

# GIG HARBOR CITY COUNCIL MEETING



February 26, 1996

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



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**February 26, 1996 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

1. Letter from General Colin Powel.
2. Jim Walton, Chair - Safe Streets Campaign.
3. Diane Lachel, Viacom Cable - Rate Changes and Channel Line Up.
4. Mary McCumber, Puget Sound Regional Council - 1997 Budget and Work Program (copy in reading basket.)
5. Final Environmental Impact Statement, US Dept of Energy - Nuclear Weapon Nonproliferation Policy (in reading basket.)

**OLD BUSINESS:**

1. Second Reading - Chapter 17.10 - Hearing Examiner Ordinance.
2. Second Reading - Amendments to Chapter 17, Maximum Floor Area for Non-residential Structures.
3. Utility Extension Capacity Agreement - Mimi & David Hill / Reconsideration.

**NEW BUSINESS:**

1. Request for Site Plan Approval - Cheri Grant, SPR 95-11.
2. Resolution - Amendment to Fee Schedule.
3. Court Request for Videophone.

**MAYOR'S REPORT:**

**COUNCIL COMMENTS:**

**STAFF REPORTS:**

1. Wes Hill - Public Works Projects Update.
2. Maureen Della Maggiora - 50th Anniversary Celebration Update.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. 50th Anniversary Committee Meeting - 4:30 to 5:30, Tuesday, February 27th, at Gig Harbor City Hall Conference Room.
2. Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:** Property acquisition and potential litigation.

**ADJOURN:**



## REGULAR GIG HARBOR CITY COUNCIL MEETING OF FEBRUARY 12, 1996

**PRESENT:** Councilmembers Picinich, Owel, Platt, Ekberg, Markovich and Mayor Wilbert.

Mayor Wilbert introduced Chad Hedstrom, who was earning his first class Scouting Badge. She asked him to lead the Councilmembers, staff and audience in the Pledge of Allegiance.

### **PUBLIC COMMENT / DISCUSSION:**

Anita Londgren - Mayor Wilbert introduced Ms. Londgren as a Supervisor in the "Safe Place" program. Ms. Londgren gave a history of the program designed to help teens in crisis. She passed out a packet of information to Councilmembers and explained that the program would stop the end of February due to lack of funding. She then introduced Pat Jones of the Span Deli. Ms. Jones, a member of the advisory board, explained that the Span Deli was the first Safe Place on this side of the bridge. She explained that the board meets once a month. Both ladies encouraged participation in the program to help to keep it going.

Ron Bentley - Mr. Bentley gave an update on the effects of the new sign code ordinance on local real estate sales. He again asked Councilmembers to reconsider the recommendation made by the Board of Realtors to allow at least four directional signs for open houses. He added that over the next few weeks other members of the real estate community and citizens would be coming to council meetings to report.

**CALL TO ORDER:** 7:26 p.m.

### **APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the January 22, 1995 meeting as presented.  
Platt/Owel - unanimously approved.

### **CORRESPONDENCE:**

Mayor Wilbert announced that the first four items in correspondence could be found in the basket in the print room for review.

1. WSDOT - Public Advisory Elections for Selected State Transportation Facilities.
2. Dept. of the Air Force - McChord Economic Resource Influence Statement.
3. Washington State Audit Report - City of Gig Harbor, 1994.
4. Washington State Board of Commissions Vacancies Report.
5. American Legion Newsletter - Gig Harbor Post #236. Mayor Wilbert said this letter from the American Legion was to thank the City Council for their contribution of \$250 to the flag program in helping replace the worn and missing flags.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. Utility Extension Request - David and Mimi Hill. Mark Hoppen introduced this request for sewer to property adjacent to city limits on Soundview Drive. He added that no health emergency existed, and that the property was part of the Shoreacres area.

**MOTION:** Move we grant sewer request.  
Markovich / Owel -

Councilmember Ekberg said that he is not in favor of extensions outside city limits unless there is an immediate health situation, which there is none in this case. Mayor Wilbert called for the question.

**RESTATED MOTION:** Move we grant sewer request.  
Markovich / Owel - Councilmembers Markovich and Owel voted in favor. Councilmembers Ekberg, Platt and Picinich voted against.

Councilmember Picinich made the following motion:

**MOTION:** Move approval of the extension contingent upon annexation.  
Picinich / Markovich -

Councilmember Markovich pointed out that if the property were annexed, they would not have to request sewer, therefore making the motion a mute point. He withdrew his second to the motion. With no second, the motion died and the extension request was denied.

2. Renewal Agreement with Gig Harbor Little League for City Park Use. Mark Hoppen introduced this request to use the City Park the same as last season. He explained that the league did not want to overtax the young grass on the newly built fields on Burnham Drive by overuse. He added that paragraphs A and B of the contract related to concessions should be eliminated to decrease liability. Councilmember Platt requested that the schedule be revised to keep the park open to public use on Saturday and Sunday, and Councilmember Ekberg agreed.

**MOTION:** Move we grant a one year extension with the Little League to use the City Park, deleting paragraphs A and B, and limiting use of the park to Monday through Friday afternoons.  
Ekberg / Platt - four voted in favor. Councilmember Markovich voted against.

3. Resolution Supporting Jail Facilities. Mayor Wilbert explained that Doug Sutherland had asked for support in the form of a resolution supporting a one-tenth of one percent sales tax increase to be dedicated to jail construction and operation.

**MOTION:** Move we draw up a Resolution to be brought back to Council at the next meeting.

Picinich / Ekberg - unanimously approved.

4. First Reading - Chapter 17.10 - Hearing Examiner Ordinance. Ray Gilmore explained this ordinance had been considered in public hearings in October, and had been reintroduced again in January but was advertently left out of the group of ordinances passed at the last meeting. He added that this updates the Hearing Examiner process to be consistent with the newly adopted Chapter 19. He recommended a change in effective date to March 31, 1996, the effective date of Title 19. This ordinance will be back for a second reading at the next meeting.
5. First Reading of Ordinance, Amendments to Chapter 17 - Maximum Floor Area for Non-residential Structures. Ray Gilmore introduced this ordinance to define floor area limitations in four zoning areas and added that there had been four public hearings on this item. He said that at legal counsel's recommendation it was being reintroduced as a separate ordinance. He explained that the language in the ordinance was the same as proposed at the Planning Commission's recommendation. This ordinance will be back for a second reading at the next meeting.
6. First Reading - Moratorium on Adult Entertainment Business Use. Carol Morris, legal counsel, introduced this ordinance to immediately impose a moratorium on adult entertainment uses in the City to allow time for the Planning Commission to conduct studies to determine land use effects of such uses. She added that a public hearing would have to be held within 60 days to determine whether or not adopt regulations on adult entertainment businesses. She recommended adopting the ordinance utilizing the emergency provision, which would allow the moratorium to go into effect immediately.

**MOTION:** Move adoption of Ordinance No. 714 imposing a one year moratorium on the acceptance of applications for use permits, building permits and licenses for adult entertainment uses and businesses and deleting section eight of the ordinance regarding the effective date.

Picinich / Markovich - unanimously approved.

7. Resolution - Appointment of Members for Building Code Advisory Board. Ray Gilmore explained that two terms of office on the board had expired. He recommended adoption of the Resolution reappointing the two members.

**MOTION:** Move for adoption of Resolution No. 463.

Picinich / Ekberg - unanimously approved.

8. Application for Liquor License - Olympic Village BP. No action taken.
9. Liquor License Renewal - The Keeping Room. No action taken.

**COUNCIL COMMENTS:**

Councilmember John Picinich announced that he had attended the Pierce County Library Retreat. He said the meeting was to evaluate their procedures, and added that he had recommended to extend the hours at the Peninsula Branch from 45 to 55 or 60. He said that figures show that more people use this branch than any other.

**STAFF REPORT:**

Chief Mitch Barker, GHPD. Chief Barker said things had been reasonably quiet so far. He added that he had enjoyed his first six weeks with the City and had spent them getting comfortable with the staff and reviewing operations.

**ANNOUNCEMENT OF OTHER MEETINGS:**

Pierce County Council Meeting - Tuesday, February 27th - 7:00 p.m. at Gig Harbor City Hall.

**MAYOR'S REPORT:**

Finholm View Climb Project. Mayor Wilbert gave a Finholm Family history and an update of the project. She introduce Len McAdams, Chairman of the project committee. Mr. McAdams gave a brief overview of his qualifications and explained that he had been involved in the project since its beginning. He said that the Lions Club wanted to manage the project, while working closely with the City of Gig Harbor, and added that the finished project would be turned over to the city when finished. He described the project and fundraising efforts.

Councilman Markovich said that the Finholm Viewclimb Project was a great example of the public and private entities working together for the betterment of the community.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #15387 through #15501 in the amount of \$191,209.76.  
Owel / Ekberg - unanimously approved.

**APPROVAL OF PAYROLL:**

**MOTION:** Move approval of checks #12154 through #12272 in the amount of \$189,533.86.  
Owel / Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn into Executive Session at 8:24 p.m. for the purpose of discussing a property acquisition and potential litigation for approximately twenty minutes.  
Picinich/Markovich - unanimously approved.

**MOTION:** Move to return to regular session at 8:44 p.m.  
Owel/Picinich - unanimously approved.



**ADJOURN:**

**MOTION:** Move to adjourn at 8:45 p.m.  
Picinich / Platt - unanimously approved.

Cassette recorder utilized.  
Tape 415 Side A 344 - end.  
Tape 415 Side B 000 - end.  
Tape 416 Side A 000 - end.  
Tape 416 Side B 000 - 145.

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Mayor

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City Administrator





RECEIVED

FEB 15 1996

CITY OF THE HARBOR

General Colin L. Powell, USA (Retired)  
Suite 767  
909 North Washington Street  
Alexandria, Virginia 22314

11 FEB

Dear Mayor Wilbert,

FORGIVE MY TARDINESS IN  
ANSWERING YOUR THOUGHTFUL  
LETTER.

PLEASE THANK THE STUDENTS  
OF HARBOR RIDGE MIDDLE SCHOOL  
FOR THEIR PETITION. BE  
ASSURED THAT I WILL BE  
SPEAKING OUT STRONGLY AGAINST  
VIOLENCE.

Sincerely, C. L. Powell





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

November 16, 1995

GENERAL COLIN POWELL and MRS. POWELL

Dear General Powell and Mrs. Powell:

The Veterans Day Assembly at Harbor Ridge Middle School was about to commence when we heard the news that you had decided not to seek the presidency of the United States.

Many students were saddened by the news but they do understand. They heard that you will be searching for the appropriate way to utilize your experience and leadership skills in a way to continue to serve your country.

The assembly opened with the presentation of the colors and the most beautiful rendition of an acapella soprano solo of the "*Star Spangled Banner*" that I have ever heard.

The music of young voices then filled the air with songs of America followed by the stirring renditions from the band. Dramatic readings and essays on patriotism gave the students pause to think about how others had served their country.

The final solo and choral number was entitled "HERO".

This seemed to be the time to ask the young audience if they would join me in writing a letter asking you to give thought to a single challenge "**to help us end the violence that surrounds us.**" We all agreed there would be no one more qualified or capable of leading the people of our great country in a campaign to **stop the violence in our streets, in our schools and in our homes.**

This is our heartfelt request as you listen for your calling. We thank you for your outstanding leadership in the past and pledge our support in helping to eradicate this American tragedy of violence.

Sincerely,

Mayor Gretchen Wilbert  
City of Gig Harbor

WE THE UNDERSIGNED, STUDENTS AND TEACHERS OF HARBOR RIDGE MIDDLE SCHOOL, GIG HARBOR WASHINGTON, RESPECTFULLY REQUEST OUR HERO GENERAL COLIN POWELL CONSIDER ACCEPTING THE CHALLENGE TO LEAD OUR CITIZENS IN A CAMPAIGN TO END VIOLENCE AND TERRORISM IN OUR OWN COUNTRY. WE PLEDGE OUR SUPPORT IN THIS CAMPAIGN.

~~Jan Thompson~~

~~Tom Neardon~~

Brian Tomasi

Kelly Parker <sup>good</sup> <sup>luck!</sup>

David Kusaka

Vince Tropicano <sup>I was going</sup> <sup>to vote</sup> <sup>for you!</sup>

Ryan Vanco

Shannon Wheeler

Off Smith

Christy Cabro

Heather Breckdon

~~Chad Love~~ <sup>yeah!</sup>

Michael Ratchliffe

Ben Combs

Lin Fletcher <sup>My uncle was your</sup> <sup>side! Colin Mayal</sup>

Chris Budimich

Beth Filbert

Danielle Buchanan

Andrea Brewer

~~Janja Maffei~~

Reid Dorsey-Palmeter

Tracy Barbee

Chris Jackson

Lori Markward

Brandi Matee

Jillian Jepsen <sup>Don't g</sup>

Em Jones

Chris Nut

Nate Panuco

PHILIP Knudtson

Michael O'Leary

Adam Sumner



WE THE UNDERSIGNED, STUDENTS AND TEACHERS OF HARBOR RIDGE MIDDLE SCHOOL, GIG HARBOR WASHINGTON, RESPECTFULLY REQUEST OUR HERO GENERAL COLIN POWELL CONSIDER ACCEPTING THE CHALLENGE TO LEAD OUR CITIZENS IN A CAMPAIGN TO END VIOLENCE AND TERRORISM IN OUR OWN COUNTRY. WE PLEDGE OUR SUPPORT IN THIS CAMPAIGN.

Jessie Vandal

James Pretzler

Brenna Peterson

Kristin Buzzell

Nicole Smith

Zoe Berggren

Betsy Wareham

Katie Stahnke

Steven Williams

Justin Valverde

Kristin Knudson

Leah Rodriguez

Rick Castellani

Michael Grappe


Megan Dotz


Much Hulbert

♡ Aileen Hoy "PLEASE Help"

Tony O'Malley Help us for pet's sake

Bena Hoganson

Philip Nunn  your cool!

Cassandra McLann 

Jeff Halvorsen 

Carolyn Carter please help please

Jacob Bennett

George Clinton

Aisha Burris


Oliwia Bladz Help!

~~Jeffrey~~

Monica R. Zimmerman

Keam Lo Simon

Nick Rowland

Sara Johnson 

"Bridgette Gill Help the world 

Cheryl Gilder

**MEGAN JAMIESON**

Jenny Radmussen

WE THE UNDERSIGNED, STUDENTS AND TEACHERS OF HARBOR RIDGE MIDDLE SCHOOL, GIG HARBOR WASHINGTON, RESPECTFULLY REQUEST OUR HERO GENERAL COLIN POWELL CONSIDER ACCEPTING THE CHALLENGE TO LEAD OUR CITIZENS IN A CAMPAIGN TO END VIOLENCE AND TERRORISM IN OUR OWN COUNTRY. WE PLEDGE OUR SUPPORT IN THIS CAMPAIGN.

Eric Louder

Cris Arnold

Conrad ~~Wright~~

Katrina Nikolic

Rebecca Seblecht

Daniel Lemmons

Michael Joseph

Evan Ames

Layzell Dipton

Juno Oulandini

Lauralee Ant

Cameron Stewart

Trisha Nettleton

John Vanderpool

Erin Timpane

Brian Gates

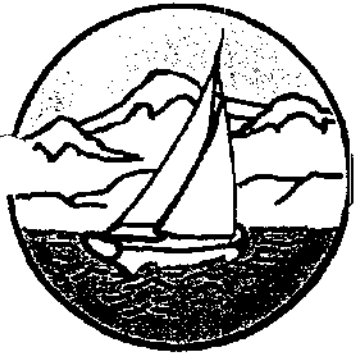
Brad Neville

Michael Arena

Brigitta Fucini

Angela Miller





# HARBOR RIDGE MIDDLE SCHOOL

9010 Prentice Avenue  
Rob Lang, Principal

Gig Harbor, WA 98332 (206) 858-5530  
Shele Kinkead, Asst. Principal

November 13, 1995

Gretchen Wilbert  
Mayor of Gig Harbor  
8825 Harborview Dr NW  
Gig Harbor, WA 98335

Dear Mayor Wilbert,

I would like to personally thank you for your participation in our Veterans' Day assembly. Your comments were very thoughtful and brought an excellent message to the students at Harbor Ridge Middle School.

It is my hope that you will stay involved with Harbor Ridge Middle School and continue to support our many activities.

Thank you, again, for attending.

Sincerely,

A handwritten signature in cursive script, appearing to read 'R. Lang'.

Rob Lang  
Principal

WE THE UNDERSIGNED, STUDENTS AND TEACHERS OF HARBOR RIDGE MIDDLE SCHOOL, GIG HARBOR WASHINGTON, RESPECTFULLY REQUEST OUR HERO GENERAL COLIN POWELL CONSIDER ACCEPTING THE CHALLENGE TO LEAD OUR CITIZENS IN A CAMPAIGN TO END VIOLENCE AND TERRORISM IN OUR OWN COUNTRY. WE PLEDGE OUR SUPPORT IN THIS CAMPAIGN.

Joel Sexton

Zyndsey Creek

Jennifer Price

Danielle Buchanan

Olivia Blades

Michelli Matheson

Rick Castellani

Brandie Olsen

Chris Estrada

Jelle Anderson

Emily Blakemore

Conrad Tallariti

Kara Petersen

Brian Gosselin

Matthew Bearden

Jack Dwyer

Rebecca Schlicht

Jessica Custer

Mia Norheim

Sharon Gonzales

Kate Panico

Tim Short

Chris Jackson

Jenni Hussey

More to  
Follow -

Rob





Safe Streets Campaign  
1501 Pacific Avenue, Suite 305  
Tacoma, Washington 98402-4420  
(206) 272-6824

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FEB 15 1996  
CITY OF GIG HARBOR

**S A F E S T**

February 8, 1996

Honorable Gretchen Wilbert  
Mayor of Gig Harbor  
P O Box 145  
Gig Harbor, WA 98335

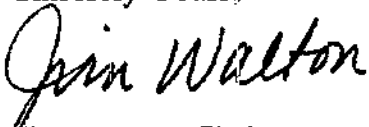
Dear Mayor Wilbert:

We have greatly appreciated your support of citizens to become involved in the *Safe Streets Campaign* to fight crime in Pierce County. Many people don't realize that over the last six years Safe Streets has mobilized over 120,000 citizens against drug trafficking, gang activity and associated violence. Over 600 drug dealing locations have been closed down, calls to 911 have been reduced, school zones are safer, and our neighborhood watch programs are helping to build healthy communities.

The enclosed letter states that Safe Streets has recently become an independent, "non-profit" organization. We hope this letter provides clarification about Safe Streets' current organizational status. As we continue to grow, we are committed to a common goal - improving the quality of life for our children, families and neighbors in Pierce County.

Please continue to support us in this critically important endeavor.

Sincerely Yours,



Jim Walton, Chair  
Safe Streets Board  
Deputy City Manager. City of Tacoma

Safe Streets Campaign  
1501 Pacific Avenue, Suite 305  
Tacoma, Washington 98402-4420  
(206) 272-6824

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FEB 15 1996  
CITY OF OLYMPIA HARBOR

**S A F E S T**

*Letter to the Citizens of Pierce County*

*February 5, 1996*

The Board of Directors of the "Safe Streets Campaign" met for the first time as an independent not-for-profit organization on January 26, 1996. We want to share some significant actions with you, our neighbors in Pierce County.

Most importantly, we reaffirmed our commitment to our primary mission - improving the quality of life by reducing crime, drugs and violence in our community. Safe Streets is a nationally recognized, Presidential Award winning program that is critical to our community. We have not, and *will not* waver from that mission, as stewards of the "Campaign" into the future.

We unanimously reaffirmed our decision to become a private, tax-exempt corporation. Our decision to become a private entity resulted, in part, from a clear message from state and county officials that it was no longer possible to continue as we had been. We wanted to develop a structure to diversify and enhance our funding sources. New private sector and foundation funding has reached over \$58,500 in just a few recent months. Throughout the transition process, we worked hard to maintain benefits of employment for our staff and have succeeded in doing so. Though our relationships with law enforcement and government continue to be strong, our formal separation as a private entity assures the continued activism that has been the heart of Safe Streets. We deliberated on this issue for over a year and are confident that this is the best course for the future.

We reaffirmed, by unanimous vote of confidence, our Executive Director, Priscilla Lisicich. Her leadership has allowed Safe Streets to reach new levels of achievement despite the growing pains associated with our transition to an independent 501(c)(3) corporation. We have pledged expanded support from Board members to enhance Safe Streets effectiveness in all we do, including the morale and well being of our dedicated staff.

Safe Streets is important. You need only talk with those who have saved, or seek to save, their neighborhood from crime, drugs and violence to see that no other organization is doing what Safe Streets is doing. Safe Streets has earned our, and your, continued support. Please join us in advancing the evolution of this critical asset for our community.

Safe Streets Board of Directors

*Rick Allen*  
*Dr. Federico Cruz-Uribe*  
*Dennis Flannigan*  
*Ralph Jones*  
*Andrew Neiditz*  
*Lockheed Reader*  
*John Shields*  
*Michele Skanes*  
*Jim Walton*  
*Debbie Winskill*  
*Michael C. Worthy*  
*Ken Monner*  
*Dan Barkley*  
*Cathy Brewis*  
*John Ladenburg*

United Way of Pierce County  
Director, Tacoma-Pierce County Health Dept.  
Pierce County Council  
Lakewood Realtor  
Director, Pierce County Dept. of Public Safety  
Puyallup Police Chief  
Pierce County Sheriff  
Tacoma Resident  
City of Tacoma  
Tacoma School Board  
Area President - First Interstate Bank  
Tacoma Police Chief  
Associate Superintendent, Tacoma Public Schools  
The News Tribune  
Pierce County Prosecuting Attorney



February 14, 1996

Mayor Gretchen Wilbert  
City of Gig Harbor  
3105 Judson St.  
Gig Harbor, WA 98335-1221

RECEIVED

FEB 15 1996

CITY OF GIG HARBOR

Dear Mayor Wilbert:

I am writing to you, as I have in the past, to provide the most current information on changes in cable rates. Changes will result in new rates for the Satellite Value Package level of cable service, as well as Senior/Low Income and Disabled Low Income discounts.

These rate changes reflect adjustments for changes in programming costs for channels currently available and are within the parameters of the Cable Act.

Viacom has not changed Senior/Low Income and Disabled/Low Income rates since July 1994. Since we have adjusted our regular standard rates as allowed by law since that time, this adjustment will keep our discounted rates approximately 20% lower than our regular rates.

CURRENT RATE	NEW RATE AS OF MARCH 1996
SATELLITE VALUE PKG. \$14.38	SATELLITE VALUE PKG. \$14.83
SENIOR/LOW INCOME DISABLED/LOW INCOME (STANDARD RATE) \$16.23	SENIOR/LOW INCOME DISABLED/LOW INCOME (STANDARD RATE) \$19.85

Customers will be notified of the pending rate adjustment in their February billing statement and will see the adjustment on their March bill.

If you have any questions regarding cable TV rates or any other cable issues, please don't hesitate to call me at 597-7800, ext. 7228.

Sincerely,

Diane R. Lachel  
Director, Government/Community Relations

cc: Mark Hoppen, City Administrator

**VIACOM** CABLE  
More of What You're Looking For<sup>®</sup>

February 7, 1996

Mayor Gretchen Wilbert  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, WA 98335

RECEIVED  
FEB - 8 1996  
CITY OF GIG HARBOR

Dear Mayor Wilbert:

In compliance with regulations established in the 1992 Cable Act, Viacom Cable will be making changes to our channel line up.

Effective April 1, 1996, we will be required to add channel KBGE, a local broadcast station, to our Limited level of service. This station has recently begun broadcasting from Seattle and is entitled to carriage on our system under the Federal Communication Commission's "Must Carry" rules.

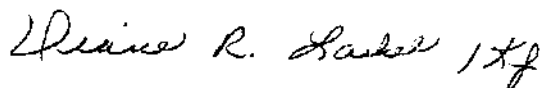
Beginning April 1, 1996, KBGE will be available on Channel 26. To accommodate this addition, we will make some adjustments in channel locations and will discontinue a pay-per-view channel.

<u>CHANNEL</u>	<u>CHANNEL NUMBER PRIOR TO April 1, 1996</u>	<u>CHANNEL NUMBER AFTER April 1, 1996</u>
KBGE	-	26
TBS	26	3
Prevue Channel	3	58
Pay-Per-View Hits 2	57	-

All customers will be notified in advance of the change and will receive a new channel card.

If you have any questions about these changes, please don't hesitate to call me at 597-7800, ext. 7228.

Sincerely,



Diane R. Lachel  
Director, Government/Community Relations



Puget Sound Regional Council



February 16, 1996

RECEIVED

FEB 20 1996

CITY OF GIG HARBOR

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

Dear Mayor Wilbert:

Enclosed for your review is the Final Draft of the 1997 Budget and Work Program for the Puget Sound Regional Council. The Regional Council annually develops and adopts a work program and budget for its upcoming fiscal year (July 1-June 30). The Regional Council's Operations Committee has primary responsibility for developing the initial budget proposal, for submission to the Executive Board and, ultimately, the General Assembly.

The draft 1997 Budget and Work Program was reviewed by Regional Council policy boards and staff committees, local governments, and the state and federal funding agencies (see Final Draft Budget, Appendix B, Budget Process and Schedule). On February 22, 1996, we are seeking action by the Executive Board on the Final Draft Budget and Work Program. The document will then be forwarded to the Assembly for action on March 14. You will receive another copy of the Budget and Work Program which would include any changes made by the Executive Board, along with other General Assembly materials, in early March.

The Executive Board held its annual Budget Retreat on November 29 and the Operations Committee held a special budget meeting in January to review and refine the initial draft of the proposed FY 1997 Budget and Work Program. Subsequent review by the Regional Staff Committee and other Council staff committees was designed to help assure that the Budget and Work Program for Fiscal Year 1997 contains items important and helpful to member jurisdictions. In addition to the PSRC committees, the process also included analysis and input from countywide planning organizations, member jurisdictions, and the state and federal agencies. (See Appendix B, pages B-1 - B-8, for the budget process, key dates and the Unified Planning Work Program emphasis areas.)

The Draft FY 1997 Budget of \$6,064,493 is \$943,376 less than the FY 1996 Budget. The reduction is due primarily to a decrease in consultant work. The Budget Overview on page 18 provides additional information.

In the proposed Final Draft Budget and Work Program, the work elements that make up the major activity and reflect other specific agency tasks are divided into the three program areas for FY 1997: Regional Planning and Implementation, Data Services, and Administrative Services. With Growth Management Planning combined into the Transportation Planning Department midway through FY 1996, and in response to a reduction from about \$7 million in FY 1996 to \$6 million in FY 1997, the FY 1997 Budget and Work Program reflects the elimination of one director position, a substantial cut in the use of consultants, and better integration of essential activities. The budget and work program also better supports the ongoing effort by the Regional Council to build cross-departmental teams that more effectively perform the work required of the agency.

The Fiscal Year 1997 budget reflects the following assumptions:

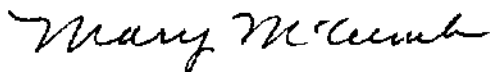
- Accept state and federal funds to carry out Metropolitan Planning Organization (MPO) and Regional Transportation Planning Organization (RTPO) requirements (\$2,596,193, see Table 4, page 25);
- Continue to actively seek competitive Intermodal Surface Transportation Efficiency Act funds in FY 1997 and beyond (\$1,003,000, see Table 4, page 25);
- **A decrease in revenues and expenditures of about 13.5 percent** from Fiscal Year 1996 (see Figures 1 and 2, pages 22 and 23), due primarily to a decrease in funds carried over from the previous fiscal year, and **a decrease in expenditures for consultants;**
- **A 3 percent increase in total local dues** paid by member jurisdictions (\$32,100, see Table 4, page 25; actual proposed member dues shown on pages B-8 and B-9);
- A proposed 3 percent cost-of-living adjustment for staff (the exact amount to later be determined by Executive Board action based on a survey of some member jurisdictions);
- \$430,000 in speculative federal and state grants (see Table 1, page 24);
- An increase of 1.5 full time equivalent (FTE) staff from FY 1996 (see Table 3, page 24) for a total of 50 FTE staff; and
- Restoring the agency's contingency fund from \$57,000 to \$100,000.

The increase of 1.5 FTEs represents making a temporary position that has assisted the data services function for several years into a regular position, and making a half-time communications assistant full-time.

Nearly 80 percent of the funding for the Regional Council's budget comes from federal and state grants, the exact amounts of which are not assured when the budget is prepared. Following General Assembly action, the Budget and Work Program is submitted to the funding agencies; any major changes in revenues or programs resulting from such review are proposed to the Executive Board by the Regional Council's Executive Director.

If you need an additional copy of the Draft Budget and Work Program, or have questions, please call Mark Gulbranson at (206) 464-7524.

Sincerely,



Mary McCumber  
Executive Director

Enclosure

cc: Planning and Public Works Directors, Finance Director, City Manager



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

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** *RG* Ray Gilmore, Director, Planning-Building  
**DATE:** February 22, 1966  
**SUBJ.:** Proposed Zoning Code Amendments - Revised Chapter 17.10, Hearing Examiner

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#### **Introduction/Summary**

The proposed ordinance is a substantial revision to Chapter 17.10 and updates the hearing examiner procedures for consistency with newly adopted Title 19. The new Chapter 17.10 defines the role of the hearing examiner and the examiner's power and authority.

#### **Recommendation**

This is the second reading of this ordinance. Staff recommends approval of revised chapter 17.10.

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
RELATING TO THE PROCEDURES AND DUTIES OF THE LAND USE  
HEARING EXAMINER, REPEALING CHAPTER 17.10, AND ADDING A  
NEW CHAPTER 17.10 TO THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, THE REGULATORY REFORM ACT REQUIRES THE CITY TO ADOPT PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS; AND

WHEREAS, THE EXISTING CHAPTER 17.10 GHMC CONTAINS PROCEDURES FOR THE HEARING EXAMINER'S PROCESSING OF PERMITS THAT ARE INCONSISTENT WITH TITLE 19 GHMC; NOW THEREFORE THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 17.10 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new chapter 17.10 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

**CHAPTER 17.10**  
**HEARING EXAMINER**

Sections:

17.10.010	Creation of Hearing Examiner System
17.10.020	Appointment and Term
17.10.030	Qualifications
17.10.040	Freedom from Improper Influence
17.10.050	Conflict of Interest
17.10.060	Rules
17.10.070	Powers
17.10.080	Authority

17.10.010 Creation of Hearing Examiner System. The office of the Gig Harbor Hearing Examiner, thereafter referred to as the examiner, is hereby created. The examiner shall interpret, review and implement land use regulations as provided by ordinance and may perform other quasi-judicial functions as are delegated by ordinance. Unless the context requires otherwise, the term examiner as used in this chapter shall include deputy examiners and examiners pro tem.

17.10.020 Appointment and Term. The Council shall appoint the examiner for a term of one (1) year. The Council may also appoint deputy examiners or examiners pro tem in the event of the examiner's absence or inability to act.

17.10.030 Qualifications. Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings and to discharge other delegated functions. Examiners shall hold no other elective or appointive office or position with City government.

17.10.040 Freedom from Improper Influence. No person, including City officials, elected or appointed, shall attempt to influence an examiner in any matter pending before him or her, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his or her duties in any other way; provided, that this section shall not prohibit the City Attorney from rendering legal service to the examiner upon request.

17.10.050 Conflict of Interest. The examiner shall be subject to the same code of ethics as other appointed public officers in code cities, as set forth in RCW 35.42.020 and chapter 42.23 RCW, as the same now exists or may hereafter be amended.

17.10.060 Rules. The examiner shall have the power to prescribe rules for the scheduling and conduct of hearings and other procedural matters related to the duties of his or her office.

17.10.070 Powers. The examiner shall have the authority to:

- A. receive and examine available information;
- B. conduct public hearings in accordance with Title 19 GHMC, chapter 42.32 RCW and all other applicable law, and to prepare a record thereof;
- C. administer oaths and affirmations;
- D. issue subpoenas and examine witnesses, provided that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;
- E. regulate the course of the hearing;
- F. make and enter written findings of fact and conclusions to support his or her decisions;
- G. at the examiner's discretion, hold conferences for the settlement or simplification of the issues;
- H. conduct discovery;
- I. dispose of procedural requests or similar matters;

- I. take official notice of matters of law or material facts;
- K. issue summary orders in supplementary proceedings, and
- L. take any other action authorized by or necessary to carry out this chapter.

The above authority may be exercised on all matters for which jurisdiction is assigned to the examiner by City ordinance, code or other legal action of the City Council. The nature of the examiner's decision shall be as specified in this chapter and in each ordinance or code which grants jurisdiction to the examiner.

17.10.080 Authority. The examiner shall have the exclusive authority to hold public hearings make recommendations and decisions on all applications, permits or approvals as described in chapter 19.01 GHMC.

Section 3. 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 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect on March 31, 1996.

APPROVED:

\_\_\_\_\_  
MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** Planning Staff  
**DATE:** February 22, 1996  
**SUBJ.:** Second Reading of Ordinance - Limitations on Floor Area for Non-residential Structures in the RB-1, WM, B-2 and C-1 Zoning Districts.

### **Introduction/Summary**

Attached for your consideration is an ordinance which defines floor area limitations for non-residential structures in four zoning districts: RB-1 (Residential Business), WM (Waterfront Millvilee), B-2 (General Retail/Business) and C-1 (General Commercial). These are the same performance standards proposed by the Planning Commission in its recommendation to the City Council on the updated Zoning Code.

