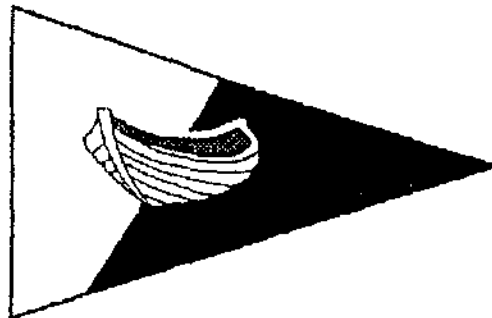


Second Reading  
Ord #710

Return  
City Clerk

**GIG HARBOR  
CITY COUNCIL MEETING**



November 13, 1995

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



**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**November 13, 1995 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**PUBLIC HEARING:**

First Public Hearing and First Reading of Proposed 1996 Budget Ordinance.

**CALL TO ORDER:**

**STAFF REPORTS:**

1. Ben Yazici - Public Works Department Report.
3. Lt. Bill Colberg - GHPD.

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

Tacoma - Pierce County Visitor & Convention Bureau.

**OLD BUSINESS:**

1. Second Reading of Ordinances:
  - A. Amendments to Title 17 of the GHMC (Zoning Code).
  - B. Amendments to Title 16 of the GHMC (Subdivision Code).
  - C. New Title 19 of the GHMC (Land Use Development Permits Administrative Procedures).
  - D. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10).
  - E. New Chapter 17.15 (Public Institutional Zoning District Standards).
  - F. New Chapter 17.45 (Employment Zoning District Standards).
  - G. New Chapter 17.65 (Special Use Permits).
2. 1996 Tax Levy Ordinance - Second Reading.

**NEW BUSINESS:**

1. Insurance Bid for PRISM - Steve Feltus, Broker, Bratrud Middleton.
2. Resolution - Arabella's Landing.
3. Final Plat - Westbrook Glen.
4. Wollochet Harbor Sewer District Sewer Request.
5. Professional Services Contract Amendment - North Harborview Drive Project.
6. Professional Services Contract for Biosolids Mixing Facility Design - Gray & Osborne.
7. Treatment Plant Construction Change Order No. 2.

**COUNCIL COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

Annual District 7 Meeting of Pierce County Council - Gig Harbor City Hall - 7 p.m. 12/12/95.

**APPROVAL OF BILLS:**

**APPROVAL OF PAYROLL:**

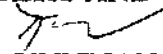
**EXECUTIVE SESSION:** Claims and property acquisition.





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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: TOM ENLOW**   
**SUBJECT: 1996 BUDGET ORDINANCE**  
**DATE: November 9, 1995**

#### **INTRODUCTION**

This is the first reading of the 1996 budget ordinance. The proposed budget represents an 8% overall decrease from the 1995 budget, primarily due to the completion of the wastewater treatment plant construction this year. The general fund is proposed to increase by 19%, primarily due to increases in the ending fund balance and increased police expenditures.

Highlights of the budget include:

- Effects of possible annexation on revenues and police staffing;
- Rosedale Street improvements;
- Judson Street improvements; and
- Sewer biosolids mixing facility.

A worksession on the budget will be held next Monday, November 20 at 7:00. We will discuss the proposed budget in detail at that time and make any necessary adjustments to the budget before it is presented for adoption November 27.

Preliminary budgets are available to the public on request.

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

**AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR,  
WASHINGTON, FOR THE 1996 FISCAL YEAR.**

**WHEREAS**, the Mayor of the City of Gig Harbor, Washington completed and placed on file with the city administrator/clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1996 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 13 and November 27, 1995 at 7:00 p.m., in the Council Chambers in the City Hall for the purpose of making and adopting a budget for 1996 and giving taxpayers an opportunity to be heard on the budget; and

**WHEREAS**, the said city council did meet at the established time and place and did consider the matter of the 1996 proposed budget; and

**WHEREAS**, the 1996 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1996 and being sufficient to meet the various needs of Gig Harbor during 1996.

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

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1996 is hereby adopted in its final form and content.

Section 2. Estimated resources, including beginning cash balances, for each separate fund of the City of Gig Harbor, and aggregate total for all funds combined, for the year 1996 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1996 as set forth below:

## 1996 BUDGET APPROPRIATIONS

<u>FUND / DEPARTMENT</u>	<u>AMOUNT</u>
001 GENERAL GOVERNMENT	
01 NON-DEPARTMENTAL	\$571,092
02 LEGISLATIVE	18,500
03 MUNICIPAL COURT	218,646
04 ADMINISTRATIVE/FINANCIAL	331,150
06 POLICE	934,486
14 COMMUNITY DEVELOPMENT	269,510
15 PARKS AND RECREATION	349,400
16 BUILDING	41,100
19 ENDING FUND BALANCE	<u>775,227</u>
001 TOTAL GENERAL FUND	3,509,111
101 STREET FUND	2,550,803
105 DRUG INVESTIGATION FUND	15,000
107 HOTEL-MOTEL FUND	2,200
109 PARK ACQUISITION FUND	154,000
200 '78 GO BONDS - FIRE	12,000
201 '75 GO BONDS - SEWER	8,500
203 '87 GO BONDS - SEWER CONSTRUCTION	643,000
208 '91 GO BONDS - SOUNDVIEW DRIVE	102,500
301 GENERAL GOVT. CAPITAL ASSETS	414,000
305 GENERAL GOVT. CAPITAL IMPROVEMENT	206,000
401 WATER OPERATING	797,138
402 SEWER OPERATING	1,085,538
407 UTILITY RESERVE	475,000
408 UTILITY BOND REDEMPTION FUND	739,834
410 SEWER CAPITAL CONSTRUCTION	815,000
411 STORM SEWER OPERATING	307,520
420 WATER CAPITAL ASSETS	455,000
605 LIGHTHOUSE MAINTENANCE TRUST	4,150
TOTAL ALL FUNDS	<u>\$12,296,294</u>

Section 3. Attachment "A" is adopted as the 1996 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1996 budget hereby adopted to the Division of Municipal Corporations in the Office of the State Auditor and to the Association of Washington Cities.

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

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27nd day of November, 1995.

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator/Clerk

Filed with city clerk: 10/20/95

Passed by the city council:

Date published:

Date effective:



**ATTACHMENT "A"**  
**1996 SALARY SCHEDULE**

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$4,710	\$5,888
Public Works Director	4,218	5,273
Chief of Police	3,991	4,989
Planning Director	3,718	4,648
Finance Director	3,800	4,750
Police Lieutenant	3,460	4,326
Public Works Supervisor	3,298	4,123
Police Sergeant	3,296	4,120
Fire Marshal/Building Official	3,256	4,070
Sewer Plant Supervisor	3,157	3,946
Planning Associate	2,786	3,483
Police Officer	2,764	3,455
Construction Inspector	2,740	3,425
Sewer Plant Operator	2,698	3,373
Foreman	2,760	3,450
Maintenance Worker	2,500	3,125
Engineering Technician	2,437	3,046
Administrative Assistant	2,360	2,950
Public Works Assistant	2,360	2,950
Court Administrator	2,278	2,848
Finance Technician	2,156	2,695
Planning-Building Assistant	2,156	2,695
Laborer	2,117	2,646
Court Clerk	2,065	2,581
Police Services Specialist	1,980	2,475
Administrative Receptionist	1,869	2,336





DENNIS RICHARDS  
Chief of Police

City of Gig Harbor Police Dept.  
3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-2236

GIG HARBOR POLICE DEPARTMENT

MONTHLY ACTIVITY REPORT

OCTOBER 1995

	OCT 1995	YTD 1995	YTD 1994	%chg to 1994
CALLS FOR SERVICE	<u>242</u>	<u>2789</u>	<u>2774</u>	+ 0.5
CRIMINAL TRAFFIC	<u>24</u>	<u>189</u>	<u>192</u>	- 1
TRAFFIC INFRACTIONS	<u>62</u>	<u>733</u>	<u>644</u>	+ 13
DUI ARRESTS	<u>4</u>	<u>37</u>	<u>62</u>	- 40
FELONY ARRESTS	<u>11</u>	<u>66</u>	<u>60</u>	+ 10
MISDEMEANOR ARRESTS	<u>15</u>	<u>138</u>	<u>180</u>	- 23
WARRANT ARRESTS	<u>5</u>	<u>60</u>	<u>60</u>	0
CASE REPORTS	<u>81</u>	<u>688</u>	<u>679</u>	+ 1



## REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 23, 1995

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

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

Jack Bujacich - 3607 Ross Avenue. Mr. Bujacich voiced his concerns over the Darrah property and asked if Council had taken any steps to protect the City's interest to assure the fines and violations would be addressed before the property was sold. Ray Gilmore, Planning Director, explained to Mr. Bujacich that Mr. Darrah had until April, 1996 to comply. Councilman Markovich asked that Carol Morris, legal counsel, review the documentation and take steps to file a lien on the property if appropriate. Ms. Morris will return with information at the next City Council meeting.

### **PUBLIC HEARINGS:**

Ray Gilmore introduced these proposed changes to the Gig Harbor Municipal Code reflecting recommendations from the Planning Commission and staff to implement changes in the Comprehensive Plan of 1994, and to satisfy requirements of the Growth Management Act and Regulatory Reform Act.

1. Amendments to Title 17 of the GHMC (Zoning Code) Mayor Wilbert opened the public hearing for this item at 7:10 p.m.

Peter Katich - 3509 Ross Avenue. Mr. Katich spoke in favor of the changes to section 17.48, specifically the section which places a 3,500 s.f. limitation for non-residential structures in the Waterfront Millville District and the limit of height increase of up to 24 feet to one structure if two amenities are provided. He encouraged Council to support and approve these amendments.

Bob Frisbie - 9720 Woodworth Avenue. Mr. Frisbie said he had several items to discuss. First, he suggested that reference to tele-communication transmission and relay facilities as a conditional use permit be removed, due to modern technology allows for these systems to be located almost anywhere. He then added that limiting the square footage in the Waterfront Millville District would amount to a taking and that this issue could be dealt with in a different manner taking into consideration all the conditions of a lot, such as multiple parcels. He then added that the existing height ordinance is better than what is proposed with these amendments. He said the height overlay system works and the proposed amendment allowing additional height will have a negative impact on views. He concluded by suggesting that Council establish a bounty program similar to the one that the Department of Ecology uses to allow interested parties to make money by going to court with agreements or violations that the City chooses not to enforce.

Jim Kelly - 13606 26th Ave. NW. Mr. Kelly introduced himself as the attorney representing PNA. He spoke about a memo addressed to Council and the Mayor regarding their

opposition against any large shopping centers that would destroy the small town atmosphere. He added that PNA supports the proposed amendments to section 17.32 through 17.48 of the zoning code.

As there were no further requests to speak on Title 17, the Mayor closed the public testimony portion of the public hearing for Title 17 of the Municipal Code at 7:31 p.m. and opened the public hearing on Title 16 - Subdivision Code.

2. Amendments to Title 16 of the GHMC (Subdivision Code). Ray Gilmore gave a brief introduction to the proposed revisions to the Subdivision Code so that it conforms to the State Code. He added that it is an attempt to address affordable housing.

There were no comments from Council or the public, so Mayor Wilbert closed the public hearing on this item at 7:34 and opened the public hearing on Title 19.

3. New Title 19 of the GHMC ( Land Use Development Permits Administrative Procedures). Ray Gilmore introduced Title 19 - Land Use Development Permits Administrative Procedures, as a new addition to the code. He said it is a direct attempt to comply with the Regulatory Reform Act. He added that the five tier system should streamline the permitting process and attempts to integrate the current permitting process with SEPA, and briefly outlined several of the new requirements.

There were no comments from the Council or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:37 and opened the public hearing on Title 17.10 - Hearing Examiner.

4. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10). Ray Gilmore again said this proposed amendment ties to Regulatory Reform and clarifies the process the Hearing Examiner uses for the public hearing process and establishes the role the examiner plays in the public hearing and appeal process.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:40 and opened the public hearing on Title 17.15 - Public Institutional Zoning District Standards.

5. New Chapter 17.15 (Public Institutional Zoning District Standards). Ray Gilmore introduced this ordinance establishing a new zoning district. He said this zoning designation is intended to provide for publicly owned facilities, located mostly in the urban growth area, but also within city limits.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:43 and opened the public hearing on Title 17.45 - Employment Zoning District Standards.

6. New Chapter 17.45 (Employment Zoning District Standards) Ray Gilmore said this zoning district was intended to designate employment areas to provide for the location of major employment opportunities as recommended by the Planning Commission. He added this

chapter would define permitted uses which would be allowed and allowed as conditional uses, and outlines a set of performance standards.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:45 and opened the public hearing on Title 17.65 - Special Use Permits.

7. New Chapter 17.65 (Special Use Permits) Ray Gilmore introduced this new addition to the code to cover situations that are not defined in the current code. He added that this section is proposed to address unusual situations such as special events or promotions, and usually with a limited duration for the permit.

There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing portion of this item at 7:47 and thanked Ray for all his hard work on these items.

8. Revenue Sources - 1996 General Fund Budget. Mayor Wilbert opened the public hearing on this item at 7:48 and introduced Tom Enlow, Finance Director. Tom explained that new legislation this year required that the city hold a public hearing so the public can have the opportunity for input on revenue sources for next year's General Fund Budget, specifically potential property tax increases. He added that because the city shares its property tax revenues with the public library and fire district, property taxes cannot be increased without a vote from the citizens. There were no comments from the Councilmembers or the public, and Mayor Wilbert closed the public hearing on this item at 7:49.

**CALL TO ORDER:** 7:50 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the October 9, 1995 meeting as presented.  
Picinich/Platt - unanimously approved.

**CORRESPONDENCE:**

None.

**OLD BUSINESS:**

1. Viacom Cable TV Franchise "Change of Ownership" - Second Reading of Ordinance. Mark Hoppen explained that this was the second reading of the ordinance and that the confusing language had been removed.

**MOTION:** Move approval of Ordinance No. 698.  
Markovich/Picinich - unanimously approved.

2. Fire District #5 Emergency Operation Center - Request for Water Contract. Mark Hoppen

introduced the contract that was drafted with assistance from legal counsel for extension of water to the Fire District Emergency Operations Center, and explained the costs to be incurred by the City. He suggested changing language in Section 2, paragraph B to read "The District will pay all permit fees other than City Fees." He explained that the reason for this language change was that the district should be accountable for a State Health Department fee of \$2,500.

**MOTION:** Move we accept the contract with the following change: "The District will pay all permit fees other than City Fees."  
Picinich/Owel - unanimously approved.

**NEW BUSINESS:**

1. First Reading of Ordinances: Mayor Wilbert introduced each one of the following ordinances proposing changes to the Municipal Code, and asked for Council's comments or questions on each item.

A. Amendments to Title 17 of the GHMC (Zoning Code). Councilmember Platt asked for clarification on 17.28.020, mobile/manufactured home parks. Mr. Gilmore explained that any mobile home would have to be approved as a subdivision, and not allowed as an outright use on an individual lot.

Councilmember Owel commented that the language under 17.16.070 should be clarified, as the existing language implies that all structures must be built to the 35 foot height rather than the 35 feet being a permitted maximum height.

Councilmember Markovich suggested that because of the substantial changes to the zoning code, that everyone look very closely at the changes over the next two weeks and discuss the proposed amendments.

B. Amendments to Title 16 of the GHMC (Subdivision Code). No comments were mentioned.

C. New Title 19 of the GHMC ( Land Use Development Permits Administrative Procedures). No comments were mentioned.

D. New Chapter 17.10 (Hearing Examiner - replaces current Chapter 17.10). Councilmember Markovich commented that this seemed to be delegating all responsibility to the Hearing Examiner for most of the decisions, and he felt that this should be discussed before adopting this amendment. Carol Morris said that the Regulatory Reform Act gives Council the option to delegate the responsibility for making final decisions to the Hearing Examiner, but that the Council can keep the responsibility if they choose to. She added that an open record public hearing must be held if Council chooses to make their own decision on a matter. She offered to go through the proposed amendments and footnote each particular type of decision so that Councilmembers can see what your options are. Councilmember Markovich said that would be helpful as he is not comfortable with delegating Council's obligation completely in every area to the Hearing Examiner.



- E. New Chapter 17.15 (Public Institutional Zoning District Standards). No comments.
  - F. New Chapter 17.45 (Employment Zoning District Standards) No comments.
  - G. New Chapter 17.65 (Special Use Permits ) No comments.
2. Hearing Examiner Recommendation: SPR94-05/VAR95-08/CUP94-06) - Arabella's Landing Office Building.
- a) Appeal of Hearing Examiner's Decision on CUP94-06 - R. Frisbie, appellant
  - b) Appeal of Hearing Examiner's Decision on CUP 94-06 - P. Katich, appellant
  - c) Appeal of Hearing Examiner's Decision on VAR 94-05 and CUP 94-06 - Stan Stearns.

Mayor Wilbert introduced this agenda item and asked if any Councilmembers wished to reveal any ex parte oral or written communications on this matter, or to disclose any potential appearance of fairness issues, or if any member of the audience had any appearance of fairness challenges to any of the Councilmembers or Mayor. Councilmember Markovich said he had a brief conference phone conversation with Mr. Sloan and Mr. Oldfield where they voiced their disappointment in the progress of the permit process. He added that this conversation would not have any affect on his impartiality on the project. No further comments regarding ex-parte communications were received.

Steve Osguthorpe gave a history of the proposal to add retail/office space and a new building to house a yacht club at 8215 Dorotich Street. He gave an overview of the Hearing Examiner's decision to approve the Conditional Use Permit with conditions, the recommendation to deny the parking variance and site plan, and the three appeals arising from these recommendations. He briefly explained each of the three appeals, the first from Mr. Katich appealing the conditional use permit approval; the second by Mr. Frisbie, appealing the conditional use permit and variance denial, and the final appeal by Mr. Stearns to the Conditional Use Permit and variance denial.

Councilmember Markovich asked if the 24 foot height of the building was requested by a variance. Mr. Osguthorpe explained that it was a "height allowance" because of the two amenities provided by Mr. Stearns during construction of Arabella's Landing. He added that staff's interpretation of the code allowed for these two amenities to be considered for the entire site rather than by proposed project. Councilmember Picinich commented that he thought each structure should be considered separately, and Councilmember Owel read an excerpt from Resolution No. 395 regarding the specificity of the conditions for Arabella's Landing, and asked if this resolution had been submitted to the Hearing Examiner for consideration during the hearing. Mr. Osguthorpe answered that it had not and that it was staff's opinion that the project met the criteria set forth in the resolution. Councilman Picinich added that he though the resolution had merit and should have been submitted.

Mayor Wilbert thanked Mr. Osguthorpe and announced that the appellant and applicant would be allowed 15 minutes each for oral testimony and stressed that no new testimony or evidence was to be presented.

Bob Frisbie- 9720 Woodworth Avenue. Mr. Frisbie stated his concerns that the Hearing Examiner had acted inappropriately by conditioning the Conditional Use Permit to allow its approval if the applicant were to revise the site plan and added that the CUP should not have been approved until a revised site plan had been submitted. He asked Council not to remand the site plan back to the Hearing Examiner but to hold their own hearing to get all the facts on the table before making a final judgement.

Peter Katich - 3509 Ross Avenue. Mr. Katich said he was representing himself and his wife Elizabeth, Jake and Pat Bujacich, Bruce and Linda Dishman, Clark and Nancy Eaton, and Adam and Sherry Ross Jr. He said all these people lived in close proximity of the proposed project. He added that the Hearing Examiner had erred in his decision to approve the Conditional Use Permit, and had grossly underestimated the impact this facility would have on their mostly residential neighborhood, if allowed to be built. He said that the notification of the proceedings was inadequate, leaving little time to research and respond to the application. He proposed a new public hearing be held with proper public notice.

Tom Oldfield - attorney on behalf of the applicant, Stan Stearns. Mr. Oldfield said he wanted to emphasize that the real issue in question was the lack of adequate parking, and that the building could be built as designed if utilized as an office or marine sales. He said he disagreed with the Hearing Examiner and the staff in their interpretation of the parking requirements and that is why the decision was being appealed. He answered Councilmember's questions about the yacht club membership requirements, bylaws, moorage and the guest privileges for using the club facilities. He requested that rather than deny the conditional use permit if Council determined that the parking is inadequate, that they remand it back to the Hearing Examiner for additional consideration to amend the site plan for specific usage.

Councilman Markovich said the Hearing Examiner could not approve a conditional use permit when it does not meet the criteria set forth in the code. Councilmember Picinich said that the project only provided 71% of the required parking stalls. Councilmember Platt said that the proposed project did not meet with the City's Comprehensive Plan for medium usage in that area.

**MOTION:** Move we deny the Conditional Use Permit in accordance to criteria in section 17.64.040 of the Gig Harbor Municipal Code for the approval of Conditional Uses.  
Picinich/Owel - unanimously approved.

Councilmember Picinich again said that the project did not provide the required parking stalls. Councilman Markovich said the site did not meet the criteria to demonstrate its uniqueness to qualify for a variance.

**MOTION:** Move we accept the Hearing Examiner's decision in regards to denying VAR 95-08.  
Picinich/Platt - unanimously approved.

Councilmember Ekberg said he disagreed with staff's interpretation on the additional height. Councilmember Markovich said he also was unclear on this height allowance in exchange for amenities and referred to Resolution No. 395 when the first height allowance was given on that piece

of property. He added that the site plan could not be approved when the required parking is not available. Carol Morris pointed out that Resolution No. 395 was not part of the Hearing Examiner's record and Council could not make any decisions based on that document. She advised that a decision could be based upon Councilmember Markovich's statement at the initial portion of the hearing that the Hearing Examiner's decision did not demonstrate that the code requirements were met, or the site plan could be remanded to the Hearing Examiner for additional consideration on the height, and at that time Resolution No. 395 could be introduced for review. Councilman Markovich said he did not recommend remanding the site plan to the Hearing Examiner because there was sufficient basis to make a determination to deny the site plan; first, that the use is not permitted and second, the required parking is not available.

**MOTION:** Move the request for approval of site plan SPR-94-05 be denied.  
Markovich/Picinich - unanimously approved.

A brief recess was announced by Mayor Wilbert.

3. 1996 Tax Levy Ordinance - First Reading. Tom Enlow announced that the preliminary assessed valuation for 1996 taxes is \$340,315,401, which represents a 4% increase over 1995. He added that the best estimate for taxes available is \$550,000, a 4.3% increase and stressed that this assessed valuation is not final. He explained that the County Assessor's office recommends requesting well over the amount expected to receive. He added that this ordinance also sets excess levy rates for outstanding G & O bonds. This ordinance will be back at the next council meeting for a second reading.
4. Request to Purchase Utility Management Software. Tom Enlow explained that Council approved this purchase in the 1995 Budget with the stipulation that the specific purchase be approved. He said that the City of Mercer Island and Bainbridge Island had recently conducted requests for information for proposals, and gave a brief overview of their findings and expenditures for their utility software. He explained the advantages to retaining the existing EDEN System and upgrading the software at a cost of \$13,260 with an additional maintenance fee of \$638.

