RESTRAINING ORDER); RCW 26.50.115 (REGARDING ENFORCEMENT OF EX PARTE RESTRAINING ORDERS); RCW 26.50.123 AND 26.50.125 (REGARDING SERVICE BY MAIL OR PUBLICATION OF DOMESTIC VIOLENCE ORDERS); AND RCW 26.50.135 (REGARDING RESIDENTIAL PLACEMENT OF CHILDREN DURING DOMESTIC VIOLENCE PROCEEDINGS); AMENDING THE TITLES OF STATE STATUTES WHICH WERE PREVIOUSLY ADOPTED BY REFERENCE TO REFLECT EXISTING STATE STATUTE TITLES, AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

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CITY CLERK, MOLLY TOWSLEE





*City of Gig Harbor. The "Maritime City."*

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

**TO: MAYOR WILBERT AND THE LODGING TAX ADVISORY  
COMMITTEE**  
**FROM: DAVID RODENBACH** *DR*  
**DATE: April 6, 1998**  
**SUBJECT: HOTEL - MOTEL TAX**

### **BACKGROUND**

The Lodging Tax Advisory Committee met April 3 and has recommended approval of the following expenditures:

#### **Chamber of Commerce:**

- Five Hundred Dollars (\$500.00) for postage resulting from bulk mailings of tourist-related brochures.
- Five Hundred Dollars (\$500.00) for wages to operate a weekend office from Memorial Day through Labor Day. The office hours will be Saturdays 11 A.M. - 4 P.M. and Sundays 12 P.M. - 3 P.M.
- Two Hundred Fifty Dollars (\$250.00) to purchase an outdoor brochure rack for display during evenings and weekends

#### **Historical Society:**

- Seven Hundred Dollars (\$700.00) for advertising in various regional publications.
- Three Hundred Dollars (\$300.00) to purchase two sandwich signs with Historical Society logo.

#### **Peninsula Art League:**

- One Thousand Five Hundred Dollars (\$1,500.00) to be used for out-of-area advertising of the 14<sup>th</sup> annual Gig Harbor Art Festival.

### **FINANCIAL CONSIDERATIONS**

The Fund's 1998 budget is \$21,100. If the above-noted proposals are approved, total Hotel/Motel Funds appropriated for 1998 expenditure will be \$16,750.

**RESOLUTION NO.**  
**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TAXES, AUTHORIZING USE OF THE FUNDS IN THE CITY'S HOTEL-MOTEL TAX ACCOUNT FOR CERTAIN LIMITED PURPOSES.**

---

WHEREAS, the City has a Lodging Tax Advisory Committee, formed for the purpose of suggesting expenditures of the City's Hotel-Motel Tax funds to the City Council; and

WHEREAS, the Committee has proposed that certain expenditures be made of the funds in the City's Hotel-Motel Tax account; and

WHEREAS, all revenue from taxes imposed under this chapter shall be credited to a special fund in the treasury of the municipality imposing such tax and used solely for the purpose of paying all or any part of the cost of tourism promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities; now, therefore,

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

Section 1. The City Council hereby adopts the committee's proposal, and authorizes the expenditure of the funds in the Hotel-Motel Tax account as follows:

- A. One Thousand Five Hundred Dollars (\$1,500.00) shall be given to The Peninsula Art League, to be used for advertising the 14<sup>th</sup> annual Gig Harbor Art Festival. The funds must be spent for advertising outside the local area.
- B. One Thousand Two Hundred Fifty (\$1,250.00) shall be given to the Chamber of Commerce, to be used as follows: Five Hundred Dollars (\$500.00) for postage for bulk mailings of tourist-related brochures; Five Hundred Dollars (\$500.00) for wages to operate a weekend office from Memorial Day through Labor Day. The office hours will be Saturdays 11 A.M. – 4 P.M. and Sundays 12 P.M. – 3 P.M. Two Hundred Fifty Dollars (\$250.00) to purchase an outdoor brochure rack for display during evenings and weekends.
- C. One Thousand Dollars (\$1,000.00) shall be given to the Historical Society, to be used as follows: Seven Hundred Dollars (\$700.00) for advertising in various regional publications; and Three Hundred Dollars (\$300.00) to purchase two sandwich signs with Historical Society logo.

Section 2. The City Finance Director is authorized to issue the necessary warrants to distribute the funds as described above.

RESOLVED this \_ day of

APPROVED:

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:  
RESOLUTION NO.



C090080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 4/03/98

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
(BY ZIP CODE) FOR EXPIRATION DATE OF 6/30/98

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1 HARVESTER GIG HARBOR, INC.	HARVESTER RESTAURANT 5601 SOUNDVIEW DR GIG HARBOR WA 98335 0000	366707	H

RECEIVED

APR 8 1998

CITY OF GIG HARBOR

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on JUNE 30, 1998. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

As provided in law, before the Washington State Liquor Control Board shall issue a license, notice regarding the application must be provided the chief executive officer of the incorporated city or town or the board of county commissioners if the location is outside the boundaries of an incorporated city or town.

Your comments and recommendations regarding the approval or disapproval for the enclosed listed licensees would be appreciated. If no response is received, it will be assumed that you have no objection to the reissuance of the license to the applicants and locations listed. In the event of disapproval of the applicant or the location or both, please identify by location and file number and submit a statement of all facts upon which such objections are based (please see RCW 66.24.010{8}). If you disapprove then the Board shall contemplate issuing said license, let us know if you desire a hearing before final action is taken.

In the event of an administrative hearing, you or your representative will be expected to present evidence in support of your objections to the renewal of the liquor license. The applicant would presumably want to present evidence in opposition to the objections and in support of the application. The final determination whether to grant or deny the license would be made by the Board after reviewing the record of the administrative hearing.

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and JUNE 30, 1998, your office will be notified on an individual case basis.

Your continued assistance and cooperation in these licensing matters is greatly appreciated by the Liquor Control Board.