### **Recommendation**

This is the second reading of the ordinance. Staff recommends approval of these proposed revisions to Title 17 of the GHMC.

2-7-96

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, IMPOSING MAXIMUM SQUARE FOOTAGE LIMITATIONS ON NON-RESIDENTIAL STRUCTURES IN THE RB-1, WM, B-2 AND C-1 DISTRICTS, ADDING NEW SECTIONS 17.36.055 AND 17.40.055 TO THE GIG HARBOR MUNICIPAL CODE AND AMENDING SECTIONS 17.28.030 AND 17.48.040.

---

WHEREAS, the Planning Commission reviewed a draft ordinance amending Title 17 of the Gig Harbor Code, which contained proposed GHMC Sections 17.36.055 and 17.40.055 and amended sections 17.28.030 and 17.48.040 in its public hearing on August 3, 1995; and

WHEREAS, the City Council held additional public hearings on proposed GHMC Sections 17.36.055 and 17.40.055 and amended sections 17.28.030 and 17.48.040 on October 23, 1995, November 27, 1995, and January 8, 1996; and

WHEREAS, this ordinance was reintroduced at the City Council meeting of February 12, 1996, prior to adoption at the City Council meeting on February 26, 1996, as required by GHMC Section 1.08.020; now, therefore,

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

Section 1. A new Section 17.40.055 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.40.055 Maximum Gross Floor Area.** The maximum gross floor area per commercial structure is 65,000 square feet.



Section 2. A new section 17.36.055 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.36.055 Maximum Gross Floor Area.** The maximum gross floor area per commercial structure is 35,000 square feet.

Section 3. Section 17.28.030 is amended to read as follows:

	*	*	*
	<u>Residential</u>		<u>Non-residential</u>
A. Minimum lot area (square feet)	12,000	15,000	15,000
B. Minimum lot width	70'	70'	70'
C. Minimum front yard setback	20'	20'	20'
D. Minimum rear yard setback	25'	15'	15'
E. Minimum side yard setback	7'	10'	10'
F. Maximum impervious lot coverage	50%	60%	60%
G. Minimum street frontage	20'	50'	50'
H. Maximum Density	3 dwelling units/acre		
I. Maximum Gross Floor Area	N/A	5000 square feet per lot	

Section 4. Section 17.48.040 is amended to read as follows:

	*	*	*
	Single Family Dwelling	Attached up to 4 unit	Non residential
A. Minimum lot area (square feet)	6,000	6,000/unit	15,000
B. Minimum lot width	50 feet	100 feet	100 feet
C. <sup>1</sup> Minimum front yard	20 feet	20 feet	20 feet
D. Minimum side yard	8 feet	10 feet	10 feet
E. Minimum rear yard	25 feet	25 feet	25 feet
F. Minimum Yard Abutting Tidelands	0 feet	0 feet	0 feet
G. Maximum site impervious coverage	50 %	55%	70%.
H. <sup>2</sup> Maximum Density	3.5 dwelling units per acre		
I. Maximum Gross Floor Area	N/A	N/A	3,500 square feet per lot

Section 5. 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 6. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 199\_\_, 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 LAND USE AND ZONING, IMPOSING MAXIMUM SQUARE FOOTAGE LIMITATIONS ON NON-RESIDENTIAL STRUCTURES IN THE RB-1, WM, B-2 AND C-1 DISTRICTS, ADDING NEW SECTIONS 17.36.055 AND 17.40.055 TO THE GIG HARBOR MUNICIPAL CODE AND AMENDING SECTIONS 17.28.030 AND 17.48.040.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN





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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: HILL SEWER REQUEST**  
**DATE: FEBRUARY 6, 1996**

#### **INTRODUCTION/BACKGROUND**

Mr. and Mrs. David Hill requested 1 ERU of sewer to their site on the corner of 64th (Hunt St.) and Soundview Drive at the last Council Meeting. The site is in Shoreacres, although it is immediately adjacent to city limits. At the last Council meeting, Council rejected the request. Councilman Picinich has requested a reconsideration in order to make a suggestion which would allow immediate connection and would guarantee annexation.

#### **POLICY CONSIDERATIONS**

The policy suggestion is that connection be approved as soon as a petition for annexation is found to be sufficient for annexation. As soon as the City Administrator (in the role of City Clerk) finds that the petition is sufficient (which it will be on its face), the annexation of the Hill's property will be under the control of Council.

#### **FISCAL CONSIDERATIONS**

The Hills will pay the same *connection* rate regardless.

#### **RECOMMENDATION**

Approve the Hill's sewer utility connection contingent on the submission of a sufficient petition for annexation.

David & Mary Hill  
P O Box 886  
Gig Harbor, WA 98335

City of Gig Harbor  
Gig Harbor, WA 98335

February 5, 1996

RE: 6319 SOUNDVIEW DRIVE  
REQUEST FOR SEWER HOOKUP

Dear Mr. Hoppen:

We would like permission to hook up to the city sewer. As you know our property is at the corner of Soundview Drive and Hunt/64th. The main reason for our request at this time is that the water level has risen on the septic tank on our present septic system and I foresee a problem may arise soon. This request is a precautionary measure.

When the sewer line was put in on Soundview Drive, we got permission to run a line to our property at that time so in actuality we have already hooked into the sewer but are not currently using it. The only thing that remains is to now install a pump in the tank.

We would appreciate a favorable consideration of our request and look forward to the City's reply.

Sincerely,



David and Mary Hill

WHEN RECORDED RETURN TO:  
City of Gig Harbor  
Administrative Assistant  
3105 Judson Street  
Gig Harbor, WA 98335

UTILITY EXTENSION, CAPACITY AGREEMENT  
AND AGREEMENT WAIVING RIGHT TO PROTEST LID

THIS AGREEMENT is entered into on this \_\_\_\_ day of \_\_\_\_\_, 1995, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and David and Mary Hill, hereinafter referred to as "the Owner".

WHEREAS, the Owner is the owner of certain real property located in Pierce County which is legally described as set forth in Exhibit "A" attached hereto and incorporated herein by this reference as though set forth in full, and

WHEREAS, the Owner's property is not currently within the City limits of the City, and

WHEREAS, the Owner desires to connect to the City water and sewer utility system, hereinafter referred to as "the utility," and is willing to allow connection only upon certain terms and conditions in accordance with Title 13 of the Gig Harbor Municipal code, as now enacted or hereinafter amended, NOW, THEREFORE,

FOR AND IN CONSIDERATION OF the mutual benefits and conditions hereinafter contained, the parties agree as follows:

1. Warranty of Title. The Owner warrants that he/she is the Owner of the property described in Exhibit "A" and is authorized to enter into this Agreement.

2. Extension Authorized. The City hereby authorizes the Owner to extend service to Owner's property from the existing utility line on Soundview Drive (street or right-of-way) at the following location:

6319 Soundview Drive (64th Street and Soundview Drive)

3. Costs. Owner will pay all costs of designing, engineering and constructing the extension. All construction shall be done to City standards and according to plans approved by the City's Public Works Director. Any and all costs incurred by the City in reviewing plans and inspecting construction shall be paid for by the Owner.

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system (1 ERUs) 231 gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by

the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of 12 months ending on \_\_\_\_\_, provided this agreement is signed and payment for sewer capacity is commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$ 500 to reserve the above specified time in accordance with the schedule set forth below.

Commitment period	Percent (%) of Connection Fee	
One year	Five percent	( 5%)
Two years	Ten percent	(10%)
Three years	Fifteen percent	(15%)

In no event, however, shall the Owner pay the City less than five hundred dollars (\$500) for commitment for sewer reserve capacity. In the event the Owner has not made connection to the City's utility system by the date set forth above, such capacity commitment shall expire and the Owner shall forfeit one hundred percent (100%) of this capacity commitment payment to cover the City's administrative and related expenses.

In the event the Pierce County Boundary Review Board should not approve extension of the City's sewer system prior to the extension of the commitment period, the Owner shall be entitled to a full refund (without interest) from the City of the capacity agreement.

6. Extension of Commitment Period. In the event the Owner chooses to permanently reserve sewer capacity by paying the entire connection fee for the number of equivalent residential units desired to be reserved before the expiration date set forth above, the Owner shall be responsible for paying each year for the sewer utility system's depreciation based on the following formula: (Owner's reserved capacity divided by the total plant capacity times the annual budgeted depreciation of the sewer facilities.)

7. Permits - Easements. Owner shall secure and obtain, at Owner's sole cost and expense any necessary permits, easements and licenses to construct the extension, including, but not limited to, all necessary easements, excavation permits, street use permits, or other permits required by state, county and city governmental departments including the Pierce County Public Works Department, Pierce County Environmental Health Department, State Department of Ecology, Pierce County Boundary Review Board, and City of Gig Harbor Public Works Department.

8. Turn Over of Capital Facilities. If the extension of utility service to Owner's property involves the construction of water or sewer main lines, pump stations, wells, and/or other city required capital facilities, the Owner agrees to turn over and dedicate such facilities to the City, at no cost, upon the completion of construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

A. As built plans or drawings in a form acceptable to the City Public Works Department;



- B. Any necessary easements, permits or licenses for the continued operation, maintenance, repair or reconstruction of such facilities by the City, in a form approved by the City Attorney;
- C. A bill of sale in a form approved by the City Attorney; and
- D. A bond or other suitable security in a form approved by the City Attorney and in an amount approved by the City Public Works Director, ensuring that the facilities will remain free from defects in workmanship and materials for a period of 2 year(s).

9. **Connection Charges.** The Owner agrees to pay the connection charges, in addition to any costs of construction as a condition of connecting to the City utility system at the rate schedules applicable at the time the Owner requests to actually connect his property to the system. Any commitment payment that has not been forfeited shall be applied to the City's connection charges. Should the Owner not initially connect 100% of the Sewer Capacity Commitment, the Capacity Commitment payment shall be credited on a pro-rated percentage basis to the connection charges as they are levied.

10. **Service Charges.** In addition to the charges for connection, the Owner agrees to pay for utility service rendered according to the rates for services applicable to properties outside the city limits as such rates exist, which is presently at 150% the rate charged to customers inside city limits, or as they may be hereafter amended or modified.

11. **Annexation.** Owner understands that annexation of the property described on Exhibit "A" to the City will result in the following consequences:

- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
- C. Governmental services, such as police, fire and utility service, will be provided to the property by the City of Gig Harbor upon the effective date of annexation;
- D. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

With full knowledge and understanding of these consequences of annexation and with full knowledge and understanding of Owner's decision to forego opposition to annexation of the property to the City of Gig Harbor, Owner agrees to sign a petition for annexation to the City of the property described on Exhibit A as provided in RCW 35.14.120, as it now exists or as it may hereafter be amended, at such time as the Owner is requested by the City to do so. The Owner also agrees and appoints the Mayor of the City as Owner's attorney-in-fact to execute an annexation petition on Owner's behalf in the event that Owner shall fail or refuse to do so and agrees that such signature shall constitute full authority from the Owner for annexation as if Owner had signed the petition himself. Owner further agrees not to litigate, challenge or in any manner contest, annexation to the City. This Agreement shall be deemed to be continuing, and if Owner's property is not annexed for whatever reason, including a decision by the City not to annex, Owner agrees to sign any and all subsequent petitions for annexations. In the event that any property described on Exhibit "A" is subdivided into smaller lots, the purchasers of each subdivided lot shall be bound by the provisions of this paragraph.

12. Land Use. The Owner agrees that any development or redevelopment of the property described on Exhibit "A" shall meet the following conditions after execution of Agreement:

- A. The use of the property will be restricted to uses allowed in the following City zoning district at the time of development or redevelopment. (Check One):

<u>R-1</u>	Single Family Residential	___	Multiple Family Residential
___	Commercial	___	Industrial
___	Business		

- B. The development or redevelopment shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code, Building Regulations, and City Public Works Standards for similar zoned development or redevelopment in effect in the City at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.

13. Liens. The Owner understands and agrees that delinquent payments under this agreement shall constitute a lien upon the above described property. If the extension is for sewer service, the lien shall be as provided in RCW 35.67.200, and shall be enforced in accordance with RCW 35.67.220 through RCW 35.67.280, all as now enacted or hereafter amended. If the extension is for water service, the lien shall be as provided in RCW 35.21.290 and enforced as provided in RCW 35.21.300, all as currently enacted or hereafter amended.

14. Termination for Non-Compliance. In the event Owner fails to comply with any term or condition of this Agreement, the City shall have the right to terminate utility service to the Owner's property in addition to any other remedies available to it.

15. Waiver of Right to Protest LID. Owner acknowledges that the entire property legally described in Exhibit "A" would be specially benefited by the following improvements to the utility

(specify): NONE

Owner agrees to sign a petition for the formation of an LID or ULID for the specified improvements at such time as one is circulated and Owner hereby appoints the Mayor of the City as his attorney-in-fact to sign such a petition in the event Owner fails or refuses to do so.

With full understanding of Owner's right to protest formation of an LID or ULID to construct such improvements pursuant to RCW 35.43.180, Owner agrees to participate in any such LID or ULID and to waive his right to protest formation of the same. Owner shall retain the right to contest the method of calculating any assessment and the amount thereof, and shall further retain the right to appeal the decision of the City Council affirming the final assessment roll to the superior court. Notwithstanding any other provisions of this Agreement, this waiver of the right to protest shall only be valid for a period of ten (10) years from the date this Agreement is signed by the Owner.

16. Specific Enforcement. In addition to any other remedy provided by law or this Agreement, the terms of this Agreement may be specifically enforced by a court of competent jurisdiction.

17. Covenant. This agreement shall be recorded with the Pierce County Auditor and shall constitute a covenant running with the land described on Exhibit "A", and shall be binding on the Owner, his/her heirs, successors and assigns. All costs of recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

CITY OF GIG HARBOR

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

OWNER

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

*Mary E. Hill*

ATTEST/AUTHENTICATED:

---

City Clerk, Mark Hoppen

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

STATE OF WASHINGTON )

) ss.

COUNTY OF PIERCE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1994, before me personally appeared \_\_\_\_\_, to me known to be the individual described in and who executed the foregoing and acknowledged that \_\_\_ signed the same as his free and voluntary act and deed, for the uses and purposed therein mentioned.

IN WITNESS THEREOF, I have hereto set my hand and affixed by official seal the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State  
of Washington, residing at

\_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF WASHINGTON )

)ss:

COUNTY OF PIERCE )

On this \_\_\_\_\_ day of \_\_\_\_\_, 1994, before me personally appeared Mayor and City Clerk of the municipal corporation described in and that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS THEREOF, I have hereto set my hand and affixed by official seal the day and year first above written.

\_\_\_\_\_  
NOTARY PUBLIC for the State  
of Washington, residing at

\_\_\_\_\_  
My commission expires \_\_\_\_\_

EXHIBIT "A"

Address of leased premises: 6319 Soundview Drive, Gig Harbor, WA

LEGAL DESCRIPTION

SHORE ACRES

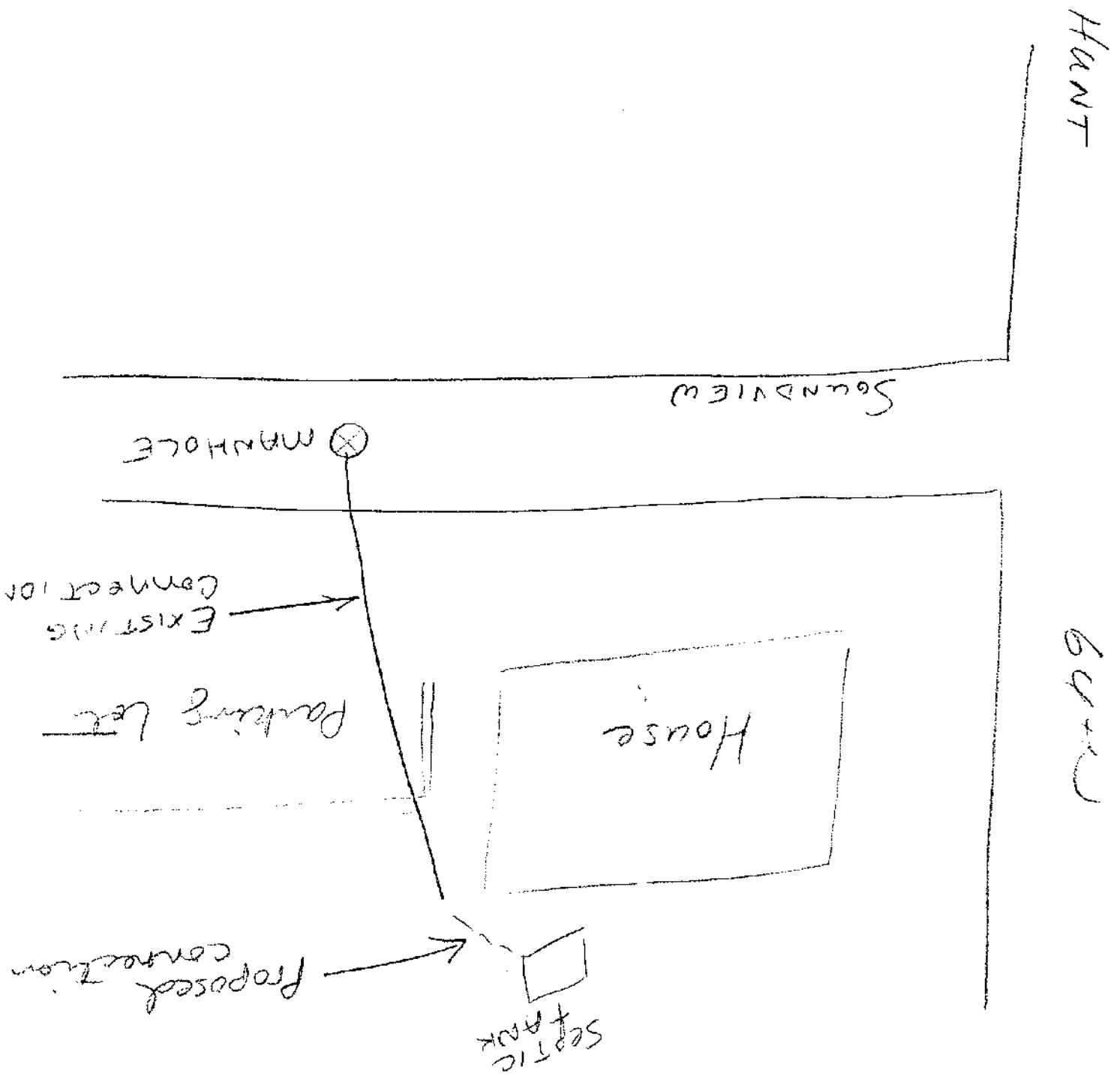
02-21-17-1-2

PART OF L 30 BEG AT NW COR OF L 30 TH E 120 FT TH S 115 FT TH W 120  
FT TH N 115 FT TO BEG EXC THAT POR CYD TO P CO PER ETN 776800  
ITEM 4 DC6599JU5/4/92B0

Dawn + Mary E Hill

RE: 6319 Saunders Dr. NW  
Gig Harbor

AS-BUILT OF EXISTING SEWER LINES









City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**CITY OF GIG HARBOR - UTILITIES SERVICE APPLICATION**

Application No. \_\_\_\_\_, Parcel No. \_\_\_\_\_, Date 2-5-96

Applicant David + Mary E. Hill, Phone # 851-4451

Mailing Address Po Box 886, Gig Harbor, WA 98335

**STORM WATER CALCULATION:**

Impervious Area (Sq.Ft.)	Calculation	Units

**Connection/Service ADDRESS OR LOCATION:** \_\_\_\_\_

Subdivision \_\_\_\_\_, Lot No. \_\_\_\_\_

Date of Hook-Up \_\_\_\_\_, Meter No. \_\_\_\_\_, Size \_\_\_\_\_, Rate \_\_\_\_\_

Account No. \_\_\_\_\_, Meter Location \_\_\_\_\_

**WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGES:**

(X)	Meter Size	Capacity Factor(s)	Hook-Up Fee (Inside City Limits)	Hook-Up Fee (Outside City)	Meter Charge	Total Fees
	3/4"	1	\$1,185.00	\$1,777.50	\$300.00	\$
	1"	1.6	\$1,970.00	\$2,955.00	\$350.00	\$
	1-1/2"	3.33	\$3,930.00	\$5,895.00	(2) \$	\$
	2"	5.33	\$6,290.00	\$9,435.00	(2) \$	\$
	Over 2"	(3)	(3)\$	(3)\$	(3) \$	\$

**WATER SYSTEM HOOK-UP & METER INSTALLATION CHARGE:** \$ \_\_\_\_\_

**OTHER CHARGES: (See Note 2)**

Street Boring	\$ 10.00 / Foot		\$
Open Street Cut	\$ 20.00 / Foot		\$
Refundable As-Built Plan Deposit			\$
			\$
			\$

- Notes: (1) If project is outside the city limits, the hook-up fee is (1.5) times that shown above.  
 (2) Time & Material Plus 10%  
 (3) Negotiable

# REMODEL

REMODEL APPLICATION 15499



Stamp: 135 Designer ID#

Site Address: Street 6319 Soundview Dr NW  
City Gig Harbor WA 98335

135 Designer ID#

Previous Address: Street N/A

Applicant Name: H. U. Dave

Applicant Phone No: 951-4451

All Commercial remodels must be submitted by a designer. This Application expires one year from date of approval.

Applicant Address: 15405 Goodrich Dr NW City: Gig Harbor St: WA Zip: 98335

Section: 17 Township: 21 Range: 2 Field Area: Parcel#: 758000-086-0

Subdivision Name: Lot: Block:

Water Supply: P (I/P) Individual (P) Public Class:

Public Water Supply Name: Shore Acre Water ID#:

Property Size: 13,800 ± Sq. Ft. Within ULID: (Y/N) Basin 12: (Y/N)

Shellfish Sensitive Area: N (Y/N) If yes, specify area: (B/F/M/R/O) (B-Burley Lagoon F-Fulcay Bay M-Minter Bay R-Rocky Bay O-Other)

Type of Building: (S)MF (C)MM (FE/INST) Number of Units 2

SF-Single Family MF-Multi-Family COMM-Commercial FE-Food Establishment INST-Institutional

PROPOSED REMODEL Bedrooms: Existing: Proposed: Total:

Garbage Disposal: Existing: Proposed:

Other Additions: Changing Antique shop to Barber shop

See attached Letter

COMPLETE THIS SECTION ONLY IF THE REMODEL INVOLVES ADDITION OF ROOMS

If any changes are proposed to the number of rooms, I hereby certify that the information given in this remodel application is a true and accurate representation of the existing, proposed and total number of bedrooms. The intent of the remodel is not to add any bedrooms unless such addition is indicated on the remodel application.

Signature of Owner: Stephen Weaver Date: 11-21-

Was original system an engineered system? (Y/N) Designer's Name:

Plot plan attached? (Y/N)

Designer's Signature (if applicable): Stephen Weaver

DIRECTIONS TO SITE:

Water Supply: approved hold FOR HEALTH DEPARTMENT USE ONLY ULID: ok for on-site hold for sewer

By: Bob Date: 11/21/95

Comments: See flows described in letter from Steve Wecker on the 300 GPD

FOR OFFICE USE ONLY		DATE	INIT
SUBMITTAL			
HOLD			
APPROVAL/DISAPPROVAL			
MAILED/TO BOX		11-21-95	PH

APPROVED: 11-21-95 BY: Ron Howard E.H.S.

OKAY TO RELEASE REPAIR PERMIT: (date) BY: 2-Open Play E.H.S.

HOLD: (date) REASON: BY: E.H.S.

DISAPPROVED: (date) REASON: BY: E.H.S.

Any person aggrieved by any decision or final order of the Health Officer may within 90 days make written application for appeal to this Department. Approval of this application does NOT guarantee that other Pierce County Applications will be approved.



**PAC-TECH** Engineering, Inc.

Engineers / Planners / Surveyors / Environmental Specialists

November 20, 1995

Ron Howard  
Pierce County Health Dept.  
3629 South "D" Street  
Tacoma, WA. 98408

Reference: Remodel application 6319 Soundview Drive Northwest  
File Number: 15499

Dear Ron:

On behalf of our client Dave Hill, I am submitting a remodel application for the above parcel. Our client's proposal is to take the structure and remodel it to a barber shop. The barber shop will have two chairs, one sink and a total of two employees. According to our records, the remodel was approved last for an antique shop, and a one bedroom apartment residence. ( See attached application).

The system was approved for a two-bedroom residence (assuming 300 gallons per day), and includes 150 feet of drainfield. I have supplied water consumption figures from three beauty salons and one for barber shop. All four use less water than the system is designed for. In particular, the barber shop, which is very comparable to our proposal, has so low of flows that the water company reads off one one unit per two month period. At that level, they use 748.05 gallons per period, which assuming 72 days (six days a week operation) equates to 14.39 gallons per day. Suffice it to say, that the drainfield system should have additional reserve capacity with the barber shop.

The final issue of concern is quality. Based on our experiences with similar establishments and a discussion with Bill Stuth, waste strength should be similar to residential flows, since this is a more traditional barber shop.

Ron, please review and approve this proposal. I believe it meets your agency's requirements. If you have any questions, please contact me.

Sincerely,

Stephen Wecker  
Director of environmental Services

attachments

**CHECK OFF LIST FOR  
UTILITY EXTENSION REQUESTS**

Date First Requested: February 5, 1996  
Name of Applicant: David + Mary Hill  
Name of Project: Service Connection  
Mailing Address: P.O. Box 886 98336  
Phone Number: 857-4451 Fax: \_\_\_\_\_

Have the following items been received?

Letter of Request for Extension

Contract with following information completed:

ERU's

Class of Service

Location of Closest City Line

Signatures

Parcel Maps with Location Indicated *Owners Map*

\$100 Filing Fee

Utility Service Application completed and signed.

~~Site Plan~~



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF** *S.O.*  
**DATE: February 26, 1996**  
**SUBJECT: SPR 95-11 - Site Plan Review for expansion of office space at 7306 Stinson Avenue**

#### **INTRODUCTION/BACKGROUND**

Cheri Grant owns three separate parcels on Stinson Avenue. There is an existing house on the southern-most parcel and an existing office building of 1442 sq.ft. on the northerly two parcels. The office building is currently being used as a physical therapy office. Behind the office building is an existing asphalt parking lot which does not meet current setback and landscaping requirements. It is within two feet of the back property line and within three feet of the side property line on the north. Both of these sides abut multi-family housing and under current codes would require a vegetative buffer. The south side abuts the Bush Polen Office Building. No buffer would be required on this side.

#### **REQUEST/PROJECT DESCRIPTION:**

The current proposal is for a 1,469 square-foot expansion of the existing office building. The expansion would be located on the south side of the existing building and would involve removal of the existing house. Parking for the enlarged structure would be contained entirely to the rear yard and would be accessed via a one-way driveway, with the entrance on the north side and the exit on the south side of the parcel's frontage.

#### **RECOMMENDATION**

The Hearing Examiner is recommending approval of the site plan subject to the same conditions recommended by the Staff. A copy of the Hearing Examiner's report, along with a copy of the staff report to the Hearing Examiner and a draft resolution approving the site plan, are attached for the Council's consideration.

**CITY OF GIG HARBOR  
RESOLUTION NO. \_\_\_\_**

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

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

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

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

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

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

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

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

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

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

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

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

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk

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



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

*file*

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** February 7, 1996

**RE:** SPR 95-11 - Site Plan Review for expansion of office space at 7306 Stinson Avenue

---

**I. GENERAL INFORMATION**

**APPLICANT:** Bruce McKean/Helix Architecture  
3601 20th Street E. Suite 2  
Tacoma, WA 98424  
Telephone: (206) 922-9037

**OWNER:** Cheri Grant  
7306 Stinson Avenue  
Gig Harbor, WA 98335  
Telephone: (206) 858-3332

**AGENT:** (same as applicant)

**II. PROPERTY DESCRIPTION**

1. **Location:** 7306 Stinson Avenue, Assessor's parcel # 02-21-07-1-018, 032, 035
2. **Site Area/Acreage:** 16,000 square feet
3. **Natural Site Characteristics:**
  - i. **Soil Type:** Indianola
  - ii. **Slope:** 0 - 8 %
  - iii. **Drainage:** easterly toward street
  - iv. **Vegetation:** Primarily domestic



4. Zoning:

- i. Subject parcel: RB-1 (Residential Business)
- ii. Adjacent zoning and land use:
  - North: R-3 (Multiple Family)
  - South: RB-1 (existing office building)
  - East: R-1
  - West: R-3

5. Utilities/road access: The property is served by City sewer and water and is accessed off of Stinson Avenue - a City street.

III. APPLICABLE LAND-USE POLICIES/CODES

1. **Comprehensive Plan:** The comprehensive plan land use designation for the area is Residential Medium. In residential-medium designations, conditional allowance may be provided for professional offices or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use should be compatible with the adjacent residential area. Such conditional allowance shall be established under the appropriate land use or zoning category of the development regulations and standards.

2. **Zoning Ordinance:**

GHMC Chapter 17.28

17.28.010 Intent.

An RB-1 district is intended to provide a mix of residential uses with certain specified business, personal and professional services. It is also intended to serve as a buffer between high intensity commercial and lower density residential uses. The regulations and restrictions in an RB-1 district are intended to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, compatible with single-family residential development.

Permitted uses in the RB-1 zone include professional offices (17.28.020).

Setback Requirements in the RB-1 zone include 20 feet in the front, 10 feet on the side and 15 feet in the rear. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of 10 feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence. (17.28.050).

Impervious coverage is limited to 60 percent as per GHMC Section 17.28.050(F).

Parking is required at a rate of one parking space per 300 square feet of floor areas as per Section 17.72.030(E).

Building Height is limited to 35 feet as per chapter 17.62.

Outdoor light within 100 feet of any residential zone shall be shielded in such a manner that the light source is not seen and that the illumination is confined to the property boundaries of the light source as per Section 17.28.090(D).

Trash receptacles shall be screened from view and screening shall be complementary to building design and materials as per Section 17.28.090(E).

#### **IV. BACKGROUND INFORMATION:**

The subject site consists of three separate parcels. There is an existing house on the southernmost parcel and an existing office building of 1442 sq.ft. on the northerly two parcels. The office building is currently being used as a physical therapy office. Behind the office building is an existing asphalt parking lot which does not meet current setback and landscaping requirements. It is within two feet of the back property line and within three feet of the side property line on the north. Both of these sides abut multi-family housing and under current codes would require a vegetative buffer. The south side abuts the Bush Polen Office Building. No buffer would be required on this side.

#### **V. REQUEST/PROJECT DESCRIPTION:**

The current proposal is for a 1,469 square-foot expansion of the existing office building. The expansion would be located on the south side of the existing building and would involve removal of the existing house. Parking for the enlarged structure would be contained entirely to the rear yard and would be accessed via a one-way driveway, with the entrance on the north side and the exit on the south side of the parcel's frontage.

A preliminary landscape plan has been submitted which indicates a vegetative screen on the west side abutting the residential development. The screen will consist of 6-foot high pyramidalis. The plan maintains the non-conforming setback for the rear parking lot, but the new portion of the parking lot will be stepped forward to provide full-width landscaping as per code requirements.

The plan includes an accessible walkway connecting the main entrance on the back side of the building with the public sidewalk along the street. However, the sidewalk does not meet ADA requirements because it is within the required driveway width for emergency vehicle access.

## VI. PUBLIC NOTICE:

The property was posted and legal notice was sent to property owners within 300 feet and published in the Peninsula Gateway on January 24, 1996.

## VII. ANALYSIS:

The following staff and/or agency comments were submitted:

### 1. Building Official:

i. The site plan must reflect the required parking stall dimensions in accordance with the GH Zoning Code (8ft wide x 18ft long with 15ft wide oneway driveway). A 24-foot driveway is required in back of 90 degree angle parking. Comments from Fire District No.5 will be submitted upon receipt of complete plans.

ii. Fire flow volume will be required dependant upon the building use (UBC occupancy group designation) and building size. See Appendix Table No. A-III-A-1, 1991 UBC.

iii. Fire flow is presently available on Stinson Ave. Submit water availability letter from the water district stating the fire flow volume on Stinson Ave. Fire hydrants will be required within 150 feet of all portions of the building.

iv. A Knox Box with a master key will be required for access to the building if a fire alarm or intrusion alarm system is proposed. A fire alarm system may be required in accordance with Article 14, 1991 UFC or the codes and standards effective at the time of application for a building permit.

v. Provide an accessible pedestrian walkway from the public sidewalk to the front entrances of the building.

vi. Buildings must be made to conform to codes which are current at the time of permit application. Application will not be accepted for uses requiring Planning review and approval prior to issuing a building permit. New WA state building and fire codes will be adopted by WA State after June 29, 1995.

vii. A complete plan review will be completed upon submittal of plans for a building permit.

### 2. Public Works: The public works department indicated at the pre-application conference for this project that due to the expected traffic volume from the proposed expansion, no traffic study will be required.

Curbs, gutters and sidewalks will be required along the parcel's entire frontage length.

Prior to permit issuance, a final grading and drainage plan must be submitted to the Public Works Department for review and approval.

3. SEPA Responsible Official: The SEPA Responsible Official has determined that this project is exempt from threshold determination and EIS requirements as per WAC 197-11-800(1)(b)(iii).
4. Planning: The planning staff has no concerns with this proposal. While the existing site has some non-conformities including the setback of the rear parking lot, the proposed expansion meets all requirements for both the building and the parking lot. The only issue which will affect the site plan is the building official's concern that the accessible walkway is shown within the required driveway width for emergency vehicles. The walkway should be separate from the driveway. It appears that the walkway requirements could best be met by provide a pedestrian entrance on the front side of the building just opposite the main rear entrance. The staff cannot determine how this might affect the interior layout because no floor plans have been submitted. This may involve a reconfiguration of the foyer/receptionist area which presumably is in the area of the main rear entrance.