**MOTION:** Move we authorize the purchase of utility management accounting system software.  
Ekberg/Markovich - unanimously approved.

**MAYOR'S REPORT:**

None.

**STAFF REPORT:**

Tom Enlow - Quarterly Finance Report. Mr. Enlow said that sales taxes were a concern in previous quarters but were up above 75%, water revenues had rebounded very well, and cash balances appear adequate and added that he doesn't expect any further budget amendments. He said that the first 1996 preliminary budget is ready to be picked up for review.

Lt. Bill Colberg - GHPD. Lt. Colberg said October had been a busy month. He added they had made several drug arrests and had been able to put \$8,000 into the drug fund. He gave a brief report on several burglaries, an increase in DWIs, and vehicle prowls/thefts. He said several officers and Explorers were planning to attend the funeral of the recently slain deputy in Tacoma. He then thanked Gig Harbor Ford for the '95 Ranger Pickup that had been donated to the DARE program.

**ANNOUNCEMENT OF OTHER MEETINGS:**

None.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of warrants #14880 through #14953 in the amount of \$177,675.99.  
Picinich/Ekberg - unanimously approved.

**EXECUTIVE SESSION:** Cancelled.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:32 p.m.  
Markovich/Ekberg - unanimously approved.

Cassette recorder utilized.  
Tape 401 Side A 253 - end.  
Tape 401 Side B 000 - end.  
Tape 402 Side A 000 - end.  
Tape 402 Side B 000 - end.  
Tape 403 Side A 000 - 399.

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Mayor

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City Administrator

**Spectacular!**  
**Sound To Summit**

October 4, 1995

RECEIVED

OCT - 6 1995

CITY OF GIG HARBOR WA

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

Dear Mayor Wilbert:

The Tacoma-Pierce County Visitor and Convention Bureau respectfully requests financial support of \$2,500 in 1996. The Bureau believes that its tourism promotions have greatly impacted the city by generating sales tax revenues from visitors and greater exposure for city businesses.

Pierce County's entire tourism industry is thriving. In 1995, **Visitor inquiries have increased 35% over 1994**. To date, we have **mailed over 10,500 visitor response packages** and have distributed bulk quantities of the Bureau's *Visitors Guide* to the Northwest's top 35 information centers and chambers of commerce. Please see the sample enclosed.

The Bureau has also assisted six visitor information centers in Pierce County, including Gig Harbor's, in **servicing over 26,000 tourists**. We provided **on-site visitor information centers to 49 conventions and special events** and promoted Gig Harbor's restaurants, downtown shopping and factory outlet and nearby attractions. We have also provided on-going training to Gig Harbor's hospitality industry employees and volunteers to develop new servicing skills that encourage visitors to extend their stay.

But that's not all. In 1995, the Bureau's sales team welcomed **49 conventions** which they had booked whose **113,000 delegates** generated over **\$12.5 million** in spending. Gig Harbor continues to be a side trip of choice for convention delegates and spouses. We promote Gig Harbor's quaintness, beautiful scenery, views, nearby attractions, bed and breakfast inns and excellent shopping.

The Bureau has **already booked 32 conventions** for 1996 that will bring **42,000 delegates** to the area. The Bureau has also **booked 41 conventions for future dates** beyond 1996, with an economic impact expected to reach over **\$9 million**. You can be sure Gig Harbor residents and businesses will benefit from a continuation of our promoting shopping trips there for convention delegates.

**TACOMA-PIERCE COUNTY**

**VISITOR & CONVENTION BUREAU**

City of Gig Harbor  
October 4, 1995  
page 2

The VCB's targeted advertising has brought big returns to the community and introduced our vacation land to readers of several regional publications. Our public relations efforts have generated press clippings every month in a wide variety of local and national publications whose readership totals **8.5 million**.

I have enclosed for your review the VCB's 1996 Program of Work, Pro Forma Budget and related materials. It proposes an aggressive convention and tourism sales marketing plan. For Gig Harbor, it includes a commitment to:

- \* **Include Gig Harbor's attractions and services in**
  - press releases to travel writers
  - promotions to group tour operators
  - visitor responses
- \* **Include Gig Harbor in all familiarization tours provided to tour operators and meeting planners and travel writers**
- \* **Distribute Gig Harbor brochures and provide assistance to the local visitor information center**
- \* **Include Gig Harbor's name and information in all Bureau advertisements and visitor publications**
- \* **Provide hospitality training for interested Gig Harbor businesses**
- \* **Develop partnerships with the Gig Harbor Chamber of Commerce in all tourism promotions**

Thank you for considering our request. The Tacoma-Pierce County Visitor and Convention Bureau is committed to developing even stronger results in 1996, but ask for Gig Harbor's financial commitment of \$ 2,500 to make that possible.

If it would be helpful, I would be happy to provide a brief presentation to the council members.

Sincerely,



Nancy Watkins  
Executive Director

Enclosures



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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: Ray Gilmore, Planning Staff**  
**DATE: November 3, 1995**  
**SUBJ.: Proposed Land Use Development Codes - Second Reading of Ordinances**

### **BACKGROUND**

At the first reading of these ordinances on October 23, Council was presented with seven ordinances. In discussions with the City's legal advisor, it was suggested that some of the sections within the body of Title 17 be segregated into separate ordinances for clarity. Before you at the second reading are ten ordinances, three of which are extractions from the main body of Title 17. Please also note that the ordinances are presented in a format that should make it easier to navigate through, starting with Title 16 and ending with Title 19. Detail explanation of the most recent changes follows.

### **POLICY CONSIDERATIONS**

The proposed ordinances represent policy changes in several operations of the City's land use standards and administrative functions.

#### Title 16 - Subdivision Code

The subdivision code has been amended to so that final plat decisions are made by the City Council, not the hearing examiner.

#### Title 17 - Zoning Code

Within the body of Title 17, several changes have been made:

1. The height option for single family dwellings within the residential districts been amended to be established as an administrative variance procedure under Chapter 17.66. This would establish it as a separate permit process (Type II) and would require trigger notification requirements. The administrative decision is appealable to the Hearing Examiner.
2. Any reference within the Chapter to permit processes has been deleted (New Title 19 establishes the respective permit processes).
3. Chapter 17.64 (Conditional Uses) and 17.66 (Variances) have been amended to include the requirements for a complete application and the type of permit application, per new Title 19.

4. Chapter 17.89 (Planned Residential Development) has been amended to include requirements for a complete application and the type of permit application, per new Title 19.
5. Chapter 17.90 (Planned Unit Development) has been amended to include requirements for a complete application and the type of permit application, per new Title 19.
6. Chapter 17.96 (Site Plan Review) has been amended to include requirements for a complete application and the type of permit application, per new Title 19.
7. The review criteria for accessory apartments (which is a conditional use in the R-1 district) is relocated to the Conditional Use Permit section (17.64).
8. Chapter 17.01 is extracted to ordinance format. Revision to 17.08.010 is relocated to this ordinance.
9. Chapter 17.04 (Definitions) is extracted to ordinance format.
10. Chapter 17.07 (Enforcement, formerly new Chapter 17.08) is extracted to ordinance format.

#### New Title 19 - Administrative Procedures

#### **RECOMMENDATION**

This is the second reading of the ordinances. However, because of the changes proposed from the original versions, staff recommends that the Council conduct a second and final public hearing at its last regular meeting of November 27. This will not present a time conflict (with the potential of R-48 becoming law) as initially thought because the Council's action (at the November 27 meeting) is the adoption date.



## **Tab Headings**

Title 16	Subdivision (New)
Chap 17.01	Construction Trailers (Revised)
Chap 17.04	Definitions (Revised)
Chap 17.07	Enforcement (New)
Chap 17.10	Hearing Examiner (New)
Title 17	Zoning Code (Revised)
Chap 17.15	Public Institutional District (New)
Chap 17.45	Employment District (New)
Chap 17.65	Special Use Permits (New)
Chap 17.94	Land Clearing (New - relocated from Chapter 16.44)
Title 19	Administrative Procedures (New)







11-2-95

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SUBDIVISIONS OF LAND, REPEALING TITLE 16 OF THE GIG HARBOR MUNICIPAL CODE, AND ADOPTING A NEW TITLE 16 TO THE GIG HARBOR MUNICIPAL CODE TO APPLY TO ALL SUBDIVISIONS AND DIVISIONS OF LAND IN THE CITY, DESCRIBING THE PROCEDURES FOR APPLICATIONS, REVIEW, APPROVAL, CONDITIONING, ENFORCEMENT AND PENALTIES FOR VIOLATIONS, AND ADOPTING REGULATIONS FOR SITING AND DEVELOPMENT OF MOBILE HOME PARKS.

---

WHEREAS, the city subdivision code is derived from the State Subdivision Act, chapter 58.17 of the Revised Code of Washington ("RCW"), and any differences are matters of purely local concern; and

WHEREAS, the Regulatory Reform Act (Chapter 347, Laws of 1995) requires that subdivision applications be processed according to a new statutory framework for project permitting; and

WHEREAS, Section 429 of Chapter 347, Laws of 1995 allows the City Council to delegate its authority to make final decisions on subdivision approvals; and

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

WHEREAS, the current subdivision code has not been updated nor revised since its adoption in 1966; and



WHEREAS, the State Subdivision Act, Section 58.17 RCW, has also undergone substantial revisions which are not reflected in the current subdivision code; now, therefore,

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

Section 1. Title 16 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. A new Title 16 is hereby added to the Gig Harbor Municipal Code,  
to read as follows:

TITLE 16  
SUBDIVISIONS

CHAPTER 16.01  
DEFINITIONS

16.01.010	Block
16.01.020	Dedication
16.01.030	Final Plat
16.01.040	Lot
16.01.050	Preliminary Plat
16.01.060	Plat
16.01.070	Short Plat
16.01.080	Short Subdivision
16.01.090	Subdivision

**Definitions.** As used in this title, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this Section shall have the indicated meanings:

16.01.010 "Block" is a group of lots, tracts, or parcels within well defined and fixed boundaries.

16.01.020 "Dedication" is the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the City.





16.01.030 "Final plat" is the final drawing of the subdivision and dedication prepared for filing of record with the Pierce County auditor, and containing all elements and requirements set forth in Chapter 16.09 GHMC.

16.01.040 "Lot" is a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

16.01.050 "Preliminary plat" is a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the general layout of a subdivision.

16.01.060 "Plat" is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions and dedications.

16.01.070 "Short plat" is the map or representation of a short subdivision.

16.01.080 "Short subdivision" is the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership into four or fewer lots.

16.01.090 "Subdivision" is the division or redivision of land into five or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership, except as provided in GHMC 16.02.

## CHAPTER 16.02 GENERAL PROVISIONS

16.02.001	Short Title
16.02.002	Purpose
16.02.003	Authority
16.02.004	Scope
16.02.005	Exemptions
16.02.006	Effect of Filing a Complete Application

16.02.001 Short Title. The ordinance codified in this title shall be known as the Gig Harbor subdivision code.

16.02.002 Purpose. The purpose of this chapter is to regulate the subdivision of land and to promote the public health, safety and general welfare in accordance with standards established by the state to prevent the overcrowding of land; to lessen congestion in the streets



and highways; to promote effective use of land; to promote safe and convenient travel by the public on streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage, utilities, drainage, parks and recreation areas, sites for schools and school grounds and other public requirements; to provide for proper ingress and egress; to provide for the expeditious review and approval of proposed subdivisions which conform to zoning standards and local plans, minimum development standards and policies; to adequately provide for the housing and commercial needs of the citizens of the state; and to require uniform monumenting of land subdivisions and conveyancing by accurate legal description.

16.02.003 Authority. The Gig Harbor City Council delegates the responsibility for making final determinations on boundary line adjustments and short plats to the Planning Director, or his or her designee. The Hearing Examiner shall have the authority to make final decisions on preliminary plats, plat alterations and plat vacations. The City Council shall make the final decision on all final plats.

16.02.004 Scope. Any division, redivision, platting or subdivision or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway), shall comply with the provisions of this title.

16.02.005 Exemptions. This title shall not apply to divisions and activities described in RCW 58.17.040; PROVIDED THAT, in order to determine whether a boundary line adjustment meets the requirements for an exempt action, approval must be received from the Director as set forth in Section 16.03.001.

16.02.006 Effect of Filing Completed Application.

A. A proposed division or subdivision of land, as defined in GHMC Section 16.01.090, shall be considered under the subdivision code; and zoning or other land use control ordinances in effect at the time a fully completed application for preliminary plat approval or short plat approval of the subdivision has been submitted to the Director.

B. The limitations imposed by this section shall not restrict conditions imposed under the State Environmental Policy Act ("SEPA"), chapter 43.21C RCW, and the City's SEPA regulations, chapter 18.04 GHMC.

CHAPTER 16.03  
BOUNDARY LINE ADJUSTMENTS

16.03.001	Requirements for a Complete Application
16.03.002	Type of Application
16.03.003	Criteria for Approval



16.03.001 Requirements for a Complete Application. An applicant for a boundary line adjustment shall submit five (5) copies of the following:

- A. A map at a scale of not less than one inch equal to one hundred feet which depicts the existing property configuration, including all lot line dimensions.
- B. A map which depicts the proposed property configuration, including all lot line dimensions.
- C. A legal description of the existing property configuration and proposed property configuration, prepared by a licensed professional land surveyor.
- D. Completed application form, as described in Section 19.02.002.

16.03.002 Type of Application. A boundary line adjustment is a Type I application, and the Director makes the final decision. The application shall be processed as set forth in Section 19.01.007(B) of this Code.

16.03.003 Criteria for Approval. The Director shall approve an application for a boundary line adjustment if it is determined that:

- A. No additional lot, tract, parcel, site or division will be created by the proposed adjustment;
- B. No lot is created or modified which contains insufficient area and dimensions to meet the minimum requirements of the zone in which the affected lots are situated;
- C. No lot is created or modified which does not have adequate drainage, water supply and sanitary sewage disposal, and access for vehicles, utilities and fire protection, and no existing easement in favor of the public is rendered impractical to serve its purpose; and
- D. The boundary line adjustment is consistent with the applicable provisions of Title 17 GHMC.

**CHAPTER 16.04**  
**SHORT PLATS**

16.04.001	Requirements for a Completed Application
16.04.002	Type of Application
16.04.003	Criteria for Approval
16.04.004	Findings and Conclusions
16.04.005	Prohibition on Further Division
16.04.006	Time Frame for Approval



16.04.001 Requirements for a Complete Application.

A. Number of Copies: seven (7).

B. A proposed short plat must include pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying.

C. Application Contents: In addition to the requirements for a completed application set forth in Section 19.02.002, an applicant for a short plat shall submit the following:

1. a sketch or map using a scale of 100 feet to one inch or larger of the entire contiguous tract owned by the applicant which shall show:

a. the owners of adjacent land and the names of any adjacent subdivisions;

b. lines marking the boundaries of the proposed lots;

c. approximate locations of existing streets and ways or easements for such streets and ways within and adjacent to the tract;

d. legal description of the tract and legal descriptions of all proposed lots;

e. name and address of the owner(s) of the tract;

2. certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s), religious society or societies or to any corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

3. all short plats containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.





16.04.002 Type of Application. A short plat is a Type II application, and the Director shall make the final decision. The application shall be processed as set forth in Title 19 of this Code.

16.04.003 Criteria for Approval. The Director shall approve the short subdivision and short plat after making a determination:

A. whether the application complies with Chapter 16.08 of this Title, General Requirements for Subdivision Approval.

B. if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and

C. whether the public interest will be served by the subdivision and dedication.

16.04.004 Findings and Conclusions. The Director shall not approve a short plat and short subdivision unless written findings are made that:

1. the application complies with Chapter 16.08;

2. appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions who walk to and from school; and

3. the public use and interest will be served by the platting of such subdivision and dedication.

D. Construction of Improvements. An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the Director in the final decision on the short plat, pursuant to Section 16.04.001(F).

16.04.005 Prohibition on Further Division. Property in short subdivisions may not be further divided in any manner within a period of five years without the filing of a final plat, except that when the short plat contains less than four parcels, nothing in this section shall prevent the owner who filed the short plat from filing an alteration within the five year period to create up to a total of four lots within the original short plat boundaries.



16.04.006 Time Frame for Approval. Short plats shall be approved, disapproved or returned to the applicant within thirty days after the date of filing of a complete application, unless the applicant agrees to an extension of time.

**CHAPTER 16.05**  
**PRELIMINARY PLATS**

16.05.001	Requirements for a Completed Application
16.05.002	Type of Application
16.05.003	Criteria for Approval
16.05.004	Findings and Conclusions
16.05.005	Time Frame for Approval

16.05.001 Requirements for a Completed Application.

- A. Number of copies: ten (10)
- B. Application contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a preliminary plat shall submit the following:
1. A map or sketch using a scale of 100 feet to one inch or larger, showing:
    - a. topographical and other data depicting:
      - (1) boundary lines including bearing and distance;
      - (2) easements, including location, width and purpose;
      - (3) streets on and adjacent to the tract, including name and right-of-way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc;
      - (4) ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than one hundred feet apart in all directions; for land that slopes more than approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;
      - (5) other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character



and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within three hundred feet (300') of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers;

c. other conditions on the tract including watercourses, marshes, rock outcrop;

d. zoning district designations, on and adjacent to the tract;

e. proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

f. vicinity showing location of the tract;

g. sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

h. sites, if any, for multi-family dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

i. minimum building setback lines;

j. site data, including number of residential lots, typical lot size, and acres in parks, etc.

k. plat name, scale, north arrow and date;

l. typical cross-sections of the proposed grading, roadway and sidewalk;

m. proposed sanitary, stormwater and water systems plan with points of connection, grades and sizes indicated;

2. Title and certificates, including a legal description according to official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land



surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;

3. Draft of proposed covenants, if any.

16.05.002 Type of Application. A preliminary plat is a Type III application. The Hearing Examiner makes a final decision, which is appealable to the City Council.

16.05.003 Criteria for Approval. The Hearing Examiner shall make an inquiry into the public use and interest proposed to be served by the establishment of the subdivision and/or dedication, and shall consider:

A. whether the preliminary plat conforms to Chapter 16.08, General Requirements for Subdivision Approval;

B. if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. whether the public interest will be served by the subdivision and dedication.

16.05.004 Findings and Conclusions. The Hearing Examiner shall not approve the preliminary plat unless written findings are made that:

A. the preliminary plat conforms to Chapter 16.08, General Requirements for Subdivision Approval;

B. appropriate provisions are made for the public health, safety and general welfare and for such open spaces, drainage ways, streets or roads, alleys other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and

C. the public use and interest will be served by the platting of such subdivision and dedication.

16.05.005 Time Frame for Approval. Preliminary plats of any proposed subdivision and dedication shall be approved, disapproved, or returned to the applicant for modification or correction within ninety days from the date of filing of a complete application, unless the applicant agrees to an extension of such time period; PROVIDED, that if an environmental impact statement is required as provided in RCW 43.21C.030, the ninety day period shall not





include the time spent preparing and circulating the environmental impact statement by the local government agency.

**CHAPTER 16.06**  
**FINAL PLATS**

16.06.001	Requirements for a Completed Application
16.06.002	Type of Application
16.06.003	Time Frame for Submission of Final Plat
16.06.004	Criteria for Approval
16.06.005	Effect of Final Plat Approval
16.06.006	Time Frame for Approval

**16.06.001 Requirements for a Completed Application.**

A. 5 copies of construction drawings.

B. Work done by City in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing as to all plat improvements including water lines, sanitary sewer lines, storm water retention and drainage systems, streets, curbs, gutters and sidewalks.

C. Application Contents: In addition to the requirements for a completed application set forth in Section 19.02.002, the applicant shall submit the following:

1. final plat on reproducible mylar or equivalent, 17" wide by 22" long, scale of 100 feet to 1" or larger (preferred scale 50 feet to one inch). The plat must contain:

a. primary control points, approved by the city engineer, or descriptions and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred;

b. tract boundary lines, right-of-way lines of streets, easements and other rights-of-way, and property lines of residential lots and other sites, with accurate dimensions, bearings, and radii, arcs, central angles of all curves arcs;

c. name and right-of-way width of each street or other right-of-way;

d. location, dimensions and purpose of any easement;

e. tract number to identify each lot or site;



- or reserved;
- f. purpose for which sites, other than residential lots, are dedicated
  - g. minimum building setback line on all lots and other sites;
  - h. location and description of monuments by symbol;
  - i. reference to plats of adjoining land by their recorded name, date, volume and page number;
  - j. certification by licensed land surveyor or licensed professional civil engineer substantially in the following form: etc.

k. a certificate giving a full and correct description of the lands divided as they appear on the plat, including a statement that the subdivision has been made with the free consent and in accordance with the desires of the owner(s). If the plat contains a dedication, the certificate shall also contain the dedication of all streets and other areas to the public, and individual(s) religious society or societies or to any corporation, public or private as shown on the plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

2. every plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owners signing the certificate;

3. an offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted any such waiver is effective. Such waiver may be required by the city as a condition of approval. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quit claim deed to the donee or donees, grantee or grantees for his, her, or their use for the purpose intended by the donors or grantors as aforesaid;

4. plat name, scale, north arrow, date and legend of symbols.

5. plans and profiles of all utilities and street improvements showing approval of the design by the city engineer.

6. certificate of completion of one of the following alternatives shall accompany the final plat:



a. all improvements have been installed in accord with the requirements of these regulations and accepted by the City upon the recommendation of the city engineer as certified by the city clerk;

b. that approved plans are on file with the city engineer for all required utilities and street improvements and a cash or surety bond as provided in chapter 16.28 GHMC has been posted with the city clerk and deposited with the city treasurer.

16.06.002 Type of Application. A final plat is a Type III application, and the City Council makes the final decision. Applications shall be processed as set forth in Section 19.02 of this Code.

16.06.003 Time Frame for Submission of Final Plat. A final plat meeting all requirements of chapter 58.17 RCW and this Title 16 shall be submitted to the City for approval within five years of the date of preliminary plat approval.

16.06.004 Criteria for Approval. A final plat application shall be approved if the subdivision proposed for approval:

A. meets all general requirements for plat approval as set forth in Chapter 16.08 of this Title, General Requirements for Subdivision Approval;

B. conforms to all terms of the preliminary plat approval; and

C. meets the requirements of chapter 58.17 RCW, other applicable state laws, this Title 16 and any other applicable City ordinances which were in effect at the time of preliminary plat approval.

D. the City Council shall make written findings of fact relating to its decision on the final plat, and if approved, shall suitably inscribe and execute its written approval on the face of the plat.

16.06.005 Effect of Final Plat Approval. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the City Council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

16.06.006 Time Frame for Approval. Final plats shall be approved, disapproved or returned to the applicant within thirty (30) days after the filing of a complete application, unless the applicant consents to an extension of such time period.