LESTER C. DALRYMPLE, Supervisor  
License Division  
Enclosures

MAYOR OF GIG HARBOR  
3105 JUDSON ST  
GIG HARBOR

RECEIVED

APR 8 1998

CITY OF GIG HARBOR

WA 983350000

## **MAYOR'S REPORT**

April 7, 1998

### **Salmon Protection and Recovery Plan**

For a long time, Gig Harbor residents have voiced concerns on the gradual demise of the salmon habitat in local streams and the waters of Puget Sound, and many have been working to try and do something about it. This is a call to bring these folks together to share their progress.

On February 26<sup>th</sup>, the National Fisheries Service (NMSF) proposed an Endangered Species Act listing for Puget Sound Chinook Salmon, which may have profound impact on all aspects of the quality of life in the 12-county region covered by the proposed listing.

A Tri-County Endangered Species Act Forum was held to inform local government representatives of the process and implications of the listing, which affects any project that requires federal dollars or involvement. This list may also alter capital projects such as roads, transit, and utilities, and may lead to changes in comprehensive plans, and land-use regulations. A comprehensive salmon protection and recovery plan will be required to minimize such impacts, and recovery plans may be developed by the federal government, by the state, by private property owners, by local governments, or by combinations of any of the above.

No longer is the return of the salmon a dream. The Federal Government recognizes the need for the entire community to work together to address the complicated issues of the listing of the Puget Sound Chinook Salmon under an Endangered Species Act.

Our government will have to deal with the effects upon future development as our community grows. Developers will need to be part of the team to consider impacts upon local creeks brought about by roads and stormwater runoff within a development. Four major salmon habitat creeks, McCormick Creek, Wollochet Creek, Donkey Creek, and Crescent Creek, are affected by development within the Gig Harbor Urban Growth Area. This is an awesome task that lies ahead for all of us, and I'm confident that the community will work together in this effort to protect salmon habitats.

Volunteers are willing to lead the way to properly rehabilitate our salmon habitats in the local streams and creeks. This process will begin with a series of informational sessions providing an historical perspective and orientation on the condition of our local creeks. Mr. Larry Outhout will provide the programs for the first sessions with plans to bring authoritative speakers for the sessions to follow.

The first community orientation session will be held Saturday, April 18th, from 1 p.m. to 3 p.m. at the Gig Harbor Peninsula Historical Society. Dates and locations of later Saturday sessions will be announced as the programs are arranged. In addition, I anticipate Stewardship teams of volunteers

forming to work with the City and developers in rehabilitating and preserving habitat for the Puget Sound Chinook Salmon.

Cc: Larry Outhout – Creek Teams Leader, Crescent Creek  
Dick Dorsett – P.C. Government Relations  
Gig Harbor High School and Peninsula High School Environmental Science Departments  
Ken & Cindy Manning – McCormick Creek  
Nick Jerkovich – Gig Harbor Commercial Fisherman Civic Improvement Club  
Nan Bullough – Donkey Creek  
Dick Allen – Donkey Creek  
Nicholas Natiello -- Wollochet Creek





**RECEIVED**

**MAR 4 1998**

**CITY OF GIG HARBOR**

WASHINGTON FOREST PROTECTION ASSOCIATION • 711 CAPITOL WAY, EVERGREEN PLAZA BLDG., SUITE 608 • OLYMPIA, WA 98501 • 360-352-1500 • FAX: 360-352-4621

March 3, 1998

The Honorable Gretchen Wilbert  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335-1221

Dear Mayor Wilbert:

Many of us regard salmon as an icon for Washington State and we can't imagine a future without them. That's how I see it. But whether or not one loves salmon, their dwindling numbers could have a dramatic impact on all of us in Washington.

Governor Gary Locke has pointed out, "Puget Sound Chinook will be proposed for listing under the Endangered Species Act - the first time in the United States that a major urban area's land and water use could be proposed for regulation under the ESA." He notes, the salmon listings we face cover the entire state and "if we don't create adequate plans for recovery, the federal government could have a say in such things as what we build, where we build, how we use water, and fertilize our crops or even our lawns."

The private forest land owners of the Washington Forest Protection Association saw these problems emerging several years ago. Working with science, we can now better identify - and are addressing - salmon habitat needs. For example, science has taught us that fallen trees in streams can improve fish habitat. So, we even place logs in streams to form cool, quiet pools for resting salmon. We've changed logging road designs to reduce siltation and created and managed buffer zones to provide shade to cool forest streams.

We are doing these things even though the forest practices on our land are only one of issues impacting healthy salmon populations or water quality. While we have spent hundreds of millions of dollars to improve fish habitat, we are committed to doing more. Our mission is to manage healthy forests, which, coincidentally, provides some of the best salmon habitat.

We have also been the first industry group to voluntarily sit down with state and federal regulators, tribes, environmentalists and others to develop a state-based plan to solve these problems rather than waiting for the federal government to tell us what to do. We believe the efforts of the governor and state legislature to build a state salmon plan are extremely positive and important!

Again, saving the salmon is going to impact every individual and every business in our state. We want you to know more about what we are doing to identify and implement solutions to this problem. I hope you will join efforts to improve salmon habitat.

Visit our Web site at [www.washingtonforests.com](http://www.washingtonforests.com) if you'd like to find out more about what we are doing.

Stay tuned,

A handwritten signature in black ink that reads "Bill Wilkerson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Bill Wilkerson  
Executive Director, WFPA



# ENDANGERED SPECIES ACT



**CHINOOK**

Proposal Expected to List as "Threatened" Under ESA



**CHUM**

Depressed; Proposal to List Expected for Hood Canal



**COHO**

At Risk of Future Listing



**STEELHEAD/RAINBOW**

At Risk of Future Listing



**SOCKEYE**

Depressed; Listing Unlikely



**PINK**

Some Runs Extinct; Others Still Healthy



**SEA-RUN CUTTHROAT**

Unknown Status

Status descriptions are for Puget Sound runs.



