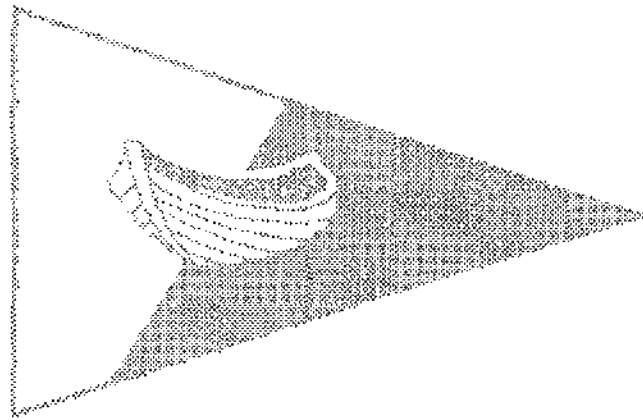


**GIG HARBOR  
CITY COUNCIL MEETING**



**SEPTEMBER 27, 1993**

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

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING  
SEPTEMBER 27, 1993**

**PUBLIC COMMENT/DISCUSSION:**

**CALL TO ORDER:**

**PUBLIC HEARING:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

**OLD BUSINESS:**

1. Second Reading - Planning Commission Recommendation - Zoning Code Amendments Ordinance.
2. Second Reading - City Engineer / Traffic Engineer Designation Ordinance.
3. Second Reading - Amendment to Terms of the Building Code Advisory Board.
4. Second Reading - Revisions to the Uniform Fire Code.
5. Second Reading - Pet Waste Ordinance.

**NEW BUSINESS:**

1. First Reading - City Right-of-Way Ordinance.

**DEPARTMENT DIRECTORS' REPORTS:**

Ben Yazici, Public Works Director.

**MAYOR'S REPORT:**

Gig Harbor Historical Advisory Group - Progress Report.

**ANNOUNCEMENT OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**EXECUTIVE SESSION:** Claims.

**ADJOURN:**

## REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 13, 1993

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

### **PUBLIC COMMENT:**

Joseph Kelley - 6329 Islandview Terrace. Mr. Kelley asked that signage be placed at the entrance to this development to let people know it was a dead end to prevent some of the unnecessary turn around traffic. He also spoke in favor of the new noise ordinance currently under consideration because of the excessive truck noise.

Jim Boge - 6606 Soundview Drive. Mr. Boge again asked for information on structures built in the city right of way, and asked council to take action. He then spoke about the article in the Gateway article on sandwich signs and the lack of enforcement in that matter.

Wade Perrow - 9119 No. Harborview Drive. Mr. Perrow asked that council and staff take action to prevent the passing of the proposed amendment to the route for the East/West road that has been published. He said that the alternate route would prevent future connection of the road from Peacock Hill to Crescent Valley.

Council placed this item on the agenda under new business to be discussed later in the meeting.

John Holmaas - 7524 Goodman Drive. Mr. Holmaas said he and Mr. Perrow had missed the last council meeting regarding the Utility Extension Capacity Agreement for Northharbor Business Park, and offered to answer any questions regarding the project.

The item was placed on the agenda under old business to be discussed at that time.

**CALL TO ORDER:** 7:33 p.m.

### **PRESENTATION:**

1. Presentation of Flag - Commander Melvin Matthias of VFW Post #1854. Mr. Melvin Matthias of the local VFW Post #1854 presented a new flag to the City of Gig Harbor that came with a statement that the flag had been flown over the Capital. His wife was present representing the Ladies Auxiliary.
2. Proclamation - "My Commitment to America". In recognition of the VFW and their sponsorship of the 47th annual Voice of Democracy Scholarship Program, Mayor Wilbert read a proclamation naming the first week in November as Voice of Democracy Week. Council, Staff, and citizens were asked to stand and recite the Pledge of Allegiance.

## APPROVAL OF MINUTES:

**MOTION:** To approve the minutes of the meeting of August 23, 1993.  
Stevens Taylor\English - unanimously passed.

## CORRESPONDENCE:

1. Ric Silva - Vice-Chair for Pierce Transit Board of Directors. The letter from Mr. Silva stated he regretted having to resign from this position due to a new job opportunity and relocation to another area.
2. Vacant position on the Pierce Transit Board of Directors. This letter announced the vacant position and asked for interested parties. Councilmember Platt voiced his interest.

**MOTION:** To nominate Corbett Platt for the position on the Board of Commissioners for Pierce Transit.  
English/Markovich - unanimously passed. Councilman Platt abstained.

3. Carolyn Else - P.C. Library Director. Mayor Wilbert presented this letter regarding the impact of a metropolitan park district on the levy rate for other taxing districts, and asked that this factor be kept in consideration in future discussions.
4. 1993 Health Care Reform Act. Mayor Wilbert included this flyer for informational purposes.
5. Pierce County Nonmotorized Transportation Plan. Mayor Wilbert explained the plan to develop nonmotorized improvements be made in some areas of the county.