CHAPTER 16.07  
PLAT VACATION AND ALTERATION

16.07.001	Requirements for a Complete Plat Vacation Application
16.07.002	Type of Approval and Criteria for Approval of a Plat Vacation
16.07.003	Requirements for a Complete Plat Alteration Application
16.07.004	Type of Approval and Criteria for Approval of a Plat Alteration

16.07.001 Requirements for a Complete Plat Vacation Application.

A. Application contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a plat vacation shall submit the following:

1. the reasons for the proposed vacation;
2. signatures of all parties having an ownership interest in that portion of the subdivision proposed to be vacated;
3. if the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for vacation would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the vacation of the subdivision or portion thereof.
4. A copy of the approved plat sought to be vacated, together with all plat amendments recorded since the date of the original approval.

16.07.002 Type of Approval and Criteria for Approval of a Plat Vacation.

A. Type of Application. A plat vacation is a Type III application, the Hearing Examiner shall render the final decision, which is appealable to the City Council.

B. Criteria for Approval. The plat vacation may be approved or denied after a written determination is made whether the public use and interest will be served by the vacation of the subdivision. If any portion of the land contained in the subdivision was dedicated to the public for public use or benefit, such land, if not deeded to the City, shall be deeded to the City unless the City Hearing Examiner shall set forth findings that the public use would not be served in retaining title to those lands.

C. Vacation of Streets. When the vacation application is specifically for a city street vacation, the City's street vacation procedures shall be utilized. When the application is for the





vacation of a plat together with the streets, the procedure for vacation in this section shall be used, but vacations of streets may not be made that are prohibited under chapter 35.70 RCW or the City's street vacation ordinance.

D. Easements established by a dedication are property rights that cannot be extinguished or altered without the approval of the easement owner or owners, unless the plat or other document creating the dedicated easement provides for an alternative method or methods to extinguish or alter the easement.

#### 16.07.003 Requirements for a Complete Plat Alteration Application.

A. Application Contents: In addition to the requirements for a completed application as set forth in Section 19.02.002, an applicant for a plat alteration shall submit the following:

1. signatures of the majority of those persons having an ownership interest of lots, tracts, parcels, sites or divisions in the subject subdivision or portion to be altered;
2. if the subdivision is subject to restrictive covenants which were filed at the time of the approval of the subdivision, and the application for alteration would result in the violation of a covenant, the application shall contain an agreement signed by all parties subject to the covenants providing that the parties agree to terminate or alter the relevant covenants to accomplish the purpose of the alteration of the subdivision or portion thereof.
3. a copy of the approved plat sought to be vacated, together with all plat amendments recorded.

#### 16.07.004 Type of and Criteria for Approval of a Plat Alteration.

A. Type of Application. A plat alteration is a Type III application. The Hearing Examiner shall render the final decision, which is appealable to the City Council.

B. Criteria for Approval. The plat alteration may be approved or denied after a written determination is made whether the public use will be served by the alteration of the subdivision. If any land within the alteration is part of an assessment district, any outstanding assessments shall be equitably divided and levied against the remaining lots, parcels, or tracts, or be levied equitably on the lots resulting from the alteration. If any land within the alteration contains a dedication to the general use of persons residing within the subdivision, such land may be altered and divided equitably between the adjacent properties. A plat alteration must also be consistent with Section 16.07.002(D) herein.

C. Revised Plat. After approval of the alteration, the City Council shall order the applicant to produce a revised drawing of the approved alteration of the final plat or short plat,



which after signature of the Mayor, shall be filed with the County auditor to become the lawful plat of the property.

CHAPTER 16.08  
GENERAL REQUIREMENTS FOR SUBDIVISION APPROVAL

16.08.001	General Requirements for Approval of Subdivision
16.08.002	Certificate to Accompany Final Plat or Short Plat
16.08.003	General Requirements for Filing Final Plat for Record
16.08.004	Compliance with City's Public Works Standards

16.08.001 General Requirements for Approval of Subdivisions. In addition to the criteria for approval applicable to an individual application, all subdivisions must meet the following general requirements in order to be approved:

A. Zoning. No subdivision may be approved unless written findings of fact are made that the proposed subdivision or proposed short subdivision is in conformity with any applicable zoning ordinance, comprehensive plan or other existing land use controls.

B. Dedications, generally.

1. An offer of dedication may include a waiver of right of direct access to any street from any property, and if the dedication is accepted, any such waiver is effective. The City may require such waiver as a condition of approval.

2. Roads not dedicated to the public must be clearly marked on the face of the plat.

3. Any dedication, donation or grant as shown on the face of the plat shall be considered to all intents and purposes, as a quitclaim deed to the said donee(s) grantee(s) for his/her/their use for the purpose intended by the donor(s) or grantor(s).

4. If the plat or short plat is subject to a dedication, the certificate or a separate written instrument shall contain the dedication of all streets and other areas to the public, and individual(s), religious society(ies) or to any corporation, public or private, as shown on the plat or short plat, and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said road. Said certificate or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands subdivided and recorded as part of the final plat.



5. Every plat and short plat containing a dedication filed for record must be accompanied by a title report confirming that the title of the lands as described and shown on said plat is in the name of the owners signing the certificate or instrument of dedication.

6. Dedication of land to any public body, provision of public improvements to serve the subdivision, and/or impact fees imposed under RCW 82.02.050 through 82.02.090 may be required as a condition of subdivision approval. No dedication, provision of public improvements or impact fees imposed under RCW 82.02.050 through 82.02.090 shall be allowed that constitutes an unconstitutional taking of private property.

C. Dedication of Public Park. If the preliminary plat includes a dedication of a public park with an area of less than two acres and the donor has designated that the park be named in honor of a deceased individual of good character, the City Council shall adopt the designated name.

D. Release from Damages. The Hearing Examiner shall not as a condition to the approval of any subdivision require a release from damages to be procured from other property owners.

E. Flood, Inundation or Swamp Conditions. A proposed subdivision may be disapproved because of flood, inundation, or swamp conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final plat. No plat shall be approved covering any land situated in a flood control zone as provided in chapter 86.16 RCW without the prior written approval of the state department of ecology.

F. Bonds. In lieu of the completion of the actual construction of any required improvements prior to the approval of a short or final plat, the Director or City Council may accept a bond, approved as to form by the City Attorney, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the City the actual construction and installation of such improvements within a period specified by the City and expressed in the bonds. In addition, the City may require the posting of a bond securing to the City the successful operation of improvements for up to two years after final approval. All bonded improvements shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

16.08.002 Certificate to accompany final plat or short plat. Every final plat or short plat of a subdivision or a short subdivision filed for record must contain a certificate giving full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner(s).



16.08.003 General Requirements for Filing Plat for Record. Each and every plat or replat of any property filed for record shall:

A. contain a statement of approval from the city road engineer as to the layout of streets, alleys and other rights of way, design of bridges, sewage and water systems, and other structures;

B. be accompanied by a complete survey of the section or sections in which the plat or replat is located made to surveying standards adopted by the division of engineering services of the department of natural resources pursuant to RCW 58.24.040. The surveyor shall certify on the plat that it is a true and correct representation of the lands actually surveyed;

C. be acknowledged by the person filing the plat before the auditor of the county in which the land is located, or any other officer who is authorized by law to take acknowledgement of deeds, and a certificate of said acknowledgement shall be enclosed or annexed to such plat and recorded therewith;

D. contain a certification from the proper officer or officers in charge of tax collections that all taxes and delinquent assessments for which the property may be liable as of the date of certification have been duly paid, satisfied or discharged;

E. contain a certificate giving a full and correct description of the lands divided as they appear on the plat or short plat, including a statement that the subdivision or short subdivision has been made with the free consent and in accordance with the desires of the owner or owners;

F. show the permanent control monuments established at each and every controlling corner on the boundaries of the parcel of land being subdivided. The Council (or Hearing Examiner) shall determine the number and location of permanent control monuments within the plat, if any.

G. show the lot numbers and house addresses on the short subdivisions and subdivisions at the time of approval.

16.08.004 Compliance with Public Works Standards. Construction of all improvements in all applications shall comply with the City's adopted public works construction standards.

## CHAPTER 16.09 ENFORCEMENT AND APPEALS

16.09.001 Issuance of Permit on Illegally Divided Land

16.09.002 Violations

16.09.003 Appeals





16.09.001 Issuance of Permit on Illegally Divided Land. No building permit, septic tank permit, or other development permit shall be issued for any lot, tract or parcel of land divided in violation of chapter 58.17 RCW or this Title 16, unless the authority authorized to issue such permit finds that the public interest will not be adversely affected thereby. The prohibition contained in this section shall not apply to an innocent purchaser for value without actual notice.

16.09.002 Violations. Violations of this Title 16 shall be enforced as set forth in chapter 17.07 "Enforcement," of the Gig Harbor Municipal Code.

16.09.003 Appeals. Any decision approving or disapproving any plat may be appealed as set forth in Chapter 19.05, of the Gig Harbor Municipal Code.

**CHAPTER 16.10**  
**MOBILE/MANUFACTURED HOME PARK AND SUBDIVISION STANDARDS**

16.10.010	Purpose
16.10.020	Definitions
16.10.030	Requirements for a Completed Application
16.10.040	Type of Approval
16.10.050	Siting Criteria
16.10.060	Development Standards

16.10.010 Purpose. The purpose of this chapter is to establish the standards and criteria by which mobile/manufactured home subdivisions and parks may be sited and developed with the City. These standards are deemed necessary to ensure the uniform, coordinated development of the community and to assure the general health, welfare and safety of the occupants of the mobile/manufactured homes that may be located within a subdivision or park developed under these standards.

16.10.020 Definitions. "Mobile/manufactured home park" means a tract of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.

"Mobile/manufactured home subdivision" means two or more mobile/manufactured homes on separate lots developed under the provisions of GHMC Title 16 where mobile/manufactured homes are permanently installed for residential use on individually owned lots.

"Manufactured Home" means a structure, transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed



on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

"Mobile Home, or Manufactured Home" means a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Calculations used to determine the number of square feet in a structure will be based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions will include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. This term includes all structures which meet the above requirements and with respect to which the manufacturer voluntarily complies with the standards set forth in Part 3280 by HUD. WAC 296-150B-015(28).

16.10.030 Requirements for a Completed Application. In addition to the requirements set forth in Section 19.02.002 for a completed application, an application must submit the information as stated in Section 16.05.001.

16.10.040 Type of Approval.

A. All mobile home parks shall be processed as a Type III approval and in the same manner as a binding site plan in accordance with the procedures of Chapter 17.96 GHMC.

B. All mobile/manufactured home subdivisions shall be processed in the same manner as subdivisions in this Title 16 GHMC.

16.10.050 Siting Criteria. The following minimum criteria apply to the siting of mobile/manufactured home parks and subdivisions.

A. Mobile/manufactured home parks

1. Minimum site development area: 5 acres
2. Minimum perimeter buffer: 30 feet of dense, vegetated screen.
3. Minimum unit site area: 4,200 square feet.
4. Minimum separation between units: 20 feet.
5. Minimum<sup>1</sup> common open space area: 30 % of gross site area.



- |   |  |  |
|---|--|--|
| 6.                                      | Maximum density:                             | 6 units per acre.  |
| 7.                                      | Maximum height:                              | Dependent upon the zoning district standard  |
| <br>                                    |  |  |
| B. Mobile/manufactured home subdivision |  |  |
| 1.                                      | Minimum site development area:               | 5 acres.   |
| 2.                                      | Minimum perimeter buffer:                    | 30 feet of dense vegetated screen.   |
| 3.                                      | Minimum front yard:                          | 20 feet.   |
| 4.                                      | Minimum side yard:                           | 7 feet.  |
| 5.                                      | Minimum rear yard:                           | 20 feet; 10 feet if the yard is adjacent to the required perimeter buffer.         |
| 6.                                      | Minimum <sup>1</sup> common open space area: | 30 % of gross site area.   |
| 7.                                      | Maximum density:                             | Dependent upon the zoning district standard.                                       |
| 8.                                      | Maximum height:                              | Dependent upon the zoning district standard  |
| 9.                                      | Maximum impervious coverage:                 | Dependent upon zoning district standard.   |
| 10.                                     | Minimum unit floor area:<br>Unit type:       | 1000 square feet.<br>Double or triple wide configuration, including modular units. |

16.10.060 Development Standards.

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<sup>1</sup> Common open space consists of either an active or passive recreational area accessible and useable to all tenants within the park. Common open space is exclusive of the required perimeter buffers.



A. Sanitary sewer. All mobile/manufactured home parks and subdivisions shall be connected to the City of Gig Harbor sewer system, in accordance with the standards of the City of Gig Harbor Public Works Standards and the City of Gig Harbor Comprehensive Sewer Plan.

B. Potable water. All mobile/manufactured home parks and subdivisions shall be connected to the City of Gig Harbor water system, in accordance with the standards of the City of Gig Harbor Public Works Standards and the City of Gig Harbor Comprehensive Water Plan.

C. Roads.

1. Private Roads. Roads within a mobile/manufactured home park may be privately owned. Interior roads must have a minimum surface width of twenty- four (24) feet with a rolled edge curve on both sides of the street. Interior roads must meet the requirements of the City Uniform Fire Code for emergency vehicle access and must have a minimum easement width of thirty (30) feet.

2. Public Roads. Roads within a mobile/manufactured home subdivision must be public streets, meeting the requirements of the City of Gig Harbor Public Works Standards and the City Uniform Fire Code for emergency vehicle access.

D. Utilities. All utilities within a park or subdivision which serve individual units must be underground, with the exception of junction boxes and the primary feeder lines serving the property.

E. Storm Drainage. All storm drainage facilities shall be designed and installed in accordance with the requirements of the City of Gig Harbor Public Works Construction Standards. Easements for maintenance of public storm water facilities shall be provided as deemed necessary and appropriate by the City Engineer.

F. Fire Flow. All mobile/manufactured home parks and subdivisions shall provide the minimum required fire flow as established in the City of Gig Harbor Uniform Fire Code.

G. Wetlands/Critical Areas. All developments proceeding under this title shall comply with the requirements of Section 18.08 and Section 18.12 of the Gig Harbor Municipal Code.

H. Accessory Buildings. Accessory buildings within a mobile/manufactured home park or subdivision are permitted, provided that the maximum site coverage does not exceed thirty (30) percent of the site's open space.

I. Parking. Parking shall be as required per Chapter 17.72 of the GHMC. Additional parking for guests or service parking shall be provided with a grass-crete or asphalt parking surface.





J. Outdoor Lighting. Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. 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.

K. Landscaping. Landscaping shall be as provided in Chapter 17.78 of the GHMC for residential subdivisions, excepting that the required depth of the perimeter buffer shall be as specified in this Section.

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

Section 4. This ordinance shall take effect and be in full force five (5) days after publication 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 SUBDIVISIONS OF LAND, REPEALING TITLE 16 OF THE GIG HARBOR MUNICIPAL CODE, AND ADOPTING A NEW TITLE 16 TO THE GIG HARBOR MUNICIPAL CODE TO APPLY TO ALL SUBDIVISIONS AND DIVISIONS OF LAND IN THE CITY, DESCRIBING THE PROCEDURES FOR APPLICATIONS, REVIEW, APPROVAL, CONDITIONING ENFORCEMENT AND PENALTIES FOR VIOLATIONS, AND ADOPTING REGULATIONS FOR SITING AND DEVELOPMENT OF MOBILE HOME PARKS.

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

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

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CITY ADMINISTRATOR, MARK HOPPEN



CONSTRUCTION TRAILERS





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.

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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







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 17.04.555, 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 Ministoragewarehousing. "Ministoragewarehousing" 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 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. 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 27. 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 17.04.555, 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









11-3-95

**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 15.18.016 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 6. 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 7. 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 8. 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.

B. 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 Chapters 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 must make application for a land use petition under Section 701 of Chapter 347, 1995 Laws of Washington within twenty-one (21) days after issuance of the Hearing 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 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.**

---

**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 PROPOSED 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, hereinafter 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;



- J. 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 (5) days after passage and publication of an approved summary thereof consisting of

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. \_\_\_\_\_



TITLE 17  
ZONING CODE



## 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.





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 facilities ~~centers~~ serving ~~six~~ twelve or fewer children in a home;
- 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. ~~B.~~ 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;
- D. ~~E.~~ Home occupations;
- E. ~~F.~~ Bed and breakfast establishments;
- E. ~~G.~~ Accessory apartment which meet the criteria as established under Chapter 17.64.045. When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:
  - ~~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.~~ Unoccupied manufactured homes or storage containers.
- 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 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 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 Chapter 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.E.~~ Public parks and playgrounds;
- ~~E.D.~~ Temporary buildings for and during construction;
- ~~F.E.~~ Family Day care ~~facilities centers~~, serving ~~six twelve~~ or fewer children in a home;
- ~~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;



E.G. Recreational buildings and community centers.

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>Single</del>	<del>7,000</del>	<del>Family</del>	<del>Nonresi</del>	<del>to</del>	<del>Dwelling</del>	<del>Duplex</del>	<del>den</del>
	<del>12,000</del>	<del>12,000</del>	<del>+</del>	<del>Dwelling</del>	<del>tial</del>		
<del>A.</del>	<del>Minimum lot area</del>						
<del>per building site in</del>	<del>square feet</del>	<del>14,000</del>			<del>12,000</del>		
<del>B.</del>	<del>Minimum lot width</del>	<del>50'</del>	<del>70'</del>		<del>70'</del>		
<del>C.</del>	<del>Minimum front yard</del>						
<del>setback*</del>	<del>25'</del>	<del>25'</del>	<del>25'</del>		<del>25'</del>		
<del>D.</del>	<del>Minimum rear yard</del>	<del>25'</del>	<del>25'</del>		<del>25'</del>	<del>30'</del>	
<del>E.</del>	<del>Minimum interior side</del>						
<del>yard setback</del>	<del>7'</del>	<del>8'</del>	<del>8'</del>		<del>10'</del>		
<del>F.</del>	<del>Maximum impervious</del>						
<del>lot coverage</del>	<del>40%</del>	<del>40%</del>	<del>45%</del>		<del>50%</del>		
<del>G.</del>	<del>Minimum street</del>						
<del>frontage</del>	<del>20'</del>	<del>20'</del>	<del>20'</del>				

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

<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 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 have a maximum height of ~~46~~ 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 Chapter 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 centers serving ~~six~~ twelve or fewer children in a home;
- ~~E.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:

	<del>Single</del>	<del>Family</del>	<del>Three Non</del>	<del>(as a condi</del>	<del>Duplex</del>	<del>or more</del>	<del>resi</del>
	<del>Dwelling</del>	<del>Dwelling</del>	<del>units</del>	<del>dential</del>			
<del>A.</del>	<del>Minimum lot area</del>						
	<del>per building site in</del>						
	<del>square feet</del>	<del>7,000</del>	<del>14,000</del>	<del>20,000</del>	<del>12,000</del>		
<del>B.</del>	<del>Minimum lot width</del>	<del>70'</del>	<del>70'</del>	<del>70'</del>	<del>70'</del>		
<del>C.</del>	<del>Minimum front yard</del>						
	<del>setback*</del>	<del>25'</del>	<del>25'</del>	<del>25'</del>	<del>25'</del>		
<del>D.</del>	<del>Minimum rear yard</del>						
	<del>setback</del>	<del>25'</del>	<del>25'</del>	<del>15'</del>	<del>30'</del>		
<del>E.</del>	<del>Minimum interior side</del>						
	<del>yard setback</del>	<del>8'</del>	<del>8'</del>	<del>8'</del>	<del>10'</del>		





<del>F.</del>	<del>Maximum impervious lot coverage</del>	<del>40%</del>	<del>40%</del>	<del>65%</del>	<del>50%</del>
<del>G.</del>	<del>Minimum street frontage</del>	<del>20'</del>	<del>20'</del>	<del>50'</del>	<del>50'</del>
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 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 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 Chapter 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</del>	<del>Neon</del>		
<del>Family</del>	<del>residential</del>		
A.	Lot area (square feet)	<del>12,000</del>	<del>12,000</del>
B.	Lot width (feet)	<del>70'</del>	<del>70'</del>
C.	Nonresidential yards:		
	1. Front	<del>20</del>	
	2. Side	<del>10</del>	
	3. Rear	<del>15</del>	
	Abutting R-1/R-2 district	<del>30 feet, with dense vegetative screening</del>	
E.	Residential yards	<del>Same as setbacks in R-3 district</del>	
F.	Maximum impervious coverage	<del>50%</del>	<del>60%</del>
G.	Minimum street frontage	<del>20'</del>	<del>50'</del>
		<u>Residential</u>	<u>Non-residential</u>
A.	Minimum lot area (square feet)	12,000	<u>15,000</u>
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
I.	Maximum Density	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.</u>			



~~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. (Ord. 601 § 1, 1991; Ord. 573 § 2, 1990).~~

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 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. (Ord. 554 § 1B, 1989).
- 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 have a maximum height of 35 feet except as provided for under Chapter 17.62 GHMC, height 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:

**17.31.080 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 ~~10,000~~ 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;
- 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 facilities

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 ~~46-~~ 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;~~
- ~~EG.~~ Schools, including playgrounds and athletic fields incidental thereto;
- ~~FH.~~ Houses of religious worship, rectories and parish houses;
- ~~GI.~~ Private and not-for-profit clubs;
- ~~HJ.~~ Planned unit developments;
- ~~IK.~~ Home occupations;
- ~~JL.~~ 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; and
- E. Family day care within a residential dwelling serving up to twelve children.
- 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:

	Single resi	7,000 Dwelling	Less Duplex	12,000	Non ing	7,000	Family dential	Than
Minimum lot area per building site in square feet		12,000			15,000		12,000	
Minimum lot width		70'	50'	50'	70'	70'		





<del>Minimum front yard setback*</del>	<del>20'</del>	<del>20'</del>	<del>15'</del>	<del>20'</del>	<del>20'</del>
<del>Minimum rear and/or side yard setback abutting tidelands</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>	<del>0</del>
<del>Minimum interior side yard setback</del>	<del>8'</del>	<del>5'</del>	<del>5'</del>	<del>8'</del>	<del>10'</del>
<del>Minimum street side yard setback</del>	<del>10'</del>	<del>10'</del>	<del>8'</del>	<del>10'</del>	<del>10'</del>
<del>Maximum impervious coverage</del>	<del>40%</del>	<del>45%</del>	<del>50%</del>	<del>45%</del>	<del>50%</del>
<del>Minimum street frontage</del>	<del>20'</del>		<del>20'</del>	<del>20'</del>	
			Single Family Dwelling		Duplex
<b>Non residential</b>					
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
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 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 have a maximum height of ~~46~~ 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	Multi family	Nonresi	Family	
				(duplex fourplex)	dential
Min. lot area (sq. ft.)	12,000	15,000/duplex	15,000/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.	<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%.
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 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 opportunity~~s~~ 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			residential
	Single (Duplex	Non-Family	Fourplex)	
A.	Minimum lot area	12,000	15,000	12,000
		21,000		
B.	Minimum lot width	70'	100'	100'
C.	Minimum front setback	20'	20'	20'
D.	Minimum rear setback			
	if tidelands not owned	15'	15'	15'
E.	Minimum rear and/or side yard setback to owned abutting tidelands	0	0	0
F.	Minimum interior side setback	8'	8'	10'
G.	Minimum street side setback	10'	10'	10'
H.	Maximum impervious			



~~coverage 50% 55% 60%~~

unit	Non residential	Single Family Dwelling	Attached	up to	4
A.	Minimum lot area (square feet)	6,000	6,000/unit	15,000	
B.	Minimum lot width	50 feet		100	0
	feet	100 feet			
C.	<sup>1</sup> Minimum front yard	20 feet		2	0
	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 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. (Ord. 598 § 2, 1991).