The landscape plan submitted provides a reasonable idea of the proposed density of landscaping, but a more detailed landscape plan providing plant size and species for the entire site will be required. The plan must also include an irrigation plan.

Finally, details have not been submitted for the dumpster screen. The dumpster screen should be designed to reflect the building design and materials. Details of the dumpster screen must be submitted prior to permit issuance.

### **VIII. FINDINGS AND CONCLUSIONS:**

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds as follows:

1. The proposal meets the intent of the RB-1 district in that a mix of residential uses with certain specified business, personal and professional services are allowed.
2. The proposed use is consistent with GHMC 17.28.020 which permits professional offices in the RB-1 zone.
3. The expanded portion of the project meets all setback requirements for both structures and parking lots.
4. The proposal meets landscape requirements including a dense vegetative screen abutting residential development.

5. The site provides 10 parking stalls for 2,911 square feet of building which meets the code requirement for one space for every 300 square feet of floor area.
6. The building height is well within the 35 feet allowed as per GHMC Chapter 17.62.
7. The proposed impervious coverage is 58%. The allowed coverage is up to 60% as per GHMC 17.28.050(F).
8. The walkway proposed for handicap accessibility does not conform with ADA requirements. Conformance could be achieved by providing a pedestrian entrance on the front side of the building with a sidewalk located in the current landscaped area in front of the building.
9. An outdoor lighting plan has not been submitted.
10. Details for trash receptacle screening have not been submitted.

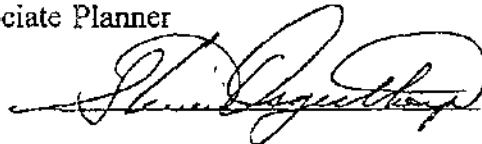
**IX. RECOMMENDATION:**

The staff recommends approval of the proposed site plan subject to the following conditions:

1. A pedestrian entrance shall be located on the front (east) side of the building with a walkway located in the current landscaped area connecting the pedestrian entrance with the public sidewalk along the street. An alternative design may be proposed and approved by the Planning Department and Building Official provided:
  - a. The sidewalk does not result in impervious coverage exceeding 60% as per GHMC 17.28.050(F).
  - b. The sidewalk conform to all ADA requirements.
2. Parking stall dimensions must be at least 8 feet wide x 18 feet long with 15ft wide oneway driveway. A 24-foot driveway is required in back of 90 degree angle parking.
3. Fire flow volume is required according to the proposed building use (UBC occupancy group designation) and building size. A water availability letter is required from the water district stating the fire flow volume on Stinson Ave.
4. Fire hydrants must be provided within 150 feet of all portions of the building.
5. A Knox Box with a master key is required for access to the building if a fire alarm or intrusion alarm system is proposed. A fire alarm system may be required in accordance with Article 14, 1991 UFC or the codes and standards effective at the time of application for a building permit.

6. Prior to issuance of occupancy permits, curbs gutters and sidewalks must be installed along the parcel's entire frontage length, as per the City of Gig Harbor Public Works Standards.
7. Prior to permit issuance, a final grading and drainage plan must be submitted to the Public Works Department for review and approval.
8. Prior to permit issuance, a final landscape plan shall be submitted which includes plant species and size and also includes an irrigation plan.
9. Prior to permit issuance, details for the dumpster screen shall be submitted to and approved by the planning staff. The screen shall be designed to match materials on the building.
10. Prior to permit issuance a lighting plan consistent with Section 17.28.090(D) must be submitted to and approved by the planning staff.

Project Planner: Steve Osguthorpe, AICP  
Associate Planner



Date: 2-1-96

**CITY OF GIG HARBOR**  
**HEARING EXAMINER**  
**FINDINGS, CONCLUSIONS AND RECOMMENDATION**

---

**APPLICANT:** Cheri Grant

**CASE NO.:** SPR 95-11

**LOCATION:** 7306 Stinson Ave.

**APPLICATION:** Request for site plan approval to allow a 1469 square foot expansion of an existing office building, with associated parking, access and landscaping.

**SUMMARY OF RECOMMENDATIONS:**

Staff Recommendation: Approve with conditions

Hearing Examiner Recommendation: Approve with conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Community Development Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. A hearing on the Grant application was held on December 20, 1995, however, the tape recording of the hearing was incomplete and the hearing was rescheduled for February 7, 1996. The rescheduled hearing was opened at 5:06 p.m., February 7, 1996 in the City Hall, Gig Harbor, Washington, and closed at 5:10 p.m. Participants at the public hearing and the exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available in the Planning Department.

**HEARING TESTIMONY:**

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

From the City: Steve Osguthorpe, Associate Planner, entered the staff report into the record.

From the Applicant: Rick Gagliano, applicant's representative, agreed with the staff report, and with the recommended conditions.

From the Community: No testimony was offered by members of the general public.

**WRITTEN COMMENTS:** Robin and Kae Paterson submitted a letter on support of the application. (See Exhibit B).

**FINDINGS, CONCLUSIONS AND DECISION:**

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

**A. FINDINGS:**

1. The information contained in Sections I through VIII of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.

**B. CONCLUSIONS:**

1. The proposal meets the intent of the RB-1 zone. It will provide office space for professional services and will be compatible with the nearby single-family development if developed in accordance with the conditions listed below.
2. In accordance with Zoning Code Section 17.28.040, a proposal in the RB-1 zone must follow the site plan review process specified in Chapter 17.96 before a building permit will be issued.
3. The Hearing Examiner's review criteria for site plans is spelled out in Zoning Code Section 17.96.030.B. In this case, the proposal is:
  - a. Compatible with the city's comprehensive plan: The comprehensive plan land use designation is Residential Medium. Conditional allowances may be provided within Residential Medium designated areas for a professional office such as the one proposed, if it would not significantly impact the character of the nearby residential neighborhood. The proposal is for a relatively small building with a design which is residential in appearance and with parking in the rear to minimize the visual impact of the parking lot from Stinson Avenue.
  - b. Compatible with the surrounding buildings' occupancy and use factors: The surrounding buildings and uses are comprised of a mix of office, multiple family residential and single-family residential. The proposed use as conditioned below would be compatible with all of the above noted buildings and uses. Conclusion



- 3.a. above addresses how the proposal would be compatible with the surroundings.
- c. Compliance with relevant statutory codes, regulations, or ordinances: This proposal has been reviewed by the Building Official, the Public Works Department, the SEPA Responsible Official and the Planning Staff. That review has resulted in a number of recommended conditions which are included in this report regarding the site plan. There will be additional conditions of approval which will be required by staff as part of the building permit review.

### C. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the proposed site plan be approved, subject to the following conditions:

1. A pedestrian entrance shall be located on the front (east) side of the building with a walkway located in the current landscaped area connecting the pedestrian entrance with the public sidewalk along the street. An alternative design may be proposed and approved by the Planning Department and Building Official provided:
  - a. The sidewalk does not result in impervious coverage exceeding 60% as per GHMC 17.28.050(F).
  - b. The sidewalk conforms to all ADA requirements.
2. Parking stall dimensions must be at least 8 feet wide X 18 feet long with a 15 ft wide one way driveway. A 24-foot wide driveway is required in back f 90 degree angle parking.
3. Fire flow volume is required according to the proposed building use (UBC occupancy group designation) and building size. A water availability letter is required from the water district stating the fire flow volume on Stinson Ave.
4. Fire hydrants must be provided within 150 feet of all portions of the building.
5. A Knox Box with a master key is required for access to the building if a fire alarm or intrusion alarm system is proposed. A fire alarm system may be required in accordance with Article 14, 1991 UFC or the codes and standards effective at the time of application for a building permit.
6. Prior to issuance of occupancy permits, curbs, gutters, and sidewalks must be installed along the parcel's entire frontage length, as per the City of Gig Harbor Public Works Standards.

7. Prior to permit issuance, a final grading and drainage plan must be submitted to the Public Works Department for review and approval.
8. Prior to permit issuance, a final landscape plan shall be submitted which includes plant species and size and also includes an irrigation plan.
9. Prior to permit issuance, details for the dumpster screen shall be submitted to and approved by the planning staff. The screen shall be designed to match materials on the building.
10. Prior to permit issuance a lighting plan consistent with Section 17.28.090(D) must be submitted to and approved by the planning staff.

Dated this 12th day of February, 1995.



Ron McConnell  
Hearing Examiner

**RECONSIDERATION:**

Any aggrieved person feeling that the decision of the Examiner is based on erroneous procedures, errors of law or fact, error in judgment, or the discovery of new evidence which could not be reasonably available at the prior hearing, may make a written request for reconsideration by the Examiner within ten (10) days of the date the decision is rendered. This request shall set forth the specific errors of new information relied upon by such appellant, and the Examiner may, after review of the record, take further action as he or she deems proper.

**COUNCIL ACTION:**

Any application requiring action by the City Council shall be taken by the adoption of a resolution or ordinance by the Council. When taking any such final action, the Council shall make and enter Findings of Fact from the record and conclusions therefrom which support its action. The City Council may adopt all or portions of the Examiner's Findings and Conclusions.

In the Case of an ordinance or rezone of property, the ordinance shall not be placed on the council's agenda until all conditions, restrictions, or modifications which may have been stipulated by the Council have been accomplished or provisions for compliance made to the satisfaction of the Council.

The action of the Council, approving, modifying, or reversing a decision of the Examiner, shall be final and conclusive, unless within twenty (20) business days from the date of the Council action an aggrieved party of record applies for a Writ of certiorari to the Superior Court of Washington for Pierce County, for the purpose of review of the action taken.

**EXHIBITS:**

The following exhibits were offered and entered into the record:

A. Staff Report

B. Letter from Robin and Kae Paterson, dated 12/20/95.

**PARTIES OF RECORD:**

Cheri Grant  
7306 Stinson Ave.  
Gig Harbor, WA 98335

Bruce McKean  
Helix Architecture  
3601 20th St. E.  
Suite # 2  
Tacoma, WA 98424

Robin and Kae Paterson  
7311 Stinson Ave.  
Gig Harbor, WA 98335

Rick Gagliano  
8607 58th Ave. N.W.  
Gig Harbor, WA 98335





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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: Planning Staff**  
**DATE: February 22, 1996**  
**SUBJ.: Proposed Amendment to fee Schedule Resolution - Fees for review of projects in Pierce County which include a request for extension of City utility services.**

#### Proposal Summary

The department is proposing an amendment to the department's fee schedule respective to the review of projects in Pierce County which request city utility services. Currently, there is no fee for the review of projects in the UGA even though the Planning-Building department may spend several hours reviewing a site plan. Public Work's has had a fee schedule in place for two years for its review of engineering plans relevant to sewer or water services. The department feels it is only appropriate that the city residents not have to subsidize the planning review of a project in Pierce County by City staff.

#### Policy Issues

The proposed fee adjustment reflects current policy in charging a fee for city utility extension contracts. Establishing a reasonable department review fee for projects which request city services is an equitable policy refinement. It balances the need for project review by staff to affect contract performance while eliminating any subsidy the city resident's currently provide for project review.

#### Fiscal Impact

The proposed fee of 50% of "in-city" rates reflects the process employed to date in the review of these projects. The projects do not require city hearing examiner review, legal notices, site review of the project, minimal file management or extensive correspondence. The process is generally a preliminary code review based upon the information received by the applicant. As most of these projects consist of site plans, the 50% fee is based upon the floor area of the project. As an example, a project of 20,000 square feet in floor area would be subject to a fee of \$2,000 if it were a project within the city. The charge therefore would be \$1,000 for a project within the UGA which requires city services. This would cover the city costs of review by the Planning-Building Department and the Public Works Department administrative staff during the preliminary review of the project.

#### Recommendation

Staff recommends approval of the revision to the fee schedule resolution.



RESOLUTION NO. \_\_\_\_\_

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

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

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

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

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

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

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

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

**A. LAND USE DEVELOPMENT APPLICATION FEE**

**1) Amendment to Comprehensive Plan**

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

**2) Amendments to Zoning Code**

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

**3) Conditional Use Permit**

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

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<b>3) Conditional Use Permit</b>	<b>\$450</b>
Associated with Site Plan Review	\$50



Pg 3 Fee Schedule 1996

Pg 4 Fee Schedule 1996

	\$1,200	\$55
	\$1,700	
		\$40
	\$400	\$50
	\$75	\$60
)	\$400	
)	\$75	\$50
	\$150	\$60
	\$15	
		\$60
		\$70
is		
on	\$15	
		\$150
	\$35	
ry	\$35	
		\$1,000 + \$45/hour
		\$250 + \$45/hour
ev	\$75	
ance	\$225	
ision	\$120	\$200
sideration	\$85	
sion		
visory Board:	\$250	\$150 + Hearing Examiners costs for review (Examiner costs waived for listed parties of record within 300 feet of project site).
ner		
	\$100	\$200
		\$300
		\$400
		\$500
ft.	\$20	
	\$20	\$100
	\$150	
	\$35	
		No Charge
	\$35	
	\$45	

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

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

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

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

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

4) **Building Official Inspections**

Non-classified request	\$50
Reinspection fee assessed under provisions of Section 305 G	\$30 each

Additional Plan Review required  
by changes, additions or revisions  
to previously approved plans

\$30/hour (minimum charge of  
1/2 hour)

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

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

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

**G. ADVERTISING FEES:**

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

**H. COPY SERVICES**

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

**I. FEE WAIVERS AND REQUIREMENTS**

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

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

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

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

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

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

APPROVED:

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

ATTEST:

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

Filed with City Clerk:  
Passed by City Council:



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: COURT REQUEST FOR VIDEOPHONE**  
**DATE: FEBRUARY 22, 1996**

#### **INTRODUCTION/BACKGROUND**

The Municipal Court is requesting to purchase two videophones to conduct video arraignments between the City and the Pierce County jail. This purchase was not anticipated in the 1996 budget. The purchase cost for two videophones of \$2050.10 will likely be reduced 25% upon participation in the costs by the Pierce County District Court #2.

#### **POLICY CONSIDERATIONS**

The purchase would result in the availability of police officers for regular duties other than defendant transport and supervision. There might be a slight reduction in overtime hours as a result of this purchase.

#### **FISCAL CONSIDERATIONS**

The purchase would be useful even if the City chooses to consolidate the Municipal Court. The re-allocation of officer time would be purposeful. The General Fund can accommodate the purchase.

#### **RECOMMENDATION**

This purchase is a reasonable, progressive program enhancement. Staff recommends approval.



Gig Harbor Municipal Court  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-7808

**MEMORANDUM**

**TO: Mark Hoppen, City Administrator**  
**FROM: Catherine Washington, Court Administrator**  
**DATE: January 18, 1996**  
**SUBJECT: Request for Authorization AT&T VideoPhone 2500**

Between 1/95 and 10/17/95, the court saw approximately 74 cases in which the Defendant was transported from jail. Each transport requires at least 2 hours of officer time. This would mean approximately 148 hours of officer availability time. At the rate of \$25 an hour, the cost per officer hour, those 9 1/2 months, costs the city approximately \$3,700. Averaged out over a years time, the cost in officer time alone would be around \$5,000.

We have consulted with the PC Jail, the City Prosecutor, and DAC. All are in agreement as to the use of the VideoPhone for in-custody arraignment hearings.

The AT&T VideoPhone 2500 regularly costs \$999.99. The local AT&T agent/vendor, has offered the city a discounted price of \$950 as we are purchasing 2 and have brought them the additional customer of Pierce County District Court #2. As PCDC #2 is indicating an interest in joining Gig Harbor in this alternative means of in-custody hearings, the city potentially could recoup half the cost of the phone purchased for the jail (receiving end).

2 phones @ \$950	\$1,900.00	1/2 of 1 phone	\$475.00
Tax @ 7.9%	+ <u>150.10</u>	Tax @ 7.9%	+ <u>37.53</u>
Total	\$2,050.10	Total	\$512.53

Of the \$2,050.10 paid by the city for the two phones, the total the city would ultimately have invested, if half is recouped by the city from the county for the phone at the jail (\$512.53), would be \$1,537.57.

I am sorry we were unable to coordinate this request during the 1995 budget year (during which the funding was authorized), and that this request cannot be put before the council on 1/22/96. I understand you will be submitting the request to council at the 2/12/96 meeting. I have advised our PD, the jail, AT&T, and PCDC #2 of the new time line.

Mark Hoppen, City Administrator  
Re: VidoePhone  
Page 2  
January 18, 1996

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If there is any additional information, or anything that we can do to expedite implementing the phones, just let me know.

Also, please let me know if the Chief or the Judge should attend this counsel meeting.

CMW

cc: Chief Mitch Barker  
Judge Marilyn G. Paja





MAYOR'S REPORT  
February 22, 1996



**SAFETY UPDATE**

You may recall last August we focused attention on automobile, bicycle, and pedestrian safety issues. I'm pleased to report many of the problems have been addressed and solutions implemented to lessen the hazards. Many of the solutions were suggested by the residents who utilize our public areas.

Since August, some major changes happened at the intersection of Harborview and North Harborview to lessen the intense traffic congestions. Borgen's closed, the Wastewater Treatment Plant construction was completed and the Snuffin's Catering moved to their new location on Kimball Drive. All in all, that intersection seems to be handling the lighter traffic quite well.

Thanks to Tom Enlow, Gig Harbor has been awarded the distinction of being a *Bicycle Friendly Community*. The signs will be appropriately placed.

The first two ornamental street lights were installed this past week on North Harborview. Be sure and take a look at the lighting and the design. If council likes what they see, this could be the model to be used in other areas of the City as electric utilities go underground.

We never seem to run out of areas "to fix". I'm grateful for the response of the Public Works Crew in fixing the "little things" as they are reported.

I'll be sharing the latest requests with Wes Hill and Chief Barker. Our new Public Works Director is already recognizing areas needing reshaping to make them more functional and safe. Chief Barker is equally sensitive to the needs of listening to the citizens. The letters keep coming. A sampling are included with this report.

Now that Wes and Mitch have had a chance to catch their breath, I'll ask them for their advice and guidance as we meet with the business owners and citizens in the near future to address their safety concerns.

GIG HARBOR WATERFRONT RETAIL AND RESTAURANT ASSOCIATION

Mayor Gretchen Wilbert  
City of Gig Harbor, Washington  
3105 Judson Street

December, 1995

Dear Mayor Wilbert,

It was my pleasure to speak on the phone with you recently following one of our meetings concerning safety issues. As I shared with you, the Gig Harbor Waterfront R & R Assoc. was formed by many of the retail businesses of this area last June. It is our goal to have an attractive, inviting & safe place that people want to visit and also to live and shop in. It is our feeling that we can improve on several things along with you and citizens who want to retain the quaint atmosphere of the harbor while making it a vital community. The lack of crosswalks specifically up Pioneer Way make it increasingly difficult to cross safely, particularly after dark. This leads to our next point of concern which is lack of adequate lighting along the waterfront and within the business areas. We are concerned with handicap access at all crosswalks, including the new crosswalk between Harbor Inn and W.B. Scott's Restaurants. Visitors and locals often ask about restrooms and trash cans and we politely accept their trash or escort them to employee restrooms if we happen to have them in our shops. We would like to work with you and the city council to make Gig Harbor more inviting AND user friendly. We envision more welcoming "signs" done in a tasteful manner and not along the lines of Leavenworth on Poulsbo, which are delightful towns in their own way. We would like to have some influence on matters such as: safe and appropriate lighting, crosswalks, signs cautioning people of pedestrian areas, beautification and community activities. We would like a chance to come and present ideas to the council. Thanking you in advance,

Donna Lonnon, Pres, Gig Harbor Waterfront R & R  
*Donna Lonnon* 551-1665

The best things in life are chocolate.

9/29/54

Dear Mayor,

Turning left out of  
Ernst, RFC, Payless area in the  
Fosdick area is very difficult.  
We desperately need a light  
which enables us to turn  
left in order to avoid  
death. I avoid shopping in  
that center because of  
the above traffic  
problem.

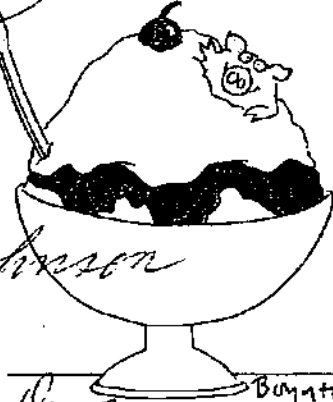
acknowledged  
12-1-95

Thank you,

Marilyn Johnson

265-6618

2921 Forehead Bay Dr. N.W.  
Big Harbor, WA 98335



KIT KUHN  
A JEWELER DESIGNED FOR YOU

---

~~3104~~ HARBORVIEW DRIVE  
GIG HARBOR, WA 98335  
(206) 851-5546

11-7-95

To: City Administrator Mark Hoppen,

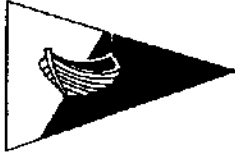
As you know I have a jewelry store down on Harborview Drive next to W.B. Scotts. For many years now I have seen people old and young trip and fall near the telephone pole between W.B. Scotts and my store. Outside my store towards Scotts there is rough concrete and an unusually high slope and narrow walkway where the two sidewalks meet. At night visibility is extremely poor and folks can't see this sudden rise and often trip and nearly fall. In the best interest of the city, I feel a light should be attached to the electrical pole so as to light the way and make it safer for the pedestrians. Possibly saving the city from a lawsuit for inadequate lighting in that area. It is an inexpensive cost for a better public service. Please feel free to contact me if you have any questions. The city now knows the situation and can make a substantial difference before it's too late.

Sincerely,

*Christopher S. Kuhn*

cc: mayor  
records

MAILING ADDRESS: POST OFFICE BOX 2433, GIG HARBOR, WA 98335



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: THE PUBLIC WORKS CREW  
FROM: GRETCHEN WILBERT, MAYOR  
DATE: DECEMBER 6, 1995

I just want to say thank you for all the things you do for the City. We tend to take for granted clean drinking water flowing from our faucets, flushing the toilet, driving on unflooded roads, no overrun at the Wastewater Treatment Plant, and our manicured parks. You and I know those things just don't happen. Without your expertise we'd be in a bad way.

I can't tell you how many times people have said to me, "What a good job the City is doing. It's just beautiful." I tell them "We have the finest, most dedicated staff and crew of any small city." I thank them for the compliment.

These are some of the little things that make a big difference in how the residents feel about their town. They see the crew:

- caring for the right-of way;
- filling in the cracks on a lifting sidewalk;
- placing the bright yellow reflectors on the center line;
- painting the fog lines;
- creating reflective crosswalks;
- placing a new crosswalk from WB Scotts to Harbor Inn;
- yellow striping a no parking zone at Spinnaker Ridge;
- repairing broken latches and faucets in the ladies restrooms;
- retrieving sinking dingy's;
- adjusting the lane lines at Ryan & Soundview;
- saving the new ferns each spring at Clay Hill;
- planting and caring for street trees;
- replacing the lava rock with grass, benches, and planters;
- moving a mailbox;
- sweeping the Fuller Street End city parking lot;
- filtering the manhole covers;
- disposing of doggie doo;
- sweeping the streets and gutters;
- replanting the little Noble Fir;
- and stringing the lights for the holiday celebration.

It's true! The citizens of Gig Harbor appreciate your effort more than you know. I'm very proud to be a part of your team.

Thank you.



**"DRAFT" GOLDEN ANNIVERSARY CELEBRATION ACTIVITIES CALENDAR**

<b>DATE &amp; TIME</b>	<b>EVENT</b>	<b>LOCATION OF EVENT</b>	<b>SPONSOR</b>	<b>CONTACT PERSON &amp; #</b>
July 19th - Evening	Beauty Pageant - 40's Fashion Show	Gig Harbor High School	Nita Barcott, A World of Dance, Adelia's Bridal	Nita Barcott, 851-3595
July 20th - morning	Pancake Breakfast	Jerisich Park	Kiwanis Club	Jack Poltz, 857-5878
July 20th - 7:30 - 9:30 AM	Bike Tour - Tour De Firefighters	Gig Harbor City Streets	Gig Harbor Peninsula Firefighters Assoc	Chris Goodman, 851 3111, ex 601
July 20th - 9:30 AM to ?	50th Anniversary Celebration Parade	Harborview Drive	Chamber of Commerce/City of Gig Harbor	Dr. Russ Galarneau, 851-7711, Gordon Wohlfeil, 851-6865
July 20th - Afternoon	Picnic in the Park Bar-B-Que	Jerisich Park	Rotary Club of Gig Harbor	Ken Uddenberg, 851-8355
July 21st - Time?	Taste of the Harbor	Various Locations in Downtown	Gig Harbor Retail & Restaurant Assoc	Bruce & Linda Gair 851-8510
July 21st - Time?	History Walk in the Harbor	City of Gig Harbor Streets	Gig Harbor Peninsula Historical Society	Barbara & Eugene Pearson 265-2400
July 22nd - Time?	Art Walk	Harborview/Pioneer Shopping Dist.	Peninsula Art League	Donna Trent 265-6532
July 23rd - Evening	Concert in the Park-Ft. Lewis Army Band	City Park - Vernhardson Street	Altrusa Club/City of Gig Harbor	Susan Payne, 851-9927
July 20th thru July 26th	Harbor Days Sales	All Gig Harbor Area Merchants	All Gig Harbor Merchants	Bruce & Linda Gair 851-8510
July 24th - 6 & 7 PM	Slide Show, "Year in the Life of Gig Harbor"	City Hall 3105 Judson Street	Gig Harbor Photographers Club	Renee' Crist 851-3582
July 25th - 2 PM	Ribbon Cutting - Finholm View Climb	North Harborview Drive	Gig Harbor Lions Club	Len McAdams 851-1143
July 26th - Evening	Mayor's Big Band -Dinner Dance	GH Yacht Club, Stinson Avenue	Mayor Wilbert/Sentimental Journey	Mayor Gretchen Wilbert, 851-8136
July 27th - All Day	Mustang Car Show	Judson Street	Gig Harbor Ford/City of Gig Harbor	Maureen Della Maggiora 851-8136
July 28th - Afternoon	Musical/Play, Swedish Immigration 1846	In the Meadow, Peacock Hill Ave.	Performance Circle	Shirley Coffin, 851-play
Finale' Event - September ?	Salmon Dinner	St. Nicholas Church, Rosedale St	GH Commercial Fishermans Civic Club	Jake Bujacich, 858-2542





11-3-95

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ELIMINATING OUTDATED ADMINISTRATIVE PROCEDURES FOR APPEALS TO THE CITY COUNCIL, MAKING MINOR CLEAN-UP AMENDMENTS TO CHAPTER 17.01 OF THE GIG HARBOR CODE, AND ADOPTING NEW REGULATIONS FOR CONSTRUCTION TRAILERS AND OTHER TEMPORARY USES; REPEALING SECTIONS 17.01.070, 17.01.080, 17.01.090 AND CHAPTER 17.08, AMENDING SECTION 17.01.070 and 17.08.010 AND ADDING A NEW SECTION 17.01.090 TO THE GIG HARBOR CODE.**

---

WHEREAS, the public notice requirements for project permit applications and legislative decisions under the Gig Harbor Municipal Code will be removed from Title 17 and included in new chapter 19.03 GHMC, and

WHEREAS, the standards for curbs and sidewalks are contained in the City's Public Works Design Standards, and

WHEREAS, chapter 17.01 GHMC contains regulations on the subjects of public notice, curbs and sidewalks, and should be repealed, and

WHEREAS, the City currently has no regulations on the subject of the temporary placement and siting of construction trailers and portable offices, now, therefore,

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

**Section 1.** Section 17.01.070 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Section 17.01.080 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Section 17.08.010 of the Gig Harbor Municipal Code is hereby renumbered and amended to read as follows:

17.08.010.01.080 Conformance required - Fence or shrub height.

- ~~A.~~ ~~No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designed or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the use district in which such land, building, structure or premises is located.~~
- A.B In order to maintain and preserve safe vision purposes on all corner lots, there shall be no fences, shrubs or other physical obstructions within 20 feet of the apex of the property corner at the intersecting streets, higher than 36 inches above the existing grade.
- ~~B.C.~~ On interior lots a fence not exceeding six feet in height above the existing grade may be located anywhere from the front yard setback line to the rear property line. Within the front yard, a fence not exceeding three feet in height may be constructed to the side yard property lines with provisions for safe vision clearance where a driveway intersects the fronting street.
- C.D Fences shall not be constructed of plywood or composition sheeting.

Section 4. Section 17.01.090 of the GHMC is hereby repealed.

Section 5. A new Section 17.01.090 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.01.090 Construction trailers - Temporary uses.

- A. Applications for the temporary use of construction trailers are Type 1 project permit applications as defined under Title 19 of the GHMC and shall be processed accordingly. These permits are available for those who are in the process of constructing a building or buildings may apply for a temporary permit, which shall be subject to renewal, to locate a

construction trailer or similar portable office on the building lot during the course of construction of the building or buildings. Such permit shall not be issued until after a building permit has been obtained.

- B. Construction trailer or portable offices may be used as caretaker's quarters at various job sites which are controlled by other permits of limited time duration. All other types of caretaker quarters must meet the requirements for dwellings.
- C. Construction trailers or portable offices used for temporary uses must have an approval on sewage disposal system, water supply, and electrical connection.
- D. A temporary use permit may be issued by the planning/building department for a period not to exceed one year; provided, the department, for good cause shown, may renew the permit for an additional six-month period, at which time the temporary use (construction trailer or portable office) and all appurtenances thereto shall be removed from the property.
- E. As a condition to the issuance of a temporary permit under the provisions of this section, the owner shall deposit in trust with the city, in cash or its equivalent, an amount as established under the City's Fee Schedule Resolution, to be deposited in a special fund created by this Chapter and identified as the "construction trailer or portable office deposit fund," and shall enter into an agreement with the city. Such agreement shall provide, at a minimum, as follows:
  - 1. The applicant agrees to pay to the city all fees, costs, and/or expenses, legal or otherwise, which the city may incur in causing the removal of the construction trailer or portable office, and all its appurtenances left in place beyond the time period approved by the city or used or installed in violation of the ordinances of the city;
  - 2. The applicant agrees that all such fees, costs and/or expenses incurred by the city shall be deducted from the deposit;
  - 3. The applicant agrees to pay to the city such fees, costs, and/or expenses incurred by the city which are in excess of the deposit;
  - 4. The city agrees to refund the deposit at the time of expiration of the permit, in total, provided the city does not incur such fees, costs, and/or expenses, or shall refund the remainder of the deposit

after deduction of such fees, costs, and/or expenses;  
and

5. The city agrees to provide to the applicant a complete and accurate accounting of all such fees, costs, and/or expenses, if any, incurred by the city.

F. A temporary use permit will be issued by the planning/building department. The fee will be in addition to all other required permits for electrical, plumbing and sewage disposal systems.

Section 6. Chapter 17.08 of the Gig Harbor Municipal Code is hereby repealed.

Section 7. 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 8. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

On the \_\_\_\_ day of \_\_\_\_\_, 1995, 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 LAND USE AND ZONING, ELIMINATING OUTDATED ADMINISTRATIVE PROCEDURES FOR APPEALS TO THE CITY COUNCIL, MAKING MINOR CLEAN-UP AMENDMENTS TO CHAPTER 17.01 OF THE GIG HARBOR CODE, AND ADOPTING NEW REGULATIONS FOR CONSTRUCTION TRAILERS AND OTHER TEMPORARY USES; REPEALING SECTIONS 17.01.070, 17.01.080 AND CHAPTER 17.08, AMENDING SECTION 17.01.070 and 17.08.010 AND ADDING A NEW SECTION 17.01.090 TO THE GIG HARBOR CODE.**

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

CITY ADMINISTRATOR, MARK HOPPEN

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12-22-95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW DEFINITIONS TO THE ZONING CODE, CHAPTER 17.04, ADDING NEW SECTIONS 17.04.025, 17.04.205, 17.04.207, 17.04.272, 17.04.365, 17.04.407, 17.04.431, 17.04.655, 17.04.692, 17.04.693, 17.04.704, 17.04.706, 17.04.833, 17.04.837, 17.04.875, AMENDING SECTIONS 17.04.010, 17.04.555, AND REPEALING SECTIONS 17.04.630 AND 17.04.680 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the City's recent code revisions require that new definitions be added to the Zoning Code, and that existing definitions be amended or repealed, now, therefore,

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

Section 1. A new Section 17.04.025 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.025 Adult Family Home. "Adult family home" is a facility licensed pursuant to chapter 70.128 RCW or the regular family abode of a person or persons who are providing personal care, room and board to one adult not related by blood or marriage to the person providing the services.

Section 2. A new Section 17.04.205 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.205 City. "City" shall mean the city of Gig Harbor, Washington.



Section 3. Section 17.04.250 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.250 Comprehensive plan. "Comprehensive plan" means the planning document as defined in RCW 36.70A.030(4). ~~an officially adopted document of texts, charts, graphics, maps or any combination thereof that is designed to portray a general long range proposal for the arrangement of land uses and the development of an economic base of human resources and that is intended primarily to guide government public policy toward achieving the orderly and coordinated development of the entire community.~~

Section 4. Section 17.04.260 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.260 Conditional use. "Conditional use" means a use listed among those classified in any given zone but permitted only after a public hearing by the city council and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same district.

