

GIG HARBOR CITY COUNCIL MEETING

JULY 12, 1993

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

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
JULY 12, 1993**

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARING:

1. Third Reading of Ordinance - Shoreline Master Program Revisions.
2. First Reading - Reintroduction - Amendment to Short Plat Code.
3. First Reading - Amendment to City Environmental Policy Ordinance.

APPROVAL OF MINUTES:

CORRESPONDENCE:

Letter from the County Council - Growth Management.

OLD BUSINESS:

NEW BUSINESS:

1. Pierce Transit Route on the Peninsula.
2. Gig Harbor Campground Sewer Capacity Agreement.
3. Liquor License Application - Down East Restaurant.
4. Liquor License Renewals - Golden Dragon; Hunan Gardens; Kinza Teriyaki.

DEPARTMENT DIRECTORS' REPORTS:

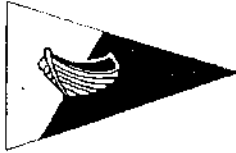
MAYOR'S REPORT:

ANNOUNCEMENT OF OTHER MEETINGS:

APPROVAL OF BILLS:

EXECUTIVE SESSION: None scheduled.


ADJOURN:



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:  Planning Department

DATE: July 7, 1993

SUBJ: Revised and Updated Shoreline Master Program Draft; 3rd Reading of Ordinance

Summary

The updated draft of the City's Shoreline Master Program is presented to Council for your review at this third reading of the ordinance. The changes made at the last meeting have been incorporated into the draft and, as you will note, all of the proposed changes are shown in "redline" (⊗).

At the second reading, Council directed staff to prepare several revisions to the draft, based upon comments received by Mr. Paglia and Mr. Luengen. Mr. Paglia's comments regarding notification have been included in Section 4.13 under exemptions. Mr. Luengens specific comments regarding existing uses are addressed in this memo to clarify the administrative review criteria for non-conforming uses.

Non-Conforming Uses -- Review Procedure and Criteria

Mr. Luengen raised several points in his letter regarding the necessity of existing uses to comply with the requirements of the Master Program. Specifically, Mr. Luengen's concerns related to existing businesses having to comply with the standards of the SMP "should a business wish to change its operation in any way." The criteria for determining when a non-conforming use must comply with the standards of the SMP are defined under WAC 173-14-055 and is also reiterated in Section 4.16 of the revised SMP. As one can see, the "change" which Mr. Luengen referred to is explicitly stated under state law. Should an existing operation which to change, it must meet the criteria on page 72. Depending upon what the change

consist of, a non-conforming development may, or may not, have to comply with the standards in effect at that time. If the standards present a problem to existing businesses, then the standards must be altered, not the review criteria.

Mr. Luengen cited several instances in the SMP that referenced existing language that is not changed in the revised SMP. Specifically, these are on Page 9, item 3 (Scale) and Page 11, Part 3 (Policies and Regulations). Regarding Page 15, item 5 (old item 8), the intent of this revision is to clarify what is already in the SMP. Simply upgrading existing covered moorage (not new or expanded) would need only comply with the height standards in the zoning code. It does not present a problem with the Shoreline Master Program, existing or proposed, as it would not increase the nonconformity. In respect to page 42, item 8, the language is deliberate and intended to apply to all existing moorage facilities to prevent a parking dilemma which may result in a change of ownership. If we were to exempt existing moorage from this requirement, the standards would be meaningless.

The purpose of the standards in either the zoning code or SMP is to assure that developments occur which are consistent with the legislative intent of the adopted standards.

Exemptions and Notification

Any activity which is exempt and which requires an Army Corps of Engineers Section 10 or 404 permit or which requires a non-shoreline permit and is within the shoreline jurisdiction would be required to comply with the notification requirements as requested by Council. As an example, this would include maintaining a single family dwelling, repairing a private residential pier, building a private residential garage, etc.. Requiring such an extensive notification process to something which traditionally is considered sacrosanct could be construed as a new bureaucratic intrusion into heretofore uncharted territory. The purpose of requiring exemption statements is to assure development conforms to the SMP standards and to track or monitor parcel-by-parcel development. Staff suggests that if the notification procedure is to be adopted in Section 4.06 that it exclude single family residential and appurtenant structures.

Council Hearings on Permits

Staff has prepared language in Section 4.09 C (page 66) which establishes a threshold for Council conducting its own independent hearing. This language has been reviewed by legal Council.

Additional Comments Received

Please note the comments from the Department of Natural Resources and the staffs response to the comments. For the most part, the DNR's comments are editorial in nature. Several of the comments are recommended for consideration by Council.

ORDINANCE No. ____

AN ORDINANCE OF THE CITY OF GIG HARBOR CITY COUNCIL ADOPTING A REVISED AND UPDATED CITY OF GIG HARBOR SHORELINE MASTER PROGRAM AND ENVIRONMENT DESIGNATIONS MAP, PURSUANT TO RCW 90.58 AND THE PROCEDURES ESTABLISHED UNDER WAC 173-19-061.

WHEREAS, the City of Gig Harbor Shoreline Master Program has essentially remained unchanged since its adoption in September of 1975; and,

WHEREAS, the City of Gig Harbor has been subject to significant growth pressures over the past fifteen years which have substantially altered the City and its shoreline; and,

WHEREAS, the Shoreline Management Act Administrative Codes have undergone several revisions since 1980 which relate to shoreline permit administration and enforcement procedures and which are not reflected in the current City of Gig Harbor Shoreline Master Program; and,

WHEREAS, a process to update the Shoreline Master Program was commenced in 1984 by a citizens ad-hoc committee; and,

WHEREAS, the City of Gig Harbor Planning Commission initiated its review of the ad-hoc committee recommendations and, following a public hearing on June 16, 1992, transmitted a revised draft document to the City of Gig Harbor City Council; and,

WHEREAS, following a public hearing on August 10, 1992, and a worksession with the Planning Commission on September 24, 1992, the City Council established an ad-hoc technical committee to review the draft and submit a recommendation to the Council; and,

WHEREAS, the technical committee, following six weekly worksessions commencing in January of 1993, have submitted a draft document to the City Council which reflects the recommendations of the Planning Commission and the technical committee; and,

WHEREAS, public notice on the proposed changes have been given in compliance with RCW 90.58.120 (1); and,

WHEREAS, comments received from the Department of Ecology and other interested parties were considered by the Council and, where deemed appropriate, were integrated into the revised Shoreline Master Program; and,

WHEREAS, the SEPA responsible official for the City of Gig Harbor has determined that the proposed changes will not have a substantial impact on the quality of the environment and, consistent with WAC 197-11-340, issued a Determination of Nonsignificance on June 29, 1992; and,

WHEREAS, the proposed revised and updated City of Gig Harbor Shoreline Master Program is in the publics' health, safety, welfare and interest and which further implements the goals and objectives of the Shoreline Management Act, RCW 90.58.

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

follows:

Section 1. The revised City of Gig Harbor Shoreline Master Program, which is attached as "Exhibit 1", is hereby adopted by the City of Gig Harbor and transmitted to the Washington Department of Ecology Shoreline Section for further consideration and approval.

Section 2. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect of any other section, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force no later than five days after publication following notification of adoption by the Washington Department of Ecology.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Approved as to form:
Office of the City Attorney:

Filed with City Clerk: June 11, 1993
Passed by City Council: July 12, 1993
Date Published:
Date Effective:



WASHINGTON STATE DEPARTMENT OF
Natural Resources

RECEIVED

JUL 06 1993

July 1, 1993

CITY OF GIG HARBOR

Mr. Ray Gilmore, Planning Director
City of Gig Harbor
PO Box 145
Gig Harbor, WA 98335

Subject: City of Gig Harbor Shoreline Master Program

Dear Mr. Gilmore:

The Department of Natural Resources (DNR) has reviewed the Draft Shoreline Master Program (SMP) presented to the City Council on June 14, 1993. Our comments are provided pursuant to Shoreline Management Act Guidelines for Development of Master Programs which require local jurisdictions to "recognize and take into account state agencies' policies, programs, and recommendations in developing use regulations" (WAC 173-16-040).

The State of Washington owns, and the DNR manages, tidelands, bedlands, and Harbor Areas within the City's jurisdiction. The enclosed Aquatic Lands Strategic Plan contains background information on aquatic lands and resources and describes current management programs. You may find it useful to include some of this information in the City's SMP. The section on "Authorities" (beginning on page 18) is often useful - particularly the description of Harbors and Tidelands.

The legislature has given to DNR the responsibility to manage state-owned aquatic lands for the benefit of the public (RCW 79.90.450). As a major land owner in Gig Harbor, the state has a direct interest in the City's shoreline program. The enclosed comments are intended to further public benefits and to assist the City in meeting the mandate of the Shoreline Management Act to give preference to uses which recognize and protect statewide over local interests (RCW 90.58.020).

The DNR has started a process which may lead to relocation of harbor lines in Gig Harbor by the State Harbor Line Commission. We are currently completing a preliminary survey and mapping. The process will include a public hearing. We hope to be able to brief the City Council and hold an informational workshop prior to the public hearing. This is a good time for you to begin thinking about any changes in the configuration of the harbor lines you may want to recommend.

If the Harbor Line Commission directs the DNR to relocate the harbor lines, we will prepare and file a Supplemental Map of Gig Harbor Tidelands showing the inner and outer harbor lines. The DNR is also authorized to establish public

Mr. Ray Gilmore
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waterways as necessary for the present and future convenience of commerce and navigation (RCW 79.93.010). Uses within waterways are strictly regulated to protect priority waterway uses (see WAC 332-30-117).

Please contact me at (206) 902-1090 if I can assist in any way with your planning efforts. I look forward to reviewing future revisions.

Sincerely,



James L. Sweeney, Environmental Planner
Division of Aquatic Lands
1111 Washington Street SE
PO Box 47027
Olympia, WA 98504-7027

Enclosure

c: Linda Witcher, DOE
Kathy Marshall, DNR
Lisa Randlette, DNR

Reference Code: Ray Gilmore
cag5/gilmore.1tr

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Page 3
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Map

The Draft SMP I received from the Department of Ecology (DOE) did not include any maps, so it is hard to determine which shoreline environment designations apply to which areas. We recommend you also show the City limit boundary, urban growth area, inner and outer harbor lines, the public place, and related information on maps.

Environmental Designations (page 7)

1 The Environmental Designation section mixes together a discussion of the 1975 SMP, Shoreline Management Act Administrative Guidelines, zoning, and the 1993 SMP. It is difficult to tell what is being proposed.

2 It appears the City is proposing to designate all of its shoreline jurisdiction as either "urban" or "urban residential." If this is the case, would this designation apply to submerged lands, and would this designation/zoning allow residential uses on submerged lands?

3 The DNR is directed to "preserve and enhance water-dependent uses" in its management of aquatic lands (RCW 79.90.460). These include state-owned tidelands as well as the Harbor Area within the City's jurisdiction. Our policy is that nonwater-dependent use of state-owned aquatic lands is a low priority use providing minimal public benefits (WAC 332-30-137).

4 We recommend the City include a matrix summarizing the uses permitted in each shoreline environment. The Shoreline Master Program Handbook includes examples of matrices beginning on page 97.

Fishing (page 9)

5 We support the goal of the SMP to preserve Gig Harbor's fishing fleet, support services and facilities. We commend you for including creative concepts in the SMP to support this goal.

Recreation and Public Use (page 10)

6 We generally support the goal of maximizing use of publicly owned shoreline locations and providing additional public access.

7 Navigation and commerce uses take priority over public access in harbor areas. Use regulations requiring provision of public access should include an exception clause. Water-dependent development should not have to provide public access in inappropriate locations due to safety, security, and similar considerations. The following language from the Shoreline Master Program Handbook, 1990, (page 78) may be appropriate:

"Public access should be considered... except where deemed inappropriate due to health, safety, and environmental concerns."

Aquaculture (page 18)

8 Although aquaculture is a priority water-dependent use, it is understandable that water quality in Gig Harbor may not likely be suitable for this type of use during the next ten or twenty years. We support the conditional use restriction on marinas within one-half mile of commercial shellfish growing areas.

Commercial Development (page 21)

9

Commercial development Policy 1 addresses visual and public access and public recreational opportunities, and Policy 2 addresses nonwater-oriented activities. Commercial development regulations require the provision of visual access or public access to the water. These regulations should contain an exception clause for access which would interfere with navigational uses of the water.

10

The primary reason for designating Harbor Areas and platting public streets over tidelands is to preserve physical connections between land and water. We recommend policy language be added to ensure protection of the land/water interface. This language should also encourage water-dependent uses in shoreline areas.

11

We recommend Regulation 3 be amended to limit over-water commercial structures to those which are water-dependent only. The Shoreline Management Act Guidelines for Development of Master Programs state "because shorelines suitable for urban uses are a limited resource, emphasis should be given to development within already developed areas and particularly to water-dependent industrial and commercial uses requiring frontage on navigable waters" (WAC 173-16-040). Addendum No. 2 to the Shoreline Master Program Handbook contains some techniques for protecting and encouraging water-dependent shoreline uses which may be appropriate in Gig Harbor.

12

Regulation 3.b. requires small boat landings for public access to extend "out to mean lower low water." Should this say "out to mean lower low water or beyond?"

13

Security Lighting (page 23)

Restrictions on lighting are appropriate for aesthetic purposes. However, an exception clause should be included to allow security lighting for public safety.

14

Commercial Fishing Industry (page 24)

The definition of "commercial fishing industry" in the first sentence of the first paragraph should include "active commercial fishing vessels" as used in the definitions section (page 78). The first sentence of the second paragraph should read "the policies and standards apply to the commercial fishing industry" to make it consistent with the above definitions.

15

The meaning of the term "any amenities" in Regulation 1 (page 25) should be clarified. This term is not found in section 3.05.

16

Dredging (page 27)

A policy and regulation to allow dredging for removal of contaminated sediments should be included in the SMP. Dredging may be the most effective method to remediate contaminated sediment problems.

17

Disposal of dredge spoils is regulated under the Puget Sound Dredged Disposal Analysis (PSDDA) program (RCW 79.90.550-560 and WAC 332-30-166). None of the open-water disposal sites currently in use are within Gig Harbor.

Industrial Development (page 30)

18 It is understandable that the City would want to prohibit large-scale or heavy industrial development in the urban waterfront. However, language in section 3.09 may also restrict the City's ability to allow otherwise desirable small-scale businesses and support services for water-dependent uses. Such uses could include boat building and repair, tugboat services and operations, and seafood processing. Prohibiting industrial development is inconsistent with the Shoreline Management Act which seeks to protect water-dependent industrial and commercial uses, and the Harbor Areas program which protects urban waterfronts for water-dependent commerce and navigation.

19 We recommend section 3.09 be rewritten to conditionally allow industrial developments appropriate for Gig Harbor's waterfront. This would increase consistency between the policies and regulations for industrial development and those for commercial development, the commercial fishing industry, marinas, and transportation facilities.

Landfill (page 33)

20 Regulation 1 states landfills "shall not extend beyond the tidal elevation of +9.4 feet..." Should this read "shall not extend above the tidal elevation of +9.4 feet" instead?

Marinas (page 38)

21 We support Regulation 6 which requires piers, floats, and moored watercraft to be landward of the outer harbor line. We are currently mapping harbor area improvements. We will share this information with you when it is ready.

22 The DNR requires lease applicants to submit a surveyed map showing existing and proposed improvements. Close coordination between the City and the DNR Aquatic Land Manager will help to avoid problems with encroachments in the future.

23 Policy 4 states "marinas should be located and constructed so that they do not cause harmful effects..." We recommend the policy be reworded to say marinas will be located and constructed to minimize harmful effects. Some people may argue that any marina in any location will cause harmful effects to water quality, habitats, and aquatic life. Harmful effects may include shading, noise, traffic, and pollution.

Liveaboards (page 36)

24 We recommend the SMP include language to make it clear that liveaboards are not permitted within harbor areas (WAC 332-30-115).

Fueling Stations (page 6)

25 We recommend the City require a conditional use permit for any marina which includes a fueling station.

Street Ends (pages 46 and 55)

26 Recreation Regulation 3 and Transportation Regulation 2 require development of waterfront street ends owned by the City of Gig Harbor for recreational use. First Street, Second Street, Hunt Street, and Skansi Street are all platted on

Mr. Ray Gilmore
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the 1974 Map of Gig Harbor Tidelands. Although these streets are subject to City control they are still owned by the state and cannot be sold or transferred unless they have been vacated by the DNR.

27

The waterward extension of Skansi Street has been designated a "Public Place." A Public Place is intended for use for public landings, wharves, or other public conveniences of commerce or navigation.

28

Bulkheads (page 51)

Regulation 15.B. allows replacement of an existing bulkhead "only once." How is this measured and enforced?

29

Solid Waste Disposal (page 53)

This would be an appropriate section in which to prohibit disposal of liquid and hazardous wastes.

30

Utilities (page 56)

Regulation 2 states "sewage or storm drainage outfalls into Gig Harbor shall not have a detrimental effect on the water quality in any portion of the harbor at the time they are put into operation."

31

Sewage and stormwater outfalls are major sources of contamination of both water quality and bottom sediments. It is hard to imagine any outfall which would not have a detrimental effect even within a short time when it is first put into operation.

32

We recommend the regulation be revised to require conformity with the National Pollutant Discharge Elimination System (NPDES). Outfalls located on state-owned aquatic lands require permission from the DNR.

33

Permit Application (page 62)

We recommend you include a requirement that an Aquatic Lands lease number or lease application number be included with any permit application involving state-owned aquatic lands. This will insure applicants are aware of lease requirements and improve coordination between the DNR and the City.

34

Permit Process (page 64)

Our mailing address for notices of proposed projects is:

WASHINGTON DEPARTMENT OF NATURAL RESOURCES
AQUATIC LANDS DIVISION
1111 WASHINGTON STREET SE
PO BOX 47027
OLYMPIA WA 98504-7027

REVISED SHORELINE MASTER PROGRAM

RESPONSE TO DNR COMMENTS

- 1 Page 7 - Comment noted. The language in this section seems pretty clear. No change recommended.
- 2 The designation does not establish the performance standard. The performance standards are stated in each use activity section. As proposed, residential structures over the water would be prohibited. It could allow residential piers, as an example.
- 3 Comment noted.
- 4 Comment noted.
- 5 Page 9 - Comment noted
- 6 Page 10 - Comment noted
- 7 Comment noted
- 8 Page 18 - Comment noted
- 9 Page 21 - Comment noted
- 10 Comment noted
- 11 Comment noted. This was previously addressed at the second reading of the Ordinance.
- 12 The DNR's comment is worthy of consideration.
- 13 Page 23 - Comment noted. However, the intent is to minimize lighting impacts as much as possible by limiting the type and intensity of lighting. Providing a special exception for security lighting could nullify the intent.
- 14 Page 24 - Comment noted. Addressed during second reading of the Ordinance.
- 15 Amenities referred to in this section clearly specifies Section 3.05 (Commercial Uses).

Department of Natural Resources
Comments to Shoreline Master Program
Page 2

- 16 Page 27 - Comment noted. Council may wish to add this to the dredging section.
- 17 Comment noted.
- 18 Page 30 - This has been extensively discussed by the Planning Commission and the Ad Hoc Technical Committee. Simply put, if the use didn't meet the commercial use definition, it would not be permitted.
- 19 Comment noted.
- 20 Page 33 - Council may wish to revise as recommended.
- 21 Page 38 - Comment noted.
- 22 Comment noted.
- 23 Comment noted. Council may wish to revise as recommended.
- 24 Page 36 - Staff does not take issues with DNR's interpretation of live-aboards respective to WAC 332-30-115. However, these WAC's do not pertain to policies in Shoreline Master Programs, which is regulated by WAC 173-16.
- 25 Comment noted.
- 26 Page 46 and 55 - Comment noted. The policy expressed is a clear preference for public recreational use.
- 27 Comment noted.
- 28 Page 51 - It simply would be enforced. The revised SMP would require an exemption statement for repair of bulkheads. This allows better tracking of individual projects.
- 29 Page 53 - Comment noted.
- 30/31 Page 56 -
Comment noted. Perhaps the existing language is a bit extreme.

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Page 3

- 32 Comment noted. The regulation is generic.
- 33 Page 62 - Conformance with Washington State & Federal Law is understood, whether or not the SMP regulation existed.
- 34 Page 64 - Comment noted.

REVISED SHORELINE MASTER PROGRAM

RESPONSE TO DNR COMMENTS


- 1 Page 7 - Comment noted. The language in this section seems pretty clear. No change recommended.
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- 15 Amenities referred to in this section clearly specifies Section 3.05 (Commercial Uses).



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:  Planning Department

DATE: July 8, 1993

SUBJ.: Revisions to Short Plat Ordinance -- Requirements for Sidewalks
Curbs and Gutters; First Reading of Ordinance

As you may recall, this ordinance was first introduced on June 14. However, the text of the ordinance did not include the second paragraph of the section proposed to be amended. The law requires that the entire section or subsection of an ordinance be included in any amendments. Therefore, the ordinance is reintroduced at the advice of legal counsel.

The proposed revision to the City of Gig Harbor Short Plat Ordinance (Title 16.40) which would eliminate the requirements for sidewalks, curbs and gutters for properties which front a public road that has forty feet or less of right-of-way width. Also included is a requirement that all fronting public streets must be surfaced in accordance with City standards, regardless of right-of-way width.

The draft ordinance is presented to you for a first reading.

ORDINANCE NO. ____

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL AMENDING SECTION 16.40 OF THE GIG HARBOR MUNICIPAL CODE WHICH MODIFIES THE REQUIREMENTS FOR SIDEWALKS CURBS AND GUTTERS IN SHORT PLATS FRONTING RIGHT-OF-WAY WHICH IS FORTY FEET OR LESS IN WIDTH.

WHEREAS, the Gig Harbor City Council finds that the current requirement in Section 16.40.130 for the provision of sidewalks, curbs and gutters for all short plats does not distinguish between the various right-of way widths and street geometrics within the city; and,

WHEREAS, there are certain streets within the city which have substandard right-of-way of forty feet or less which will most likely never be developed to full right-of-standard configuration due to existing constraints of limited access; and,

WHEREAS, it is in the public interest in terms of future maintenance and repair costs to not require nor construct sidewalks, curbs and gutters along right-of-way of forty feet or less; and,

WHEREAS, it is within the public health, safety, welfare and interest to require, as and when appropriate, the surfacing of public right-of-way fronting property which is proposed to be short platted, pursuant to Title 16.40 of the Gig Harbor Municipal Code.

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

Section 1. Title 16.40 of the Gig Harbor Municipal Code is amended as follows:

16.40.130 Minimum Standards and Improvements Required. A. Street right of way, Surface Width and Surfacing Requirements. Public roads shall conform to the requirements of the City Public Works Department, and shall also include the provisions for sidewalks, curbs and gutters for all short plats which front a public street with a minimum right-of-way width greater than forty feet or which are required to provide the minimum public right-of-way, as required specified. Notwithstanding the requirements for sidewalks, curbs and gutters, surfacing of new public streets or the property fronting public right-of-way shall be required for all short plats. As-built plans, bearing the stamp of a civil engineer licensed in the State of Washington shall be provided. Additionally, dedicated right-of-way shall be provided, as required, and shall conform to City standards. Public streets shall be dedicated to the City on the final plat and shall be maintained by the City thereafter.

Private streets may be permitted for any short subdivision where access to three or less lots will be provided to a public street. Private streets shall meet the following

minimum standards:

1. A minimum surface width of twenty-four feet, consisting of an all-weather compacted surface;
2. A minimum easement width of twenty-four feet. Upon execution of a written agreement between adjacent property owners, an easement may be combined with an easement on neighboring property to create the required thirty-foot minimum width.

Section 2. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect of any other section, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force no later than five days after publication.

Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Filed with City Clerk: July 9, 1993
Passed by City Council:
Date Published:
Date Effective:

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

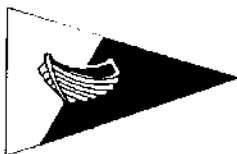
On the ____ day of _____, 1993, the City Council of the City of Gig Harbor, passed Ordinance No. _____. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO SHORT PLATS, CHANGING THE REQUIREMENTS FOR SIDEWALKS, CURBS AND GUTTERS IN SHORT PLATS FRONTING PUBLIC RIGHTS-OF-WAY OF FORTY FEET OR LESS IN WIDTH; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 16.40.130.

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

DATED this _____ day of _____, 1993.

CITY ADMINISTRATOR, MARK HOPPEN



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:  Planning Department

DATE: July 8, 1993

SUBJ.: Proposed Revised Environmental Policy Ordinance

Summary

The City adopted its current environmental policy ordinance in 1988. Since that time, the State legislature amended the environmental policy act to require all jurisdictions to define a "completed environmental checklist." Also, legal counsel has advised staff that the current appeals procedure "blends" certain sections of the SEPA law regarding the appeal of the responsible official's decisions and that some adjustment to the ordinance is necessary.

Threshold Determinations/Completed Environmental Checklist

The State Environmental Policy Act was amended in 1992 to require that a "threshold determination on a project be rendered within 90 days of the receipt of a "complete application". The law requires that the agency adopt by rule, resolution or ordinance, standards consistent with rules adopted by the department, for determining when an application is complete. Staff has proposed an amendment which defines a complete application.