## OLD BUSINESS:

1. Utility Extension Capacity Agreement - Northharbor Business Campus. Mr. Hoppen explained that proposed contract language hadn't been agreed upon by the owners, and asked that if action was to be taken to approve this contract that the standard, familiar contract with additional language relating to frontage sidewalks be used.

Don Thompson - 9716 43rd Avenue, Avalon Woods. Mr. Thompson voiced his concerns about the buffering between Avalon Woods and the campus. Mr. Holmaas and Mr. Perrow explained the vegetation that would separate the developments. Mr. Thompson was satisfied with the plan and said he would keep in close contact with the developers.

**MOTION:** Move we authorize execution of standard contract with one provision for the construction of sidewalks along Burnham.  
Frisbie/Stevens Taylor - four voted in favor; Councilman Platt voting against.

**NEW BUSINESS:**

1. HEX Recommendations - SPR 93-04 - Dan & Sharon Snuffin. Mr. Gilmore presented the site plan approval for the two story building on Kimball Drive. He read the Hearing Examiner's recommendation for site plan approval including several conditions. The applicant, Sharon Snuffin, and the architect, Dave Freeman, were available to answer questions.

**MOTION:** Move to approve Resolution #388.  
English/Markovich - unanimously approved.

2. HEX Recommendations - SPR 93-03 - Lorri DiPinto. Mr. Gilmore explained the Hearing Examiner's recommendation for approval with conditions of a site plan for Barista Coffee Company to build a drive through espresso stand at 3209 Judson Street, Parker Service, and answered questions.

**MOTION:** Move adoption of Resolution #389.  
Markovich/Frisbie - unanimously approved.

3. First Reading - Planning Commission Recommendation - Zoning Code Amendments Ordinance. Mayor Wilbert opened this item for Public Hearing. Mr. Gilmore presented the proposed changes to the zoning code and answered questions. There were no comments from the public, so the public hearing portion of the first reading was closed. Staff was instructed to draft an additional ordinance and permitting process for what would be allowed to be placed in city right of way. Several other items were discussed, and staff will bring back changes to the next council meeting for the second reading.

4. First Reading - Pet Waste Ordinance. Mark Hoppen introduced the ordinance relating to animal waste control. Wording in the ordinance will be changed to read "animal" instead of "dog" or "pet" throughout, and brought back for a second reading at the next council meeting.

5. City Engineer / Traffic Engineer Designation. Mr. Hoppen presented the first reading of the Ordinance designating the Public Works Director to also have the title of City Engineer and City Traffic Engineer. This ordinance will come before council at the next meeting for a second reading.

6. Resolution - Travel Reimbursement. Mr. Hoppen presented the resolution to raise the travel reimbursement from \$.26 to \$.28 per mile.

**MOTION:** Move approval of Resolution #390.  
Markovich/Platt - unanimously approved.

7. Street Sweeper Purchase. Mr. Yazici presented the information on a new street sweeper. He explained the need for the new machine and the criteria for choosing the TYMCO model for \$69,987.01, just under the \$70,000.00 budgeted for the purchase.

**MOTION:** Move we authorize the Public Works Director to purchase the TYMCO Model 350 Regenerative Air Sweeper for a total price of \$69,987.01 including Washington State Sales Tax and a \$3,952.00 trade-in credit for the existing street sweeper.  
English/Stevens Taylor - unanimously approved.

8. Reappointment of Carl Halsan to the Gig Harbor Planning Commission. Mr. Halsan's term will be for six years, from July 1, 1993 through June 30, 1999.

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

9. Special Occasion Liquor License - Chamber of Commerce. No action taken.

10. Liquor License Renewal - Hy-Iu-Hee-Hee Tavern. No action taken.

11. East / West Road. Ben Yazici posted a map of the new amended route for this road and presented the figures from the Swede Hill/Crescent Valley Drive Northwest Corridor Study. He explained that the proposed amended route would not be able to continue through to the Crescent Valley Road. He voiced concerns that people would choose to continue to travel through city limits rather than to go north to the 124th St. NW route, and due to the projected growth figures, greatly increase the congestion on city streets. It was added that past efforts to make the wishes of the council, staff, and citizens, were being overlooked by the County Council in their decision making process.

**MOTION:** Move we direct city staff to draft a letter stating city support separate from the Mayor's support, in favor of Alternative 3 & 4 in connection with the East/West Road.  
Platt/Frisbie -

After further discussion, this motion was formally withdrawn, and the following motion made.

**MOTION:** Move that the Mayor direct the City Attorney to take the necessary steps to preserve the city's position on any appeal or procedural matter before the County Council in order to preserve a route from Drummond Drive, across Peacock Hill to SR-16.  
Markovich/English - unanimously passed.

Additional discussion led to the following addition to the motion.

**AMENDED MOTION:** That the connection from Peacock Hill to Drummond Drive will be located no further north than 112th St. NW.  
Platt/Markovich - unanimously passed.