Section 5. Section 17.04.260 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.264 Day care. "Day care" or "Family Day Care" means a state-licensed day care provider as defined in RCW 74.15.020, who regularly provides day care for not more than twelve children in the provider's home in the family living quarters. ~~the supervised non-medical care of people for periods of less than 24 consecutive hours. The care of up to six children under the age of 12 years and supervised by the occupants of a the residence is regarded as an accessory use, requiring no permits under this title.~~

Section 6. A new Section 17.04.271 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.271 Director. The Director of the Department of Community Development or his/her designated representative.

Section 7. A new definition 17.04.272 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.272 Developed property shall mean a lot or parcel of land upon which a building/buildings is/are located but which contains insufficient area to be capable of further subdivision in accordance with the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), as now or hereafter amended.

Section 8. Section 17.04.290 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.290 Dwelling, multiple-family. "Multiple-family dwelling" means a residential building that is designed for or occupied by three or more families living independently of each other in separate but attached dwelling units.

Section 9. Section 17.04.330 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.330 Family. ~~"Family" means any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together in a dwelling unit.~~ Individuals domiciled together in one dwelling unit as a single house-hold and which the number of individuals occupying the dwelling unit shall not exceed the occupant load of the structure as calculated by the city in accordance with the adopted building code.

Section 10. A new Section 17.04.365 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.365 Floor area ratio. "Floor area ratio" is a proportional allowance which a building may use for maximum floor area based upon the area of the lot or parcel. The intent of floor area ratios is to minimize the mass, scale and bulk of a structure on a parcel and adjacent parcels while providing sufficient open space, solar access and view opportunities.

Section 11. A new section 17.04.407 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.407 Ground cover. "Ground cover" shall mean small plants such as salal, ivy, ferns, mosses, grasses or other types of vegetation which normally cover the ground and shall include trees less than three inches in diameter measured at 54 inches above ground.

Section 12. A new section 17.04.455 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.455 Lot of record. "Lot of record" means a lot, tract or parcel which is defined by a deed recorded as a valid lot in a recorded subdivision with the county auditor and assigned a tax number ~~prior to the effective date of the city subdivision ordinance or short plat ordinance or which has been defined by a survey recorded pursuant to state survey or platting laws or parcels which have been recognized by resolution of the city council, prior to the effective date of the city subdivision ordinance or short plat ordinance, in conformance with Chapter 58.17 RCW.~~

Section 13. Section 17.04.555 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.555 Ministorage warehousing. "Ministorage warehousing" means fully enclosed commercial storage facilities, available to the general public and used solely for the storage of personal property (see also "Warehousing").

Section 14. A new Section 17.04.655 is hereby added to the Gig Harbor Municipal Code to read as follows:

17.04.655 Partially developed property. "Partially Developed Property" shall mean a lot or parcel of land upon which a building/buildings is/are located and which is of sufficient area so as to be capable of subdivision in accordance with the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), as now or hereafter amended.

Section 15. Section 17.04.680 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.680 Profession. ~~"Profession" means an occupation or calling requiring the practice of a learned art or specialized knowledge based upon a State issued license or a degree issued by an institute of higher learning., e.g., a doctor of medicine, an engineer or a lawyer.~~ Professional Office or Service. Professional office or service is the use of a facility or structure for the provision of a specialized service or skill. Professional offices or services are not involved in the sale or lease of a product or merchandise on site.

Section 16. A new Section 17.04.692 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.692 Recreation, outdoor. "Recreation, outdoor" means any privately owned and managed commercial use or activity that typically requires a location outside of a building or structure, such as tennis courts, golf courses/driving ranges, sport courts, etc.

Section 17. A new Section 17.04.693 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.693 Recreational building. "Recreational building" means an enclosed structure used as a facility for indoor recreational activities, including commercial fitness centers.

Section 18. A new Section 17.04.695 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.695 Recreational vehicle. "Recreational vehicle" is a motor vehicle or portable vehicular structure that is capable of being towed on the highways by a motor vehicle, is designed or intended for casual or short-term human occupancy for travel, recreational or vacation uses, and is identified by a model number, serial number, or vehicle registration number.

Section 19. A new Section 17.04.697 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.697 Rental Hall Facility. "Rental Hall Facility" means a building owned by a ~~non-profit organization~~ which is ~~rented or~~ leased on a frequent basis to private groups, individuals or other organizations for special events.

Section 20. A new Section 17.04.705 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.705 Sales, retail. "Retail sales" means the point of purchase acquisition of finished goods or products by the general public.

Section 21. A new Section 17.04.706 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.706. Sales, wholesale. "Wholesale sales" mean the acquisition of finished or semi-finished goods, products or materials by a commercial entity, firm or corporation for eventual distribution to a retail market and which are not subject to the retail sales tax.

Section 22. Section 17.04.765 of the Gig Harbor Municipal Code is hereby repealed.

Section 23. A new Section 17.04.837 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.837 Undeveloped property. "Undeveloped property" shall mean a lot or parcel of land upon which no building exists, and which may or may not be of sufficient area so as to be capable of subdivision.

Section 24. Section 17.04.870 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.870 Variance. "Variance" means a relaxation of the requirements of this title with respect to building setback, building height, the size of signs, coverage or parking (but not with respect to use) approved by the city council upon the ~~recommendation of the city~~ as a Type III permit application.

Section 25. A new section 17.04.875 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.875 Warehouse/warehousing. "Warehouse" or "warehousing" is defined as the storage of goods, products or materials for commercial or industrial facilities within a fully enclosed structure.

Section 26. Section 17.04.010 is hereby amended as follows:

17.04.010 General interpretation.

\* \* \*

H. Where a definition for a word or term is not found in this section, the definition of the word or term as found in the latest edition of Webster's Dictionary shall apply.

Section 27. 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 28. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 1995, 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 LAND USE AND ZONING, ADDING NEW DEFINITIONS TO THE ZONING CODE, CHAPTER 17.04, ADDING NEW SECTIONS 17.04.025, 17.04.205, 17.04.207, 17.04.272, 17.04.365, 17.04.407, 17.04.431, 17.04.655, 17.04.692, 17.04.693, 17.04.704, 17.04.706, 17.04.833, 17.04.837, 17.04.875, AMENDING SECTIONS 17.04.010, 17.04.555, AND REPEALING SECTIONS 17.04.630 AND 17.04.680 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN





12-26-95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO ZONING CODE ENFORCEMENT, ADOPTING A NEW CHAPTER 17.07 IN THE GIG HARBOR MUNICIPAL CODE FOR THE ENFORCEMENT OF ZONING CODE AND SUBDIVISION CODE, SEPARATING THE CODE ENFORCEMENT PROCESS FOR THESE VIOLATIONS FROM BUILDING CODE ENFORCEMENT; ESTABLISHING THE PLANNING DIRECTOR AS THE OFFICIAL CHARGED WITH ENFORCEMENT OF TITLES 17 AND 16, DESCRIBING VIOLATIONS AND SETTING PENALTIES FOR SUCH VIOLATIONS, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 15.18.002, 15.18.004, 15.18.006, 15.08.012, 15.18.016, 15.18.018 AND 15.18.020.

---

WHEREAS, the City's Zoning Code has been enforced in the past through the Building and Fire Code enforcement procedures, as set forth in Chapter 15.18, and

WHEREAS, the City desires to continue to enforce the Zoning Code, but to place responsibility for its enforcement with the same department and the same department head responsible for its administration, and

WHEREAS, the City further desires to consolidate the enforcement process for the Subdivision Code into this new enforcement chapter, now, therefore,

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

Section 1. Section 15.18.002 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.002 Violations.

\* \* \*

~~G. Zoning Code Violation.~~

~~1. It is a violation of Title 17 for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the City of Gig Harbor without first obtaining the permits or authorizations required for the use by Title 17.~~

~~2. It is a violation of Title 17 for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City of Gig Harbor in any manner that is not permitted by the terms of any permit or authorization issued pursuant to Title 17, provided that the terms or conditions are explicitly stated on the permit or the approved plans.~~

HG. Additional Violations. In addition to the above, it is a violation of Title 15 ~~or 17~~ to:

1. remove or deface any sign, notice, complaint or order required by or posted in accordance with this chapter;
2. to misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction application.
3. fail to comply with any of the requirements of Title 15, ~~or 17~~ including any requirement of the Uniform Codes and state codes adopted by reference herein.

Section 2. Section 15.18.004 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.004 Duty to Enforce.

\* \* \*

B. Upon presentation of proper credentials, the Building Official may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by Title 15 ~~or 17~~.

\* \* \*

E. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of Title 15 ~~or 17~~.

\* \* \*

Section 3. Section 15.18.006 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.006 Investigation and notice of violation.

A. Investigation. The Building Official shall investigate any structure or use which the Building Official reasonably believes does not comply with the standards and requirements of Title 15 ~~or 17~~.

B. Notice of Violation. If after investigation, the Building Official determines that the standards or requirements of Title 15 ~~or 17~~ have been violated, the Building Official shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;
2. What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
3. A reasonable time for compliance;

4. A statement that if the violation is not already subject to criminal prosecution, that any subsequent violations may result in criminal prosecution as provided in Chapter 15.18.018.

\* \* \*

Section 4. Section 15.18.012 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.09.012~~ 15.18.012 Emergency Order. Whenever any use or activity in violation of Title 15 ~~or 17~~ threatens the health and safety of the occupants of the premises or any member of the public, the Building Official may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an Emergency Order shall constitute a violation of this chapter.

Any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Building Official is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

Section 5. Section 15.18.014 of the Gig Harbor Municipal Code is hereby amended as follows:

\* \* \*

D. The decision of the hearing examiner shall be final and conclusive. In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing criminal penalties must appeal to the appropriate court with jurisdiction, and a person with standing to appeal a decision imposing civil penalties must make application for a land use petition under chapter 36.70C RCW within twenty-one (21) days of the issuance of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant. ~~an aggrieved party or person must make application for a writ of review to the Pierce County superior court. ...~~

\* \* \*

Section 6. Section 15.18.016 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.016 Civil Penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of Title 15 ~~or 17~~ shall be subject to a cumulative penalty in the amount of Fifty Dollars (\$50.00) per day for each violation from the date set for compliance until compliance with the order is achieved.

\* \* \*

Section 7. Section 15.18.018 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.018 Criminal Penalties.

A. Any person violating or failing to comply with any of the provisions of Title 15 ~~or 17~~ and who has had a judgment entered against him or her pursuant to Chapter 15.18.016 or its predecessors *within the past five (5) years* shall be subject to criminal prosecution and upon conviction of a subsequent violation shall be fined in a sum not exceeding Five Thousand Dollars (\$5,000.00) or be imprisoned for a term not exceeding one (1) year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of Title 15 ~~or 17~~ shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of Title 15 ~~or 17~~ for which corrective action is not possible; and

2. For any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of Title 15 ~~or 17~~.

\* \* \*

Section 8. Section 15.18.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.18.020 Additional Relief. The Building Official may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of Title 15 ~~or 17~~ when civil or criminal penalties are inadequate to effect compliance.

Section 9. A new chapter 17.07 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

**CHAPTER 17.07  
ENFORCEMENT**

**Chapters:**

<b>17.07.002</b>	<b>Violations</b>
<b>17.07.004</b>	<b>Duty to Enforce</b>
<b>17.07.006</b>	<b>Investigation and Notice of Violation</b>
<b>17.07.008</b>	<b>Time to Comply</b>
<b>17.07.010</b>	<b>Stop Work Order</b>
<b>17.07.012</b>	<b>Emergency Order</b>
<b>17.07.014</b>	<b>Review by Director</b>
<b>17.07.016</b>	<b>Civil Penalty</b>
<b>17.07.018</b>	<b>Criminal Penalties</b>
<b>17.07.020</b>	<b>Additional Relief</b>
<b>17.07.022</b>	<b>Subdivision Violations and Penalties</b>

17.07.002 Violations.

A. It is a violation of Titles 17 and/or 16 for any person to initiate, maintain or cause to be initiated or maintained the use of any structure, land or property within the City of Gig Harbor without first obtaining the permits or authorizations required for the use by the aforementioned codes.

B. It is a violation of Titles 17 and/or 16 for any person to use, construct, locate, demolish or cause to be used, constructed, located, or demolished any structure, land or property within the City of Gig Harbor in any manner that is not permitted by the terms of any permit or authorization issued pursuant to the aforementioned codes, provided that the terms or conditions are explicitly stated on the permit or the approved plans.

C. In addition to the above, it is a violation of Titles 17 and/or 16 to:

1. remove or deface any sign, notice, complaint or order required by or posted in accordance with the aforementioned codes;
2. to misrepresent any material fact in any application, plans or other information submitted to obtain any building or construction authorization.
3. fail to comply with any of the requirements of Titles 17 and/or 16.

17.07.004 Duty to Enforce.

A. It shall be the duty of the Planning Director to enforce this Chapter. The Planning Director may call upon the police, fire, building, public works or other appropriate City departments to assist in enforcement. As used in this chapter, "Planning Director" shall also mean his or her duly authorized representative.

E. Upon presentation of proper credentials, the Planning Director may, with the consent of the owner or occupier of a building or premises, or pursuant to a lawfully issued inspection warrant, enter at reasonable times any building or premises subject to the consent or warrant, in order to perform the duties imposed by Titles 17 and/or 16.

C. This chapter shall be enforced for the benefit of the health, safety and welfare of the general public, and not for the benefit of any particular person or class of persons.

D. It is the intent of this chapter to place the obligation of complying with its requirements upon the owner, occupier or other person responsible for the condition of the land and buildings within the scope of Titles 17 and/or 16.

E. No provision of or any term used in this chapter is intended to impose any duty upon the City or any of its officers or employees which would subject them to damages in a civil action.

17.07.006 Investigation and notice of violation.

A. Investigation. The Planning Director shall investigate any structure or use which the Planning Director reasonably believes does not comply with the standards and requirements of Titles 17 and/or 16.

B. **Notice of Violation.** If after investigation, the Planning Director determines that the standards or requirements of Titles 17 and/or 16 have been violated, the Planning Director shall serve a notice of violation upon the owner, tenant or other person responsible for the condition. The notice of violation shall contain the following information:

1. A separate statement of each standard, code provision or requirement violated;
2. What corrective action, if any, is necessary to comply with the standards, code provision or requirements;
3. A reasonable time for compliance;
4. A statement that (for zoning code violations), if the violation is not already subject to criminal prosecution, that any subsequent violations may result in criminal prosecution as provided in Chapter 17.07.018.

C. **Service.** The notice shall be served on the owner, tenant or other person responsible for the condition by personal service, registered mail, or certified mail with return receipt requested, addressed to the last known address of such person. If, after a reasonable search and reasonable efforts are made to obtain service, the whereabouts of the person(s) is unknown or service cannot be accomplished and the Planning Director makes an affidavit to that effect, then service of the notice upon such person(s) may be made by:

1. Publishing the notice once each week for two (2) consecutive weeks in the City's Official Newspaper; and
2. Mailing a copy of the notice to each person named on the notice of violation by first class mail to the last known address if known, or if unknown, to the address of the property involved in the proceedings.

D. **Posting.** A copy of the notice shall be posted at a conspicuous place on the property, unless posting the notice is not physically possible.

E. **Other Actions May Be Taken.** Nothing in this Chapter shall be deemed to limit or preclude any action or proceeding pursuant to Sections 17.07.010, 17.07.012, 17.07.016, 17.07.018, 17.07.020 or 17.07.022.

F. **Optional Notice to Others.** The Planning Director may mail, or cause to be delivered to all residential and/or nonresidential rental units in the



structure or post at a conspicuous place on the property, a notice which informs each recipient or resident about the notice of violation, Stop Work Order or Emergency Order and the applicable requirements and procedures.

G. Amendment. A notice or Order may be amended at any time in order to:

1. Correct clerical errors; or
2. Cite additional authority for a stated violation.

17.07.008 Time to Comply.

A. Determination of Time. When calculating a reasonable time for compliance, the Planning Director shall consider the following criteria;

1. The type and degree of violation cited in the notice;
2. The stated intent, if any, of a responsible party to take steps to comply;
3. The procedural requirements for obtaining a permit to carry out corrective action.
4. The complexity of the corrective action, including seasonal considerations, construction requirements and the legal prerogatives of landlords and tenants; and
5. Any other circumstances beyond the control of the responsible party.

B. Order Becomes Final Unless Appealed. Unless an appeal is filed with the Planning Director for hearing before the Hearing Examiner in accordance with Chapter 17.07.014, the notice of violation shall become the final order of the Planning Director. A copy of the notice shall be filed with the Pierce County Auditor. The Planning Director may choose not to file a copy of the notice or order if the notice or order is directed only to a responsible person other than the owner of the property.

17.07.010 Stop Work Order. Whenever a continuing violation of this Code will materially impair the Planning Director's ability to secure compliance with this Code, or when the continuing violation threatens the health or safety of the public, the Planning Director shall issue a Stop Work Order specifying the

violation and prohibiting any work or other activity at the site. A failure to comply with a Stop Work Order shall constitute a violation of this chapter.

17.07.012 Emergency Order. Whenever any use or activity in violation of Title 17 and/or 16 threatens the health and safety of the occupants of the premises or any member of the public, the Planning Director may issue an Emergency Order directing that the use or activity be discontinued and the condition causing the threat to the public health and safety be corrected. The Emergency Order shall specify the time for compliance and shall be posted in a conspicuous place on the property, if posting is physically possible. A failure to comply with an Emergency Order shall constitute a violation of this chapter.

Any condition described in the Emergency Order which is not corrected within the time specified is hereby declared to be a public nuisance and the Planning Director is authorized to abate such nuisance summarily by such means as may be available. The cost of such abatement shall be recovered from the owner or person responsible or both in the manner provided by law.

17.07.014 Review by Hearing Examiner.

A. Any person significantly affected by or interested in a notice of violation issued by the Planning Director pursuant to Section 17.07.006 may obtain an appeal of the notice by requesting such appeal within fifteen calendar (15) days after service of the notice. When the last day of the period so computed is a Saturday, Sunday or federal or City holiday, the period shall run until five p.m. (5:00 p.m.) on the next business day. The request shall be in writing, and upon receipt of the appeal request, the Planning Director shall forward the request to the Office of the Hearing Examiner.

B. At or after the appeal hearing, the Hearing Examiner may:

1. Sustain the notice of violation;
2. Withdraw the notice of violation;
3. Continue the review to a date certain for receipt of additional information;
4. Modify the notice of violation, which may include an extension of the compliance date.

C. The Hearing Examiner shall issue a Decision within ten (10) days of the date of the completion of the review and shall cause the same to be mailed

by regular first class mail to the person(s) named on the notice of violation, mailed to the complainant, if possible, and filed with the Pierce County Auditor.

D. The decision of the hearing examiner shall be final and conclusive. In order to appeal the decision of the hearing examiner, a person with standing to appeal a decision imposing criminal penalties must appeal to the appropriate court with jurisdiction, and a person with standing to appeal a decision imposing civil penalties must make application for a land use petition under chapter 36.70C RCW within twenty-one (21) days of the issuance of the examiner's decision. The cost of transcription of all records ordered certified by the court for such review shall be borne by the appellant.

17.07.016 Civil Penalty.

A. In addition to any other sanction or remedial procedure which may be available, any person violating or failing to comply with any of the provisions of Title 17 shall be subject to a cumulative penalty in the amount of Fifty Dollars (\$50.00) per day for each violation from the date set for compliance until compliance with the order is achieved.

B. The penalty imposed by this section shall be collected by civil action brought in the name of the City. The Planning Director shall notify the City Attorney in writing of the name of any person subject to the penalty, and the City Attorney shall, with the assistance of the Planning Director, take appropriate action to collect the penalty.

C. The violator may show as full or partial mitigation of liability:

1. That the violation giving rise to the action was caused by the wilful act, or neglect, or abuse of another; or

2. That correction of the violation was commenced promptly upon receipt of the notice thereof, but that full compliance within the time specified was prevented by inability to obtain necessary materials or labor, inability to gain access to the subject structure, or other condition or circumstance beyond the control of the defendant.

17.07.018. Criminal Penalties.

A. Any person violating or failing to comply with any of the provisions of Title 17 and who has had a judgment entered against him or her pursuant to Chapter 17.07.016 or its predecessors within the past five (5) years shall be subject to criminal prosecution and upon conviction of a subsequent

violation shall be fined in a sum not exceeding Five Thousand Dollars (\$5,000.00) or be imprisoned for a term not exceeding one (1) year or be both fined and imprisoned. Each day of noncompliance with any of the provisions of Title 17 shall constitute a separate offense.

B. The above criminal penalty may also be imposed:

1. For any other violation of Title 17 for which corrective action is not possible; and

2. For any wilful, intentional, or bad faith failure or refusal to comply with the standards or requirements of Title 17.

17.07.020. Additional Relief. The Planning Director may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of Title 17 when civil or criminal penalties are inadequate to effect compliance.

17.07.022. Subdivision Violations.

A. Any person, firm, corporation or association or any agency of any person, firm corporation or association who violates any provision of Title 16, Subdivisions, relating to the sale, offer for sale, lease or transfer of any lot, tract, or parcel of land, shall be guilty of a gross misdemeanor and each sale, offer for sale, lease or transfer of each separate lot, tract or parcel of land in violation of any provision of Title 16, Subdivisions, shall be deemed a separate and distinct offense.

B. Whenever land within a subdivision granted final approval is used in a manner or for a purpose which violates any provision of Title 16, Subdivisions, or any term or condition of plat approval prescribed for the plat by the city, then the city attorney may commence an action to restrain and enjoin such use and compel compliance with the provisions of Title 16, or with such terms and conditions. The costs of such action shall be taxed against the violator.

Section 9. 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 10. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

On the \_\_\_\_ day of \_\_\_\_\_, 1995, 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, RELATING TO ZONING CODE ENFORCEMENT, ADOPTING A NEW CHAPTER 17.07 IN THE GIG HARBOR MUNICIPAL CODE FOR THE ENFORCEMENT OF ZONING CODE AND SUBDIVISION CODE, SEPARATING THE CODE ENFORCEMENT PROCESS FOR THESE VIOLATIONS FROM BUILDING CODE ENFORCEMENT; ESTABLISHING THE PLANNING DIRECTOR AS THE OFFICIAL CHARGED WITH ENFORCEMENT OF TITLES 17 AND 16, DESCRIBING VIOLATIONS AND SETTING PENALTIES FOR SUCH VIOLATIONS, AMENDING GIG HARBOR MUNICIPAL CODE SECTIONS 15.18.002, 15.18.004, 15.18.006, 15.08.012, 15.18.016, 15.18.018 AND 15.18.020.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN



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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, MAKING ADJUSTMENTS TO THE CODE TO PERMIT FAMILY DAY CARE AND ADULT FAMILY HOMES IN RESIDENTIAL DISTRICTS, LIMITING THE FLOOR AREA OF NON-RESIDENTIAL STRUCTURES IN THE RB-1, WM, B-2 AND C-1 DISTRICTS, PERMITTING MANUFACTURED/MOBILE HOME SUBDIVISIONS AND PARKS IN RESIDENTIAL ZONES, ADDING AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW INCREASED HEIGHT FOR A SINGLE FAMILY DWELLING IN THE RESIDENTIAL DISTRICTS, REVISING THE PARKING STANDARDS TO ALLOW SHARED PARKING IN THE DOWNTOWN BUSINESS DISTRICT, DEFINING COMPLETE APPLICATION AND PERMIT TYPE FOR VARIANCES, CONDITIONAL USE AND SPECIAL USE PERMITS AND AMENDING SECTIONS 17.12.020, 17.16.020, 17.16.030, 17.16.040, 17.16.070, 17.16.080, 17.20.010, 17.20.020, 17.20.030, 17.20.050, 17.20.060, 17.20.070, 17.24.020, 17.24.030, 17.24.050, 17.24.060, 17.28.010, 17.28.020, 17.28.030, 17.28.060, 17.28.070, 17.30.020, 17.30.050, 17.30.070, 17.30.110, 17.31.080, 17.31.110, 17.32.010, 17.32.020, 17.32.030, 17.32.040, 17.32.050, 17.26.020, 17.36.030, 17.36.080, 17.36.120, 17.40.020, 17.40.030, 17.40.040, 17.40.050, 17.40.070, 17.40.080, 17.40.100, 17.46.020, 17.46.040, 17.46.060, 17.46.040, 17.48.060, 17.50.040, 17.50.050, 17.50.060, 17.62.010, 17.62.020, 17.62.030, 17.66.020, 17.68.010, 17.68.040, 17.68.050, 17.72.020, 17.72.030, 17.78.020, 17.78.050, 17.28.070, 17.78.080, 17.78.090, 17.78.110, 17.84.030, 17.89.020, 17.89.030, 17.89.030, 17.89.070, 17.89.120, 17.89.130, 17.90.010, 17.80.020, 17.90.020, 17.90.030, 17.90.040, 17.90.060, 17.90.070, 17.90.080, 17.96.030, 17.96.050, 17.96.080, 17.100.020, 17.100.025, 17.100.030, 17.100.040, 17.100.050; ADDING NEW SECTIONS 17.16.080, 17.24.070, 17.32.033, 17.32.035, 17.36.060, 17.40.055, 17.40.075, 17.62.040, 17.64.015, 17.64.045, 17.66.015, 17.66.025, 17.72.060, 17.72.060, 17.72.070, 17.100.035; REPEALING SECTIONS 17.16.060, 17.16.040, 17.64.090, AND 17.102.010 OF THE GIG HARBOR MUNICIPAL CODE.



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WHEREAS, the Growth Management Act requires that local government planning under the act must adopt development regulations which implement comprehensive plans; and,

WHEREAS, the State Regulatory Reform Act of 1995 requires local governments planning under RCW 36.70A to consolidate permit processes to meet the requirements of the act; and,

WHEREAS, the current zoning code, which was last updated in 1991, is in need of refinement to reflect current state law; and,

WHEREAS, updating the zoning code is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994; and,

WHEREAS, there are many policy areas relevant to administrative procedures which should be amended to increase the efficiency of land use permit processing within the city; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Section 17.12.010 of the Gig Harbor Municipal Code is hereby amended as to read as follows:

**17.12.010 Districts established.** The city is divided into the following use districts:

- A. Single-family residential (R-1);
- B. Medium density residential (R-2);
- C. Multiple-family residential (R-3);
- D. Residential business 1 (RB-1);
- E. Residential business 2 (RB-2);
- F. Downtown business (DB);
- G. ~~General business~~ Neighborhood Commercial (B-1);
- H. General business (B-2);
- I. General commercial (C-1);
- J. ~~Westside commercial (WSC)~~ Public-Institutional (PI);
- K. Waterfront residential (WR);
- L. Waterfront Millville (WM);
- M. Waterfront commercial (WC).
- N. Employment District (ED)

Section 2. Section 17.16.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in an R-1 district:

- A. Single-family dwelling;
- B. ~~Agricultural uses including nurseries and truck gardens as long as objectionable odors or dust are not created;~~ Adult family homes
- C. Publicly owned and operated parks and playgrounds;
- D. Temporary buildings for and during construction;
- E. Family day care;
- F. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure.
- I. Manufactured housing in approved manufactured housing subdivisions.
- J. Home occupations

Section 3. Section 17.16.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-1 district:

- ~~A. Child care facilities serving more than six children outside of a home in an institution;~~
- ~~A.~~ E. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities;
- ~~B.~~ C. Schools, including playgrounds and athletic fields incidental thereto;
- ~~C.~~ D. Houses of religious worship, rectories and parish houses;
- ~~E.~~ F. Home occupations;
- ~~D.~~ E. Bed and breakfast establishments;
- ~~E.~~ G. Accessory apartment which meet the criteria as established under Section 17.64.045. ~~When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:~~
  - ~~1.~~ 1. The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass block pavers to avoid an expansive area of hard surface,

- ~~2. The accessory apartment is attached to or placed at least six feet behind the primary structure;~~
- ~~3. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design;~~
- ~~4. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g., garage entrance or service porch entrance);~~
- ~~5. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit;~~
- ~~6. The accessory apartment and the primary unit conforms to all other building and zoning code requirements.~~

Section 4. Section 17.16.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.16.040 Prohibited uses and structures.~~ The following uses and structures are prohibited in an R-1 district:

- ~~A. Those not listed under GHMC 17.16.020, permitted principal uses and structures and 17.16.030, conditional uses;~~
- ~~B. The storage of mobile homes~~
- ~~C. Any use including permitted and conditional uses that causes or may reasonably be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which the use is located. The word "excessive" is defined for these purposes as a degree exceeding that generated by the customary manner of operation of the uses permitted in the district or as a degree injurious to the public health, safety, welfare or convenience; and~~
- ~~D. Mobile/manufactured dwelling.~~

Section 5. Section 17.16.060 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 17.16.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.0760 Development standards.** In an R-1 district, the minimum lot requirements are as follows:

A. <sup>1</sup> Minimum lot area per building site <u>for short plats</u>	12,000 square feet
B. <sup>1</sup> Minimum lot width	70'
C. <sup>2</sup> Minimum front yard setback	25'
D. Minimum rear yard setback	30'
E. Minimum side yard setback	8'
F. Maximum impervious lot coverage	40%
G. Minimum street frontage	20'
H. <u>Maximum Density</u>	<u>3 dwelling units/acre</u>

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties ~~in the opinion of~~ as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup> A maximum density of up to 4 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

Section 7. Section 17.16.080 of the Gig Harbor Municipal Code shall be amended to read as follows:

**17.16.0870 Maximum height of structures.** In an R-1 district, all buildings and structures shall not exceed ~~have a maximum height of 16-35~~ feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area

Section 8. A new Section 17.16.080 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.16.080 Height Variance for Single Family Dwellings

The maximum height of a single family dwelling may be increased, subject to the requirements established in Section 17.66.025 of this Title. Requests for a height variance is a Type II application and shall be processed in accordance with the procedures in Title 19 of the GHMC.

Section 9. Section 17.20.010 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.20.010 Intent.** A R-2 district is intended to allow for a moderate density of land use that is greater than is permitted in an R-1 district but less than is permitted in an R-3 district, where suitable facilities such as streets, water, sewer and storm drainage are available. An R-2 district provides a transition between a higher density residential district in order to preserve the primarily residential character of existing lower density residential areas.

Section 10. Section 17.20.020 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.20.020 Permitted uses.** The following uses are permitted in an R-2 district:

- A. Single-family detached dwellings;
- B. Two-family dwellings (duplexes);
- C. Adult family homes
- ~~D. C.~~ Public parks and playgrounds;
- ~~E. D.~~ Temporary buildings for and during construction;
- ~~F. E.~~ Family Day care;
- ~~G. F.~~ Accessory structures and uses; and
- ~~H. G.~~ Home occupations subject to Chapter 17.84 GHMC.
- I. Manufactured housing in approved manufactured housing subdivisions or parks.
- J. Home occupations

Section 11. Section 17.20.030 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.20.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-2 district:

- ~~A. Child care facilities serving more than six children outside of a home in an institution;~~
- ~~A. B.~~ Public utilities and public service uses such as libraries, electric substations, telephone exchanges, and municipal service facilities;
- ~~B. C.~~ Schools, public and private, including accessory playgrounds and athletic fields;
- ~~C. D.~~ Houses of religious worship, rectories and accessory buildings;
- ~~D. E.~~ Bed and breakfast establishments;
- ~~E. F.~~ Nursing and retirement homes;

F.G. Recreational buildings and community centers.  
G. Rental Hall

Section 12. Section 17.20.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 13. Section 17.20.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.050 040 Development standards.** In a R-2 district, the minimum lot requirements are as follows:

	<del>7000- to 12000</del>	<del>Single Family Dwelling 12000+</del>	<del>Duplex Dwelling</del>	<del>Nonresidential</del>
<del>Minimum lot area per building site in square feet</del>		12000	14000	12000
<del>Minimum lot width</del>	50'	70'		70'
<del>Minimum front yard setback</del>	25'	25'	25'	25'
<del>Minimum rear yard</del>	25'	25'	25'	30'
<del>Minimum interior side yard</del>	7'	8'	8'	10'
<del>Maximum impervious lot coverage</del>	40%	40%	45%	50%
<del>Minimum street frontage</del>	20'	20'	20'	20'

A.	Minimum lot area for short plats:	7000 square feet/dwelling unit
B.	<sup>1</sup> Minimum lot width:	50 feet
C.	<sup>1</sup> Minimum front yard:	25 feet
D.	Minimum side yard:	7 feet
E.	Minimum rear yard:	25 feet
F.	Maximum site coverage:	40 % of the total lot area.
G.	<sup>2</sup> Maximum density:	6 dwelling units per acre

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties ~~in the opinion of~~ as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot on record.

<sup>2</sup> A maximum density of up to 7.8 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

Section 14. Section 17.20.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.060 Maximum height of structures.** In an R-2 district, all buildings and structures shall not exceed ~~have a maximum height of 16—35~~ feet except as provided for under Chapter 17.62 GHMC, ~~height overlay district~~ restriction area

Section 15. Section 17.20.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.20.070 Height Variance for Single Family Dwellings

The maximum height of a single family dwelling may be increased, subject to the requirements established in Section 17.66.025 of this Title. Requests for a height variance is a Type II application and shall be processed in accordance with the procedures in Title 19 GHMC.

Section 16. Section 17.24.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in an R-3 district:

- A. Duplexes and multiple-family dwellings up to eight attached dwelling units per structure;
- B. Bed and breakfast establishments;
- C. Nursing and retirement homes subject to the basic density requirements of the district;

D. Adult family homes;

E.D. Family day care;

F.E. Publicly owned parks and playgrounds; and

G.F. Accessory uses and structures such as:

1. Temporary buildings for and during construction, and
2. Uses and structures that are normal, necessary or desirable adjuncts to permitted uses.