Appeals of Decisions

Respective to appeals, the law provides for the appeals of the responsible official's conditioning or denying of a permit under SEPA to the legislative body of the

jurisdiction. The City does provide for this appeal process, but only to the Hearing Examiner. The proposed amendment provides for the legislative appeal process of the conditioning or denying of a permit to the City Council, by way of the Hearing Examiner. Also, staff has proposed including appeals of the adequacy of a determination of significance/non-significance before the Hearing Examiner. Currently, only a final environmental impact statement is appealable to the Hearing Examiner.

ORDINANCE NO. _____

AN ORDINANCE OF THE GIG HARBOR CITY COUNCIL AMENDING THE CITY OF GIG HARBOR ENVIRONMENTAL POLICY ORDINANCE TITLE 18.04 OF THE GIG HARBOR MUNICIPAL CODE TO DEFINE A COMPLETED ENVIRONMENTAL CHECKLIST AND TO AMEND THE APPEAL PROCESS TO INCLUDE THE ADEQUACY OF ENVIRONMENTAL THRESHOLD DETERMINATIONS AND TO ALLOW LEGISLATIVE REVIEW OF APPEALS ON THE CONDITIONING OR DENYING OF PERMITS UNDER SEPA.

WHEREAS, the State of Washington has required that local governments adopt, by ordinance, criteria for defining a completed environmental checklist; and,

WHEREAS, the proposed amendment is intended to assure timely processing of permit applications which require SEPA review and to render a SEPA decision based upon complete and accurate information within the timeframes as prescribed by law; and,

WHEREAS, the City Environmental Policy Ordinance currently does not properly provide for the appeals on the conditioning or denying of permits before the legislative body as per RCW 43.21(C).060 and WAC 917-11-680; and,

WHEREAS, the City Environmental Policy Ordinance provides for administrative appeals of agency determinations on final environmental impact statements, but does not provide same for procedural determinations on environmental threshold determinations, as is provided in RCW 43.21C.075 and WAC 197-11-680 sub 3; and,

WHEREAS, it is in the public's best interest to amend the City of Gig Harbor Environmental Policy Ordinance accordingly, consistent with state law.

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

Section 1. Title 18.04 of the Gig Harbor Municipal Code is amended as follows:

18.04.115. Completed Environmental Checklist, defined. An environmental checklist is deemed completed when the following information is provided:

1. All information as requested in the checklist is provided, including complete responses to all questions in the checklist.
2. All plans and illustrations as required per the applicable city code are submitted with the environmental checklist.

3. The required number of copies of the checklist and associated plans and illustrations are submitted, as per the applicable city code.
4. Checklist is properly signed and dated.

Incomplete or inaccurate responses to the questions within the checklist shall be grounds for reserving a threshold determination on a proposal, including the scheduling of any public hearings as may be required, until such time that the information is provided by the applicant.

...

18.04.230 Appeals.

A. Any interested person may appeal the adequacy of a threshold determination, final EIS, and the conditions or denial of a requested action made by a nonelected city official pursuant to the procedures set forth in this section. No other SEPA appeal shall be allowed.

B. All appeals filed pursuant to this section must be filed in writing with the Planning Director within ten calendar days of the date of the decision appealed from.

C. On receipt of a timely written notice of appeal, the Planning Director shall transmit said appeal to the Hearing Examiner and request that a date for considering the appeal be established. The decision of the Hearing Examiner shall be final pursuant to the provisions of Chapter 17.10 of this code. Appeals shall be considered as follows:

1. Procedural Determinations. Appeals of the adequacy of a threshold determination and a final environmental impact statement shall be made to the City of Gig Harbor Hearing Examiner pursuant to the provisions of Title 17.10 of the Gig Harbor Municipal Code. The Hearing Examiner's decision on these matters is final unless an appeal is filed with the Superior Court of the State of Washington, Pierce County.

2. Conditioning or Denying of a Proposal. Appeals regarding the conditioning or denying of a proposal under the authority of SEPA shall be to the City of Gig Harbor Hearing Examiner. The Hearing Examiner's decision shall be a recommendation to the City Council, consistent with the procedures established pursuant to Title 17.10 of the Gig Harbor Municipal Code.

D. All relevant evidence shall be received during the hearing of the appeal and the decision shall be made de novo. The procedural determination by the city's responsible official shall carry substantial weight in any appeal proceeding.

E. For any appeal under this section, the city shall provide for a record that shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and
3. A taped or written transcript.

F. The city shall give official notice whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing

judicial appeal.

Section 2. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect of any other section, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force no later than five days after publication.

Gretchen A. Wilbert, Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTOTNEY:

BY _____

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

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

SUMMARY OF ORDINANCE NO. _____

of the City of Gig Harbor, Washington

On the ___ day of _____, 1993, 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 THE CITY ENVIRONMENTAL POLICY ORDINANCE, DEFINING A COMPLETED ENVIRONMENTAL CHECKLIST, NEW SECTION 18.04.115, AND MODIFYING THE APPEALS SECTION TO INCLUDE APPEALS OF THRESHOLD DETERMINATIONS BEFORE THE HEARING EXAMINER AND THE CONDITIONING AND DENYING OF A PROPOSAL UNDER SEPA AS AN APPEAL TO THE CITY COUNCIL, UPON A RECOMMENDATION OF THE HEARING EXAMINER, SECTION 18.04.230.

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

DATED this ___ day of _____, 1993.

CITY ADMINISTRATOR, MARK HOPPEN

REGULAR GIG HARBOR CITY COUNCIL MEETING OF JUNE 28, 1993

PRESENT: Councilmembers Frisbie, Platt, Stevens Taylor, English, Markovich and Mayor Wilbert.

PUBLIC COMMENT:

Jim Boge - 6606 Soundview Dr., Gig Harbor. Mr. Boge said he had been solicited by three persons in a pickup wanting to paint house numbers on the curb for \$10, and wanted the council and staff to be aware that these people were going door to door. He asked when council would be addressing the landscaping on Soundview and what could be legally built on city right-of-way.

Mayor Wilbert answered that the landscape options were currently being reviewed, and that the Planning Commission would be making a decision on changes in the zoning code in August regarding fences and shrubs in the setback areas. Carol Morris, legal council, pointed out that building anything in city right-of-way was not a zoning issue, but an administrative decision. Council asked staff to make a recommendation and bring it back for consideration.

CALL TO ORDER: 7:19 p.m.

PUBLIC HEARING:

1. Shoreline Management Program Revisions. (Continued from last council meeting).

Steve Luengen - 10221 Rosedale Bay Court, Gig Harbor. Mr. Luengen reviewed the comments in his letter to council. He was concerned that even though he had contacted other business owners along the waterfront, none had attended the first or second public hearing. He gave an overview of the other items of concern in his letter and answered council questions.

Council and staff then discussed the draft page by page, incorporating comments by the Department of Ecology, Legal Council, Staff, and Councilmembers. Additional sections will be added to the "Definitions" section to clarify the intent of the draft. The draft will be carried over for Public Hearing again at the next council meeting, July 12th.

NEW BUSINESS:

1. ULID No. 3 Contract Modification. Ben Yazici gave the history of the project and the request to eliminate the wet well construction from the contract. He explained the elimination of the wet well is due to soil contamination on Harborview Drive, and the city liability if construction of the wet well were to make the soil/water table contamination worse. Mr. Yazici added that the Unocal Station at the site has been

under Ecology's enforcement order since 1991, and that Michael Conan, son of the owner of the Unocal Station, and Mr. Ron Record, station manager, were present at the meeting. Councilman Frisbie added that this site was very necessary for the future success of the project, and the clean-up of the site should be done as quickly as possible.

MOTION: Move we authorize the Public Works Department to delete the wet well construction on said site from the ULID No. 3 Construction Project. We also direct the City Administrator, Public Works Director, and the City Attorney to take the necessary steps to have this site cleaned up as soon as possible. In addition, the ULID should make a financial contribution to the City's Sewer Capital Construction fund in the amount of \$23,012.95, minus the cost of the contractor's mobilization and demobilization for the wet well construction, plus the Washington State Sales Tax.
English/Stevens Taylor - unanimously passed.

2. Amendment to Professional Services Contract - Gray & Osborne. Mr. Yazici gave an overview of the biosolids disposal problems the city is faced with in the future, and proposed an amendment to the Wastewater Treatment Plant Expansion Contract to include the design and construction drawings for a thermophilic digester for a fee not to exceed \$22,000. This option would allow the city to deal with the biosolids without utilizing other costly methods of disposal.

MOTION: Move we approve the Gray & Osborne Contract as presented by staff.
Frisbie/Stevens Taylor - unanimously passed.

3. Gig Harbor Senior Community Center Grant. Mark Hoppen introduced Mr. Russ DuBois and Mr. Elmer Tripple, representing AARP, and Mr. Dave Freeman, from Snodgrass Freeman Associates, who has volunteered time to develop the conceptual schematics of the project. Mr. Freeman used drawings to explain the project and answered questions. Mr. Hoppen then explained the grant's opportunities and answered questions on access options to Harbor Green Park.

MOTION: Move we approve the signing of the grant agreement for the design of the center.
English/Stevens Taylor - four voted in favor. Councilman Frisbie voting against.

OLD BUSINESS:

1. Second Reading of Ordinance - Short Plat Amendment. Mr. Gilmore asked that this ordinance be reintroduced at the next council meeting per legal counsel's advice. The ordinance originally introduced did not include the entire subsection, as required.

2. Second Reading of Ordinance - Update to UBC/UFC. Mr. Gilmore requested a new Section 4 be added at the end of the document on advise of legal counsel, to the effect that reference documents will be on file with the city clerk.

MOTION: Move we adopt Ordinance 644, the Building Code revisions as proposed by the Washington State BCC and as recommended by the Gig Harbor Building Code Advisory Board with additional language as proposed by legal counsel.
English/Stevens Taylor - unanimously passed.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the meeting of June 14, 1993, with a correction.
English/Platt - unanimously approved. Councilmember Stevens Taylor abstained.

NEW BUSINESS (cont.):

4. Reappointment of Carl Halsan to the Gig Harbor Planning Commission. Mayor Wilbert asked for council approval for the reappointment of Mr. Halsan to another six year term on the Planning Commission. Councilmember Stevens Taylor asked if the position had been advertised or any letters of interest had been received. Mayor Wilbert said the second open position would be advertised to attempt to attract interested persons.

MOTION: Move we approve the appointment of Carl Halsan to the Gig Harbor Planning Commission.
English/Platt - unanimously approved.

5. Peacock Hill Contract Award. Ben Yazici introduced the bid figures. The low bidder was Pape & Sons Construction, Inc. with the low bid of \$331,518.00, which was significantly lower than the engineer's estimate of \$396,828.00. After discussion, Mr. Yazici reassured the Council that he felt that it was a fair bid.

MOTION: Move to award the Peacock Hill Avenue Improvements project to Pape & Sons Construction, Inc. for \$331,518.00.
Frisbie/English - unanimously passed.

6. Bid Results - Wastewater Treatment Plant Supplies. Mr. Yazici asked that council deny the bid on the basis that due to the fact only one bid was received, and that the proposal package needed to be broken down into categories. He stated that although buying from one supplier would save time, it was not cost effective. He recommended that the Public Works Department continue to buy supplies from those suppliers that offer the best price on an item-by-item basis.

MOTION: Move we deny the bid from South Sound Culligan to supply various sludge dewatering polymers and laboratory reagents and

glassware/maintenance supplies for the Gig Harbor Wastewater Treatment Plant.
English/Platt - unanimously approved.

DEPARTMENT DIRECTOR'S REPORT:

Chief Richards reported that the officers had been watching the GHHS students closely, as around graduation time, the graduating class and upcoming seniors have a tendency to become somewhat "squirrely". He felt encouraged that there has been no serious accidents to date.

He then spoke to Council about the new State Law that charges cities and counties \$25 a piece to destroy handguns.

MAYOR'S REPORT:

1. Harbor Basin Protection Plan. Mayor Wilbert briefly described the plan and the questions relating to the bay. She added as information was made available, and the Ad Hoc committee scheduled meetings, she would bring this information back to council.

ANNOUNCEMENTS OF OTHER MEETINGS: None announced.

APPROVAL OF BILLS:

MOTION: To approve warrants #10769 through #10807, in the amount of \$32,926.58.
Platt/English - unanimously approved.

EXECUTIVE SESSION: Cancelled.

ADJOURN:

MOTION: To adjourn at 10:35 p.m.
Platt/Stevens Taylor - unanimously approved.

Cassette recorder utilized.
Tape 316 Side A - 235 - end.
Tape 316 Side B - 000 - end.
Tape 317 Side A - 000 - end.
Tape 317 Side B - 000 - end.
Tape 318 Side A - 000 - end.
Tape 318 Side B - 000 - 190.

Mayor

City Administrator



Pierce County

Office of the County Council

930 Tacoma Avenue South, Room 1046
Tacoma, Washington 98402-2176
(206) 591-7777
FAX (206) 591-7509
1-800-992-2456

June 25, 1993

Honorable Gretchen Wilbert
Mayor of Gig Harbor
8825 Harborview Drive N.
Gig Harbor, WA 98335-2168

Dear Mayor Wilbert: *Gretchen*

On behalf of the Pierce County Council, I would like to express our appreciation to you and your Council for meeting with us to discuss growth management issues on May 27th.

The meeting was both informative and enjoyable, and provided an opportunity for identifying growth management issues of mutual significance. We also would like to extend our appreciation to your staff for their assistance and support.

We look forward to continuing to work closely with you as we seek solutions to the many growth management issues that lie ahead.

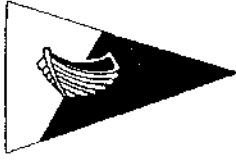
Sincerely yours,

Bill

Bill Stoner
Chair
Pierce County Council

BS:sb/cj





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 MEMBERS
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MMA*
SUBJECT: GIG HARBOR CAMPGROUND SEWER EXTENSION
DATE: JULY 8, 1993

Mr. Jerry Cochran of the Gig Harbor Campground (formerly KOA) is requesting 18 additional ERUs as per city code for recreational vehicle campgrounds for his facility off Burnham Drive N.W. As indicated on the attached map, he is seeking additional city sewer service principally for all the sites at his facility at which he currently has water and electricity service only. By ordinance, each campsite space converts to .33 ERU of service. Since he is asking to service 54 additional campsites (indicated by dotted shading on the campground map), he requires 18 ERUs of service.

This additional service will not in any significant way expand the physical characteristics of the campground. Previously, Council authorized additional capacity at this location for lower income housing, but the authorization was never executed, and resultantly expired.

The attached contract is our standard contract for outside capacity commitment, authorizing an additional 4158 gallons (18 ERU) of city sewer capacity to the existing site. The contract proposes a 36 month commitment period which results in a 15% payment for reservation of the capacity, an initial payment of \$4239 to execute this contract.

The contract contains provision (Paragraph 15) that the campground agree to build sidewalks in the event an LID or ULID is formed which includes the construction of sidewalks along the frontage of the campground as part of the scope of work.

A possible new contractual consideration for inclusion with the contract would be to limit the cumulative days of stay of a single customer or a single vehicle within the park to 120 days in a calendar year. Should a stay extend beyond the 120 day cumulative limit, then an additional charge per designated RV site would be assessed (an additional .67 ERU). Municipal Research indicates that the length of stay permitted by most cities with regulating ordinances ranges from two weeks to six months with the modal stay permitted at 120 days.

Gig Harbor Campground p.2

Paragraph 12 on land use indicates that the property will be restricted to its current use, which is commercial. Staff strongly recommends that Section 12.A. be altered to read "A. The use of the property will be restricted to use as a Commercial R.V. Park at the time of development." Staff suggests that it is not desirable to forecast a zoning designation for this property ahead of public processes designed to zone the property (such as the annexation process).

Finally, as with all customers of the utility, staff will assess yearly the current sewage use of the facility to determine if RV slot usage is consistent with authorized capacity.

Recommendation:

Staff recommends approval of the extension of 18 ERUs to the Gig Harbor Campground with the additional provisions to the standard contract that cumulative days of stay within the park by an individual or recreational vehicle of longer than 120 days will result in payment of .67 ERU at the then current city connection rate for each designated RV slot assessed for the excess stay, and that the standard land use language in Paragraph 12 be altered to indicate "A. The use of the property will be restricted to use as a Commercial RV Park at the time of development."



RECEIVED

JUN 14 1993

CITY OF GIG HARBOR

Gig Harbor Campground

June 11, 1993

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

Dear Mayor Wilbert:

As owners of the Gig Harbor Campground we request to be placed on the next available opening of the Gig Harbor City Council meeting agenda.

Our purpose is to gain approval to expand our existing sewer service.

Recreational vehicles are changing so that virtually every rig now has an on board bathroom and requests a sewer hookup at their site.

Presently, we have 54 sites with water and electric service only. We propose to add a sewer^{outlet} at each of these sites. 54 RV sites are equal to 18 more residential equivalents.

Mr. Yazici has reviewed the costs and other requirements with us to which we agree. He has indicated he will support our request to the Council.

Expansion of our sewer service is expected to increase our business. Our industry studies show the average RV family spends \$125 a day in the community where they stay the night.

Obviously an increase in our business is good the the community. Tourists come to town, spend their money and go home.

Please notify us of the date on which the Council will review our request.

In that we are already 10 year sewer customers, I presume this will be a routine matter and if possible it would save the Council's time and ours by not having to bring it formally, but rather informally, to the Council.

Sincerely,


Jerry Cochran

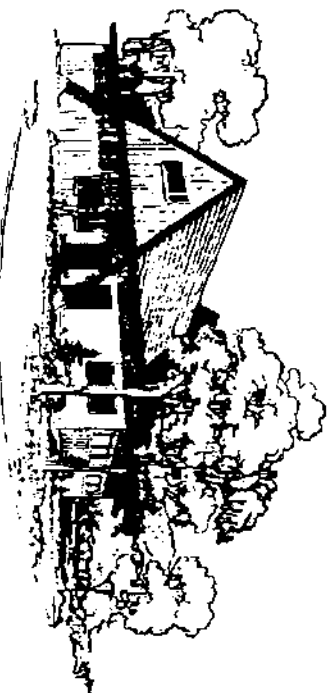
Welcome To The

GIG HARBOR CAMPGROUND

Your Hosts: Jerry & Barbara Cochran

9515 Burnham Dr. NW, Gig Harbor, WA 98332

Phone: (206) 858-8138



Open Year 'Round

Site # _____

For the Security of our guests:
Please have your visitors stop
at the Store and say Hi. (We
chase all unfamiliar vehicles)



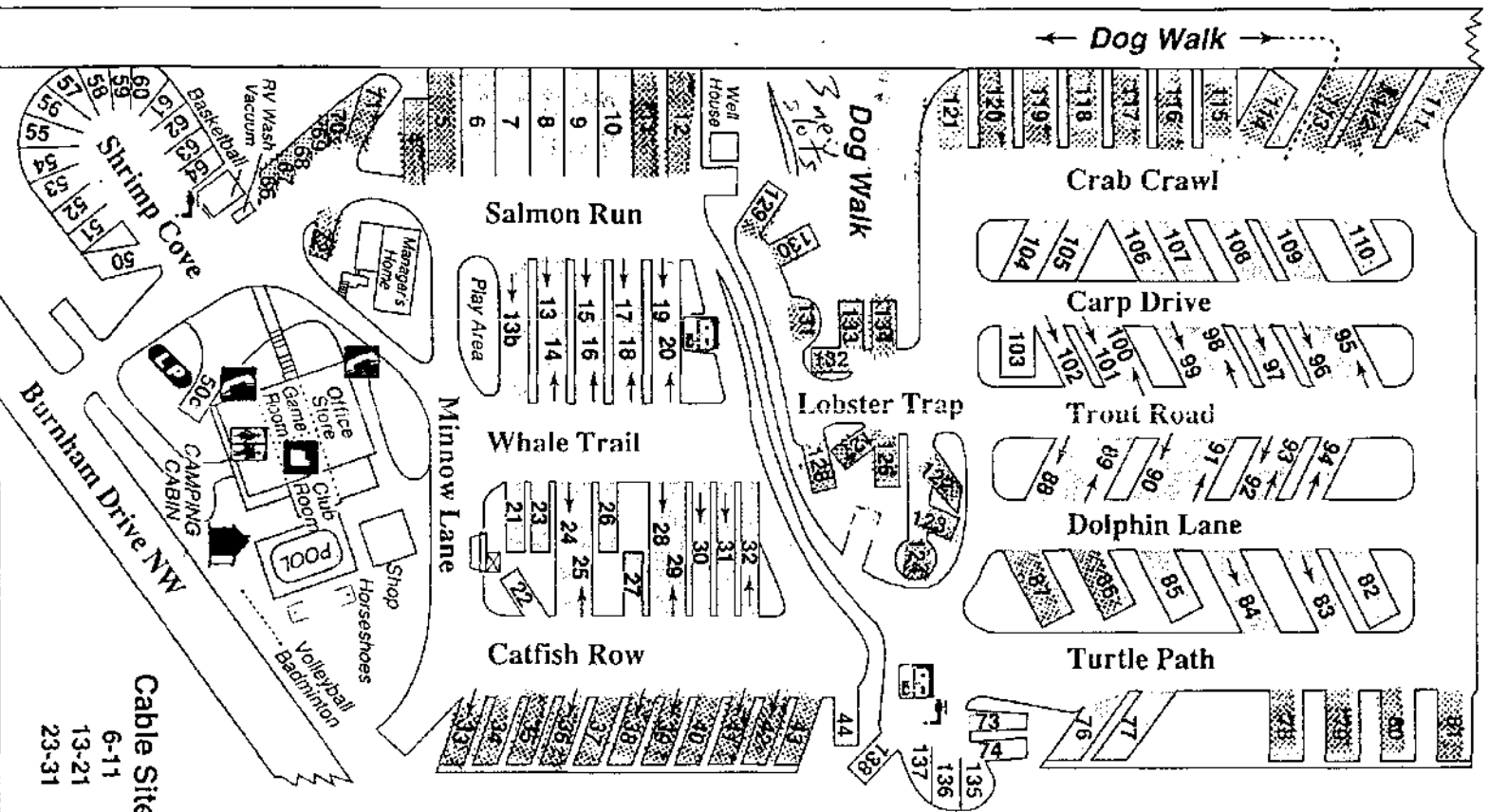
54 new
slots
18 EXUS

Check out time: 12:00 NOON

Emergency
911

LEGEND

- Path
- Full Hookups
- Water & Electric
- No Hookups
- Water
- Dumpsters



AGS

Cable Sites

- 6-11
- 13-21
- 23-31

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

THIS AGREEMENT is entered into on this 12th day of July, 1993, between the City of Gig Harbor, Washington, hereinafter referred to as the "City", and Jerry Cochran, hereinafter referred to as "the Owner".

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

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

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

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

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

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

9515 Burnham Drive Northwest

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

4. Sewer Capacity Commitment. The City agrees to provide to the Owner sewer utility service and hereby reserves to the Owner the right to discharge to the City's sewerage system 4158 gallons per day average flow. These capacity rights are allocated only to the Owner's system as herein described. Any addition to this system must first be approved by the City. Capacity rights acquired by the Owner pursuant to this agreement shall not constitute ownership by the Owner of any facilities comprising the City sewerage system. The City agrees to reserve to the Owner this capacity for a period of 36 months ending on July 11, 1996.

provided this agreement is signed and payment for sewer capacity commitment received within 45 days after City Council approval of extending sewer capacity to the Owner's property. Sewer capacity shall not be committed beyond a three year period.

5. Capacity Commitment Payment. The Owner agrees to pay the City the sum of \$4239 to reserve the above specified time in accordance with the schedule set forth below.

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

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

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

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

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

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

construction and approval and acceptance of the same by the City. As a prerequisite to such turn over and acceptance, the Owner will furnish to the City the following:

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

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

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

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

- A. Pierce County ordinances, resolutions, rules and regulations will cease to apply to the property upon the effective date of annexation;
- B. City of Gig Harbor ordinances, resolutions, rules and regulations will begin to apply to the property upon the effective date of annexation;
- C. Governmental services, such as police, fire and utility service, will be provided to the property by the City of Gig Harbor upon the effective date of annexation;

- D. The property may be required to assume all or any portion of the existing City of Gig Harbor indebtedness, and property tax rates and assessments applicable to the property may be different from those applicable prior to the effective date of annexation;
- E. Zoning and land use regulations applicable to the property after annexation may be different from those applicable to the property prior to annexation; and
- F. All or any portion of the property may be annexed and the property may be annexed in conjunction with, or at the same time as, other property in the vicinity.

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

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

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

<input type="checkbox"/>	Single Family Residential	<input type="checkbox"/>	Multiple Family Residential
<input checked="" type="checkbox"/>	Commercial	<input type="checkbox"/>	Industrial

- B. The development or redevelopment shall comply with all requirements of the City Comprehensive Land Use Plan, Zoning Code and Building Regulations for similar zoned development or redevelopment in effect in

the City at the time of such development or redevelopment. The intent of this section is that future annexation of the property to the City of Gig Harbor shall result in a development which does conform to City standards.