**DEPARTMENT MANAGERS' REPORTS:** None scheduled.

**MAYOR'S REPORT:**

Reinventing Government. Mayor Wilbert gave a brief report on the theme of the AWC Convention and WCMA Conference for 1993, "Reinventing Government", and announced she had four tickets for staff to attend a talk by Ted Gaebler on the evening of September 29th, and asked for anyone interested.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Gig Harbor Historical Advisory Group - October 7th, 7:00 p.m. in Council Chambers.
2. P.C. Public Works and Ken Madsen - East/West Road - Thursday, September 30, 7:00 p.m. at Gig Harbor High School.

**APPROVAL OF BILLS:**

**MOTION:** To approve warrants #11058 through #11130, in the amount of \$98,819.82.  
Platt/English - four voted in favor. Councilman Frisbie voting against.

**APPROVAL OF PAYROLL:**

**MOTION:** To approve payroll warrants #8805 through #8926, in the amount of \$156,494.83.  
Platt/Stevens Taylor - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session to discuss claims.  
Stevens Taylor/English - unanimously approved.

**MOTION:** Move to return to regular session.  
Stevens Taylor/English - unanimously approved.

**MOTION:** Move we authorize the City Administrator to take the low bid of \$393.85 and settle the claim with Mr. Roshinsky and obtain release of hold harmless.  
Platt/ Stevens Taylor - unanimously approved.

**ADJOURN:**

**MOTION:** To adjourn at 10:50 p.m.  
Platt/English - unanimously approved.

Cassette recorder utilized.

Tape 323 Side B 091 - end.  
Tape 324 Side A 000 - end.  
Tape 324 Side B 000 - end.  
Tape 325 Side A 000 - 665.

---

Mayor

---

City Administrator





City of Gig Harbor. The "Maritime City."  
3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:** *TPG* Planning Department

**DATE:** September 23, 1993

**SUBJ.:** Second Reading of Ordinance - Planning Commission Recommendation, Zoning Code Amendments

---

In response to discussion by the Council and direction to staff at the first reading of the ordinance, staff has revised several sections of the ordinance for proposed amendments to the zoning code.

### Summary of Changes

- A. A new definition (Section 17.04.269, Dense Vegetative Screen) is added.
- A. Section 17.01.070 General Provisions/Public Hearings - The original proposed language eliminated the need for parcel-by-parcel notification for area-wide rezones and comprehensive plan amendments initiated by the Planning Commission or City Council. This has been modified to require notification, as reasonable, to tax title owners potentially affected by an area wide rezone.
- B. Section 17.08.020 Fences, Hedges and Shrubs - **No changes proposed.** The current code appears to not allow any fences, shrubs or hedges within the front yard of a lot on an interior street. However, this has been interpreted in the past as to allow fences up to a maximum height of three feet within the front yard by blending this sub-section with sub-section B. As one can see, if you look at the definition of "yard" (17.08.880), it appears that fences would be allowed in any yard, up to a maximum height. Note, also, that staff is proposing to eliminate the maximum height requirement on shrubs and hedges. As this currently reads, any shrub or hedge greater than six feet in height on any interior lot would be prohibited. Staff does not believe this was the intent. The most significant problem with this language is

enforcement and numerous examples of "non-conforming" hedges and shrubs are evident throughout the city. The second most significant problem is that it apparently contradicts our landscaping section which establishes minimum planting heights for shrubs at three feet and for trees at six feet. From a health and safety standpoint, limiting height and spread for safe vision access to a street is more reasonable and enforceable.

- C. Section 17.10.110 Applications - **No changes proposed.** Staff has experienced several situations in the past where applicants have failed to submit timely or accurate information which has resulted in public hearing continuations. Because we do not currently define a complete application nor state the required number of copies, any delays in processing an application could be construed as arbitrary by an applicant. This adjustment to the zoning code would eliminate that.
  
- D. Sections 17.16/.20/24 and Section 17.84 - As stated at the last Council meeting, the Planning Commission and staff propose to establish two classes of conditional uses based upon their relative degree of impact or intensity. Low impact/low intensity home occupations would not require public review but could be simply approved administratively if it met the criteria for a home occupation. The second class of home occupation would be characterized by types that would have more impact or more intensity on neighbors, thus warranting an additional level of review as a conditional use. Staff is proposing that Class A home occupations be outright permitted in all residential zones and that Class B home occupations be authorized only as a conditional use in all residential zones.

At the last Council meeting, concern was expressed that the proposed changes would encourage home occupations in residential neighborhoods and that some of the standards proposed for Class B were too liberal. It is not the intent of the Planning Commission (or the zoning code) to allow a proliferation of commercial establishments in residential neighborhoods. The current language in Section 17.84.020 B. clearly states that home occupations are incidental or secondary to the use of the residential dwelling unit. In the General Requirements (17.84.030), it is stated that the home occupation "shall be conducted in such a manner as to give no outward appearance... of a business. The establishment of two classes of home occupations is to provide a simplified (administrative) review process for those types of home occupations which have little, if any, impacts, potential or otherwise.

Currently, the code requires all home occupations in R-1 to be processed as

Mayor Wilbert and City Council

September 9, 1993

Page 3

conditional uses, all home occupations in R-2 are outright permitted, and no home occupations are allowed in an R-3. It is this disparity in the location of home occupations which the Planning Commission wishes to correct. It is the Planning Commission and staff's position that home occupations can be allowed in all residential districts if the impacts of the home occupations are strictly and carefully regulated.

