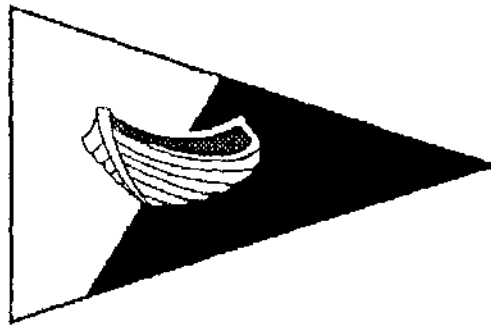


**GIG HARBOR  
CITY COUNCIL MEETING**



**AUGUST 8, 1994**

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

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**August 8, 1994 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**PUBLIC HEARING:**

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

**OLD BUSINESS:**

1. Second Reading - Ordinance, Annexation 93-02, Nelson.
2. Second Reading - Ordinance Amending UECA Agreement - Gig Harbor Car Wash II.

**NEW BUSINESS:**

1. HEX Recommendation/Resolution - SPR 94-01 North Office Retail Building.
2. Rosedale Street Traffic Signal.

**STAFF REPORTS:**

Ray Gilmore - Planning/Building.

**MAYOR'S REPORT:**

Station KGHP - Emergency Communications.

**COUNCIL COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:**

**ADJOURN:**

## REGULAR GIG HARBOR CITY COUNCIL MEETING OF JULY 25, 1994

**PRESENT:** Councilmembers Stevens Taylor, Markovich, Picinich and Mayor Wilbert. Councilmembers Platt and Ekberg were absent.

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

Judy Larson - 7904 Schoolhouse Avenue - Ms. Larson explained that her daughter was hit crossing the street by someone pulling out of the high school parking lot this spring. She stated the traffic at that intersection during the hours of 7:15 a.m. to 8:30 a.m. is a nightmare and would like to see a pedestrian pushbutton crosswalk at that site. She added that the high school is often used for other community events. She also said that the 25 mph speed limit in that area is not being enforced.

Greg Larson - 7904 Schoolhouse Avenue - Mr. Larson introduced himself as Judy's husband and expressed gratitude to the Mayor and council for allowing them to speak on the issue of the intersection at the high school. He thanked Ben Yazici for working with them and the neighborhood. He said the current light is no more than what was there previously. He stated that so much money and time is being spent on the aesthetic appeal of Gig Harbor, but he feels it is the city's primary responsibility to consider the safety and well-being of the citizens. He said the funds should be made available to add the Opticon and pedestrian push-button crosswalk to the system and activate it as soon as possible.

Frank Kinney - 7969 Beardsley Avenue - Mr. Kinney stated his concerns are the same as his neighbors. He said it is ludicrous that so much time is being spent deciding who is going to pay for the upgrades to the signal. He suggested a pedestrian crosswalk button and warning signs stating there are crosswalks and that you must stop when occupied. He also said people drive much faster than 25 mph in this area.

### **SPECIAL PRESENTATION:** Performance Circle - The Meadow.

Joe Loya and Kathy McGuillard presented an overview of the plans and intentions that Performance Circle has for The Meadow on Peacock Hill. They presented council with a brochure and explained renderings with different roofline possibilities to fit in with the 100 year old Peacock Hill Home, currently used as a restaurant. They added that the cultural and educational capabilities of a facility of this type would be a great addition to the City of Gig Harbor.

### **CALL TO ORDER:** 7:30 p.m.

**MOTION:** Move we table item #2 under new business, HEX Recommendation - SPR 94-01 North Office Retail Building, to the next regular council meeting of August 8th, because there wouldn't be a voting quorum.  
Picinich/Markovich - unanimously approved.

## APPROVAL OF MINUTES:

**MOTION:** Move approval of the minutes of the July 11, 1994 meeting.  
Markovich/Picinich - two voted in favor with Councilmember Stevens-Taylor abstaining.

**MOTION:** Move approval of the minutes of the special council meeting of July 19, 1994, with correction.  
Markovich/Stevens Taylor - unanimously approved.

## OLD BUSINESS:

1. Second Reading - Ordinance Adopting the 1994 Nonresidential Energy Code. Ray Gilmore introduced the second reading of this ordinance and asked council to amend the effective date to September 1st. He asked council to allow him to execute a one-year contract with a licensed inspector to do energy code inspections allowing time for Steve Bowman to become certified.

**MOTION:** Move approval of Ordinance #679 with an amendment to Section 4 providing for an effective date of September 1, 1994 and a that a one-year contract with an independent inspector be drafted and brought back to council.  
Markovich/Picinich - unanimously approved.

2. Right-of-Way Easement - Coho Street. Carol Morris, legal counsel, summarized the information in her memo to council and explained that St. Nicholas had expected the city to assume responsibility for maintenance, repair and liability of the "driveway". She contacted Rick Evans, the church's representative and explained that council was concerned that this would constitute a gift of public funds. She informed Mr. Evans that to accept the conveyance of the property and to do the requested improvements to the driveway, the church would be required to accept an easement which would transfer all ownership of maintenance, repair and liability back to the church. Mr. Evans indicated he did not think the church would accept this easement. Ben Yazici added that it was not necessary to obtain the easement to connect the water lines at this time.

**MOTION:** Move we stop the right-of-way easement proceedings with St. Nicholas Parish for the purpose of connecting the water lines between Coho Street and Edwards at this time.  
Picinich/Stevens Taylor - unanimously approved.

**AMENDED MOTION:** Move we direct legal counsel to communicate Council's decision to Rick Evans, the Church's representative.  
Picinich/Stevens Taylor - unanimously approved.

## NEW BUSINESS:

1. Resolution - Council Action on HEX Recommendation to Deny Rezone - REZ 94-01 Providence Ministries. Ray Gilmore presented this Resolution to follow-up on Council's decision to deny the requested rezone by Providence Ministries.

**MOTION:** Move adoption of Resolution #423 denying an application for a rezone from R-1 to RB-1 with a RB-2 contract overlay zone, rejecting the Hearing Examiner's recommendation of June 20, 1994.  
Markovich/Stevens Taylor - unanimously approved.

2. First Reading - Ordinance, Annexation 93-02, Nelson. Ray Gilmore presented the first reading of this ordinance to annex a one acre parcel located east of and adjacent to Soundview Drive. He added that the 45 day review period with Pierce County Review Board had passed without comment. This ordinance will return for a second reading at the next council meeting.

3. Award of Contract - WWTP Expansion Project. Ben Yazici gave a presentation of background information regarding the bidding process for this project which planning began back in 1988. He explained facts leading to the need for the three separate motions.

**MOTION:** Move to approve Richard L. Martin's bid withdrawal.  
Markovich/Picinich - unanimously approved.

**MOTION:** Move we deny the Pease Construction protest.  
Picinich/Stevens Taylor - unanimously approved.

**MOTION:** Move to award the Wastewater Treatment Plant Expansion Project to McClure & Sons Inc. for a total amount of \$2,213,570.66, which includes the optional items of Polymer Feed Equipment, Blower, Dissolved Oxygen Meters, Cyclone Degritter and existing Secondary Clarifier Modifications, with a proviso that this contract award be approved by the Department of Ecology and the Environmental Protection Agency.  
Markovich/Stevens Taylor - unanimously approved.

4. Shirley Avenue Water Extension - Latecomers Agreement. Ben Yazici presented this request from John Godulas to enter into a Latecomers Agreement with the city and eight lots on Shirley Avenue to help recoup his cost of installing an 8" water main to satisfy fireflow requirements. Ben explained that the other property owners currently being served by private wells would not be required to hook to the line, but that in the future if they choose to do so, would be required to pay a proportionate cost of installing the line.

**MOTION:** Move to authorize the Mayor to sign the attached Latecomers Agreement after the line is constructed and the true cost of the line is identified. The

Agreement currently shows the estimated cost of the project, which is anticipated to be within 10% of the estimated cost of \$17,646.47, and that the latecomer's fee will include a 15% administrative fee.  
Stevens Taylor/Markovich - unanimously approved.

**AMENDED MOTION:** Move to include an Exhibit 'A-1' with a legal description to be recorded.  
Markovich/Stevens Taylor - unanimously approved.

5. Amendment to UECA Agreement - Gig Harbor Car Wash II. Ben Yazici explained the Ordinance amending Section 13.32.060 to reduce the ERU assignment from 20 to 7.5 ERUs relating to sewer rates and charges, amending the hook-up charge for tunnel car wash use. This ordinance will return at the next council meeting for a second reading.
6. Liquor License Request - Gabe's Ristorante Italiano. No action taken.

### **STAFF REPORTS:**

Ray Gilmore - Planning/Building. Ray passed out the final, approved copy of the Shoreline Master Program. The Mayor and councilmembers congratulated Ray and thanked him for his hard work on this project.

Tom Enlow - Finance Director. Tom passed out a copy of the Quarterly Report and gave a brief overview.

**MAYOR'S REPORT:** None scheduled.

### **COUNCIL COMMENTS:**

Nick Markovich asked Ben when the light at the high school would be finalized and fully actuated. Ben explained that two separate traffic studies confirmed that the light wasn't necessary until The Heights neighborhood was fully developed, approximately one year. Councilman Markovich stated he felt the funds should be spent now, since we were planning to install the improvements within one year anyway, to add the Opticon and push button pedestrian crosswalk to get the light fully functional now, before someone else is seriously injured.

John Picinich added he avoided that route on his way to work because of the traffic. He said he felt the light should be activated in advance of September 1st to get vehicles used to the idea.