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

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

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

Sidewalks to frontage

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

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

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

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

recording this Agreement with the Pierce County Auditor shall be borne by the Owner.

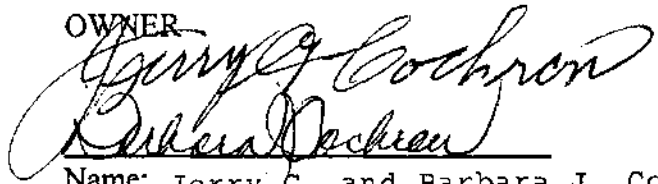
18. Attorney's Fees. In any suit or action seeking to enforce any provision of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and costs, in addition to any other remedy provided by law or this agreement.

DATED this 12th day of July, 1993.

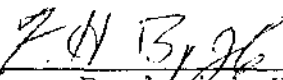
CITY OF GIG HARBOR

Mayor Gretchen Wilbert

OWNER



Name: Jerry G. and Barbara J. Cochran
Title: Owners-Operators



Name: Frederick Hines, et al
Title: Owner-Manager
Effective 7-13-93

ATTEST/AUTHENTICATED:

City Clerk, Mark Hoppen

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD
 License Division - 1025 B. Union, P.O. Box 43075
 Olympia, WA 98504-3075

TO: MAYOR OF GIG HARBOR

DATE: 7/06/93

RE: NEW APPLICATION

License: 078044 - 2H County: 27
 Tradename: DOWN EAST FISH MARKET
 Loc Addr: 5775 SOUNDVIEW DR
 GIG HARBOR WA 98335

APPLICANTS:

DOWN EAST FISH, INC.

Mail Addr: 7914 BEACH DR
 PORT ORCHARD WA 98366-8508

STROUD, JACQUELINE L 06-12-36 042-28-0273
 STROUD, RONALD T 12-05-34 541-36-4204

Phone No.: 206-895-4148 JACQUELINE L STROUD

Classes Applied For:

- C Wine on premises
- D Beer by open bottle only - on premises

Notice is given that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS (10 days notice given for Class I) from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required please advise.

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. Do you approve of applicant ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Do you approve of location ? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken ? | <input type="checkbox"/> | <input type="checkbox"/> |

OPTIONAL CHECK LIST:	EXPLANATION	YES	NO
LAW ENFORCEMENT		<input type="checkbox"/>	<input type="checkbox"/>
HEALTH & SANITATION		<input type="checkbox"/>	<input type="checkbox"/>
FIRE, BUILDING, ZONING		<input type="checkbox"/>	<input type="checkbox"/>
OTHER		<input type="checkbox"/>	<input type="checkbox"/>

If you have indicated disapproval of the applicant, location or both, please submit a statement of all facts upon which such objections are based.

 DATE SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNER

C090080-2

WASHINGTON STATE LIQUOR CONTROL BOARD

DATE: 7/02/93

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR
FOR EXPIRATION DATE OF 9/30/93

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1 YEE, HENRY	GOLDEN DRAGON CHINESE RESTAURANT 6687 KIMBALL DR UNIT B GIG HARBOR WA 98335 0000	070891	H
2 PANDA INC.	HUNAN GARDEN RESTAURANT 5500 OLYMPIC DR GIG HARBOR WA 98335 0000	076567	H
3 JU, SUN WOO	KINZA TERIYAKI 6820 KIMBALL DR A-1 GIG HARBOR WA 98335 0000	077031	C D
4 TWETEN, KEVIN FRANKLIN TWETEN, PAM LEE	THE SUNSET GRILL 4926 PT FOSDICK DR GIG HARBOR WA 98335 0000	072299	H

RECEIVED

JUL - 8 1993

CITY OF GIG HARBOR

Attention:

Enclosed is a listing of liquor licensees presently operating establishments in your jurisdiction whose licenses expire on SEPTEMBER 30, 1993. Applications for renewal of these licenses for the upcoming year are at this time being forwarded to the current operators.

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

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

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

If applications for new licenses are received for persons other than those specified on the enclosed notices, or applications for transfer of licenses are received by the Board between now and SEPTEMBER 30, 1993, your office will be notified on an individual case basis.

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

LESTER C. DALRYMPLE, Supervisor
License Division
Enclosures

MAYOR OF GIG HARBOR
P.O. BOX 145
GIG HARBOR

WA 983350145

RECEIVED

JUL - 8 1993

OFFICE OF THE MAYOR

EXHIBIT "1"

City of Gig Harbor Shoreline Master Program

**Adopted 1975
Revised 1993**

Gretchen Wilbert, Mayor

City Council

John English
Robert Frisbie
Nick Markovich, Jr.
Corbett Platt
Jeanne Stevens Taylor

Planning Commission

Kae Paterson, Chairwoman
Nick Skansi
Al Johnsen
Theresa Malich-Mueller
Carl Halsan
Larry Storsett
Debra Vosburgh

Planning Staff

Ray Gilmore, Director
Steve Bowman, Building Official
Steve Osguthorpe, Associate Planner
Susan Matthew, Secretary

ORDINANCE No. ____

**AN ORDINANCE OF THE CITY OF GIG HARBOR CITY COUNCIL
ADOPTING A REVISED AND UPDATED CITY OF GIG HARBOR
SHORELINE MASTER PROGRAM AND ENVIRONMENT DESIGNATIONS
MAP, PURSUANT TO RCW 90.58 AND THE PROCEDURES ESTABLISHED
UNDER WAC 173-19-061.**

WHEREAS, the City of Gig Harbor Shoreline Master Program has essentially remained unchanged since its adoption in September of 1975; and,

WHEREAS, the City of Gig Harbor has been subject to significant growth pressures over the past fifteen years which have substantially altered the City and its shoreline; and,

WHEREAS, the Shoreline Management Act Administrative Codes have undergone several revisions since 1980 which relate to shoreline permit administration and enforcement procedures and which are not reflected in the current City of Gig Harbor Shoreline Master Program; and,

WHEREAS, a process to update the Shoreline Master Program was commenced in 1984 by a citizens ad-hoc committee; and,

WHEREAS, the City of Gig Harbor Planning Commission initiated its review of the ad-hoc committee recommendations and, following a public hearing on June 16, 1992, transmitted a revised draft document to the City of Gig Harbor City Council; and,

WHEREAS, following a public hearing on August 10, 1992, and a worksession with the Planning Commission on September 24, 1992, the City Council established an ad-hoc technical committee to review the draft and submit a recommendation to the Council; and,

WHEREAS, the technical committee, following six weekly worksessions commencing in January of 1993, have submitted a draft document to the City Council which reflects the recommendations of the Planning Commission and the technical committee; and,

WHEREAS, public notice on the proposed changes have been given in compliance with RCW 90.58.120 (1); and,

WHEREAS, comments received from the Department of Ecology and other interested parties were considered by the Council and, where deemed appropriate, were integrated into the revised Shoreline Master Program; and,

WHEREAS, the SEPA responsible official for the City of Gig Harbor has determined that the proposed changes will not have a substantial impact on the quality of the environment and, consistent with WAC 197-11-340, issued a Determination of Nonsignificance on June 29, 1992; and,

WHEREAS, the proposed revised and updated City of Gig Harbor Shoreline Master Program is in the public's health, safety, welfare and interest and which further implements the goals and objectives of the Shoreline Management Act, RCW 90.58.

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

follows:

Section 1. The revised City of Gig Harbor Shoreline Master Program, which is attached as "Exhibit 1", is hereby adopted by the City of Gig Harbor and transmitted to the Washington Department of Ecology Shoreline Section for further consideration and approval.

Section 2. If any section, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect of any other section, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force no later than five days after publication following notification of adoption by the Washington Department of Ecology.

Gretchen A. Wilbert, Mayor

ATTEST:

Mark E. Hoppen
City Administrator/Clerk

Approved as to form:
Office of the City Attorney:

Filed with City Clerk: June 11, 1993
Passed by City Council: July 12, 1993
Date Published:
Date Effective:

Part 1 INTRODUCTION

The Shoreline Management Act
Jurisdiction
Shoreline Substantial Development Permit
The Inventory
The Master Program
Environment Designations
~~How the Master Program was Developed~~

Part 2 GOAL STATEMENTS

Part 3 POLICIES AND REGULATIONS

- 3.01 Overall Statements Applicable to All Uses
- 3.02 Agriculture
- 3.03 Aquaculture
- 3.04 Archaeological Areas and Historic Sites
- 3.05 Commercial Development
- 3.06 Commercial Fishing Industry
- 3.07 Dredging
- 3.08 Forest Management Practices
- 3.09 Industrial Development
- 3.10 Landfill
- 3.11 Marinas, Piers, Floats and Moorages
- 3.12 Mining
- 3.13 Parking
- 3.14 Recreation
- 3.15 Residential Development
- 3.16 Shoreline Protective Structures
- 3.17 Signs and Outdoor Advertising
- 3.18 Solid Waste Disposal
- 3.19 Transportation Facilities
- 3.20 Utilities

Part 4 Administrative Procedures

- 4.01 General Variances
- 4.02 Administrator Environmental Assessments for
- 4.03 City Council
- 4.04 County Tax Assessor
- 4.05 Applicability to Substantial Development
- 4.06 Statement of Exemptions
- 4.07 Application Fees
- 4.08 Permit Application
- 4.09 Permit Process
- 4.10 Revisions to Permits
- 4.11 Appeal of Administrative Decisions
- 4.12 Appeal to Shoreline Hearing Board
- 4.13 Variances and Conditional Use Permits
- 4.14 Nonconforming Development
- 4.15 Enforcement and Penalties
- 4.16 Master Program Review

~~4.17 Amendments to Master Program~~

Part 4: ADMINISTRATION PROCEDURES (replaced by new section 4).

Appendix 1: DEFINITIONS (retained and modified)

NOTE: APPENDIX TWO THROUGH SEVEN DELETED

~~Appendix 2: THE INVENTORY~~

~~Appendix 3: CITIZEN INPUT AND PUBLIC MEETINGS~~

~~Appendix 4: STATE MASTER PROGRAM REQUIREMENTS: Goals,
Environments, Statewide Significance,
Coordination, Review and Update~~

~~Appendix 5: REFERENCES~~

~~Appendix 6: ENVIRONMENTAL ASSESSMENT~~

~~Appendix 7: APPLICATION FORMS~~

PART 1: INTRODUCTION

The ~~(Town)~~ City of Gig Harbor has prepared this Shoreline Master Program to help guarantee that its shorelines are used wisely. The Master Program is a response to the State Shoreline Management Act of 1971 which recognizes that the shoreline area is one of our valuable natural resources and should therefore be carefully protected. The following pages present summary information intended to serve as the necessary background for making the Master Program as meaningful as possible to the reader.

THE SHORELINE MANAGEMENT ACT

The Shoreline Management Act was passed by the 1971 legislature and subsequently ratified by the people of the state in November of 1972. Briefly, the law states that the shorelines are being subjected to an increasing number of developments which, in many instances, threaten to destroy their natural features.

The basic intent of this Act is to provide for the management of the shorelines by planning for and fostering all reasonable uses while insuring that, where development takes place, it will be done in a manner which is consistent with the best interest of the general public.

To carry out this intent, the Act provides for cooperation between state and local governments throughout preparation of the Master Program. The program is intended to be put together by each unit of local government so that interests unique to a particular area are properly considered in the management of the state's shorelines. Besides the Master Program, the law provides for local governments to issue permits authorizing development upon the shorelines. These permits are then reviewed by the state to insure that statewide interests have been taken into account.

JURISDICTION:

The Shoreline Management Act generally applies to all marine waters, streams with a mean annual flow of 20 cubic feet per second, and lakes larger than 20 acres in size. The shoreline area includes the water itself, all lands covered by the water and all lands extending 200 feet landward of ~~Ordinary High Water Mark (OHWM) (Mean Higher High Water in marine areas)~~.

Within the ~~(Town)~~ City of Gig Harbor, the Act applies to the marine waters and the land within 200 feet of ~~Mean Higher High Water~~ ~~Ordinary High Water Mark (OHWM)~~. The ~~(Town) City~~ has expanded its area of concern to include all lands between Harborview Drive and Mean Higher High Water since the road

~~provides a convenient break in land ownership. However, in several instances the 200 feet extends beyond Harborview Drive. Donkey Creek and Crescent Valley Creek do not have sufficient flow to be covered by the Shoreline Management Act.~~

SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS

A Shoreline Substantial Development Permit or permit exemption is required for any development in the shoreline area of the (~~Town~~) City. A substantial development permit must be obtained for developments which have a fair market value of over ~~\$1,000 (One thousand dollars)~~ ~~\$2,500 (Two thousand five hundred dollars)~~ or which may interfere with the normal public use of the surface waters. An exemption from a substantial development permit (~~should~~) ~~shall~~ be obtained from the City for developments of less than ~~\$1,000~~ ~~\$2,500~~, and other activities which the Act specifically allows without acquiring a Shoreline Substantial Development Permit. More detailed information regarding permit requirements is contained in the Administration Procedures, Part 4 of this Master Program.

In issuing the Shoreline Substantial Development Permit, special consideration is given to both oral and written input from concerned citizens. Each permit which is issued must be consistent with the criteria presented in Part 2 and Part 3 of this Master Program.

THE INVENTORY

One of the initial steps toward preparation of the Master Program was to identify those characteristics which comprise the shoreline area of the (~~Town~~) City of Gig Harbor. The purpose of this exercise was to document existing features worthy of protection and to generally acquaint the (~~Town~~) City with its shoreline resource.

The shoreline inventory consisted of three separate activities:

1. Pierce County assessed the shoreline of the (~~Town~~) City as a part of their inventory of all county shorelines. A wide range of features were documented, including land uses and ownerships, bank and beach characteristics, vegetation, and location of protective structures.
2. The (~~Town's~~) City's consultants obtained additional information by spending a full day walking along the ~~Town's~~ City's shorelines. Special note was made of particularly good viewpoints, the fragile nature of the two creek estuaries, places where it was difficult to traverse the beach, high activity areas, and other qualities.

3. The Shoreline Citizens Committee had the opportunity to view the entire shoreline area from water by boat at one of their early meetings.

Information gained from the inventory served as important background reference throughout development of the Master Program. The ~~(Town's)~~ City of Gig Harbor Shoreline Inventory ~~is presented in Appendix 2. has been updated as of Spring of 1993.~~

THE MASTER PROGRAM

The Gig Harbor Shoreline Master Program has been prepared and revised to provide minimum guidelines ~~(serve as a guide for the Planning Commission and Town)~~ for the City Council to use in making decisions involving the shoreline area within the City. The original master program ~~(is)~~ was comprehensive enough to ~~(in the sense that it)~~ addresses a wide range of shoreline related matters. It was ~~(developed so that it will be)~~ applicable ~~(for a time period of 10 to 20 years, with periodic updates)~~ from March of 1975 through June of 1993.

Broad goal statements are presented in Part 2, reflecting the future shoreline conditions desired by the people of Gig Harbor. Part 3 consists of policies and regulations for the purpose of directing shoreline activities towards achieving those future conditions. The administration procedures, Part 4, outlines the process for enforcement and obtaining a Shoreline Substantial Development Permit. This process is designed to translate the goals, policies, and regulations into types of development that will enhance the shoreline character of the ~~Town~~ City of Gig Harbor.

The goal statements may be thought of as the shoreline plan and the policies and regulations as are the criteria applied to specific proposed developments to judge whether they measure up to the plan. If used properly, The Master Program ~~should prove to~~ will be an effective the tool for ~~to~~ managing the ~~Town's~~ City's shorelines.

~~HOW THE MASTER PROGRAM WAS DEVELOPED~~

~~Responding to the emphasis of the Shoreline Management Act on citizen involvement, a citizens' committee was organized to assist in preparation of this Master Program. The committee represented a cross section of Gig Harbor residents. In addition, the Town City hired three individuals to guide formulation of its Master Program. Thanks to long hours and dedication on behalf of the committee members, this document fully reflects the ideas of the Town's City's own residents. Therefore, it also stands an excellent chance of achieving the goals expressed in Part 2.~~

~~A series of five town meetings were held near the outset of the program. These meetings each centered around a~~

~~different topic which the committee felt was important to the Town's City's future. Those who attended the public meetings expressed many ideas which were later integrated into the goals, policies and regulations. More information on the Town meetings may be found in Appendix 3.~~

~~Following the town meetings, goal statements were prepared and approved by the Town City Council. Policies, regulations and administration procedures were then prepared in a series of meetings attended primarily by the committee and their consultants. After several study sessions with the Town City Council, the entire Master Program was assembled for final council approval and submission to the State Department of Ecology for review and adoption. The (Town) City of Gig Harbor Master Program was approved by the Department of Ecology on September 10, 1975.~~

Environment Designations

~~The City of Gig Harbor Shoreline Master Program recognizes that the urban environment designation is appropriate for the City's shorelines. This was recognized in the original shoreline master program of 1975 which stated in Appendix 4:~~

~~The Town of Gig Harbor has selected the urban environment classification for its shorelines area. Urban was chosen because it allows for a variety of water-oriented uses in an urban setting. This is the category most consistent with present uses and the Town's goals. In town, Gig Harbor is densely enough settled to be considered urban in character by most standards.~~

~~The environment designation, and the policies and regulations within the master program, took into account the estuarine area of Crescent Creek. Nonetheless, accelerated growth within the City and its surrounding unincorporated area over the past twenty years provides occasion to re-evaluate the current designation as to its appropriateness to guide development along the shoreline over the next twenty years. The development of an urban planning area in 1986 (City of Gig Harbor Comprehensive Plan) and its evolution into an urban growth area under the 1990 Growth Management Act caused the city to consider shoreline areas outside of the harbor and an appropriate range of environment designations should these areas eventually annex to the city over the next twenty to thirty years.~~

~~The Shoreline Management Act Administrative Guidelines provide five basic environment categories for local governments to consider. However, local governments may consider environment designations which more closely represent the local conditions. Recognizing that the City of~~

Gig Harbor is urban in character, the basic environment designation of urban is affirmed, with the addition of a new urban category of "Urban Residential." The urban residential category is applied to those shoreline areas which are predominantly residential in nature and character. These areas are identified as follows:

1. The shoreline on the east side of Gig Harbor Bay, from the Crescent Creek weir to the mouth of Gig Harbor Bay, as the affected properties become incorporated into the City of Gig Harbor. These areas are designated Rural Residential under the Pierce County shoreline master program.
2. The shoreline fronting the bluffs overlooking the Tacoma Narrows, extending from the entrance south to the City limit.

3. All other shorelines within the urban growth area which are predominantly characterized by residential uses.

Within these urban residential areas, only those uses permitted in the underlying residential zoning district designation would be permitted. The urban designation will continue to apply to those mixed use shorelines along Gig Harbor Bay on the west and north side and to those properties within the urban growth area which are predominantly non-residential in character.

The application of environment designations to those areas outside of the city would occur at the time an annexation petition is considered and processed, consistent with the Shoreline Management Act and the applicable annexation laws of the state.

PART 2: GOAL STATEMENTS

~~A goal is an expression of community attitude reflecting how the people want their shoreline to look in the future. The people of Gig Harbor are strongly linked to the cultural heritage and natural beauty of their City. For this reason, citizens who attended the town meetings were eager to present their views regarding that one common resource which provides Gig Harbor with its distinct character the waters of the harbor itself. Their strong feelings also made it relatively easy to arrive at a consensus on appropriate goals.~~

~~Subjects which these goal statements address were chosen by a combination of methods. Prior to the town meetings, the citizen committee spent several meetings selecting five topics which they considered to be the most important aspects of the City's future. Goals for Particular Types of Uses were formulated for these five topics based on ideas presented by citizens attending the town meetings. However, many recurrent concerns expressed at these meetings went beyond the scope of the five topics. Consequently, four additional topics, the Overall Goals, were chosen to reflect goals common to a wide range of activities. It is these overall goals which provide the ingredients necessary to carry on the vitality of life for which Gig Harbor is known.~~

Following are the goal statements for the Town City of Gig Harbor's shorelines:

OVERALL GOALS:

1. Character

~~The Town shorelines of the City of Gig Harbor support focuses around its fishing, boating and tourist industries as well as the residential community. Therefore preservation of the fishing character of the town these characteristics beneficial to these industries shall should be a primary consideration in evaluating the effect of (any) all shoreline proposals.~~

2. Balance

The (Town) City of Gig Harbor has achieved its distinctive quality through a beneficial relationship between a variety of uses. It shall be the goal of this Master Program to retain this balance and new development should not emphasize one use at the expense of others.

3. Scale

~~Because Gig Harbor is located in a basin with limited land and water area, development of additional structures should give special consideration to their size in relation to existing structures. All changes to existing structures or development of new structures should be constrained as to height and lot coverage as required under the City of Gig Harbor Zoning Code.~~

4. Views and Natural Features

Because of the natural beauty of (~~Gig Harbor~~) the water within the harbor, views and vistas to and from the water should be preserved and developed by the City and private parties alike. Fragile areas such as beaches, streams and estuaries which provide natural habitat should be subject to minimal disruption.

GOALS FOR PARTICULAR TYPES OF USES

5. Fishing

To preserve Gig Harbor's fishing fleet as a significant cultural and economic activity, to maintain supporting services, and to encourage development of moorage and dock facilities. ~~consistent with future needs.~~

6. Pleasure Boating and Marinas

To permit uncovered moorage ~~for local use and encourage~~ and the development of temporary docking facilities for visiting boats, while retaining the ~~maximum~~ open surface water area ~~possible~~ for watercraft circulation.

7. Living Spaces

To provide for individual single family homes as well as for a limited number of multi-family residences. ~~that maintain public contact with water and respect the character of the surrounding area.~~

8. Commercial Areas and Shopping

To permit commercial uses which are water-oriented. ~~and encourage them to locate with other commercial uses in areas where adequate support facilities such as parking are available.~~ Uses which are not strictly water oriented ~~must~~ ~~should~~ demonstrate an provide facilities ~~overriding concern~~ for public enjoyment of the water location.

9. Recreation and Public Use

To utilize existing maximize use of publicly owned shoreline locations and to provide for additional public access. where appropriate to satisfy both active and more relaxing recreational needs with a minimum of development.

The goal statements are primarily aimed at retaining the existing character of the Town City. The special relationship between the land area near the shore and the water itself is to be preserved to the greatest extent possible. Judging from the inventory and attitudes expressed by the Town's City's citizens, this interdependent relationship is not only essential to the support of Gig Harbor's fishing fleet, but to many other activities as well. Some of these activities include pleasure boating, enjoyment of views both to and from the water, fish spawning in the natural tributaries of Crescent Valley Creek and Donkey Creek, and various forms of active and passive recreation along the water's edge.

In summary, the unique quality of the Town City of Gig Harbor can be expressed as the product of interaction between two essential factors: Its waterfront location and the heritage of its people. Because of this, the future of the Town's City's shoreline area is the future of the Town City itself. Therefore, the key to managing the future of Gig Harbor's shoreline resource lies in the ability to realize this special relationship between land, water and people and project it into the future when considering proposed development upon the shorelines. The goal statements are meant to aid in this process in two ways:

1. Expressing the plan for the Town City of Gig Harbor's shorelines by prescribing desired future conditions, and;
2. Providing a general guide guidelines for proposed developments, which should shall be carefully reviewed by the Town City prior to issuing a Shoreline Substantial Development Permit.

PART 3: POLICIES AND REGULATIONS

Policies are those methods used to direct shoreline development towards achieving the City's goals. ~~Although more specific than the goals, policies are also general in that they are intended to guide formulation of specific regulations for managing shoreline development. Like goals, policies express community attitudes. Unlike goals, however, these policies address specific types of proposed development by relating the broad goal statements to particular activities which may take place on the shorelines.~~

Regulations are the direct controls placed upon proposed developments to insure that they shall will be consistent with the policies and goals. ~~Regulations prescribe how a development is to take place in order to meet the desired future conditions expressed by the people of the City of Gig Harbor. They are intended to be as flexible as possible so that they do not place unnecessary restrictions upon the property owner while accomplishing their purpose of protecting shoreline assets and channeling future uses in the desired direction.~~

Policies and regulations together comprise the implementation portion of this Master Program. ~~The Gig Harbor Planning Commission and City Council will shall use these policies and regulations as the primary criteria upon which to judge Shoreline Substantial Development Permit applications. In cases where a permit is not required, the proposed use shall must also adhere to these policies and regulations.~~

Proposed activities within the City's shoreline area which are not specifically mentioned in these policies and regulations shall be consistent with the intent of the overall Master Program and shall be subject to the policies and regulations of the activity mentioned which most closely approximates that which is proposed. Existing uses within the shoreline area are not required to comply with these policies and regulations unless they change or expand their activities or structures.

~~Ideas obtained from Gig Harbor citizens at the town meetings were used by the citizen's committee as the basic ingredients for the policies. Use regulations were prepared jointly by the citizen's committee and the Town's City's consultants. The City Council has reviewed the policies and regulations prior to the public hearing for their approval.~~

Topics which ~~within~~ the policies and regulations address (represent) specific uses or groups of uses. They were derived by the state in their guidelines for complying with the Shoreline Management Act. The only exception is the category for parking, which was included because it is an

activity common to many of the other uses mentioned.