- E. Section 17.78.020 Landscaping, Applicability - Landscaping standards for single family residential subdivisions has been refined to specify the degree of landscaping required. As the biggest concern expressed before the hearing examiner and council on most plats has been buffering from adjacent residential developments, staff has proposed a landscaping standard that requires a buffer (as an easement) between residential plats. Also, duplex subdivision plats have also been included under this requirement.

These proposed changes are submitted for the Council's review at this second reading of the ordinance. Legal counsel's recommendations have also been incorporated into the revised ordinance.

ORDINANCE NO. \_\_

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE ZONING CODE TO INCLUDE A NEW DEFINITION FOR DENSE VEGETATED SCREENING, CLARIFY PUBLIC HEARING NOTICE REQUIREMENTS, FENCE HEIGHTS STANDARDS, LANDSCAPING STANDARDS APPLICABLE TO SINGLE FAMILY RESIDENTIAL SUBDIVISIONS, DESCRIBING THE REQUIREMENTS FOR A COMPLETE ZONING APPLICATION AND A NEW SECTION ESTABLISHING TWO CLASSES OF HOME OCCUPATIONS DISTINGUISHED BY SECONDARY LAND USE IMPACTS, ALLOWING CLASS A HOME OCCUPATIONS IN AN R-1, R-2 AND R-3 DISTRICT OUTRIGHT AND ALLOWING CLASS B HOME OCCUPATIONS IN AN R-1, R-2 AND R-3 DISTRICT ONLY AS A CONDITIONAL USE, PROVIDING FOR AN ADMINISTRATIVE APPROVAL AND NOTIFICATION PROCEDURE FOR CLASS A HOME OCCUPATIONS; AMENDING SECTIONS 17.01.070, 17.08.101, 17.16.020, 17.16.030, 17.20.020, 17.20.030, 17.24.020, 17.24.030, 17.10.110 AND 17.78.020.; ADDING NEW SECTIONS 17.04.269, 17.84.035 AND 17.84.040.

---

WHEREAS, the City Planning Commission considered at a public meeting worksession several changes to the zoning code as directed by Council and as recommended by staff; and,

WHEREAS, the Planning Commission conducted a public hearing on July 20, 1993, to accept public comment and testimony on the proposed changes, following public notice; and,

WHEREAS, no public comment was offered at the public hearing; and,

WHEREAS, the proposed changes are intended to clarify existing language, to eliminate inconsistencies and ambiguous language in those sections applying to public hearings, fence height, minimum application requirements and to correct what the Planning Commission feels are deficiencies in the City's regulation of home occupations and landscaping standards for single family residential subdivisions; and,

WHEREAS, following a worksession on August 17, 1993, the Planning Commission, unanimously recommended adoption of the proposed zoning code revisions by the City Council; and,

WHEREAS, the City Council, in review of the Planning Commission's recommendation, concurs that the proposed revisions to the zoning code provide

better policy guidance in the administration of the zoning code and furthers the intent of the City of Gig Harbor Comprehensive Plan of 1986; and,

WHEREAS, the City of Gig Harbor SEPA Responsible Official considered the likely environmental impacts of the proposed amendments and determined that the proposed changes would not have an adverse environmental impact and issued an environmental determination of non-significance on July 19, 1993; and,

WHEREAS, the proposed changes to the zoning code protect and promote the public health, safety, welfare and interest.

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

Section 1. Section 17.04.269 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.269 Dense Vegetative Screen. A dense vegetative screen consists of a physical buffer which is opaque to a height of six feet and broken to a height of twenty feet. Screening may be achieved through any one or a combination of the following methods:

- A solid row of evergreen trees or shrubs.
- A solid row of evergreen trees or shrubs planted on an earthen berm with an average height of three and one-half feet along its midline.
- A combination of trees and shrubs and fencing where the amount of fencing does not exceed fifty percent of the linear distance of the side to be buffered. Ground cover plants which are capable of providing complete ground coverage within three years of planting shall also be provided.

Section 2. Section 17.08.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.08.010 Conformance Required - Fence or Shrub Height.

- A. No building or structure shall be erected and no existing building or structure shall be moved, altered, added to or enlarged, nor shall any land, building, structure, or premises be used, designed, or intended to be used for any purpose or in any manner other than a use listed in this title as permitted in the use district in which such land, building, structure, or premises is located.
- B. In order to maintain and preserve safe vision purposes on all

corner lots, there shall be no fences, shrubs, or other physical obstructions within twenty feet of the ~~corner property line~~ apex of the property corner at the intersecting streets, higher than thirty-six inches above the existing grade.

C. On interior lots, a fence, ~~shrub, or hedge~~ not exceeding six feet in height above the existing grade may be located anywhere from the front yard setback line to the rear property line. Within the front yard, a fence not exceeding three (3) feet in height may be constructed to the side yard property lines with provisions for safe vision clearance where a driveway intersects the fronting street.

D. Fences shall be of board and post construction. The use of plywood or composition sheeting as fence material shall not be permitted.