King County, WA

## ECOLOGY OF PACIFIC SALMON AND CHINOOK; THE STATUS OF PUGET SOUND STOCKS

### Salmon Life Cycle

Salmon hatch in freshwater from eggs laid in the gravel beds of rivers and streams (and in some cases along lake shorelines). Except for steelhead and cutthroat, adults die after spawning a single time. Upon hatching, juveniles spend from hours to years in the freshwater environment before migrating to the sea to grow to adulthood. Oceanic migrations typically take them northward along the continental shelf as many as thousands of miles, often into the Gulf of Alaska and beyond. On reaching maturity, they migrate from the ocean back to the rivers and streams of their birth to spawn.

### Range and Adaptation

All Pacific salmon are members of the genus *Oncorhynchus*, meaning "bent snout". Their home streams range from southern California to northern Alaska and from Siberia southward to Hokkaido, Japan. Salmon are well-adapted to gravel-bedded rivers and streams with clear, well-oxygenated waters that remain cold throughout the year (42-58° F). Gravels must be relatively free from silts and fine sands to allow free flow of water and oxygen to eggs deposited in the inter-gravel spaces. Various salmon species assort themselves by stream size, gravel size, flow and depth of water, and timing of return. Watershed-specific variations in these characteristics have produced populations that are "fitted" to these environments and that differ in subtle ways from adjacent populations. This local adaptation is a fundamental characteristic of salmon. Seven species are represented in the waters of King County and Puget Sound: Chinook; coho; pink; chum; sockeye; steelhead/rainbow; and cutthroat.

### *Oncorhynchus tshawytscha*—Chinook, or "King" Salmon

Chinook are the most likely salmon species in King County to be affected soon by listings proposed under the ESA. Chinook are found in the Snoqualmie, Cedar, Green and White river systems. Some basic facts about Chinook salmon include:

- Chinook are the largest of all Pacific salmon, averaging 36 inches in length and 22 pounds in weight; they also are the least abundant species.
- Chinook spawn mostly in large streams and are found in all major watersheds in Puget Sound. The largest runs in the Sound are on the Skagit, Stillaguamish and Snohomish (including the Snoqualmie/Skykomish) rivers. Chinook are also present in smaller tributaries, including Bear Creek, North Creek and Newaukum Creek in King County. Virtually all Puget Sound populations are far below what are believed to be their historic numbers; most have declined from 18% to more than 90% since the 1960s.
- There are spring, summer and fall runs of Chinook in Puget Sound; fall runs, which migrate up parent streams from late July through September, tend to be the most abundant.
- Adult Chinook die within 2-5 days of spawning; their eggs hatch in about 60 days. Newly hatched salmon, called "alevins", remain in the gravel for about 3 weeks; upon emerging, the "fry" or "parr" remain in freshwater for about 3-6 months (in the Lake Washington system, some may reside in the lake for 2-3 years), feeding on stream and terrestrial insects. Now called "smolts", they migrate downstream to Puget Sound, where they feed and grow for several weeks to over a year; they then migrate northward to the Gulf of Alaska, where they feed on small fishes and krill for 2-4 years before migrating homeward to spawn.

## THE STATUS OF WILD SALMON IN PUGET SOUND; CHINOOK TO BE LISTED?

In 1991, the Endangered Species Committee of the American Fisheries Society (AFS) published an article reviewing the status of Pacific Salmon stocks from California, Oregon, Idaho and Washington in *Fisheries* magazine<sup>1</sup>. The article was later corroborated independently by the National Research Council<sup>2</sup>. The AFS committee found that:

- More than 75% of Pacific salmon populations were severely depleted and at some risk of extinction;
- Eighteen of the 214 stocks reviewed appeared to be extinct; 101 were found to be at high risk of extinction; and
- Salmon had disappeared from more than 40% of their historic range.

Generally speaking, the health of salmon stocks worsened the further south they were found along the Pacific Coast, with the trend being even worse in areas heavily influenced by dams and urban development. The healthiest stocks were in Alaska and northern British Columbia.

These findings led the National Marine Fisheries Service (NMFS) to initiate a coast-wide assessment of sea-going salmon and trout in 1992, consistent with its responsibility under the Endangered Species Act; NMFS is now completing this assessment. In Puget Sound, NMFS has focused its concerns on coho and Chinook populations and on chum populations in Hood Canal. Virtually all Puget Sound populations of Chinook salmon are far below what are believed to be their historic numbers; most have declined from 18% to more than 90% since the 1960s. NMFS has determined that for Chinook—and possibly coho—the populations that inhabit the various rivers of the Sound are genetically related and thus share a common destiny; for chum, two population segments in Hood canal are closely related. Such related populations are termed Evolutionarily Significant Units (ESUs) and are the biological unit for listing salmon species under the ESA.

NMFS is expected to propose to list Puget Sound Chinook and Hood Canal chum under the ESA in February 1998; Puget Sound coho might soon follow. The ESU for Puget Sound Chinook includes stocks from all rivers in Puget Sound and Hood Canal, including the Elwha and Dungeness rivers on the Strait of Juan de Fuca.

In 1992, the Washington Department of Fish and Wildlife conducted a status survey of salmon and steelhead in Washington waters. Published in 1993, the Salmon and Steelhead Stock Inventory (SASSI) reviewed 148 stocks in Puget Sound. The review found 11 stocks that were “critical”—that is, subject to permanent harm or extinction; these included stocks of Chinook, chum and steelhead. It found 44 that were “depressed”—that is, whose production was below expected levels; these included stocks of coho and, in Hood Canal, pink salmon. It found 93 stocks to be “healthy”—though even these did not distinguish between fish of hatchery or natural origin, only that they returned to spawn in the wild.

The best available information suggests that freshwater habitat loss and modification has been the most significant cause of decline for stocks in Puget Sound, particularly for Chinook and coho. Poor ocean conditions and a failure to curtail fishing pressure have accelerated the decline.

1. Pacific Salmon at the Crossroads...*Fisheries*: (16):2, March 1991
2. Upstream: Salmon and Society in the PNW. NRC, 1996

# ENDANGERED SPECIES ACT



## CHINOOK

Proposal Expected to List  
as "Threatened" Under ESA



## CHUM

Depressed; Proposal to List  
Expected for Head Canal



## COHO

At Risk of Future Listing



## STEELHEAD/RAINBOW

At Risk of Future Listing



## SOCKEYE

Depressed; Listing Unlikely



## PINK

Some Runs Extinct;  
Others Still Healthy



## SEA-RUN CUTTHROAT

Unknown Status

Status descriptions are  
for Puget Sound runs.