Jeanne Stevens Taylor voiced concerns of setting precedence if we deviate from the traffic study results and suggested interim measures such as enforcing the 25 mph speed limit. She said the city should be consistent with what is required.

Ben Yazici answered their questions and asked if council wished to direct him to begin the process to update the signal. Council directed Ben to bring this item back for the next council agenda.

**ANNOUNCEMENT OF OTHER MEETINGS:**

A time for a joint meeting with Peninsula Light Company and the City Council, regarding Utility Undergrounding, will be tentatively set for Thursday, August 15th.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of Warrants #12579 through #12662, in the amount of \$59,024.43.  
Picinich/Markovich - unanimously approved.

**EXECUTIVE SESSION:** None scheduled.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:07 p.m.  
Markovich/Stevens Taylor - unanimously approved.

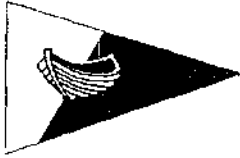
Cassette recorder utilized.  
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Tape 358 Side A 000 - end.  
Tape 358 Side B 000 - end.  
Tape 359 Side A 000 - 006.

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Mayor

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City Administrator




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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:**  Ray Gilmore, Director, Planning Department-Building Department

**DATE:** August 3, 1994

**SUBJ.:** 2nd Reading of Ordinance -- Annexation 93-02 (Nelson)

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Attached for your consideration is the ordinance to annex an area as petitioned by Anna Nelson consisting of a one acre parcel located east of and adjacent to Soundview Drive. The Council passed Resolution #417 on May 9, 1994, accepting the annexation petition, subject to the conditions as described in the ordinance.

The Notice of Intention to Annex was filed with the Pierce County Boundary Review Board on May 24th, 1994. The Board's jurisdiction has not been invoked and the 45 day review period has lapsed. Consequently, the annexation is approved by the Pierce County Boundary Review Board.

The Council's adoption of the ordinance is requested.



**CITY OF GIG HARBOR  
ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR  
ADOPTING THE ANNEXATION FOR THE AREA KNOWN AS THE NELSON  
ANNEXATION (ANX 93-02) AS SUBMITTED BY PETITIONER ANNA NELSON AND  
ESTABLISHING A ZONING DESIGNATION OF R-2 (SINGLE FAMILY/DUPLEX) FOR  
THE AREA.**

WHEREAS, on December 21, 1993, a petition for annexation of approximately 1 acre was submitted for the property lying east of Soundview Drive, at 65th Street Court NW; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 100% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and

WHEREAS, the petitioner requests annexation to obtain city services, principally sewer, to correct an on-site sewage disposal problem; and,

WHEREAS, on the 8th of March, 1993, the City Planning Commission conducted a public hearing on the proposed zoning for the property; and,

WHEREAS, the Planning Commission found that a zoning designation of R-2 (single family/duplex) is appropriate for the parcel as the property is built-out with two-family dwelling units at a density compatible with the proposed zone; and,

WHEREAS, the City Council has reviewed the petition for annexation in which the petitioner agrees to annexation under the following terms:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as single family/duplex (R-2), subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code;

WHEREAS, on March 3, 1994 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at the public hearings of March 28, 1994 and May 9, 1994, the City Council does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, a Notice of Intention to annex was filed with the Pierce County Boundary Review Board on May 24, 1994 and the Board's jurisdiction was not invoked; and,

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

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

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as described in Exhibit "A" as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The area shall be zoned as single family residential/duplex (R-2) subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.

Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the 8th day of August, 1994.

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Gretchen Wilbert, Mayor

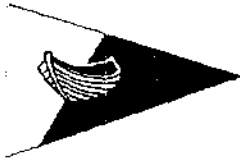
ATTEST:

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Mark E. Hoppen, City Administrator  
Filed with City Clerk: 7/20/94  
Ordinance Adopted: 8/8/94  
Summary of Ordinance Published: 8/17/94  
Effective Date: 8/22/94

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**ANX 93-02**

Beginning at the southwest corner of the south east quarter of Section 8, Township 21 North, Range 2 E.WM, thence east thirty feet along the south line of said section to the east right-of-way line of Soundview Drive; thence north along the east right-of-way line of Soundview Drive 380 feet more or less to the northwest corner of that parcel annexed to the City of Gig Harbor under Ordinance #370, which is the true point of beginning.



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**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: KIMBALL DRIVE CAR WASH, SEWER CONNECTION FEES**  
**DATE: August 4, 1994**

### **INTRODUCTION**

Mr. Phil Arenson is proposing to build a tunnel car wash facility on Kimball Drive. At the Council's regular meeting on July 11, 1994, he stated that the connection fee based upon 20 ERU (Equivalent Residential Unit) is too high and requested we modify the existing ordinance. The Council directed the staff to review his request and draft an ordinance amending the existing ordinance if Mr. Arenson's claim is valid. This is the second reading of the ordinance amending the existing ordinance.

### **RECOMMENDATION**

I recommend a Council motion to adopt the attached ordinance.

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SEWER RATES AND CHARGES, AMENDING THE HOOK-UP CHARGE FOR TUNNEL CAR WASH USE, TO REDUCE THE ERU ASSIGNMENT FROM 20 TO 7.5 ERU'S; AMENDING SECTION 13.32.060 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, RCW 35.92.025 allows the City to impose connection fees or hook-up charges in an amount calculated to cover a property owner's "equitable share" of the cost of the water and sewer system; and

WHEREAS, the total hook-up charge is calculated by assigning equivalent residential units (ERU) to certain classes of service, which is then applied on a proportionate basis; and

WHEREAS, in 1989, when the City calculated the hook-up charges set forth in Gig Harbor Municipal Code Section 13.32.060 for the use described as a "tunnel car wash," the City considered the water used by a standard tunnel car wash in use at that time, or 4,620 gallons of water per day; and

WHEREAS, since 1989, water-saving and recycling devices have been installed in tunnel car washes to reduce the amount of water used, and a standard tunnel car wash may now only use 1,680 gallons of water per day; and

WHEREAS, the ERU assignment to a tunnel car wash using 4,620 gallons of water per day is set in GHMC Section 13.32.060 as 20 ERU, but would be reduced to 7.5 ERU if calculated as using 1,680 gallons of water per day; and

WHEREAS, because this change involves projected flow calculations submitted by a property owner and approved by the City Engineer, actual flow will be monitored for a period of two years. The ERU will then be adjusted accordingly, and if the flows are underestimated, the property owner will be responsible for payment of a hook-up charge based upon the actual flow; now, therefore,

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

Section 1. Section 13.32.060(C) of the Gig Harbor Municipal Code is hereby amended to read:

13.32.060 Hook-up charges.

\* \* \*

C. There shall be an automatic hook-up charge adjustment each year based on the Engineering News Index construction costs factor.

<b>Class of Service</b>	<b>ERU Assignment</b>
<b>Residential</b>	
1. Single-family dwelling	1 ERU
2. Multifamily dwelling	1 ERU per dwelling
3. Trailer courts,	
a) permanent mobile home parks	1 ERU per rental space provided sewer service
b) transient RV parks	0.33 ERU per RV site provided sewer service
4. Bed and breakfast	1 ERU, plus 1 ERU per 5 rental rooms
5. Home business (residential primary use)	1 ERU

**Non-residential**

6.	High schools, junior high schools and community colleges 24 students	1 ERU per
7.	Elementary schools, preschools, day care 54 students	1 ERU per
8.	Churches	1 ERU per 150 seats
	- if parsonage	1 ERU additional
	- if weekday child care or church school	1 ERU per 54 students additional
9.	Hospitals - General	1 ERU per bed
10.	Convalescent/rest homes	1 ERU per 2 beds
11.	Hotels, motels	1 ERU per 2 rooms
	- if quality restaurant	1 ERU per 8 seats, additional
12.	Quality restaurants	1 ERU per 8 seats
13.	Fast food	1 ERU per 9 seats
14.	Tavern	1 ERU per 15 seats
15.	Service stations (without car wash)	2 ERUs
16.	Car wash	
	- Wand	1.5 ERUs per stall
	- Rollover	7.0 ERUs
	- Tunnel	<del>7.5</del> * 20 ERUs
17.	Laundromats	1 ERU per machine
18.	Commercial	1 ERU per 1600 sq. ft. or less of interior floor space

(Commercial shall include all classes not otherwise included on this table)

For commercial establishments in excess of 1,600 square feet of interior floor space, the city may use actual or projected flow calculations approved by the city engineer; provided, however, the minimum connection fee shall not be less than one equivalent residential unit. If projected flow calculations are used, the connection fee shall be adjusted after the first year of operation of the establishment to reflect actual flow usage in the event the flows were underestimated.

The hook-up fees marked with a \* above have been calculated based upon projected flow and will be monitored for a period of two years to determine whether the projected flow has been underestimated. If the flow has been underestimated, the property owner shall be billed and required to remit the additional amount of the hook-up fee which corresponds to actual use.

- |                                   |                      |
|-----------------------------------|----------------------|
| 19. Light industrial waste with   | Based on projected   |
| a) 30 lbs to 200 lbs of S.S.      | average monthly      |
| per day, or                       | flows during peak    |
| b) 30 lbs to 200 lbs of BOD       | season - 700 cu. ft. |
| per day, and                      | If projected flows   |
| c) less than 10,000 gallons       | are unknown then     |
| per day                           | basis is same as     |
|                                   | Class 16             |
| 20. Heavy industrial waste        | Same as Class 17     |
| with more than                    |                      |
| a) 200 lbs of BOD per day, or     |                      |
| b) 200 lbs of S.S. per day, or    |                      |
| c) 10,000 gallons or more per day |                      |

Where seating is on benches or pews the number of seats shall be computed on the basis of one seat for each 18 inches of bench or pew length.