Section 3. Section 17.01.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.01.070 Public Notice hearings.**

A. When Required. A public hearing notice is required whenever action is to be taken on the following:

1. A project which requires a conditional use permit;
2. A project for which a site plan is required;
3. A project or activity for which a variance permit is required.
4. Appeals as allowed in Chapter 17.10; and,
5. Amendments to this title or the Comprehensive Plan.

B. Public Hearing by Whom. Public hearings shall be held by the Hearings Examiner on all the subjects set forth in subsection A of this section, except ~~in the case of appeals for text amendments to the zoning code.~~ Public hearings on appeals shall be by the city council only.

C. Procedure.

~~1. Upon receipt of an application or petition for an action on any of the subjects, excepting appeals, requiring a public hearing, the Planning Director shall set a date for a public hearing before the Hearings Examiner.~~

~~2. The Hearings Examiner shall forward in writing the results of its public hearing to the City Council. Upon receipt of the Hearings Examiner's report, the City Council, at a regular meeting, shall set a time and place for a public hearing for its consideration of the subject.~~

~~3. Upon receipt of an appeal, the Planning Director shall set a date for a public hearing before the City Council.~~

14. The Planning Director shall give notice at least ten days in advance of the public hearings by publication in a local newspaper of general circulation.

25. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, individual

written notice, by the U.S. Postal Service, shall be given to all owners of properties within three hundred feet of the exterior boundaries of particular real property, or properties, whose use will be affected. Those owners to whom individual written notice will be given shall be those who are shown on the tax rolls. Such notice requirement shall not apply to area wide amendments to the comprehensive plan or rezones as initiated by the City Planning Commission or Gig Harbor City Council. Nonetheless, city staff shall provide such reasonable notice as necessary to the property owners who may be affected by a comprehensive plan amendment or rezone.

36. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, written notices shall be posted as follows:

a. At a prominent location and easily viewed by the public, on the subject property and in a manner so as to be weather resistant until the date of the public hearing,

b. In the lobby of the city hall in a prominent location and easily viewed by the public.

47. All notices shall state as follows:

a. Reference to the authority under which such matters are being considered,

b. The general nature of the matters to be considered and issues involved, and

c. The time and place of said hearing, and the manner in which interested persons may present their views thereon.

58. The Planning Director shall also inform the following persons of the time, place and substance of such hearing:

a. Members of the City Council or Planning Commission, as the case may be,

b. The applicant or his agent, and

c. Property Owner(s) whose property is under consideration.

Section 4. Section 17.10.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.10.110 Applications. Applications for all matters to be heard by the examiner shall be presented to the Department of Community Development. ~~When it is found an application meets all of the filing requirements of the Department of Community Development, it shall be accepted.~~ The department shall be responsible for assigning a date of public hearing for each application which date shall not be more than forty-five days after the applicant has ~~complied with all requirements and furnished all necessary data to the Department of Community Development~~ submitted a complete application.

~~The Department shall deem complete, and shall only accept, applications~~

containing the following:

A. Site Plan Review: Information as required per Section 17.96.050, A through E. An original and twelve (12) copies must be submitted to the Department of Community Development.

B. Variance: Information as required per Section 17.96.050, B through D, including written statement of justification for granting the variance per the criteria stated in Section 17.66.030(B). The original and seven (7) copies must be submitted to the Department of Community Development.

C. Conditional Use Permit: Information as required, per Section 17.96.050, B through D, including written justification for granting the conditional use, per Section 17.64.040. An original and seven (7) copies must be submitted to the Department of Community Development.

Section 5. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.78.020 Applicability. The standards as required by this Chapter shall apply to all nonresidential and nonagricultural uses of land, to the construction or location of any residential building or development in which ~~more than two attached dwelling units would be contained~~ multifamily structure of three or more attached dwelling units, to any new single family residential or duplex subdivision plat, ~~and where practicable, to changes, in the use of land or structures.~~

Section 6. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.78.060 Requirements for residential landscaping.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy-five percent of the ground area, within three years. One deciduous tree a minimum of two-inch caliper, or one six-foot evergreen, or three shrubs which should attain a height of three and one-half feet within three years, shall be provided for every five hundred square feet of the area to be landscaped.

2. A minimum of forty percent of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the height overlay district referenced in Chapter 17.62. Trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic



impacts at maturity.

B. Buffer Areas. Where a development subject to these standards is contiguous to a zoning district of less intensive land uses or between adjacent residential subdivisions, then that required perimeter area shall have a dense vegetative screen which is opaque to a height of six feet and broken to a height of twenty feet. The screening may be achieved through any one or a combination of the following methods:

1. A solid row of evergreen trees or shrubs;
2. A solid row of evergreen trees and shrubs be planted on an earthen berm an average of three and one-half feet high along its midline.
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed fifty percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years.
4. Use of existing native vegetation which meets the definition of a dense vegetative screen.

For single family and duplex residential plats, a minimum twenty five foot buffer consisting of a dense vegetated screen shall be described for the perimeters of the plat adjoining an existing residential development, and said buffer shall be established as an easement on the final plat for each lot so affected.