King County, WA

## THE ENDANGERED SPECIES ACT AND HCPs: A SUMMARY

The purposes of the Endangered Species Act are "to provide a means whereby the ecosystems upon which endangered and threatened species depend may be conserved, and to provide a program for the conservation of these species." The Act defines three fundamental terms as follows:

- **Endangered** means a species of fish, animal or plant is "in danger of extinction throughout all or a significant portion of its range". (For salmon and other vertebrate species, this may include subspecies and distinct population segments.)
- **Threatened** means a species "is likely to become endangered within the foreseeable future". Regulations for a threatened species may be less restrictive than if it were endangered; the difference is likely to be minor for Puget Sound Chinook salmon.
- **Critical habitat** means "specific geographical areas that are...essential for the conservation and management of a listed species, whether occupied by the species or not".

Five sections of the Act are of critical importance:

### Section 4: Listing of a species

The National Marine Fisheries Service is responsible for listing Chinook salmon and other sea-going and marine species; the U.S. Fish and Wildlife Service is responsible for listing terrestrial and freshwater aquatic species. The agencies may initiate reviews for listings; citizens may also petition for them. A listing must be made "solely on the basis of the best scientific and commercial data available". After proposing a listing, agencies receive comment and conduct further scientific reviews for 12 to 18 months, after which they must decide if a listing is warranted. Economic impacts cannot be considered in this decision, but it may include an evaluation of the adequacy of local and state protections. Critical habitat for the species may be designated at the time of listing.

### Section 7: Consultation

Even when a listing has only been proposed, all federal agencies must insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species nor adversely modify its critical habitat. This includes private and public actions that require a federal permit. Once a final listing is made, non-federal actions are subject to the same review, termed a "consultation". If the listing agency finds that an action will "take" a species (see Section 9 below), it must propose mitigations or "reasonable and prudent" alternatives to the action; if the proponent rejects these, the action cannot proceed.

### Section 9: Prohibition of Take.

It is unlawful to "take" an endangered species, including killing or injuring it or modifying its habitat in such a way that interferes with essential behavioral patterns including breeding, feeding or sheltering.

### Section 10: Permitted Take

Through voluntary agreements with the federal government that provide protections to an endangered species, a non-federal applicant may commit a take that would otherwise be prohibited as long as it is incidental to an otherwise lawful activity (such as developing land or building a road). A "Habitat Conservation Plan" (HCP) is the most likely such agreement that King County may pursue (see opposite side of this page).

### Section 11: Citizen Lawsuits

Civil actions initiated by any citizen can require the listing agency to enforce the Act's prohibition of taking or to meet the requirements of the consultation process.

## HABITAT CONSERVATION PLANS (HCPs)

As discussed in the summary of the ESA on the opposite page, a non-federal entity (such as a business, landowner or government) may incidentally "take" (harm) a listed species through an approved Habitat Conservation Plan (HCP). In an HCP, a set of actions that protect and benefit a listed species serve as mitigation for takes of that species that are incidental to otherwise lawful activities, such as harvesting trees, constructing roads or permitting development. Through an approved HCP, the applicant receives legal assurance that it can conduct its business without disruption by regulatory action under the ESA. In return, the federal government receives assurance that protection of the species occurs on a more sustained, systematic and cost-effective basis than is possible through individual consultations and enforcement actions under the ESA. HCPs have become widespread, particularly under the Clinton administration, since they were created as an option for non-federal entities in 1982.

HCPs are approved based on the following criteria:

- Impacts on habitat are minimized and mitigated to the maximum extent practicable;
- The applicant has adequate authority and funding to implement the plan;
- The approved take "will not appreciably reduce the likelihood of survival" of the species; and
- Other criteria determined by the responsible federal agency, which may include consistency with a recovery plan for the species developed by the agency; this would have a goal of reversing the endangered or threatened status of the species, rather than merely not reducing the likelihood of its survival. (NMFS is unlikely to have completed such a plan for Puget Sound Chinook for several years.)

The legal outcome of an approved HCP is the issuance of an incidental take permit (see Section 10, opposite page). Recent incidental take permits have been issued for as long as 50 to 100 years, but the length of the permit is subject to negotiation between the applicant and the responsible federal agency. In the scientific and environmental communities, there is growing concern about such long permits, given how little is known with certainty about what is necessary for the survival of most listed species.

Between the time the final listing decision is made and an incidental take permit is issued, the applicant is fully bound by the ESA: all actions that might "take" a listed species are subject to federal consultation and regulatory action under Section 7 of the ESA (see opposite page); they are also subject to third party lawsuits seeking such action. However, if the responsible federal agency believes that an applicant is pursuing an HCP in good faith, it may choose to be lenient in applying regulatory restrictions during this period, though it is not required to do so.

Multi-species HCPs, which typically address whole ecosystems (such as watersheds) are encouraged by the federal government and provide advantages to applicants. They allow for the incidental take of all species for which they are approved—including species that may not have been listed at the time the permit is issued.