3.01
OVERALL STATEMENTS APPLICABLE TO ALL USE ACTIVITIES
IN THE SHORELINE AREA

POLICIES

1. New structures should not dominate the shoreline in terms of size, use, location or appearance.
2. Shoreline developments ~~other than one and two family dwellings~~ should consider visual and physical public access to the water's edge. ~~Some developments, because of their nature and location, may be required to provide public access.~~ should provide visual access to the water.
3. After completion of a shoreline project, ~~the shoreline area cleared and disturbed areas~~ should (shall) be restored to its pre-project condition. If the previous condition had a negative effect on the shoreline environment, landscaping or other improvements may be required, including maintenance, so that the site will be compatible with adjacent natural terrain. ~~or The City Council may require landscaping or other improvements, including maintenance,~~ to make the site compatible with other properties.
4. All developments should be designed to minimize their adverse effect on surrounding ~~single family~~ areas.
5. The ~~estuaries~~ estuarine areas of Crescent Valley Creek as designated in the City of Gig Harbor Wetlands Map of May, 1992, and Donkey Creek should receive special consideration due to their potential as aquatic habitats.
6. All shoreline developments ~~shall~~ should be assessed by the City of Gig Harbor with special attention given to their cumulative effects on the character, mass, height, scale and balance of the City. ~~Factors such as mass, height and frequencies may be restricted to assure protection of public values expressed in the goals and policies within this Shoreline Master Program.~~

REGULATIONS

- ~~1. The owner of any shoreline development shall be responsible for damage to any or all marine life or habitat during construction or operation of the development beyond those limits that are permitted~~

~~by controlling governmental agencies.~~

- 2.1. External structural alterations to existing structures shall adhere to these use regulations which apply unless construction consists only of repairing deficient structures with materials very similar in nature, and appearance and character.
- 3.2. ~~Non conforming structures which are abandoned for a period of two years shall adhere to these use regulations at the time of any reinstatement of use or proposed change of use. In accordance with W.A.C. 173-14-055, non-conforming structures and uses which are discontinued for twelve consecutive months or for twelve months during any two year period shall be brought into compliance with the use regulations of the master program. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.~~
- 4.3. Any shoreline development taking place within the following described areas shall not be allowed to dredge. Uses and shall only be authorized as obtain a Conditional Use, Permit subject to special restrictions to assure protection of these fragile areas:
 - a. The estuary estuarine area of Crescent Valley Creek and Donkey Creek including all land and water areas which are under the jurisdiction of this Master Program. ~~within an 1200 foot radius of the southwest corner of the Vernhardson Street Bridge over Crescent Creek.~~
 - ~~b. The estuary of Donkey Creek, including all land and water areas under the jurisdiction of this Master Program, within an 800 foot radius of the east end of the Donkey Creek culvert under Harborview Drive.~~
5. ~~Shoreline activities who noise level potential is above 70 dbA must obtain a Conditional Use Permit. This noise level is approximately that of moderate freeway traffic measured at 40 feet.~~
- 7.4. ~~Any portion of a Sites undergoing development which has been disturbed shall be landscaped consistent with the City Zoning Code, restored to an aesthetically pleasing character its pre project condition upon completion of the development.~~
- 8.5. No new and/or additional covered moorage shall be allowed on or over the surface waters within the City of Gig Harbor.

~~9. The speed limit upon the water surface of Gig Harbor shall be four (4) miles per hour.~~

3.02
AGRICULTURE

~~The growing of a marketable crop or raising of livestock. This includes preparing the soil for producing crops, the application of pest control measures, fertilization, grazing and feeding of animals and other related activities. Due to the urbanized nature of the Gig Harbor shoreline and the level and intensity of the uses existing and potential, the shoreline of the City of Gig Harbor is not considered suitable for agricultural uses. Consequently, agricultural uses are not encouraged along the shoreline of the harbor.~~

GOALS: ~~Agricultural uses shall should meet the Overall Goals of the Shoreline Master Program for the City of Gig Harbor. Agricultural uses should be encouraged to locate outside of the shoreline of Gig Harbor~~

POLICIES

- ~~1. When land within the shoreline area is put to agricultural use, appropriate measures shall be taken to retard erosion and siltation caused by surface runoff. Agricultural uses are not considered compatible with the more intense uses and level of activity existing and potential along the shoreline of Gig Harbor. New agricultural uses should be encouraged to locate outside of the shoreline management jurisdiction.~~
- ~~2. Any pesticides, chemicals, or fertilizers used shall be applied, handled, and disposed of in a manner which will minimize contamination or pollution of the harbor and shorelines area.~~

REGULATIONS

- ~~1. Commercial growing of crops or raising of livestock shall be prohibited in the shoreline area of the City of Gig Harbor. Agricultural uses are not permitted along the shoreline of Gig Harbor.~~
- ~~2. All small scale, non commercial agricultural activities shall conform to pesticide use and disposal regulations as set forth in the Washington State Pesticides Act and the Pesticides Application Act.~~
- ~~3. Silt caused by erosion of agricultural lands shall be contained on site and in no instances shall be allowed to enter the water of Gig Harbor.~~

~~4. Keeping of animals other than ordinary house pets, and growing of commercial crops, shall not be allowed within 50 feet perpendicular to Crescent Valley Creek and Donkey Creek.~~

3.03
AQUACULTURE

The raising or farming of food fish, shellfish, or other aquatic plants and animals.

GOALS: ~~Aquacultural uses shall should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Areas and Shopping. Due to the level of intensity of existing development and the trend of providing more moorage facilities for an ever expanding recreational boating community, the shorelines of Gig Harbor are not considered suitable for aquacultural uses. Limited tidal action and the relatively small size of Gig Harbor bay precludes any opportunity for viable, large scale aquacultural activities.~~

POLICIES

1. ~~Because of the fishing character of the City of Gig Harbor and the presence of the large recreational boating community, fish farming should not be encouraged., but should not conflict with fishing activities.~~
2. ~~Aquacultural activities shall should be located so as not to interfere with navigational areas within Gig Harbor. Existing aquaculture uses may continue. Construction activities should be limited to maintenance activities and not for expansion.~~
3. ~~Structures related to aquacultural practices should not locate in areas where they would be detrimental to the visual quality of the water body.~~

REGULATIONS

1. ~~Floating aquacultural structures shall be confined shoreward of the outer harbor line.~~
- 2.1. ~~Aquacultural activities shall be located where they do not interfere with access to commercial docking facilities or with loading/unloading operations. New aquaculture activities shall not be permitted within Gig Harbor bay.~~
3. ~~Aquacultural activities shall take place in areas where they will cause minimal distraction from the which will not impair the visual quality of Gig Harbor Bay.~~

~~4. Actions necessary in the operation of aquacultural enterprises shall be undertaken so that they will not have harmful effects on the shoreline environment.~~

3.04
ARCHEOLOGICAL AREAS AND HISTORIC SITES

Archeological areas and historic sites are cultural and educational links with the past and which are a non-renewable resource. As of the date of the 1993 revisions to the Master Program, no archeological areas or historic sites have been identified.

GOALS: ~~Recognition of Archeological Areas and Historic Sites should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor and be consistent with the requirements of Chapter 43.51 RCW.~~

POLICY

1. Consideration should be given to the historic aspect of each shoreline site and where significant activities, buildings, or trails are documented to have occurred, the sites should be marked and efforts made to preserve them, in accordance with the requirements of Chapter 43.51 RCW and the National Historic Preservation Act.

REGULATION

1. In all developments, whenever a site is found to have been the location of past significant activities, buildings, or trails, the developer or any citizens shall notify the City of Gig Harbor. The City shall evaluate such sites within 30 days of discovery and conduct a public hearing to determine the significance of such site and plan for its recognition, restoration or preservation, and provide for fair compensation where appropriate. and shall contact the appropriate state agency having authority or expertise in archeological matters.
2. If it is determined by the appropriate authority that an archeological discovery is of historical importance, the developer, owner or permit applicant must prepare a suitable plan for site recognition, restoration or preservation. The plan must be approved by the appropriate state agency prior to completion of site construction.

3.05
COMMERCIAL DEVELOPMENT

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

GOALS: Commercial uses (shall) should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial areas and Shopping.

POLICIES:

1. ~~Commercial users shall be water dependent or provide an opportunity for a substantial number of the public to enjoy the shoreline location. All commercial developments should incorporate visual or public access or public recreational opportunities into the design of their establishments and shall consider the appropriateness of the public's health and safety.~~
2. Commercial users ~~should generally minimize their activities along the water's edge~~ should maintain their non-water oriented activities landward of Ordinary High Water or the existing bulkhead.
3. Commercial developments should provide adequate ~~(locate in areas where similar types of development already exist so as to encourage shared)~~ parking. ~~(and increase opportunities for pedestrians to enjoy movement between clusters of commercial activities.)~~
4. Within each group of commercial activity, diverse types of uses should be encouraged.

REGULATIONS:

1. Commercial developments within the shoreline area ~~(which are not water dependent)~~ shall provide, at a minimum, visual access to the water. Visual access shall consist of one of the following:
 - a. A public view corridor measuring twenty frontage feet along the street or twenty percent of the total waterfront footage of the parcel, whichever is the greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall only be permitted where required by the City Building Code.

b. A six-foot wide public pathway along the property perimeter down one side line of the property to the ordinary high water mark or bulkhead or to the waterside face of the structure, whichever is further waterward, thence across the waterside face of the property or structure and back to the street along the other side property line. Landscaping may be interplanted along the pathway.

c. A public viewing platform at the highest level of any structure on the property, with the platform having a minimum area of fifty square feet. Railings around the platform, consistent with the Uniform Building Code, may extend the maximum allowable height.

If visual access cannot or is not provided to the water, public access or recreational opportunities shall be provided as per Regulation #3 of this section.

~~(These activities may include, but are not limited to, public piers, fishing piers, pedestrian pathways, viewing areas, and temporary moorage facilities. Such activities shall not interfere with the primary commercial use and shall in no way endanger public safety. A plan for development of public access and/or recreational opportunities shall be submitted along with the application for a Shoreline Substantial Development Permit.)~~

~~2. (Length, width, height, and bulk of commercial structures shall be limited to the minimum dimensions necessary to conduct the proposed activity.)~~

~~3.2. All commercial structures on the shorelines within the City of Gig Harbor shall adhere to the City's zoning and building ordinances.~~

~~4.3. No Over-water commercial structures which provide shoreline access opportunities to the general public and which are either water-dependent, water-oriented or water-enjoyment shall be allowed on the shorelines within the City of Gig Harbor. (except those uses which necessarily depend upon an overwater location. Such uses shall be required to obtain a Conditional Use Permit.) Access opportunities may consist of one of the following:~~

a. A public fishing pier extending out to mean lower low water and connected by a minimum six foot wide public pathway which connects to the frontage street. A minimum of ten feet of open water shall surround the pier.

b. A small boat landing available for transient use by rowboats, canoes, dinghies, or other

type of non-motorized watercraft less than 18 feet in length, and extending out to mean lower low water and connected by a six foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.

c. A public transient moorage for up to two, thirty foot boats, and which must have a minimum water depth of minus eight feet (reference MLLW). The facility must be easily accessible to visiting boats and posted with signage which is legible to a distance of one hundred feet.

5-4. Six (6) foot wide concrete sidewalks with curbs and gutters shall be constructed at the City's right-of-way edge fronting the Commercial Development.

~~6. Commercial structures which do not necessarily depend upon an over water location shall be located no closer than twenty (20) feet from M.H.H.W. (Mean Higher High Water) or any existing bulkhead.~~

7-5. Lighting levels shall not exceed fifteen (15) foot candles when measured at a point twenty (20) feet from the base of a light fixture. Light shall be diverted downward. Direct lamp light from the light fixture shall not be visible from any point which lies one hundred feet or greater from the light fixture base as measured five feet above the fixture base's ground elevation.

6. All public access on or to the property shall be recorded with the Pierce County Auditor as easements recorded on the deed of title as a condition running contemporaneous with the authorized land use.

COMMERCIAL FISHING INDUSTRY

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures which provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city's development since its incorporation in 1946. In recent times, the fishing industry has experienced a marked decline due to a variety of social, environmental and economic factors, locally, regionally and globally. Although the fishing fleets in Gig Harbor are small in comparison to the fleet of two decades ago, the value of the remaining fleet is recognized as a very important component of the cultural and community environment. The City's Visioning Report of 1992 clearly showed that the community places a very high value on preserving the physical, aesthetic and social components which comprise the fishing industry and its fleet. Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal.

The policies and standards apply strictly to commercial fishing vessels and support activities. For vessels and moorage which are not commercial fishing related, the appropriate policies and standards of this master program shall prevail.

GOALS: Preserve the fishing industry by providing development standards that reflect the needs of the fishing industry.

Encourage the retention and redevelopment of waterfront parcels which provide a substantial and direct contribution to the commercial fishing industry.

Minimize the pressure to convert waterfront property to non-commercial fishing uses.

Encourage development of moorage and dock facilities consistent with current and future needs.

POLICIES

- 1) Moorage facilities and marinas which provide moorage space for active commercial fishing or support vessels should be allocated an upland parking ratio which does not impose a hardship on the commercial fishing industry or the respective moorage facility. Active fishing vessels are those which have a current commercial license issued by

the appropriate state or regional authority.

- 2) Structures which are directly supportive of the commercial fishing industry such as net sheds and loading docks, should be permitted waterward of ordinary high water.
- 3) Overwater parking should not be permitted, except for temporary loading and unloading of commercial fishing gear or fisheries products.
- 4) Commercial sales and services directly related to or supportive of the commercial fishing industry should be permitted, consistent with the underlying zoning regulation applicable to the site.
- 5) Public private joint moorage facilities for commercial fishing and recreational vessels should be encouraged in locations which are appropriate and capable of supporting such a facility.

REGULATIONS

- 1) New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Section 3.13 for those active commercial fishing vessels which have active license or a contract from the previous fishing season or the next fishing season, provided the following requirements are met:
 - a) One load/unloading parking space on the applicant's property is continuously provided
 - b) Proof of active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City to qualify for this exemption initially. The City may request from the applicant or subsequent assignee in future years that the applicant affirm within thirty (30) calendar days of written request by the City the status of each active commercial fishing vessel on the site by providing copies of the appropriate license or contract.
 - c) Pleasure craft or other non active commercial fishing vessels shall comply with the other relevant sections of this Shoreline Master Program including but not limited to Section 3.13, Parking
- 2) Structures which are directly supportive of commercial fishing activities may be permitted waterward of ordinary high water, providing that

the use or structure is permitted in the underlying zoning district for the site.

- 3) The sale of processed or semi-processed commercial fish products at moorage facilities which accommodate commercial fishing vessels is permitted, consistent with the underlying zoning code district for the site and applicable health codes of the State.

3.07
DREDGING

The removal of earth, gravel, sediment or other matter from the bottom of the harbor for purposes of deepening navigational channels or for obtaining the material.

GOALS: Dredging uses should meet the Overall Goals of the Shorelines Master program for the City of Gig Harbor.

POLICIES:

1. Dredging for the purpose of obtaining fill or construction materials shall be prohibited.
2. Maintenance dredging of navigational channels shall be permitted, provided that such dredging is done so as to minimize adverse effects on water quality, aquatic life, or marine habitat.
3. In establishing moorage and loading facilities near the shoreline, dredging ~~may shall~~ be (~~preferred~~) permitted as an alternative to extending a pier farther into the water ~~wherever~~ ~~feasible~~.

REGULATIONS:

1. Dredging for the purpose of obtaining fill or construction materials shall be prohibited.
2. Dredging may be permitted for the purpose of maintaining navigational channels, and for recreation, boat moorage, and loading/unloading facilities. ~~which clearly benefit the public.~~
3. Dredging activities shall not be permitted until written approval from appropriate agencies has been obtained for use of a spoils disposal site.
4. Dredging spoils shall not be stockpiled within the shorelines of the ~~City~~ of Gig Harbor.
5. All dredging activities ~~must shall~~ adhere to U.S. Army Corps of Engineers, State Department of Natural Resources and State Fisheries and Wildlife Department requirements.
6. Dredging shall not take place in the following areas:
 - a. The ~~estuary~~ ~~estuarine area~~ of Crescent Valley Creek, including all land and water areas which are under the jurisdiction of this Master Program.

~~b. The estuary area of Donkey Creek, including
all land and water areas under the
jurisdiction of this Master Program.~~

3.08
FOREST MANAGEMENT PRACTICES

Those methods used for protecting, producing and harvesting timber.

POLICY:

1. No appropriate area for forest management exists along the shorelines of the City of Gig Harbor.

REGULATION:

1. Forest management practices within the shoreline area of the City of Gig Harbor shall be prohibited.

3.09
INDUSTRIAL DEVELOPMENT

~~(Intense uses involved in extracting, manufacturing or processing, and distributing goods and services. Many such activities locate in shoreline areas for convenience in marshalling and loading commodities for over water shipment. Industrial development and port development must adhere to Policies and Regulations under Commercial Development as well.)~~

Industrial development consists of facilities for processing, manufacturing and storing finished or semi-finished goods. Due to the severe environmental constraints and physical limitations of Gig Harbor Bay and the bluffs along east Gig Harbor, suitable sites for new or expanded industrial development is severely limited.

GOALS:

~~(Industrial uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Areas and Shopping.)~~

POLICIES:

- ~~1. Industries which desire a shoreline location should be water dependent.~~
- ~~2. Preference should be given to those industries which support or compliment the fishing character of the City of Gig Harbor.~~
- ~~3. Industrial facilities should be designed to permit viewing of the harbor from restaurants and other similar public facilities which would not interfere with operations or endanger public health and safety.~~
- ~~4. The cooperative use of docking, cargo handling, storage and parking facilities should be strongly encouraged in shoreline industrial areas.~~
- ~~5. Industries which locate on the shoreline of the City of Gig Harbor should present minimum risk of pollution or contamination of the harbor.~~

REGULATIONS:

- ~~1. Only those industries which are water dependent for transportation of goods or the construction and maintenance of watercraft shall be allowed.~~

- ~~2. Industries which involve transfer of materials from one container to another shall incorporate special features into their design to protect against possible contamination of the waters of Gig Harbor. An Environmental Assessment must be submitted to the City prior to obtaining a Shoreline Substantial Development Permit for such activities.~~
- ~~3. All port facilities and industries shall provide for waste discharges into areas other than directly into the waters of Gig Harbor.~~
- ~~4. Industrial and port development within the shorelines of the City of Gig Harbor must adhere to Policies and Regulations for Commercial Development.)~~

1. Industrial development within Gig Harbor is not considered appropriate due to the severe environmental constraints and physical limitations of the harbor.

- ~~2. Where appropriate, low intensity industrial uses with minimal nuisance characteristics such as, but not limited to, noise, light, glare and emissions, may be considered as a conditional use.~~
- ~~3. Industrial uses which are particularly water dependent or water related are preferred. Non water dependent/water related uses are encouraged to locate outside of the shoreline management jurisdiction.~~
- ~~4. Due to the limited availability of suitable sites for industrial development within the harbor, new or expanded industrial development should only locate in those areas which permit the specific use within the underlying zoning district, as per the City of Gig Harbor Zoning Code.~~

REGULATIONS:

- 1. (~~Only those industrial developments which are water dependent or water related and which have minimal nuisance characteristics may be permitted as a conditional use.~~)

~~Industrial uses shall not be permitted within the shoreline area of the City of Gig Harbor.~~

- (~~2. Specific industrial uses which are permitted as a use within the underlying zoning district shall only be allowed.~~)

~~3. Existing non-water dependent/water oriented uses may allowed to be continued and maintained, consistent with WAC 173-14-055. Water ward expansion of such uses is prohibited.)~~

3.10
LANDFILL

Extension of dry upland area into the shorelines or water by the deposit of sand, soil, gravel, rock or other materials.

GOALS: Landfill uses should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor.

POLICIES:

1. ~~Landfills should not extend waterward of Mean Higher High Water, thereby reducing surface water area and endangering water quality. The construction of sloping or vertical bulkheads to retain landfills should be restricted to specific maximum tidal elevations based on the slope of the structure.~~
2. ~~Landfills should not interfere with views to or from the water's surface. nor should they cause future developments upon them to interfere more with views than would have occurred if the landfill had not been created.~~
3. Landfills should be protected from erosion by planting exposed surfaces with vegetation or providing retaining (walls) structures where appropriate.
4. In designing landfills behind permitted bulkheads, measures should be encouraged to retain the maximum amount of access along the water's edge.
5. ~~Landfills waterward of CHWM should be allowed only when necessary to facilitate water-dependent and/or public access uses consistent with this master program.~~
6. ~~In evaluating fill projects, such factors as total surface-water reduction, navigation restriction, impediment to water flow and circulation, reduction of water quality and habitat destruction should be considered.~~

REGULATIONS:

1. ~~Landfills extending into the water shall not be permitted except those necessary in conjunction with permitted bulkheads. Landfills retained by vertical bulkheads shall not extend beyond the tidal elevation of +9.4 feet when MLLW equals 0.0 feet.~~
2. ~~Landfills retained by sloping bulkheads shall have a slope not steeper than 1.5 feet horizontal to 1.0~~

feet vertical. Sloping bulkhead toes shall not extend beyond the tidal elevation of +6.9 feet when M.L.L.W. equals 0.0 feet.

- 2-3. All landfills shall utilize material which will minimize the potential for degrading water quality.
- 3-4. Normal drainage runoff patterns in the area immediately surrounding a landfill site shall not be altered.
- 4-5. Vegetation ~~(and/)~~ or retaining walls structures shall be established where necessary around the perimeter of a landfill to protect against erosion and migration of fill material to adjacent properties.
- 5-6. No landfill shall block existing views to or from the water.
- 6-7. Landfills for the purpose of artificially raising a building's height shall not be permitted.
- ~~7. All landfills must be consistent with design criteria adopted by the Washington State Department of Fisheries.~~

MARINAS, MOORAGE FACILITIES, PIERS, DOCKS AND FLOATS

Marinas and moorage facilities (which) provide commercial moorage, launching, or storage for ten (10) or more watercraft, including services, supplies, parking and other supporting activities. Due to the commercial nature of marina activities, marinas must should also be consistent with adhere Policies and Regulations under Commercial Development. (~~-, Parking, and Piers, Floats and Moorage.~~)

Piers, docks and floats are structures built over or floating upon the water, including ramps used as a landing place for marine transport or for recreational purposes. Although most private piers less than \$2,500 for non-commercial uses are exempted from obtaining a Shoreline Substantial Development Permit per WAC 173-14-040 (1), they are nonetheless required to meet the following Policies and Regulations.

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

Piers, Floats, and Moorage should meet the Overall Goals of this Master Program as well as conform to the goals for Fishing Recreation and Pleasure Boating and Marinas.

POLICIES:

- ~~1. Because of limited space, Gig Harbor area residents should have priority in use of moorage facilities located within the City of Gig Harbor.~~
- ~~2. Priority for moorage should be given to those boats which cannot be easily trailered.~~
- 3-1. Marina developments should be designed and constructed in such a manner as to avoid unnecessary to minimize interference with views.
- 4-2. Marinas should be designed so that they will have minimum interference with public use of the surface of the water and access along the water's edge should not extend beyond the Outer Harbor Line.
- 5-3. Marinas should be designed to provide vessel access consistent with the established private property and state lease land boundaries.
- ~~6. Additional moorage facilities in the City of Gig Harbor should be carefully considered with respect to the ratio of moorage compared to other uses of the water's surface.~~

- ~~6-4~~ Marinas should be located and constructed so that they do not cause harmful effects to the water quality or the aquatic life and habitat. (~~particularly in to the estuaries of Crescent Valley and Donkey Creeks.~~)
- 1-5 Piers and floats should be designed so that they will have minimum interference with the public use of the water's surface and access along the water's edge.
- 2-6 Piers and floats should be designed to accommodate a wide range of uses wherever feasible.
- 3-7 Adjoining waterfront property owners should be encouraged to share a common pier or float.
4. ~~In the construction of new piers and floats which are not associated with residential uses, preference shall be given to those which are related to the fishing industry.~~
- 5.8 Where non-residential docking facilities are developed liveboard craft are moored, provision should be made to absorb transfer waste discharges from watercraft to a permitted or approved waste water treatment facility.

REGULATIONS:

1. New marina facilities, and alterations to existing facilities, shall submit the following information as part of their application for a Shoreline Substantial Development Permit:
 - A. ~~An estimate of The number of future users, including percentages of those residing in the Gig Harbor and Longbranch Peninsulas compared with those residing outside the peninsula area.~~
 - B. ~~An estimate of The new size of water-craft which will be moored in the new facility, including the percentage over trailerable size, (longer than 26 feet).~~
 - C. ~~The number of liveboard vessels or slips allocated for liveboard vessels.~~
 - E-D. A general plan showing water supply lines, sewage disposal system including restrooms, pump-out facilities, provisions for discharging bilge water and, solid waste collection points, and outdoor lighting.