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

APPROVED:

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MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: July 22, 1994  
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 \_\_\_\_\_, 1994, 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 SEWER RATES AND CHARGES, AMENDING THE HOOK-UP CHARGE FOR TUNNEL CAR WASH USE, TO REDUCE THE ERU ASSIGNMENT FROM 20 TO 7.5 ERU'S; AMENDING SECTION 13.32.060 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1994.

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



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(206) 851-8136

## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:**  Planning Staff

**DATE:** August 8, 1994

**RE:** SPR 94-01 -- Request for site plan approval for a retail/office building located at 5790 Soundview Drive.

---

Mr. Rick North is requesting site plan approval for an office/retail building at 5790 Soundview Drive. This is directly north from and adjacent to the veterinary clinic. The proposal includes a two story building of 8,208 square feet. Required parking will be provided on-site and additional overflow parking is proposed off-site in the Tacoma/Cushman right-of-way. Because the right-of-way is outside of City limits, the City's landscaping and parking standards cannot be applied to the right-of-way parking area. This issue has created disagreement between the Staff, the applicant, and the Hearing Examiner. The staff recommended that the driveway access to the right-of-way not be approved for the following reasons:

- (a) The City cannot directly incorporate the right-of-way area into its site plan review process because it is outside the City's jurisdiction.
- (b) As the right-of-way is outside the City's jurisdiction, the City cannot directly require its parking and landscape standards to be applied to the right-of-way.
- (c) The driveway access is not required for Tacoma to have access to its power line right-of-way. While Tacoma Light has opted to divide its right-of-way into multiple lease areas, the staff believes that the City should not be required to accommodate access to each lease areas if such access is at odds with the city's on-site landscaping requirements.
- (d) Allowing the requested access will result in an encroachment into the required 25 foot rear yard buffer which would require a variance from the landscaping standards. Moreover, the buffer area on the applicant's ownership is already being encroached upon with the proposed parking lot layout. Except for a small area of trees in the front, the rear yard buffer area is the only area on the site where preservation of significant vegetation can be achieved as required by GHMC section 17.78.050.

- (e) The staff does not believe the City should allow removal of vegetation that current codes require to be retained, particularly when such approval accommodates perpetuation of a linear parking strip along the freeway. Moreover, the State Department of Transportation's clearing activities along SR-16 leaves little assurance that a such parking strip will be screened from freeway visibility.

The applicant believes that GHMC section 17.78.100 should be applied to this parcel to accommodate the driveway's buffer encroachment. This section allows the planning director to approve an alternative landscape plan if it results in a superior result than that which would be achieved by strictly following requirements of this chapter. Respective to the items stated in (a) - (e) above, the staff does not believe that a superior landscaping plan has been proposed, but in fact the proposed plan is contrary to the letter and spirit of the landscaping section's requirements for buffer areas, retention of significant trees, and landscaping of parking lots (we cannot apply city landscaping standards for the Tacoma Light right-of-way parking lot due to tree height limits imposed by Tacoma City Light). The only area where the staff recommends some flexibility in the landscaping requirement as per section 17.78.100 is the parking lot encroachment into the buffer area on the applicant's ownership. This area does not appear to be a significant encroachment and the bulk of the required landscaping would be retained.

In testimony to the Hearing Examiner, the applicant indicated that the driveway is necessary to provide a hammerhead turnaround for a garbage truck. The staff is not supportive of allowing encroachments into required buffer areas for this purpose. If circulation cannot be achieved on the site within the parameters established by the zoning code, the applicant has the option of either:

- (a) Applying for a variance from the minimum standards of Section 17.78 if he believes code requirements prevent him from obtaining a reasonable use of the property due to site specific hardships; or,
- (b) Scaling the project down to fit within established parameters.

The Hearing Examiner did not agree with the staff on right-of-way access issue and is recommending that the City Council approve the proposed site plan. A copy of the Hearing Examiner's report, along with a site plan, landscaping plan and building elevations, is attached for the Council's review. Also attached is a copy of the staff report to the Hearing Examiner and a draft resolution reflecting the staff's recommendation to the Hearing Examiner. Two resolutions are presented for consideration: 1) the Hearing Examiner's Recommendation, and; 2) An alternative as a proposed modification of the Hearing Examiner's recommendation.

**CITY OF GIG HARBOR  
RESOLUTION # \_\_\_\_\_**

**WHEREAS**, Rick North has requested site plan approval for the construction of an office/retail building at 5790 Soundview Drive; and,

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

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 22, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 22, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 19, 1993; and,

**WHEREAS**; the City Council, during its regularly scheduled meeting of August 9, 1993, has considered the Hearing Examiner's recommendation and has determined that his recommendation relies upon (a) approval of an alternative landscape plan as defined in GHMC 17.78.100 which allows an alternative landscape plan if the landscape plan is superior to what would be achieved through a strict application of the code's landscaping requirements, or (b) a variance from the zoning code requirements to provide a twenty five foot wide buffer in the rear and to retain significant vegetation within perimeter and buffer areas (GHMC sections 17.78.090 and 17.78.050 respectively); and,

**WHEREAS**, the City Council has determined that the proposed landscape plan does not result in a superior landscape plan that what would be achieved through a strict application of the code but in fact results in less vegetative areas and in a significant loss of significant on-site vegetation that would otherwise be achieved through a strict application of the code; and

**WHEREAS**, a variance has not been granted to reduce the minimum rear yard buffer area; and

**WHEREAS**, the City Council has determined that the findings, conclusions and recommendations of the Staff in their report to the Hearing Examiner dated June 22, 1994 accurately reflect site conditions, zoning code requirements and building code requirements; and

**WHEREAS**, the City Council has determined that the findings accurately reflect site conditions,

## Council Resolution Hearing Examiner's Recommendation

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zoning code requirements and building code requirements;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, the recommendation of the Hearing Examiner is modified and the North Retail/Office Park site plan (SPR 94-01) is hereby approved subject to the following conditions:

1. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
2. All significant trees within the proposed buffer and perimeter landscape areas (front, rear, and sides) shall be retained, except for a 20 foot wide driveway access to the Tacoma/Cushman right-of-way. It will also require preliminary identification of the building and parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g., a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.
3. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
4. All parking stalls shall be a minimum of 9 feet x 19 feet except for required handicap stalls which shall be installed in accordance with ADA standards and as approved by the Building Official.
5. Fire hydrants must be within 150 feet of any portion of the building and the building must include a fire-sprinkler system as reviewed and approved by the Building Official/Fire Marshal.
6. All landscaping shall be installed prior to issuance of a final occupancy permit, or during the first growing season following occupancy if a landscape bond acceptable to the City is provided prior to issuance of the Certificate of Occupancy.
7. Prior to permit issuance a final landscape plan shall be reviewed and approved by the Planning Staff. The plan shall indicate (a) significant vegetation to be retained on both the front, rear, and side of the building, (b) specific plant species in accordance with zoning code landscaping requirements, and (c) a sprinkling plan.
8. The final site and landscape plan shall indicate a location for waste recycling bins.

Council Resolution Hearing Examiner's Recommendation

9. All trees, shrubs and/or power poles located within the right-of-way which interfere with safe sight distances shall be removed. The Public Works Department shall review and approve final site and landscape plans to assure adequate sight distance.

10 The landscape plan shall meet all regular provisions of the code

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of July, 1994.

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

ATTEST:

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

**CITY OF GIG HARBOR  
RESOLUTION # \_\_\_\_\_**

**WHEREAS**, Rick North has requested site plan approval for the construction of an office/retail building at 5790 Soundview Drive; and,

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

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated June 22, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 22, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated July 19, 1993; and,

**WHEREAS**, the City Council, during its regularly scheduled meeting of August 9, 1993, has considered the Hearing Examiner's recommendation and has determined that his recommendation relies upon (a) approval of an alternative landscape plan as defined in GHMC 17.78.100 which allows an alternative landscape plan if the landscape plan is superior to what would be achieved through a strict application of the code's landscaping requirements, or (b) a variance from the zoning code requirements to provide a twenty five foot wide buffer in the rear and to retain significant vegetation within perimeter and buffer areas (GHMC sections 17.78.090 and 17.78.050 respectively); and,

**WHEREAS**, the City Council has determined that the proposed landscape plan does not result in a superior landscape plan that what would be achieved through a strict application of the code but in fact results in less vegetative areas and in a significant loss of significant on-site vegetation that would otherwise be achieved through a strict application of the code; and

**WHEREAS**, a variance has not been granted to reduce the minimum rear yard buffer area; and

**WHEREAS**, the City Council has determined that the findings, conclusions and recommendations of the Staff in their report to the Hearing Examiner dated June 22, 1994 accurately reflect site conditions, zoning code requirements and building code requirements; and

**WHEREAS**, the City Council has determined that the findings, conclusions and recommendation



## Council Resolution - Modified Hearing Examiner Recommendation

of the Hearing Examiner in his report dated July 6, 1994, with the exception of conclusions B & C accurately reflect site conditions, zoning code requirements and building code requirements;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor, Washington, the recommendation of the Hearing Examiner is modified and the North Retail/Office Park site plan (SPR 94-01) is hereby approved subject to the following conditions:

1. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
2. All significant trees within the proposed buffer and perimeter landscape areas (front, rear, and sides) shall be retained. **This will require eliminating the proposed driveway access to the Tacoma/Cushman right-of-way.** It will also require preliminary identification of the building and parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g., a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.
3. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
4. All parking stalls shall be a minimum of 9 feet x 19 feet except for required handicap stalls which shall be installed in accordance with ADA standards and as approved by the Building Official.
5. Fire hydrants must be within 150 feet of any portion of the building and the building must include a fire-sprinkler system as reviewed and approved by the Building Official/Fire Marshal.
6. All landscapes shall be installed prior to issuance of a final occupancy permit, or during the first growing season following occupancy if a landscape bond acceptable to the City is provided prior to issuance of the Certificate of Occupancy.
7. Prior to permit issuance, a final landscape plan shall be reviewed and approved by the Planning Staff. The plan shall indicate (a) significant vegetation to be retained on both the front, rear, and side of the building, (b) specific plant species in accordance with zoning code landscaping requirements, and (c) a sprinkling plan.
8. The final site and landscape plan shall indicate a location for waste recycling bins.