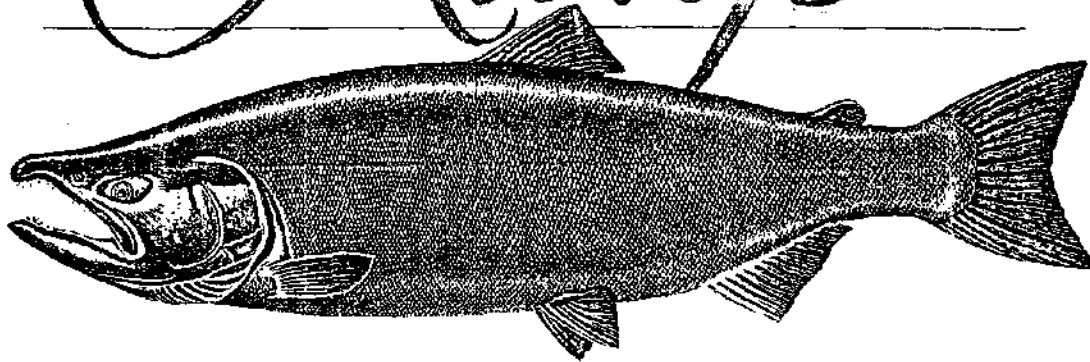
*Some lessons learned from HCPs that have been approved or are under development include:*

- Satisfactory HCPs are expensive and time-consuming to develop and are typically even more expensive to implement (a multi-species HCP in San Diego County has taken more than seven years to develop and will cost more than \$400 million over 20 years to implement);
- Key stakeholders must participate in the development of an HCP to ensure their support when the HCP is being considered for approval;
- HCPs must be guided by the best independent science available;
- A strong yet flexible central administration is critical to development of an acceptable HCP;

HCPs should have a long-term outlook but provide opportunities for incremental action.

T H E R E ' S . N O T I M E L I K E T H E  
P R E S E N T T O B R I N G B A C K

*Kings*



With an endangered species listing in his future, how long can *Oncorhynchus tshawytscha* continue to rule?

Any loyal follower of the king will tell you that now is the time to take steps to improve his habitat. The private forest landowners bringing you this message are among the devoted. But in case you're not familiar with our king, allow us to tell you what makes him worthy of special attention.

The king (also known as the chinook) salmon no doubt earned his regal nickname as a result of his size. A giant among salmon, the king can grow to 58 inches, and has officially tipped the scale at 126 pounds.

*Washingtonians are closer to these issues than the federal government, which, in turn, makes a state-based plan the logical choice.*

— Slade Gorton / Norm Dicks —

Unfortunately, the king not only has the honor of being the largest Pacific salmon, he has also become one of the least abundant, for a variety of reasons. That's why we and others need to work hard to carefully balance society's needs with the protection of water quality and salmon habitat.

How are we doing this? Quite simply, we're using science. We've taken the initiative to ensure the king and the rest of our state's fish will have the clean waters they need to survive. We acknowledge that our industry has

made mistakes in the past. But we're taking significant steps today to improve water quality and salmon habitat on our lands. We're voluntarily stepping forward to tackle the issue head-on now to avoid another situation like the spotted owl controversy. Regulators, tribes, and policy makers endorse our efforts to work together to develop a state-based plan. Governor Locke himself said, "I appreciate the fact that private forest landowners are joining our effort to develop a state-based plan to rebuild salmon habitat." Senator Slade Gorton and Congressman Norm Dicks agree: "Washingtonians are closer to these issues than the federal government, which, in turn, makes a state-based plan the logical choice."

We believe if all parties are committed to doing their fair share we can ensure that the king will continue to reign for years to come.

If you'd like to know more about the efforts of private forest landowners, feel free to visit our Web site.

*I appreciate the fact that private forest landowners are joining our effort to develop a state-based plan to rebuild salmon habitat.*

— Gary Locke —



Slade Gorton  
United States  
Senator



Gary Locke  
Governor,  
Washington State



Norm Dicks  
U.S. House of  
Representatives



*We're managing our lands to provide healthy forest habitats. And that's good for salmon.*

Washington Forest Protection Association

*We're managing private forests so they work for all of us.*



www.washingtonforests.com

Aspley Ridge Tree Farm • Atlas Tree Farms, Inc. • Baker Tree Farm • Blackfoot Timberlands Development, Inc. • Blue Ridge Trading Company and Bell Creek Farm & Midway Ranch • Boise Cascade Corporation  
Kronquist Lumber Company • Joseph Babity • C & H Tree Farms • Corvallis Mining Company • Chappan Pacific Timberlands, Inc. • Conifer Northwest, Inc. • Estate of Ralph G. DeHoy • Erickson Tree Farm  
Bob & Lyonee Fuller • Fresh Tree Farm • The First Partnership • Global Pacific Forest Products, Inc. • Green Cove • W.D. Hagstrom and Associates, Inc. • Harpoon Resources, Inc. • Harbach Timber Resource Group  
Fred Hart • Hal Haas • Jan Creek Properties • Jay A. Korman • Lake Riley Tree Farm • Langview Fibre Company • De Jager Mauder • Menasha Corporation • Merrill & Pang • Miller-Land & Timber Company  
Moray Pacific Corporation • Nielsen Brothers, Inc. • James F. O'Donnell • Olympic Resources Management • O'Hall Tree Company • Pacific Coastlumber Products Tree Farm • Palmer Logging Coal Company  
R. David & Glenna Powell • Play Nevada Farm • Plum Creek Timber Company, L.P. • Pine Blakely Tree Farms • Pines, J. Lewis, Jr. • Reynolds • Riparian Timberland Operating Company • Siskin Properties  
Simpson Timber Company • Richard E. Sussling • Stevens Tree Farms • Sisson Lumber Company • Stone & John Thompson • George Thomson • Tearing KG-Denny Tree Farm • Tillman Corporation  
Lugin Brothers Lumber, Inc. • Washington Timberland Management, Inc. • Weyerhaeuser Company • Willamette Industries, Inc. • Weyerhaeuser

Washington Forest Protection Association, 711 Capital Way, Suite 608, Olympia, Washington 98501



**LENDAR**

**APRIL 9**  
 8:30 AM  
 Transportation Pricing Task Force  
 Regional Council Conference Room  
 Contact: Ralph Cipriani, (206) 464-7122

**APRIL 11**  
 11:30 AM  
 Transportation Policy Board  
 Regional Council Board Room  
 Contact: Gretchen Hawkins, (206) 464-6175

**APRIL 15**  
 1:30 PM  
 Regional Technical Forum  
 Regional Council Board Room  
 Contact: Bob Sicko, (206) 464-5325

**APRIL 17**  
 8 AM  
 Transportation Operators Committee  
 Regional Council Conference Room  
 Contact: Ned Coaroy, (206) 587-5670

**APRIL 20**  
 8 AM- 1 PM  
 Public Review Panel for Transportation  
 Policy Research  
 Regional Council Board Room  
 Contact: Ralph Cipriani, (206) 464-7122

**APRIL 23**  
 8 AM  
 Transportation Committee  
 Regional Council Conference Room  
 Contact: Sylvia Nelson, (206) 464-7518

**APRIL 24**  
 1:30 AM  
 Executive Board  
 Regional Council Board Room  
 Contact: Sylvia Nelson, (206) 464-7518

**APRIL 24**  
 11:30 AM  
 Meeting of the Transportation and  
 Growth Management Policy Boards  
 Regional Council Board Room  
 Contact: Gretchen Hawkins, (206) 464-6175 - TPB  
 Sheila Rogers, (206) 464-5815 - GMPB

These dates and times are correct as of  
 this time. For the most up-to-date  
 information on Regional Council meetings  
 and activities, visit the Council's Web site,  
[psrc.org](http://psrc.org).