E. In addition to the application requirements of WAC 173-14-110, the application shall include a site plan drawn to scale showing adjacent property structures and uses, including existing and proposed state lease land boundaries.

~~2. An Environmental Assessment for development of marinas shall be submitted to the Town prior to obtaining a Shoreline Substantial Development Permit.~~

~~3.2 All marina development must shall be consistent with design criteria adopted by the Washington State Department of Fisheries and the Department of Social and Health Services Health. The applicant shall be responsible for obtaining all other necessary state and federal permits for marina development.~~

~~4. Residents of the Town of Gig Harbor, the Gig Harbor Peninsula, and the Longbranch Peninsula, shall have priority for use of one half of the moorage spaces. After this local demand has been met, people outside the peninsula area may be offered use of the marina facility.~~

~~5.3 Covered moorage shall be prohibited in new marina developments.~~

~~6.4 Marinas which propose to locate within one-half mile of designated public swimming and commercial shellfish growing areas shall obtain a Conditional Use Permit.~~

~~7.5 Automobile parking shall be provided by the marina developer at the following ratios:~~

~~A. One space for every two berths of moorage less than forty-five feet in length.~~

~~B. One space for every berth of moorage forty-five feet or greater.~~

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

~~8.6 Marinas shall be designed, built, and operated so that no part of a pier or float or moored watercraft extends waterward of the outer harbor line at any time.~~

~~9.7 Marine fueling stations on docks, floats and/or shore shall be considered on an individual basis and shall require a shoreline management conditional use permit. and recommendations~~

~~received from the Department of Fisheries shall be used to determine their location only after review and written comments are received from appropriate agencies.~~

- ~~10.8~~ Marinas shall be consistent with the adhere to Policies and Regulations for Commercial Development and Parking, and Piers, Floats, and Moorage.
- ~~1.9~~ The size and extent of a pier or float shall not exceed moderate dimensions necessary to carry out the activity for which it was designed. All moorages, wharves, piers, floats and vessels moored at such facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet may be permitted upon the submission to the City of a written agreement between the adjacent property owner or lessee agreeing to the joint use of common lot lines, and said agreement is filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four (24) feet. All space greater than twenty-four feet in width is intended to be provided by the applicant or through an agreement with the adjacent property owner/lessee.
- ~~2.10~~ All authorized piers and floats shall be for the purpose of conducting water-oriented related or water-dependent activities.
- ~~3~~ No pier or float shall extend waterward of the outer harbor line.
- ~~4~~ No portion of a watercraft moored at a pier or float shall be allowed to extend waterward of the outer harbor line.
- ~~5.11~~ All pier and float moorage proposals which provide moorage for liveaboard vessels shall provide sewage pump out facilities for transferring waste to a permitted upland waste water treatment facility. include a general plan for discharging waste materials in areas other than directly into the waters of Gig Harbor.
- ~~6~~ In the event that owners of a craft to be moored at a pier or float do not live adjacent to the facility, there shall be automobile parking provided at the ratio of one space per berth.
- ~~7~~ Applications for new piers and floats, or for alterations to existing facilities, shall be accompanied by proof that joint or common use has

~~been considered and discussed with adjacent property owners.~~

~~8. Moorage buoys shall be utilized in preference to piers and floats for moorage purposes within the outer harbor line wherever feasible.~~

~~9. In no case shall more than one pier be allowed per 100 feet on a single parcel of waterfront property (except for piers constructed in conjunction with a marina development).~~

~~10. Piers and floats shall be designed to allow for physical access along the water's edge near Mean Higher High Water with a minimum of difficulty.~~

~~11. New moorage facilities shall adhere to the Boat Moorage portion of the City's zoning ordinance.~~

~~12. Any commercial, or industrial docking facilities used for temporary day use shall adhere to Policies and Regulations under Marinas if used for overnight moorage.~~

3.12
MINING

The removal of any naturally-occurring materials of commercial value, such as sand, gravel, or minerals.

POLICY:

1. No appropriate areas for mining exist along the shorelines of the City of Gig Harbor.

REGULATION:

1. Mining activities on shorelines within the City of Gig Harbor shall be prohibited.

3.13
PARKING

Those facilities for temporary storage of automobiles accessory to primary activities such as commercial, marinas, (~~industrial~~), multi-family residential, and recreational uses (except loading and unloading of vehicles).

GOALS: Parking uses ~~shall~~ ~~should~~ meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Uses and Shopping.

POLICIES:

1. Parking facilities should not extend over the surface of Gig Harbor nor interfere with any views to or from the water's surface.
2. ~~(Parking areas need not be located on the same property as the uses they serve, but should be grouped together within a moderate walking distance 100 feet from M.H.H.W. from the shoreline development.)~~
~~Parking should not be located any further than four hundred feet from the activity.~~
3. All parking facilities should be appropriately screened, landscaped, and maintained so as not to have detrimental aesthetic effects on their surroundings.
4. Surface drainage from parking facilities should not adversely affect the water quality of Gig Harbor.
5. ~~Parking lot surfaces should be constructed to minimize erosion and siltation of materials into Gig Harbor Bay.~~
6. ~~Common parking areas are encouraged between uses.~~

REGULATIONS:

1. ~~Upland~~ Parking facilities shall be designed, screened, and landscaped in accordance with the ~~landscaping standards for the underlying zoning district to minimize adverse effects on the shoreline area of the City of Gig Harbor.~~
2. Pedestrian access walkways shall be provided between upland parking areas and the site which they serve.
3. ~~Parking for commercial or industrial activities, multi-family residences and recreational areas may be located within the shoreline area provided they~~

~~do not interfere with views to or from the water's surface.~~

- 4.3. Parking facilities for boat trailers shall be by Conditional Use Permit.
- 5.4. Parking over the water surface shall be prohibited.
- ~~6. Parking areas shall be developed jointly with those of other commercial or industrial uses wherever feasible.~~
- 7.5. Primary purpose commercial parking lots shall be prohibited from the shoreline areas.
- ~~8. Surface drainage from parking areas shall not directly enter the waters of Cig Harbor unless properly treated or it can be demonstrated that the water quality will not be adversely affected.~~
- 9.6. Parking areas shall be surfaced with asphalt or concrete, and sloped to drain to a treatment facility. Parking facilities shall include provisions for oil/grease separators within the required storm water drainage systems, as approved by the Department of Public Works.
7. Parking shall not be located any further than four hundred feet from the activity and should preferably be located on the upland side of Harborview Drive.
8. Condominium moorage facilities shall provide upland parking by one of the following methods:
 - a. Jointly owned by the condominium moorage owners or users; or;
 - b. If subject to an agreement with the property owners(s), the condominium moorage association shall submit a covenant which states that should parking requirements for the facility cease to be available at a future date, the condominium moorage association shall cease to use the property and/or moorage as originally permitted and shall restrict the level of use to the parking which they can provide, in conformance with the requirements of the parking standards of the City zoning code. The covenant shall be recorded with the Pierce County Auditor running with the land subject to the agreement.
9. Parking may be provided on lease property so long as the owner of the moorage facility files a

covenant with the Pierce County Auditor running with the land stating that a portionate share of the facility shall cease to be used at such time as some or all of the leased parking is lost or no longer available for use by the moorage facility.

~~PIERS, FLOATS, AND MOORAGE~~

~~Structures built over or floating upon the water, including ramps used as a landing place for marine transport or for recreational purposes. Although most private piers for non-commercial uses are exempted from obtaining a Shoreline Substantial Development Permit, they are nonetheless required to meet the following Policies and Regulations.~~

GOALS: RELOCATED TO SECTION 3.10

POLICIES: RELOCATED TO SECTION 3.10

REGULATIONS:

3.14
RECREATION

The refreshment of body and mind through forms of play, amusement, or relaxation.

GOALS: Recreational uses should meet the Overall Goals of this Master Program as well as conform to the goal for Recreation.

POLICIES:

1. Existing shoreline areas such as street ends should be planned for ~~or~~ ~~and~~ developed. ~~prior to acquiring new recreational sites.~~
2. Development of recreational facilities should enhance the natural character of an area while providing, where appropriate, for both active and passive forms of recreation.
- ~~3. New recreational areas within the shorelines of the City of Gig Harbor shall be primarily designed to meet the needs of local citizens.~~
- ~~4.3.~~ Each recreational use should be consistent with the physical ability of the shoreline and water body to support such use.
- ~~5.4.~~ Open Views space should be retained whenever ~~wherever~~ possible to provide for public enjoyment of views.

REGULATIONS:

- ~~1. Recreational developments shall design their structures and activities to avoid detrimental effects upon adjacent properties.~~
- ~~2.1.~~ Recreational use activities must meet all applicable standards of local and state health departments for water supply, sewage disposal, solid waste disposal, and other health considerations.
- ~~3.2.~~ Public recreational piers designed for temporary day use may be used for overnight moorage ~~providing they obtain a Conditional Use Permit.~~
- ~~4. Special events or temporary recreational~~

~~activities which benefit the public and are approved by the City of Gig Harbor do not require a Shoreline Substantial Development Permit unless the City has reason to believe they may substantially or permanently damage fragile areas or impair water quality.~~

5.3 Development of waterfront street ends owned by the City of Gig Harbor for recreational use shall provide, where appropriate, for ~~both active and~~ passive forms of recreation.

6.4 All recreational development shall be designed, screened and landscaped in accordance with the landscaping standards of the underlying zoning district and shall retain as much natural vegetation and open space as possible in preparing the site for its intended uses.

3.15
RESIDENTIAL DEVELOPMENT

Residential development consists of the construction of single and multiple-family residences, including the act of subdividing property. Single family residences on individual lots are exempt from obtaining a Shoreline Substantial Development Permit, but are nonetheless required to meet the following policies and regulations.

GOALS: Residential uses should meet the Overall Goals of this Master Program as well as conform to the goal for Living Spaces.

POLICIES:

1. Subdivisions and multi-family developments should be encouraged to provide for public contact with the water.
2. Residences should not extend into the water, thereby diminishing surface water area and restricting movement over the surface of the water and tidal areas.
3. Multiple family developments should cluster residential structures to help preserve views and vistas and a maximum amount of open space.
4. ~~Overwater residential living on floating homes other than on watercraft is~~ should not be permitted.

REGULATIONS:

- ~~1. New residences shall group together wherever feasible in order to afford the maximum amount of open space.~~
- ~~2. All proposed overwater residential structures on the shoreline of the City of Gig Harbor shall qualify for and obtain a variance.~~
- 3.1. Vegetation, or other suitable means to protect against erosion, shall be maintained in the area between residential structures and the natural beach.
- ~~4. All residential structures on the shoreline within the City of Gig Harbor shall adhere to the City's zoning and building ordinances.~~

~~5.2.~~ Subdivisions and multiple-family developments shall ~~submit plans~~ provide for visual ~~contact~~ access and or physical access from public rights-of-way to the water and for public access along the water's edge.

~~6.~~ ~~Subdivision and multiple family developments shall submit an Environmental Assessment to the City prior to obtaining a Shoreline Substantial Development Permit.~~

~~7.3.~~ Residential facilities floating on or constructed over the water, including floating homes, and living in floating structures and other than watercraft shall not be allowed in Gig Harbor. ~~Living on watercraft may be allowed subject to the following provisions:~~

- ~~a.~~ Conditional Use Permit renewable annually shall be required for any watercraft used for the purpose of a residence.
- ~~b.~~ Conditions for such permit shall include provisions for waste disposal and moorage at a pier or float.

~~Residential use of vessels shall comply with the requirements of Section 3.11.~~

~~4.~~ Private residential piers shall comply with the standards established under Section 3.11.

3.16
SHORELINE PROTECTIVE STRUCTURES

Means of protecting property from damage due to wind, wave action, and upland erosion caused by surface runoff. Protective devices include bulkheads, jetties, groins, vegetative buffers, and other similar techniques.

GOALS: The use of Shoreline Protective Structures should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor.

POLICIES:

1. Breakwaters and jetties within Gig Harbor Bay are inconsistent with the setting of the City of Gig Harbor, as the harbor's location affords protection from the elements and it has a limited surface water area for navigation.
2. There should be no construction of groins, or other similar protective structures unless there is a demonstrated need for them and no other practical alternatives exist.
3. Bulkheads should not intrude into the water more than necessary for installation with minimum alteration of existing banks.
- ~~4. Bulkheads should be designed to accommodate access to the water as well as along the water's edge.~~
54. Bulkheads should be designed to blend in with the surroundings and not to detract from the aesthetic qualities of the shoreline.
65. Vegetation along shorelines, especially the estuaries estuarine area of Crescent Valley Creek and Donkey Creek, should be maintained for the purpose of protecting fish from increased water temperature and inhibiting upland erosion.

REGULATIONS:

1. Bank stabilization or other protective measures within the shoreline management jurisdiction of the Crescent Valley Creek and Donkey Creek estuarine area shall ~~obtain~~ only be authorized as a Conditional Use Permit.
2. ~~Natural~~ Vegetation shall be used to protect

exposed banks from erosion whenever possible. Bulkheads may be permitted in those cases where natural vegetation cannot control erosion.

3. Jetties and breakwaters shall not be permitted in the shoreline area within the City of Gig Harbor.
4. Groins or other similar protective structures shall ~~obtain only be authorized as~~ a Conditional Use Permit.
5. Bulkheads for the sole purpose of creating land area by filling behind them shall be prohibited.
6. Bulkhead facing material must be permanent in nature, not subject to erosion. ~~In no cases shall solid waste materials be utilized in the construction of a bulkhead. The use of demolition debris or abandoned or discarded machinery as bulkhead material is prohibited.~~
7. Bulkheads which pose a potential hazard to navigation shall be prohibited.
8. All new bulkheads shall be placed landward of ~~Mean Higher-High-water~~ Ordinary High Water Mark (O.H.W.M.) unless bulkheads on adjacent property extend waterward of ~~Mean Higher-High-water~~ Ordinary High Water Mark (O.H.W.M.) in which case the new bulkhead shall be allowed to connect with the existing one, but in no case shall the new bulkhead extend more than twenty feet from the base or foot of the natural bank.
9. In cases where rip-rap is used to construct a bulkhead, it must be designed with a 1-1/2 to 1 slope with the highest point of the bulkhead extending toward the water no further than ~~Mean-Higher-High-water~~ Ordinary High Water Mark (O.H.W.M.) except as noted on Regulation 8 above).
10. Bulkheads shall be limited to the minimum height necessary to prevent erosion and/~~er~~ stabilize an affected bank.
11. Existing banks behind protective bulkheads shall not be altered unless necessary to prevent erosion or necessary to help correct a potential safety hazard.

12. Bulkheads shall be designed to blend in with the surrounding structures so as not to detract from the aesthetic quality of the shoreline.

~~13. All bulkheads shall be consistent with design criteria established by the Washington State Department of Fisheries.~~

14.3 Any new or repaired bulkhead which will substantially interfere with public access to publicly owned shoreline areas shall obtain only be authorized as a Conditional Use Permit.

15.14 Bulkheads constructed for the purpose of protecting public property shall be designed to accommodate public access to the water and along the water's edge.

15. Replacement of existing bulkheads shall be subject to the following:

A. Location is limited to the portion of the shoreline immediately fronting the existing bulkhead.

B. Replacement of an existing bulkhead by constructing a new bulkhead in front of the existing bulkhead shall be available only once.

3.17
SIGNS AND OUTDOOR ADVERTISING

Publicly displayed messages or symbols whose purpose is to provide information, direction, or advertising. These are often placed in conspicuous areas which could obstruct views.

GOALS: Signs and Outdoor Advertising uses should meet the Overall Goals of this Master Program as well as conform to the goal for Commercial Areas and Shopping.

POLICY:

1. Signs should be designed and located in such a manner that they minimize visual obstruction of the shoreline and water surface of Gig Harbor.

REGULATIONS:

1. Outdoor advertising shall consist of on premise signs as provided for by the City of Gig Harbor Sign Ordinance.
2. All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water due to their parallel orientation with the shoreline shall be placed so that the message surface is located generally perpendicular to the shoreline or at a maximum height of thirty-six inches above the adjacent sidewalk.
3. Signs in shoreline areas shall be located against existing buildings wherever feasible.

3.18
SOLID WASTE DISPOSAL

Solid waste disposal is the discarding of garbage, trash, or other waste materials resulting from ~~domestic, agricultural, commercial, or industrial activities including construction or demolition~~ any activity or use. Temporary storage of solid waste material for regular collection is not included in this definition.

POLICY:

1. Due to the nature of solid waste materials and the confinement aspects of Gig Harbor, there are no appropriate areas in the harbor for solid waste disposal or storage within the shoreline management jurisdiction.

REGULATION:

1. Disposal or storage of solid waste matter into the shoreline area or waters (~~of Gig Harbor~~) shall be prohibited.

3.19
TRANSPORTATION FACILITIES

~~Mechanisms for moving people and goods. Transportation facilities are those structures and developments that aid in land and water surface movement of people, goods and services. These include railroad facilities, ferry terminals, float plane terminals, heliports and other related facilities.~~

GOALS: Transportation uses should meet the Overall Goals of this Master Program. ~~as well as conform to the goal for Commercial Areas and Shopping.~~

POLICIES:

1. Railroads are inappropriate along the shoreline of Gig Harbor due to surrounding topography and the existing development pattern.
2. Since all shoreline properties are presently served by an arterial parallel to the shoreline, no additional public roads should be constructed in the shoreline area.
3. Local private access roads and pedestrian routes should be designed to fit into the topography.
4. ~~Local private access roads and pedestrian routes should minimize alterations to surface water drainage patterns causing runoff to enter waters of Gig Harbor.~~
- 5.4 Pedestrian and bicycle routes should be encouraged in the shoreline area along public rights-of-way and whenever appropriate in conjunction with shoreline development.
5. ~~Foot passenger only ferry service should be encouraged in areas of the waterfront which are capable of accommodating the necessary wharves and loading areas.~~

REGULATIONS:

1. Railroads shall be prohibited within the shoreline area of the City of Gig Harbor.
2. Existing public rights-of-way generally

perpendicular to the shoreline of Gig Harbor
(street ends) shall be maintained in a natural
state or developed, as feasible, into passive
public recreational areas consistent with the
Master Program regulations for Recreation.

3. Vehicular access to properties within the shoreline area shall be designed and maintained to minimize erosion and exert the least possible influence on normal drainage runoff patterns in the area.
4. Vehicular access to properties within the shoreline area shall conform to all applicable zoning and building regulations and Public Works Standards of the City of Gig Harbor.
- ~~5. Pedestrian and bicycle routes shall conform to State Highway Department City of Gig Harbor Department of Public Works Development Standards and shall provide for relaxing, visual enjoyment of Gig Harbor and its stream tributaries.~~
65. New public roads parallel to the shoreline of Gig Harbor shall not be permitted within the shoreline area.
76. Any alteration to Harborview Drive, or public projects undertaken within its right-of-way, shall take maximum advantage of opportunities to increase public exposure access to views of the City of Gig Harbor as well as to the waters of Gig Harbor.

3.20
UTILITIES

Services which produce or carry electric power, gas, storm or sanitary sewage, water, communications, and oil products. These are needed for nearly all types of developments, and are usually carried in pipes or wires.

GOALS: Utility uses should meet the Overall Goals of the Shorelines Master Program for the City of Gig Harbor.

POLICIES:

1. Utilities should be designed and installed in such a way as to minimize damage to scenic views and aesthetic qualities of the shoreline area.
2. Any utility outfalls into the waters of Gig Harbor ~~shall~~ ~~should~~ not adversely affect the water quality of the harbor.
3. Utilities should be installed underground and in public rights-of-way whenever feasible.

REGULATIONS:

1. New utilities shall be placed underground and, wherever feasible, along existing rights-of-way. ~~New utilities not placed underground or along existing rights of way shall obtain a Conditional Use Permit.~~
2. ~~Any clearing necessary for placement of utility lines shall be the minimum width necessary to protect such lines from interference by vegetation.~~
3. ~~2~~ Sewage or storm drainage outfalls into Gig Harbor shall not have a detrimental effect on the water quality in any portion of the harbor at the time they are put into operation. ~~A monitoring program shall be required to insure continued adherence to this regulation. Such a program shall be established at the City Council's discretion at the time of issuing a Shoreline Substantial Development Permit.~~
4. ~~3~~ Surface drainage from parking areas shall not directly enter the waters of Gig Harbor unless

provisions are made for oil-grease separators within the storm water drainage system. properly treated or it can be demonstrated that the water quality will not be adversely affected.

~~5. Waste treatment and water reclamation facilities shall not be located within the shoreline area of the City of Gig Harbor.~~

~~6.4. Any utilities placed into the water, under the harbor, or discharging into the harbor shall only be authorized as be considered a conditional use and shall submit Environmental Assessment to the City prior to obtaining a Conditional Use Permit.~~

~~7.5. Any utilities or support facilities above grade level or exposed shall not interfere with private or public visual access to or from the water.~~

NEW SECTION

CHAPTER 4 ADMINISTRATION AND ENFORCEMENT

4.01 - GENERAL

There is hereby established an administrative system designed to assign responsibilities for implementation of the Master Program and Shoreline Permit review, to prescribe an orderly process by which to review proposals and permit applications, and to ensure that all persons affected by this Master Program are treated in a fair and equitable manner.

4.02 - ADMINISTRATOR

A. The City Planning Director or his/her designee, herein after known as the Administrator, is vested with:

1. Overall administrative responsibility in this Master Program;
2. Authority to recommend approval, approval with conditions or denial of shoreline Substantial Development Permits to the Hearing Examiner and City Council; authority to approve, approve with conditions or deny permit revisions in accordance with the policies and provisions of this Master Program;
3. Authority to grant statements of exemption from Shoreline Substantial Development Permits; and
4. Authority to determine compliance with RCW 43.21C, State Environmental Policy Act.

B. The duties and responsibilities of the Administrator shall include:

1. Establishing the procedures and preparing forms deemed essential for the administration of this program.
2. Advising interested citizens and applicants of the goals, policies, regulations, and procedures of this program.
3. Making administrative decisions and interpretations

of the policies and regulations of this program and the Shoreline Management Act.

4. Collecting applicable fees.
5. Determining that all applications and necessary information and materials are provided.
6. Making field inspections, as necessary.
7. Reviewing, insofar as possible, all provided and related information deemed necessary for appropriate application needs.
8. Determining if a shoreline Substantial Development Permit, Conditional Use Permit or Variance Permit is required.
9. Conducting a thorough review and analysis of shoreline Substantial Development Permit applications making written findings and conclusions and approving, approving with conditions, or denying such permits.
10. Submitting Variance and Conditional Use Permit Applications and making written recommendations and findings on such permits to the City Hearing Examiner and the City Council for their consideration and official action. The Administrator shall assure that all relevant information and testimony regarding the application is made available to the Council during their review.
11. Assuring that proper notice is given to appropriate persons and the public for all hearings.
12. Providing technical and administrative assistance to the City Council as required for effective and equitable implementation of this program and the Act.
13. Provide summary report of the shoreline management permits issued during the past calendar year to the City Council in February of each year. The report should include findings and conclusions on significant administrative determinations and appeals, identification of problem areas and recommendations on how the Master Program can be

improved.

14. Informing the citizens of the purposes, goals, policies, and regulations of this program and any changes or amendments thereto.
15. Investigate, develop, and propose amendments to this program as deemed necessary to more effectively and equitably achieve its goals and policies.
16. Seeking remedies for alleged violations of this program, the provisions of the act, or of conditions of any approved Shoreline Permit issued by the City.
17. Coordination of information with affected agencies.

4.03 CITY COUNCIL

- A. The City Council, hereinafter known as the Council, is vested with authority to:
 1. Approve, approve with conditions, or deny shoreline Substantial Development, Variance and Conditional Use Permits after considering the findings and recommendations of the Administrator and Hearing Examiner; PROVIDED that any decisions on this matter made by the Council may be further appealed to the State Shorelines Hearings Board as provided for in the Act;
 2. Decide local administrative appeals of the Hearing Examiner's actions and interpretations;
 3. Approve any revisions or amendments to the Master Program in accordance with the requirements of the Act and related WACs;
 4. Conduct its own public hearing on recommendations of the hearing examiner.
- B. The duties and responsibilities of the Council shall include:
 1. Consideration of Variances, Conditional Uses and Substantial Development, by recommendation of the Hearing Examiner.
 2. Approval, approval with conditions, or denial of

shoreline Substantial Development, Variance and Conditional Use permits.

3. Basing all decisions on shoreline permits or administrative appeals on the criteria established in the Master Program.
4. Reviewing and acting upon any recommendations of the Planning Commission and Administrator for amendments to or revisions of this Program. The Council shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective, any amendments to the Program must be reviewed and approved by the Department of Ecology, pursuant to RCW 90.58.190 and Chapter 173-19 WAC.

4.04 COUNTY TAX ASSESSOR

As provided for in RCW 90.58.290, the restrictions imposed upon the use of real property through the implementation of the policies and regulations of the Act and this Master Program shall be duly considered by the County Assessor and the County Board of Equalization in establishing the fair market value of such properties.

4.05 APPLICABILITY TO SUBSTANTIAL DEVELOPMENT

Any person wishing to undertake substantial development or exempt development on shorelines shall apply to the Administrator for a shorelines permit or a Statement of Exemption.