<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~~ 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 16 feet, except as otherwise may be provided in a planned community development, 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**



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. 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 ~~40~~ 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.~~

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 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 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 shall determine 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~~ 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 ~~business~~ 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°	30°	45°	60°	90°
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.

and of a species that will grow to the height of the buildings in the development. If possible, evergreen trees shall be retained to meet this requirement.

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-device 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.**





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 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~~ approval 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 ~~40~~ 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 of 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:

**17.90.080 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 ~~thirty~~ 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:

**17.96.080 Amendments to a site plan.**

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:

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, 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 its 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 Chapter 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 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 change in conditions constitutes a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area wide zoning.~~

~~D. 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 Chapter 17.100.035 A, B, and D.

~~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

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\_.

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









11-3-95

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
Adman 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









11-3-95

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.

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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, 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. Associated support service and retail uses
- E. Support service and retail uses
- F. Professional offices
- G. Corporate headquarters
- H. Distribution facilities
- I. Vocational, trade and business schools
- J. Book and magazine publishing and printing
- K. Financial and Investment Institutions
- L. Commercial Photography, cinematography and video productions facilities
- M. Reprographic services
- N. Computer assembly plants
- O. Courier services
- P. Mail and packaging facilities
- Q. Trails, open space, community centers
- R. 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 Section 17.78. All required yards shall be landscaped in accordance with the landscaping requirements of Section 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 Section 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







11/3/95

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.

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 .

**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 General criteria.** Special uses shall meet the following general criteria:

1. Maximum occupied site area shall not exceed 28 square feet in area.
2. 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.
3. 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.

**17.65.110 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.

**17.65.120 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



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11-3-95

**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 Regulatory Reform Act requires the City to adopt certain regulations by March of 1996 relating to project permit processing, and

WHEREAS, the City intends to adopt these procedures and to codify them as Title 19 to the Gig Harbor Municipal Code, and

WHEREAS, the procedures in Title 19 will be the exclusive method for processing permits and handling appeals, and

WHEREAS, all chapters in the City's Zoning and Subdivision Codes will be revised to remove administrative processing and appeal provisions, and to consolidate the list of definitions, now, therefore,

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>
<b>16.4417.94.070</b>	<b>Performance bond.</b>
<del>17.94.080</del>	<del>Appeals.</del>
<b>16.4417.94.09080</b>	<b>Violation - Penalty.</b>
<del>17.94.100</del>	<del>Injunctive enforcement.</del>

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.



An 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.

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CITY ADMINISTRATOR, MARK HÖPPEN







11-3-95

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, LAWS OF 1995, DESCRIBING GENERAL REQUIREMENTS FOR A COMPLETE APPLICATION; SETTING A TIME FRAME FOR THE ISSUANCE OF PERMITS; DESCRIBING THE REQUIRED PUBLIC NOTICE PROCEDURES FOR A PUBLIC HEARING; ESTABLISHING A PROCESS FOR THE REVIEW OF I-164 TAKINGS CLAIMS 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 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**

<b>PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I - IV) LEGISLATIVE</b>					
	<b>TYPE I</b>	<b>TYPE II</b>	<b>TYPE III</b>	<b>TYPE IV</b>	<b>TYPE V</b>
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	No	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
Special Use Permits	Land clearing/grading	Shoreline Mgmt Permits		Annexations
Temporary construction trailers	Revisions to Shoreline Management Permits	Major amendments to PRD and PUD		
		Zoning map amendments		

### 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 19.04.

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 19.04 or 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 to Section 418 of Chapter 347, 1995 Laws of Washington, building permits and boundary line adjustments, when not paired with any other permit application, are excluded from the procedures set forth in Project Permit Application Processing, as described in Section 407 and Sections 415 through 417 of Chapter 347, 1995 Laws of Washington. Boundary line adjustments and building permits are therefore excluded from the requirement for a consolidated permit process (Sec. 416); the determination of completeness (Sec 407(1)); the notice of application (Sec 407(2)) and 415); the optional consolidated project permit review process (Sec.407(3); joint public meetings or joint open record hearing with other agencies (Sec.407(4)); a single report on the decisions made to date on the application (Sec.407(5)); the notice of decision (Sec 407(7) and 417); and completion of project review within the 120 day time period (Sec. 407(8) and 413)).

## 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 within 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 19.04 OPEN RECORD PUBLIC HEARINGS

19.04.001	General.
19.04.002	Responsibility of Director for Hearing.
19.04.003	Conflict of Interest
19.04.004	Ex Parte Communications
19.04.005	Disqualification
19.04.006	Burden of Proof
19.04.007	Order of Proceedings
19.04.008	Findings and Notice of Decision
19.04.009	Record of Proceedings

19.04.001. General. Public hearings on all Type II, III and V project permit applications, shall be conducted in accordance with this chapter.

19.04.002 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.

19.04.003 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.

19.04.004 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. a memorandum stating 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 within ten days 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.

19.04.005 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.

19.04.006 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.

19.04.007 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.

#### 19.04.008. 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 19.05.002(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.

19.04.009 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:
1. requires an amendment to the comprehensive plan or a development regulation;
  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 19.05  
CLOSED RECORD MEETINGS  
AND APPEALS**

- 19.05.001 Appeals of Administrative Decisions
- 19.05.002 Consolidated Appeals
- 19.05.003 Standing to Initiate Administrative Appeal
- 19.05.004 Closed Record Decisions and Appeals
- 19.05.005 Procedure for Closed Record Decisions and Appeals
- 19.05.006 Judicial Appeals

19.05.001. Appeals of Decisions. Project permit applications shall be appealable as provided in the framework in Section 19.01.003.

19.05.002 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.

19.05.003 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).

19.05.004 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).

19.05.005 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.

19.05.006 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 of issuance of the decision, as provided in Section 705 of Chapter 347 of the Laws of 1995.

**CHAPTER 19.06  
I-164 Challenges**

19.06.001	Purpose
19.06.002	Definitions
19.06.003	Standing
19.06.004	Application Procedure
19.06.005	Notice of Application
19.06.006	Written Advisory Decision
19.06.007	Hearing Examiner Review
19.06.008	Burden of Proof
19.06.009	Appeals
19.06.010	Compensation

19.06.001 Purpose.

The purpose of this Chapter is to provide a mechanism by which Initiative 164 (I-164) can be implemented to protect the private property interests of property owners while also protecting the public health, safety and welfare of the community and the financial integrity of the City so that it can effectively provide services to all of its citizens.





19.06.002 Definitions.

- A. Affected private property owner: Any person who may be entitled to compensation under Section 4 of I-164 due to the imposition or potential imposition of a city regulation.
- B. City Representative. An elected official or paid employee of the City that has jurisdiction to make a requested decision.
- C. I-164 Takings: A takings for general public use as defined by Section 4 of I-164.
- D. Imposition of a city regulation: The imposition of a "restraint of land use", as defined in Section 7(4) of I-164, in circumstances that involve the administration or enforcement of City regulations.
- F. Written Advisory Decisions. A written opinion written or approved by a city representative for purposes of this Chapter that advises an affected property owner of how a city regulation will limit the use or development of the affected property owner's property.

19.06.003 Standing. Any affected private property owner alleging a I-164 takings due to the imposition of a city regulation may seek relief under this Chapter and must do so before applying for judicial relief.

19.06.004 Application Procedure.

- A. An affected property owner must comply with the following application procedures in order to obtain relief under this Chapter:
1. The affected private property owner must apply to the Director for a I-164 takings determination.
  2. The I-164 takings application must be prepared on forms provided by the Director and at a minimum contain the following information:
  3. The name, address and telephone number of the applicant and the name, address and telephone number of the any agent of the applicant that the applicant desires to receive notice under this Chapter, if any; and
  4. A street address and legal description of the affected property as well as an identification of which property interest listed in Section 7(3) of I-164 is implicated; and
  5. The regulation and decision that allegedly creates or will create a I-164 takings; and



6. The amount of the reduction in the fair market value of the property that will be created from the alleged I-164 takings and an explanation of how this amount was determined; and

7. The specific action that the applicant seeks to accomplish with the affected property interest and any regulatory waivers and/or modifications that would permit the applicant to accomplish the action.

B. The I-164 takings application must be filed with the Director in the same period of time for an administrative appeal as set forth in Section 19.05.004(A)(2).

C. The City shall supply information to the applicant on the completeness of his or her application as described in Section 19.02.003.

D. The claim for an I-164 takings must be based upon a specifically identifiable action that the affected property owner is prevented from undertaking due to the imposition or potential imposition of a city regulation.

E. The affected property owner must file a complete application for any permits or approval required by the regulations alleged by the affected property owner to create a I-164 taking before filing an application under this section and in cases where no City permit or approval is required, the affected private property owner must have acquired an advisory opinion as provided for herein.

19.06.006 Notice of Application. Notice of an I-164 challenge application shall be provided by the City as set forth in Section 19.02.004.

19.06.007 Written Advisory Decisions.

A. For impositions or potential impositions of city regulations that do not involve City permits or approval, the City shall provide a written advisory opinion upon written request from an affected private property owner within thirty days of the request, unless the City provides a written response to the affected private property owner within the thirty days that provides an explanation for the necessity for specified additional time. Additional time required to provide a written response shall be based upon insufficient time to formulate an opinion due to unusual staff shortages; exceptionally complicated legal issues requiring the assistance of legal counsel; pending clarification of applicable law such as new legislation or court decisions; or the consent of the applicant. Response times of an affected property owner to requests for clarification shall be excluded from the thirty day deadline.

B. City representatives may issue written advisory decisions at the request of an affected private property owner for any impositions of city regulations if in the opinion of the city representative the written advisory decision would facilitate the implementation of this chapter.



19.06.008 Hearing Examiner Review of I-164 Takings Claims.

A. A public hearing shall be scheduled before the Hearings Examiner within forty-five days of the date that a notice of complete application is issued and more than fifteen days from the date that notice is issued for the public hearing.

1. Notice of the public hearing shall be issued within fourteen days that a notice of complete application is issued.

2. In addition to the notice requirements of this chapter, the public hearing shall include the following information:

a. The date of application, the date of notice of completion for the application, and the date of the notice for the public hearing;

b. A description of the authority of the Hearings Examiner under this Chapter, a description of the specific action requested by the applicant, a list of the land use permit applications potentially affected by the application, and a list of any studies required for government approval of the specific action.

c. The identification of any other permits known to the City that are required for the completion of the specific action identified in this chapter.

d. The identification of existing environmental documents that evaluate the proposed specific action and the location where the application and any studies can be reviewed;

e. A statement of the public comment period, which shall commence on the date notice is issued for the public hearing and terminate fifteen days prior to the date of the public hearing; 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;

f. The date, time and place of the public hearing and that the hearing will be conducted by and before the Hearings Examiner; and

g. Any other information determined appropriate by the City.

B. In analyzing the I-164 takings claim, the first issue to be determined by the Hearings Examiner shall be whether a takings will occur if the City enforces the final government decision and/or written advisory opinion.

1. If the Hearings Examiner determines that no I-164 takings will occur, the Hearings Examiner shall issue written findings of fact and conclusions of law supporting this



determination and the challenged final government decision or written advisory opinion will not be subject to modification by the Hearings Examiner.

2. If the Hearings Examiner determines that an I-164 takings will occur if the final government decision or written advisory opinion is enforced, the Hearings Examiner shall consider modifying and/or waiving city regulations and imposing substitute conditions pursuant to the decision making process herein, to the extent necessary to prevent the I-164 takings while preserving the purpose of the modified or waived regulations to the maximum extent reasonably possible.

C. The Hearings Examiner shall comply with the following decision making process in modifying and/or waiving property regulation and imposing substitute conditions:

1. The Hearings Examiner shall first reduce the I-164 takings to the maximum extent possible by modifying and/or waiving the city regulation(s) that creates the I-164 takings while concurrently maintaining the purpose of the regulation(s). The Hearing Examiner may impose reasonable substitute conditions to maintain the purpose of the regulation(s).

2. To the extent that a I-164 takings remains after the combination of regulation modifications and/or waivers and substitute conditions, the Hearings Examiner shall consider and may waive or modify applicable city regulations to the extent that such waivers or modifications shall reduce or eliminate I-164 takings liability in the following order of priority:

a. Design review criteria and all other regulation primarily related to land use aesthetics not mandated by state or federal law.

b. Zoning bulk and density regulations not mandated by state or federal law.

c. All regulations not mandated by state law or federal law that do not fall into any of the regulatory categories identified herein.

d. All regulations not mandated by state or federal law primarily designed to protect environmentally sensitive areas such as wetlands, geological hazards and aquifers.

e. All regulations mandated by state law and not mandated by federal law.

f. All regulations not mandated by federal law that primarily protect public safety as applied in the case reviewed by the Hearings Examiner.





Regulations mandated by state or federal law shall be those laws that the City is required by federal or state law to enforce and that will not satisfy state mandates if modified or waived as contemplated by the Hearings Examiner.

3. Regulations within each category of regulation identified in (a) through (f) above shall be modified and/or waived as follows:

a. Modification or waivers shall be prioritized according to severity of adverse impacts on public health, safety and welfare, including impacts on adjacent property owners.

b. The Hearings Examiner is authorized to impose substitute conditions to preserve the purpose of any modified or waived regulation so long as the substitute conditions do not result in I-164 takings themselves.

D. The Hearings Examiner shall issue written findings of fact and conclusions of law incorporating the modifications, waivers and substitute conditions formulated under the decision making process outlined above, and these findings and conclusions shall be submitted to the city representative that issued the final government decision or written advisory opinion. Upon receipt of the Hearing Examiner's findings and conclusions the city representative shall reconsider his or her opinion or decision by implementing the Hearing Examiner's decision. The City representative shall not issue his or her decision until all appeals and elections to pay under have been resolved and the City representative shall incorporate the result of those appeals or elections to pay into its decision.

E. If ambiguities in I-164 do not make it possible for the Hearings Examiner to determine if a compensable I-164 takings will occur as alleged by the affected property owner, the Hearings Examiner shall apply the criteria of this subsection as if a I-164 takings will occur.

F. The Hearings Examiner shall issue its final decision on the application within one hundred twenty days after the City has notified the applicant that the application is complete.

1. In determining the number of days that have elapsed after the City has notified the applicant that the application is complete, the following periods shall be excluded:

a. Any period during which the applicant has been requested 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 City determines whether the additional information satisfies the request for information or fourteen days after the date the information has been provided to the City.

b. If the City determines that the information submitted by the applicant is insufficient, it shall notify the applicant of the deficiencies and the procedures herein shall apply as if a new request for studies had been made;



c. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW (the State Environmental Policy Act), if the City by ordinance or resolution has established time periods for completion of environmental impact statements, or if the City and the applicant in writing agree to a time period for completion of an environmental impact statement;

d. Any extension of time mutually agreed upon by the applicant and the City.

2. The time limits established by this subsection shall not apply if the application is substantially revised by the applicant, in which case the time period shall start from the date at which the revised application is determined to be complete.

3. If the Hearings Examiner is unable to issue its final decision within the time limits provided for in this subsection, it shall provide written notice of this fact to the applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date of issuance of the notice of final decision.

G. Notice of the Hearing Examiners Decision shall be provided as follows:

1. The notice shall identify the specific action at issued and location for the specific action; summarize the Hearing Examiner's decision, including the identification of any regulations waived or modified; identify any threshold determination made under Chapter 43.21C RCW (the State Environmental Policy Act); and summarize the procedures for administrative appeal.

2. The notice shall be provided to the applicant and to any person who, prior to the rendering of the Hearing Examiner's decision, requested notice of the decision or submitted substantive comments on the application.

3. The notice shall be posted upon the property of the specific action identified as provided in this Title and published in a newspaper of general circulation in the general area where the project is located.

#### 19.06.009 Burden of Proof and Appraisals.

A. The applicant shall have the burden of proof in establishing a I-164 takings before the Hearings Examiner.

B. The Hearings Examiner may utilize the services of a professionally licensed appraiser if said services would be of substantial assistance to the Hearings Examiner in determining if a I-164 takings will occur as required by this chapter. The expense shall be equally shared between the applicant and the city.



19.06.010 Appeal.

A. Appeals of the Hearing Examiner's decision shall be final unless appealed to the City Council within fourteen days of the issuance of the Hearing Examiners decision. The appeal period shall be extended an additional seven days if state or local rules adopted pursuant to Chapter 43.21C RCW (the State Environmental Policy Act) allow public comment on a determination of nonsignificance issued for purposes of the application.

B. The appeal to the City Council shall be a closed record appeal.

C. The City Council shall written findings and conclusions within sixty days of the filing of the appeal.

19.06.011 Compensation in Lieu of Hearing Examiner Modifications.

A. All decisions of the Hearings Examiner shall be summarized and submitted to the City Council within ten days of the issuance of the Notice of Decision.

B. The City Council may elect within thirty days of the receipt of the decision, or within thirty days of modifying the Hearing Examiner's decision on appeal, to compensate the affected property owner in lieu of the Hearing Examiner's modifications and/or waivers and substitute conditions.

C. The City Council shall have ninety days from the date it elects to pay compensation to determine the amount of compensation, if any. The City Council shall adopt written findings of fact and conclusions of law that justify the amount of compensation.

D. Compensation shall be paid to the affected property owner within thirty days of the issuance of the written Hearing Examiner decision, unless another time period is agreed to by the affected property owner.

E. Any appeals filed of the Hearing Examiner's decision shall be decided before the election for compensation.

F. Any affected property owner who is provided compensation under this section shall, as a condition of receiving compensation under this section, record with the Auditor of Pierce County a notice in a form prescribed by the City providing notice of the compensation, the I-164 takings that lead to the compensation, and the fact that subsequent purchasers of the property may have their property rights limited due to this compensation. This notice shall be recorded against the real property that is the subject of the I-164 takings claim.

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:  
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, ADOPTING NEW ADMINISTRATIVE PROCEDURES FOR THE PROCESSING OF PROJECT PERMIT APPLICATIONS, AS REQUIRED BY THE REGULATORY REFORM ACT, CHAPTER 347, LAWS OF 1995, ADDING A NEW TITLE 19 OF THE GIG HARBOR MUNICIPAL CODE.**

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

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

---

CITY CLERK, MARK HOPPEN

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: TOM ENLOW**  
**DATE: October 31, 1995**  
**SUBJECT: 1996 TAX LEVY ORDINANCE**

### **INTRODUCTION**

This is the second reading of an ordinance setting the 1996 property tax levy.

### **BACKGROUND**

The preliminary assessed valuation for 1996 taxes is \$340,315,401. This is a 4% increase over 1995. Our best estimate of taxes available in 1996 is \$550,000 which represents a 4.3% increase. However, the assessed valuation is subject to significant change before it is final and we don't know how our rate will be affected by the Fire and Library District requests. The actual tax available may be significantly more.

In order to receive the maximum amount of taxes under the 106% limit without final valuation information, the county assessor's office recommends requesting well over the amount we expect to receive. Therefore, this ordinance is based on a 1996 property tax rate of \$1.910 per thousand raising \$650,000 in taxes. Our 1996 budget will be based on the most accurate information available at the time it is passed, currently \$550,000.

The ordinance also sets excess levy rates for outstanding voted general obligation bonds. Debt service for the 1987 GO Bonds for sewer plant construction is approximately \$140,000 in 1995 or \$0.4114 per thousand.

### **FINANCIAL**

Property taxes are the second largest source of the city's general revenues at approximately 20%.

### **RECOMMENDATION**

Staff recommends adoption of the ordinance.

**CITY OF GIG HARBOR**

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING THE GENERAL PROPERTY TAXES FOR THE CITY OF GIG HARBOR FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1996.**

**WHEREAS**, the City Council of the City of Gig Harbor has considered the city's anticipated financial requirements for 1996, and the amounts necessary and available to be raised by ad valorem taxes on real and personal property, and

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

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

Section 1. The ad valorem tax general levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1996, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$340,315,401. Taxes levied upon this value shall be:

Approximately \$1.910 per \$1,000 assessed valuation, producing estimated revenue of \$650,000 for general government, or the maximum allowable by law; and

Section 2. The ad valorem tax excess levies required to raise estimated revenues for the City of Gig Harbor for the ensuing year commencing January 1, 1996, shall be levied upon the value of real and personal property which has been set at an assessed valuation of \$340,315,401. Taxes levied upon this value shall be:

Approximately \$0.4114 per \$1000 assessed valuation, producing an estimated amount of \$140,000 for 1987 sewer construction general obligation.

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

the laws of the state of Washington for the collection of taxes.

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

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this \_\_ day of \_\_, 1995.

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Mark Hoppen  
City Administrator/Clerk

Filed with city clerk: 10/1295

Passed by the city council:

Date published:

Date effective:





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

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: INSURANCE BID FOR PRISM**  
**DATE: NOVEMBER 7, 1995**

#### **INFORMATION/BACKGROUND**

Attached is a formal insurance renewal pricing proposal for the City of Gig Harbor for the 1995/96 policy year from Mr. Steve Feltus, broker for Bratrud Middleton Insurance.

In July, Mr. Jerry Spears, broker for the Association of Washington Cities, gave an overview of a proposal to the City to supply insurance coverage for the 1995 calendar year. At that time, I explained that this information would be given to the current insurance broker, Bratrud Middleton, so they could return at a later date with a presentation. We have since then asked Mr. Spears for an updated quote for the 1995-96 year. These quotes have been included for your review.

#### **FISCAL CONSIDERATIONS**

The bid from Bratrud Middleton for the total proposed premium for 1996 is \$47,475 with \$2,500 deductible each for Boiler Property Damage, Law Enforcement Liability, and Public Officials Errors & Omissions, a \$250 deductible for auto comprehensive, and \$1,000 deductibles for Employee Benefits and Property Coverage, excluding earthquake coverage, which carries a 5% deductible.

The bid from AWC for comparable coverage for the 1996 year is \$39,529 with deductibles only on earthquake and/or flood, which may be paid by FEMA if the area is declared a disaster by the federal government.

#### **RECOMMENDATION**

Staff recommends that Council choose the level of coverage and the most cost effective insurance policy for the 1996 year.