Council Resolution - Modified Hearing Examiner Recommendation

9. All trees, shrubs and/or power poles located within the right-of-way which interfere with safe sight distances shall be removed. The Public Works Department shall review and approve final site and landscape plans to assure adequate sight distance.

10 The landscape plan shall meet all regular provisions of the code

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of July, 1994.

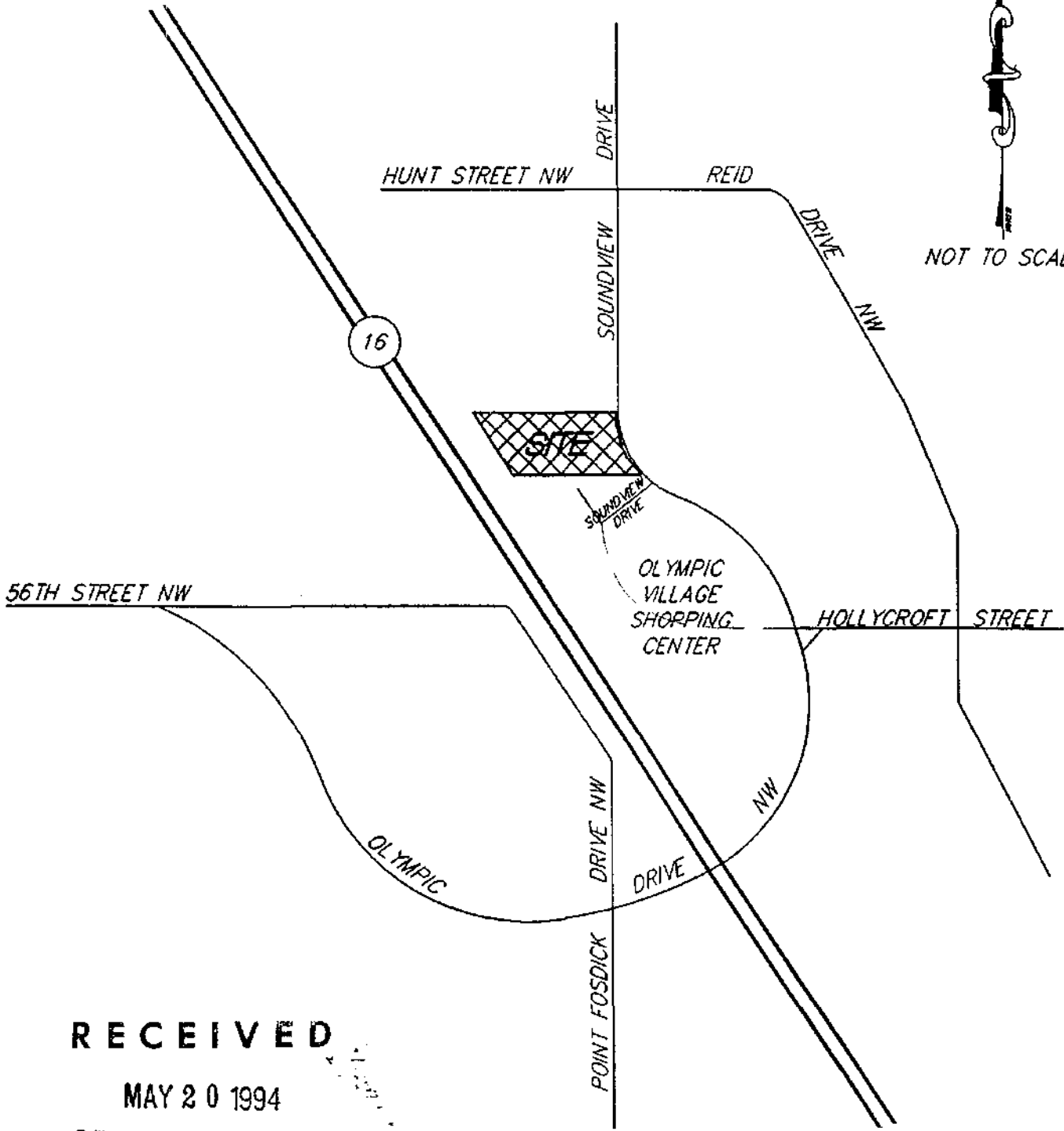
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

ATTEST:

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



NOT TO SCALE



RECEIVED

MAY 20 1994

CITY OF GIG HARBOR



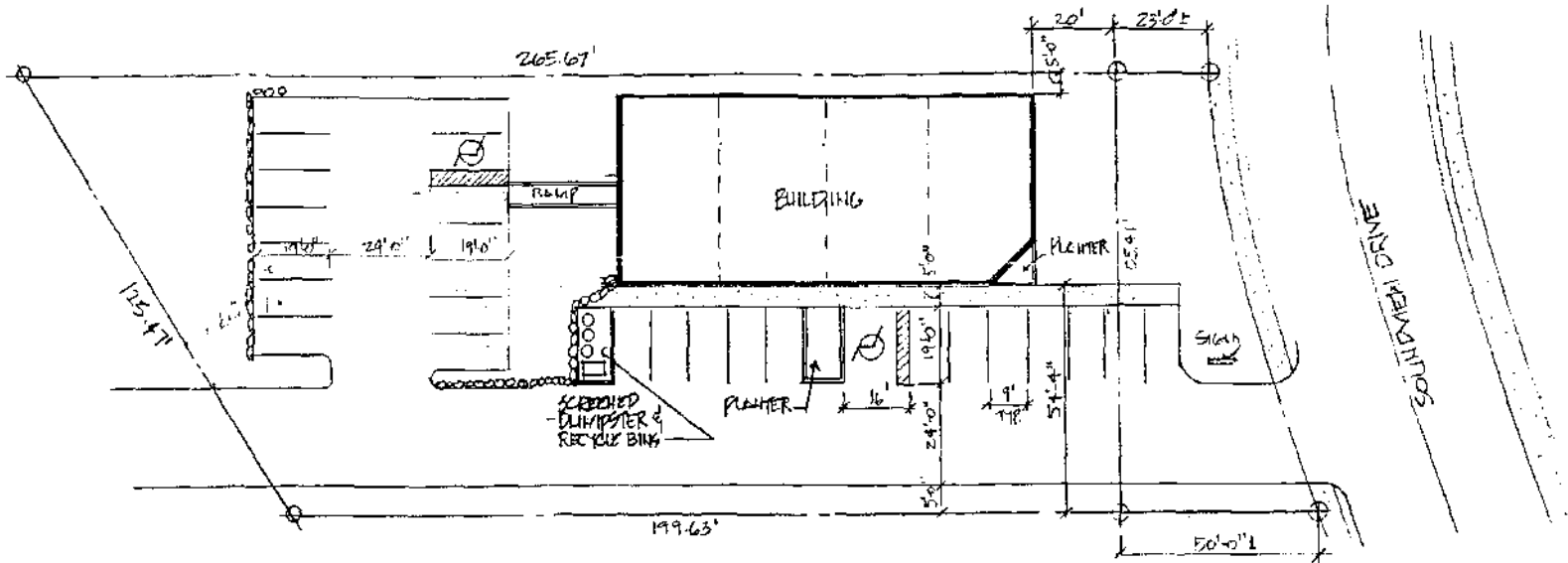
**PAC-TECH** Engineering, Inc.  
Engineers / Planners / Surveyors / Environmental Specialists

170-874 1400 1st Ave. Tacoma, WA 98402 Tel: 253-871-1111	172-471 2000 1st Ave. Tacoma, WA 98402 Tel: 253-871-1111	20-242 1700 1st Ave. Tacoma, WA 98402 Tel: 253-871-1111	277-222 1700 1st Ave. Tacoma, WA 98402 Tel: 253-871-1111
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VICINITY MAP

**NORTH BUSINESS PARK**

**FIGURE**  
1



ZONING - B-2  
 LOT AREA - 24,520 SF  
 LANDSCAPING REQ. - 7,356 SF  
 LANDSCAPING PROVIDED - 7,400  
 BUILDING (TOTAL AREA)  
     LOWER FLOOR - RETAIL - 4,806 SF  
     UPPER FLOOR - OFFICE - 3,294 SF  
     TOTAL SF - 8,100  
 PARKING SPACES REQ. - 27  
 PARKING SPACES PROVIDED - 27