Whenever a development falls within the exemption criteria outlined below and the development is subject to a U.S. Army Corps of Engineers Section 10 or Section 404 Permit, the Administrator shall prepare a Statement of Exemption, and transmit a copy to the applicant and the Washington State Department of Ecology. Exempt development as defined herein shall not require a Substantial Development Permit, but may require a Conditional Use Permit, Variance and/or a Statement of Exemption.

Before determining that a proposal is exempt, the Administrator may conduct a site inspection to ensure that the proposal meets the exemption criteria. The exemption granted may be conditioned to ensure that the activity is consistent with the Master Program and the Shoreline

Management Act.

The applicant shall submit a written request for exemption to the City of Gig Harbor, including a listing of the real property owners of record within three hundred feet of the project site, based upon the latest listings of the Pierce County Assessor's office, and stamped, addressed envelopes bearing first class postage.

Note: EXEMPTION FROM SUBSTANTIAL DEVELOPMENT PERMIT REQUIREMENTS DOES NOT CONSTITUTE EXEMPTION FROM THE POLICIES AND USE REGULATIONS OF THE SHORELINE MANAGEMENT ACT, THE PROVISIONS OF THIS MASTER PROGRAM, AND OTHER APPLICABLE CITY, STATE OR FEDERAL PERMIT REQUIREMENTS.

4.06 STATEMENT OF EXEMPTION

Applicants for all non-shoreline permits or approvals within the shoreline area must obtain a written "Statement of Exemption" from securing a Substantial Development Permit.

This process verifies that the action is exempt and offers an applicant an itemization of SMP and other requirements applicable to the proposed project. In the case of development subject to the policies and regulations of this Master Program but exempt from the Substantial Development Permit process, the Building Official or other permit authorizing official shall attach shoreline management terms and conditions to the building permits and other permits and approval pursuant to RCW 90.58.140, to achieve consistency with the Master Program. The administrator's statement of exemption shall be transmitted to the applicant and to all real property owners within three hundred of the site and shall also include a notice of appeal of an administrative decision to the hearing examiner as provided for under Section 17.10.100. Applicants for single family dwellings and related structures shall not be required to provide notification.

4.07 FEES

A filing fee in an amount established by Section 3.40 of the Gig Harbor Municipal Code shall be paid to the City.

4.08 PERMIT APPLICATION

The Administrator shall provide the necessary application forms for shoreline substantial Development, conditional Use

and Variance Permits. In addition to the information requested on the application the applicant shall provide, at a minimum, the following information:

A. Site Plan drawn to scale and including:

1. Site boundary, extending from the street frontage (as applicable) to the outer harbor line, all state lease lands (existing and proposed), structures on adjacent properties from OHW to the outer harbor line, tideland leases and ownerships, and harborline lease areas on adjacent properties.
2. Property dimensions in vicinity of project;
3. Ordinary high water mark;
4. Typical cross section or sections showing:
 - a) existing ground elevation
 - b) proposed ground elevation
 - c) height of existing structures
 - d) height of proposed structures
5. Where appropriate, proposed land contours using five-foot intervals in water area and ten-foot intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours;
6. Show dimensions and location of existing structures which will be maintained;
7. Show dimensions and locations of proposed structures, parking and landscaping.
8. Identify source, composition, and volume of fill material;
9. Identify composition and volume of any extracted materials, and identify proposed disposal area;
10. Location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas and electricity and sewage pump-out facilities if being installed;
11. If the development proposes septic tanks, they must comply with local and state health regulations;

12. Shoreline designation according to the Master Program; and

13. Show which areas are shorelines and which are shorelines of state-wide significance.

B. Vicinity Map

1. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.)

2. If the development involves the removal of any soils by dredging or otherwise, identify the proposed disposal site on the map. If disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the disposal site and its distance to nearest city or town.

3. Give brief narrative description of the general nature of the improvements and land use within 1,000 feet in all directions from development site.

C. Adjacent Land Owners

Provide names and addresses of all real property owners within 300 feet of property where development is proposed.

Complete application and documents for all shoreline permits shall be submitted to the Administrator for processing and review. Any deficiencies in the application or documents shall be corrected by the applicant prior to further processing.

4.09 PERMIT PROCESS

When a complete application and associated information have been received by the Administrator, the Administrator shall mail notice of the proposed project to all real property owners named on the list as supplied by the applicant, and shall post notice in a conspicuous manner on the property upon which the project is to be constructed. The Administrator shall also be responsible for delivering legal notice to the newspaper, to be published at least once a week on the same day of the week for two consecutive weeks in a newspaper of general circulation within the area in which the development is proposed. Advertising costs will be the

responsibility of the applicant. Further, the burden of proving that proposed development is consistent with the approval criteria and master program policies and regulations shall be the applicants.

The Administrator shall schedule a public hearing before the City Hearing Examiner. For the purpose of scheduling a public hearing, the date of submittal of a complete application shall be considered the date of application. The minimum allowable time required from the date of application to the public hearing date shall be 45 days. Any interested person may submit his/her written views upon the application to the City within 30 days of application or notify the City of his/her desire to receive a copy of the action taken upon the application. All persons who so submit their views shall be notified in a timely manner of the action taken upon the application.

A. Application Review Administrator Action

The Administrator shall make recommendations based upon:

1. The policies and procedures of the Act, and related WAC's as amended
2. The Shoreline Master Program for the City of Gig Harbor, as amended.

B. Public Hearings

1. At least one public hearing shall be held by the Hearing Examiner regarding applications for Substantial Development, Variance and Conditional Use permits.
2. The Hearing Examiner shall review an application for a permit based upon any or all of the following:
 - a. The application.
 - b. Applicable SEPA documents.
 - c. Evidence presented at the public hearing.
 - d. Written and oral comments from interested persons.
 - e. The findings and conclusions and recommendation of the Administrator.
3. The Hearing Examiner shall transmit to the City Council written findings, conclusions and recommendation on a permit application as per

Section 17.10 of the Gig Harbor Municipal Code:

C. City Council Action

1. Upon receipt of a recommendation from the Hearing Examiner, the City Council shall either approve, conditionally approve, or deny the application based upon the findings and conclusions of the Hearing Examiner, resubmit the matter to the Hearing Examiner for consideration of new information or conduct its own public hearing to develop its own findings and conclusions before taking final action on an application. Council may conduct its own public hearing if, based upon the record submitted by the Hearing Examiner, it disagrees with the Hearing Examiner's recommendation or a minimum of ten persons, excluding the applicant or his/agent, provided written or oral testimony on an application.

2. The City Council shall review the permit application at the first regularly scheduled public meeting of the Council following transmittal of the Hearing Examiner's recommendation.

3. The Council shall review the application and make decisions regarding permits based upon:

- a. The Master Program for the City of Gig Harbor.
- b. Policies and Procedures of Chapter 90.58RCW.
- c. Written and oral comments from interested persons.
- d. The findings and conclusions of the Hearing Examiner.

4. The decisions of the Council shall be the final decision of the City on all applications. The City shall render a written decision including findings, conclusions, and a final order and transmit copies of the decision within seven days of the City's final action on the permit to the following:

- a. The applicant.
- b. The Department of Ecology.
- c. Attorney General.

D. Washington State DOE Review

When an applicant desires to revise a permit, the applicant must submit detailed plans and text describing the proposed changes. If the Administrator determines that the revisions proposed are within the scope and intent of the original

4.10 Revision of Permits

Five Year Permit Authorization. If construction has not been completed within five years of approval by the City may review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit. Error to the City authorizing any permit extensions, it shall notify any parties of record or the Department of Ecology. The City may authorize only one extension.

Extension for Substantial Progress. The City may, at its discretion, with prior notice to parties of record and the Department, extend the two-year time period for the substantial progress for a reasonable time up to one year based on factors, including the inability to expeditiously obtain other governmental permits which are required prior to the commencement of construction.

Time Limit for Substantial Progress. Construction, or substantial progress toward completion, must begin within two years after approval of the permits.

The City may issue permits with termination dates of up to five years. If a permit does not specify a termination date, the following requirements apply, consistent with WAC 173-14-060:

4.11 Duration of Permits

Development pursuant to a shoreline permit shall not begin and is not authorized until 30 days from the date the Administrator files the approved permit with the Department of Ecology and the Attorney General, in the case of a Substantial Development Permit, or up to 60 days in the case of a Variance or Conditional Use Permit PROVIDED all review and appeal proceedings initiated within 30 days of the date of such filing of a Substantial Development Permit or within 30 days of final approval by the Washington State Department of Ecology for a Conditional Use Permit or Variance have been terminated.

permit, consistent with WAC 173-14-064, the Administrator may approve the revision. "Within the scope and intent of the original permit" means all of the following:

- A. No additional over-water construction is involved, except that pier, dock or float construction may be increased by five hundred (500) square feet or ten percent (10%), whichever is less;
- B. Ground area coverage and height is not increased more than ten percent (10%);
- C. Additional structures do not exceed a total of two hundred fifty (250) square feet;
- D. The revision does not authorize development to exceed height, setback, lot coverage, or any other requirement of the City Shoreline Master Program;
- E. Additional landscaping is consistent with conditions (if any) attached to the original permit;
- F. The use authorized pursuant to the original permit is not changed; and
- G. No /substantial adverse environmental impact will be caused by the project revision.

If the sum of the proposed revision and any previously approved revisions do not meet the criteria above, an application for a new shoreline permit must be submitted. If the revision involves a Conditional Use or Variance which was conditioned by the Department of Ecology, the revision also must be reviewed and approved by the Department of Ecology (see WAC 173-14-064).

The decision on a revision to a permit may be appealed within thirty (30) days of such decision, in accordance with RCW 90.58.180 and WAC 173-14-064.

The decision of the Administrator shall be transmitted to the applicant and adjacent property owners.

Construction allowed by the revised permit that is not authorized under the original permit is undertaken at the applicant's own risk until the expiration of the appeals deadline.

4.11 Local Appeals

Any decision made by the Administrator on a master program policy or regulation interpretation, permit revision or other action within the purview and responsibility of the Administrator, may be appealed by the applicant, private or public organization, or individual to the City Hearing Examiner within ten days following the issuance of a written decision by the Administrator. Such appeals shall be initiated by filing with the City, a notice of appeal setting forth the action being appealed and the principal points upon which the appeal is based, together with a filing fee as prescribed by Section 3.40 of the Gig Harbor Municipal Code.

The Hearing Examiner shall hear the appeal at its next regularly scheduled public meeting, or as soon thereafter as is feasible. The Hearing Examiner, using the applicable decision making criteria established in this master program, shall affirm, modify, or reverse the decision of the Administrator. This decision of the Hearing Examiner shall be the final local government decision, unless an appeal is filed with the Gig Harbor City Council, in accordance with the provisions of Title 17.10.160.

4.12 Appeal to State Shorelines Hearings Board

Any person aggrieved by the granting, denying, rescission or modification of a Shoreline Permit may seek review from the State Shorelines Hearings Board by filing an original and one copy of request for the same with the Hearings Board within 30 days of receipt of the final decision by the City Council. Said request shall be in the form required by the rules for practice and procedure before the Hearings Board, the person seeking review shall file a copy of the request for review with the State Department of Ecology and the Attorney General. Hearing Board regulations are contained in Chapter 461-08 WAC.

4.13 Variances and Conditional Uses Permits

The Shorelines Management Act states that Master Programs shall contain provisions covering conditional uses and variances. These provisions should be applied in a manner which, while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner.

- A. Variance: The purpose of a Variance Permit is strictly limited to granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program, and where there are extraordinary or

and will be the minimum necessary to afford enjoyed by the other properties in the area constitute a grant of special privilege not That the Variance authorized does not

environment. adjacent properties or the shoreline the area and will not cause adverse effects to compatible with other permitted activities in That the design of the project will be

the applicant's own actions not, for example, from deed restrictions or and the application of the Master Program, and irregular lot shape, size or natural features the result of unique conditions such as specifically related to the property, and is That the hardship described above is

the Master Program of the property not otherwise prohibited by significantly interfere with a reasonable use forth in the Master Program preclude or dimensional, or performance standards set That the strict requirements of the bulk,

demonstrate all of the following. 173-22, may be authorized provided the applicant can by DOE as marshes, bogs, or swamps pursuant to WAG ordinary high water mark, except those areas designated development that will be located landward of the

Criteria for Granting Variances: Variance permits for this Master Program or requested by the Administrator, applicable fees, and any other information specified in accompanied by maps, completed environmental checklist, shall be submitted on a form provided by the City. Application: An application for a Shoreline Variance

shall suffer no substantial detrimental effect. circumstances shall be shown and the public interest in RCW 90.58.020. In all instances, extraordinary not can construction be authorized except as provided construction pursuant to this permit shall not begin

90.58.020. the Shoreline Management Act policies as stated in RCW impose unnecessary hardships on the applicant or thwart the strict implementation of the Master Program would unique circumstances related to the property such that

relief.

- e. That the public interest will suffer no substantial detrimental effect.

Variance Permits for development that will be located either waterward of the ordinary high water mark or within marshes, bogs, or swamps as designated in WAC 173-22, may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:

- f. That the public rights of navigation and use of the shorelines will not be adversely affected by granting the Variance.

In the granting of all Variance Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Variances were granted to other developments in the area where similar circumstances exist, the total of the Variances should also remain consistent with the policies of RCW 90.58 and should not produce substantial adverse effects to the shoreline environment.

Requests for varying the use to which a shoreline area is to be put are not requests for Variances, but rather requests for Conditional Uses. Such requests shall be evaluated using the criteria set for below.

B. Conditional Uses

The purpose for a Conditional Use Permit is to allow greater flexibility in varying the application of the use regulations of the master program in a manner consistent with the policies of RCW 90.58.020; provided, that Conditional Use Permits should also be granted in a circumstance where denial of the permit would result in a thwarting of State policy enumerated in RCW 90.58.020. In authorizing a Conditional Use, special conditions may be attached to the permit by the City or the Department of Ecology to prevent undesirable effects of the proposed use. Uses which are specifically prohibited by the master program may not be authorized with approval of a conditional use permit.

Uses classified as conditional uses may be authorized provided that the applicant can demonstrate all of the following:

1. That the proposed use will be consistent with the policies of RCW 90.58.020 and the policies of the Master Program.
2. That the proposed use will not interfere with the normal public use of public shorelines.
3. That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.
4. That the proposed use will cause no unreasonably adverse effects to the Shoreline Environment designation in which it is to be located.
5. That the public interest suffers no substantial detrimental effect.

4.14 Unclassified Uses

Other uses which are not classified may be authorized as Conditional Uses provided the applicant can demonstrate, in addition to the criteria set forth above, that extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of the City SMP.

The total or cumulative impact of the Conditional Uses should also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects on the shoreline environment.

4.15 DOE Approval of Conditional Uses and Variance Permits

After City approval of a Conditional Use or Variance Permit, the Administrator shall submit the permit to the Department of Ecology for its approval, approval with conditions, or denial. Upon receipt of the DOE decision, the Administrator shall notify those interested persons having requested notification of such decision.

4.16 Nonconforming Development

Nonconforming development is a shoreline use or structure which was lawfully constructed or established prior to the effective date of the act or the Master Program, or amendments thereto, but which does not conform to present regulations or standards of the Master Program or policies of the act. In such cases, the following standards shall apply.

A. Civil Penalty

The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the public or to public resources. The existence or degree of bad faith of the persons subject to the enforcement action, the benefits that accrue to the violator, and the cost of obtaining compliance may also be considered.

4.17 Enforcement and Penalties

An undeveloped lot, tract, parcel, site, or division which was established prior to the effective date of the act and the Master Program but which does not conform to the present lot size or density standards may be developed so long as such development conforms to all other requirements of the Master Program and the act.

A nonconforming use shall not be changed to another nonconforming use, regardless of the conforming or nonconforming status of the building or structure in which it housed, and

If a non-conforming use is discontinued for twelve (12) consecutive months or for twelve (12) months during any two-year period, any subsequent use shall be conforming. It shall not be necessary to show that the owner of the property intends to abandon such nonconforming use in order for the nonconforming rights to expire.

If a nonconforming development is damaged to an extent not exceeding fifty (50) percent replacement cost of the original structure, it may be reconstructed to those configurations existing immediately prior to the time the structure was damaged, so long as restoration is completed within one year of the date of damage, with the exception that, single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage.

A nonconforming development which is moved any distance must be brought into conformance with the Master Program and the Act.

Nonconforming development may be continued provided that it is not enlarged, intensified, increased, or altered in any way which increases its nonconformity.

1. Action

The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and this Master Program and to otherwise enforce the provisions of the Act and the Master Program.

2. Non-Compliance

Any person who fails to conform to the terms of a permit issued under this Master Program or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Master Program or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand (1000) dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

3. Aiding and Abetting

Any person who, through an act of commission or omission procures, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

4. Notice of Penalty

The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall include the "content of order" specified in subsection 6., Regulatory Order.

5. Remission and Joint Order

Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the City for remission or mitigation of such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the City shall be subject to review by the City Council. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed

by the City and the Department of Ecology shall be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the City and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the City and the Department agree.

6. Regulatory Order

Content of order shall set forth and contain:

- a. A description of the specific nature, location, extent and violation and the damage or potential damage; and
- b. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.

7. Effective Date

The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.

8. Compliance

Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

B. Delinquent Permit Penalty

Permittees applying for a permit after commencement of a use or activity may, at the discretion of the City, be required, in addition, to pay a delinquent permit penalty not to exceed three times the appropriate permit fee paid by the permittee. A person who has caused, aided, or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation, or penalty by the City or the Department against said person may be subject to a delinquent permit penalty not to exceed ten times the appropriate permit fee paid by the permittee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

C. Property Lien

Any person who fails to pay the prescribed penalty as

authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The City Attorney shall file said lien against the affected property at the office of the County Assessor.

D. Mandatory Civil Penalties

Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation.
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the City.
3. A person causes, aids, or abets in a violation within two (2) years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department against said person.

E. Minimum Penalty Levels

1. Regarding all violations that are mandatory penalties, the minimum penalty is two hundred and fifty (250) dollars.
2. For all other penalties, the minimum penalty is one hundred (100) dollars.

F. General Criminal Penalty

In addition to incurring civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or the Master Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred (100) dollars nor more than one thousand (1000) dollars or by imprisonment in the county jail for not more than ninety (90) days for each separate offense, or by both such fine and imprisonment. Provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred (500) dollars nor more than ten thousand (10,000) dollars.

G. Violators Liabilities - Damages, Attorney's Fees/Costs.

Any person subject to the regulatory program of the Act or the Master Program who violates any provision thereof or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of

restoring the affected area to its condition prior to violation. The City Attorney shall bring suit for damages under this section on behalf of the City. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provisions to assure that restoration will be accomplished within reasonable at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

4.18 Master Program Review

This Master Program shall be periodically reviewed and adjustments shall be made as are necessary to reflect changing local circumstances, new information or improved data, and changes in State Statutes and regulations. This review process shall be consistent with WAC 173-19 requirements and shall include a local citizen involvement effort and public hearing to obtain the views and comments of the public.

4.19 Amendments to Master Program

Any of the provisions of this Master Program may be amended as provided for in RCW 90.58.120 and .200 and Chapter 173-19 WAC. Amendments or revisions to the Master Program, as provided by law, do not become effective until approved by the Washington State Department of Ecology.

Proposals for shoreline environment redesignations must demonstrate consistency with the criteria set forth in Shoreline Environment Designation Criteria.

4.70 Severability

If any provisions of this Master Program, or its application to any person or legal entity or parcel of land or circumstances, is held invalid, the remainder of the Master Program, or the application of the provisions to other persons or legal entities or parcels of land or circumstances, shall not be affected.

APPENDIX 1: DEFINITIONS

Active Commercial Fishing Vessels - Active commercial fishing vessels are those which have a current commercial license issued by the appropriate state or regional authority or a contract from the previous fishing season or for the next fishing season.

Accessory structure - a subordinate building or use incidental to the use of the main building or use.

Breakwater - a barrier constructed to break the force of waves, as at the entrance to some harbors.

Building - a structure whose assessed value is more than \$300.00, built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

Bulkhead - a solid, open pile, or irregular wall of rock, rip-rap, concrete, steel, or timber or combination of these materials erected parallel to and near ~~Mean Higher High Water~~ **Ordinary High Water Mark** to provide a protective wall resistant to water and wave action.

City - the City of Gig Harbor, Washington

Conditional Use - a use which is only allowed subject to special safeguards to protect other uses and the environment from adverse effects.

Condominium Moorage - Moorage facilities in which individual slips and moorage space are offered for sale and which are privately owned, collectively or individually. An association may be formed to provide owner services such as common facilities maintenance, collection of dues, etc.

Dredging - the removal of earth, sand, sludge or other material from the bottom of a water body, by mechanical means.

Dredging spoils - bottom material obtained from dredging.

Development - an activity consisting of the construction or exterior alteration of structures; dredging; drilling, dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which may

interfere with the normal public use of the surface of the waters overlying lands subject to the Shorelines Management Act of 1971 at any state of water level.

Float - a raft or similar structure not attached to the shoreline above ~~Mean Higher High Water~~ ~~Ordinary High Water~~ Mark; but which may be anchored to the bottom or attached to a pier or piling so as to provide pedestrian and other access between the shore and navigable water.

Floating home - a building constructed on a float, used whole or in part for human habitation as a single family dwelling, and which is permanently moored, anchored, or otherwise secured, as distinguished from the mooring or anchoring of a vessel.

Gig Harbor, water of Gig Harbor - that portion of the water and tidal area of the harbor and the lands lying beneath that portion, within the jurisdiction of the City of Gig Harbor.

Groin - a barrier structure extending from the shore to the water. It is used to interrupt lateral sediment movement along the shore.

Jetty - an artificial barrier used to change the natural littoral drift to protect inlet entrances from clogging by excess sediment, or to improve a harbor area.

Landfill - the creation of dry upland area by the filling or depositing of sand, soil, or gravel into a wetland area; also, the replacement of shoreland areas removed by wave action or the normal erosive processes of nature.

Marina - A water-dependent facility which provides moorage and related services to four or more boats.

Master Program - the comprehensive shoreline use plan for the City of Gig Harbor, and the use regulations together with maps, diagrams, charts or other descriptive material and text, and a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Shorelines Management Act of 1971.

Mean Higher High Water - the line on tidal beaches where the mean of the higher of each day's high tides has left a mark upon the beach distinctly separating the tidal area from adjoining uplands. For Gig Harbor, 11.80 feet above Mean Lower Low Water shall constitute the line of Mean Higher High Water, in those cases where the line of Ordinary

High Water cannot be determined or established.

Moorage - a pier or float, either fixed or floating, to which boats may be secured.

Moorage, covered - a pier, or float, or a system of floating or fixed access ways to which boats may be secured, and which has a roof.

Moored Boat - A vessel that is secured to a pier, float, dock, buoy or other vessel.

Navigational channels - those logical routes on the waters of Gig Harbor beyond the outer harbor line, commonly used by ships for useful commerce.

Non-conforming use - a use which lawfully occupied a building or land at the time this Master Program becomes effective and which does not conform with the use regulations for the particular use activity under which it falls.

Ordinary High Water Mark - the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or Department.

Outer harbor line - the line located and established by the State Department of Natural Resources in navigable waters beyond which the State shall never sell or lease any rights whatever. This line determines the extent of water area that may be leased to private interests.

Over-water structure building - a building structure or other construction erected on piling above the surface of the water, or upon a float.

Pier - a structure built over or floating upon the water, used as a loading landing place for marine transport or for recreational activities or as a pedestrian walkway.

Principal use parking - commercial parking which is the principal use on the property and is not accessory to another use.

Public access - a provision of physical or visual approach from upland or adjacent properties or public waters or from shorelines or public waters to upland or adjacent properties, available to the general public.

Rip-rap - a foundation or retaining wall of stones or rock placed in along the water's edge or on an embankment to prevent erosion.

Shoreline substantial development permit - that permit required by this Master Program for uses which are substantial developments in the shoreline area.

Shorelines, shoreline area - the waters of Gig Harbor; all lands underlying those waters; all land lying within 200 feet landward of ~~Mean Higher High Water~~ ordinary high water; all land lying waterward of the bay's perimeter roads: Harborview Drive, North Harborview Drive and Vernhardson Street from North Harborview to the eastern City limits.

Shorelines of Statewide Significance - ~~(See Appendix 4)~~ As defined under the Shoreline Management Act per RCW 90.58.030 (3) (e) (iii), shorelines of statewide significance are those waters of Puget Sound and Gig Harbor Bay lying seaward of extreme low water.

State Shorelines Hearings Board - the hearings board established by the Shorelines Management Act of 1971 to decide appeals of cases involving shorelines substantial development permits.

Structure - A combination of materials constructed and erected permanently on the ground or on a pier or float, or attached to something having a permanent location on the ground, excluding residential fences, retaining walls, rockeries and similar improvements of a minor character.

Substantial development - any development of which the total cost or fair market value exceeds ~~two thousand five hundred dollars~~ one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except as provided in ~~Section 3. Exemptions to Permit Requirements,~~ of the Administration Procedures of this Shoreline Master Program.