**Note:** Unless otherwise noted, all meetings listed above are at the offices of Puget Sound Regional Council, 1011 1st Avenue, Seattle. The Council Board Room is on the 6th Floor, and the Conference Room is on the 5th floor.

**CONFERENCE**  
**SALMON IN THE CITY**  
**CAN HABITAT IN THE**  
**PATH OF DEVELOPMENT**  
**BE SAVED**

May 20 and 21, Mount Vernon

Salmon concerns are launching more intense regional discussions. With more ears tuned toward better understanding of our favorite fish, there's an especially timely conference coming up.

The American Public Works Association, along with co-sponsors including the Regional Council, has organized an impressive agenda of leaders to offer perspectives on the serious salmon issues confronting the region. Speakers include state Fish and Wildlife Director Bern Shanks, Public Lands Commissioner Jennifer Belcher, State Senator Karen Fraser, Curt Smitch, Chair of the Governor's Board of Natural Resources and a variety of notable academics and other experts in fish and land use issues.

"People with leadership roles in the wide assortment of issues relating to land use should be vitally interested in this conference," says APW organizer Tom Holz of SCA Engineering. "And those who provide council to policy-makers should also be interested in attending."

Technical information can be obtained from Holz at (360) 493-6002. Registration and lodging information is provided by Washington State University Conferences and Institutes at (800) 942-4978 ([www.eus.wsu.edu/c&i/](http://www.eus.wsu.edu/c&i/)).

There were a lot of new faces, who helped choose a  
 Snohomish County Executive Bob Drewel was elected president in a unanimous chorus of "Aye!" Renton City Council member Ed Edwards was elected vice president by a similar enthusiastic acclamation. Nominating committee chairman, Council member Doug Sutherland, noting the qualifications of both candidates, said the committee's work had been amazingly swift. Sutherland's vice president, Kirkland Councilmember Dave Russell, praised his "outstanding service to the region."

The organizing included another unanimous vote on a budget and work plan for the coming year - \$1.2 million. There was also a near unanimous decision to change the laws relating to votes by the Executive Board.

Drewel and Edwards assume leadership of regional government of relative plenty, although views are divided within government and among citizens over whether "plenty" is a good thing. The assembly heard that regional citizenry is "bothered by growth and a sense that it's out of control" from resea-

rch. King, Kitsap, Pierce, and Snohomish counties have seen over 100 new residents each day. Regional Council Growth Strategy Director Nancy Tosta described increasing population by 40 percent of the region's 3.1 billion people live within 16 percent of the region's landmass.

Pierce County Councilmember Karen Biskey understands the importance of tracking that growth. "The Growth Management Plan is a tool to monitor the effects of our policies on the ground," she said.

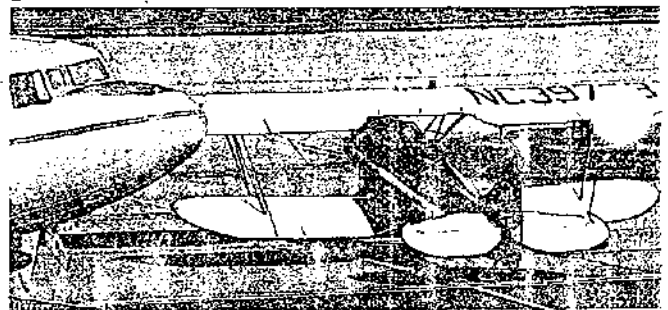
Edwards reported on frustrations in meeting the challenges. "Funding shortfalls continue to be the major problem in implementing our transportation plan," he said in reference to the term funding gap.

Council Transportation Director King Cushman noted that the region has spent \$2.3 billion over the past several years to "keep up existing infrastructure" as major transportation improvements lagged. Drewel said a "sense of urgency" at the Regional Transit Authority is needed. "We seem to be doing better in the other Washington than in Sound Transit's apparent "top-tier" status within federal funding and policies emerging from Congress.

Traffic topped Elway's list of citizen concerns. But the growing annoyance of traffic congestion has not dampened citizen enthusiasm for the region - 78 percent agree that it's still a "very desirable place to live."

"The jewel is slightly tarnished, but it's still a jewel," said Washington professor David Harrison, summing up citizen concerns.

Proof that citizens and government can move the region toward its goals was in evidence as VISION 2020 award winners





# Confluence

A Quarterly Newsletter Exploring the State of Washington's Waters and Shorelands

Vol. 2 No. 2

Winter/Spring 1998

## State announces game plan for salmon recovery

Gov. Gary Locke in January 1998 announced a State Salmon Strategy that he said will serve as a road map for restoring the health of troubled salmon runs.

"Nothing symbolizes Washington and the quality of life we enjoy more than salmon. Yet this icon for our state, culture and lifestyle is in jeopardy, and we are on the brink of what was once unimaginable. Formerly abundant runs of these magnificent fish are dwindling to the point the federal government is accelerating steps to protect salmon under the Endangered Species Act," said Gov. Locke.

"This strategy will guide us during coming months as we make decisions that will literally mean the survival of salmon runs, our quality of life and economic vitality as we know it."