C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in Chapter 17.72 of this title.

Section 7. Section 17.84.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.84.020 Definition. A. "Home occupation means any activity conducted for financial gain or profit in a dwelling unit, and which activity is not generally or customarily characteristic of activities for which dwelling units are intended or designed.

B. Such activity is clearly incidental or secondary to the residential use of a dwelling unit, and is conducted only by persons residing in the dwelling unit plus no more than one nonresident assistant or employee. Persons engaged in building trades or similar fields, using their dwelling unit or residential premises as an office for business activities carried on or off the premises may have more employees than the limitation set forth in this chapter if they are not employed on the premises.

C. The occupation may include such uses as personal business of professional services, offices and repair shops for household items; however, home occupations shall emit no noise, air pollutants, waste products or other effects detrimental to the environment or neighborhood beyond those normally emanating from residential use.

Section 8. A new section Section 17.84.020 of the Gig Harbor Municipal Code is hereby added to read as follows:

17.84.035 Home Occupation Classification. Classification of home occupations is intended to assure that the use-intensity of the home occupation undergoes an appropriate level of review prior to permitting such use. Two levels of review are available under city code: administrative and public. Administrative review occurs at the staff level and does not require a public hearing, unless an appeal of the administrative decision is filed with the City Hearing Examiner. Public review requires a public hearing before the hearing examiner and requires extensive notification. Some types of home occupations are, by their very nature, very low intensity and do not present any adverse impacts to surrounding properties. Other types of home occupations could present some impacts to surrounding properties which warrant more extensive review and public comment. Two classes of home occupations are established:

A. Class A - A Class A home occupation consists of a business operated solely by the occupant(s) of the dwelling unit and does not involve the display, retail sale, repair or manufacturing of a product for general consumption or use. Class A home occupations are usually professional service oriented and the product generated is specific to the need or use of a client. Such uses include, but are not limited to, drafting and engineering services, tele-marketing, professional services where the product is typically a typed or written document.

B. Class B - A Class B home occupation is a business that consists of one or more of the following:

1. A business which engages in limited retail sales of a product for general public consumption or use. The product may be manufactured, crafted or produced on the site.
2. A business which generates no more than ten vehicle trips per day.
3. A business which employs the use of a vehicle which is not typical of a private family passenger car or truck.
4. A business which includes employees which are not residents of the dwelling unit.

**Home Occupation Classification Table**

Impacts/Criteria	Class A	Class B
Outside Employees	No	Yes

Retail Sales	No	Yes
Customer Vehicle Trips	No	10/day maximum
Custom Product	Yes	Yes
Controlled Customer Access	Yes	Yes

Section 9. A new section Section 17.84.040 of the Gig Harbor Municipal Code is hereby added to read as follows:

17.84.040 Permit Review Procedure and Notification Required. Application review and notification for review or approval of home occupations shall be provided as follows:

- A. For Class A home occupations, review shall be administrative without public review. Notification of administrative action on an application for a home occupation shall be provided to adjacent property owners, and shall include provisions for appeal as authorized under Section 17.10.100. Such reasonable conditions as deemed necessary may be imposed by the administrator to minimize potential adverse affects to surrounding properties.
- B. For Class B home occupations, review shall be before the hearing examiner as a conditional use. Notice shall be given as provided under Section 17.01.070.

Section 10. Section 17.16.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

- A. Single family dwelling.
- B. Agricultural uses including nurseries and truck gardens as long as objectionable odors and dust are not created.
- C. Publicly and operated parks and playgrounds.
- D. Temporary buildings for and during construction.
- E. Family day care centers serving six or fewer children in a home; ~~and~~
- F. Uses and structures that are necessary or desirable adjuncts to permitted unuses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure.

G. Class A home occupations.

Section 11. Section 17.16.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

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

B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities.

C. Schools, including play grounds and athletic fields incidental thereto.

D. Houses of religious worship, rectories and parish houses.

E. Class B home occupations.

F. Bed and breakfast establishments.

G. Accessory apartments. When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:

1. The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass-block pavers to avoid an expansive area of hard surface,

2. The accessory apartment is attached to or placed at least six feet behind the primary structure,

3. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design,

4. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g. garage entrance or service porch entrance).

5. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit.

6. The accessory apartment and the primary dwelling unit conforms to all other building and zoning code requirements.

Section 12. Section 17.20.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.20.020 Permitted uses. The following principal uses and structures are permitted in an R-2 district:

A. Single family detached dwellings.

B. Two family dwellings (duplexes).

- C. Public parks and playgrounds.
- D. Temporary buildings for and during construction.
- E. Family day care centers serving six or fewer children in a home, and
- F. Accessory structures and uses.
- G. ~~Class A~~ home occupations.