Vessel - A waterborne craft capable of independent movement under its own power or sail. A vessel must be capable of releasing moorage within sixty (60) minutes notice and cruising a distance of one mile in less than sixty (60) minutes and return to the original place of moorage within

the following sixty (60) minutes.

Unique or fragile areas - those portions of the shoreline which:

- 1.) Contain or substantially contribute to the maintenance of endangered or valuable forms of life, or
- 2.) Contain steep slopes, unstable banks, marshes, or other areas having unstable or potentially hazardous topographic, geologic, or hydrologic features, or
- 3.) Have significant historical, cultural, scientific, or educational value.

Uplands - land above the ordinary high water mark of lakes, streams, or tidal waters. For tidal waters that mark shall be the line of ~~Ordinary High Water Mark~~ ~~Mean Higher High Water.~~

~~Variance - a limited release from the regulations of this Master Program granted when strict adherence to the regulations would create unnecessary hardship or obstacles to the fair and equitable use of shoreline property.~~

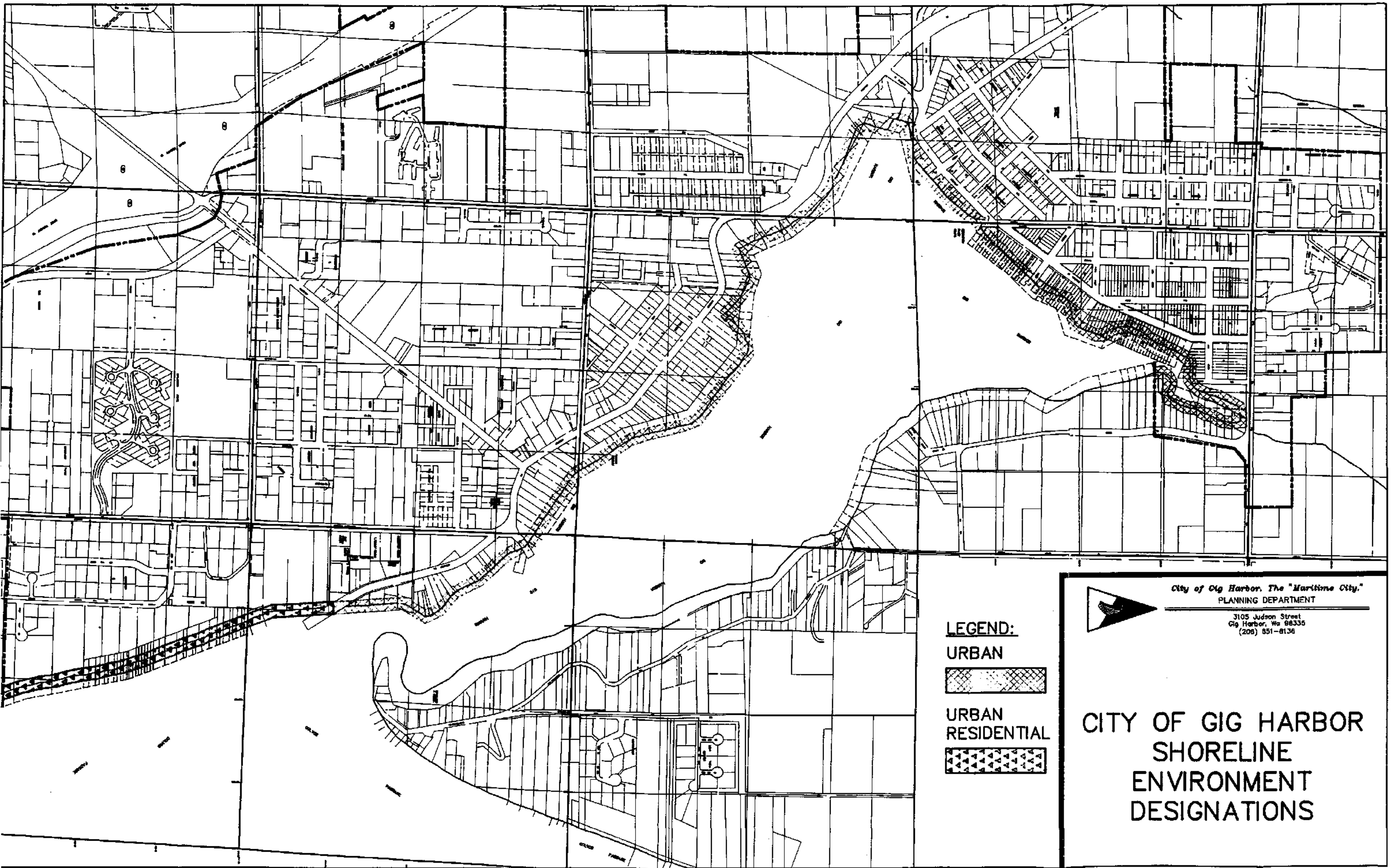
Watercraft - a ~~craft vessel~~ designed to move through water carrying persons or goods.

Water-dependent - referring to uses or activities which necessarily require a shoreline location as a major and integral part of that use or activity and which cannot exist at a non-water location due to the intrinsic nature of its operation.

Water-enjoyment - A recreational use or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design and operation assure the public's ability to enjoy the physical and aesthetic qualities of the shoreline. The use must be open to the general public and must be devoted to provisions that accommodate public shoreline enjoyment. Examples include, but are not limited to, parks, piers, museums, restaurants, education/scientific reserves, resorts and mixed use projects.

Water-oriented - referring to a use ~~not intrinsically dependent upon a waterfront location, but closely related or~~

~~linked to such a location for economic and operational reasons any combination of water-dependent, and/or water enjoyment uses and serves as an all encompassing definition for priority uses under the SMA. Non-water oriented serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the SMA. Examples of non-water oriented include, but are not limited to, professional offices, automobile sales and repair, mini-storage, gasoline service stations, multifamily residential development and department stores.~~



LEGEND:

URBAN



**URBAN
RESIDENTIAL**

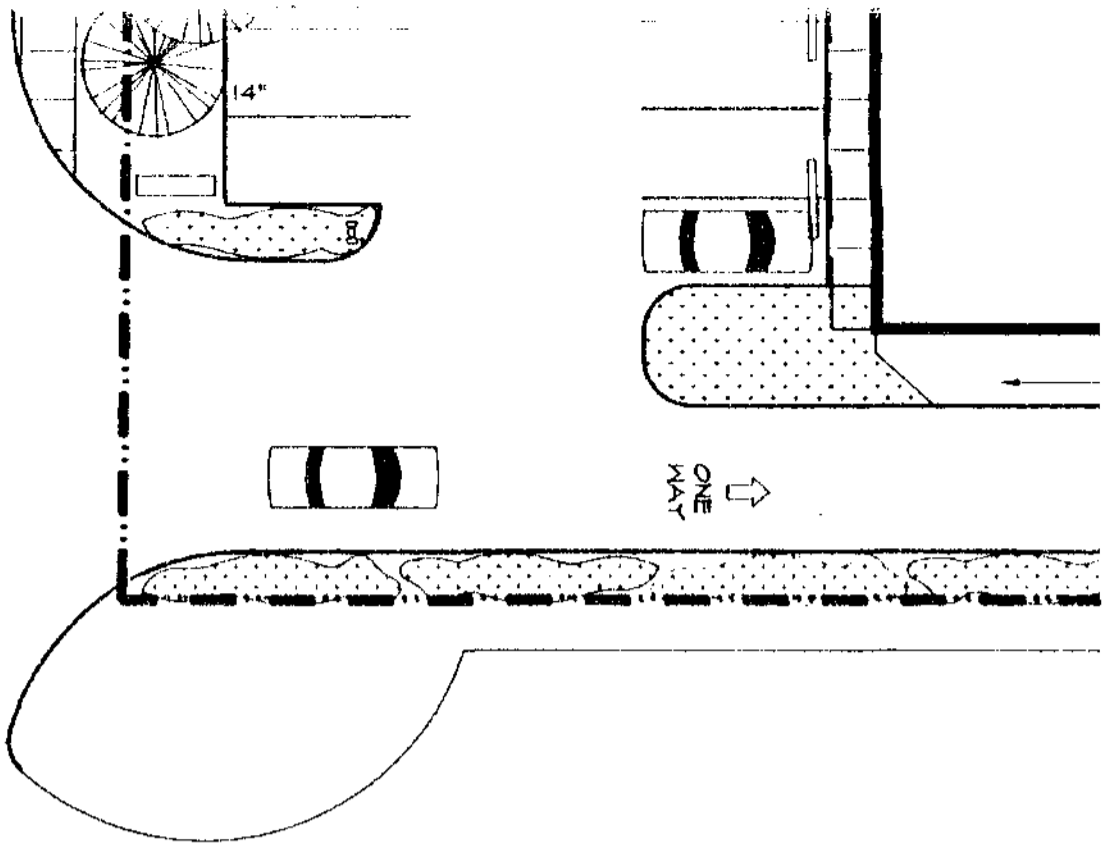


City of Gig Harbor. The "Maritime City."
PLANNING DEPARTMENT

3105 Judson Street
Gig Harbor, Wa 98335
(206) 851-8136

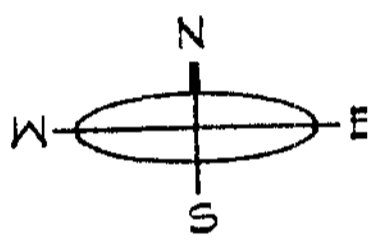
**CITY OF GIG HARBOR
SHORELINE
ENVIRONMENT
DESIGNATIONS**

REMAIN



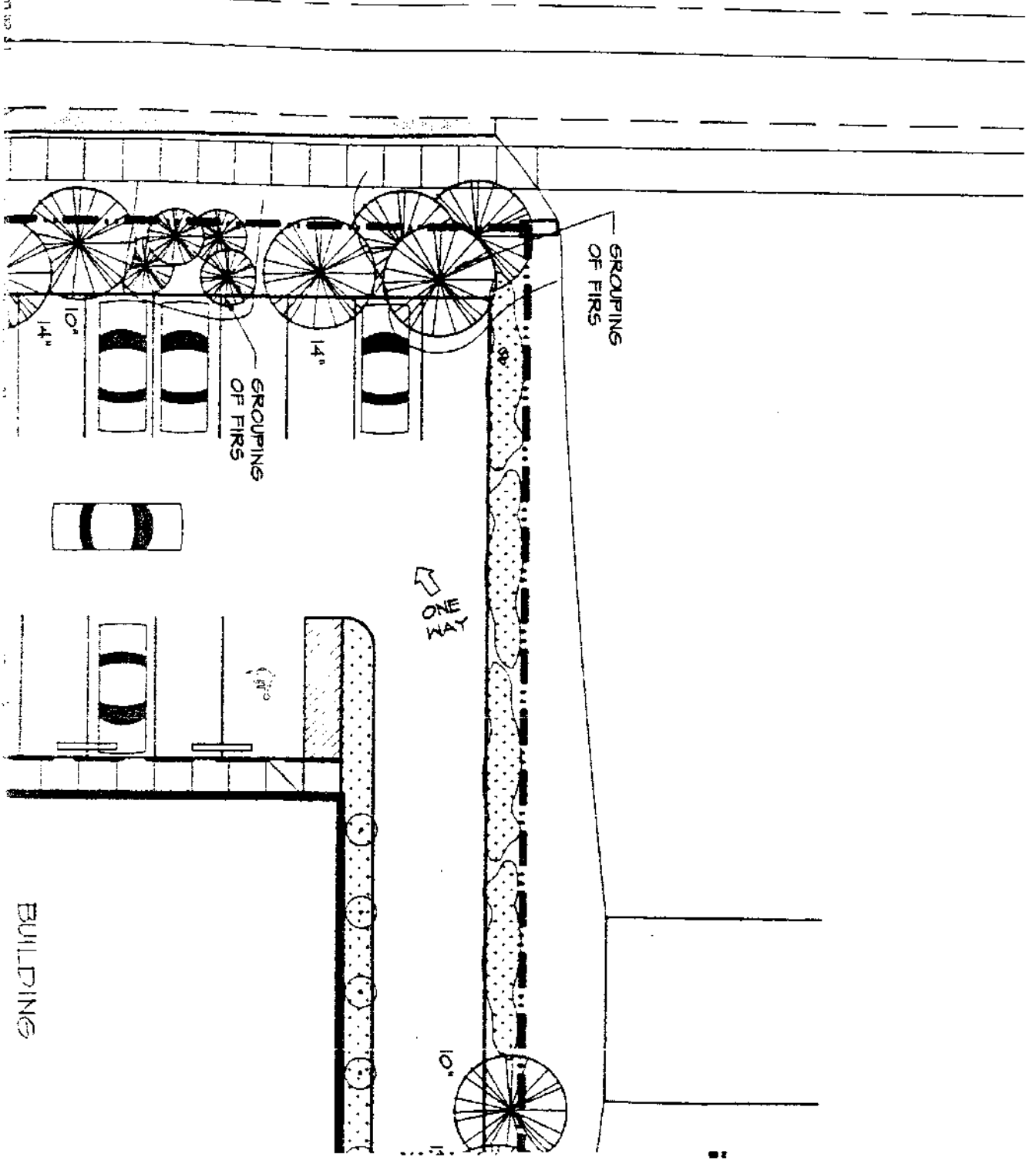
LANDSCAPE

SCALE: 1" = 20'-0"



APPROX. LOCATIONS OF
 LANDSCAPE PLAN AND
 PRESERVE THEM DURING
 PRESERVED ON THE KIM
 PLANTINGS (AS SHOWN)
 LINE ADJOINING THE FIR
 PROPERTY LINE.

11-11-11



NOTES

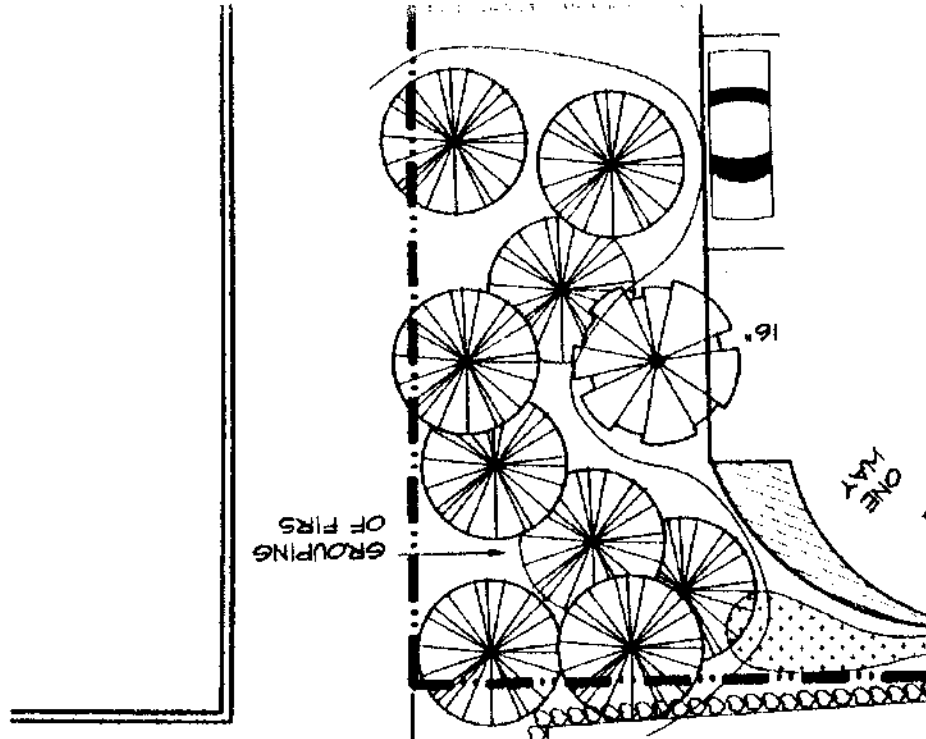
GROUPING
OF FIRS

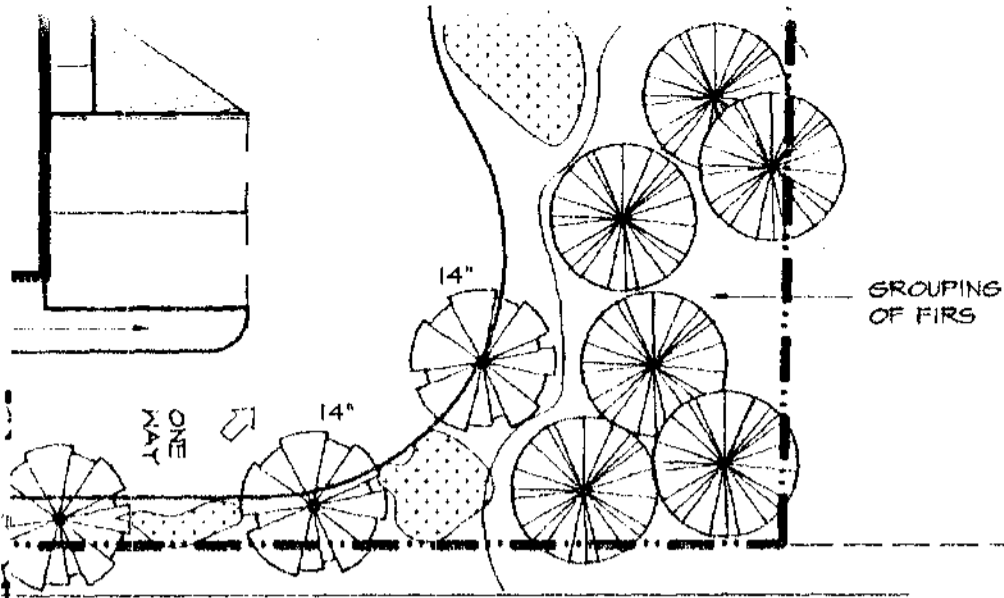
16'

ONE
MAY

H

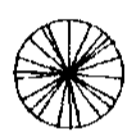
R
B"
T.
EG
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48



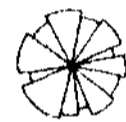


PLAN

LANDSCAPE



EXISTING DOUGLAS FIR
TRUNK DIAMETER OF NOTABLE SIZE



EXISTING MAHONIA
TRUNK DIAMETER



RHODODENDRON

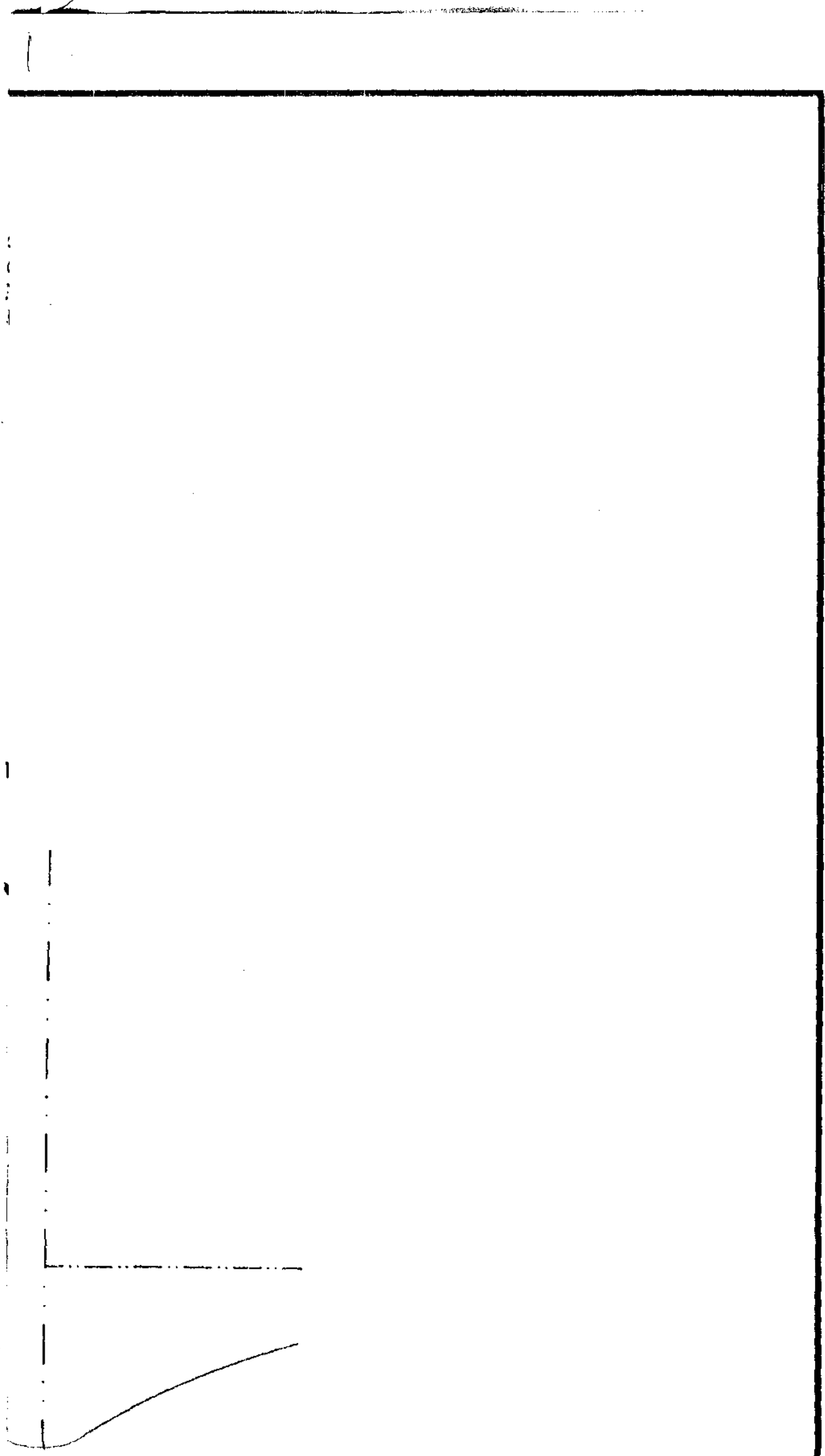


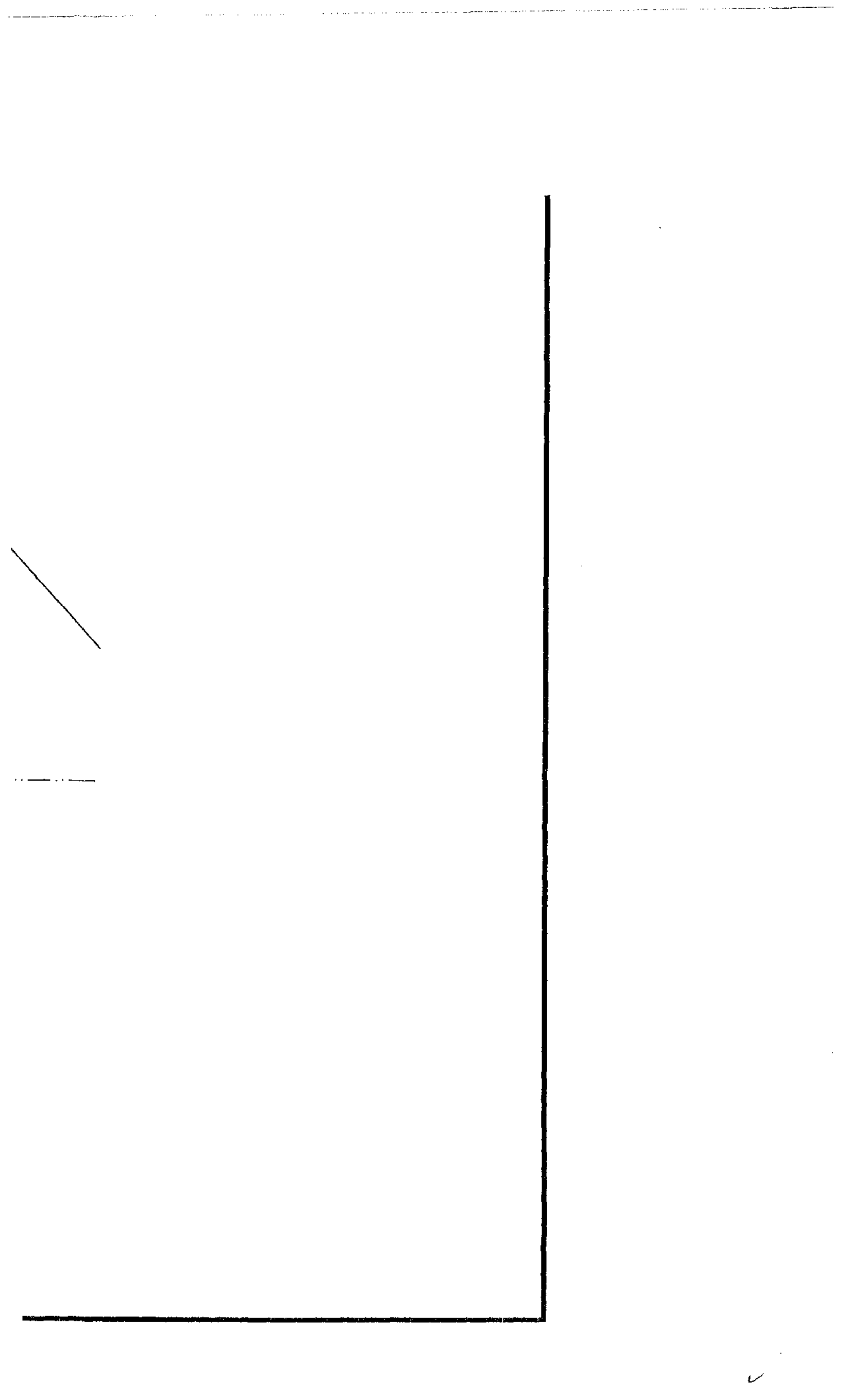
GROUND COVER
• HEDERA HELIX (HAHN'S IVY)
4" POTS AT 18"



FOUNDATION PLANT
• EVERGREEN ACACIA
• RHODODENDRON
• MAHONIA AQUIFOLIUM
• PRUNUS LAURUS
• VIBURNUM DAVIDSONIUM
FOUNDATION PLANT

ALL EXISTING TREES HAVE BEEN SHOWN ON THE PLAN. CONSTRUCTION METHODS WILL BE PRACTICED TO PROTECT THEM. NATURAL GROUND COVER WILL BE MAINTAINED ALONG THE EAST BUFFER. ADDITIONAL PLANTS WILL BE INSTALLED ALONG THE SOUTH PROPERTY AND WHERE NEEDED ALONG THE NORTH BUFFER.