I. Manufactured housing in approved manufactured housing subdivisions or parks.

J. Home occupations

Section 17. Section 17.24.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-3 district:

~~A. Child care facilities serving six or more children outside of a home in an institution;~~

~~A.B. Public utilities and public services uses such as libraries, electrical substations, telephone exchanges and police and fire and water facilities;~~

~~B.C. Recreational buildings and community centers;~~

~~C.D. Schools, public and private;~~

~~D.E. Houses of religious worship, rectories and parish houses;~~

~~E.F. Private nonprofit clubs;~~

~~F.G. Parking lots; and~~

~~G.H. Single-family dwellings.~~

Section 18. Section 17.24.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.050 Development standards.** In an R-3 district, the minimum lot requirements are as follows:

	Single-Family Dwelling	Duplex Dwelling	Three or more units	Nonresidential
Minimum lot area per building site in square feet	7000	14000	20000	12000
Minimum lot width	70'	70'	70	70'



Minimum front yard setback	25'	25'	25'	25'
Minimum rear yard	25'	25'	15'	30'
Minimum interior side yard	8'	8'	8'	10'
Maximum impervious lot coverage	40%	40%	65%	50%
Minimum street frontage	20'	20'	20'	20'

A.	<sup>1</sup> Minimum area for short plats:	5400 square feet/dwelling unit
B.	<sup>1</sup> Minimum lot width:	50 feet
C.	<sup>2</sup> Minimum front yard:	20 feet
D.	Minimum side yard:	7 feet
E.	Minimum rear yard:	25 feet
F.	Maximum site coverage:	60 % of the total lot area.
G.	<sup>3</sup> Maximum Density	8 dwelling units per acre

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of as determined by the planning and public works directors. ~~An undersized lot shall qualify as a building site if such lot is a lot of record. The maximum density in an R-3 district is eight dwelling units per acre.~~

<sup>3</sup> A maximum density of up to 10.4 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

Section 19. Section 17.24.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.060 Maximum height of structures.** In an R-3 district, all buildings and structures shall not exceed ~~have a maximum height of 16-35~~ feet except as provided for under Chapter 17.62 GHMC, height ~~overlay district~~ restriction area

Section 20. A new Section 17.24.070 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.24.070 Height Variance for Single Family Dwellings. The maximum height of a single family dwelling may be increased, subject to the requirements established in Section 17.66.025 of this Title. Requests for a height variance is a Type II application and shall be processed in accordance with the procedures in Title 19 GHMC.

Section 21. Section 17.28.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.010 Intent.** An RB-1 district is intended to provide a mix of residential uses with certain specified business, personal and professional services. It is also intended to serve as a buffer between high intensity commercial and lower density residential uses. The regulations and restrictions in an RB-1 district are intended to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, compatible with single-family residential development. To this extent, non-residential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.

Section 22. Section 17.28.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.020 Permitted uses and structures.** The following principal uses and structures are permitted in an RB-1 district:

- A. All uses permitted in the R-1 district;
- B. Bed and breakfast establishments;
- C. Business and Professional offices and personal services;
- D. Publicly owned parks and playgrounds;
- E. Temporary buildings for and during construction;
- ~~F. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure;~~
- ~~G-F.~~ Uses which complement or facilitate permitted uses such as parking facilities or public plazas; and
- H. G. Pharmacies solely incidental to medical offices.

- I. Mobile/Manufactured home parks or subdivisions.
- J. Family Day Care
- K. Adult Family Homes

Section 23. Section 17.28.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an RB-1 district:

- A. Nursing homes and retirement facilities;
- B. Child care facilities ~~containing more than six children~~;
- C. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges and police, fire and water facilities;
- D. Recreational buildings and community centers;
- E. Schools, public and private;
- F. Outdoor recreational activities.
- G. Houses of religious worship
- H. Rental halls.

**17.28.050 - Minimum Development Standards**

~~In an RB-1 district, the minimum lot requirements are as follows:~~

	<del>Single Family</del>	<del>Non-residential</del>
<del>A. Lot area (square feet)</del>	<del>12,000</del>	<del>12,000</del>
<del>B. Lot width (feet)</del>	<del>70'</del>	<del>70'</del>
<del>C. Nonresidential yards:</del>		
<del>    1. Front</del>	<del>20</del>	<del>20</del>
<del>    2. Side</del>	<del>10</del>	<del>10</del>
<del>    3. Rear</del>	<del>15</del>	<del>15</del>
<del>    Abutting R-1/R-2 district</del>	<del>30 feet, with dense vegetative screening</del>	
<del>E. Residential yards</del>	<del>Same as setbacks in R-3 district</del>	
<del>F. Maximum impervious coverage</del>	<del>50%</del>	<del>60%</del>
<del>G. Minimum street frontage</del>	<del>20'</del>	<del>50'</del>
	<u>Residential</u>	<u>Non-residential</u>
A. Minimum lot area (square feet)	12,000	15,000
B. Minimum lot width	70'	70'
C. Minimum front yard setback	20'	20'
D. Minimum rear yard setback	25'	15'
E. Minimum side yard setback	7'	10'

F. Maximum impervious lot coverage	50%	60%
G. Minimum street frontage	20'	50'
H. Maximum gross floor area	N/A	5,000 square feet/lot
<u>I. Maximum Density</u>	<u>3 dwelling units/acre</u>	

~~H. More than one principal structure may be allowed on a single lot in an RB-1 district. Any yard abutting a single family residence shall be required to maintain a 30' wide dense vegetated screen.~~

~~I. An undersized lot of record shall qualify as a building lot provided it cannot be combined with another lot and; provided further, that compliance with the setback and coverage requirements are met.~~

~~J. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of 10 feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.~~

Section 24. Section 17.28.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.060 Maximum height of structures.** In an RB-1 district, all buildings and structures shall not exceed have a maximum height of 16-35 feet except as provided for under Chapter 17.62 GHMC, height ~~overlay district~~ restriction area.

Section 25. Section 17.28.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.070 Parking and loading facilities.** In an RB-1 district, parking and loading on private property shall be provided in connection with any permitted or conditional use as specified in Chapter 17.72 GHMC. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of 10 feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.

Section 26. Section 17.30.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.30.020 Permitted uses and structures.** The following uses and structures are permitted in an RB-2 district:

- A. Multiple-family dwellings;

- B. Bed and breakfast accommodations;
- C. ~~Business and Professional offices or services~~ as described in GHMC 17.28.020;
- D. Retail uses clearly accessory to the principal office use of a structure;
- ~~E. Day care centers containing six or fewer children; Family Day Care~~
- ~~E. F.~~ Publicly owned parks and playgrounds; and
- ~~F. G.~~ Banking institutions.
- G. Mobile/Manufactured home parks and subdivisions.
- H. Adult Family Homes

Section 27. Section 17.30.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.30.050 Development standards.** In an RB-2 district, development standards shall be satisfied for all new and redeveloped uses requiring site plan review:

- A. Minimum lot area: 12,000 square feet;
- B. Minimum lot width: 70 feet;
- C. Front yard setback: 20 feet;
- D. Side yard setback: 8 feet;
- E. Rear yard setback: 15 feet;
- F. Any yard abutting an existing residential use or zone: 40 feet with dense vegetative screening. Easements not having dense vegetative screening are not included
- G. Maximum Density: Eight dwelling units per acre permitted outright; 12 dwelling units per acre ~~maximum~~ allowed as a conditional use.

Section 28. Section 17.30.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.30.070 Maximum building height.

~~Maximum building height in an RB-2 district shall be limited as follows:~~

- ~~— A. Twenty eight feet within the first 100 feet of an existing residential use or zone;~~
- ~~— B. Thirty five feet for structures located more than 100 feet from an existing residential use or zone.~~ In an RB-2 district, all buildings and structures shall not exceed have a maximum height of 16-35 feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area.

Section 29. Section 17.30.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.30.110— Supplemental standards. Performance standards. In an RB-2 district, the development standards set forth in GHMC 17.58.060 through 17.58.110 shall be applicable to this chapter.~~

In an RB-2 district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 30. Section 17.31.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.31.030 Maximum height of structures.** In the DB district, all buildings and structures shall have a maximum height of 16 feet ~~except as provided for under Chapter 17.62 GHMC, height overlay district.~~

Section 31. Section 17.31.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.31.110 Performance standards.** In a DB district, performance standards are as follows:

\* \* \*

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of twelve feet from the building. Out door displays of merchandise on public sidewalks or right-of-ways shall be regulated per Chapter 12.02 of the Gig Harbor Municipal Code.

E.D. Outdoor Lighting. Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

F.E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 32. Section 17.32.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.010 Intent.** This district is intended to provide shopping facilities close to residential areas for the convenience of nearby residences in satisfaction of only daily or frequent shopping needs, while reducing the hazards of local traffic by limiting the kinds of retail activities to those suitable for stores of 40,000 5,000 square feet of floor area or less per parcel, such as groceries, bakeries or drugstores. Residential uses, subordinate to the principal commercial use, are suitable for this district. The protective standards for site development contained in this chapter are intended to minimize any adverse effect of such development on nearby property values, and to provide for safe and efficient use of the development itself. ~~Submission of a site development plan is intended to serve as a guide to the city council and planning commission for the evaluation of the application in terms of the public interest. Such information is further intended to substantiate a finding that the proposed development will promote the general welfare of the city. It is further intended that any financial responsibility of the developer for work to be done on city streets bounding or giving access to the development, which arises out of the provisions of this chapter, be made the subject of a contractual agreement between the developer and the city, and that~~

~~such contractual agreement may contain provisions to effectuate any other Chapter of this chapter.~~ The principles or guidelines to be applied are as follows:

A. All business establishments shall be retail or service establishments dealing directly with consumers, and only those goods shall be produced that are sold on the premises. Residential uses are allowed, if they are subordinate to the principal commercial use on the site and providing that they do not occupy the groundfloor of the structure.

B. The maximum gross floor area for a non-residential structure occupied by any business establishment shall not exceed 10,000 5,000 square feet per lot, exclusive of required parking.

C. All business shall be conducted within completely enclosed buildings., ~~no Open or drive-in establishments being permitted are not permitted.~~

Section 33. Section 17.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.020 Permitted uses.** Subject to the regulations of GHMC 17.32.030, the following uses are permitted in a B-1 district:

A. All uses permitted in an R-2 district, with the exception of detached single family dwellings;

B. Barbershops and beauty parlors;

C. Drugstores;

D. Drycleaning and laundry receiving establishments, processing not to be done on the premises;

E. Food stores, such as grocery stores, ~~meat markets;~~ bakeries and delicatessen stores;

F. Hardware stores;

G. Laundries, of the automatic, self-service type;

H. Shoe repair stores;

I. Variety stores;

J. Temporary buildings for and during construction;

~~K. Relating to storage uses, such establishments may be permitted to conduct business outside of enclosed buildings for the purposes of storage of wheeled vehicles, trailers and other wheeled implements. Any such business conducted outside of enclosed buildings shall be within the confines of an area properly secured, fenced and screened, and shall be allowed only after completion of site plan review as specified in GHMC 17.32.030;~~ Residences located above the ground floor of a commercial establishment.

~~L. Light manufacturing;~~

~~M. Bowling alleys;~~

~~N. Restaurants, cocktail lounges and taverns.~~



Section 34. Section 17.32.030 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.32.030 Site plans.** The procedures established under Chapter 17.96 shall apply to development within this district.

~~A. Before a building permit will be issued in this zone, except a single-family residence or duplex, a minimum of triplicate site plans shall be submitted to the city clerk for transmittal to the city building inspector.~~

~~B. Site plans will be drawn to scale of no smaller than one inch equals 30 feet and shall include the following:~~

~~1. Location and arrangement of proposed building on lot;~~

~~2. Three contiguous property lines of adjacent property owners;~~

~~3. Location and size of off-street parking to include ingress and egress as well as internal traffic circulation and service facilities;~~

~~4. Proposed landscaping to include drainage and permanent landscaping or screening which is feasible for the property within the proposed development;~~

~~5. A separate scale drawing of the exterior of the building(s) to include siding material, signs, and screening design and material;~~

~~6. A city of Gig Harbor environmental work sheet.~~

~~C. If the city clerk and the city building inspector find the plans lacking in any respect, or that the proposed development would not meet the regulations of the district for which they are designed, the city clerk or the city building inspector will return same to the applicant(s) with a notation as to where they are deficient. When corrected, they will be again placed in the hands of the city clerk and the city building inspector for review and transmittal to the planning commission.~~

~~D. If the city clerk and the city building inspector find a variance, a conditional use permit or a rezone would be a necessary adjunct to the carrying out of the proposed plans, the applicant (s) shall be so notified, that they may make application for such variance, conditional use permit or zone change coincident with the application for site plan approval, if so desired.~~

~~E. The city clerk shall assign public hearing dates for the applicant for both the planning commission and city council and forward the site plans to the planning commission which shall, at its earliest possible regular meeting, consider approval of the plans with special attention to:~~

~~1. Compatibility with the city's comprehensive plan;~~

~~2. Compatibility with surrounding buildings, occupancy, and use factors;~~

~~3. All relevant statutory codes, regulations and ordinances and compliance with same.~~

~~F. Upon completion of its study of the site plans the planning commission shall transmit same to the city council together with a letter of approval or rejection of the plans. Should approval be recommended the letter may include recommendations for any special~~

~~restrictions or regulations deemed necessary or desirable in furthering the intent of the code pertaining to this proposed development.~~

~~G. The city council, upon receipt of the site plans, shall hold an advertised public hearing and accept or reject, with or without special restrictions or regulations, the site plans submitted.~~

~~H. The city council may require suitable performance bonds to assure compliance with all city ordinances, the amount and nature of same shall be set by the city council, and the city clerk shall arrange for same.~~

~~I. All site plans submitted shall become property of the city and shall be considered an integral part of the building permit when issued.~~

~~J. Upon approval by the city council, the city building inspector is authorized to issue permits for the proposed building(s) and/or development.~~

Section 35. A new Section 17.32.033 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.033 General Standards. The following general standards shall apply:

- |    |                                   |                           |
|----|-----------------------------------|---------------------------|
| A. | Minimum lot area:                 | 5,000 square feet         |
| B. | Minimum lot width:                | 50 feet                   |
| C. | Minimum front yard:               | 20 feet                   |
| D. | Minimum side yard:                | 10 feet                   |
| E. | Minimum rear yard:                | 25 feet                   |
| F. | Maximum site impervious coverage: | 80 %                      |
| G. | Maximum Residential Density:      | 4 dwelling units per acre |

Section 36. A new Section 17.32.035 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.035 Maximum District Area. The maximum area of a B-1 district shall not exceed 3 acres. A B-1 district may not be located within one-half mile of another commercial district.

Section 37. Section 17.32.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.040 Off-street loading.** One off-street loading berth shall be provided, in accordance with Chapter 17.72 GHMC. ~~for 10,000 square feet or more of floor area up to 20,000 square feet, and one additional berth provided for each 20,000 square feet of floor area over 20,000 square feet.~~

Section 38. Section 17.32.100 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.32.100 Off-street parking.**

- ~~A. Off street parking shall be provided for residences on the basis of one space for each dwelling unit.~~
- ~~B. Off street parking shall be provided for all other uses, in accordance with the off street parking requirements of Chapter 17.72 GHMC. Off-street parking and loading shall comply with the standards of Chapter 17.72.~~

Section 39. Section 17.36.020 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.36.020 Permitted uses.** The following uses and structures are permitted in a B-2 district:

- A. Retail and wholesale sales, excluding motorized vehicles, trailers and boats;
- B. Business and professional offices;
- C. Banks and other financial institutions;
- D. Restaurants, cocktail and associated lounges and taverns (indoor dining - no drive-through);
- E. Commercial recreation, excluding drive-in theaters;
- F. Gasoline service stations and car washes; and
- G. Personal and professional services.
- H. Adult family homes
- I. Family day care
- J. Hotels and motels

Section 40. Section 17.36.030 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.36.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in a B-2 district:

- A. Utilities and public service uses such as libraries, electrical substations, water storage facilities, etc.;
- B. Light manufacturing and assembly;
- C. Ministorage warehouses;
- D. Recreational buildings and community centers;
- E. Drive-in restaurants; and

F. Radio and television transmission towers.

Section 41. A new section 17.36.055 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.36.055 Maximum Gross Floor Area. The maximum gross floor area per commercial structure is 35,000 square feet.

Section 42. Section 17.36.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.060 Minimum building setback requirements.**

- A. Front yard 20 feet
- B. Rear yard 20 feet
- C. Side Yard:
  - 1. Interior yards 5 feet
  - 2. Flanking street 10 feet
- D. Separation Between Structures 20 feet
- ~~D.E.~~ Any yard abutting residential development, 30 feet with dense vegetative screening.

Section 43. Section 17.36.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.080 Maximum height of structures.** In an B-2 district, all buildings and structures shall have a maximum height of ~~16~~ 35 feet except as provided for under Chapter 17.62 GHMC, height ~~overlay district~~ restriction area.

Section 44. Section 17.36.120 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.120 Performance standards.** In a B-2 district, performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary

applications required by this title; such landscaping shall be maintained for the life of the project in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of twelve feet from the building. Out door displays of merchandise on public right-of-way or sidewalks shall be regulated under the provisions of Chapter 12.02 of the Gig Harbor Municipal Code.

~~E.D.~~ Outdoor Lighting. Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

~~F.E.~~ Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 45. Section 17.40.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in a C-1 district:

- A. All uses permitted in a B-2 district;
- B. Repair shops for appliances, automobiles and small equipment;
- C. The production, processing, cleaning, servicing, testing, and repair of materials, goods and products, except that junkyards, auto wrecking yards, garbage dumps and any activity that emits smoke, excessive noise, dirt, vibration or glare, or is otherwise offensive or hazardous, is prohibited;
- D. Indoor amusement establishments;
- E. Animal hospitals, clinics with overnight confinement and pounds;
- F. The sale of motor vehicles, cars and trailers, and vehicle services such as carwashes, garages, tire and battery service facilities;
- G. Boat sales and show rooms;
- H. Building material sales;

- I. Cartage and express facilities and trucking;
- J. Contractors' offices and shops;
- K. Fishing equipment supplies and repairs;
- L. Frozen food lockers;
- M. Fuel and ice sales;
- N. Commercial greenhouses;
- O. Linen, towel, diaper and similar supply services and laundry facilities;
- P. Storage, warehousing and wholesaling establishments;
- Q. Light assembly or manufacturing; ~~and~~
- R. All permitted uses of the waterfront.
- S. Child day ~~nursery~~ care facilities ~~schools~~

Section 46. Section 17.40.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.030 Permitted accessory uses and structures.** The following accessory uses and structures are permitted in a C-1 district:

- ~~A. Temporary portable buildings for and during construction; and~~
- ~~B. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure.~~

Section 47. Section 17.40.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.040 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in a C-1 district:

- A. Hospitals, clinics and establishments for people convalescing from illness or operation;
- B. Homes for the aged;
- ~~C. Day nursery schools;~~
- ~~C.D.~~ Public utilities and public service uses such as libraries, electrical substations, telephone exchanges and police, fire and water facilities;
- ~~D.E.~~ Recreational buildings and community centers;
- ~~F. Seasonal Christmas tree sales;~~
- ~~E.G.~~ Schools, including playgrounds and athletic fields incidental thereto;
- ~~F.H.~~ Houses of religious worship, rectories and parish houses;
- ~~G.I.~~ Private and not-for-profit clubs;
- ~~H.J.~~ Planned unit developments;

~~I.K~~ Home occupations;  
~~J.L~~ Ministorage facilities;  
~~K.M~~ Drive-in restaurants; and  
~~L.N~~ Residential uses.

Section 48. Section 17.40.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.40.050 Prohibited uses and structures. The following uses and structures are prohibited in a C-1 district:~~

- ~~A. Those not listed under GHMC 17.40.020, permitted principal uses and structures; 17.40.030, permitted accessory uses and structures; and 17.40.040, conditional uses;~~
- ~~B. The permanent storage of mobile homes manufactured homes; and~~
- ~~C. Any use including permitted and conditional uses, that causes or may reasonably be expected to cause noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat or glare at or beyond any lot line of the lot on which the use is located. The word "excessive" is defined for these purposes as a degree exceeding that generated by the customary manner of operation of the uses in the district or as a degree injurious to the public health, safety, welfare or convenience.~~

Section 49. A new Section 17.40.055 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.40.055 Maximum Gross Floor Area. The maximum gross floor area per commercial structure is 65,000 square feet.

Section 50. Section 17.40.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.070 Minimum lot requirements.** In a C-1 district, the minimum site development lot area is 6,000 square feet, and the minimum lot width is 50 feet.

Section 51. A new Section 17.40.075 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.40.075 Maximum Residential Density. The maximum residential density is 7 dwelling units per acre.

Section 52. Section 17.40.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.080 Minimum building setback requirements.** In a C-1 district, there are no minimum requirements for front, side and rear building setbacks. Setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96 GHMC. ~~provided, however, that~~ Where a C-1 district abuts a residential district, the minimum yard shall be 30 feet with a dense vegetative screen located on the commercial property. The minimum separation between commercial structures on the same site shall be 20 feet.

Section 53. Section 17.40.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.100 Maximum height of structures.** In a C-1 district, all buildings and structures shall have a maximum height of ~~16~~ 35 feet except as provided for under Chapter 17.62 GHMC, height ~~overlay district~~ restriction area.

Section 54. Section 17.46.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.020 Permitted uses.** The following uses are permitted in a waterfront residential district:

- A. Single-family and duplex dwellings;
- B. Accessory structures clearly incidental to the residential use of the lot;
- C. Publicly owned and operated parks and shoreline viewing facilities;
- D. Home occupation;
- E. Family day care;
- F. Adult family homes

Section 55. Section 17.46.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.040 Development standards.** ~~In a waterfront residential district, A minimum lot area for new subdivisions is not specified.~~ The minimum lot requirements are as follows:



	<u>Single Family Dwelling</u>	<u>7000 to 12000</u>	<u>Less than 7000</u>	<u>Duplex Dwelling</u>	<u>Non-residential</u>
<u>Minimum lot area per building site in square feet</u>	<u>7000</u>			<u>15000</u>	<u>12000</u>
<u>Minimum lot width</u>	<u>70'</u>	<u>50'</u>	<u>50</u>	<u>70'</u>	<u>70</u>
<u>Minimum front yard setback</u>	<u>20'</u>	<u>20'</u>	<u>15'</u>	<u>20'</u>	<u>20</u>
<u>Minimum rear and/or cedarwood setback abutting tidelands</u>	<u>0'</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Minimum interior side yard setback</u>	<u>8'</u>	<u>5</u>	<u>5</u>	<u>8</u>	<u>10</u>
<u>Minimum street cedarwood setback</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>10</u>	<u>10</u>
<u>Maximum impervious lot coverage</u>	<u>40%</u>	<u>45%</u>	<u>50%</u>	<u>45%</u>	<u>50</u>
<u>Minimum street frontage</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20</u>

	Single	Duplex	Nonresidential
A. Minimum lot area (square feet):	7,000	14,000	12,000
B. Minimum lot width:	70 feet	50 feet	50 feet
C. <sup>1</sup> Minimum front yard:	20 feet	20 feet	20 feet
D. Minimum side yard:	10 feet	10 feet	10 feet
E. Minimum rear yard:	25 feet	25 feet	25 feet
F. Minimum Yard Abutting Tidelands:	0 feet	0 feet	0 feet
G. Maximum site impervious coverage:	40 %	45 %	50 %
H. <sup>2</sup> Maximum Density:	3 dwelling units per acre		

<sup>1</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties ~~in the opinion~~

of as determined by the planning and public works directors. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

\* \* \*

Section 56. Section 17.46.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.060 Maximum height of structures.** In a WR district, all buildings and structures shall not exceed ~~have a maximum height of 16-~~ 35 feet except as provided for under Chapter 17.62 GHMC.

Section 57. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.48.040 Development standards.** ~~A. Development standards in the WM district are as follows: A minimum lot area for new subdivisions is not specified.~~ The minimum development standards are as follows:

	Single Family	Multi family (duplex-fourplex)	Nonresidential
Min. lot area (sq. ft.)	12,000	15,000/duplex 18,000/triplex 21,000/fourplex	12,000
Min. lot width	70'	100'	100'
Min. front setback	20'	20'	20'
Min. rear and/or side yard abutting Tidelands	0	0	0
Min. int. side setback	8'	8'	10'
Min. street side setback	10'	10'	10'
Max. Impervious coverage	50%	55%	70%
	Single Family Dwelling	Attached up to 4 unit	Non residential
A. Minimum lot area (square feet):	6,000	6,000/unit	15,000
B. Minimum lot width:	50 feet	100 feet	100 feet
C. Minimum front yard:	20 feet	20 feet	20 feet
D. Minimum side yard:	8 feet	10 feet	10 feet
E. Minimum rear yard:	25 feet	25 feet	25 feet

F.	Minimum Yard Abutting Tidelands:	0 feet	0 feet	0 feet
G.	Maximum site impervious coverage:	50 %	55%	70%.
I.	Maximum gross floor (square feet):	N/A	N/A	3,500/lot
H.	<sup>2</sup> Maximum Density:	3.5 dwelling units per acre		

<sup>1</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the planning and public works directors. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

Section 58. Section 17.48.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.48.060 Height.**

A. ~~The maximum building height is~~ Structures shall not exceed 16 feet, ~~except as provided for under Chapter 17.62 GHMC.~~ Additional height of up to 24 feet, maximum, may be permitted for each structure if two one additional waterview and one access opportunityies are provided per structure and the following criteria are met:

1. The structure shall not exceed two stories or floors in height.
2. Each story or floor shall be less than or equal to 10 feet in height as measured from the top of the first floor to the top of the second floor.
3. There shall be no occupancy of the attic space.
4. The pitch of the roof shall have a minimum slope of 2:1 (6:12 pitch) and a maximum slope of 1:1 (12:12 pitch).
5. The proposal is reviewed in accordance with the site plan review criteria and procedure as established in Chapter 17.96 GHMC.

Section 59. Section 17.50.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.040 Development standards.**

In a waterfront commercial district, the minimum lot development requirements are as follows:

Multifamily

~~Single~~ (Duplex--Fourplex) ~~Non-residential~~

<del>A.</del>	<del>Minimum lot area</del>	<del>12,000</del>	<del>15,000</del>	<del>12,000</del>
			<del>21,000</del>	
<del>B.</del>	<del>Minimum lot width</del>	<del>70'</del>	<del>100'</del>	<del>100'</del>
<del>C.</del>	<del>Minimum front setback</del>	<del>20'</del>	<del>20'</del>	<del>20'</del>
<del>D.</del>	<del>Minimum rear setback</del>			
	<del>if tidelands not owned</del>	<del>15'</del>	<del>15'</del>	<del>15'</del>
<del>E.</del>	<del>Minimum rear and/or</del>			
	<del>side yard setback to</del>			
	<del>owned abutting tidelands</del>	<del>0</del>	<del>0</del>	<del>0</del>
<del>F.</del>	<del>Minimum interior</del>			
	<del>side setback</del>	<del>8'</del>	<del>8'</del>	<del>10'</del>
<del>G.</del>	<del>Minimum street</del>			
	<del>side setback</del>	<del>10'</del>	<del>10'</del>	<del>10'</del>
<del>H.</del>	<del>Maximum impervious</del>			
	<del>coverage</del>	<del>50%</del>	<del>55%</del>	<del>60%</del>

		Single Family Dwelling	Attached up to 4 unit	Non residential
A.	Minimum lot area (square feet)	6,000	6,000/unit	15,000
B.	Minimum lot width	50 feet	100 feet	100 feet
C.	<sup>1</sup> Minimum front yard	20 feet	20 feet	20 feet
D.	Minimum side yard	8 feet	10 feet	10 feet
E.	Minimum rear yard	25 feet	25 feet	25 feet
F.	Minimum Yard Abutting Tidelands	0 feet	0 feet	0 feet
G.	Maximum site impervious coverage	50 %	55%	70%.
H.	<sup>2</sup> Maximum Density		3.5 dwelling units per acre	

<sup>1</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of as determined by the planning and public works directors. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

\* \* \*

Section 60. Section 17.50.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.050 Site plans.** Before a building permit will be issued in a waterfront commercial district, the site plan review process specified in Chapter 17.96 GHMC shall be followed. Residential projects containing less than three or fewer dwelling units are exempt from this provision.

Section 61. Section 17.50.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.060 Maximum height of structures.**

In a waterfront commercial district, the maximum building height is 16 feet., ~~except as provided for under Chapter 17.62 GHMC.~~

Section 62. Section 17.62.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.010 Intent.** The purpose of this ~~district~~height restriction area is to establish standards for those properties ~~and zoning districts~~ located ~~outside~~ inside the Gig Harbor view basin where ~~greater~~ decreased building height ~~may be allowed~~shall be required. This is intended to be a limited height so as not to restrict zone where views from adjacent properties ~~will not be adversely affected~~.

Section 63. Section 17.62.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.020 Map adopted.** The standards of this Chapter shall be ~~an map overlay zone~~ and ~~are~~ is supplementary to the regulations prescribed by the underlying zones. The application of said standards shall pertain to those properties designated on the official zoning ~~map dated March 8, 1988.~~

Section 64. Section 17.62.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.030 Standards.** The maximum height for ~~residential structures containing three or fewer units shall be 25 feet. The maximum height of commercial structures or residential structures containing four or more units shall be 35~~ 16 feet, except as otherwise may be provided in a planned unit development, or a planned residential development.

Section 65. A new Section 17.62.040 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

17.62.040 Amendment to Height Restriction Area Map  
Amendments to the height restriction area map are a type IV permit procedure. The procedures established under Chapter 17.10 and Title 19 of the GHMC for the consideration of amendments to the zoning district map shall be followed for amendments to the height restriction area map. The criteria for approval shall be as follows:

- A. That the request to amend the height restriction area map furthers the goals, policies and objectives of the comprehensive plan;
- B. The property or area proposed for exclusion from the height restriction area map does not currently possess a view of Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows;
- C. The gradient of the land within 100 feet of the property or area does not have a slope of 5% or greater toward Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows.
- D. That views from adjacent properties will not be adversely affected.

Section 66. A new Section 17.64.015 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

17.64.015 Complete Application. An application for a conditional use permit is considered complete upon submittal of the information as required under Chapter 17.96.050(B) through (D), including the written statement of justification for granting the variance pursuant to the requirements of Chapter 17.64.040. This is in addition to the application requirements of Section 19.02.002 for a Type III application. Seven copies of all information required shall be submitted along with the processing fee.

Section 67. A new Section 17.64.045 is hereby added to the Gig Harbor

Municipal Code, to read as follows:

17.64.045 Review criteria for accessory apartments. When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:

- A. The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass-block pavers to avoid an expansive area of hard surface,
- B. The accessory apartment is attached to or placed at least six feet behind the primary structure,
- C. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design,
- D. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g., garage entrance or service porch entrance),
- E. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit,
- F. The accessory apartment and the primary unit conforms to all other building and zoning code requirements.

Section 68. Section 17.64.090 of the Gig Harbor Municipal Code is hereby repealed.

Section 69. A new Section 17.66.015 is hereby added to the Gig Harbor Municipal Code to read as follows:

**17.66.015 Complete Application.** An application for a general variance is considered complete upon submittal of the information as required under Chapter 17.96.050(B) through (D), including the written statement of justification for granting the variance pursuant to the requirements of Chapter 17.66.030(B). This is in addition to the application requirements of Chapter 19.02.002 for a Type III application. An application for an administrative variance shall contain the information required for a general variance, but shall include a written statement of justification for granting the variance pursuant to the requirements of Chapter 17.66.020(A).

Section 70. Section 17.66.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.66.020 Variances.**

**A. Administrative Variances.** An administrative variance is a type II permit procedure. Upon the filing of a proper application, the planning director shall have the authority to grant, with conditions if necessary, an administrative variance from the following property development standards:

1. A decrease of not more than 20 percent of the required width of a side, front or rear yard or yard between buildings;

2. An increase of not more than 10 percent of the permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, unenclosed awnings and unenclosed and uncovered decks into a required front, side or rear yard;

3. An increase of not more than ~~10~~ 5 percent in the maximum permitted height of a buildings; ;

4. A decrease of not more than 10 percent in the number of required parking spaces.

B. Required Findings to Grant. Each administrative variance granted shall be supported by written findings as follows: showing an affirmative determination of the variance review criteria contained in GHMC 17.66.030B.

The variance will not compromise the intent of the comprehensive plan nor be inconsistent with the goals, policies and objectives of the comprehensive plan;

1. The variance is an immediate remedy to a condition not readily apparent during the construction of a structure and which, if permitted, would not result in any significant adverse impacts to adjacent properties or structures;

2. A strict application of the standards would impose an unreasonable hardship upon the applicant or property owner;

3. The need for the variance is not the result of the deliberate actions of the applicant or property owner;

4. The variance does not create health and safety hazards.

~~C. Planning Director Action. Upon the filing of a properly completed application, the director shall, within fifteen working days, act to approve, modify or deny the application. If approved, the director shall send notice of the decision to the owners of all adjacent properties. The decision shall become final 145 working days after taking an action on the application unless an appeal is filed with the planning department prior to the fifteenth-fourteenth day. Any appeal of an administrative variance shall be considered by the hearing examiner. Required Findings to Grant Administrative Height Variance. An administrative height variance may be granted if all of the following criteria are met:~~

1. The proposed main ridge line of the structure for which the variance is sought is not parallel to the predominant view within the neighborhood and minimizes view impacts to adjacent structures.