BRATRUD  
MIDDLETON  
INSURANCE

**BRATRUD MIDDLETON**

4701 South 19th  
Tacoma WA 98406  
P.O. Box 11205  
Tacoma WA 98411  
Fax # (206) 752-8656  
(206) 755-2200

November 6, 1995

Mr. Mark Hoppen, City Administrator  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, Washington 98335

**RE: City of Gig Harbor  
1995/96 Insurance Proposal**

Dear Mark,

On behalf of Reliance Insurance Company and PRISM, Bratrud Middleton is pleased to offer the following quotation for the 1995/96 policy period effective 12/1/95.

The quotation is in accordance with the following terms and conditions:

**GENERAL LIABILITY**

General Aggregate Limit	\$2,000,000
BI/PD Each Occurrence Limit	\$1,000,000
Deductible Applicable to BI/PD	\$ 0
Personal Injury Limit	\$1,000,000
Fire Legal Liability Limit	\$ 50,000
Medical Expense Limit	\$ 5,000
Law Enforcement Endorsement	\$1,000,000
Law Enforcement Deductible	\$ 2,500
Employee Benefits Liability (Claims Made)	\$1,000,000
Employee Benefits Deductible	\$ 1,000

**SPECIAL COVERAGE EXTENSIONS**

Intentional Acts to protect persons or property  
Employees/Volunteers as Additional Insureds  
Host Liquor Liability  
Contractual Liability  
Non-Owned Watercraft  
Discrimination/Civil Rights  
Emergency Medical Technicians



**IMPORTANT EXCLUSIONS**

Pollution Liability  
 Asbestos Liability  
 Employment Practices Liability  
 Failure to Supply  
 Dam Failure (optional buy back)

**AUTO LIABILITY**

Combined Single Limit for BI & PD	\$1,000,000
Uninsured/Underinsured Motorist	\$1,000,000
Medical Payments Each Person	\$ 5,000
Non-Owned and Hired Auto	INCLUDED
Temporary Substitute Auto	INCLUDED

**AUTOMOBILE PHYSICAL DAMAGE**

Autos per schedule on application	
Comprehensive Deductible	\$ 250
Collision	\$ 500
Valuation at time of Loss	ACV

**PROPERTY COVERAGES**

Building and Contents - Special Form	\$5,640,540
Valuation	REPLACEMENT
Scheduled Equipment	\$ 31,500
Valuation	ACV
Earthquake	\$5,000,000
Scheduled Articles	\$ 126,000
EDP Hardware	\$ 44,500
Media/Software	\$ 20,000
Accounts Receivable	\$ 25,000
Valuable Papers	\$ 25,000
Extra Expense - Blanket	\$ 20,000
Transit	\$ 10,000
Money & Securities In & Out	\$ 5,000
Employee Dishonesty	\$ 100,000
Personal Effects	\$ 10,000
Demolition Cost	\$ 25,000
Increased Cost of Construction	\$ 25,000
Newly Acquired Buildings	\$1,000,000
Newly Acquired Personal Property	\$ 500,000
Deductibles	\$ 1,000 AOP; 5% Earthquake

**SPECIAL CONDITIONS**

Does not require rebuilding at same location  
Coinsurance does not apply to Architect Fees  
Contents includes Personal Property of Others  
Newly acquired property up to 90 days  
Water/Sewer Backup is covered peril

**BOILER**

Property Damage	\$2,000,000
Property Damage Deductible	\$ 2,500

**PUBLIC OFFICIALS E & O**

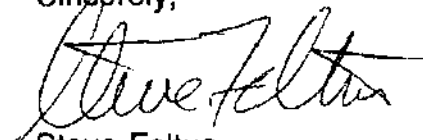
Per Occurrence Limit	\$1,000,000
Aggregate Limit	\$1,000,000
Deductible	\$ 2,500
Coverage Form	CLAIMS MADE
Retro Date	12/01/91

**FOLLOWING FORM EXCESS LIABILITY,**  
**AUTO & PUBLIC OFFICIALS E & O** \$4,000,000

**TOTAL PROPOSED PREMIUM** \$ 47,475

Bratrud Middleton has been the City of Gig Harbor's insurance broker/agent since 1989. We value the relationship built up with the City's personnel. We hope the City Council will confirm Bratrud Middleton as broker/agent for the 1995/96 term.

Sincerely,



Steve Feltus  
Vice President

SF:ljk



1076 Franklin St. SE  
Olympia, WA 98501-1346  
(360) 753-4137, FAX 753-4896

ASSOCIATION OF WASHINGTON CITIES

November 6, 1995

Ms. Molly Towslee  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA 98335

RE: AWC RMSA

Dear Molly:

Per our conversation, enclosed are updated quotes for Gig Harbor for 1996. These quotes assume that your losses have not changed for the 92, 93 or 94 calendar years. We can provide you with coverage with no deductibles except earthquake or flood. Each of these perils will have a deductible in 1996. FEMA has advised us that they will pick up any deductibles for these perils if the area is declared a disaster by the federal government.

If you have any questions, please give me a call at (360) 753-4137.

Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Spears", is written over the typed name.

Jerry Spears  
Insurance Services Analyst

/js

cc: Gig Harbor file

**Quotes for the City of Gig Harbor  
Different Liability Limits  
Calendar Year 1996**

\$1 million - \$39,529.00

\$2 million - \$43,419.00

\$3 million - \$46,549.00

\$4 million - \$48,067.00

\$5 million - \$49,063.00

**Please note the different quotes listed above are for the entire insurance package offered through the AWC RMSA including PROPERTY, BOILER & MACHINERY, EMPLOYEE FIDELITY, AND ALL LINES OF LIABILITY INCLUDING GENERAL LIABILITY, PUBLIC OFFICIALS ERRORS AND OMISSIONS, AUTO LIABILITY, AND LAW ENFORCEMENT LIABILITY. All coverages through the AWC RMSA are occurrence based. The different layers listed above reflect different levels of liability coverage that the city can select. The city can choose from \$1 million per occurrence to \$5 million occurrence.**

Coverage Comparison  
for  
City of Gig Harbor

Types of Coverages	Current Coverage	AWC RMSA Coverages
Property Blanket Building and Contents	\$5,640,540 Special Perils Replacement Cost <b>\$1,000 Deductible</b> Earthquake \$5 million Earthquake deductible is 5%	\$25 million per entity/per occurrence All Risk coverage Replacement Cost <b>No deductible</b> Earthquake \$10 million per entity per occurrence For 1996, earthquake deductible is \$25,000 or 2% of the value of the damaged buildings whichever is greater.
Automobile Liability includes comp/collision	\$1 million Combined Single limit for BI and PD \$1 million for Uninsured Motorist Coverage for Non-Owned and Hired vehicles <b>Deductibles for Comp (\$250) Collision (\$500) and Specified Perils (\$250)</b> Total Loss determined by ACV	\$1 million per occurrence** Unlimited aggregate No UIM coverage Coverage for Non-Owned and Hired vehicles <b>No deductibles</b> Total loss determined by ACV  **Additional liability limits available
General Liability	\$1 million per occurrence \$2 million aggregate  \$4 million Excess	\$1 million per occurrence** Unlimited aggregate  **Additional liability limits available
Law Enforcement Liability	\$1 million per occurrence/ \$2 million aggregate <b>\$2,500 deductible</b>	\$1 million per occurrence ** Unlimited aggregate <b>No deductible</b>  **Additional liability limits available

Types of Coverages	Current Coverage	AWC RMSA Coverages
Public Officials Errors & Omissions	\$1 million per occurrence/ \$1 million aggregate <b>\$1,000 deductible</b> *Claims Made Policy*	\$1 million per occurrence** \$1 million annual aggregate <b>No deductible</b> *Per Occurrence Policy  **Additional liability limits available
Boiler & Machinery	\$2 million limit <b>\$2,500 deductible</b>	\$30 million per accident <b>No deductible</b> Carrier provides an inspection program of equipment
Employee Fidelity and Faithful Performance	\$100,000 per employee/per occurrence	\$250,000 per employee/per occurrence
1994/1995 Cost	\$61,278.00	\$38,827.00 (\$1 mill liab) \$42,904.00 (\$2 mill liab) \$46,095.00 (\$3 mill liab) \$47,190.00 (\$4 mill liab) \$48,658.00 (\$5 mill liab)  ----- If Gig Harbor joined in 1995, the above numbers would be pro-rated to reflect the starting date.

39,529  
43,419  
46,549  
46,017  
49,003

Notes regarding comparison:

Regarding liability lines: In the AWC RMSA program, when you purchase additional liability limits, it applies to general liability, law enforcement liability, and public officials errors & omissions. This quote includes \$1 million of liability coverage across all liability lines. An additional quote is provided for \$2, \$3, \$4, and \$5 million of liability coverage across all liability lines.

This document is not intended to be a complete description of coverages, exclusions and other conditions of the AWC RMSA. For a complete description, please refer to the AWC RMSA coverage document.



*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** *SO.*  
**DATE: NOVEMBER 13, 1995**  
**SUBJECT: SPR 94-05/CUP 94-06/VAR 95-08**

### **INTRODUCTION/BACKGROUND**

On October 23, 1995, the City Council denied site plan approval for the Arabella's Landing expansion proposal and, on appeal, denied a parking variance and a yacht club conditional use permit for Arabella's Landing. A resolution reflecting the Council's findings and decision was prepared by the City's Attorney, Carol Morris, and is attached for the Council's consideration.

0008.050.026  
CAM/sec  
11-9-95

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE FINDINGS, CONCLUSIONS AND DECISION OF THE CITY COUNCIL ON THE APPLICATION FOR CONDITIONAL USE PERMIT 94-06, VARIANCE 95-08 AND SITE PLAN 94-05 FOR MONUMENT CONSTRUCTION COMPANY (ARABELLA'S LANDING).

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WHEREAS, the Council is required by law to make findings, conclusions and a final decision on Site Plan application SPR 94-05; and

WHEREAS, the City has received three appeals of the Hearing Examiner's decision on the Conditional Use Permit CUP 94-06 and Variance VAR 95-08, and the Council is therefore required to also make findings, conclusions and a decision on these appeals; now, therefore,

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

1. The applicant is Stanley Sterns, Monument Construction, Inc. (Arabella's Landing), and the subject property is located at 8215 Dorotich Street.

2. The applicant requests three approvals: (a) a site plan for the proposed Arabella's Landing commercial/retail and office space under Chapter 17.96 GHMC; (b) a conditional use permit to allow a yacht club on the property under Section 17.48.030 GHMC;



and (c) a variance from the parking standards of Sections 17.48.070 and/or 17.72.030(Q) GHMC.

3. The property is located in the Waterfront Millville (WM) zoning district, Chapter 17.48 GHMC. In this zoning district, the maximum building height is 16 feet (Section 17.48.070.) Additional height may be permitted up to 24 feet if two additional waterview/access opportunities are provided and certain criteria are met. (Id.) The applicant proposes to build a structure which will be 24 feet in height above the main plaza level.

4. **Staff Report.** The City Staff prepared a report on the applications, dated August 23, 1995. In this report, the Staff described the proposal to build a structure housing 4,430 square feet of office/retail space, 2625 square feet for yacht club assembly area (less 825 square feet for kitchen and foyer area) and 6,615 square feet for open plaza area. The combined 13,670 square feet requires 30 parking stalls for the yacht club assembly area, 15 parking stalls for the retail/office space, 41 spaces for moorage, 4 parking spaces for the existing duplex on the property and 2 parking spaces for the existing single family residence on the parcel, for a total of 92 required parking spaces. (Staff Report, p. 6.) The applicant proposes to provide 65 parking spaces.

The Staff recommended denial of the variance because it did not meet the minimum variance criteria. (Staff Report, p. 16.) The Staff recommended that the conditional use permit and site plan be approved, subject to certain conditions.

5. **Hearing Examiner.** On August 23, 1995, the City Hearing Examiner held a hearing on the above applications. The Hearing Examiner issued his written decision on September 22, 1995, which included the following conclusions and decisions with regard to each of the applications:

A. **Variance.** The Hearing Examiner determined that because the proposed development was located in the Waterfront Millville zoning district, the specific parking requirements in the Waterfront Millville district were applicable. (Hearing Examiner decision of September 22, 1995, p. 4-5.) These requirements are:

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

The applicant argued that Section 17.72.030(Q)(4) applied to this development. Section 17.72.030(Q)(4) reads:

Q. For marinas, moorages, and docks:

. . . 4. If commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage.

Because the Hearing Examiner determined that the language in Section 17.48.070 was designed to supersede Section 17.72.030(Q)(4) in the Waterfront Millville district, he determined that the applicant's proposal did not contain the required number of parking spaces, and a variance was necessary. (*Id.*, at p. 4-5.)

With regard to the applicant's compliance with the variance criteria, the Hearing Examiner found:

- 1) Section 17.66.030(B)(2): There were no special circumstances applicable to the property such as topography, size, shape or location which is not applicable to other property in the district. On the contrary, the large size and gentle slope of the applicant's parcel allows more development opportunities than most other waterfront parcels. Other nearby developments cited by the applicant as similar examples either comply with the existing code provisions, met the criteria for an approval of a variance, or were approved in accordance with previous code provisions.
- 2) Section 17.66.030(B)(3): In this case, the applicant has cited the unique nature of his proposed yacht club as a special circumstance. He has argued that the bulk of the yacht club members will arrive by boat, not by car. He contends his proposal should not be held to the same parking requirements as a typical yacht club. Therefore, the applicant is in a sense asking for a use variance, not a typical dimensional variance. While a yacht club is conditionally allowed as a use in the Waterfront Millville zone, it is only allowed if it meets all of the criteria and standards including parking. Here, the applicant has argued that his yacht club should not be held to the same standard as other yacht clubs and that a variance from the parking requirements is warranted.
- 3) Section 17.66.030(B)(4): The granting of the variance will constitute a special privilege inconsistent with limitations upon other properties in the vicinity and zone. As noted above, other properties in the area either comply with existing code provisions, met the criteria for approval of a variance, or were approved in accordance with previous code provisions. None of the nearby developments can be looked to as a basis for approval of this variance request.
- 4) Section 17.66.030(B)(5): The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated if use of the yacht club facility is limited to boat traffic, but will be detrimental to the public welfare if the yacht club is served extensively by automobile traffic. It is believed that conditions of approval which would limit the use of the club to those patrons or members coming by boat would be largely unenforceable and the use of a security gate (as recommended by the

applicant) may actually result in exacerbating the parking problem in the area if people without proper security clearance come into the yacht club by automobile.

- 5) Section 17.66.030(B)(6): The variance is not the minimum variance necessary to make a reasonable use of the land. A marina with a marina building, a duplex, a single family house, a boathouse, a shed and two garages already exist on the property. One garage is to be demolished as part of this proposal and could still be demolished to provide space for a more intense use, but something less in intensity than is proposed at this time.

(Id., p. 5-6.) Because not all of the criteria in Section 17.66.030 were met, the Hearing Examiner denied the variance. The Hearing Examiner's decision on a variance is final, unless appealed to the City Council. Section 17.66.030(7).

B. Conditional Use Permit. The Hearing Examiner made the following conclusions with regard to the conditional use permit application's compliance with the following criteria:

- 1) Section 17.64.040(A): A conditional use is a use that has been legislatively determined to be allowed within a given zone if appropriate conditions can be imposed to ensure compatibility with those uses which are permitted as a matter of right within that zone. A conditional use thus carries a fairly heavy assumption of acceptability within the zone it includes. In consideration of any conditional use permit application, the Examiner is required to consider the degree of compatibility which would exist between the use and its particular surroundings and may impose such conditions as are necessary to ensure compatibility. If compatibility can be ensured, then the permit should be approved.
- 2) Section 17.64.040(A): The proposed yacht club is conditionally permitted within the Waterfront Millville zone provided it is determined to be compatible with the surrounding uses.
- 3) Section 17.64.040(B): The granting of the CUP to allow a yacht club on the subject site will not be detrimental to the public health, safety, comfort, convenience and general welfare, provided that it meets the code requirements for parking, that its hours of operation are

limited to minimize adverse impacts on the established character of the surrounding neighborhood, and that its use be limited to yacht club activities only.

- 4) Section 17.64.040(C): The yacht club is proposed to be located on the site in such a manner that the office/retail uses would serve as a buffer between the yacht club and the single family residences on Harborview. Also, the yacht club as proposed can be adequately served by public facilities and street capacities without placing an undue burden on those facilities and streets.
- 5) Section 17.64.040(D): The site, while large for the Waterfront Millville District, is not of adequate size to accommodate code required parking for all of the uses within the structure proposed. The yacht club for which the conditional use permit is required should only be approved if adequate parking is provided. Therefore, the site plan will need to be revised to provide adequate parking for the yacht club.

(Id., p. 6-7.) The Hearing Examiner may only approve a CUP if all of the criteria in Section 17.64.040 are met. The Hearing Examiner approved the CUP subject to five conditions, one of which was the provision of the code required parking. (Id. p. 7-8.) His decision on the CUP is final, unless appealed to the City Council. Section 17.10.100(A)(1)(a).

C. Site Plan. The Hearing Examiner made the following conclusions with regard to the application's compliance with the Site Plan criteria:

- 1) Section 17.96.030(B)(1): The proposal is generally consistent with the goals and policies stated in the City's comprehensive plan.
- 2) Section 17.96.030(B)(2): The proposed development is consistent with allowed or conditionally allowed uses in the Waterfront Millville zone.
- 3) Section 17.96.030(B)(3): The proposed site plan provides only 70 percent of the code required parking and is not consistent with the city's zoning ordinance. Therefore, the proposed site plan should not be approved as

requested. If the proposal is reduced in intensity with respect to parking, or if parking is provided off-street in accordance with the code, the site plan will be reviewed again by the City.

(Id., p. 7.) The Hearing Examiner recommended denial of the site plan because it did not meet the parking requirements. (Id., p. 8.) His decision on a site plan application is a recommendation, and the City Council makes the final decision. Section 17.10.100(A)(2)(d).

6. On October 5, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP from Robert Frisbee.

7. On October 6, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP from Peter Katich, which appeal was amended on October 9, 1995.

8. On October 10, 1995, the City received an appeal of the Hearing Examiner's decision on the CUP and variance from Stanley Sterns and Gig Harbor Marina, Inc., d/b/a Arabella's Landing.

9. Appeals of the Hearing Examiner's decision must be received by the City within 14 days from the date the final decision of the examiner is received. Section 17.10.160. Notice of the Examiner's decision was sent to the applicant and all parties of record with an appeal deadline of October 7, 1995, but because this was a Saturday, and the following Monday was a holiday, the deadline was extended to October 10, 1995.

10. The City Council considered the appeals and the Hearing Examiner's recommendation on the site plan at their regularly scheduled public meeting on October 23, 1995.

11. The following exhibits were received by the Council at the October 23, 1995 meeting:

A. Memo to Mayor Wilbert and City Council Members from Planning Staff, dated October 23, 1995;

B. Draft City of Gig Harbor Resolution # \_\_\_\_\_;

C. Hearing Examiner's Findings, Conclusions and Decision/Recommendation on Case No. SPR 94-05, CUP 94-06, VAR 95-08, dated September 22, 1995;

D. Staff Report to Hearing Examiner on SPR 94-05, SUP 94-06, VAR 95-08, dated August 23, 1995;

E. Copy of Site Plan of proposed development, 1 page; Harbor Elevation and Harborview Drive, 1 page; Dorotich St. Elev., 1 page;

F. Letter to City Councilmembers from Robert G. Frisbie, dated October 4, 1995;

G. Letter to Ray Gilmore from Peter Katich, dated October 6, 1995;

H. Letter to Ray Gilmore from Peter Katich, dated October 9, 1995;

I. Notice of Appeal of Hearing Examiner Decision to the City of Gig Harbor from Stanley Sterns and Gig Harbor Marina, signed by Thomas Oldfield.

12. The Mayor identified the applications to be considered by the Council, and asked whether the Councilmembers had any ex parte contacts or appearance of fairness issues to disclose. Councilmember Markovich stated that he received a telephone conference call a couple of months before from Mr. Sloan and Mr.

Oldfield (applicant's attorneys), in which they expressed their unhappiness with the progress of the permit processing at the City. Councilmember Markovich stated that the conversation was very brief and he didn't recall anything else about the substance of the conversation.

The Mayor then asked for a ruling from the City Attorney on the disclosure. The City Attorney asked Councilmember Markovich whether the conversation affected his ability to make an impartial decision on the applications before the Council, and he responded that it did not affect his ability to be impartial at all. Councilmember Markovich participated in this decision.

The Mayor asked if any member of the public wished to challenge any member of the Council on the grounds of appearance of fairness, and there was no response. The Mayor informed the public that the Council's consideration of the applications would be on the record before the Hearing Examiner, and there would be no new testimony presented.

13. **Staff Presentation:** Planner Steve Osguthorpe briefly explained the proposal. He stated that the parking was the biggest issue with regard to these applications because the code requires 92 parking spaces, and the applicant proposes to only provide 65.

Mr. Osguthorpe further stated that the yacht club parking requirement was based upon the City Building Code occupancy classification. The number of parking spaces required for a yacht club is greater than for office space.



Councilmember Markovich asked Mr. Osguthorpe whether the Hearing Examiner gave consideration to the height of the proposed structure, and if height was also the subject of a formal request for a variance. Mr. Osguthorpe explained that there is a process to allow additional height of up to 24 feet within the Waterfront Millville District under Section 17.48.060, if two waterview/access amenities are provided. According to Mr. Osguthorpe, the Hearing Examiner determined that the prior development on the site had provided these two amenities, and so additional height could be allowed.

Councilmember Owel asked Mr. Osguthorpe whether the Hearing Examiner's decision on the height issue considered a 1993 agreement signed by the applicant which addressed interpretation of Section 17.48.060 as to this property and any future development. Mr. Osguthorpe replied that while the staff had reviewed this agreement, it was not entered into the evidence at the Hearing Examiner hearing.

14. Mr. Robert Frisbie, 9720 Woodworth Avenue, Gig Harbor, testified that he appealed the Hearing Examiner's decision because the Examiner revised the applicant's site plan. Mr. Frisbie stated that the Examiner could give the applicant the opportunity to revise his own site plan, but the Examiner could not modify the site plan for the applicant.

Mr. Frisbie explained that because the Examiner did not state where the required parking had to be provided, there was the possibility that the decision could be interpreted to allow the

applicant to provide parking off-site. He then began a description of a situation involving the City and an agreement for use of a dock and parking. The City Attorney interrupted him and reminded him that no additional evidence was allowed on appeal.

15. Peter Katich, 3509 Ross Avenue, Gig Harbor, stated that in his appeal, he was representing himself, his wife, Jake and Pat Busich, Bruce and Linda Dishman, Clark and Nancy Eaton and Adam and Sherry Ross. All live in close proximity to the proposed development and believe that the Hearing Examiner erred in decided to grant the CUP for the yacht club.

Mr. Katich testified that this neighborhood is unique, as it is comprised of single family dwellings and small commercial businesses, which in conjunction with substantial open space and the marine orientation, provide a village-like character and a very high quality of life. The preservation of the unique character has been formally recognized by the City in the adoption of the Waterfront Millville zoning district and the development regulations which are designed to ensure that this character is not adversely impacted by new development activity. Mr. Katich stated that the proposed development would be utilized continually and be an ongoing nuisance to his quiet neighborhood.