LOT 4, GIG HARBOR SHORT PLAT NO. 800-525-02-09

SITE PLAN



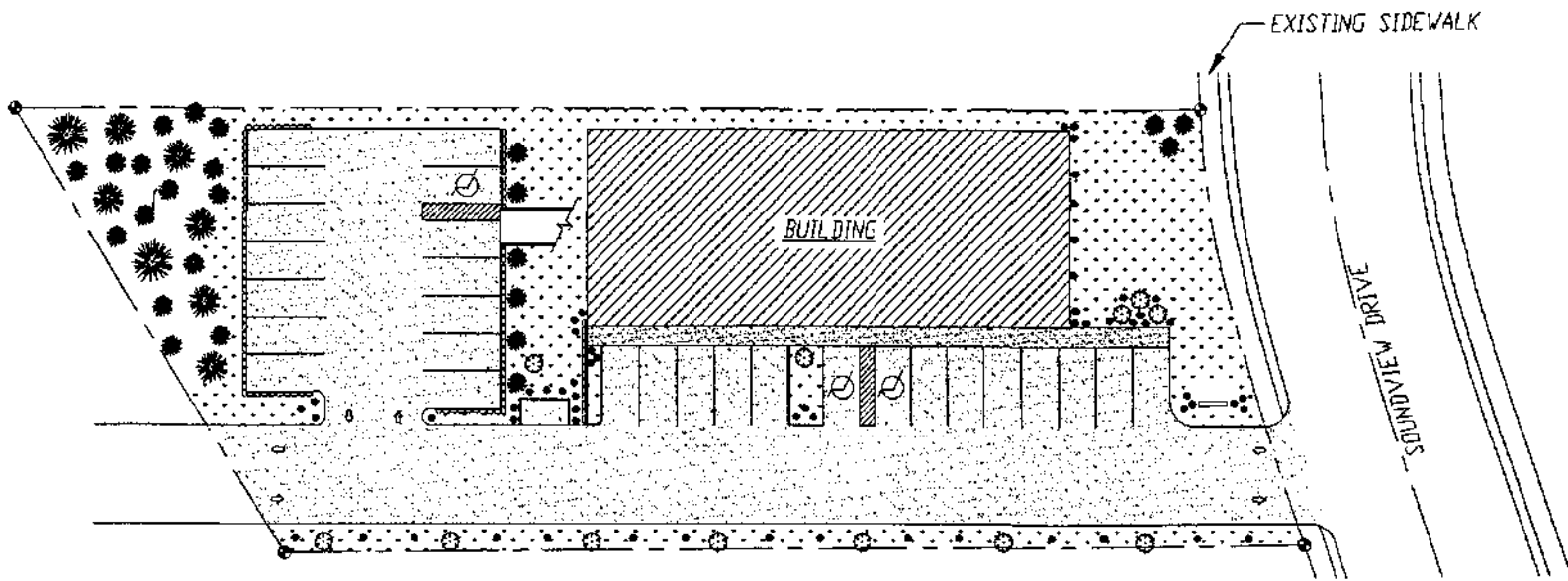
**NORTH RETAIL/BUSINES PARK**

OWNER: RICHARD NORTH 6331 6th AVE. TACOMA, WA 98409

**JOSEPH GRAHAM RING**


ASSOCIATE MEMBER - AMERICAN INSTITUTE OF ARCHITECTS  
 P.O. BOX 1384  
 715 1/2 BAY STREET  
 PORT ORCHARD, WA. 98366  
 (206) 895-0874

617.94



LEGEND

- EXISTING EVERGREEN TREES
- NEW EVERGREEN TREES
- ⊗ NEW DECIDUOUS TREE
- NEW EVERGREEN BUSH
- NEW GROUND COVER
- CONCRETE WALKS
- ASPHALT DRIVE

LANDSCAPE SITE PLAN 

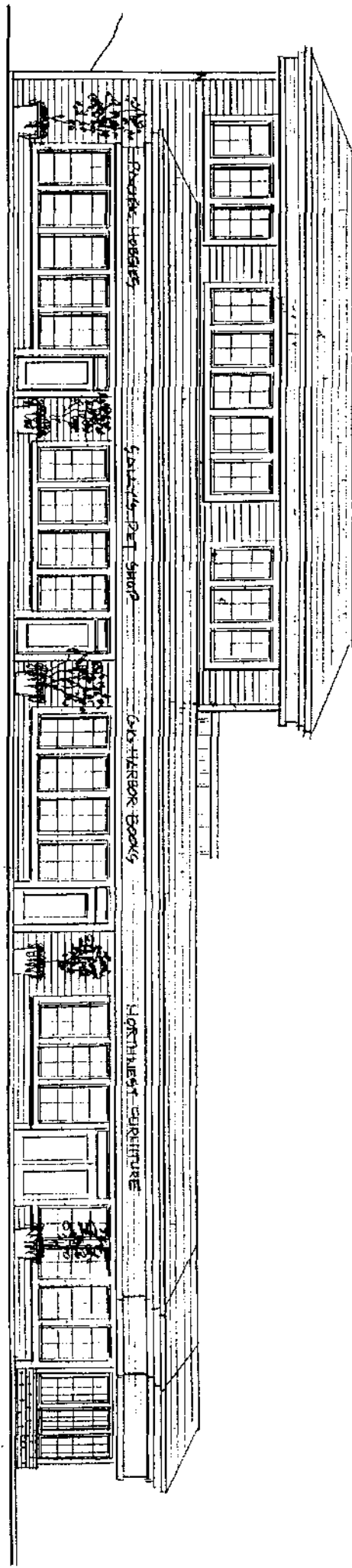
SCALE 1"=30'-0"

NORTH RETAIL/BUSINESS PARK

FEBRUARY 8, 1994

OWNER: RICHARD NORTH  
 6331 6TH AVE.  
 TACOMA, WA. 98355  
 (206) 565-9466

JOSEPH GRAHAM RING - DESIGN  
 ASSOCIATE MEMBER - AMERICAN INSTITUTE OF ARCHITECTS  
 715 1/2 BAY STREET P.O. BOX 138A  
 PORT ORCHARD, WASHINGTON 98366 (206) 895-0874

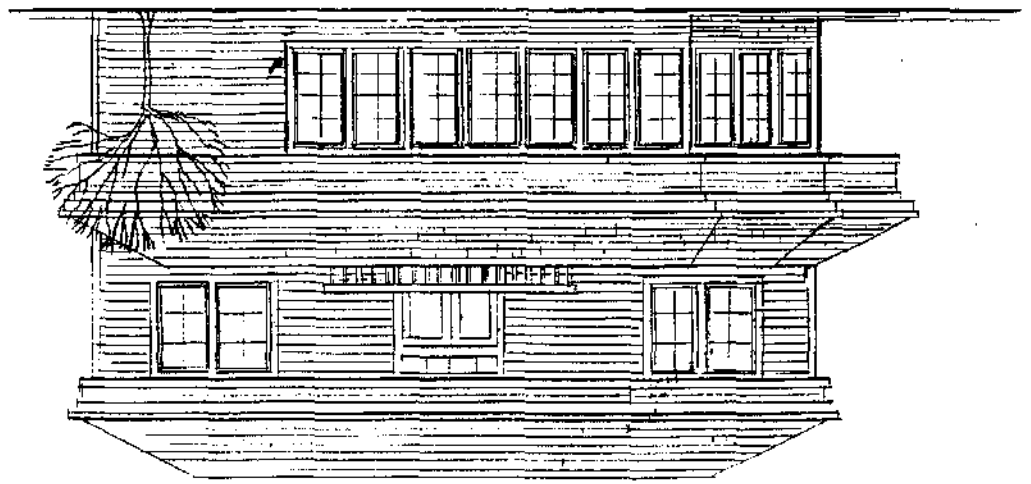


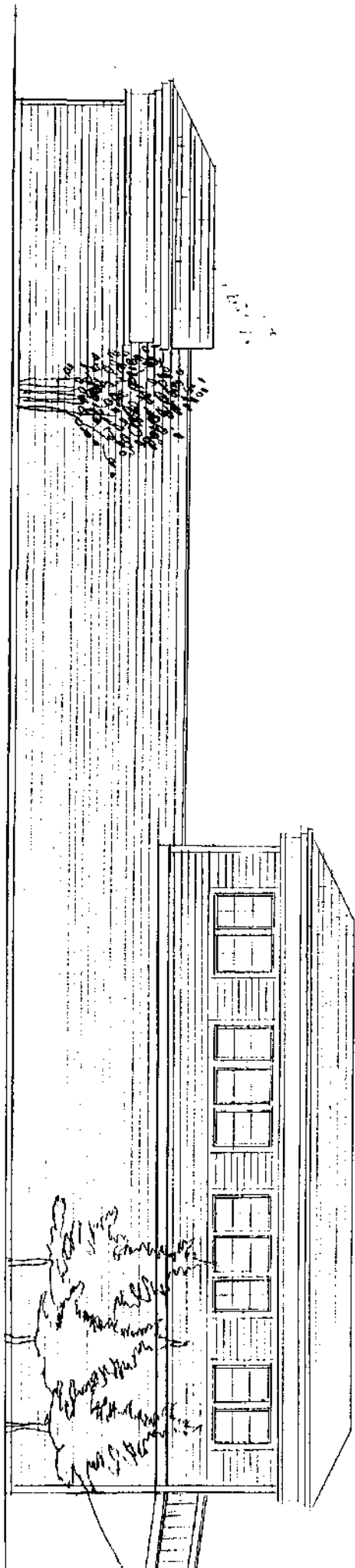
SOUTH ELEVATION  
1/8" = 1'-0"

WEST ELEVATION



EAST ELEVATION





18120  
NORTH ELEVATION





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** June 22, 1994

**RE:** SPR 94-01 -- Request for site plan approval for a retail/office building located at 5790 Soundview Drive.

---

**I. GENERAL INFORMATION**

**APPLICANT:** Richard L. North  
902 Aurora Avenue South  
Tacoma, WA 98465

**OWNER:** Richard D. North/Janice North  
10116 36th St. N.W.  
Gig Harbor, WA 98335  
Telephone: (206) 565-9466

**AGENT:** Joseph Ring  
P.O. Box 1384  
Port Orchard, WA 98366

**II. PROPERTY DESCRIPTION**

1. **Location:** 5790 Soundview Drive  
Tax Assessor's Parcel# 02-21-17-6-013

2. **Site Area/Acreage:** 28,268 Square Feet

3. **Natural Site Characteristics:**

- i. **Soil Type:** Harstine gravelly sand loam
- ii. **Slope:** Gentle downward slope toward the east.
- iii. **Drainage:** Easterly toward road.
- iv. **Vegetation:** Heavily wooded with douglas fir

4. **Zoning:**

i. **Subject parcel:** B-2 - general business

ii. **Adjacent zoning and land use:**

**North:** B-2 - offices and warehouses

**South:** B-2 - veterinary clinic

**East:** B-1 (business district) professional offices

**West:** Tacoma\Cushman power line right-of-way

5. **Utilities/road access:** The property is served by City sewer and water and is accessed off of Soundview Drive - a city right-of-way.