Nearly every part of our state, including the densely populated Puget Sound region, is expected to have runs of salmon, steelhead or trout listed as

endangered or threatened within the next two years. Once a species is listed, federal agencies can take dramatic actions to preserve listed species (*see article, page 4*).

"The goal of the state's plan is to restore salmon runs, whether it's before or after listing," said Gov. Locke. "The goal is to ensure that Washington state is in control of its destiny, not Washington, D.C. or a judge in San Francisco."

### A comprehensive strategy

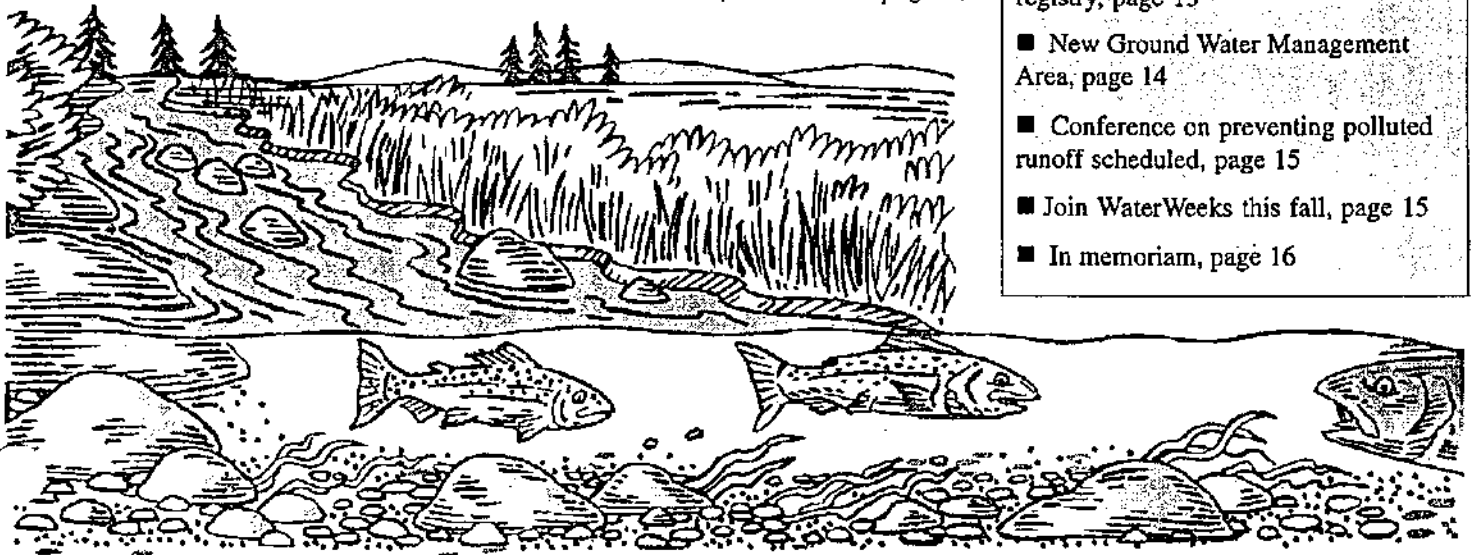
The draft state salmon plan, written by the Governor's Joint Natural Resources Cabinet (*see page 3*), addresses all threats to salmon, often categorized as "The Four H's": Harvest, Hatcheries, Hydropower, and Habitat.

According to Cabinet Chair Curt Smith, the final plan will include a balanced approach to all four areas, because all the threats to salmon are

(continued on page 2)

### In this issue

- Salmon listings may affect entire state, page 4
- Ecology, EPA set faster tempo for water cleanup, page 5
- Case studies in cleaning up watersheds, page 6
- Polluted runoff #1 problem, page 8
- Workshop to discuss updates to state water quality standards, page 9
- Refining SEPA to blend with the Growth Management Act, page 10
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- Water rights rules, page 13
- Watershed planning grants frozen, page 13
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- Join WaterWeeks this fall, page 15
- In memoriam, page 16



To support salmon, our rivers need stable supplies of cool, clean water, clean gravel beds, and healthy streamside vegetation.

# State salmon plan *(continued from page 1)*

interrelated *(see graphic, below)*.

However, the draft plan focuses special efforts on improving habitat. "The issue of habitat loss is the one area that can benefit most from immediate, concentrated interagency action," said Smitch.

The strategy will be implemented on three levels. The first will be a set of statewide strategies for addressing specific threats to salmon, such as a plan for reducing nonpoint-source pollution, a schedule for conducting watershed studies *(see page 5)*, and other initiatives.

The second level will be the sum of all

the state's local watershed plans.

Written by local teams, these plans will identify the problems and solutions for allocating water and saving fish within individual "water resource inventory areas."

The third level is regional (multi-watershed) initiatives such as the Puget Sound Management Plan, and the Lower Columbia Steelhead Conservation Initiative.

The final State Salmon Strategy will be completed this fall and submitted to the 1999 Legislature for adoption of any needed legislation and funding. The plan

will eventually be submitted to federal agencies. If the plan is considered adequate to save fish from extinction, state and local governments will be able to maintain control of resource management decisions.

## Partnerships

The state strategy will help focus the state response to Endangered Species Act listings, but ultimately, saving salmon is up to Washington residents. "State government alone cannot save our salmon or our quality of life," said Locke. "We're all part of the process."

## The Four H's: Human activities that affect wild salmon survival

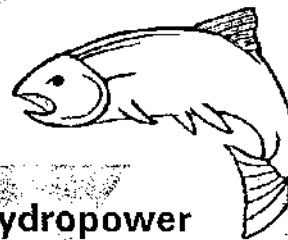
### Harvest

Overfishing has contributed to the decline of many fish populations. Often this excessive exploitation is caused by fishery managers trying to access harvestable hatchery salmon or other abundant fish in areas that contain depleted wild salmon populations.

### Hatcheries

Hatchery fish that augment harvest levels can interbreed with wild fish, resulting in loss of genetic diversity. Hatchery fish can also spread disease and compete with wild fish for food and habitat.

The state salmon plan relies in great part on existing efforts of the state Fish and Wildlife Commission in cooperation with treaty tribes in setting harvest levels and improving hatchery management.