Regarding the issue of frequent use, Mr. Katich noted that the applicant had testified on the record before the Hearing Examiner as to his association with numerous yacht clubs from all over Puget Sound and his intention to make this site a destination for all boaters in the region. Mr. Katich stated that the anticipated

success of the yacht club, and its subsequent frequent and heavy use, is the reason he feels that the club will impose adverse impacts on the neighborhood.

In addition, Mr. Katich gave his opinion that the intensity and operational characteristics of a yacht club -- which are similar to a restaurant -- are such that significant parking and noise problems will occur from nighttime and weekend use. This will not only impact the comfort and convenience of the neighborhood and the families living there, but also negatively impact the character of the area and the value of the surrounding property.

Finally, Mr. Katich described the manner in which the Hearing Examiner's decision did not consider the necessary criteria for approval of a CUP. Section 17.64.040(D) clearly requires that all required parking be provided for a CUP, and the Hearing Examiner's decision which conditionally approves the CUP, is erroneous.

16. Thomas Oldfield, attorney for Stanley Sterns, testified on behalf of the applicant. He noted that if the proposed development were built and used entirely as a professional office, it could be built in that zone without a variance or without a CUP. However, a yacht club is treated as an assembly occupancy, which increased the parking requirement, and under the City staff's interpretation of the zoning code, there was insufficient parking.

Mr. Oldfield stated that the applicant had a difference of opinion with the City regarding the applicability of the parking requirement in Section 17.48.070 in the Waterfront Millville

district. He explained that this section required the parking requirements to be totalled if there were multiple uses. According to Mr. Oldfield, this is the interpretation used throughout the City.

The second requirement relating to parking is in Section 17.72.030(Q)(4), which refers to residential and commercial uses that are combined with a watercraft related use. Mr. Oldfield gave his opinion that under this section, the use requiring the higher level of parking is the use that will control. He stated that the applicant had tried to make it abundantly clear that the yacht club facility is inexorably tied to the marina facility. According to Mr. Oldfield, the applicant proposed limitations on the use so that only a small portion of the people using the facility could arrive other than by water. The membership in the yacht club was also restricted, under the bylaws submitted by the applicant, to people who are residents and are utilizing the Arabella's landing facility. Mr. Oldfield explained that the proposed yacht club is not a disguised restaurant, and a person cannot come up and buy a membership and dinner.

Councilmember Platt asked Mr. Oldfield how many slips in the marina were permanent slips, and the latter responded that there were 30 permanent and 18 transient. Councilmember Platt then asked whether the yacht club would have 30 members and any other persons who had their boat tied at the marina. Mr. Oldfield replied that the moorage patrons of the marina could either be a yacht club member or have guest privileges as a member of the yacht club. Mr.

Oldfield further explained that people coming into the yacht club by boat would have guest privileges, but there would be no ability for a person to come into the yacht club on foot or by car and obtain guest privileges. Mr. Oldfield was also asked whether a person visiting a boatowner would be allowed to join the yacht club, and he responded that the visitor would be allowed as the boater's guest.

Councilmember Owel asked Mr. Oldfield about the definition of membership in the yacht club, and stated that in her review of the bylaws provided by the applicant, she could not find a clear definition. Mr. Oldfield replied that there were problems defining a yacht club in the City code. He noted that while another yacht club currently exists in the City, this club does not have moorage facilities.

On the issue of adverse impacts of the development on the neighborhood, Mr. Oldfield stated that the applicant proposed one condition of approval which would require that there could be no activity in the club that would have any noise audible off site. He found the Examiner's condition that the doors and windows be shut during any activity at the club to be unreasonable.

Mr. Oldfield pointed out that Mr. Sterns had refused to allow a wedding reception to take place at Arabella's Landing recently, and the same wedding party ended up at the City municipal dock with a band until midnight.

Councilmember Besinich asked Mr. Oldfield whether the moorage patrons from both Arabella's Landing and Bayview Marina would be

yacht club members. Mr. Oldfield stated that the yacht club would operate in conjunction with both marinas, and that the Bayview Marina only had 9 slips.

Councilmember Ekberg asked Mr. Oldfield how many marina moorage spaces were there, because the project was originally approved for 48 slips and the Staff counted 51, while the applicant's submittals stated that 12 of the 68 marina moorage spaces were limited to transient moorage. Mr. Oldfield stated that about one third of the moorage spaces are not rented on a monthly basis, and are held for transient use.

Councilmember Platt asked Mr. Oldfield if a person pulling his boat into the marina could become a member of the yacht club for the day, and whether membership could be bought one day at a time. Mr. Oldfield replied that a person who was a moorage guest would be extended the privileges of the yacht club.

Mr. Oldfield again addressed the parking issue, and mentioned that the provisions regarding multiple uses in the Waterfront Millville district and the provision regarding uses combined with a watercraft usage can and should be harmonized so that a use which reduces parking demand should have a lower parking requirement. He also mentioned that the proposed development has substantially less density than several surrounding structures.

Finally, Mr. Oldfield stated that an equal protection issue had arisen because of an application before the Hearing Examiner where the City was not recommending that the required parking be

provided. The City Attorney reminded Mr. Oldfield that no new testimony could be presented.

17. There were no other persons who wished to speak and the public testimony portion of the meeting was closed.

#### FINDINGS AND CONCLUSIONS

18. Variance. In order to grant a variance, the Hearing Examiner must find that all of the following criteria are met:

- A. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district;
- B. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other land in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;
- C. The special conditions and circumstances do not result from the actions of the applicant;
- D. Granting of the variance requested will not confer a special privilege that is denied other lands in the same district;
- E. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
- F. The hearing examiner shall further making a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land.

Section 17.66.030(B).

The Council is reviewing the Hearing Examiner's decision on the variance on appeal. In its review of that record and after receipt of the above testimony and evidence, the Council affirms that portion of the Hearing Examiner's decision which concluded that because the development is located in the Waterfront Millville zoning district, the specific parking requirements in that district (Section 17.47.070) are applicable. As a result, the Council also

affirms the Hearing Examiner's decision that because the applicant's proposal did not contain the required number of parking spaces, a variance was necessary.

Because Section 17.66.030 GHMC requires the Hearing Examiner to find that all of the variance criteria have been met in order to approve a variance, and the Examiner did not find that Sections 17.66.030(B)(2), (B)(3), (B)(4), (B)(5) or (B)(6) were satisfied, the Council affirms the Examiner's denial of the variance. The testimony and evidence presented demonstrate that the applicant was only proposing to provide 70% of the required parking for the development. While the evidence did not show that the proposed variance would amount to a rezone, no evidence was presented to demonstrate that any special conditions or circumstances existed which were (1) peculiar to the land; (2) not applicable to other land in the same district; or that the property owner would be deprived of rights commonly enjoyed by others in the district if the code were enforced literally. Quite to the contrary, this particular property allowed more development opportunities than most other waterfront parcels. Because no such special conditions were shown, the Council did not make a finding whether the special conditions resulted from the actions of the applicant.

Given that the code parking requirements were not met for the proposed development, the applicant failed to meet his burden to show how the provision of only 70% of the code-required parking would not be materially detrimental to the public welfare or injurious to the property or improvements in the surrounding area.



Finally, no evidence was submitted by the applicant to demonstrate that the applicant's intended provision of only 70% of the code required parking was the minimum variance needed to make possible the reasonable use of the property.

19. Conditional Use Permit. In order to grant a Conditional Use Permit (CUP), the Hearing Examiner must find that all of the following criteria are met:

1. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located;
2. That the granting of such conditional 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;
3. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities 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;
4. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls, and fences, parking loading, landscaping and other such features as are required by this title or as needed in the opinion of the examiner.

Section 17.64.040.

The Council is reviewing the Hearing Examiner's decision on the CUP on appeal. After reviewing that record, the evidence and testimony presented, the Council reverses the Examiner's conditional approval of the CUP. Significantly, the Examiner has premised his approval on the condition that the applicant provide the parking spaces required by the City code, yet under the above

criteria in Section 17.64.040, a CUP cannot be granted approval unless the code requirements for parking are met.

In his decision, the Examiner found that the proposed development is not of adequate size to accommodate the code required parking for all of the proposed uses, as required by Section 17.64.040(D). While evidence was also submitted on the adverse effect the proposed development might have on the surrounding neighborhood, the Examiner's failure to find that this CUP application complied with at least two of the mandatory criteria for approval on the parking issue is sufficient for reversal of his conditional approval of the CUP.

20. Site Plan. The Hearing Examiner's recommendation to the Council on a site plan application must demonstrate:

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 same.

Section 17.96.030. The Examiner recommended denial of the site plan because it did not meet the code parking requirements.

The Council finds that the site plan is not consistent with the City's comprehensive plan, which allows "medium usage" in this area, and the proposed use is not "medium usage." The evidence presented demonstrates that the applicant anticipates that the yacht club will be frequented by not only the owners of permanent moorage, but also the daily users of the transient moorage of two marinas, and these daily user's guests.

The Council further finds that the Hearing Examiner's decision does not explain how the development, which is proposed to be 24 feet high above the main plaza level, conforms to the maximum height limitation of 16 feet in Section 17.48.060 for the Waterfront Millville district. Finally, the Council agrees with the Hearing Examiner's recommendation that the site plan does not conform to the code requirements for parking, as required by Section 17.48.070. Therefore, the Council adopts the Hearing Examiner's recommendation of denial of the site plan application.

#### DECISION

The City Council renders the following decision on the above applications:

Variance (VAR) 94-08: Denied.

Conditional Use Permit (CUP) 94-06: Denied.

Site Plan (SPR): Denied.

RESOLVED by the City Council this \_\_\_\_ day of \_\_\_\_\_,  
199\_.

APPROVED:

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

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM;

116404--11-9-95

- 20 -

OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_

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

CAN116404.1M/F0008.050.026/B0008.



*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**  
**DATE: NOVEMBER 13, 1995**  
**SUBJECT: FINAL PLAT OF WESTBROOK GLEN SUBDIVISION (SUB 92-01)**

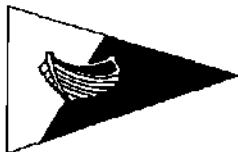
### **INTRODUCTION/REQUEST**

Mr. Ed Dorland has submitted a final plat for the Westbrook Glen subdivision (SUB 92-01). The final plat has been reviewed by staff and meets the conditions of preliminary plat approval, as per Resolution 361. All improvements as required by City Code have been installed.

The only item which has not yet been formalized is the recording of a quit claim deed conveying to the City a triangular piece of property which provides the full access to the development from the City's existing right-of-way. This will be recorded concurrently with the plat and an auditor's file number of the quit claim deed will be noted on the plat.

The Council's favorable consideration of the final plat is requested.





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

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

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** MARK HOPPEN, CITY ADMINISTRATOR *MH*  
BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*  
**SUBJECT:** WOLLOCHET HARBOR SEWER DISTRICT SEWER REQUEST  
**DATE:** OCTOBER 18, 1995

### **INTRODUCTION**

We received the enclosed outside city limits sewer request from the Wollochet Harbor Sewer District. The District is currently under a Department of Ecology enforcement order to provide secondary treatment for sewerage which is generated by 66 residents within the Sewer District's jurisdiction. Instead of building a new expensive treatment plant, the District is proposing to treat their sewerage at the City of Gig Harbor treatment plant. The conditions of this outside city limit sewer extension are such that both the City of Gig Harbor and the Wollochet Harbor Sewer District can derive mutual benefit from this extension.

### **BACKGROUND/ISSUES**

The Wollochet Harbor Sewer District is located approximately 4 miles southwest of the City of Gig Harbor and consists of 66 lots within the Wollochet Harbor Club Homeowners Association. The District currently provides primary wastewater treatment by solids settling in individual residential septic tanks. The effluent is disinfected with chlorine and discharged into Wollochet Bay. This type of treatment is no longer acceptable in Washington State. Consequently, the property owners within the Sewer District were put on an Administrative Order by the Department of Ecology to provide secondary treatment.

The Sewer District approached us to accept their sewerage and treat it at our plant rather than building a new treatment plant. The 20-year life cycle cost estimate of building a new treatment plant is \$2,742,000 and the cost of building a transmission line sending the sewerage to the City of Gig Harbor is \$2,415,000. Obviously, the latter option is less expensive for the District.

Sewer District Representatives were told that this request must be approved by the City Council. Also, the District was told that we would take their request to the City Council if they present their request with the following conditions.

*1) The Wollochet Sewer District will be responsible for designing and building a new transmission line from their site to the City's collection system on Stinson Avenue.*

The closest city sewer line to the Wollochet Sewer District is located on Olympic Drive and Point Fosdick Drive on the Westside. It would be cheaper for the district to build a shorter transmission line to connect to these lines. However, any sewerage connection to these lines would transfer through at least four existing pump stations, some of which have very restrictive capacity.

Furthermore, the transfer through four pump stations would also result in higher costs for the City. The Stinson Avenue collection system only goes through one pump station, pump station #3.

*2) The District must build a holding tank at the District site and send sewerage to the City of Gig Harbor between 1:00 am and 5:00 am only.*

This is the time frame where the plant flow is at a minimum. Having the District sewerage sent to the City at this time is not going to affect the treatment plant capacity at all. In fact, we asked the Department of Ecology to send us the enclosed letter to confirm that this additional approximate 20,000 gallons per day (gpd) flow will not affect our plant capacity.

*3) The District must own and maintain the proposed sewer main line from the District site to the City limits.*

The greatest technical concern is the length of sewer line and potential corrosion problems with the line as result of sewerage turning into septage. There are ways of preventing this from happening. Injecting air into the line, for example, is one such way. However, we do not want take responsibility of the potentially high cost of maintaining this line. Since the District is a public entity, it has the authority to own and maintain its facilities as per Department of Ecology regulations.

*4) The District must pay the outside connection fees. The District must pay the outside-city-limits monthly sewer rate or the City must establish a new customer class and, resultantly, a lower rate.*

The outside connection fee (not covered by any defined zone A,B,C, D) is approximately \$2,400 per residential connection. The monthly sewer rate for an outside-city-limit customer is approximately \$27.00 per resident. If the city were to establish a new class of customer in its sewer rate ordinance, then a probable fee would approximate \$18.00, the inside city rate. The rationale for setting a new customer class and charging the lower rate would be based on the fact that the sewer district retains complete responsibility for its sewer line which connects to the city system.

*5) The City of Gig Harbor will not be forced to amend its Comprehensive Sewer Plan as result of extending sewer service to the District.*

The Comprehensive Sewer Plan did not include the Wollochet Sewer District area as the area is four miles outside the City's Urban Planning area. We wanted to receive an assurance from the Department of Ecology that we are not required to incur any expense to amend our Comprehensive Sewer Plan. The Ecology's attached letter is stating that we do not have to amend our Comprehensive Plan.

*6) The District will obtain all necessary permits and franchises from Pierce County, the Department of Health, the Department of Ecology and the Department of Transportation to build and maintain the proposed sewer line.*

*7) The District will agree to pay its proportionate share of the City's future sewer diffuser extension*



*cost. The proportionate share will be determined based upon the sewerage flow.*

The City will take the sewer diffuser outside Gig Harbor Bay when the plant flow reaches 1,600,000 gallons per day. The District is generating 19,800 gpd flow. The proportionate share of the District will be 1.238% of the diffuser extension cost. The diffuser extension cost will be approximately \$3 million; the Sewer District's contribution, paid up front in addition to the connection fees, would be \$37,140.

### **POLICY CONSIDERATIONS**

Extending the City sewer to the Wollochet Sewer District is consistent with the City's Emergency Utility Extension Ordinance. This ordinance requires certain conditions be met before the sewer is extended. The following facts are the conditions of the Ordinance:

- 1) The District is under DOE's enforcement order.
- 2) The District is a quasi-municipal entity.
- 3) The District is willing to own and maintain the proposed sewer line.
- 4) The District will obtain all necessary permits to build, own and maintain the proposed sewer line.
- 5) The District will pay all necessary outside City limits connection and monthly user fees.

In addition, this sewer extension is not encouraging urban or urban-like development outside the City's Urban Planning Area. The extension is provided to existing homes within the Wollochet District.

### **FINANCIAL CONSIDERATIONS**

The extension of the sewer service to the Wollochet Sewer District will generate approximately \$158,000 in initial revenues from connection fees and approximately \$14,256 to \$21,384 in annual revenues from monthly user fees, dependant on whether Council establishes a new customer class or selects the outside monthly rate. In addition, the District will pay its proportionate share of the diffuser extension cost in the future.

Therefore, this sewer extension will have positive financial impact on the City Sewer Utility.

### **RECOMMENDATION**

Staff recommends a Council motion to the City Attorney to draft an outside City Limits Capacity Commitment Agreement with the Wollochet Sewer District to provide sanitary sewer utility service to 66 sewer district lots. The agreement should contain all of the conditions stated in this memorandum, should be drafted by the city attorney for consistency with the Emergency Utility Extension Ordinance, and should conform to pertinent portions of the city's existing standard outside sewer service contract. This contract should be returned to Council for review and approval at a subsequent council meeting.



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (206) 407-6300

November 2, 1995

Mr. Ben Yazici, P.E.  
Mr. Mark Hoppen  
City of Gig Harbor  
3015 Judson Street  
Gig Harbor, WA 98335

Dear Mr. Yazici and Mr. Hoppen:

Re: Transmission of Wollochet Harbor Sewer District Septic Tank Effluent Flows to the City of Gig Harbor

The Department of Ecology (Ecology) is pleased that you are contemplating accepting the septic tank effluent flow from the Wollochet Harbor Sewer District (District) at the City of Gig Harbor (City) Wastewater Treatment Plant. The District is required by Administrative Order No. DE 94WQ-S357 to determine, through the development of a Wastewater Facilities Plan, the method by which the District will provide secondary wastewater treatment. We feel the option of transferring septic tank effluent flows from the District to the City is a sound alternative.

The District's projected average day flow and loading of 19,800 gpd and 21 lb BOD<sub>5</sub>/day, respectively, represent less than one percent of the flow and loading for which the expanded Gig Harbor Wastewater Treatment Plant. The additional loading will not affect the permitted design capacity of the plant.

In addition, Ecology will not require the City to amend the existing Comprehensive Sewer Plan approved by Ecology in October 1993.

If you have any further questions regarding this matter, please contact Kathy Cupps, P.E., at (360) 407-6275.

Sincerely,

William H. Backous, P.E.  
Southwest Region Supervisor  
Water Quality Programs

WHB:cg(10\wq)

cc: Nancy Lockett, Gray & Osborn Consultants  
Susan M. Campbell, Wollochet Harbor Sewer District  
Kathy Cupps, Ecology  
Janet Boyd, Ecology

File: City of Gig Harbor, Pierce County, Correspondence  
Wollochet Harbor Sewer District, Pierce County Correspondence





**Gray & Osborne, Inc.**  
CONSULTING ENGINEERS

September 28, 1995

Mr. Ben Yazici  
Mr. Mark Hoppin  
City of Gig Harbor  
3015 Judson Street  
Gig Harbor, Washington 98335

SUBJECT: TRANSMISSION OF SEPTIC TANK EFFLUENT FLOWS TO THE  
CITY OF GIG HARBOR, WOLLOCHET HARBOR SEWER  
DISTRICT, PIERCE COUNTY, WASHINGTON; G&O #95580

Dear Mr. Yazici and Mr. Hoppin:

Thank you for allowing us the opportunity to discuss the possibility of the City of Gig Harbor accepting septic tank effluent flows from the Wollochet Harbor Sewer District. The Wollochet Harbor Sewer District is located adjacent to Wollochet Bay in unincorporated Pierce County. The District is approximately 4 miles southwest of the City of Gig Harbor and consists of 66 lots within the Wollochet Harbor Club Homeowners Association.

The District currently provides primary wastewater treatment by solids settling in individual residential septic tanks, disinfection by chlorination at a centrally located plant and disposal via a marine outfall in Wollochet Bay. The system was constructed in the 1960's to provide adequate wastewater treatment and disposal for lots within the second, third and a portion of the fourth additions of the Wollochet Harbor Club which could not support an on-site drainfield system. The Department of Ecology (DOE) issued an Administrative Order in 1994 against the Wollochet Harbor Sewer District, since the District's wastewater treatment system does not provide secondary treatment as required by State Water Pollution Control Law 90.52.040 RCW and 90.54.020 RCW. The District is in the process of evaluating viable treatment and disposal alternatives as part of their Wastewater Facilities Plan.

The existing treatment system consists of primary treatment of domestic wastewater by on-site septic tanks located on each developed lot. The individual septic tank units include two (2) 500 gallon septic tanks in series, followed by a small surge tank with screens at the outlet. The Wollochet Harbor Sewer District requires that each septic tank be pumped at a minimum frequency of once every three years.

Fifty-three homes are currently connected to the District system. The 1995 and buildout flow and loading projections are shown in Table 1.



Mr. Ben Yazici  
Mr. Mark Hoppin  
September 28, 1995  
Page 2

TABLE 1  
FLOW AND LOADING PROJECTIONS

	<u>1995</u>	<u>Buildout</u>
Flow Projections		
Average Daily Flow (gpd)	15,900	19,800
Maximum Daily Flow (gpd)	36,500	45,500
Loading Projections		
BOD <sub>5</sub> (w/septic tanks) lb/day	21	26
TSS (w/septic tanks) lb/day	12	15

The three treatment and disposal options which are being evaluated in the Facilities Plan are; 1) secondary treatment with marine discharge, 2) secondary treatment with subsurface land disposal, and 3) transmission of the septic tank effluent to the City of Gig Harbor for secondary treatment and marine discharge.

The Wollochet Harbor Sewer District currently discharges chlorinated primary effluent through a marine outfall to Wollochet Bay. Wollochet Bay is shallow, has poor recirculation and has existing shellfish beds. Wollochet Bay is not a desirable location for an outfall. Continued use of the outfall is dependent on meeting current regulatory requirements as established by DOE and on meeting the policies of other agencies such as the Department of Health, Department of Fisheries and the Department of Natural Resources.

The Department of Health performed a hydrographic field study on the discharge of effluent into Wollochet Harbor from the Wollochet Harbor WWTP in March, 1993. The recommendation reached on analysis of the data was to set the southerly boundary for the shellfish prohibited zone approximately one mile south of the WWTP.

The existing outfall would most likely need to be modified, including the addition of a diffuser. A Hydraulic Permit Approval (HPA) from Washington State Department of Fisheries would be required for the construction of any modifications to the existing outfall. While there have been approvals granted for the reconstruction and extension of marine outfalls they have become increasingly difficult to receive. The Department typically requires that other disposal methods have been thoroughly investigated, and found not to be feasible.

The existing outfall is not currently authorized by the Department of Natural Resources and would need to be authorized by having an approved lease. The shellfish closure zone contains geoduck beds as identified in the Washington Department of Fisheries, *Geoduck Tract Atlas, 1994*. Per DNRs policies the District may need to provide a yearly compensation equal to the estimated value of the geoduck beds which are affected by the WWTP. For example, if the estimated loss in potential revenue from geoducks is \$1 million the District would be required to pay \$1 million annually over the life time of the lease.