III. **APPLICABLE LAND-USE POLICIES/CODES**

**1. Comprehensive Plan:** The comprehensive plan designates the area as medium density residential but the property is zoned for commercial use. Relevant policies include the following:

Economics, Page 17, Goal - Develop a Sound Fiscal Base. Help market local socio-economic resources to increase employment opportunities, develop office and industrial park properties and provide the City a sound tax base while providing the residents of the city with a continuing high quality of life.

Job Creation - Help create employment opportunities within the local economy, particularly for residents who commute across the Tacoma Narrows Bridge.

Small Business Development - Encourage local business development opportunities which may be owned by or employ local residents. Promote the local use of special small business financing and management assistance programs. Help identify facilities which may be used for small business start-ups including older structures which may be suitably reused for business purposes.

**2. Zoning Ordinance:**

The site is designated as B-2 (General Business District) per the City of Gig Harbor zoning map.

Section 17.36.010 (Intent) states that a B-2 district is intended to provide for a wide range of consumer goods and services. It is further intended to group buildings and business establishment in a manner that creates convenient, attractive and safe development.

Section 17.36.020 permits retail and office uses.

Section 17.36.050 (minimum Development Standards) establishes minimum development standards for uses in respect to yards (F 20', S 5/10' interior flanking street, R 20'), maximum impervious coverage (70%). The project site is within a height overlay district which permits a maximum height of 35 feet for non-residential structures.

Section 17.36.120 provides performance standards for exterior mechanical devices, outdoor storage of materials, outdoor lighting and the placement and screening of trash receptacles.

Section 17.72 provides the requirements for off-street parking. The proposal would require a minimum of one parking space for each 300 square feet of retail/office floor space.

Section 17.78.020 (Applicability of landscape Requirements) applies to this development. A preliminary landscape plan and site topographic survey has been submitted with the application.

Section 17.78.050 (Preservation of significant trees) states that in the required perimeter areas, applicants shall retain all significant trees. Significant trees are defined as those which contribute to the character of the area and which form a continuous canopy or dense buffer.

Section 17.78.090A (Screening/buffering from SR-16 and SR-16 interchanges) states that all development along the freeway corridor or within the interchange area shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of twenty-five feet in depth.

Section 17.80 (signage). A conceptual sign plan has been submitted. Upon approval of a site plan, a detailed signage plan which indicates the type and size of sign allocated to each tenant must be submitted for review and approval prior to installation of signage.

(Section 19.96 (Site Plan Review)). The stated purpose of site plan review is to ensure that development projects carried out in a given zoning district are executed in a manner consistent with existing ordinances concerning public utilities, traffic, facilities and services and provide unified site design, access, landscaping, screening, building placement and parking lot layout. Site plan review is not intended to review and determine the appropriateness of a given use on a given site. It is intended to insure that the development of a site will provide the features necessary to protect the health, safety and general welfare of the citizens of the city.

#### **IV. BACKGROUND INFORMATION/PROJECT DESCRIPTION:**

The current proposal is for a two story structure providing both office and retail space. Due to the slope of the parcel, the architect has been able to design the building so that each floor has

ground floor access from the parking areas. The plan includes parking in both the side and rear yards of the building and provides for a total of 28 parking spaces. Additionally, the plan indicates a driveway access to the Tacoma/Cushman right-of-way. Access to the right-of-way is assumably being retained for over-flow parking. However, there is sufficient code required parking on the site based upon the required one space per 300 square feet of office/retail floor area. The proposed building will include 8,208 square feet of floor area including 5,593 square feet on the main floor and 2615 square feet on the second floor.

#### V. PUBLIC NOTICE:

The property was posted and legal notice was sent to the Peninsula Gateway and to property owners within 300 feet. As of June 15, 1994 no public input has been received.

#### VI. ANALYSIS:

##### Landscape/buffering requirements.

The zoning code requires that development not adjacent to the interchange area be screened from freeway visibility. Screening the building should not be a problem due to the topography of the site in relation to the freeway. There is a significant rise in elevation from the freeway level to the Cushman right-of-way edge and then a drop in elevation to the proposed building pad. Vegetation will therefore play a minor role in screening this parcel. Nonetheless, the parcel is heavily wooded with a continuous canopy of trees which, according to Section 17.78.050 of the zoning code, renders them significant. The code requires preservation of all significant trees within the required perimeter area (which according to section 17.78.090A is 25 feet along the freeway side). The submitted landscape plan identifies a buffer area in the rear where existing trees will be retained. However, much of the required buffer and significant vegetation will be lost due to a proposed driveway access to the Tacoma/Cushman right-of-way. The driveway is not necessary for Tacoma Light to have access to its right-of-way, nor is it necessary for the applicant's code required parking. It does provide a hammerhead turnaround for fire truck access, but the turnaround can be eliminated if the building is equipped with fire suppression sprinklers.

In addition to significant tree loss in the rear yard, the plan shows no attempt to preserve trees in the large landscape area near Soundview Drive. A number of trees could be saved in this area with proper precautions before and during construction including (a) identification of building footprints and parking locations, (b) identifying limits of disturbance which includes a reasonable area for construction activities, and (c) the installation of a protective barricade or fence to protect vegetation during the entire construction phase.

A final landscape plan should be submitted which indicates which indicates significant vegetation to be retained on both the front and rear side of the building (b) indicates specific plant species in accordance with zoning code landscaping requirements, and (c) indicates a sprinkling plan.

## Tenant signage

The stated intent for site plan review is, in part, to assure a unified design. Because signage plays a critical role in the design of a commercial project and because the proposed building is a multi-tenant structure, a master sign plan should be submitted which identifies the type, location, and maximum area of signage allocated to each tenant space. The sign plan should include details on how the signs should be designed so as to assure unity in the building's overall signage. For example, the sign plan may specify that all signs are to be made of similar materials, letter styles, or background color.

Additional Staff and/or agency comments are as follows:

1. Building Official: The Building Official has submitted the following comments:
  - ◆ Access must be provided to the building in accordance with the Washington State Standards for Access and Federal ADA. Provide landings, ramps, parking stalls, signage and stairways per standards. (i.e.: Minimum of one 16ft wide van stall per floor, 1/12 max. ramp slope).
  - ◆ Exterior building walls within ten (10) feet of property lines must have protected openings and no openings within five (5) feet of property lines.
  - ◆ Fire hydrants must be installed within 150 feet of all portions of the building or alternate methods of construction will be required. A fire sprinkling system may be installed in lieu of a hammerhead turn-around.
  - ◆ A storage area must be provided next to the dumpster enclosure for recycling waste materials.
2. Public Works: The trees, shrubs and/or power poles located within the right-of-way on the north side of Olympic Drive Northwest should be removed in order to improve the available entering sight distance to the driveway.
3. SEPA Responsible Official: A SEPA determination was done on the project on May 16, 1994. The SEPA Responsible Official has determined that this project will have no significant impacts on the environment and has issued a determination of non-significance, pursuant to WAC 197-11-800.

## **VII. RECOMMENDATION**

Based upon a site inspection and the analysis contained in Part VI of this report, the Staff recommends that the Hearing Examiner forward a positive recommendation to the City Council for SPR 94-01 subject to the following conditions:

1. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
2. All significant trees within the proposed buffer and perimeter landscape areas (both front and back) shall be retained. This will require eliminating the driveway access to the Tacoma/Cushman right-of-way. It will also require preliminary identification of the building and parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g. a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.
3. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
4. All parking stalls shall be a minimum of 9 X 19 feet except for required handicap stalls which shall be installed in accordance with ADA standards and as approved by the Building Official.
5. Fire hydrants must be within 150 feet of any portion of the building and the building must include a fire-sprinkler system as reviewed and approved by the Building Official/Fire Marshal.
6. All landscaping shall be installed prior to issuance of a final occupancy permit.
7. Prior to permit issuance a final landscape plan shall be reviewed and approved by the Planning Staff. The plan shall indicate (a) significant vegetation to be retained on both the front and rear side of the building, (b) specific plant species in accordance with zoning code landscaping requirements, and (c) a sprinkling plan.
8. The final site and landscape plan shall indicate a location for waste recycling bins.
9. All trees, shrubs and/or power poles located within the right-of-way which interfere with safe site distances shall be removed. The Public Works Department shall review and approve final site and landscape plans to assure adequate site distance.

Project Planner: Steve Osguthorpe, Associate Planner



Date: June 20, 1994

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

---

**APPLICANT:** Richard North  
**CASE NO.:** SPR 94-01  
**LOCATION:** 5790 Soundview Drive  
**APPLICATION:** Request for site plan approval for a retail /office building.