Section 13. Section 17.20.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

- A. Child care facilities serving more than six children outside of a home in an institution.
- B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities .
- C. Schools, public and private, including accessory play grounds and athletic fields.
- D. Houses of religious worship, rectories and accessory buildings.
- E. Bed and breakfast establishments.
- F. Nursing and retirement homes.
- G. Recreational buildings and community centers.
- H. ~~Class B home occupations.~~

Section 14. Section 17.24.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

- A. Duplexes and multifamily dwellings.
- B. Bed and breakfast establishments.
- C. Nursing and retirement homes subject to the basic density requirements of the district.
- D. Family day care centers serving six or fewer children in a home.
- E. Publicly owned parks and playgrounds.
- F. Accessory uses and structures such as:
  1. Temporary buildings for and during construction, and
  2. Uses and structures that are normal, necessary or desirable adjuncts to permitted uses.
- G. ~~Class A home.~~

Section 15. Section 17.24.030 of the Gig Harbor Municipal Code is hereby amended

to read as follows:

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

- A. Child care facilities serving more than six children outside of a home in an institution.
- B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities.
- C. Recreational buildings and community centers.
- D. Schools, public and private, including accessory play grounds and athletic fields.
- E. Houses of religious worship, rectories and accessory buildings.
- F. Private and nonprofit clubs.
- G. Parking lots.
- H. Single family dwellings.
- I. ~~Class B home occupations.~~

Section 16. 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 17. This ordinance shall take effect and be in full force no later than five days after publication of an approved summary, consisting of the title.

\_\_\_\_\_  
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:  
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:

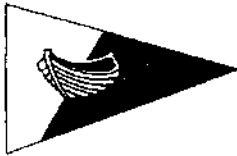
AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE ZONING CODE TO INCLUDE A NEW DEFINITION FOR DENSE VEGETATED SCREENING, CLARIFY PUBLIC HEARING NOTICE REQUIREMENTS, FENCE HEIGHTS STANDARDS, LANDSCAPING STANDARDS APPLICABLE TO SINGLE FAMILY RESIDENTIAL SUBDIVISIONS, DESCRIBING THE REQUIREMENTS FOR A COMPLETE ZONING APPLICATION AND A NEW SECTION ESTABLISHING TWO CLASSES OF HOME OCCUPATIONS DISTINGUISHED BY SECONDARY LAND USE IMPACTS, ALLOWING CLASS A HOME OCCUPATIONS IN AN R-1, R-2 AND R-3 DISTRICT OUTRIGHT AND ALLOWING CLASS B HOME OCCUPATIONS IN AN R-1, R-2 AND R-3 DISTRICT ONLY AS A CONDITIONAL USE, PROVIDING FOR AN ADMINISTRATIVE APPROVAL AND NOTIFICATION PROCEDURE FOR CLASS A HOME OCCUPATIONS; AMENDING SECTIONS 17.01.070, 17.08.101, 17.16.020, 17.16.030, 17.20.020, 17.20.030, 17.24.020, 17.24.030, 17.10.110 AND 17.78.020.; ADDING NEW SECTIONS 17.04.269, 17.84.035 AND 17.84.040.

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

DATED this th 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

TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS  
FROM: MARK HOPPEN, CITY ADMINISTRATOR *MH*  
SUBJECT: DESIGNATION OF CITY TRAFFIC ENGINEER AND CITY ENGINEER  
DATE: SEPTEMBER 22, 1993

Currently, the city has no formal designation for a city traffic engineer as stated in Section 46.90.260. It says:

(1) The office of traffic engineer is established: PROVIDED, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his other functions, and shall exercise their powers and duties with respect to traffic as provided in this chapter: PROVIDED FURTHER, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

With respect to this language, while we have an engineer "in the authority," it seems prudent to formally designate the Public Works Director as the city traffic engineer and to make the term part of the formal job description for the position.

Of more significance, is the need to designate the Public Works position as the city engineer. We are completing a set of Public Works Standards for the City of Gig Harbor, and this title is referenced throughout the document which Ben Yazici will be presenting later.

This is the second reading of this ordinance.



**CITY OF GIG HARBOR**

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW CHAPTER TO THE ADMINISTRATION AND PERSONNEL SECTION OF THE MUNICIPAL CODE DESIGNATING THE PUBLIC WORKS DIRECTOR AS THE CITY ENGINEER, AND THE CITY TRAFFIC ENGINEER, AND TO AUTHORIZE THE ADDITION OF THOSE TITLES TO THE PUBLIC WORKS DIRECTOR JOB TITLE.**

WHEREAS, Title 46 of the RCWs, Section 46.90.260, states that each city have a designated traffic engineer; and

WHEREAS, there are several references in the public works standards referring to a City Engineer;

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

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 2.24, is hereby added to read as follows:

Chapter 2.24

CITY ENGINEER AND CITY TRAFFIC ENGINEER

Sections:

2.24.01 City Engineer and City Traffic Engineer.

2.24.01 City Engineer and City Traffic Engineer. The City shall designate the Public Works Director as the City Engineer and City Traffic Engineer to comply with RCW Title 46, Section 46.90.260.

Section 2. The Public Works Director title in the personnel job description handbook is hereby amended to read: "Public Works Director / City Engineer / City Traffic Engineer" to reflect the changes in the municipal code.