BUILDING
DR. N.W.
WASH.

4123 REGISTERED
ARCHITECT
David J. Freeman
STATE OF WASHINGTON

2709 REGISTERED
ARCHITECT
Kenneth D. Snodgrass
STATE OF WASHINGTON

PROJECT DATA

Project Architect:

Draftsman:

Job Number:

File Name:

REVISIONS DATE

REVISIONS	DATE
_____	_____
_____	_____
_____	_____
_____	_____

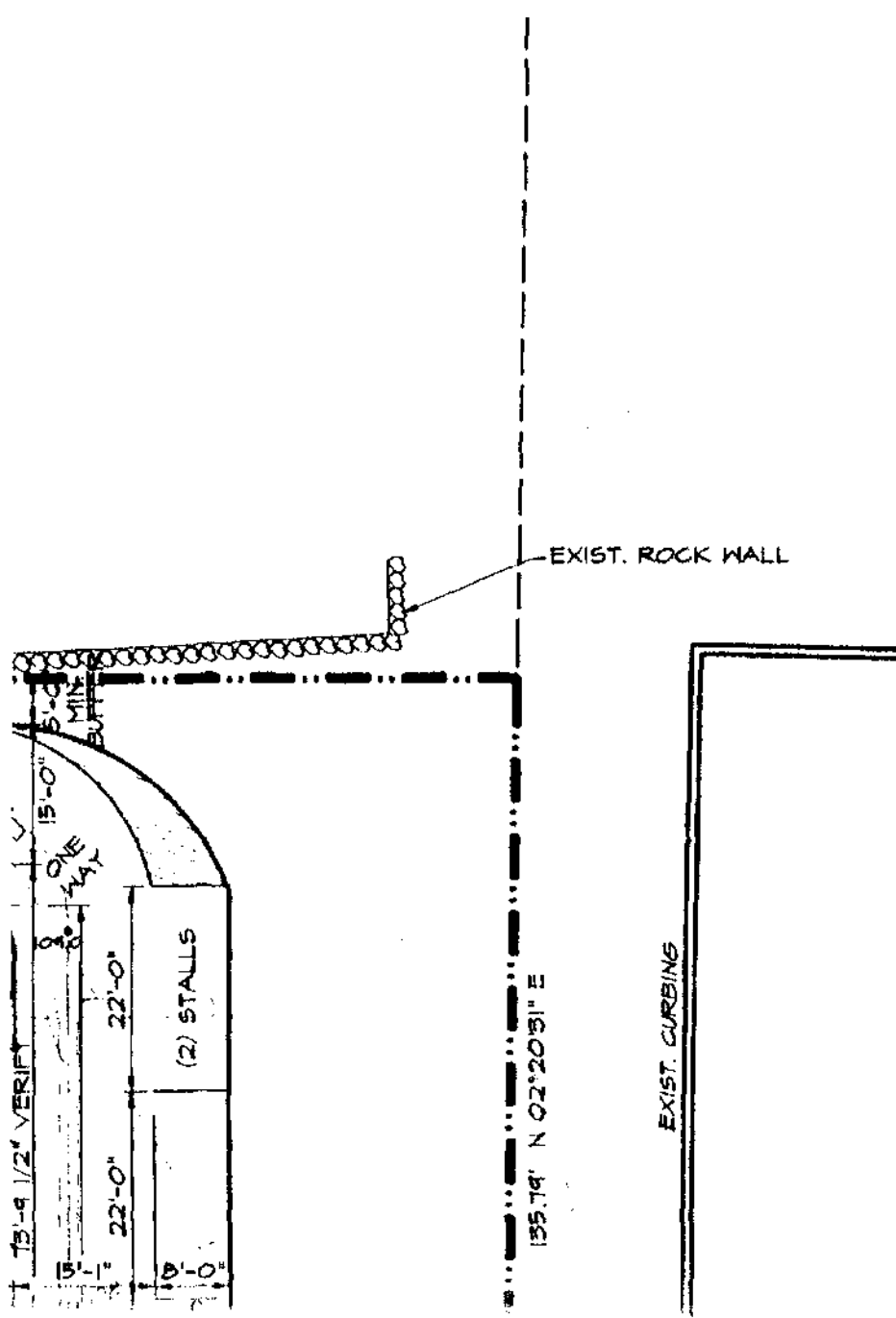
1D

HEN

REACH A MIN. HEIGHT OF 3'-0"
8"HT.

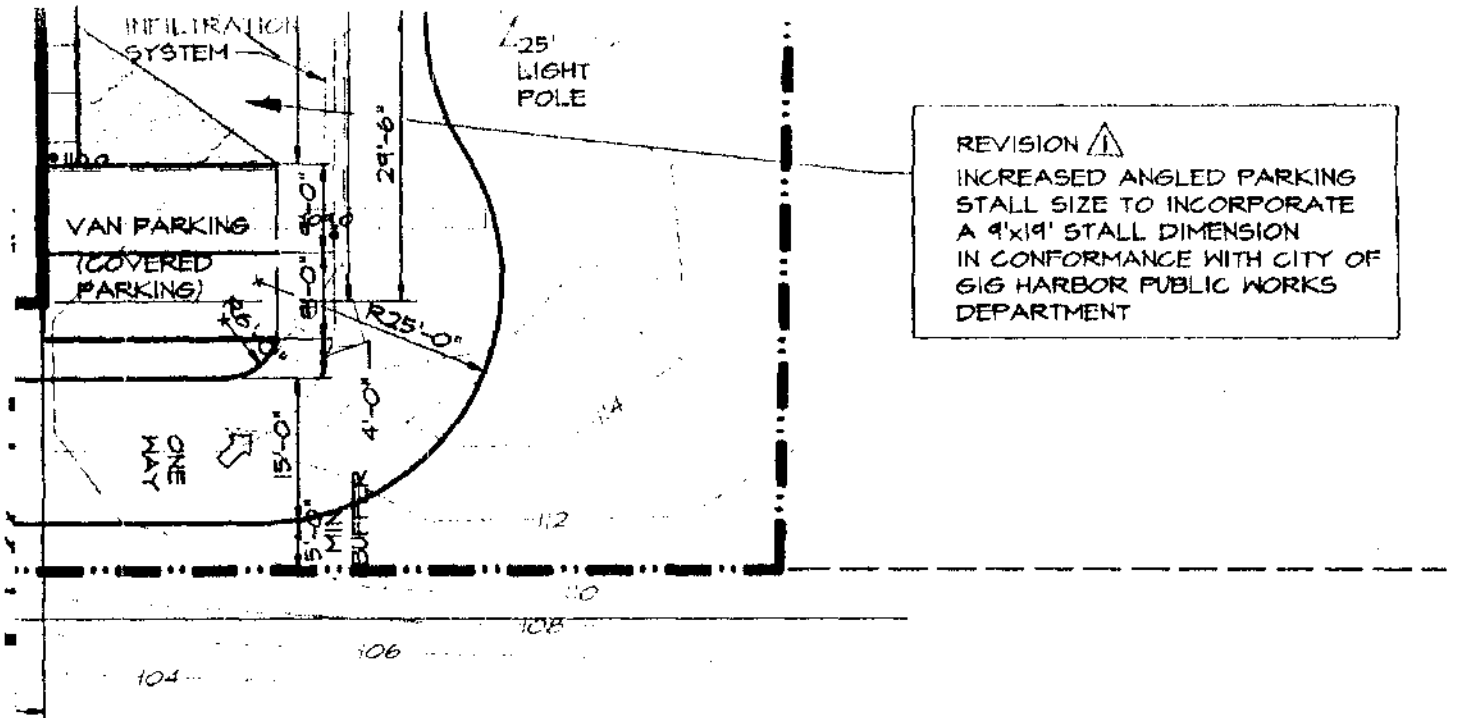
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EGON GRAPE), 5 GALLON
OTTO LUYKEN', (OTTO LUYKEN LAUREL), 5 GALLON
'S VIEBURNUM), 5 GALLON
4B"o.c.





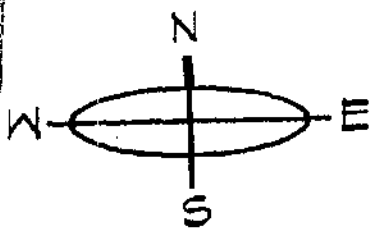
LOT 3
 S HARBOR SHORT PLAT NO. 8408160294





SITE PLAN

SCALE: 1" = 20'-0"



PROPERTY AREA: 28,001sf

BUILDING FOOTPRINT: 4,342sf

PARKING: 15,291sf

TOTAL: 19,633sf

IMPERVIOUS COVERAGE:

$\frac{19,633sf}{28,001sf} = 70\%$

TOTAL BUILDING:

LOWER FLOOR 52'x83.5' = 4,342sf

UPPER FLOOR 57'x83.5' = 4,760sf

TOTAL: 9,102sf

PARKI

RETAI
OFFIC
CATEF

PROV

(27) S

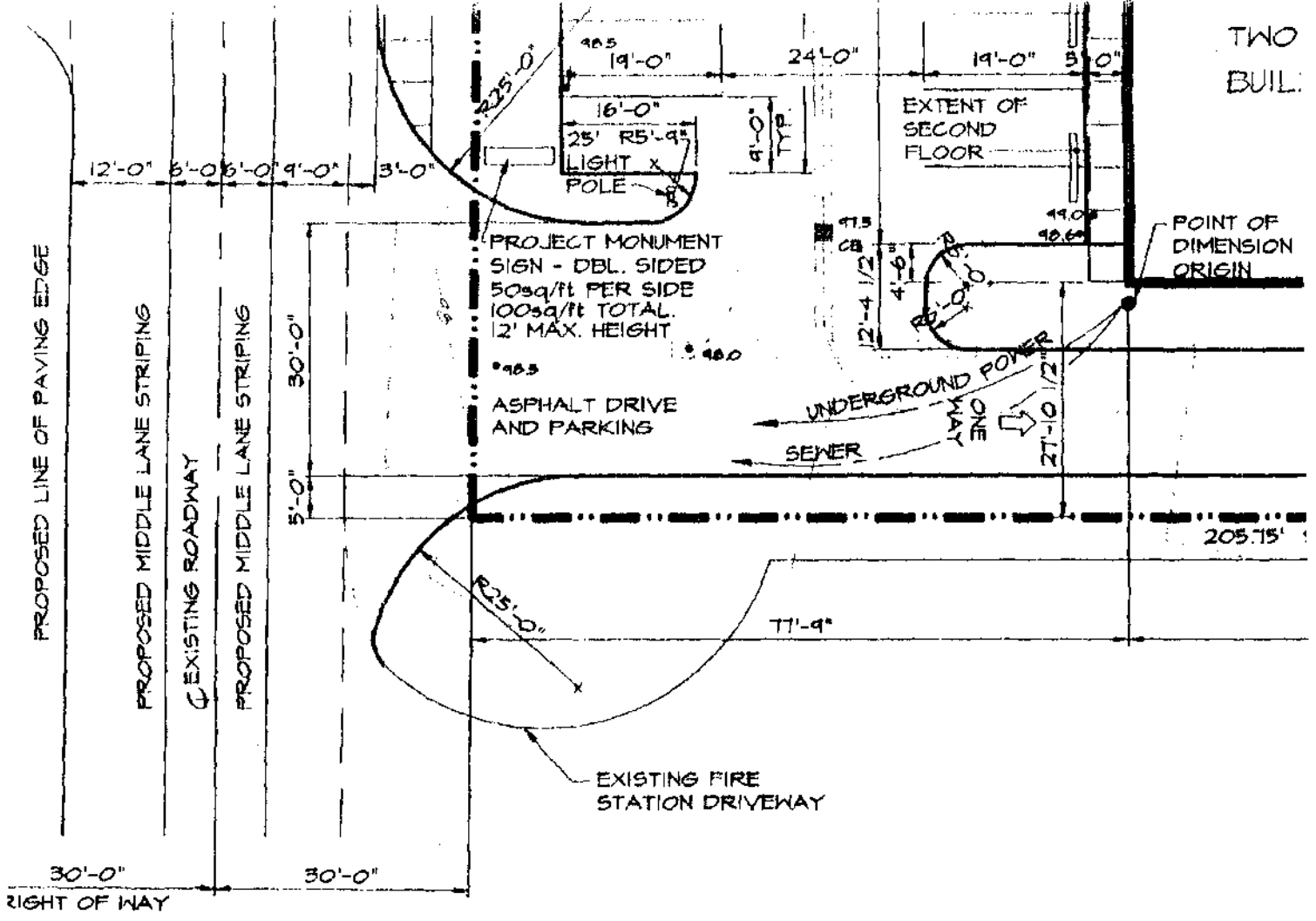
LEGA

LOT 2
RECO

PORT
SECTI
W.M.,

PROP

TWO
BUIL:



KEY

- 100 —— EXISTING GRADES
- PROPERTY LINE

EXIST. ASPHALT PAVING

ASPHALT PAVING TO NEW CURB

LOT 1 GIG HARBOR SHORT PLA NO. 8408160294

EXISTING SIDEWALK

EXISTING CAR WASH

16'-0"±
LANDSCAPE BUFFER

EXIST. 30' ACCESS, UTILITIES & MAINTENANCE EASEMENT

VARIABLE
10' AYS.

EXIST VULT

206.76' S 88°39'25" E

25'
LIGHT POLE

VERIFY

ONE WAY

R4'-0"

IN-GROUND STORM WATER INFILTRATION SYSTEM

STALLS

9'-0"

9'-0" TYP.

H.C. (VAN ACCESSIBLE)

1ST FLOOR: RETAIL SPACES
FINISHED FLOOR ELEV. 99.04
2ND FLOOR: OFFICE AND CATERING SPACES
FINISHED FLOOR ELEV. 110.04

LINE OF EXISTING PAVING EDGE
PROPOSED LINE OF PAVING EDGE

PROPOSED ASPHALT

PROPOSED CONG. SIDEWALK

35.76' N 01°54'59" E

SCALE
AS SHOWN



NTS:

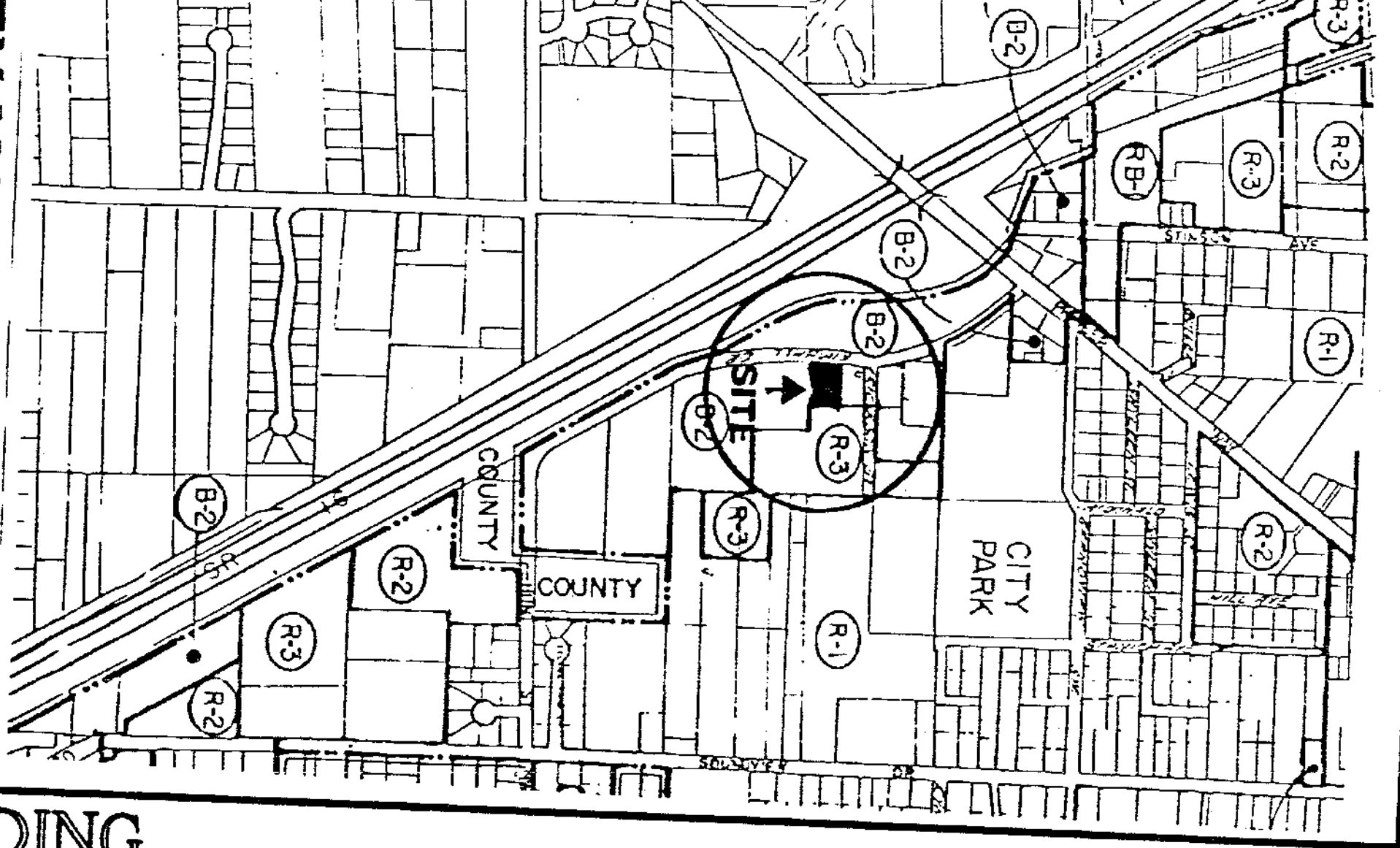
R) = 4,342sf @ (1) SPACE PER 300sf = (14.4) SPACES
DR) = 2,380sf @ (1) SPACE PER 300sf = (7.9) SPACES
COR) = 2,380sf @ (1) SPACE PER 500sf = (4.7) SPACES
TOTAL: (27) SPACES

NG (2) HANDICAP WITH (1) VAN ACCESSIBLE

HARBOR SHORT PLAT
F.N. 8408160294 IN A
1/4 OF THE SM 1/4 OF
P 21 NORTH, RANGE 2 EAST,
, WASHINGTON
R02-21-08-7-013

TY MAP

MAP SCALE: 1.5" = 1000'



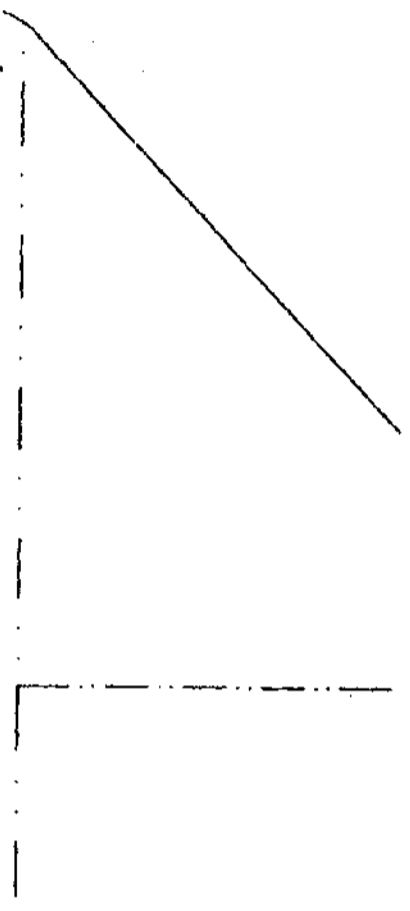
BUILDING
DR. N.W.
WASH.

4123
REGISTERED ARCHITECT
David J. Freeman
David J. Freeman
STATE OF WASHINGTON

2709
REGISTERED ARCHITECT
Kenneth D. Snodgrass
STATE OF WASHINGTON

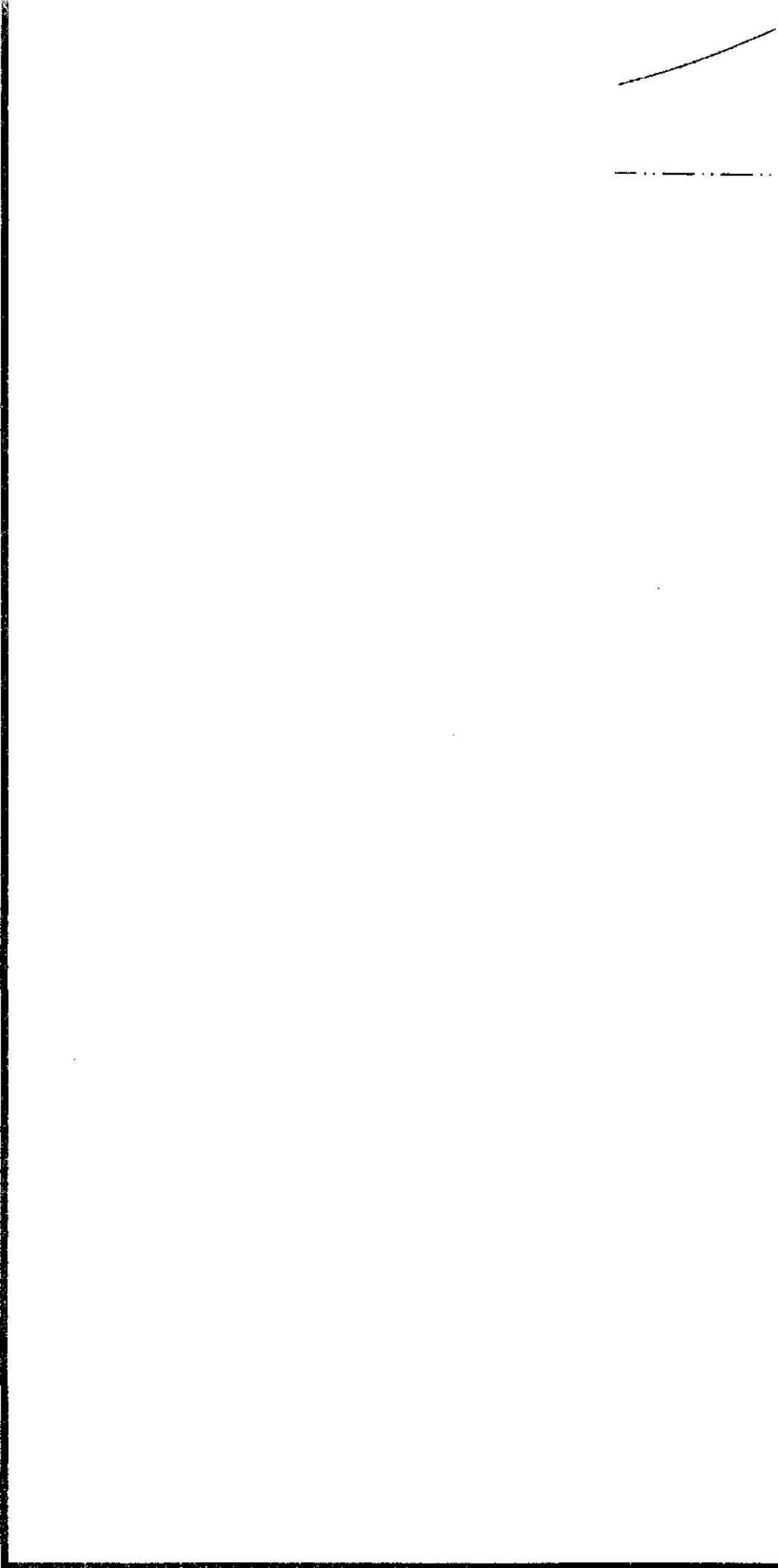
PROJECT DATA		REVISIONS	DATE
Project Architect:	D. FREEMAN	▲	08/26/93
Draftsman:	J. MOEACHERN		
Job Number:	9310		
File Name:	9310SITE		

PROPOSED CAR WASH
DRIVEWAY



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