**SUMMARY OF RECOMMENDATIONS:**

Planning Staff Recommendation: Approve with conditions  
Hearing Examiner Recommendation: Approve with conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the North application was opened at 5:00 PM, June 22, 1994, in City Hall, Gig Harbor, Washington, and closed at 5:35 PM. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the hearing. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained on pages 1 through 5 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact, except as otherwise noted in this report. A copy of said report is available in the Planning Department.
- B. The applicant and his representatives testified at the hearing that overflow parking should be provided within the power line right-of-way. They said that in addition to providing extra parking for the project, the access to the parking would also provide a better turnaround area for trucks (i.e., fire, garbage). They indicated they had an annual lease from the City of Tacoma as do other businesses in the area.

They said they have tried to save as many significant trees on site as possible and proposed that an access drive be permitted through the existing trees to the power line right-of-way and proposed that condition #6 be modified to allow landscaping to be installed during the first growing season.

- C. Steve Osguthorpe responded that a 25 foot setback is required in the rear and stated that the project should be self-contained. He also noted that the only real opportunity to retain significant trees on the site will be in the front and rear yards.
- D. The applicant and his representatives responded that the property is zoned B-2 and it must be expected that some trees will be lost through the development of the property. They re-emphasized the safety enhancements which would be provided if the access to the power line right-of-way would be provided, and said that a buffer could be provided within the right-of-way.

They also suggested that the modifications proposed in this project should be looked at under Section 17.78.100 of the Code, which allows alternative landscaping plans.

- E. Steve Osguthorpe responded that alternative landscape plans are allowed when superior results are achieved and he noted that at this time the proposal would not result in a superior result. Condition #6 could be modified to allow installation of landscaping during the first growing season following construction, if the landscaping was to be bonded.

## II. CONCLUSIONS:

- A. It is reasonable to allow landscaping to be installed during the first growing season after construction of the project, if the landscaping is properly bonded to insure that it will be installed.
- B. The applicant's request to provide access to overflow parking in the power line right-of-way is reasonable particularly since it will also provide better emergency access to the site. The site is a long, narrow site and even if sprinklers are provided in the building, the site will still be difficult to serve with emergency vehicles unless the additional access is provided. The access should be kept to the minimum width which will allow safe access, while at the same time provide maximum possible buffer.
- C. Except for the access to the power line, all other landscape requirements should be complied with.



- D. All parking stalls which are used to meet the parking requirements, must be located on the applicant's property and not on adjacent right-of-way.
- E. If approved subject to the conditions listed below, the application will meet the requirements for site plan approval.

### III. RECOMMENDATION:

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

1. A storm water drainage plan must be submitted to the Public Works Department prior to building permit issuance.
2. All significant trees within the proposed buffer and perimeter landscape areas (front, rear, and sides) shall be retained, except for a 20 foot wide driveway access to the Tacoma/Cushman right-of-way. It will also require preliminary identification of the building and parking pavement edge and installation of a protective barricade before major excavation begins. The barricade should be visually and functionally significant (e.g., a fence made of plywood or construction safety fencing attached to steel T-posts or heavy lumber). The barricade shall be retained and maintained in good condition during the entire construction phase, including major excavation and clearing, and shall not be removed until the parking area has been paved or until approved by the Planning Staff.
3. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
4. All parking stalls shall be a minimum of 9 feet x 19 feet except for required handicap stalls which shall be installed in accordance with ADA standards and as approved by the Building Official.
5. Fire hydrants must be within 150 feet of any portion of the building and the building must include a fire-sprinkler system as reviewed and approved by the Building Official/Fire Marshal.

6. All landscapes shall be installed prior to issuance of a final occupancy permit, or during the first growing season following occupancy if a landscape bond acceptable to the City is provided prior to issuance of the Certificate of Occupancy.
7. Prior to permit issuance a final landscape plan shall be reviewed and approved by the Planning Staff. The plan shall indicate (a) significant vegetation to be retained on both the front, rear, and side of the building, (b) specific plant species in accordance with zoning code landscaping requirements, and (c) a sprinkling plan.
8. The final site and landscape plan shall indicate a location for waste recycling bins.
9. All trees, shrubs and/or power poles located within the right-of-way which interfere with safe sight distances shall be removed. The Public Works Department shall review and approve final site and landscape plans to assure adequate sight distance.
10. The landscape plan shall meet all regular provisions of the code, except as otherwise noted in the above conditions.

Dated this 6th day of July, 1994.

*Ron McConnell* by *RIB*

Ron McConnell  
Hearing Examiner

**RECOMMENDATION:**

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

**COUNCIL ACTION:**

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

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

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

**MINUTES OF THE JUNE 22, 1994  
HEARING OF THE  
NORTH APPLICATION**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Steve Osguthorpe, representing the City of Gig Harbor; Richard North, the applicant; and Joe Ring and Craig Flanne, representing the applicant.

**EXHIBITS:**

The following exhibits were offered and entered into the record:

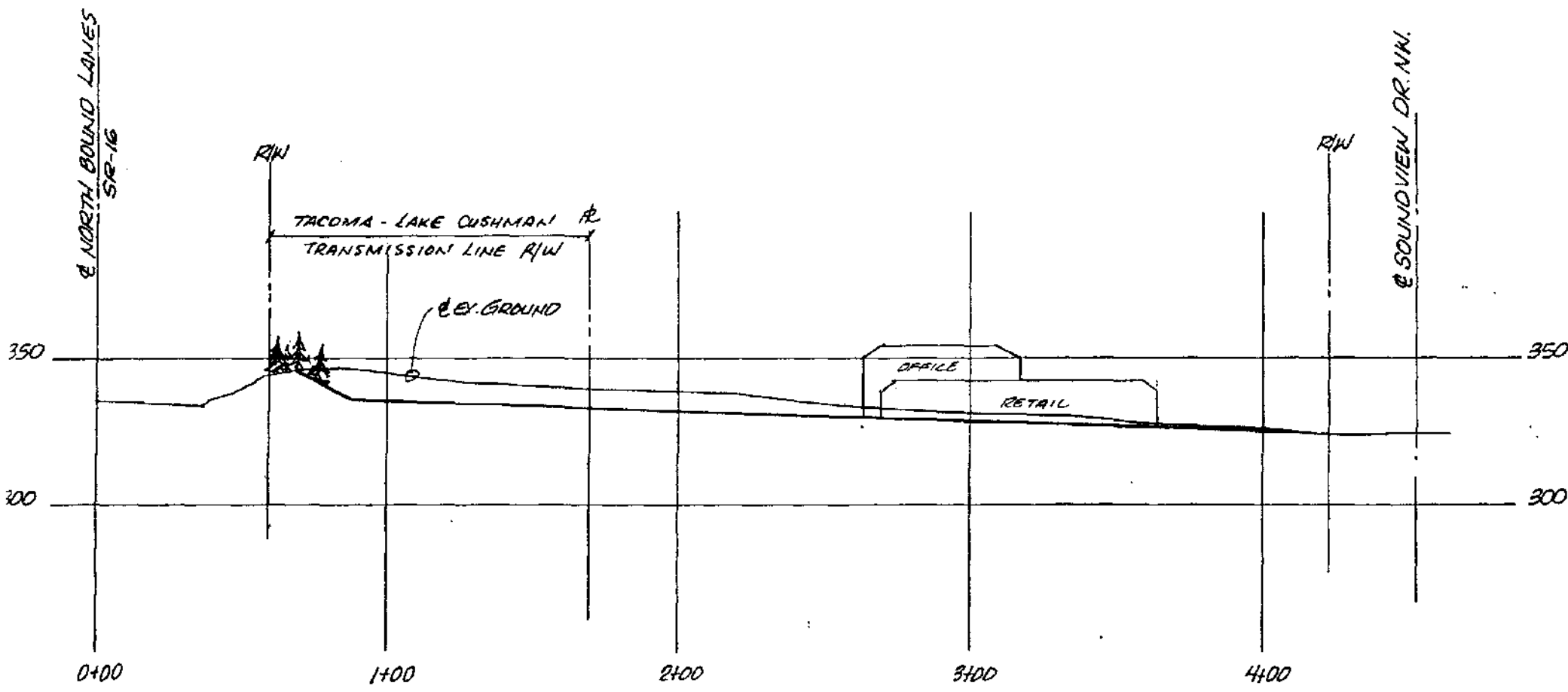
- A. Planning Staff's Advisory Report;
- B. Overflow parking diagram;
- C. Photos of transmission right-of-way;
- D. Topo map of section;
- E. Section 17.78.100 of the Gig Harbor Zoning Code

**PARTIES OF RECORD:**

Richard North  
902 Aurora Avenue South  
Tacoma, WA 98465

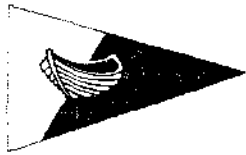
Craig Flanne  
PACTECH Engineers  
2601 S. 35th , #200  
Tacoma, WA 98049

Joseph Ring  
P.O. Box 1384  
Port Orchard, WA 98366



SECTION A-A  
 SCALE: HOR. & VERT. 1" = 50'

**NORTH RETAIL/BUSINESS PARK  
 PROFILE-SECTION A-A**



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*  
**SUBJECT: ROSEDALE STREET TRAFFIC SIGNAL MODIFICATIONS**  
**DATE: AUGUST 4, 1994**

## INTRODUCTION

The City Council directed staff to proceed with the traffic light modifications at Rosedale Street in front of the Gig Harbor High School.