Mr. Ben Yazici  
Mr. Mark Hoppin  
September 28, 1995  
Page 3

The District also investigated the use of subsurface soil absorption systems (SSAS). In an SSAS, or drainfield, partially treated effluent is dispersed through a series of perforated laterals into the soil. Effluent is applied at such a rate that unsaturated vertical flow through the soil is maintained.

Soils within the southwestern portion of the Gig Harbor Peninsula are generally glacial till overlain by a thin veneer of sand and gravel. Materials of this type are poorly permeable and effluent applied to the soil will readily accumulate atop the till and are then able to seep laterally to nearby springs or surface water (*Geologic Factors Affecting Waste Disposal Practices, Gig Harbor Peninsula, Pierce County, Washington, 1979*). A soil investigation of a 10-acre parcel in the vicinity of Wollochet Harbor Sewer District was performed to assess the viability of a community drainfield. It was determined that approximately 3 acres would be needed to site a community drainfield for the District. The soils investigation concluded the following:

"Although the site may be feasible for single-family wastewater disposal systems, the proposed system would result in a substantially higher total flow volume for the property, which additionally would be concentrated in a smaller area. This would create a greater risk of springs or seeps developing off-site where none were previously present. Based on our understanding of the project and results of the field investigation, the proposed conventional drainfield disposal system does not appear feasible for the subject site, due primarily to the limited volume of permeable receptor soils. A mound system may be feasible, but should be designed assuming the glacial till materials on site are practically impermeable. Consequently, the success of the mound system will depend on final water quality of the effluent. Since water exiting the mound system would flow downslope along the underlying glacial till contact it could possibly impact homes bordering the lower end of the property. The discharge would in effect be directly to surface waters and water quality of the mound effluent should therefore be consistent with requirements for direct discharge to surface water."

The soils found on the potential disposal site are representative of soils in the area. It appears that the soils in the area may not support an SSAS method of disposal.

If marine discharge into Wollochet Bay or SSAS were to be used the treatment requirements would be based on the use of secondary treatment with the additional requirement for filtration prior the SSAS. Ultraviolet disinfection would be used for the disinfection of the marine discharge.

A third alternative evaluated is the transmission of septic tank effluent to the City of Gig Harbor for treatment and disposal. The diurnal low flow period to the Gig Harbor WWTP is between 1 AM and 5 AM. The septic tank effluent would be transmitted to the City of Gig Harbor between the hours of 1:30 AM and 4:30 AM to minimize the impact on the Gig Harbor WWTP. The septic tank effluent would be stored in an aerated tank prior to pumping to minimize corrosion and odor problems. The alignment would be along Wollochet Drive N.W. to the intersection of Pioneer Way and Highway 16. The District would participate in the construction of the highway crossing which will be required for



Mr. Ben Yazici  
Mr. Mark Hoppin  
September 28, 1995  
Page 4

the City to serve the proposed Talmo development on Wollochet Drive N.W. The point of connection to the Gig Harbor sewer system will be as directed by the City.

The impact of the wastewater flow from the District on the Gig Harbor WWTP would be minimal. DOE has stated that they are in favor of this alternative and do not consider that the flow from the District will impact the City's NPDES permit since the addition of this flow will not significantly affect the flow or design loading criteria of the plant. The effect of the Wollochet Harbor flows to the Gig Harbor WWTP will be discussed in the District's Facility Plan per Ms. Kathy Kupps, DOE. The District has requested a letter of support for this alternative from DOE.

The District members would pay the cost of construction of the force main and pump station to connect to the City of Gig Harbor sewer system. In addition, the existing 53 connections would pay the City the usual connection fee for connections outside of the City limits. The remaining 13 residential lots would pay the connection fee in effect at the time of hook-up. All connections would pay the Gig Harbor monthly residential sewer rate for connections outside of the City limits less the amount of the rate which is attributable to maintenance of side sewer, etc. The District would also pay their share (1 1/4%) of the cost of a future outfall relocation. The District will enter into an interlocal agreement for sewer service from the City.

A comparison of the estimated project cost for the three alternatives was made. Repairs and improvements to the conveyance system within the District will need to be made for all alternatives, therefore these costs are not included in the analysis. The following assumptions are made in the cost estimates:

1. The treatment plant or pump station will be located in an upland site at the corner of Wollochet Drive N.W. and 31st Street N.W.
2. The outfall will be extended by 300 feet.
3. The SSAS site is located within one mile of the treatment plant site.
4. The force main to Gig Harbor can be located in the shoulder of the road for approximately 75% of the route.
5. The cost of acquiring property for the treatment plant, pump station and SSAS site is \$50,000/acre.

The preliminary estimated capital cost, operation and maintenance (O&M) cost and the 20-year life cycle costs for the three alternatives are shown in Table 2. The capital costs include 7.8% sales tax, 20% construction contingencies and 25% engineering, legal and administrative fees. The O&M cost for the option in which septic tank effluent is transferred to the City of Gig Harbor includes the monthly sewer rate which will be paid to the City.



Mr. Ben Yazici  
Mr. Mark Hoppin  
September 28, 1995  
Page 5

TABLE 2  
CAPITAL, O&M AND 20-YEAR LIFE CYCLE COST COMPARISON

	<u>CAPITAL COST</u>	<u>O&amp;M COST</u>	<u>20-YEAR LIFE CYCLE COST</u>
1. Treatment & outfall to Wollochet Bay	\$1,995,000	\$76,000*	\$2,742,000*
2. Treatment & SSAS	\$2,373,000	\$81,000	\$3,169,000
3. Transfer of flows to Gig Harbor	\$2,071,000	\$35,000	\$2,415,000

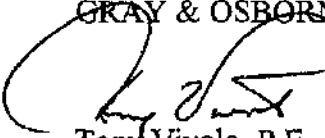
\*This estimated cost does not include the annual cost of a DNR lease.

The cost comparison indicates that the option in which septic tank effluent flows from the Wollochet Harbor Sewer District are transfer via a pump station and force main along Wollochet Drive N.W. is the most cost effective method of serving the District. In addition, given the uncertainty of the ability to obtain a permit for the outfall in Wollochet Harbor and the cost of a DNR lease for the outfall and the unsuitability of soils in the southwest portion of the Gig Harbor peninsula it appears that the transmission of septic tank effluent flows to the City of Gig Harbor is the most viable alternative.

We appreciate your review of this letter and your consideration of the City of Gig Harbor providing wastewater treatment and disposal to the Wollochet Harbor Sewer District. If you have any questions or if we can be of further assistance to you on this matter please call me.

Very truly yours,

GRAY & OSBORNE, INC.

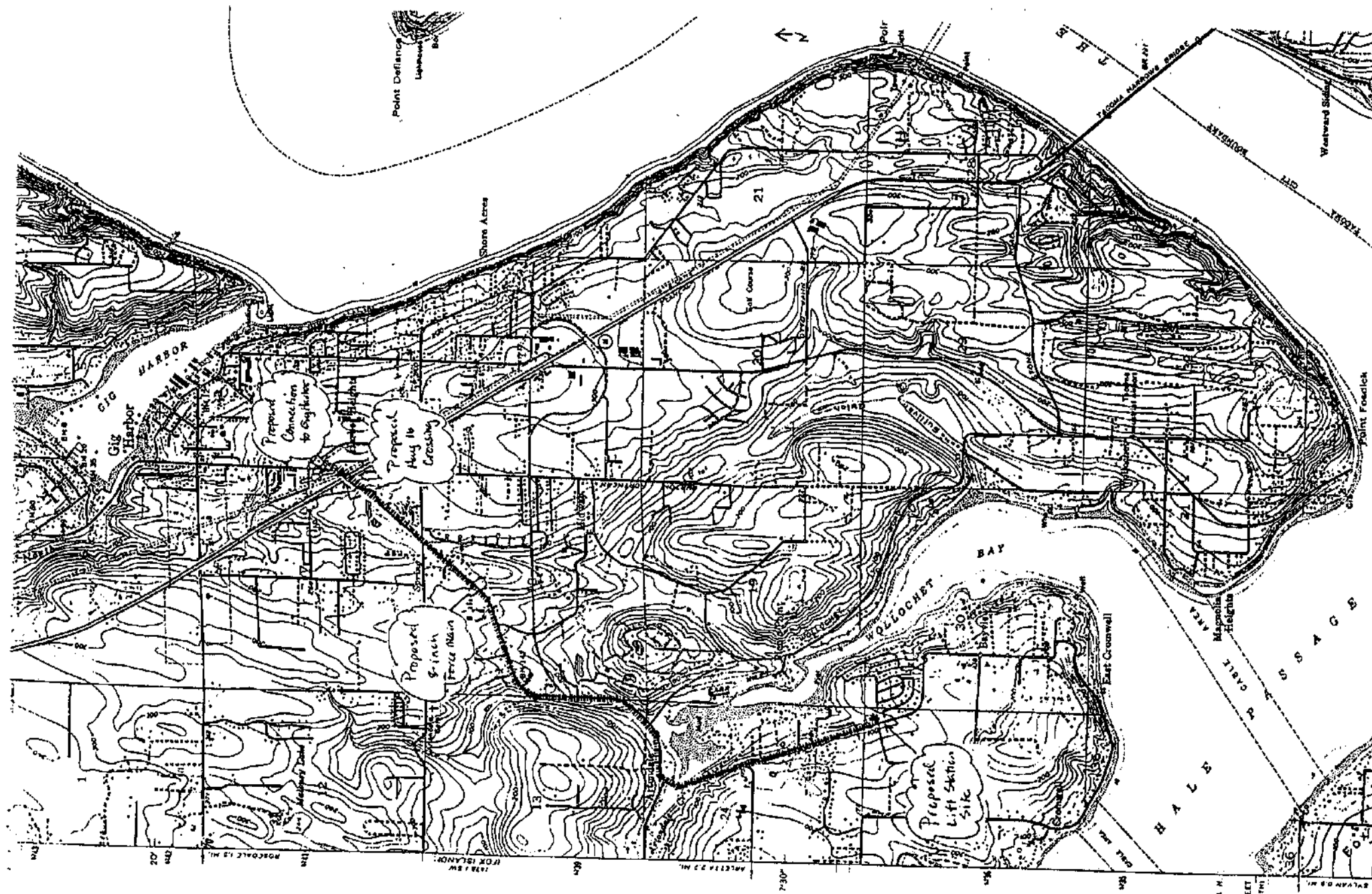


Tony Vivolo, P.E.

TV/cgm

cc: Ms. Susan Manger Campbell, Wollochet Harbor Sewer District  
Mr. Darrel Anderson, Department of Ecology, Southwest Regional Office  
Ms. Kathy Kupps, Department of Ecology, Southwest Regional Office.

Wollicet Harbor Sewer District  
Force Main to Gig Harbor







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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: NORTH HARBORVIEW DRIVE PROJECT, PROFESSIONAL SERVICES CONTRACT AMENDMENT**  
**DATE: NOVEMBER 6, 1995**

### **INTRODUCTION**

We entered into an agreement with Inca Engineers on March 2, 1995, to provide construction surveying and limited construction support services for the North Harborview Drive and Harborview Drive projects. The contract amount with Inca Engineers was \$34,939.45. During the construction of the project, Inca was asked to perform certain tasks that were not in the scope of the contract. The cost of this additional work is \$2,435.27. The purpose of this memorandum is to obtain your authorization to amend the original contract with Inca Engineers to allow the staff to make \$2,435.27 payment to Inca Engineers.

### **BACKGROUND/ISSUES**

Washington Natural Gas Company was also working on North Harborview Drive while we were constructing the project. The Gas Company work required us to build an additional retaining wall and recalculate the earthwork quantities on the project. The Gas Company was billed for the additional work and they have already paid us approximately \$10,000 for the rock wall construction and approximately \$750.00 for the additional engineering services work.

Before the second Public Meeting that was held at the Shoreline Restaurant, we marked (staked) the clearing and grubbing limits of the project. The property owners along North Harborview Drive requested that we decrease the limits of the clearing and grubbing. We then had to remark the limits. Decreasing the clearing and grubbing limits saved us approximately \$4,100 on the construction side of the project as we did not do as much clearing and grubbing work as the original contract stated. However, it cost us approximately \$1,000 for the additional engineering work.

We also made some changes to the proposed storm drainage system on the project. Once we excavated the roadway on North Harborview Drive, we discovered that the existing storm drainage system between Peacock Hill Avenue and Finholm's Grocery Store was in excellent shape and did not need to be replaced. We completed the reengineering ourselves to make this system compatible with the proposed new system. However, the construction staking work had to be done by Inca Engineers, as we do not have the capability of doing such work in-house. This issue saved us approximately \$6,000 on the construction side of the project but increased the cost to Inca's contract by approximately \$500.00.

We then had to incur an additional \$200.00 for engineering costs due to a conflict of the existing water line with the existing and proposed utilities at the Peacock Hill Avenue and the North

Harborview Drive Intersection.

Most of this \$2,435.27 was incurred to save us money on the construction side of the project, to satisfy the needs of the property owners and to accommodate the Gas Company's work on the project site.

**FISCAL CONSIDERATIONS**

The summary of the above expenditures are as follows:

1) Additional work caused by Washington Natural Gas Company (The enclosed attachments show that we already received payment from the Gas Company for this amount)	\$ 746.29
2) Additional Work for restaking the Clearing and Grubbing limits	\$1,000.00
3) Additional Engineering work to save the existing storm system	\$ 500.00
4) Additional Engineering work at the Peacock Hill/N.Harbor. Intersec.	\$ 188.98
<b>TOTAL</b>	<b>\$2,435.27</b>

As stated previously, we already received payment from Washington Natural Gas Company for the \$746.29 amount. Therefore, the City's net expenditure for the total amount is \$1,688.97 (\$2,435.27 less \$746.29). For this additional engineering cost, we saved approximately \$6,000.00 on the construction side of the project due to items #2 and 3 above.

In summary, we completed the project at approximately \$120,000 less than what we originally contracted with the Contractor, Northwest Cascade Inc., of which the saving of \$6,000.00 is a result of the above mentioned works, but for doing so, we incurred \$1,688.97 for engineering costs.

Amending Inca Engineers' contract for \$2,435.27 will not have any negative impact on the City budget, as the portion of this amount has already been paid by others and we have saved more than this amount in the construction side of the project to pay for this increase.

**RECOMMENDATION**

I recommend a Council motion to authorize the Mayor to sign an amendment to Inca Engineers contract by increasing the total contract amount by \$2,435.27 from \$34,939.45 to \$37,374.72.

## SUPPLEMENTAL AGREEMENT

Project Number: STP UL-3327(001)  
Agency: City of Gig Harbor  
Name of Project: North Harborview Drive  
Agreement No. 1

Gentlemen:

The City of Gig Harbor desires to supplement the agreement entered into with INCA Engineers, Inc., and executed on March 2, 1995.

All provisions in the basic agreement remain in effect except as expressly modified by this supplement. The changes to the agreement are described as follows:

### I

Section II, SCOPE OF WORK, is hereby changed to include the following:

1. Stake additional rock wall for WNG relocation.
2. Cross-section ground after WNG work.
3. Calculate excavation completed by WNG.
4. Stake back of sidewalk grades.
5. Stake additional waterline at Peacock Hill.
6. Stake additional storm drainage at Peacock Hill.

### II

Section V, PAYMENT, shall be amended as follows:

The lump sum price shall be increased by \$2,435.27 to be \$34,939.45.

As set forth in the attached Exhibit A, and by this reference made a part of this supplement.

The maximum amount payable under this agreement as supplemented inclusive of all fees and other costs is now \$37,374.72.

If you concur in this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

Sincerely,

---

Consultant's Signature

---

Approving Authority

**Exhibit A**

**Summary of Payments**

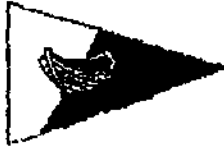
	<b>Basic Agreement</b>	<b>Supplement #1</b>	<b>Total</b>
<b>Total Lump Sum Payment</b>	<u>\$34,939.45</u>	<u>\$2,435.27</u>	<u>\$37,374.72</u>



08/29/95

09:08

W. N. G TACOMA EXEL LINE 475-0415



City of Gig Harbor. The "Maritime City."

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

VENGOR #40459

July 6, 1995

INV # 070695

Mr. Tom Yates  
Washington Natural Gas Company  
PO Box 11066  
Tacoma, WA 98405

Subject: North Harborview Drive Project

Dear Mr. Yates:

As per our understanding, enclosed is the billing from Inca Engineers Inc. for the additional engineering work required, due to the work performed by Washington Natural Gas, on Burnham Drive.

- Please remit the balance due [REDACTED] directly to the City of Gig Harbor.

Should you have any questions or need additional information, please feel free to call me.

Sincerely,

Ben Yazici, P.E.  
Director of Public Works

cc: Mayor Gretchen Wilbert  
Mr. Mark Hopson, City Administrator  
file

RECEIVED  
AUG 31 1995  
GENERAL ACCOUNTING

ON  
AUG 29 1995  
LINE #  
RECEIVED  
SEP 11 1995  
GENERAL ACCOUNTING

9510327 00103  
00201  
OK Per T. Yates

YOU (HEK): 24177A



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

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

July 6, 1995

Mr. Tom Yates  
Washington Natural Gas Company  
PO Box 11066  
Tacoma, WA 98405

Subject: North Harborview Drive Project

Dear Mr. Yates:

As per our understanding, enclosed is the billing from Inca Engineers Inc. for the additional engineering work required, due to the work performed by Washington Natural Gas, on Burnham Drive.

Please remit the balance due of \$746.29 directly to the City of Gig Harbor.

Should you have any questions or need additional information, please feel free to call me.

Sincerely,

Ben Yazici, P.E.  
Director of Public Works

cc: Mayor Gretchen Wilbert  
Mr. Mark Hoppen, City Administrator  
file



Invoice #18487

April 30, 1995

Page 1



Ben Yazici  
City of Gig Harbor  
3105 Judson St.  
Gig Harbor, WA 98335

Project #: 95013B North Harborview Drive  
Harbor Drive Construction Services  
Worked required as a result of site changes caused by WNG.

Professional services for the period: March 28, 1995 to April 28, 1995

Direct Labor

	<u>Rate</u>	<u>Hours</u>	<u>Charge</u>
Project Manager			
M. Clark	26.50	2.00	53.00
M. Root	19.50	2.00	39.00
CADD Technician			
D. Tillson	18.25	2.00	36.50
Field Tech I			
J. Gormley	17.00	4.00	68.00
D. Shimamura	15.00	4.00	60.00
Total Direct Labor		14.00	\$ 256.50
Overhead @ 155.95			400.01
Fee @ 35% of Direct Labor			89.78
<b>**Invoice Total**</b>			<b>\$ 746.29</b>

Worked Performed

\*Cross sectioned Burnham Drive.

\* Calculated earthwork quantities for material moved by WNG.

Mike Clark, P.E., Project Manager





*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: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: BIOSOLID MIXING FACILITY DESIGN, PROFESSIONAL SERVICES**  
**CONTRACT WITH GRAY & OSBORNE**  
**DATE: NOVEMBER 9, 1995**

### **INTRODUCTION**

The City Council allocated \$200,000 in the 1995 budget to design and build a biosolid mixing facility at the Waste Water Treatment Plant site. We currently have a contract with Gray & Osborne Engineers Inc. to provide us with the construction support services for the Treatment Plant Expansion project. They are most familiar with our new biosolid production and classification concepts. We feel that they are the most qualified to design such a facility for us. Mark and I met with the firm's representatives and requested them to provide us a proposal for the design of the biosolid mixing facility. They submitted the enclosed proposal for such services in the amount of \$ 34,207.00.

We believe this is a reasonable fee for the service. Therefore, I am recommending the City Council's authorization to hire Gray & Osborne to design the biosolid mixing facility for the City in an amount not to exceed \$34,207.00.

### **BACKGROUND/ISSUES**

We will be able to produce Class A biosolids with our new expanded Treatment Plant. This type of biosolid is allowed by Department of Ecology and Environmental Protection Agency to be used as a soil amender. The mixing facility will be designed to mix the biosolids with topsoil and sawdust. After the topsoil and sawdust are added, the final product can be marketed to landscaping nurseries and to private property owners.

We currently transport our biosolids to the City of Tacoma. Our original contract with them expired last April. We advised them that we are in the process of expanding our treatment plant and needed additional time before we discontinue using their plant for our biosolids. The City of Tacoma is willing to work with us until we complete our plant expansion project and the completion of the biosolid mixing facility.

The City of Tacoma is producing Class A biosolids at their plant by utilizing a different process than what we have at our plant. Tacoma mixes the biosolids with topsoil and sawdust and markets the end product. The demand for this end product has been incredibly high. Last summer, Tacoma had a waiting list of approximately 100 people wanting to receive this product. Tacoma charges a nominal fee to cover their cost of mixing and delivering the end product.

After our mixing facility is completed, we will be utilizing the same process as Tacoma is using. I do not anticipate that this project will totally offset our cost of producing the end product. However, I anticipate that our biosolid disposal costs would decrease initially, and perhaps over a five year period we would be able to totally offset our costs after the product is recognized and accepted by the Gig Harbor market.

The biggest advantage of building such a mixing facility is not necessary to offset our costs or to decrease the biosolid disposal costs. We must become self sufficient in our method of disposing our biosolids. As you know, the disposal of biosolids has been the Public Works Department's number one challenge. We first had a contract with Solganic Corporation to dispose the biosolids at a old mining field in Centralia. Solganic lost its disposal site due to changing the environmental regulations. Consequently, we lost our contract with Solganic. We then contracted with the Kitsap County Landfill. That contract lasted less than two years, as the Kitsap County Health Department told us that we could no longer take our biosolids to their landfill site. We then contracted with the City of Tacoma on an interim basis to deal with the biosolid disposal issue. As I stated previously, this contract expired back in April and we are now operating on a month to month basis with Tacoma.

The City of Tacoma is not interested in doing a long term contract with us. They are doing very creative things to deal with the disposal costs of their own biosolids. They helped us on interim basis and will only provide this help on an interim basis. They are concerned that if they do this permanently, they would be in a position to accept biosolids from other plants in other jurisdictions in Pierce County.

The City should continue to look for other alternatives for disposing our biosolids. It has been my experience over the five years of dealing with this issue, that the more options we have, the better off we will be. Rather than putting all of our eggs in one basket, we should look for other options along with the biosolid mixing option.

### **FISCAL CONSIDERATIONS**

We are currently paying approximately \$80,000 to the City of Tacoma for the biosolids disposal cost. If we perform the mixing operations on our own, the following estimate would be the approximate cost involved.

We will be producing approximately 1,700 C.Y. of biosolids per year. This product will be mixed with 850 C.Y. of saw dust and 850 C.Y. of sandy dirt. I anticipate that we could get the dirt at \$8.00 C.Y and the sawdust at \$2.50 C.Y. The total material cost of the mixed end product would then be \$8,925.