2. The project design of the structure for which the variance is sought follows the natural slope of the site.

3. The proposed height and design of the structure for which the variance is sought is compatible with other residential structures within the neighborhood and zoning district where it is located.



Section 71. A new Section 17.66.025 is hereby added to the Gig Harbor Municipal Code to read as follows:

**17.66.025** Criteria for Height Increase for Single Family Dwelling.

An administrative variance from the maximum height standards of a single family dwelling may be increased as follows:

- A. Minimum side yard setback<sup>1</sup> - 20% of lot width
- B. Minimum roof pitch - 8/12 (8 units of rise per 12 units of run)
- C. Maximum height of structures - All buildings and structures shall have a maximum height of sixteen feet except that a 30 foot portion of the house's width may be increased to 24 feet in height if the following conditions are met:
  - i. The gable or hip end of the 30 foot portion shall face the street so that the ridge is perpendicular to the street. The Planning Director may approve a shift in the orientation of the house if it can be demonstrated that the shift results in a more significant view corridor. On a corner lot the Planning Director may determine the orientation respective to the fronting street.
  - ii. No structures other than chimneys shall extend beyond the area defined by the gable or hip, i.e., no structure shall extend above the common rafter extending from the top wall plate to the ridge,
  - iii. The 30 foot wide portion of the structure, measuring 24 feet above grade at the highest elevation, shall not exceed 33 feet above natural or finished grade at its lowest elevation.

<sup>1</sup>Minimum side yard setbacks on one side of the house may be reduced, subject to the Planning Director's approval if the following conditions are met:

- 1. The setback on one side shall cannot be reduced to ~~no~~-less than the setbacks in the underlying zone.
- 2. There must be a corresponding increase on the opposite side of the house so that the sum of both side yard setbacks equals 40 percent of the lot width as measured at the structure's location.
- 3. The Planning Director determines that a more significant view corridor could be retained by enlarging the setback on one side of the house as opposed to a 20 percent setback on both sides of the structure.

Section 72. Section 17.68.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.010** Intent.

A. Within the zoning districts established by this title or any amendment that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use that were lawful before the effective date of the applicable regulations, but that would be prohibited, regulated, or restricted under the terms of ~~Chapter Title 17-04~~ Chapter Title 17-04 of the GHMC or a future amendment thereof. This chapter is intended to permit these nonconformities to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconformities shall not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

\* \* \*

Section 73. Section 17.68.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.040 Nonconforming structures.** When a lawful structure existed at the effective date of the adoption or an amendment of the applicable regulations and could not be built under the terms of the current regulations set forth in GHMC Title 17, or amendments thereof, by reason of the restrictions on area, lot size or dimension, coverage, height, yards and the location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful and shall be subject to the following provisions:

A. No such nonconforming structure may be altered in any way that increases its nonconformity respective to bulk or dimensional standards in effect ~~or enlarges any of its dimensions~~, but any structure or portion thereof may be altered to decrease its nonconformity;

\* \* \*

Section 74. Section 17.68.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.050 Repairs and maintenance.**

A. Repairs may be made to any nonconforming structure or any portion of a structure containing a nonconforming use; provided, they are restricted to the repairs or replacement of structural elements, fixtures, wiring and plumbing

required so as to protect occupants and public safety. The need for such repairs or replacements shall be confirmed by the building official.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety and upon the order of such official.

Section 75. Section 17.72.020 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.72.020 Off-street parking design standards.**

\* \* \*

C. All off-street parking spaces shall be at least ~~nine~~ eight feet in width and at least ~~19~~ eighteen feet in length, both exclusive of access drives, yards, and ramps. Such spaces shall have a vertical clearance of at least seven feet. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, provided that the parking space so created contains within it the rectangular area required by this Chapter. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

	Parking Angle				
Aisle Width	0 <sup>0</sup>	30 <sup>0</sup>	45 <sup>0</sup>	60 <sup>0</sup>	90 <sup>0</sup>
One Way	12'	12'	15'	18'	20'
Two Way	19'	20'	21'	23'	24'

Driveways shall not be less than 12 feet in width for one way traffic and 20 feet in width for two-way traffic.

D. Off-street parking spaces may be located in any required yard unless otherwise indicated in ~~Chapter 17.72~~ in Title 17 of the GHMC.

\* \* \*

Section 76. Section 17.72.030 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.72.030 Number of off-street parking spaces required.**

T. For drive-through carwashes or quick service lubrication facilities, two parking spaces per service bay plus one space for every two employees. In addition, a stacking lane or lanes capable of accommodating a minimum of ten (10%) percent of the projected maximum hourly throughput of vehicles for the car wash shall be provided near the entrance to the car wash bay(s). One car length within the stacking lane shall be equal to the length of a standard parking stall.

Section 77. A new Section 17.72.060 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.72.060 Joint Use of Required Parking Spaces for the Downtown Business (DB) and the Waterfront Commercial (WC) Districts.

A. One parking area may contain required spaces for several different uses , Except as otherwise provided in this Chapter, the required space assigned to one use may not be credited to any other use which will require parking space simultaneously.

B. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the spaces may be credited to both uses.

C. Joint use of parking as specified under this Chapter shall be by written agreement between the developments using the parking facilities. The agreement shall be subject to the approval of the City. Said agreement shall be filed with the Pierce County Auditor as a covenant running with the land and is deemed binding between the assenting parties. The parking agreement shall have a minimum term of five years . Prior to expiration of the agreement, the property owner shall notify the City of the termination of the agreement. The business affected by the agreement shall secure off-street parking sufficient to meet the required parking for the use. The portioned share of the use lacking required parking shall cease to be used until such time that some or all of the required parking is available for use by the business.

D. Parking areas shall be clearly marked as reserved for the contracted tenant, including the hours of available occupancy.

Section 78. A new Section 17.72.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.72.070 Special Provisions for Lots With Existing Buildings in the Downtown Business District. Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on it constructed before the effective

date of this chapter, and (ii) a change in use does not involve any enlargement of a structure proposed for such lot, and (iii) the parking requirements of this Chapter as applicable under the proposed changes cannot be satisfied on such lot because there is insufficient area available on the lot that can practicably be used for parking, the parking standards for this Chapter may be reduced if parking is practicably available within two hundred feet of the site, either as public parking and/or joint-use parking on private property.

Section 79. Section 17.78.020 of the Gig Harbor Municipal Code is

hereby amended to read as follows:

**17.78.020 Applicability.** The standards as required by this chapter shall apply to all ~~nonresidential and nonagricultural~~ uses of land which are subject to site plan review, to the construction or location of any multifamily structure of three or more attached dwelling units and to any new subdivision plat.

Section 80. Section 17.78.050 of the Gig Harbor Municipal Code is

hereby amended to read as follows:

**17.78.050 Preservation of significant trees.**

\* \* \*

B. Significant Trees. Significant trees are those which possess one or more of the following characteristics:

1. Contribute to the character of the area and do not constitute a safety hazard; or

2. Form a continuous canopy or dense ~~buffer~~ vegetated screen;

3. If the grade level adjoining a tree to be retained is to be ~~raised~~ altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree. Proof of professional design may be required;

4. The applicant may install impervious or compactible surface within the area defined by the drip line of any tree to be retained if it is demonstrated by a qualified arborist that such activities will not endanger the tree or trees.

C. Other Existing Vegetation. Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

D. Areas of native vegetation which are designated as landscape or buffers areas shall be subject to a ten (10) foot wide no-construction zone and shall be protected by a temporary perimeter fence. Clearing.

grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10 foot set-back will not harm nor existing vegetation within the designated landscape or buffer area.

Section 81. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.070 Requirements for commercial uses.**

**A. Perimeter Areas.**

1. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the required yard or setback area or a total area equivalent to the required yards. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot high evergreen tree or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 300 square feet of area to be landscaped.

\* \* \*

Section 82. Section 17.78.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.080 Parking lot landscaping and screening.**

\* \* \*

C. Downtown Parking Lots. For parking lots located within the downtown area, the following standards apply:

1. Provision of a minimum of five-foot-wide landscaping strip intended to screen and soften the visual impacts of parking lots. Screening may be accomplished through any of the methods described under subdivision 2 of subChapter A of this Chapter. In addition to screening, street trees a minimum of two-inch caliper shall be provided at 20-foot intervals.

2. In those instances where parking areas are bordered by more than one street, the strip required in subdivision 1 of this subChapter shall only apply to the longest side. All other sides must be screened with a wall, fence, vegetative buffer or combination of these elements

at a minimum height of three and one-half feet. The street tree requirements will pertain.

3. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be ~~determined after consultation with the public works department~~ as established in the City of Gig Harbor Public Works Standards.

4. Trees Required. Trees are required at a ratio of at least one per 64 square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five feet above the ground at maturity. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.

\* \* \*

Section 83. Section 17.78.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.090 Screening/buffering from SR-16, the Tacoma City Light Right-of-Way and SR-16 interchanges.**

A. All development of properties adjacent to SR-16, the Tacoma City Light Right-of-Way and SR-16 interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of 25 feet in depth. Along SR-16 and the Tacoma City Light Right-of-Way, outside of the defined interchange areas, this buffer shall be adequate to totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of four to six feet shall be planted.

\* \* \*

Section 84. Section 17.78.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.110 Performance assurance.**

A. Landscaping required pursuant to an approved site plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the property owner submits a performance assurance equal to not less than 110% of a contractor's bid-price and which commitments to install the landscaping within one year.

Section 85. Section 17.84.030 of the Gig Harbor Municipal Code is

hereby amended to read as follows:

**17.84.030 General requirements.** The general requirements are:

A. Home occupations shall ~~occupy not more than 30 percent of the total floor area of the residence~~ only be permitted within the principal residential dwelling.

B. The occupation shall be carried on ~~entirely within a residence~~ by the occupant(s) thereof.

C. The occupation shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, in the ordinary meaning of the term, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.

D. ~~Point of purchase retail sales are generally discouraged not permitted. Limited stock in trade may be sold or displayed within the structure on the premises, and no equipment or material shall be stored on any exterior portion of the premises.~~

E. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion. The home occupation shall not generate traffic volumes greater than what would normally be expected in a residential neighborhood. Parking shall be provided in conformance with Chapter 17.72 GHMC.

F. ~~Any signs utilized in the home occupation shall be limited to one flush mounted sign on the main residential structure which shall not exceed two square feet in area. Such sign shall be unlit and shall use nonflashing, nonreflective materials, and the legend shall show only the name of the occupant and type of occupation. Colors shall be subdued and consistent with residential character. Signs shall not be permitted.~~

\* \* \*

Section 86. Section 17.89.020 of the Gig Harbor Municipal Code is

hereby amended to read as follows:

**17.89.020 Where permitted.** Planned residential development may be permitted in the following zoning districts consistent with the development and design standards of this chapter:

A. All residential districts (~~R-1, R-2, R-3~~);

B. Waterfront Residential (WR) and Waterfront Millville (WM).

Section 87. Section 17.89.030 of the Gig Harbor Municipal Code is

hereby amended to read as follows:



**17.89.030 Types of uses permitted.** The following uses are permitted in a PRD zone:

- A. ~~All~~ Single-family detached dwellings and up to four-unit attached structures as defined in Chapter 17.04 GHMC in R-1 districts;
- B. All single-family and multifamily dwellings as defined in Chapter 17.04 GHMC in R-2 and R-3 districts;
- C. Accessory uses;
- D. Uses that may be allowed by conditional use permits in the underlying zoning subject to the requirements of Chapter 17.64 GHMC.

Section 88. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.070 Procedure for approval of a planned residential development project.**

A planned residential development is a Type III permit application for a preliminary plat approval and a Type IV permit application for a final plat approval. The following are the procedures for approval of a PRD project:

~~A. Approval of a PRD shall be considered an amendment to the official zoning map and except as provided by this chapter, shall be processed as any other amendment with respect to notice, hearing and appeals. Prior to making application, the proponent may meet with the city staff for an initial discussion of the proposal and applicable policies, ordinances and standards.~~

~~A.B.~~ The preliminary development plan shall be reviewed in accordance with the procedures of this chapter 17.89, Title 16 and Title 19 of the GHMC. ~~by the hearing examiner. The action of the examiner shall constitute a recommendation to the city council.~~ The city hearing examiner shall not ~~recommend~~ approve of the PRD unless it is determined that the plan complies with the policies of the comprehensive plan, the requirements of this title and the intent and provisions of this chapter. The city examiner may ~~recommend~~ develop terms and conditions of approval. The approved preliminary plan or subsequent revision thereto shall be binding as to the general intent and layout of roads, buildings, use of land and open spaces.

~~B.C.~~ Within three five years of the date of the preliminary development plan approval, the applicant shall submit a final development plan for the proposed development for approval by the city council. After finding that the final development plan has been completed in accordance with the provisions of the approved preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the

interests of the city are fully protected, the city council shall approve the final development plan, accepting the dedications and easements which are included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof.

~~C.-D.~~ If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review.

Section 89. Section 17.89.120 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.120 Expiration and extensions.**

A. If a final development plan is not approved within ~~three~~ five years of the date of preliminary development plan approval, and an extension of time has not been granted, the PRD approval shall expire.

B. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than two years and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, ~~unless there has been substantial~~ fifty (50) percent or more of on-site work has been completed.

Section 90. Section 17.89.130 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.130 Minor and major ~~adjustments~~ amendments of the final plan.**

A. Minor ~~adjustments~~ amendments are a Type I permit application and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ~~10~~ five (5) percent from the original.

B. Major amendments are a Type III permit application. A major amendment is that ~~those~~ which substantially change the character, basic site

design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued ~~without prior review and recommendation by the hearing examiner and approval by the city council of such amendment until such review proceedings required under Title 19 of the GHMC are completed.~~

Section 91. Section 17.90.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.010 Intent.** The intent of planned unit developments is to allow ~~and make possible~~ greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the purposes ~~goals, policies~~ and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, ~~setback lines~~ minimum yards, density, uses, and height and bulk of buildings may be varied; provided, however, such variances shall not ~~conflict~~ compromise the overall intent of ~~with the comprehensive plan and nor significantly impact~~ existing uses, nor create adverse environmental effects. A planned unit development may be allowed in any district.

Section 92. Section 17.90.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.020 Approval of planned development.** ~~The city council, after receiving recommendations from the hearing examiner, shall approve, approve with conditions, or disapprove proposed planned unit developments subject to a public hearing and the provisions of this chapter. Changes in a proposed planned unit development including use, expansion or continuation of site area or alteration of structures shall not be allowed unless all regulations in this chapter are complied with including this approval procedure.~~

Section 93. Section 17.90.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.030 Parcel characteristics.** Planned unit developments shall be limited to a minimum site area of two acres. No planned unit development

application shall be made for an area of less than two acres unless the city makes the following findings:

- A. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development; or,
- B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development; or,
- C. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development.

Section 94. Section 17.90.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.040 Requirements.** The use of a planned unit development shall be as follows:

~~A. All private roads and drives and/or vehicle maneuvering areas shall have an unobstructed width consistent with traffic loads and overall design of the planned unit development and shall be constructed so that the roadway pavement structure meets city standards.~~ All roads shall be public roads and the configuration and design of such facilities shall be consistent with the approved by adopted policies and standards in of the City of Gig Harbor Public Works director Construction Standards. Private roads within the PUD may be approved by the city if the following criteria are met:

- 1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are part of the City's adopted road or transportation plan.
- 2. The proposed street design, pedestrian access and layout represents a superior design which meets the objectives of the Public Works Standards.
- 3. A direct and tangible public benefit will accrue from the proposed street design.

B. All provisions for vehicle parking shall be in designated parking areas.

C. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district. ~~Mixed uses may be allowed.~~

D. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

- 1. The location, ~~shape~~, size and character of the common open space is suitable for the planned unit development;

\* \* \*

Section 95. Section 17.90.060 of the Gig Harbor Municipal

Code is hereby amended to read as follows:

**17.90.060 Approval Procedures.**

~~A. The following information shall be submitted for hearing examiner and city council review of the preliminary development plans:~~

- ~~1. A copy of the site plan drawn to scale, showing the proposed layout;~~
- ~~2. A landscape plan drawn to scale, showing the location of landscape areas;~~
- ~~3. A written statement by the landowner or his agent setting forth the reasons why this planned unit development would be consistent with the goals and policies of the comprehensive plan.~~

~~A.B. The following information shall be submitted for hearing examiner and city council review as a Type III application and approval of the preliminary final development plan:~~

1. Environmental checklist or environmental impact statement, if required;
2. ~~Twelve~~ Seven copies of a site plan drawn to scale and dimensioned, showing the existing topography at five-foot contour intervals, the proposed layout of structures, off-street parking and loading areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences and walls;
3. ~~Twelve~~ Seven copies of a landscape plan drawn to scale and dimensioned, showing the location of proposed landscape areas together with varieties and size of plant materials to be used, together with the method of maintenance. Also, other landscape features such as screening, fences, lighting and signing shall be indicated;
4. Copies of architectural drawings or sketches drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required;
5. A schedule showing the proposed time and sequence within which the applications for final approval of all Chapters of the planned unit development are intended to be filed.

~~B.C. Within three~~ five years following the approval of the development plan, the applicant shall file with the city council a final development plan containing in final form the information required in the preliminary plan. The city council may extend the period up to a maximum of one year. If the city council finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary development plan approval have been satisfied, it may approve the final development plan in total or in phases.

~~C.D.~~ In granting any planned unit development, the city council may require adequate guarantees of compliance with the final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to review and approval as to form by the city attorney, or that the city may, in the event of the applicant's failure to comply, take the steps necessary to assure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

Section 96. Section 17.90.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.90.070—Application to be available for public inspection.—Amendments to a Planned Unit Development.—From the time of the filing of the application until the time of final action by the city council, the application together with all plans and data submitted shall be available for public inspection in the office of the planning director.—Amendments to a planned unit development may be authorized as follows:~~

A. Minor amendments are Type I permit applications and shall be processed as established under Title 19 of the GHMC and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than five (5) percent from the original.

B. Major amendments are Type III permit applications and shall be processed as established under Title 19 of the GHMC. Major amendments are those which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval by the city of such amendment.

Section 97. Section 17.90.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.96.030 Duration of approval.** Construction on the project must commence within 12 months from the date of final ~~council action~~ approval; otherwise, the approval of the application becomes null and void.

Section 98. Section 17.96.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.96.030 Site plans and review.** Any use that is subject to the requirements for a site plan review prior to issuance of building permits shall be processed in accordance with the ~~following~~ procedures established under Title 19 of the GHMC for Type III project permit applications.

\* \* \*

~~B. Criteria for approval. Hearing Examiner Review. The planning director shall assign a date no earlier than two weeks after the date of filing of a complete application for a public hearing before the hearing examiner. The site plans will be forwarded to the city examiner who shall consider the approval of the site plans with specific attention to the following:~~

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

The review and decision of the ~~city examiner~~ shall be in accordance with the provisions of Chapter 17.10 GHMC and Title 19 of the GHMC.

Section 99. Section 17.96.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.96.050 Contents of a complete application.**

Each application for site plan review shall contain the following information:

\* \*

E. A topographic map based upon a site survey delineating contours, existing and proposed, at no less than five-foot intervals and which locates existing streams, marshes and other natural features;

F. Site plans drawn to a scale no smaller than one inch equals ~~30~~ fifty (50) feet showing location and size of uses, buffer areas, proposed areas of disturbance or construction outside of the building footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;

G. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system;

H. A preliminary drainage and stormwater runoff plan;

Section 100. Section 17.96.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

\* \* \*

B. Major amendments are Type III permit applications and are processed in accordance with Chapter 19. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and ~~recommendation~~ approval by the and approval by the city council ~~of such amendment.~~

Section 101. Section 17.100.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.020 Manner of initiation.** Changes in this title may be initiated in the following manner:

A. Source.

1. The city council upon its own motion may initiate changes in this title.  
2. The planning commission upon its own motion may initiate changes in this title.

3. Any individual, corporation or agency other than those listed above may initiate changes in this title. Amendments are processed as a Type IV permit procedure subject to the following:

a. For a zoning map amendment, the initiating individual, corporation or agency must be the owners or owner of a majority of the land in the petition area; and,

b. For an amendment to the text of this title, the initiating individual, corporation or agency must be an owner of real property within the city.

B. Form. An application for a change in the boundary of a district or the text of this title shall be filed with the planning department and shall be accompanied by such data and information as are necessary to assure the fullest practicable presentation of the facts. It shall set forth reasons and justification for proposing a change.



C. Minimum Area. Except for the extension of existing district boundaries, no change in any use district, classification or official zoning map shall be considered if it contains fewer than two acres, ~~as measured without including~~ excluding public streets or alley rights-of-way.

D. Submittal Consideration. The city council shall not consider any proposed amendment to the zoning map that is substantially the same as any other proposed amendment submitted within the previous 12 months which was disapproved.

Section 102. A new Section 17.100.025 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.100.025 Citizen Suggestions for Zoning Code Update. Prior to June 1 of each year, any interested citizen, staff members or the Hearing Examiner may submit a request to the planning commission for the consideration of any text or zoning district map adjustment. The Planning Commission may, at it's discretion, consider such request and, if deemed to be in furtherance of the goals and policies of the comprehensive plan and in the public's health, safety and general welfare, may conduct a public hearing on any text or map adjustments it deems appropriate. The Planning Commission's recommendation to the City Council will be considered in accordance with the procedures established in Section 17.100.050 of this Title.

Section 103. Section 17.100.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

**17.100.030 Public hearing and notification.** Public hearings and notifications related thereto shall be accomplished in accordance with the procedures and requirements established pursuant to ~~GHMC 17.01.070,~~ ~~except that for amendments to the text of the title, a public hearing shall be conducted by the planning commission.~~ Chapter 19.05 GHMC. The planning commission's action shall be a recommendation to the city council.

Section 104. A new section 17.100.035 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code to read as follows:

17.100.035 General Criteria for Zoning District Map Amendment.

Requests for amending the zoning district designation of an area shall be based upon the following criteria:

- A. That the request for the zoning district reclassification is consistent with and furthers the goals, policies and objectives of the comprehensive plan;
- B. That the requested zoning district classification will further the public's health, safety and general welfare.
- C. That no substantial detrimental effect shall be caused by the granting of the requested reclassification or amendment.

Section 105. Section 17.100.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.100.040—Report to the city council.~~

~~The city council shall consider the report and recommendation of the hearing examiner or planning commission on any proposed change or amendment regardless of the manner in which such change is initiated. Such report shall base its conclusion on the following criteria:~~

~~A. That the request for reclassification furthers the goals, policies and objectives of the comprehensive plan;~~

~~B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. A changed condition constitutes a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning. General Criteria for Zoning Text Amendment.~~

~~Requests for amending the zoning text shall be based upon the criteria as stated in Section 17.100.035.~~

~~C. That the requested classification will further the public's health, safety and general welfare.~~

Section 106. Section 17.100.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.050 Amendment determination.** The city council shall consider a recommendation for change in the boundary of a district or any other recommendation proposing a change in this title together with the report of the planning director and ~~the hearing examiner or planning commission~~ at the city council's next regular meeting after the receipt of such report, and if, from the facts presented by the findings of the report, it is determined that the

public health, safety and general welfare would be preserved, and change or amendment is in keeping with the spirit and intent of the comprehensive plan, the city council, by ordinance, shall approve such amendment, supplemental change or reclassification.

Section 107. Section 17.102.010 is hereby repealed.

Section 108. 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 109 This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL:

PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

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

of the City of Gig Harbor, Washington

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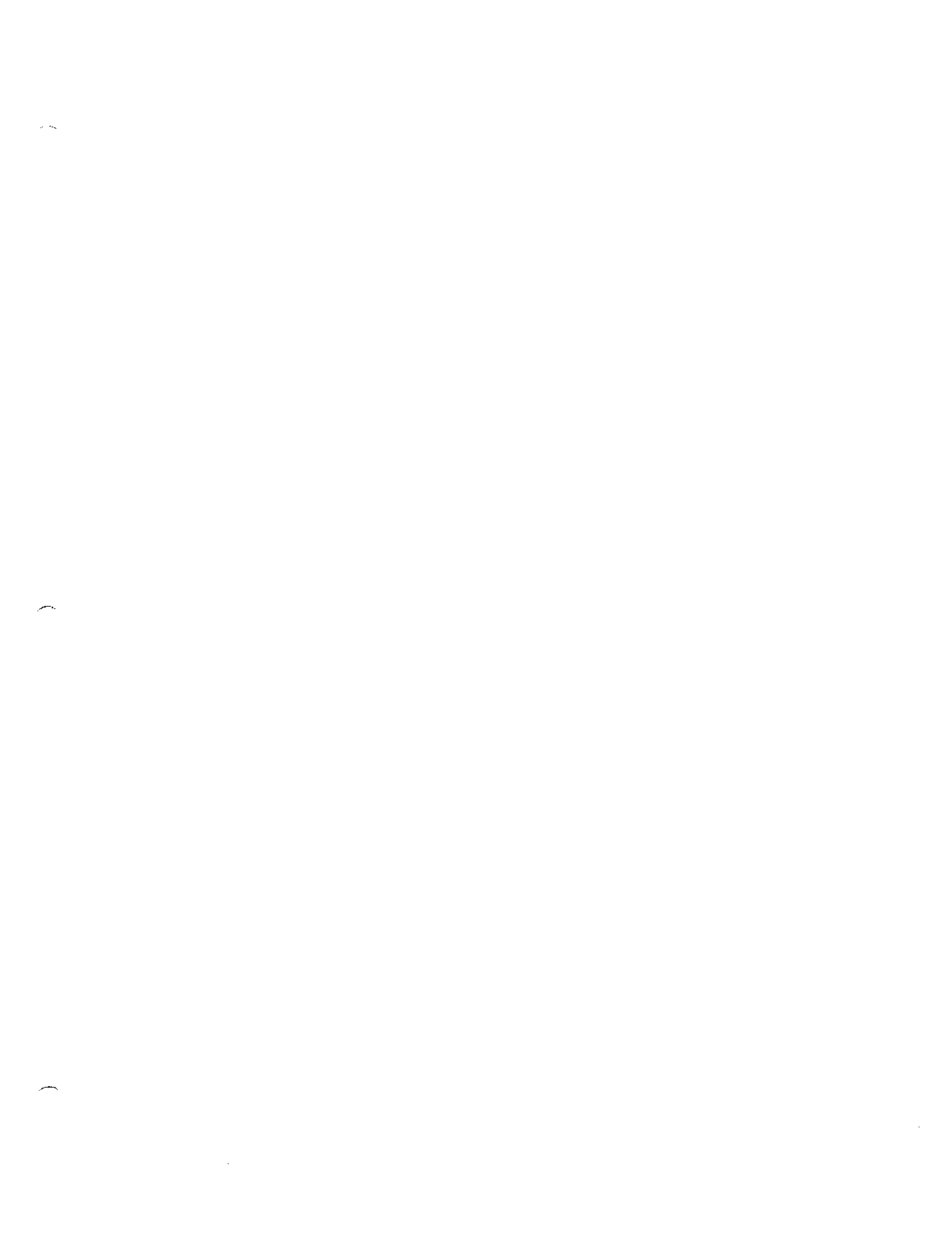
AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, MAKING ADJUSTMENTS TO THE CODE TO PERMIT FAMILY DAY CARE AND ADULT FAMILY HOMES IN RESIDENTIAL DISTRICTS, LIMITING THE FLOOR AREA OF NON-RESIDENTIAL STRUCTURES IN THE RB-1, WM, B-2 AND C-1 DISTRICTS, PERMITTING MANUFACTURED/MOBILE HOME SUBDIVISIONS AND PARKS IN RESIDENTIAL ZONES, ADDING AN ADMINISTRATIVE VARIANCE PROCEDURE TO ALLOW INCREASED HEIGHT FOR A SINGLE FAMILY DWELLING IN THE RESIDENTIAL DISTRICTS, REVISING THE PARKING STANDARDS TO ALLOW SHARED PARKING IN THE DOWNTOWN BUSINESS DISTRICT, DEFINING COMPLETE APPLICATION AND PERMIT TYPE FOR VARIANCES, CONDITIONAL USE AND SPECIAL USE PERMITS AND AMENDING SECTIONS 17.12.020, 17.16.020, 17.16.030, 17.16.040, 17.16.070, 17.16.080, 17.20.010, 17.20.020, 17.20.030, 17.20.050, 17.20.060, 17.20.070, 17.24.020, 17.24.030, 17.24.050, 17.24.060, 17.28.010, 17.28.020, 17.28.030, 17.28.060, 17.28.070, 17.30.020, 17.30.050, 17.30.070, 17.30.110, 17.31.080, 17.31.110, 17.32.010, 17.32.020, 17.32.030, 17.32.040, 17.32.050, 17.26.020, 17.36.030, 17.36.080, 17.36.120, 17.40.020, 17.40.030, 17.40.040, 17.40.050, 17.40.070, 17.40.080, 17.40.100, 17.46.020, 17.46.040, 17.46.060, 17.46.040, 17.48.060, 17.50.040, 17.50.050, 17.50.060, 17.62.010, 17.62.020, 17.62.030, 17.66.020, 17.68.010, 17.68.040, 17.68.050, 17.72.020, 17.72.030, 17.78.020, 17.78.050, 17.28.070, 17.78.080, 17.78.090, 17.78.110, 17.84.030, 17.89.020, 17.89.030, 17.89.030, 17.89.070, 17.89.120, 17.89.130, 17.90.010, 17.80.020, 17.90.020, 17.90.030, 17.90.040, 17.90.060, 17.90.070, 17.90.080, 17.96.030, 17.96.050, 17.96.080, 17.100.020, 17.100.025, 17.100.030, 17.100.040, 17.100.050; ADDING NEW SECTIONS 17.16.080, 17.24.070, 17.32.033, 17.32.035, 17.36.060, 17.40.055, 17.40.075, 17.62.040, 17.64.015, 17.64.045, 17.66.015, 17.66.025, 17.72.060, 17.72.060, 17.72.070, 17.100.035; REPEALING SECTIONS 17.16.060, 17.16.040, 17.64.090, AND 17.102.010 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_.

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CITY ADMINISTRATOR, MARK HOPPEN



12-6-95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO LAND USE ZONING, ADDING A NEW CHAPTER 17.15 PUBLIC/INSTITUTIONAL DISTRICT TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING DEVELOPMENT STANDARDS, PERMITTED USES, CONDITIONAL USES IN THE PUBLIC/INSTITUTIONAL ZONE.

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WHEREAS, the Growth Management Act (chapter 36.70A RCW) requires that local government planning under the act must adopt development regulations which implement comprehensive plans, and

WHEREAS, updating the zoning code is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994, and

WHEREAS, a new chapter 17.15 implementing the City of Gig Harbor Comprehensive Plan Land Use element, Public-Institutional is required for compliance with the Growth Management Act, now, therefore,

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

Section 1. A new chapter 17.15 of the Gig Harbor Municipal Code is hereby adopted, which shall read as follows:

**Chapter 17.15**  
**Public Institutional District**

<b>17.15.010</b>	<b>Intent and Definitions</b>
<b>17.15.020</b>	<b>Permitted Uses</b>
<b>17.15.030</b>	<b>Conditional Uses</b>
<b>17.15.040</b>	<b>Site Plan</b>
<b>17.15.050</b>	<b>Minimum Development Standards</b>
<b>17.15.060</b>	<b>Maximum height of structures</b>
<b>17.15.070</b>	<b>Parking and loading facilities</b>
<b>17.15.080</b>	<b>Signs</b>
<b>17.15.090</b>	<b>Performance Standards</b>

17.15.010 Intent and Definitions.

- A. The Public/Institutional District is intended to provide for the siting and maintenance of publicly owned facilities and institutions which could not be reasonably sited in any other district.
- B. "Public facilities" are defined in RCW 36.70A.030(12) as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities and schools. The term "public facilities," as used in this chapter, shall mean any use, activity or facility which is owned and operated by the City of Gig Harbor, the Peninsula School District, Pierce County or any incorporated city within Pierce County and the State of Washington, including any office of the State of Washington.
- C. "Essential Public Facilities" are defined in RCW 36.70A.200 as those facilities are typically difficult to site, such as airports, state educational facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities and group homes.
- D. For existing facilities, the PI district shall be applied accordingly. For new facilities, the PI district shall be applied in conjunction with an application for site plan review.

17.15.020 Permitted Uses.

- A. Government Administrative Facilities
- B. Maintenance Facilities and Storage Areas



- C. Waste Water Treatment Facilities, including biosolids treatment and composting facilities.
- D. Schools and Related Lands
- E. Fire Stations and related training facilities
- F. Community Recreation Halls
- G. Parks and Open Spaces for active or passive recreation or enjoyment

17.15.030 Conditional Uses. Any essential public facility as defined in Section 17.15.010(C) of GHMC and the City of Gig Harbor Comprehensive Plan may only be authorized as a conditional use.

17.15.040 Site Plan. Before a building permit will be issued in the PI district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed.

17.15.050 Minimum development standards.

In PI district, the minimum requirements are as follows:

Use	Lot Width	Front Yard	Rear Yard	Side Yard	Coverage
Admin. Facilities	100	25	30	15	60% max
Maintenance Facilities and Storage	100	35	50	15	70 % max
Waste Water Treatment Plants	100	50	50	25	60 % max
Schools	None Specified	50	50	50	60 % max
Fire Stations	100	35	50	25	60 % max
Community Centers	100	25	30	20	60 % max
Parks and Open Space	None Specified	None Specified	None Specified	None Specified	None Specified

Any yard abutting a residential development shall be required to maintain a dense vegetated screen not less than 50 feet.