The modifications consist of installing pedestrian heads with push buttons and an opticom system. The Council wanted this work to be completed before school begins on September 2, 1994. If we exercise the competitive bidding process, we cannot meet this target date for the following reasons;

- A) We do not have the expertise in-house to design the traffic light modifications. We need to go through a consultant selection and contract award process to prepare plans and specifications for the bidding process. It would take approximately four weeks to complete this process from the time we advertise to solicit for a statement of qualifications, interviewing and selecting a consultant, negotiating the price for the design, presenting the contract at a Council meeting, awarding the contract, to the time when the design is completed.
- B) We then have to advertise the project for construction. It will take another six weeks from the time we advertise to the time the project is actually built. We have to advertise for two weeks in the news paper, then the City Council reviews the bids and awards the contract. We then gather the appropriate documentation, performance bond, insurance certificate etc, sign the contract with the contractor and send a Notice to Proceed letter. The contractor then orders the material, schedules the work, and completes the work.

Instead of going through the competitive bidding process, I have asked various contractors to submit bids for this work. I was able to receive bids from two contractors; Totem Electric and Madsen Electric. Their bids are as follows:

1)	Totem Electric	\$16,345.77	™
2)	Madsen Electric	\$26,513.19	

The above bids include Washington State Sales Tax.

Totem Electric built the existing signal for the Gig Harbor Heights developer. They are familiar with all the equipment and existing wiring of the signal. That is why, in my opinion, their bid is significantly lower than the other bid.

## **RECOMMENDATION**

I recommend a Council motion to authorize the Public Works Director to hire Totem Electric Inc. to make the necessary modifications to the existing traffic light on Rosedale Street in front of the Gig Harbor High School for a total price of \$16,345.77.

of TACOMA, Inc.

2332 SO. JEFFERSON AVENUE \* P.O. BOX 1093 \* TACOMA, WASHINGTON 98401-1093  
August 2, 1994

City of Gig Harbor  
3105 Judson Street  
P O Box 145  
Gig Harbor, Wa 98335

Attn: Ben Yazici

Re: ROSEDALE STREET SIGNAL SYSTEM / GIG HARBOR HEIGHTS  
TOTEM JOB #2560

Dear Ben:

Pursuant to your request for a combined price to add eight pedestrian signal heads, push buttons and opticom equipment for the referenced project leads to the price proposal below:

Our recommendation involves the addition of a four way pedestrian operation, automated via imitating of manually activated push button stations @ each of the two signal poles at the High School and two, steel push button posts at Gig Harbor Heights entry. (Posts will be 3" steel poured in concrete.)

We propose adding an OPTICOM #262 Discriminator, and two one-way # detectors, placing them in the North-South movements, enabling and OPTICOM emitter to send a signal to the controller thru the two detector-receivers.

Our combined price is firm at \$15,149.00 excluding sales or USE taxes.

It will take about three weeks to procure the materials and add rework the signal controller.

Please advise us soon of your intentions.

Thanks!

Very truly yours,  
TOTEM ELECTRIC OF TACOMA, INC.

*Carl L. Huber*  
-----  
Carl L. Huber

CLH/pjs

cc: Bud Fouts



f: CR#a







Date: 8/4/94

# MADSEN ELECTRIC

TRAFFIC DIVISION

Name: Ben Wazlci, City of Gig Harbor

Electrical Proposal: Installation of pedestrian heads and push buttons at the intersection of Rosedale Drive and Gig Harbor High School.

Bid Date: 8/4/94

**PRICE****\$24,572.00**

**Scope of work:** To install 4 pedestrian poles with ped heads and push buttons. ped heads are "neon" type, push buttons are type "H". Installing a junction box at three corners, wiring shall be aerial to each corner and down a pole riser to a junction box, from the junction box to the ped pole. Also to install a 262 discriminator and 2 model 521, single channel bi-directional optical detectors.

1. All costs for electrical permits and inspections are included.
2. Proposal does not include construction temporary power.
3. Proposal does not include payment/performance bond (1.25% if required) or W.S.T ( DOES INCLUDE U S E TAX )
4. Proposal is based upon receipt of standard subcontract form AIA, ASC, ASA, or AGC of WA. 1991 edition, with retainage to be on the same basis as prime with interest accruing to Madsen Electric as our proportionate share represents. Our insurance premium is based upon standard conditions of the specifications and does not include ' Additional Insured ' nor ' Primary Insured ' endorsement.
5. Price is firm for 60 days.
6. No surveyed layout.
7. No controller modifications.

Madsen Electric

Randy Carr  
Estimator/Project manager



MAYOR'S REPORT  
August 8, 1994

A handwritten signature in black ink, appearing to be the initials 'P' or 'PW', is written over the date 'August 8, 1994'.

KGHP EMERGENCY COMMUNICATION

In the event of an emergency which would result in the closure of roads and bridges, a radio communication system is our only way to communicate on and off the Peninsula.

My request will be for the city to contribute a fair share toward keeping the radio station operating.



# Peninsula Light Company

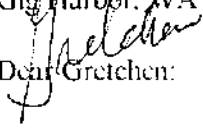
*A Mutual Corporation*

P.O. BOX 78, GIG HARBOR, WA 98335-0078  
13315 GOODNOUGH DR. NW, PURDY  
PHONE (206) 857-5950

RECEIVED  
JUL 26 1994  
CITY OF GIG HARBOR

July 22, 1994

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


  
Dear Gretchen:


In light of the Peninsula School District levy failures we would like you to join us on Wednesday, August 10 to discuss the funding and operations for the KGHP radio emergency broadcast system. This system provides our community with a vital communications link in the event of a major storm or natural disaster.

As you are no doubt aware, KGHP radio has been funded by the Peninsula School District since it went on the air in 1988. Due to the recent levy failure, the district is looking at the potential of reducing the funding for this program. Therefore, a large portion of the meeting will be spent discussing funding alternatives.

Please join us on August 10 at 2 p.m. in the Conference Room at Peninsula Light Company to discuss the operation and funding of KGHP.

Sincerely,  
PENINSULA LIGHT COMPANY

  
Robert E. Orton  
General Manager

  
Gerald W. Butts  
Administrator  
Secondary Curriculum for Academic  
& Vocational/Technical Education  
Peninsula School District

enclosure

## A Historical Look at KGHP

In the late 1980's Max Bice and Milt Boyd perceived a need for instantaneous news information for the Gig Harbor/Key Peninsula area. With only a weekly local newspaper available they realized that the 40,000 area residents were isolated. There was no way to disseminate local news immediately. Also, we would be isolated from the rest of the county in the event of a major disaster.

In their search for options, it became apparent that the number of radio frequencies available was rapidly diminishing. The time was right for them to proceed with establishing a radio station that would serve our community.

The community immediately took ownership over the idea of having a radio station that would broadcast local events and be available in the event of emergency. The \$24,000 necessary to get a station on the air was raised with the help of numerous community members. Several gifts of equipment were also received, thanks to Max and his contacts in the broadcast industry.

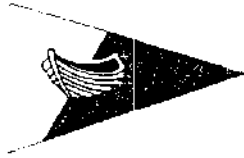
On August 30, 1988 KGHP went on the air. Besides musical entertainment, KGHP covers local sports events at both high schools, the Gig Harbor and Pioneer Days parades and political presentations. Technology now allows KGHP to broadcast from a remote site.

KGHP receives its funding from Peninsula School District's vocational education and general funds. It requires a total of \$30,000 per year to maintain and operate the station.

On September 1, 1992 Peninsula Light Company (PLC) entered into an agreement with the school district to place a remote operating facility at the PLC headquarters building in Purdy. This would allow the utility to operate independently of the host station in the event of a major storm or disaster. The intent of this partnership is to provide a community emergency management network. Peninsula Light Company pledged \$26,000 to the project.



KGHP-FM



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

Mr. Rob Orton, General Manager  
Peninsula Light Company  
P. O. Box 78  
Gig Harbor, WA 98335

August 3, 1994

Dear Rob:

Thank you for taking the lead on pulling together the emergency communication participants.

Just when we thought the participants i.e., Peninsula Light, P.T.I., ham radio operators, State Patrol, Pierce County, Gig Harbor Police Department, Fire Districts #5 & #16, the Department of Transportation and the school district had a coordinated communication plan, KGHP is faced with a loss in funding.

With the levy's failure the Emergency Communication System for the Peninsula that had been coordinated over the past three years with the cooperation of all the above participants could basically fall apart because KGHP might lose its funding. The radio station was scheduled to be the one main source of information for Peninsula residents in the event of a major disaster.

I plan to be at the August 10th, 2:00 p.m. meeting in the conference room at Peninsula Light to discuss the operation and funding of KGHP and will ask Chief Richards and Mark Hoppen to attend with me.

I'm placing this item on the August 8th Council Agenda and I invite you to share your concerns with the councilmembers. The meeting commences at 7:00 p.m. Your correspondence will be shared and I will ask for council input and recommendations. Thank you again.

Sincerely,

Gretchen A. Wilbert  
Mayor

cc: Max Bice, Ham radio operator  
Bob Ellsworth  
Gerald Butts, Admin. Voc Tech  
Mark Hoppen, City Administrator  
Dennis Richards, Chief of Police  
Drew Wingard, Fire District #5  
Fred Ramsdale, Fire District #16  
Ray Zimmerman, Emergency Committee  
Tom Taylor, Peninsula Gateway  
Gerald Post, PSD #401  
Keith Stiles, KGHP  
Don Dennis, PTI  
Tom Sutton, P.C. Emg. Mgmnt  
Bill Lokey, P.C. Emg. Mgmnt  
Ross Herberholz, PC Sheriff  
Scott Jarman, WSP  
Gary Demich, WSDOT