We are not planning on hiring a new employee to run this operation. The existing treatment plant personnel would be mixing the product and the Public Works Crew would be delivering it. We would utilize approximately 12 manhours per week for the combined mixing and delivering operations. The total annual manpower cost of this operation would be \$12,480 (\$20 per hour salary

and benefits of an Operator and/or Maintenance Worker).

We will need to purchase approximately \$200,000 worth of equipment for this operation. The equipment should be depreciated over a ten period. The depreciation cost of the equipment should then be \$20,000 per year. The equipment maintenance and operation costs should be roughly \$7,500 per year.

The total annual cost for this operation would then be as follows:

$\$8,925 \text{ Material Cost} + \$12,480 \text{ Labor Cost} + \$27,500 \text{ Equipment Cost} = \$48,905 \text{ Annual Cost}$ .

This translates to \$14.38 per C.Y. mixed product cost. Even if we do not charge anything to the public and deliver the product free of charge, this cost is approximately \$30,000 lower than the current biosolid disposal costs to the City.

The City of Tacoma charges \$5.00 per C.Y. for the disposal of the mixed product. In addition, they charge \$10.00 for 10 C.Y. for the 10 miles distance delivery cost.

#### **RECOMMENDATION**

I recommend a Council motion to authorize the Mayor to sign the enclosed professional services contract with Gray & Osborne to design the biosolid mixing building for up to \$34,207.00.



**Gray & Osborne, Inc.**  
CONSULTING ENGINEERS

November 7, 1995

Mr. Ben Yazici, P.E.  
Director of Public Works  
City of Gig Harbor  
3105 Judson Street  
P.O. Box 145  
Gig Harbor, Washington

**SUBJECT: COST PROPOSAL, ENGINEERING SERVICES FOR BIOSOLIDS STORAGE AREA, WASTEWATER TREATMENT PLANT EXPANSION, CITY OF GIG HARBOR, PIERCE COUNTY, WASHINGTON; G&O #99958.62**

Dear Mr. Yazici:

We are pleased to present this proposal for providing design services and construction management assistance for the proposed Wastewater Biosolids Storage Area Project. The proposed scope of work for engineering services is attached. As indicated in the scope, we would provide complete design and bid services for the project, including survey and geotechnical evaluation of the site. We offer these design services for the estimated cost of \$34,207.

Also, as described in the enclosed scope of work, we would provide construction management assistance for the project, including submittal review, construction meeting attendance, record drawings, and periodic site visits. These construction management assistance services are offered for the estimated cost of \$17,946. We understand that daily on-site inspection of construction activities will be provided by the City.

Thank you for the opportunity to present this proposal for engineering services. We look forward to continuing our working relationship with the City on wastewater projects.

Very truly yours,

GRAY & OSBORNE, INC.

John P. Wilson, P.E.

JPW/kmk

Encl.

**City of Gig Harbor  
Biosolids Storage Area  
Scope of Work**

- A. Engineering services will be provided to design a covered area on the west side of the existing wastewater treatment plant for storage and mixing of biosolids with sand and topsoil. Design of the following facilities will be provided:
1. Pre-engineered steel building with steel roof, gutters and downspouts, 18-foot eave height, 40-foot clear span between vertical columns, 8,400-square foot covered area.
  2. Lighting and 120V power (outdoor receptacles).
  3. Ecology block side walls on three sides of building.
  4. Concrete slab floor at building.
  5. Building floor drains with piping connection to sanitary sewer.
  6. Asphalt driveway and vehicle work area for access to building and turn-around space.
  7. Site stormwater drainage.
  8. Potable water supply piping and yard hydrants.
- B. Final Design Engineering Services
1. Undertake final design, prepare construction plans, specifications, and contract documents for the bidding and construction of the proposed project by a general contractor. These plans and specifications will detail the major required construction activities described in (A) above. Submit a letter report describing the project to the Department of Ecology.
  2. The final plans and specifications will be of such standards as to insure intelligent and competitive bidding by the constructors. The plans and specifications will be in accordance with the City's Design Standards. Design drawings will be produced in Auto-CAD format. The Engineer will provide plans and specifications in the quantity as required.  
  
Upon completion of the project, the original mylar sheets, together with Auto-CAD files on 5-1/4 inch diskettes will be provided.
  3. Prepare estimated quantities and cost estimates for the project.
  4. Provide copies of construction plans and specifications for submitting to the City and DOE for review and approval. Incorporate review comments in final copies of these project documents.

5. Provide bid services including management of bid document printing, advertisement, distribution to bidders and planholders/plan centers, clarification responses to bid inquiries, issuing of any addenda, and bid opening. Analyze contractor's bids and provide the City a bid summary and written recommendation of bid award.
6. Provide engineering assistance during construction including the following:
  - a. Attend pre-construction conference.
  - b. Review shop drawing submittals including equipment O&M manuals submitted by Contractor.
  - c. Review "OR EQUAL" products for conformance with project specifications.
  - d. Clarify design intent to respond to City and Contractor questions during construction.
  - e. Attend job meetings and make site visits to periodically observe construction progress, as needed.
  - f. Prepare change orders, if any.
  - g. Attend project final walk-through at construction completion.
  - h. Provide record drawings.

Engineering assistance during construction will not include on-site inspections services, which shall be provided by the City.

- C. The not-to-exceed cost for performing the engineering services described above shall be \$52,153.



**Exhibit B  
Engineering Services  
Cost Estimate**

**Biosolids Facility  
City of Gig Harbor  
Pierce County**

**Design**

Direct Labor:				
Individual	Rate	Hours	Subtotal	Total
Project Manager	\$40	18	\$720	
Project Engineer				
Civil	26	124	3224	
- Structural	32	40	1280	
Electrical	26	64	1664	
Technical/Drafting	18	217	3906	
Survey	55	<u>20</u>	<u>1100</u>	
Subtotal Labor Costs		463	\$11,894	
Total Direct Salary Costs				\$11,894
Indirect Salary Costs @ 134%				<u>15,938</u>
Labor Costs				\$27,832
Fee @ 15%				<u>4,175</u>
Subtotal Salary and Related Costs				\$32,007
Subconsultants				
Geotechnical				\$1,000
Fee on Subconsultants @ 10%				\$100
Expenses				
Printing				\$1,000
Mileage				<u>\$100</u>
Total Cost				\$34,207





City of Gig Harbor. The "Maritime City."

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

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: TREATMENT PLANT CONSTRUCTION, CHANGE ORDER #2**  
**DATE: NOVEMBER 8, 1995**

### **INTRODUCTION**

We are almost ready to complete our WasteWater Treatment Plant Expansion Project. Attached is Construction Change Order #2, which requires your authorization for my signature. The total cost of Change Order #2 is \$14,158.90, including sales tax. I recommend your approval of this change order.

### **BACKGROUND ISSUES**

We hired McClure & Sons Inc. in August of 1994 to build the Treatment Plant Expansion Project, after a competitive bidding process. The initial contract amount with this contractor was \$2,213,570.66. The project is now 99% complete. I expect full completion not later than December 1, 1995.

Since the award of the project, I have approved one change order. The total cost of Change Order #1 is \$10,104.22. This change order amount was within the City Council's preauthorization for the Public Works Director approval prior to the City Council's approval. This change order covers the following additional unexpected expenses and a copy of these expenses are attached for your information:

**Change Order #1** covers the following items:

- 1) The relocation of process water and chlorine solution lines.
- 2) Modifications to the Clarifier piping.
- 3) Removal of an existing electrical vault west of the aeration basins.
- 4) Patch and repair existing aeration basin exterior wall.
- 5) The installation of the clarifier scum pipe at an elevation lower than shown on as-builts.
- 6) The installation of the headworks cyclone degritter inlet riser pipe to provide for the connection of a future second cyclone digester.
- 7) The extension of the contract time due to inclement weather and unworkable site conditions during October and November 1994.

**Change Order #2** covers the following items:

- 1) The relocation of existing light pole.
- 2) RAS pipe air vent from clarifier.
- 3) Replacement of existing screening hopper at the headwork.

- 4) Electrical power service to centrifuge slide gate.
- 5) Mud valve and pipe support modifications.
- 6) Digested equipment mounting modifications.
- 7) Weir opening and grating supports for west aeration basin.
- 8) On-off selector switch to new clarifier.
- 9) Replacement of foam cutter shafts.
- 10) Modifications to headwork septage receiving station.
- 11) Digested sludge pump remote speed control at centrifuge control panel.
- 12) Modifications the dissolved oxygen analyzer probes (credit).
- 13) Modifications to aeration basin effluent splitter box slide gate (credit).
- 14) Modifications of asphalt paving (credit).

The brief description of the above items are also attached for your information. These changes had to be made to assure proper operation of the plant. The total cost of Change Order #2 is \$14,158.90.

**FISCAL IMPACT**

With approval of Change Order #2, the total cost of the plant expansion project will be \$2,237,433.44. This amount is \$23,867.78 more than the initial contract amount of \$2,213,570.66. We have sufficient funds in our Sewer Department to pay for this additional amount.

I anticipate there will be a final change order before the project is completely closed. This change order will not only address a few pay items that we are still negotiating with the contractor, but will also address all of the credits that we will receive from the contractor due to unused quantities. Depending upon the outcome of the negotiation process, it is my anticipation that we will complete the entire project either approximately \$3,000 less than the initial contract amount or \$28,000 more than the initial contract amount.

**RECOMMENDATION**

I recommend a Council motion to authorize the Public Works Director to approve the Waste Water Treatment Plant Expansion Project Change Order #2 in the amount of \$14,158.90.

**GRAY & OSBORNE, INC.  
CONSULTING ENGINEERS  
SEATTLE & YAKIMA, WASHINGTON**

**G&O #91761.01  
CHANGE ORDER NO. 2  
NOVEMBER 7, 1995**

**CITY OF GIG HARBOR  
PIERCE COUNTY,  
WASHINGTON  
OWNER**

**MCCLURE & SONS, INC.  
16300 MILL CREEK BLVD.  
MILL CREEK, WA 98012  
CONTRACTOR**

---

Under contract for WASTEWATER TREATMENT PLANT EXPANSION, the following changes are hereby authorized:

**Item No. 1 - Relocate Existing Light Pole (PC8A)**

Relocate the existing light standard on the northeast corner of the existing aeration tank. Work shall include a new bracket and concrete anchor bolts to support the light pole off the east effluent channel wall of the existing aeration tank.

Justification: The existing light standard conflicts with the installation of the new slide gate to be installed at the north end of the effluent channel of the aeration tank. To relocate the light standard, an additional bracket is required because the east wall of the existing aeration basin is narrower than the existing north wall of the aeration tank which the light standard was originally mounted on.

Total Cost of Item No. 1 (Without Sales Tax) ..... \$2,530.88  
Total Time Extension for this Item (Working Days)..... 15

**Item No. 2 - RAS Pipe Air Vent From Clarifier (PC11)**

Connect a vent pipe to the six (6) inch RAS pipe from the new clarifier. Materials include a (1) inch galvanized pipe, service saddle, ball valve, support brackets and fittings.

Justification: In constructing the new secondary clarifier and reconnecting the existing six (6) inch RAS pipe, a high point existed in the piping between the clarifier and RAS pumps. In lieu of digging up and reconstructing the existing six (6) inch RAS pipe, a vent is required to prevent potential air locks in the pipe.

Total Cost of Item No. 2 (Without Sales Tax) ..... \$547.34

**Item No. 3 - Replace Existing Screening Hopper at the Headworks (PC12A)**

Fabricate a new aluminum hopper to collect solids discharged from the rotary screens at the head works.

Justification: Since the new rotary screen is longer than the existing rotary screen and hopper, modifications to the existing hopper would be extensive to accommodate both rotary screens. Therefore, a new hopper is required to insure the screenings will be collected from the chutes of both rotary screens.

Total Cost of Item No. 3 (Without Sales Tax) ..... \$2,088.08

**Item No. 4 - Provide Electrical Power To Centrifuge Slide Gate (PC13)**

Provide power and remote control circuit for the centrifuge slide gate operator.

Justification: The centrifuge slide gate specified for the project is equipped with an electrical operator and the P&ID drawing on sheet E-2 indicates a hand control switch. The drawings on sheet E-7 and E-14 do not provide information for connecting the slide gate to a power source. To make the slide gate function properly, power and a control circuit is required and facilitates the operation of the centrifuge system.

Total Cost of Item No. 4 (Without Sales Tax) ..... \$1,559.88  
Total Time Extension for this Item (Working Days)..... 5

**Item No. 5 - Mud Valve and Pipe Support Modifications (PC14)**

Install pipe supports and brackets for existing eight (8) inch ductile iron pipe and mud valves inside the new thermophilic aerobic digester. The work also includes repairing the leaks around existing ductile iron pipes penetrating the concrete walls.

Justification: When installing the mud valves and valve boxes in the thermophilic aerobic digester, the contractor found the existing eight (8) inch ductile iron pipe to be loose at the wall penetration as well as out of plumb. To prevent further leaks and maintain vertical alignment of the ductile iron pipe, stainless steel support brackets are required. In addition, the stainless steel brackets support the extra weight from the mud valves and ductile iron spools that were connect to the existing wall spools.

Total Cost of Item No. 5 (Without Sales Tax) ..... \$1,755.85

**Item No. 6 - Digester Equipment Mounting Modifications (PC16)**

Provide equipment mounting pads which connect or tie into the structural slab of the thermophilic aerobic digester roof. Work to include blockouts, piers and rebar to anchor equipment mounting pads to the structural elements of the slab.

Justification: The topping slab over the structural slab of the thermophilic aerobic digester roof is not intended to transfer or resist the forces required to secure the equipment. To anchor the equipment, modifications are required to transfer the equipment loads to the structural portion of the roof slab by using additional rebar and concrete piers.

Total Cost of Item No. 6 (Without Sales Tax) ..... \$1,560.92

**Item No. 7 - Weir Openings and Grating Supports for West Aeration Basin (PC19)**

Modify form work, rebar, hand rail and grating on west wall of aeration basin to allow for weir opening between basin and influent channel.

Justification: The drawings did not clearly identify the weir openings in the west wall of the aeration basin. In order for plant flows to circulate through the plant as specified in the contract documents, the weirs are necessary to transfer flows from the aeration basin to the selector zones through the influent channel. To accommodate the weir openings the supports for the hand rails and grating require modification.

Total Cost of Item No. 7 (Without Sales Tax) ..... \$3,044.61  
Total Time Extension for this Item (working days) ..... 2

**Item No. 8 - On-Off Selector Switch to New Clarifier (PC21)**

Provide an on-off selector switch in the control circuit for the new clarifier.

Justification: To assist operators with routine maintenance and enhance safety while working at the new clarifier, a on-off switch is requested by the Chief Plant Operator.

Total Cost of Item No. 8 (Without Sales Tax) ..... \$549.82

**Item No. 9 - Replace Foam Cutter Shafts (PC22A)**

Provide new foam cutter shafts which are longer and extend below the pan joists of the thermophilic aeration digester roof structure. Work includes fabrication of new shafts and installation of shafts.

Justification: The length of the foam cutter shafts provided with the equipment were based on the water surface elevation in the digester basin. The drawings indicated the bottom of the shafts to be two (2) feet above the water surface in the basin. Setting the length of the shafts on this criteria, placed the bottom of the shaft between the pan joists of the roof structure. For proper operation, the bottom of the foam cutter shafts are required to be below the pan joists.

Total Cost of Item No. 9 (Without Sales Tax) ..... \$3,620.40  
Total Time Extension for this Item (Working Days)..... 30

**Item No. 10 - Modification to Headworks Septage Receiving Station (PC23)**

In place of the metal trash basket at the septage receiving station the Contractor shall install a bar screen and wooden baffles. The bar screen and baffles are to be supported with metal angles securely fastened with concrete anchors. Work shall include fabrication, labor, equipment and materials to install the bars screen and baffles.

Justification: The metal trash basket as specified in the plans and specifications has an over all weight in excess of 1,300 pounds as noted by the Contractor. At this time there are no mean available at the treatment plant which allow the plant operators to lift and empty the basket into the dumpsters. To over come the need to purchase additional equipment or install a fixed jib crane for lifting the trash basket, the bar screen and baffles serve as a substitute for the trash basket.

Total Cost of Item No. 10 (Without Sales Tax) ..... \$1,095.74

**Item No. 11 - Digested Sludge Pump Remote Speed Control At Centrifuge Control Panel (PC26)**

Provide a signal transmitter monuted in a Nema 4X enclosure with a 4-20 mA potentiometer. The enclosure is to be mounted on top of the centrifuge control panel to allow the plant operators to operate the control switch and visually monitor the centrifuge. The cost includes all materials, labor and equipment to install the remote speed control and enclosure.

Justification: To properly control the feed rate to the centrifuge, the operator should be cable of adjusting the flow rate from the digested sludge pump while visually monitoring the centrifuge operation in the Sludge Dewatering Area. For this to occur, a speed control switch (potentiometer) is required at the centrifuge control panel. The centrifuge control panel as illustrated on sheet E-14 does not provide sufficent detail for the installation of a remote control switch for the digested sludge pump.

Total Cost of Item No. 11 (WITHOUT SALES TAX) ..... \$1,718.72



**Item No. 12 - Modification To The Dissolved Oxygen (D.O.) Analysers/Propes (PC20A)**

All remaining work associated with the cleaning, recalibration and installation of D.O. equipment shall be deleted for the Project.

Justification: During the course of the Project a couple of D.O. Analyzers were disconnected to allow an authorized repair center to clean and recalibrate the equipment. Prior to this work taking place, discussions among the City, Contractor and Gray & Osborne concluded that the cost to clean and recalibrate the D.O. equipment would most likely equal or exceed the cost to purchasing new D.O. units. Therefore, the Contractor was requested not to proceed with any additional work related to the D.O. equipment.

Total Cost of Credit for Item No. 12 (WITHOUT SALES TAX) ..... (\$4,400.00)

**Item No. 13 - Modification To Aeration Basin Effluent Splitter Box Slide Gate (PC20A)**

Repair to the existing slide gate at the effluent splitter box of the aeration basin was deleted from the Project.

Justification: During the course of work on the existing aeration basin which included installation of diffusers and the repair of the realignment of the slide gate. To perform this work the Contractor installed portable pumps to bypass the effluent channel. Plant operations allowed eight hours to install the diffusers and realign the slide gate. The Contractor estimated that it would take a minimum of eight hours to realign the slide gate. Based on plant operations it was determined that an additional eight hours would adversely impact the treatment process and the slide gate realignment was not critical element of the Project. Therefore, the Contractor was requested not to proceed with the work associated with realignment of the slide gate.

Total Cost of Credit for Item No. 13 (WITHOUT SALES TAX) ..... (\$750.00)

**Item No. 14 - Modification Of Asphalt Paving (PC20A)**

All work associated with the asphalt paving under Bid Item No. 7, Excavation, Backfill and Wastehaul shall be removed from the Project.

Justification: The Contractor has indicated there is little interest by paving contractors to pave the areas with the plant and access road. Several attempts have been made by the Contractor to obtain competitive bids for the asphalt work. In consideration of the prices quoted for the paving work and the time of year which this work would be performed, it

was decided to delete this work for Bid Item No. 7 and incorporate this work in a future City project.

Total Cost of Credit for Item No. 14 (WITHOUT SALES TAX) ..... (\$1,800.00)

\*\*\*\*\*

Total Cost of this Change Order (Without Sales Tax) ..... \$13,122.24

Total Sales Tax (7.9%) for this Change Order ..... 1,036.66

Total Cost for this Change Order Including Sales Tax..... \$14,158.90

Total Time Extension for this Change Order (Working Days) ..... 52

Original Construction Completion Date ..... September 19, 1995

Revised Construction Completion Date ..... January 31, 1996

\*\*\*\*\*

This document will become a supplement to the Contract and all provisions apply hereto. All items on this Change Order will be performed in accordance with the Contract Plans and Specifications, except as noted above.

Recommended by:

Mr. John P. Wilson, P.E.  
Gray & Osborne, Inc.  
(Engineer)

John P. Wilson P.E. Engr. Nov 7, 1995  
Name and Title Date

Accepted by:

Mr. Jim Vogt  
McClure and Sons, Inc.  
(Contractor)

\_\_\_\_\_  
Name and Title Date

Approved by:

Mr. Ben Yazici  
City of Gig Harbor  
(Owner)

\_\_\_\_\_  
Name and Title Date

Five Copies: (1); Contractor (1); Engineer (1); Resident Engineer (1); (1) DOE

GRAY & OSBORNE, INC.  
CONSULTING ENGINEERS  
SEATTLE & YAKIMA, WASHINGTON

G & O #91761.01  
CHANGE ORDER NO. 1  
AUGUST 30, 1995

CITY OF GIG HARBOR  
PIERCE COUNTY  
WASHINGTON  
OWNER .

McCLURE & SONS, INC.  
16300 MILL CREEK BLVD  
MILL CREEK, WA 98012  
CONTRACTOR

Under contract for WASTEWATER TREATMENT PLANT EXPANSION, the following changes are hereby authorized:

Item No. 1 - Relocation of Process Water and Chlorine Solution Lines

Relocate existing buried 3-inch PVC water line to west of new clarifier and install new 1-1/2-inch water line to connect in new location. Relocate buried 1- 1/2 inch PVC chlorine line and 3/4 inch PVC air gap water line to avoid interference with new clarifier.

Justification: Existing buried three inch process water piping, 1-1/2-inch chlorine line, and 3/4-inch air gap water piping were found in a different location than shown on the as-built drawings. The Contractor is unable to install the new pipe in accordance with the plans and has to relocate the lines and install additional piping to avoid the new clarifier. All costs include labor, materials and equipment required to perform the work. An additional three days of time will be added to the contract due to the apparent impact on contractor's schedule.

TOTAL COST OF ITEM NO. 1 (WITHOUT SALES TAX) .....\$1,927.17  
TOTAL TIME EXTENSION FOR THIS ITEM (WORKING DAYS)..... 3

\* \* \* \* \*

Item No. 2 - Clarifier Piping Modifications

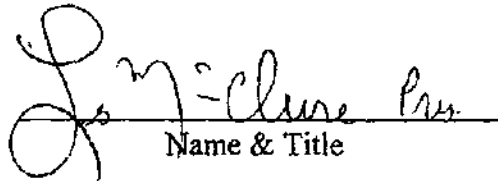
Install new buried 20" clarifier pipe and fittings to connect to existing stub-out at invert elevation 22.6 instead of I.E. 24.00 as shown on the plans.

City of Gig Harbor  
Wastewater Treatment Plant Expansion  
Change Order No. 1 - Continued  
Page 2

City of Gig Harbor  
Wastewater Treatment Plant Expansion  
Change Order No. 1 - Continued  
Page 6

Accepted by:

Mr. Jim Vogt  
McClure & Sons, Inc.  
(Contractor)

  
Name & Title

9-25-95  
Date

Five copies: Owner (1); Contractor (1); Engineer (1); DOE (1)