17.15.060 Maximum height of structures. In a PI district, all buildings and structures shall have a maximum height of 35 feet, except as provided for under Chapter 17.62 GHMC, height restriction area. The height standard may be waived for certain types of structures which by their nature and design, require

an increased height for operational or technical requirements. In no case shall the maximum height be greater than 100 feet.

17.15.070 Parking and loading facilities. In an PI district, parking and loading on-site shall be provided in connection with any permitted or conditional use as specified in Chapter 17.72 GHMC. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer equal to one-half the required yard is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.

17.15.080 Signs. In a PI district, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Chapter 17.80 GHMC.

17.15.090 Performance standards. In an PI district, the performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
- C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
- D. Outdoor Lighting. Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

- E. **Trash Receptacles.** Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

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

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

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

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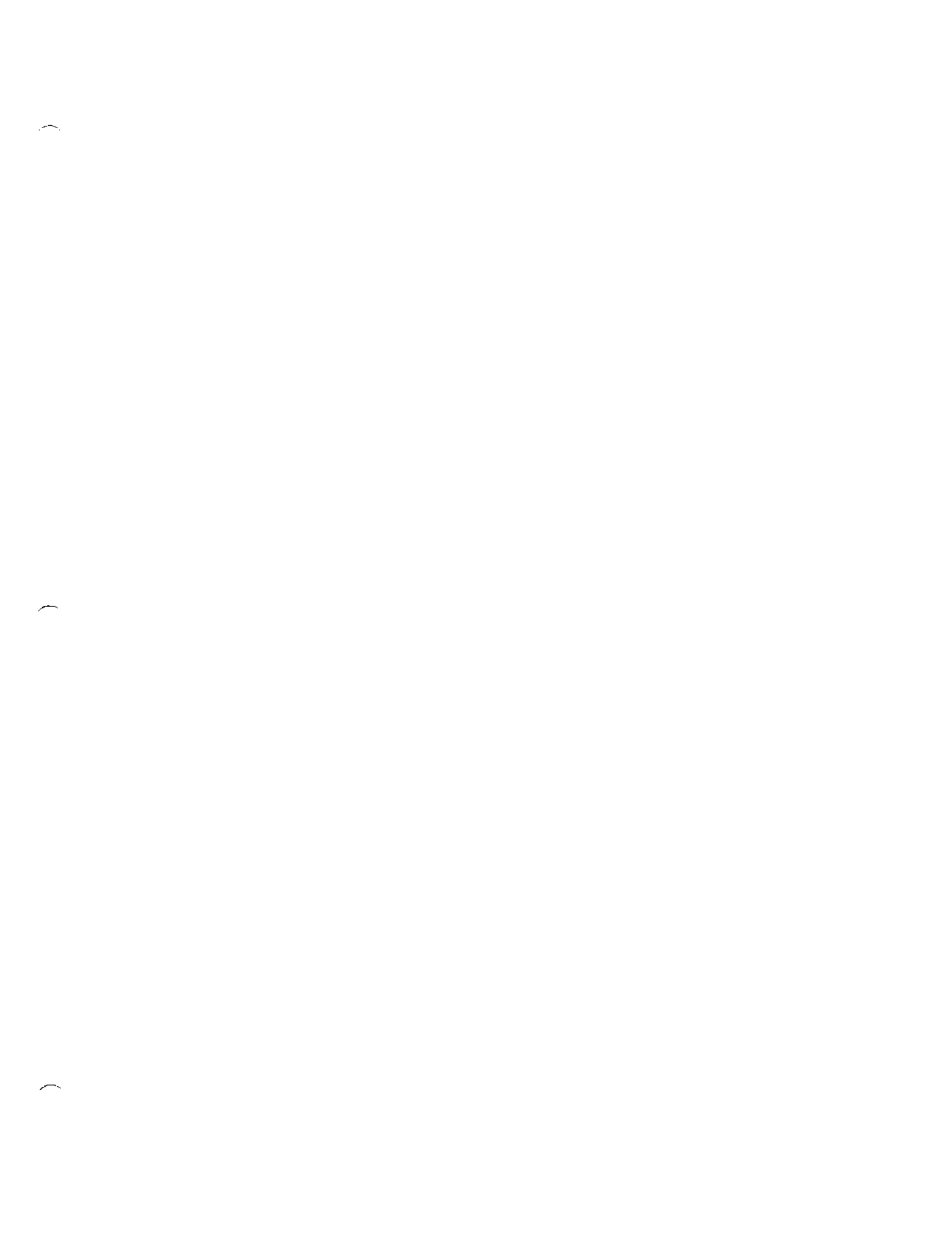
On the \_\_\_\_ day of \_\_\_\_\_, 1995, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO LAND USE ZONING, ADDING A NEW CHAPTER 17.15 PUBLIC/INSTITUTIONAL DISTRICT TO THE GIG HARBOR MUNICIPAL CODE, DESCRIBING DEVELOPMENT STANDARDS, PERMITTED USES, CONDITIONAL USES IN THE PUBLIC/INSTITUTIONAL ZONE.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN



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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW CHAPTER 17.45 TO THE GIG HARBOR MUNICIPAL CODE WHICH CREATES A NEW EMPLOYMENT ZONING DISTRICT, DESCRIBING THE PERFORMANCE STANDARDS FOR SUCH DISTRICT, LISTING THE PERMITTED AND CONDITIONAL USES.

WHEREAS, the Growth Management Act requires that local government planning under the act must adopt development regulations which implement comprehensive plans, and

WHEREAS, updating the zoning code is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994, and

WHEREAS, new chapter 17.45 implements the 1994 City of Gig Harbor Comprehensive Plan land use element, Employment Business, now, therefore,

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

Section 1. A new chapter 17.45 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.45  
EMPLOYMENT DISTRICT

- 17.45.010 Intent
- 17.45.020 Permitted Uses
- 17.45.030 Conditional Uses
- 17.45.040 Performance Standards

17.45.010 Intent. The Employment District provides for the location of high quality design development and operational standards for technology research and development facilities, light assembly and warehousing, associated support service and retail uses, business and professional office uses, corporate headquarters and other supporting enterprises. The Employment District is intended to be devoid of nuisance factors, hazards and potentially high public facility demands. Retail uses are not encouraged in order to preserve these districts for major employment opportunities and to reduce the demand for vehicular access.

17.45.020 Permitted Uses.

- A. Research and development facilities
- B. Light assembly and warehousing
- C. Light manufacturing
- D. Service and retail uses which support and are ancillary to the primary uses allowed in the employment district
- E. Professional offices
- F. Corporate headquarters
- G. Distribution facilities
- H. Vocational, trade and business schools
- I. Book and magazine publishing and printing
- J. Financial and Investment Institutions
- K. Commercial Photography, cinematography and video productions facilities
- L. Reprographic services
- M. Computer assembly plants
- N. Courier services
- O. Mail and packaging facilities
- P. Trails, open space, community centers
- Q. Schools, public and private

17.45.030 Conditional Uses.

- A. Hospitals, clinics and establishments for people convalescing from illness or operation
- B. Senior citizen housing
- C. Child care facilities
- D. Public utilities and public services such as libraries, electrical substations, telephone exchanges, telecommunication facilities, police and fire stations
- E. Recreational buildings and outdoor recreation
- F. Houses of religious worship
- G. Planned unit developments with a minimum of 65% of the site consisting of an employment based use
- H. Ministorage facilities

17.45.040 Performance Standards. All uses in the Employment District zone shall be regulated by the following performance standards:

A. Setbacks. No structure shall be closer than 150 feet to any residential zone or development or closer than 50 feet to any street or property line. Parking shall not be located any closer than 30 feet to a property line.

B. Open Space. A minimum of 30% of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

C. Landscaping. All uses shall conform to the landscaping requirements established in chapter 17.78. All required yards shall be landscaped in accordance with the landscaping requirements of chapter 17.78.

D. Lot area. There is no minimum lot area for this district.

E. Height. Structures within 250 feet of a residential low density zone shall not exceed 35 feet in height. Structures within 250 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall be determined as defined in Section 17.04.160 of the GHMC. The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire code.

F. Lot coverage. There is no maximum lot area coverage except as needed to meet setback, buffer and landscaping requirements.

G. Off-Street Parking. Off-street parking and loading areas meeting the requirements of chapter 17.72 shall be provided.

H. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical/electrical devices shall be screened from view from all public right-of-way.

I. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

J. Outdoor Lighting. Within one hundred feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Outdoor lighting shall be shielded so as not be directly visible from SR-16. Ground mounted floodlighting or light projection above the horizontal plan is prohibited between



midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

K. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

L. Design. The requirements of the City of Gig Harbor Design Guidelines Manual shall apply to all commercial development.

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

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

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

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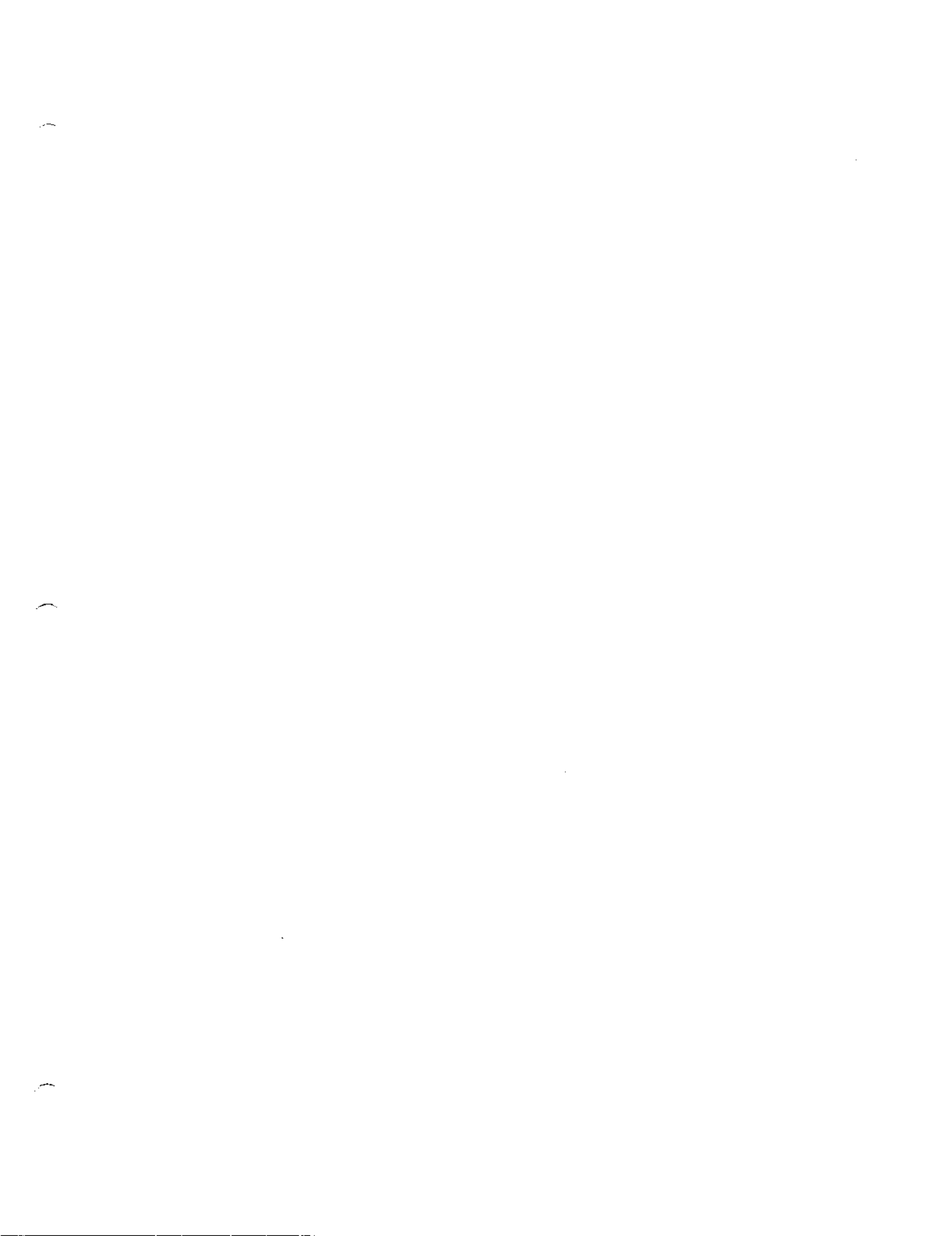
On the \_\_\_\_ day of \_\_\_\_\_, 199\_\_, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING NEW CHAPTER 17.45 TO THE GIG HARBOR MUNICIPAL CODE WHICH CREATES A NEW EMPLOYMENT ZONING DISTRICT, DESCRIBING THE PERFORMANCE STANDARDS FOR SUCH DISTRICT, LISTING THE PERMITTED AND CONDITIONAL USES.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN



12/26/95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE STANDARDS AND ZONING, ADDING NEW CHAPTER 17.65 TO THE GIG HARBOR MUNICIPAL CODE, CREATING A NEW PROCEDURE FOR THE APPLICATION, PROCESSING, REVIEW, AND CONDITIONING OF SPECIAL USE PERMITS.

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WHEREAS, the Growth Management Act requires that local government planning under the act must adopt development regulations which implement comprehensive plans, and

WHEREAS, the current zoning code, which was last updated in 1991, is in need of refinement to reflect current state law, and

WHEREAS, updating the zoning code to provide a special use permits section is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994 and provides greater flexibility in the administration of the city land use code, now, therefore,

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

Section 1. A new chapter 17.65 is hereby added to the Gig Harbor Municipal Code, to read as follows:

Chapter 17.65  
SPECIAL USE PERMITS

Sections:

- |           |                     |
|-----------|---------------------|
| 17.65.010 | Intent.             |
| 17.65.020 | Procedure.          |
| 17.65.030 | General conditions. |
| 17.65.040 | Review criteria.    |
| 17.65.050 | Expiration.         |

- 17.65.060 Transfer of a special use permit.
- 17.65.070 Revocation of a special use permit.
- 17.65.080 Appeal of the administrator's decision on a special use permit.
- 17.65.090 General criteria.

**17.65.010 Intent.** Certain uses, because of their infrequent occurrence and temporary nature, are classified as special uses. These types of uses are temporary in nature, of limited duration and may be associated with special events or promotions. These uses may be allowed in certain zoning districts by a special use permit granted by the administrator.

**17.65.020 Criteria for a Complete Application.** A special use permit is a Type 1 permit application and shall be subject to the following review procedures and requirements:

A. Complete Application. In addition to the requirements in Section 19.02.002, the following requirements must be met for a complete application:

1. Signed and dated application form for a Special Use Permit.
2. Written statement of justification for approval of the Special Use Permit which meets the criteria in Section 17.65.040
3. A map showing the proposed location of the requested use.
4. The original and three copies of all documents.

**17.65.030 Procedure**

A. Investigation. The planning director shall make an investigation to determine whether a proposed special use is consistent with the criteria in Section 17.65.050 of the GHMC. For uses proposed on City streets or City property, the requirements and procedures of chapter 12.02 shall apply.

B. Granting or Denial. The decision may include special restrictions or conditions deemed necessary or desirable in furthering the intent of the ordinance pertaining to the proposed use.

C. Conditions. The conditions may:

1. Stipulate the exact location of the use as a means of minimizing potential hazards, nuisances or property damage;
2. Require special structural features, equipment or site treatment, as necessary;
3. Limit the duration, hours of operation and timing of the use.

**17.65.040 General conditions.** In considering whether to grant special uses, the Director shall be satisfied that the minimum standards set for uses specified in this title will be met. In addition, the Director shall consider the criteria listed in this chapter and the standards as set forth in this chapter. The Director may require the applicant to submit whatever reasonable evidence may be needed and may stipulate additional conditions to protect the public interest. The burden of proof rests with the applicant.

**17.65.050 Review criteria.** Each determination granting a special use permit shall assure that the following conditions are met:

A. That the type of use for which the special use permit is applied for is permitted in the applicable zoning district and is consistent with the description and purpose of the zone district in which the property is located;

B. That the granting of the special use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

C. That the proposed use is properly located in relation to the other land uses in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

D. That the site is of sufficient size to accommodate the proposed use;

E. The maximum occupied site area shall not exceed 28 square feet in area;

F. The special use may not operate more than 7 events during the authorized period. An event is equal to one 12-hour period per day;

G. A request for more than two special use permits per calendar year or any use which occupies more than 28 square feet in area shall not be considered as a special use and may only be authorized as a conditional use, subject to the requirements in Chapter 17.64.

**17.65.060 Expiration.** Any special use permit granted by the Director is valid for a period of up to thirty (30) consecutive days.

**17.65.070 Transfer of a special use permit.** A special use permit shall not be transferable to any other person, firm or corporation.

**17.65.080 Revocation of a special use permit.** A special use permit may be revoked for one or more of the following reasons:

A. That the approval was obtained by fraud or that erroneous information was presented by the applicant;

B. That the use for which approval was granted has not been exercised;

C. That the use is being exercised contrary to the conditions of approval, or in violation of any statute, ordinance, law or regulation.

**17.65.090 Appeal of the Director's decision on a special use permit.** Appeals may be filed in accordance with the procedures established pursuant to Title 19 of the GHMC.

**17.65.100 Exceptions.** The Planning Director may authorize a special use permit for a specific event not meeting the criteria in section 17.65.090 if the event is 21 consecutive days or less in duration during the calendar year and meets the following general criteria:

1. The event does not create significant noise, light, glare or excessive traffic to neighboring residential streets.

2. The hours of operation are limited to 8:00 a.m. to 6:00 p.m.

All other requirements of the Gig Harbor Municipal Code shall be applicable.

**17.65.110 Exemptions.** The following activities or uses are exempt from obtaining a special use permit:

1. Annual Christmas tree and fireworks sales.

2. Community wide events such as annual art fairs, street fairs, etc.

3. Events approved for use at a city park or facility.

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



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

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY Director, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 199\_\_, 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:

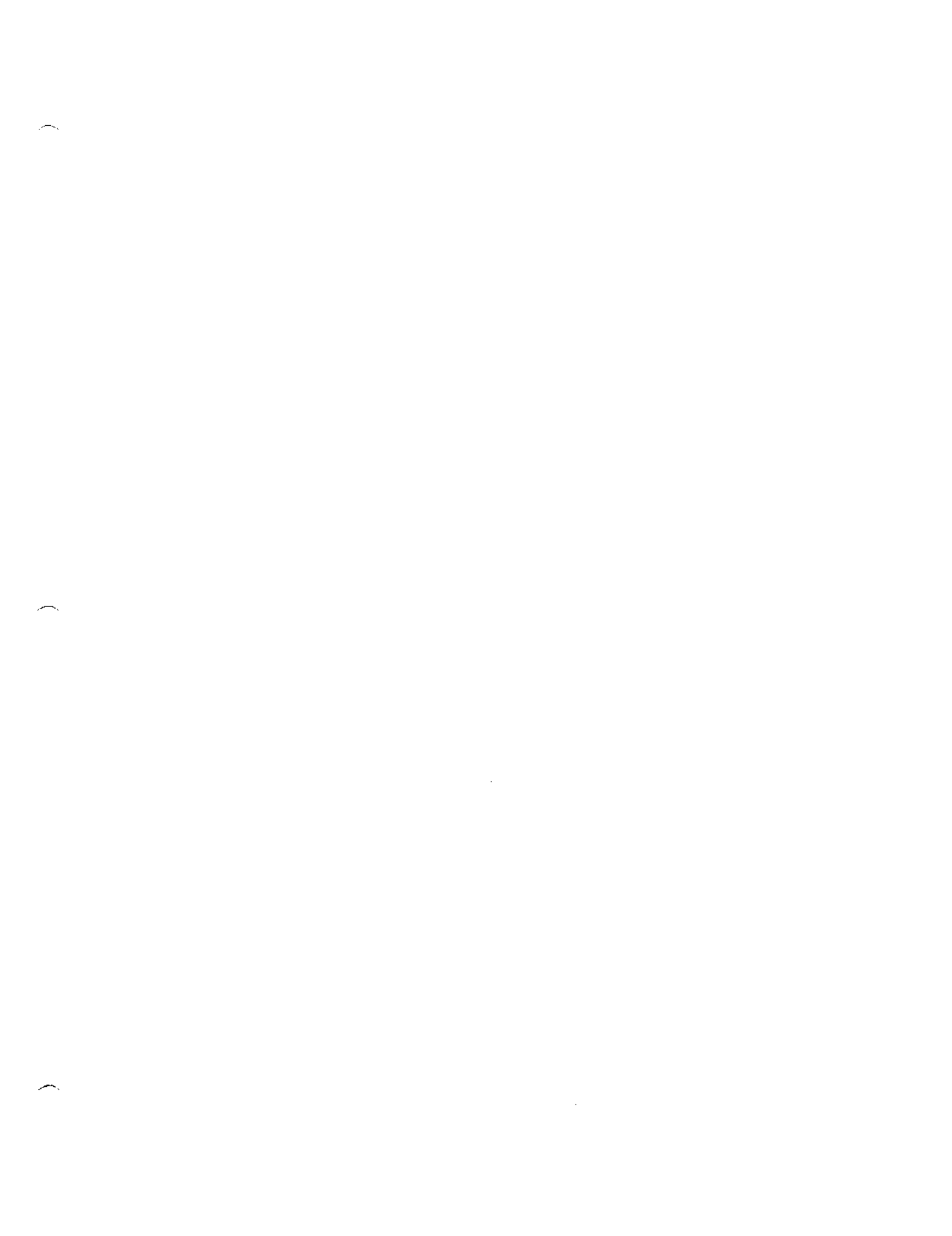
**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE STANDARDS AND ZONING, ADDING NEW CHAPTER 17.65 TO THE GIG HARBOR MUNICIPAL CODE, CREATING A NEW PROCEDURE FOR THE APPLICATION, PROCESSING, REVIEW, AND CONDITIONING OF SPECIAL USE PERMITS.**

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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CITY Director, MARK HOPPEN



12-6-95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO LAND CLEARING, RENUMBERING CHAPTER 16.44 ON THE SUBJECT OF LAND CLEARING TO CHAPTER 17.94; ELIMINATING ALL PROVISIONS IN THE CHAPTER RELATING TO DEFINITIONS AND ADMINISTRATION, AND AMENDING SECTIONS 16.44.020, 16.44.050, 16.44.060, 16.44.080 AND REPEALING SECTIONS 16.44.080 AND 16.44.100 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the City is updating its land development codes to provide continuity and consistency; and,

WHEREAS, Chapter 16.44 (Land Clearing) should be relocated from the subdivision code into the zoning code as land clearing applies to more land use functions than subdivision; and,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR DO  
ORDAIN AS FOLLOWS:

Section 1. Chapter 16.44 of the Gig Harbor Municipal Code is hereby renumbered to Chapter 17.94, and shall read as follows:

**Chapter ~~16.44~~ 17.94  
LAND CLEARING**

**Chapters:**

<b>16.4417.94.010</b>	<b>Short title.</b>
<b>16.4417.94.020</b>	<b>Purposes and permit criteria.</b>
<b>16.4417.94.030</b>	<b>Definitions.</b>
<b>16.4417.94.040</b>	<b>Permits.</b>
<b>16.4417.94.050</b>	<b>Exemptions.</b>
<b>16.4417.94.060</b>	<b>Complete application for permit.</b>

~~16.4417.94.070~~      **Performance bond.**  
~~17.94.080~~              ~~Appeals.~~  
**16.4417.94.090080**    **Violation - Penalty.**  
~~17.94.100~~              ~~Injunctive enforcement.~~

~~16.44.17.94.010~~    Short title.

This chapter shall be known and may be cited as the "land clearing code" of the city.

~~16.44.17.94.020~~    Purposes and permit criteria.

These regulations are adopted for the following purposes and the ~~code~~ ~~official~~ Planning Director shall consider such purposes as criteria or standards for the issuance of land clearing permits under GHMC ~~16.44.17.94.040~~:

- A.    To promote the public health, safety, and general welfare of the citizens of the city;
- B.    To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property;
- C.    To promote land development practices that result in a minimal disturbance to the city's vegetation and soils;
- D.    To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides;
- E.    To minimize the need for additional storm drainage facilities;
- F.    To retain clusters of trees for the abatement of noise and for wind protection;
- G.    To promote building and site planning practices that are consistent with the city's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and groundcover;
- H.    To reduce siltation and water pollution in the harbor;
- I.    To implement the goals and objectives of the Washington State Environmental Policy Act;

- J. To implement and further the city's comprehensive plan;
- K. It is not the intent or purpose of this chapter to prevent the reasonable development of land in the city.

~~16.44.030~~ Definitions.

- ~~A. "City" shall mean the city of Gig Harbor, Washington.~~
- ~~B. "Code official" shall mean the Director of the Planning and Building Department or his/her designated representative.~~
- ~~C. "Developed property" shall mean a lot or parcel of land upon which a building/buildings is/are located but which contains insufficient area to be capable of further subdivision in accordance with the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), as now or hereafter amended.~~
- ~~D. "Groundcover" shall mean small plants such as salal, ivy, ferns, mosses, grasses or other types of vegetation which normally cover the ground and shall include trees less than three inches in diameter measured at 54 inches above ground.~~
- ~~E. "Land clearing" shall mean the act of removing or destroying trees or groundcover from any undeveloped or partially developed land, public lands, or public right of way, except for those Forest Practices covered under Chapter 76.09 RCW.~~
- ~~F. "Partially developed property" shall mean a lot or parcel of land upon which a building/buildings is/are located and which is of sufficient area so as to be capable of subdivision in accordance with the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), as now or hereafter amended.~~
- ~~G. "Tree" shall mean any living woody plant characterized by one main stem or trunk and many branches, and having a diameter of three inches or more measured at 54 inches above ground.~~
- ~~H. "Undeveloped property" shall mean a lot or parcel of land upon which no building exists, and which may or may not be of sufficient area so as to be capable of subdivision in accordance with the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), as now or hereafter amended.~~

~~16.44.17.94.040~~ Permits.

No person, corporation, or other legal entity shall engage in or cause land clearing in the city without having obtained a land clearing permit from the code official Planning Director.

~~16.44.17.94.050~~ Exemptions.

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

- A. Type III project permit applications as defined in Title 19 of the GHMC ~~requiring approval of the city council under the provisions of the Gig Harbor subdivision or short subdivision ordinances (GHMC Title 16), or the zoning ordinance of the city (GHMC Title 17),~~ as now or hereafter amended, provided that land clearing on such projects shall take place only ~~after the city council approval~~ by the City and shall be in accordance with such approval;
- B. The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the city or its contractors;
- C. Removal of trees and groundcover in emergency situations involving immediate danger to life or property or substantial fire hazards;
- D. Removal of diseased groundcover or trees upon written verification by Department of Natural Resources filed with the code official;
- E. Selective removal of trees or groundcovers for purposes of general property and utility maintenance, landscaping or gardening, provided that this exemption shall not apply to any land clearing which eliminates both trees and groundcover from 25 percent of the area of a lot or parcel of land or which includes the use of a bulldozer or similar mechanical equipment and shall not be construed to eliminate the requirement of permits for land clearing for the purpose of developing the property with substantial permanent improvements such as roads, parking, driveways, utilities, or buildings.

16.44.17.94.060 Requirements for a Complete Application for permit.

Land clearing permits are a Type I permit application. A complete application for a land clearing permit shall be submitted on a the application form provided by the city, together with a ~~plot plan and other information as described hereinafter:~~ information required under Title 19 for a completed application, and including the following:

- ~~A. The applicant shall give the name, address and the telephone number of the applicant and owner of the property;~~
- ~~B. The applicant shall give the street address (if known) and legal description of the property, including assessor's parcel number;~~
- ~~C. The applicant shall bear a proposed time schedule for land clearing, land restoration, implementation of erosion control and any excavation or construction of improvements;~~

D-1. A plot plan containing the following information:

- a. Date, north arrow and adequate scales as determined by the Planning Director ~~code official~~;
  - b. Prominent physical features of the property including, but not limited to, topography and watercourses;
  - c. General location, type, range of size, and condition of trees and groundcover;
  - d. Identification by areas of trees and groundcover which are to be removed;
  - e. Any existing improvements on the property including, but not limited to: structures, driveways, ponds, and utilities;
  - f. Information indicating the method of drainage and erosion control, and restoration of land during and following the clearing operation.
- ~~2. The code official shall complete his review and make his decision within 14 calendar days from the date the complete application is submitted unless an extension is authorized by the city council.~~
32. Any permit granted hereunder shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended for six months by the ~~code official~~. Planning Director. Approved plans shall not be amended without authorization of the ~~code official~~. Planning Director. The permit may be suspended or revoked by the ~~code official~~ Planning Director because of incorrect information supplied or any violation of the provisions of this chapter.
43. o work shall commence until a permit notice has been posted by the applicant on the subject site at a conspicuous location. The notice shall remain posted in said location until the project has been completed.
- ~~5. Applications for land clearing permits shall be circulated to other departments or agencies of the city for review and approval as is deemed necessary by the code official.~~
64. Failure to obtain a forest practice application, where applicable, with the stated intent of land conversion as defined in RCW 76.09.020(4) shall be grounds for denial of any and all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land for a period of six years, in accordance with RCW 76.09.060(3)(b).



~~E. Other information as deemed necessary by the code official may be required.~~

16.44.17.94.070 Performance bond.

The ~~code official~~ Planning Director may require, as a condition to the granting of a permit, that the applicant furnish a performance bond to the city to secure the applicant's obligation, after the approved land clearing has been accomplished, to complete the restoration and replanting of the property in accordance with the terms of his permit and within the term thereof. The bond shall be in an amount equal to the estimated cost of such restoration and replanting and with surety and conditions satisfactory to the code official.