### Habitat

**Rural and Urban:** Salmon face multiple, complex threats in the developed lower regions of watersheds. Problems include low water flows, pollution, degraded physical habitats, and migration barriers such as culverts.

**Forests:** Improper forest practices and road construction and maintenance are the biggest threat to salmon in the upper watershed. DNR receives 12,000 applications for forest practices annually.

Washington's Timber Fish and Wildlife Forum of government agencies, tribes, industries and the public is writing a salmon protection and recovery plan for habitat in forestlands.

The state salmon plan includes both regulatory and non-regulatory solutions to habitat loss, including:

- Establishing, protecting and restoring instream flows;
- Improving water quality by preventing nonpoint source pollution;
- Protecting riparian areas and estuaries; and
- Removing fish barriers that block access to 3,000 miles of spawning habitat.

### Hydropower

Dams can block fish migration to and from the ocean, kill fish passing through turbines, delay migration, and increase predation. Dams can also cause inadequate flow downstream.

There are 1,018 dams on Washington rivers. The Columbia River hosts 150 hydroelectric projects and 250 reservoirs - more than half the length of the river is blocked to salmon and steelhead.

The state salmon plan designates the Governor's Office as lead for an overall approach to hydropower issues in the Columbia River Basin. Impacts of dams outside the Columbia system can be mitigated through Federal Energy Relicensing Commission (FERC) licensing, and Coastal Zone Management laws.

To help build partnerships, the Governor convened the Government Council on Natural Resources. The council includes representatives from cities, counties, federal agencies, the Legislature, and treaty tribes. The council will provide a forum for coordination, information sharing, and partnering opportunities among the primary governmental entities that will have a hand in implementing salmon protection efforts.

At the local level, the plan envisions watershed councils of interested groups writing watershed plans that address local issues of water quality, water availability and stream flows, and habitat.

State leaders emphasize that it's taken

150 years to get to this point, and we shouldn't expect quick fixes.

"The fish we help this fall won't be back for four years, and we won't know if we're successful for that long," said State Representative Jim Buck, a member of the Legislature's Salmon Restoration Task Force. "This is a long-term effort. This is something our children will complete."

### For more information

For more information contact Ecology's Hedra Adelman at (360) 407-6222; Department of Agriculture's Linda Crerar at (360) 902-1818, lcrerar@agr.wa.gov; or visit the state's new salmon web site at [www.wa.gov/esa/](http://www.wa.gov/esa/)

## The challenge of population growth

One of the biggest challenges affecting any plan to save salmon is Washington's rapidly growing population. Forecasters predict one million new residents will move here in the next 10 years. That rate of growth will require new construction equivalent to the size of Seattle, Tacoma, Spokane, and Vancouver combined - developments that could cost us 30,000 acres of fish and wildlife habitat.

The water in 250 streams in Washington is already overallocated. Some 5,000 applications for water right permits are pending. Thousands of small exempt wells (withdrawing fewer than 5,000 gallons per day) are drilled into

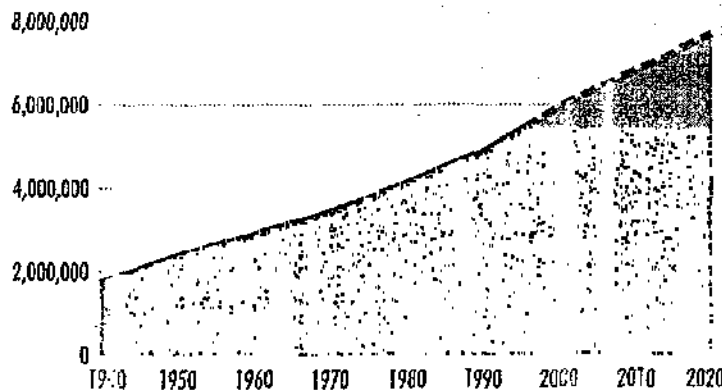
Washington's diminishing aquifers each year (see story, page 12).

Almost 700 water bodies fail to meet state water quality standards, and the pollution is largely the result of the diffuse activities of an

expanding population (see article, page 8).

Governor Locke's state-of-the-state speech painted a vision of the 21st century as one "in which our rivers and streams are alive with fish" and "in which a growing population protects and cherishes the cleanliness of our air and the open spaces that nourish our spirits.

"But we will not realize this vision if we allow today's economic abundance to make us complacent, selfish, or short-sighted," said Locke. "We cannot afford to coast into the 21st century."



Projected population growth for Washington State.  
Source: Office of Financial Management

## Cabinet members span range of natural resource agencies

The Joint Natural Resources Cabinet gathers together the leaders of all state agencies and commissions that have a direct or indirect effect on salmon. The cabinet is a blend of authorities, including Governor-appointed agency heads, leaders appointed by commissions and elected officials.

The cabinet is chaired by the Governor's Natural Resources Advisor Curt Smitch.

Governor Locke convened the cabinet "to serve as the state's formal and ongoing institutional framework to promote interagency communication, coordination, and policy direction on environmental and natural resource issues."

The cabinet's highest priority is preparing the state's strategy to restore healthy runs of salmon, steelhead and trout.

Cabinet members are:

- **Curt Smitch**, representing Governor Gary Locke
- Commissioner of Public Lands **Jennifer Belcher** (Department of Natural Resources)
- Department of Fish and Wildlife Director **Bern Shanks**
- Department of Transportation Director **Sid Morrison**
- Parks and Recreation Commission Director **Cleve Pinnix**
- Puget Sound Water Quality Action Team Chair **Nancy McKay**
- Interagency Committee for Outdoor Recreation Director **Laura Eckart Johnson**
- Conservation Commission Executive Director **Steve Meyer**
- Department of Ecology Director **Tom Fitzsimmons**
- Department of Agriculture Director **Jim Jesernig**
- Department of Health Director **Bruce Miyahara**
- Department of Community, Trade and Economic Development Director **Tim Douglas**
- Northwest Power Planning Council members **Mike Kreidler** and **Ken Casavant**