~~16.44.17.94.080 Appeals.~~

~~Any person or persons aggrieved by any action of the code official may, within 10 days of such action, file a notice of appeal with the city council setting forth the reasons for such an appeal. The city council shall hear and determine the matter and may affirm, modify, or disaffirm the administrative decision within 45 days of the filing of notice of appeal. Appeals shall be in accordance with the administrative procedures established in Title 19 of the GHMC.~~

16.44.17.94.090080 Violation - Penalty.

~~Violations of this chapter, excepting unauthorized land clearing, are an infraction and subject to a penalty of \$500.00 as provided in GHMC 1.16.010D. If civil proceedings are commenced to stop a violation of this chapter, such proceedings may be commenced in either the municipal court or superior court as the city determines. Any person, firm, or corporation which has engaged in land clearing that has not been approved by the city's code official shall incur a civil penalty in an amount not to exceed \$5,000 based on the nature and severity of the violation as determined and assessed by the code enforcement officer and shall be enforced in accordance with the procedures established under Chapter 15.18 17.08 GHMC. Violations of this chapter shall be subject to the enforcement procedures and penalties established in Chapter 17.07 of the GHMC.~~

~~17.94.100 Injunctive enforcement.~~

~~Any violation of the provisions of this chapter is hereby declared to be a public nuisance and may be abated through proceedings for injunctive or similar relief in superior court or other court of competent jurisdiction.~~

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction,

such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

APPROVED:

MAYOR GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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

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

of the City of Gig Harbor, Washington

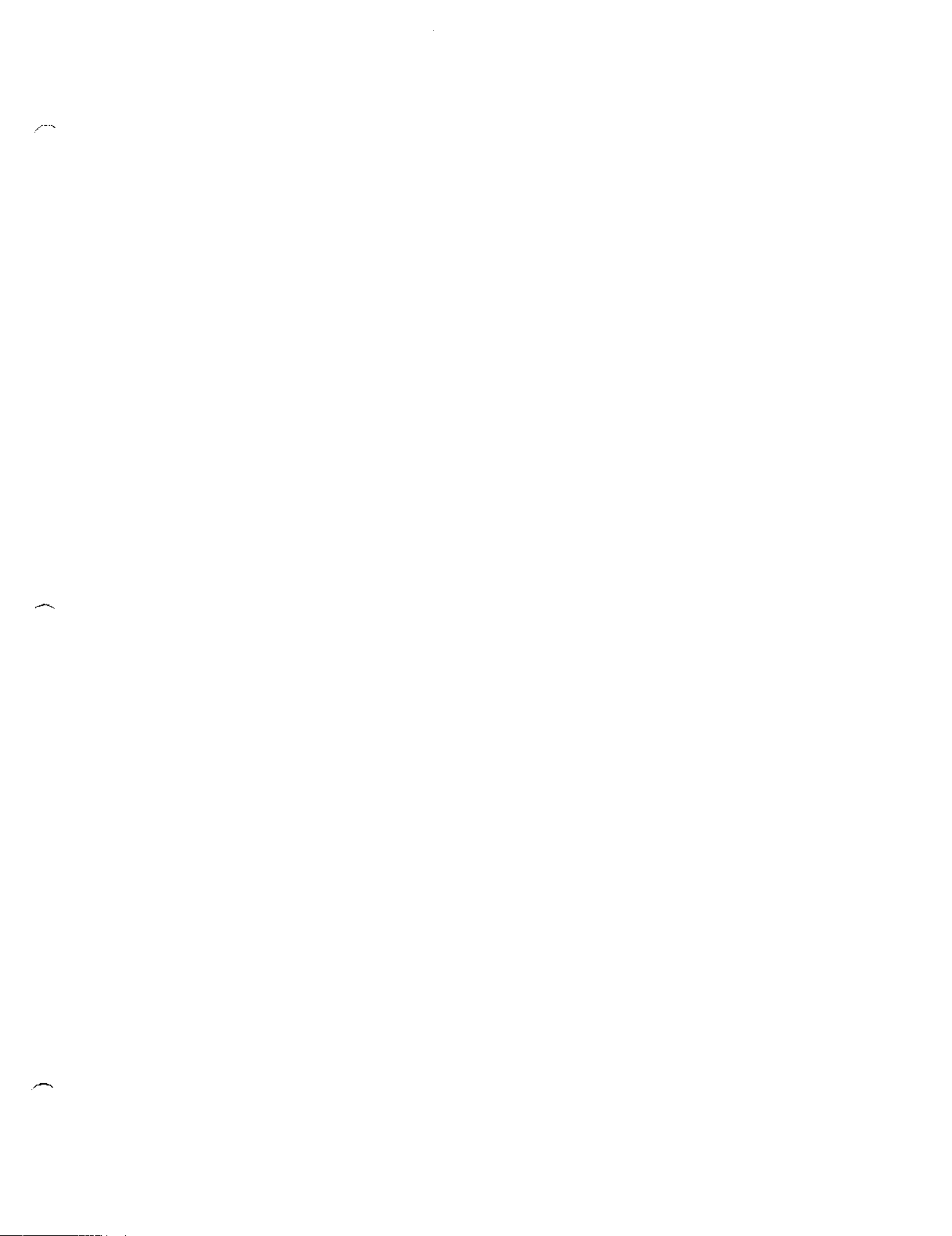
On the \_\_\_\_ day of \_\_\_\_\_, 1995, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO LAND CLEARING, RENUMBERING CHAPTER 16.44 ON THE SUBJECT OF LAND CLEARING TO CHAPTER 17.94; ELIMINATING ALL PROVISIONS IN THE CHAPTER RELATING TO DEFINITIONS AND ADMINISTRATION, AND AMENDING SECTIONS 16.44.020, 16.44.050, 16.44.060, 16.44.080 AND REPEALING SECTIONS 16.44.080 AND 16.44.100 OF THE GIG HARBOR MUNICIPAL CODE.**

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
CITY ADMINISTRATOR, MARK HOPPEN



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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING NEW ADMINISTRATIVE PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS, AS REQUIRED BY THE REGULATORY REFORM ACT, CHAPTER 347, 1995 LAWS OF WASHINGTON, DESCRIBING GENERAL REQUIREMENTS FOR A COMPLETE APPLICATION; ALLOWING FOR OPTIONAL CONSOLIDATED PERMIT PROCESSING; DESCRIBING THE PROCESS FOR THE ISSUANCE OF A NOTICE OF APPLICATION; SETTING FORTH THE INITIAL STEPS IN THE DETERMINATION OF CONSISTENCY WITH THE DEVELOPMENT REGULATIONS AND SEPA SETTING A TIME FRAME FOR THE ISSUANCE OF PERMITS; DESCRIBING THE REQUIRED PUBLIC NOTICE PROCEDURES FOR A PUBLIC HEARING; ESTABLISHING THE PROCESS FOR THE CONDUCT OF OPEN PUBLIC RECORD DECISIONS AND APPEALS; DESCRIBING THE PROCESS FOR THE ISSUANCE OF A NOTICE OF DECISION AND ADDING A NEW TITLE 19 TO THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the Regulatory Reform Act (chapter 347 of the 1995 Laws of Washington) requires that the City must establish a permit review process which, among other things: (1) provides for the integrated and consolidated review and decision on two or more project permits relating to a proposed action; (2) combines the environmental review process, both procedural and substantive, with the procedure for the review of project permits; (3) provides for no more than one open record hearing and one closed record appeal on such permits, except for the appeal of a determination of significance; and (4) provides for the issuance of the City's final decision within 120 days after submission of a complete application; and

WHEREAS, the Act also requires that the City adopt such permit review process by March 31, 1996, but provides that the time frames for permit processing shall apply only to project permit applications filed on or after April 1, 1996; NOW, THEREFORE,

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

Section 1. A new Title 19 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**TITLE 19  
ADMINISTRATION OF DEVELOPMENT REGULATIONS**

**CHAPTER 19.01  
TYPES OF PROJECT PERMIT APPLICATIONS**

19.01.001	Procedures for Processing Development Permits
19.01.002	Determination of Proper Type of Procedure
19.01.003	Project Permit Application Framework
19.01.004	Joint Public Hearings
19.01.005	Legislative Decisions
19.01.006	Legislative Enactments Not Restricted
19.01.007	Exclusions from Project Permit Process

19.01.001. Procedures for Processing Project Permits. For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III or Type IV. Legislative decisions are Type V actions, and are addressed in 19.01.005. Exclusions from the requirements of project permit application processing are contained in Section 19.01.007.

19.01.002. Determination of Proper Procedure Type.

A. **Determination by Director.** The Director of the Community Development Department or his/her designee (hereinafter the "Director"), shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the Director shall resolve it in favor of the higher procedure type number.

**B. Optional Consolidated Permit Processing.** An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by the code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

**C. Decision-maker(s).** Applications processed in accordance with subsection (B) of this section which have the same highest numbered procedure but are assigned different hearing bodies shall be heard collectively by the highest decision-maker(s). The City Council is the highest, followed by the Hearing Examiner or Planning Commission, as applicable, and then the Director. Joint public hearings with other agencies shall be processed according to Section 19.01.004.

19.01.003 Project Permit Application Framework.

**ACTION TYPE**

PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I - IV) LEGISLATIVE					
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Recommendation made by:	N/A	N/A	N/A	N/A	Planning Commission
Final Decision made by:	Admin.	Admin.	Hearing Examiner	City Council	City Council
Notice of Application:	No	No	Yes	Yes	No
Open Record Public Hearing:	No	Only if appealed, open record hearing before Hearing Examiner	Yes, before Hearing Examiner to render final decision	No	Yes, before Plng. Comm. to make recommendation to Council
Closed record appeal/final decision:	No	No	Only if appealed, then before Council	Yes, before Council to render final decision	Yes, or Council could hold its own hearing
Judicial Appeal:	Yes	Yes	Yes	Yes	Yes

## DECISIONS

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
Permitted Uses not requiring site plan review	Short Plat	Preliminary plats Plat vacations and alterations	Final plats	Comp Plan Amendments
Boundary line Adjustments	Sign permits	Site plan		Development Regulations
Minor Amendments to PUD/PRD	Design review	CUP/Variances		Zoning text amendments Zoning map amendments
Special Use Permits	Land clearing/grading	Shoreline Mgmt Permits		Annexations
Temporary construction trailers	Revisions to Shoreline Management Permits	Major amendments to PRD and PUD		

### 19.01.004 Joint Public Hearings.

A. **Administrator's Decision to Hold Joint Hearing.** The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C below are met.

B. **Applicant's Request for a Joint Hearings.** The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this Title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

C. **Prerequisites to Joint Public Hearing.** A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:

1. the other agency is not expressly prohibited by statute from doing so;
2. sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and
3. the agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.



19.01.005 Legislative Decisions.

A. **Decisions.** The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

1. Zoning code text, development regulations and zoning district amendments;
2. Area-wide rezones to implement new City policies;
3. Adoption of the Comprehensive Plan and any Plan amendments; and
4. Annexations.

B. **Planning Commission.** The Planning Commission shall hold a public hearing and make recommendations to the City Council on the decisions in this Section. The public hearing shall be held in accordance with the requirements of Chapter 19.05.

C. **City Council.** The City Council may consider the Planning Commission's recommendation in a public hearing held in accordance with the requirements of Chapter 19.05.

D. **Public Notice.** Notice of the public hearing or public meeting shall be provided to the public as set forth in Chapter 19.03.003(B)(4)

E. **Implementation.** The City Council's decision shall become effective by passage of an ordinance or resolution.

19.01.006. Legislative Enactments Not Restricted. Nothing in this chapter or the permit processing procedures shall limit the authority of the City Council to make changes to the City's Comprehensive Plan, as part of an annual revision process, or the City's development regulations.

19.01.007 Exemptions from Project Permit Application Processing.

A. Whenever a permit or approval in the Gig Harbor Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this Title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this Title:

1. landmark designations;
2. street vacations;
3. street use permits;

B. Pursuant RCW 36.70B.140(2), building permits, boundary line adjustments or other construction permits, or similar administrative approvals categorically exempt from environmental

review under SEPA (chapter 43.21C RCW and the City's SEPA/Environmental Policy Ordinance chapter 18.04 GHMC, or permits/approvals for which environmental review has been completed in connections with other project permits, are excluded from the following procedures:

1. determination of completeness (19.02.003(A));
2. notice of application (19.02.004);
3. except as provided in RCW 36.70B.140, optional consolidated project permit review processing (19.01.002(B));
4. joint public hearings (19.01.004);
5. single report stating that all of the decisions and recommendations made as of the date of the report do not require an open public record hearing (19.04.002(C));
6. notice of decision (19.05.008);
7. completion of project review within any applicable time periods (including the 120 day permit processing time) (19.05.008, 19.05.009);

## **CHAPTER 19.02 TYPE I-IV PROJECT PERMIT APPLICATIONS**

19.02.001	Pre-Application Conference.
19.02.002	Development Permit Application.
19.02.003	Submission and Acceptance of Application.
19.02.004	Notice of Application.
19.02.005	Referral and Review of Development Permit Applications.

### 19.02.001. Pre-Application Conference.

A. Applications for project permit Type I actions involving structures 5,000 square feet or over, Type III and Type IV actions shall not be accepted by the Director unless the applicant has scheduled and attended a pre-application conference. The purpose of the pre-application conference is to acquaint the applicant with the requirements of the Gig Harbor Municipal Code.

B. The conference shall be held within fifteen (15) days of the request.

C. At the conference or within five (5) working days of the conference, the Director shall provide the applicant with:

1. a form which lists the requirements for a completed application;
2. a general summary of the procedures to be used to process the application;
3. the references to the relevant code provisions or development standards which may apply to the approval of the application.

4. the City's design guidelines.

D. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the form sent by the City to the applicant under 19.02.001(C) above shall not bind or prohibit the City's future application or enforcement of all applicable law.

E. Pre-application conferences for all other types of applications is optional, and requests for conferences will be considered on a time-available basis by the Director.

19.02.002. Development Permit Application. Applications for project permits shall be submitted upon forms provided by the Director. An application shall consist of all materials required by the applicable development regulations, and shall include the following general information:

A. A completed project permit application form.

B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property.

C. A property and/or legal description of the site for all applications, as required by the applicable development regulations.

D. The applicable fee.

F. Evidence of adequate water supply as required by RCW 19.27.097.

G. Evidence of sewer availability.

19.02.003. Submission and Acceptance of Application.

A. **Determination of Completeness.** Within twenty-eight (28) days after receiving a project permit application, the City shall mail or personally provide a determination to the applicant which states either: (1) that the application is complete; or (2) that the application is incomplete and what is necessary to make the application complete.

B. **Identification of Other Agencies with Jurisdiction.** To the extent known by the City, other agencies with jurisdiction over the project permit application shall be identified in the City's determination required by 19.02.003(A) above.

C. **Additional Information.** A project permit application is complete for purposes of this section when it meets the submission requirements in Section 19.02.002 above, as well as the submission requirements contained in the applicable development regulations. This determination of completeness shall be made when the application is sufficient for continued processing even

though additional information may be required or project modifications may be undertaken subsequently. The City's determination of completeness shall not preclude the City from requesting additional information or studies either at the time of the notice of completeness or at some later time, if new information is required or where there are substantial changes in the proposed action.

**D. Incomplete application procedure.**

1. If the applicant receives a determination from the City that an application is not complete, the applicant shall have 90 days to submit the necessary information to the City. Within fourteen (14) days after an applicant has submitted the requested additional information, the City shall make the determination as described in 19.02.003(A). above, and notify the applicant in the same manner.

2. If the applicant either refuses in writing to submit additional information or does not submit the required information within the 90 day period, the Director shall make findings and issue a decision, according to the Type I procedure in Section 19.01.003, that the application is denied based upon the lack of information necessary to complete the review.

3. In those situations where the Director has denied an application because the applicant has failed to submit the required information within the necessary time period, the applicant may request a refund of the application fee unrelated to the City's determination of completeness.

**E. City's Failure to Provide Determination of Completeness.** A project permit application shall be deemed complete under this section if the City does not provide a written determination to the applicant that the application is incomplete as provided in 19.02.003(A) above.

**F. Date of Acceptance of Application.** When the project permit application is complete, the Director shall accept it and note the date of acceptance.

19.02.004. Notice of Application.

**A. Generally.** A Notice of Application shall issue on all Type III and IV project permit applications.

**B. SEPA Exempt projects.** A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required.

**C. Contents.** The notice of application shall include:

1. the date of application, the date of the notice of completion for the application and the date of the notice of application;

2. a description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70A.440 (or Sec. 413 of Chapter 347, 1995 Laws of Washington);

3. the identification of other permits not included in the application, to the extent known by the City;

4. the identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. a statement of the limits of the public comment period, which shall be not less than fourteen (14) nor more than thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

6. the date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;

7. a statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in Chapter 19.04;

8. Any other information determined appropriate by the City, such as the City's threshold determination, if complete at the time of issuance of the notice of application.

**D. Time Frame for Issuance of Notice of Application.**

1. Within fourteen (14) days after the City has made a determination of completeness of a project permit application, the City shall issue a notice of application.

2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least fifteen (15) days prior to the open record hearing.

**E. Public Comment on the Notice of Application.** All public comments received on the Notice of Application must be received in the Department of Community Development by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

19.02.005. Referral and Review of Project Permit Applications. Within ten (10) days of accepting a complete application, the Director shall do the following:

A. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have fifteen (15) days to comment. The referral agency or city department is presumed to have no comments if comments are not received within the specified time period. The Director shall grant an extension of time only if the application involves unusual circumstances. Any extension shall only be for a maximum of three (3) additional days.

B. If a Type III procedure is required, provide for notice and hearing as set forth in Chapter 19.03.

### CHAPTER 19.03 PUBLIC NOTICE

19.03.001 Required Public Notice of Application.

19.03.002 Optional Public Notice.

19.03.003 Notice of Public Hearing.

#### 19.03.001 Required Public Notice of Application.

A. In addition to the Notice of Application for Type III project permits, the City shall also provide public notice of a project permit application by posting the property or by publication in the City's official newspaper.

1. **Posting.** Posting of the property for site specific proposals shall consist of one or more notice boards as follows:

a. A single notice board shall be placed by the applicant;

(1) at the midpoint of the site street frontage or as otherwise directed by the City for maximum visibility;

(2) Five (5) feet inside the street property line, except when the board is structurally attached to an existing building, provided that no notice board shall be placed more than five feet from the street property without approval of the Department;

(3) So that the top of the notice board is between seven to nine feet above grade; and

(4) Where it is completely visible to pedestrians.

b. Additional notice boards may be required when:

(1) The site does not abut a public road;

(2) A large site abuts more than one public road; or

(3) The Director determines that additional notice boards are necessary to provide adequate public notice.

c. Notice boards shall be:

(1) Maintained in good condition by the applicant during the notice period;

(2) In place at least thirty (30) days prior to the date of hearing, or at least 15 days prior to the end of any required comment period;

(3) Removed within fifteen (15) days after the end of the notice period.

d. Removal of the notice board prior to the end of the notice period may be cause for discontinuance of the Department review until the notice board is replaced and remains in place for the specified time period.

e. An affidavit of posting shall be submitted to the Director by the applicant prior to the hearing or final comment date. If the affidavits are not filed as required, any scheduled hearing or date by which the public may comment on the application, will be postponed in order to allow compliance with this notice requirement.

f. Notice boards shall be constructed and installed in accordance with specifications promulgated by the Department of Community Development.

2. **Published Notice.** Published notice shall include at least the project location, description, type of permit(s) required, comment period dates, and location where the complete application may be reviewed, in the City's official newspaper of general circulation in the general area where the proposal is located.

### 3. **Shoreline Master Program Permits.**

a. **Methods of Providing SMP Notice.** Notice of the application of a permit under the purview of the City's Shoreline Master Program (SMP) is given by at least one of the following methods:

i. mailing of the notice to the latest recorded real property owners as shown by the records of the county assessor within at least 300 feet of the boundary of the property upon which the substantial development is proposed;

ii. posting of the notice in a conspicuous manner on the property upon which the project is to be constructed; or

iii. any other manner deemed appropriate by the City to accomplish the objectives of reasonable notice to adjacent landowners and the public.

b. **Content of SMP Notice.** The notices shall include:

i. a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after issuance of the decision, may submit the comments or requests for decisions to the City within 30 days of the last date the notice is to be published pursuant to this subsection. The City shall forward, in a timely manner following issuance of the decision, a copy of the decision to each person who submits a request for the decision.

ii. Notice of the hearing shall include a statement that any person may submit oral or written comments on an application at the hearing.

iii. The public comment period shall be twenty days. The notice shall state the manner in which the public may obtain a copy of the City's decision on the application no later than 2 days following its issuance.

19.03.002 Optional Public Notice. As optional methods of providing public notice of any project permits, the City may:

1. notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;

2. notifying the news media;

3. placing notices in appropriate regional or neighborhood newspapers or trade journals;

4. publishing notice in agency newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

5. mailing to neighboring property owners.

The City's failure to provide the optional notice as described in this subsection shall not be grounds for invalidation of any permit decision.

19.03.003. Notice of Public Hearing.



A. **Content of Notice of Public Hearing for all Types of Applications.** The notice given of a public hearing required in this chapter shall contain:

1. the name and address of the applicant or the applicant's representative;
2. description of the affected property, which may be in the form of either a vicinity location or written description, other than a legal description;
3. the date, time and place of the hearing;
4. a description of the subject property reasonably sufficient to inform the public of its location, including but not limited to the use of a map or postal address and a subdivision lot and block designation.
5. the nature of the proposed use or development;
6. a statement that all interested persons may appear and provide testimony;
7. the sections of the code that are pertinent to the hearing procedure;
8. when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;
9. the name of a local government representative to contact and the telephone number where additional information may be obtained;
10. that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at the City's cost;
11. that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and copies will be provided at the City's cost;

B. **Mailed Notice.** Mailed notice of the public hearing shall be provided as follows:

1. **Type I, Type II, and Type IV Actions.** No public notice is required because no public hearing is held, except on an appeal of a Type II action.
2. **Type III Actions.** The notice of public hearing shall be mailed to:
  - a. the applicant;
  - b. all owners of property within 300 feet of the subject property;

c. any person who submits written or oral comments on an application.

3. **Type III Preliminary Plat Actions.** In addition to the notice for Type III actions above for preliminary plats and proposed subdivisions, additional notice shall be provided as follows:

a. Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of a city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities.

b. Notice of the filing of a preliminary plat of a proposed subdivisions located in a city or town and adjoining the municipal boundaries thereof shall be given to the appropriate county officials.

c. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation, who must respond within 15 days of such notice.

d. Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the City deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under subsection RCW 58.17.909(1)(b) shall be given to owners of real property located with 300 feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

4. **Type V Actions.** For Type V Legislative actions, the City shall publish notice as described in Section 19.03.003(D)(2) herein, and all other notice required by RCW 35A.12.160.

5. **General Procedure for Mailed Notice of Public Hearing.**

1. The records of the Pierce County Assessor's Office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records. The Director shall issue a sworn certificate of mailing to all persons entitled to notice under this chapter. The Director may provide notice to other persons that those required to receive notice under the code.

2. All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first.

**D. Procedure for Posted or Published Notice of Public Hearing.**

1. Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by Section 19.03.001(A)(1).
2. Published notice is required for all Type III, IV and V procedures. The published notice shall be published in the City's official newspaper.

**E. Time and Cost of Notice of Public Hearing.**

1. Notice shall be mailed, posted and first published not less than ten (10) nor more than thirty (30) days prior to the hearing date. Any posted notice shall be removed by the applicant within fifteen (15) days following the public hearing.
2. All costs associated with the public notice shall be borne by the applicant.

**CHAPTER 19.04  
CONSISTENCY WITH DEVELOPMENT REGULATIONS  
AND SEPA**

19.04.001	Determination of Consistency
19.04.002	Initial SEPA Analysis
19.04.003	Categorically Exempt and Planned Actions

19.04.001. Determination of Consistency.

**A. Purpose.** When the City receives a project permit application, consistency between the proposed project and the applicable regulations and comprehensive plan should be determined through the process in this chapter and the City's adopted SEPA ordinance Chapter 18.04 GHMC.

**B. Consistency.** During project permit application review, the City shall determine whether the items listed in this subsection are defined in the development regulations applicable to the proposed project. In the absence of applicable development regulations, the City shall determine whether the items listed in this subsection are defined in the City's adopted comprehensive plan. This determination of consistency shall include the following:

1. the type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
2. the level of development, such as units per acre, density of residential development in urban growth areas, or other measures of density; and

3. availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by chapter 36.70A RCW; and

4. character of the development, such as development standards;

19.04.002 Initial SEPA Analysis.

A. The City shall also review the project permit application under the requirements of the State Environmental Policy Act ("SEPA"), Chapter 43.21C RCW, the SEPA Rules, Chapter 197-11 WAC, and the City Environmental Policy Ordinance, Chapter 18.04 of the Gig Harbor Municipal Code, and shall:

1. determine whether the applicable regulations require studies that adequately analyze all of the project permit application's specific probable adverse environmental impacts;
2. determine if the applicable regulations require measures that adequately address such environmental impacts;
3. determine whether additional studies are required and/or whether the project permit application should be conditioned with additional mitigation measures;
4. provide prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific project impacts that have not been considered and addressed at the plan or development regulation level.

B. In its review of a project permit application, the City may determine that the requirements for environmental analysis, protection and mitigation measures in the applicable development regulations, comprehensive plan and/or in other applicable local, state or federal laws provide adequate analysis of and mitigation for the specific adverse environmental impacts of the application.

C. If the City bases or conditions its approval of the project permit application on compliance with the requirements or mitigation measures described in subsection A of this section, the City shall not impose additional mitigation under SEPA during project review.

D. A comprehensive plan, development regulation or other applicable local, state or federal law provides adequate analysis of and mitigation for the specific adverse environmental impacts of an application when:

1. the impacts have been avoided or otherwise mitigated; or

2. the City has designated as acceptable certain levels of service, land use designations, development standards or other land use planning required or allowed by chapter 36.70A RCW.

E. In its decision whether a specific adverse environmental impact has been addressed by an existing rule or law of another agency with jurisdiction with environmental expertise with regard to a specific environmental impact, the City shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the City shall base or condition its project approval on compliance with these other existing rules or laws.

F. Nothing in this section limits the authority of the City in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by chapter 43.21C RCW.

G. The City shall also review the application under chapter 18.04, the City Environmental Policy Ordinance.

19.04.003. Categorically Exempt and Planned Actions.

A. **Categorically Exempt.** Actions categorically exempt under chapter 43.21C.110(1)(a) do not require environmental review or the preparation of an environmental impact statement. An action that is categorically exempt under the rules adopted by the Department of Ecology (chapter 197-11 WAC) may not be conditioned or denied under SEPA.

**B. Planned Actions.**

1. A Planned Action does not require a threshold determination or the preparation of an environmental impact statement under SEPA, but is subject to environmental review and mitigation under SEPA.

2. A "Planned Action" means one or more types of project action that:

a. are designated planned actions by an ordinance or resolution adopted by the City;

b. have had the significant impacts adequately addressed in an environmental impact statement prepared in conjunction with:

1) a comprehensive plan or subarea plan adopted under chapter 36.70A RCW, or

2) a fully contained community, a master planned resort, a master planned development or a phased project;

- c. are subsequent or implementing projects for the proposals listed in 2(b.) of this subsection;
- d. are located within an urban growth area, as defined in RCW 36.70A.030;
- e. are not essential public facilities, as defined in RCW 36.70A.200; and
- f. are consistent with the City's comprehensive plan adopted under chapter 36.70A RCW.

C. **Limitations on Planned Actions.** The City shall limit planned actions to certain types of development or to specific geographical areas that are less extensive than the jurisdictional boundaries of the City, and may limit a planned action to a time period identified in the environmental impact statement or the adoption of this ordinance.

D. During project review, the City shall not reexamine alternatives to or hear appeals on the items identified in 19.04.001(B), except for issues of code interpretation.

E. Project review shall be used to identify specific project design and conditions relating to the character of development, such as the details of site plans, curb cuts, drainage swales, the payment of impact fees, or other measures to mitigate a proposal's probable adverse environmental impacts.

## CHAPTER 19.05 OPEN RECORD PUBLIC HEARINGS

- 19.05.001 General.
- 19.05.002 Responsibility of Director for Hearing.
- 19.05.003 Conflict of Interest
- 19.05.004 Ex Parte Communications
- 19.05.005 Disqualification
- 19.05.006 Burden of Proof
- 19.05.007 Order of Proceedings
- 19.05.008 Findings and Notice of Decision
- 19.05.009 Record of Proceedings

19.05.001. General. Public hearings on all Type II, III and V project permit applications, shall be conducted in accordance with this chapter.

19.05.002 Responsibility of Director for Hearing. The Director shall:

- A. Schedule an application for review and public hearing.
- B. Give notice.

C. Prepare the staff report on the application, which shall be a single report stating all of the decisions made as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall state any mitigation required or proposed under the development regulations or the City's authority under SEPA. If the threshold determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination. In the case of a Type I or II project permit application, this report may be the permit.

D. Prepare the Notice of Decision, if required by the Hearing Body and/or mail a copy of the Notice of Decision to those required by this code to receive such decision.

19.05.003 Conflict of Interest. The Hearing Body shall be subject to the code of ethics and prohibitions on conflict of interest as set forth in RCW 35A.42.020 and chapter 42.23 RCW, as the same now exists or may hereafter be amended.

19.05.004 Ex Parte Communications.

A. No member of the Hearing Body may communicate, directly or indirectly, regarding any issue in a proceeding before him or her, other than to participate in communications necessary to procedural aspects of maintaining an orderly process, unless he or she provides notice and opportunity for all parties to participate; EXCEPT as provided in this section;

1. the Hearing Body may receive advice from legal counsel;

2. the Hearing Body may communicate with staff members (except where the proceeding relates to a code enforcement investigation or prosecution).

B. If, before serving as the Hearing Body in a quasi-judicial proceeding, any member of the Hearing Body receives an ex parte communication of a type that could not properly be received while serving, the member of the hearing body, promptly after starting to serve, shall disclose the communication as described in 19.05.004(C). below.

C. If the Hearing Body receives an ex parte communication in violation of this section, he or she shall place on the record:

1. all written communications received;

2. all written responses to the communications;

3. the substance of all oral communications received, and all responses made;

4. the identity of each person from whom the examiner received any ex parte communication.

The Hearing Body shall advise all parties that these matters have been placed on the record. Upon request made after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a rebuttal statement on the record.

19.05.005 Disqualification.

A. A member of the Hearing Body who is disqualified shall be counted for purposes of forming a quorum. Any member who is disqualified may do so only by making full disclosure to the audience, abstaining from voting on the proposal, vacating the seat on the Hearing Body and physically leaving the hearing.

B. If all members of the Hearing Body are disqualified, all members present after stating their reasons for disqualification shall be requalified and shall proceed to resolve the issues.

C. Except for Type V actions, a member absent during the presentation of evidence in a hearing may not participate in the deliberations or decision unless the member has reviewed the evidence received.

19.05.006 Burden and Nature of Proof.

Except for Type V actions, the burden of proof is on the proponent. The project permit application must be supported by proof that it conforms to the applicable elements of the City's development regulations, comprehensive plan and that any significant adverse environmental impacts have been adequately addressed.

19.05.007 Order of Proceedings.

A. The order of proceedings for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by administrative procedures as appropriate.

1. Before receiving information on the issue, the following shall be determined:

a. any objections on jurisdictional grounds shall be noted on the record and if there is objection, the hearing body has the discretion to proceed or terminate.

b. any abstentions or disqualifications shall be determined.

2. The presiding officer may take official notice of known information related to the issue, such as:

a. a provision of any ordinance, resolution, rule, officially adopted development standard or state law;



b. other public records and facts judicially noticeable by law.

3. Matters officially noticed need not be established by evidence and may be considered by the Hearing Body in its determination. Parties requesting notice shall do so on the record. However, the hearing body may take notice of matters listed in subsection (2) of this section if stated for the record. Any matter given official notice may be rebutted.

4. The Hearing Body may view the area in dispute with or without notification to the parties, but shall place the time, manner and circumstances of such view on the record.

5. Information shall be received from the staff and from proponents and opponents. The presiding officer may approve or deny a request from a person attending the hearing to ask a question. Unless the presiding officer specifies otherwise, if the request to ask a question is approved, the presiding officer will direct the question to the person submitting testimony.

6. When the presiding officer has closed the public hearing portion of the hearing, the Hearing Body shall openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.

19.05.008. Decision.

A. Following the hearing procedure described in Section 19.04.007, the Hearing Body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or remand the decision that is on appeal.

B. The Hearing Body's written decision shall issue within ten (10) days after the hearing on the project permit application. The Notice of Final Decision shall issue within one hundred twenty (120) days after the City notifies the applicant that the application is complete. The time frames set forth in this Section and Section 19.04.009 shall apply to project permit applications filed on or after April 1, 1996.

C. The City shall provide a Notice of Decision that also includes a statement of any threshold determination made under SEPA (chapter 43.21C RCW) and the procedures for administrative appeal, if any. For Type II, III and IV project permits, the Notice of Decision on the issued permit shall contain the requirements set forth in Section 19.04.002(C).

D. The Notice of Decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.

E. Notice of the decision shall be provided to the public as set forth in Section 19.03.003(B)(2)(a) and (B)(2)(c).

F. If the City is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the Notice of Decision.

19.05.009 Calculation of Time Periods for Issuance of Notice of Final Decision.

A. In determining the number of days that have elapsed after the local government has notified the applicant that the application is complete for purposes of calculating the time for issuance of the Notice of Final Decision, the following periods shall be excluded:

1. any period during which the applicant has been requested by the City to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the City notifies the applicant of the need for additional information until the earlier of the date the local government determines whether the additional information satisfies the request for information or fourteen (14) days after the date the information has been provided to the City;

2. If the City determines that the information submitted by the applicant under Section 19.04.009(A)(1) is insufficient, it shall notify the applicant of the deficiencies and the procedures under Section 19.04.009(A)(1) of this subsection shall apply as if a new request for studies had been made;

3. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant of chapter 43.21C RCW, if the City by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;

4. Any period for administrative appeals of project permits, if an open record appeal hearing or a closed record appeal, or both, are allowed. The time period for consideration and decision on appeals shall not exceed:

- a. ninety (90) days for an open record appeal hearing; and
- b. sixty (60) days for a closed record appeal.

The parties may agree to extend these time periods;

5. Any extension of time mutually agreed upon by the applicant and the local government; and

B. The time limits established in this Title do not apply if a project permit application:

- regulation;
1. requires an amendment to the comprehensive plan or a development
  2. requires approval of the siting of an essential public facility as provided in RCW 36.70A.200; or
  3. is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under RCW 36.70A.440.

**CHAPTER 19.06  
CLOSED RECORD MEETINGS  
AND APPEALS**

- 19.06.001 Appeals of Administrative Decisions
- 19.06.002 Consolidated Appeals
- 19.06.003 Standing to Initiate Administrative Appeal
- 19.06.004 Closed Record Decisions and Appeals
- 19.06.005 Procedure for Closed Record Decisions and Appeals
- 19.06.006 Judicial Appeals

19.06.001. Appeals of Decisions. Project permit applications shall be appealable as provided in the framework in Section 19.01.003.

19.06.002 Consolidated Appeals.

- A. All appeals of project permit application decisions, other than an appeal of Determination of Significance ("DS"), shall be considered together in a consolidated appeal.
- B. Appeals of environmental determinations under SEPA, chapter 18.04 GHMC, shall proceed as provided in that chapter.

19.06.003 Standing to Initiate Administrative Appeal.

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

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

1. the applicant;
  2. any person who testified at the open record public hearing on the application
- and/or;

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

19.06.004 Closed Record Decisions and Appeals.

A. **Type II or III project permit decisions or recommendation.** Appeals of the Hearing Body's decision or recommendation on a Type II or III project permit application shall be governed by the following:

1. **Standing.** Only parties of record have standing to appeal the Hearing Body's decision.

2. **Time to File.** An appeal of the Hearing Body's decision must be filed within ten (10) calendar days following issuance of the Hearing Body's written decision. Appeals may be delivered to the Planning Department by mail, personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period.

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

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

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

5. **Effect.** The timely filing of an appeal shall stay the effective date of the Hearing Body's decision until such time as the appeal is adjudicated by the Council or withdrawn.

6. Notice of Appeal. The Director shall provide public notice of the appeal as provided in Section 19.03.003(B)(2).

19.06.005 Procedure for Closed Record Decision/Appeal.

A. The following subsections of this Title shall apply to a Closed Record Decision/Appeal hearing: 19.04.003; 19.04.004; 19.04.005; 19.04.006; 19.04.007(A)(1); 19.04.007(A)(2), 19.04.007(A)(3), 19.04.007(A)(4), 19.04.007(A)(6); and 19.04.008.

B. The closed record appeal/decision hearing shall be on the record before the Hearing Body, and no new evidence may be presented.

19.06.006 Judicial Appeals.

A. The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in Pierce County Superior Court. Such petition must be filed within twenty-one (21) days after issuance of the decision, as provided in chapter 36.70C RCW.

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

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, MARK HOPPEN

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY;

BY \_\_\_\_\_

FILED WITH THE CITY CLERK;  
PUBLISHED BY THE CITY CLERK;  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