Section 3. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this \_\_\_\_ day of \_\_\_\_\_, 1993.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Mark Hoppen, City Administrator

Filed with city clerk: 9/2/93  
Passed by the city council:  
Date published:  
Date effective:



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:** *LB* Steve Bowman, Building Official/Fire Marshal  
**DATE:** August 31, 1993  
**RE:** REVISIONS TO THE BUILDING CODE ADVISORY BOARD TERMS

===== Δ ===== Δ ===== Δ ===== Δ ===== Δ =====

The terms of office for the Building Code Advisory Board were set in Section No. 15.02.010 of the Gig Harbor Municipal Code to limit the number of active members to three (3) with three (3) alternates to serve upon absence of an active member. The Gig Harbor Building Code Advisory Board (BCAB) has had all six (6) members present at many of its meetings and would like to have the terms of their office changed to allow all members to be active during their meetings. The BCAB has reviewed the attached revisions to the GHMC and is recommending their adoption by the City of Gig Harbor. The City Attorney's Office has reviewed the ordinance and any required revisions have been completed.

**RECOMMENDATIONS:**

The Mayor and City Council adopt the BCAB terms of office revisions as recommended by the Gig Harbor Building Code Advisory Board after the second reading of the ordinance and inclusion of any required revisions.

CITY OF GIG HARBOR

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

AN ORDINANCE of the City of Gig Harbor relating to the Gig Harbor Building Code Advisory Board; changing the number and of active members from three to six; changing the authority of the Hearing Examiner and Building Code Advisory Board; and amending Sections 15.02.010 B and 15.06.037 of the Gig Harbor Municipal Code.

The City Council of the City of Gig Harbor, Washington DO  
ORDAIN as follows:

Section 1. Section 15.02.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.02.010 Building code advisory board. A. There is created a building code advisory board in order to:

1. Consider appeals of administrative determination where alternate materials or methods of construction are proposed to those stated within Title 15 of this code;
2. Review new code standards and ordinance revisions within Title 15 of this code;
3. Make recommendations to the Gig Harbor city council when new standards or revisions to Title 15 of this code are being considered for adoption; and
4. Provide reasonable interpretations of the building codes and Title 15 of this code as requested by the Gig Harbor building official/fire marshal.

B. The building code advisory board shall consist of ~~three~~ ~~six~~ members who are qualified by experience and training to pass upon matters of building construction and who are not employees of the jurisdiction. The board shall be comprised of ~~one~~ ~~two~~ state-licensed contractors, ~~one~~ ~~two~~ architects, and ~~one~~ ~~two~~ engineers, all of whom must be residents of the Gig Harbor community, at least ~~one~~ ~~two~~ of whom ~~is a~~ ~~are~~ city residents. The building code advisory board shall be appointed by the mayor and approved by the city council and shall hold office for a four-year term. The terms shall not run concurrently, and the first selected board member's terms shall run for two, three, and four years, respectively. The mayor may remove any board member at his/~~her~~ pleasure and discretion. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the applicant with a duplicate copy to the building official.

Section 2. Section 15.06.037 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.06.037 Appeals -- Hearing examiner/building code advisory board. Section 204 of the Uniform Building Code is amended to read as follows:

- A. Appeals of Civil Penalty Citation; and Appeals of Administrative Determinations of a nontechnical standard or code shall be considered pursuant to the Hearing Examiner, Chapter 17.10 of the Gig Harbor Municipal Code.
- B. Appeals of Administrative Determination, where alternative materials or methods of construction are proposed, shall be considered pursuant to the Building Code Advisory Board, Chapter 15.02 of the Gig Harbor Municipal Code.
- C. ~~Limitations of Authority. The Hearing Examiner and Building Code Advisory Board shall have no authority relative to interpretation of the administrative provisions of this code nor shall the Hearing Examiner and Building Code Advisory Board be empowered to waive the requirements of the code.~~

Section 3. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 4. This Ordinance shall take effect and be in full force on the first day of January, 1994.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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

ATTEST:

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

Filed with city clerk: / /93  
Passed by city council: / /93  
Date published: / /9  
Date effective: / /9



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:** *JB* Steve Bowman, Building Official/Fire Marshal  
**DATE:** August 30, 1993  
**RE:** REVISIONS TO THE UNIFORM FIRE CODE (FIRE FLOW)

=====  
Pierce County has amended the Uniform Fire Code and adopted new fire flow standards. The Gig Harbor Building Code Advisory Board has reviewed the attached revisions to the Uniform Fire Code and is recommending their adoption by the City of Gig Harbor. The City Attorney's Office has reviewed the ordinance and any required revisions have been completed.

The attached ordinance adopts the following code changes:

1. Amendments to Chapter 15.12.060 (F) of the Gig Harbor Municipal Code (GHMC)  
(Fire Flow Standards for all buildings)
2. Amendment to Chapter 15.12.060 (F) of the GHMC  
(Credit System which considers alternate methods of construction for residential fire flow)
3. Amendment to Chapter 15.12.060 F. (4) (II) of the GHMC  
(Storz fittings required on fire hydrants)
4. Amendment to Chapter 15.12.060 F. (4) (IX) (A) of the GHMC  
(Ventilation and Indoor Air Quality Code)
5. Amendment to Chapter 51-26 WAC  
(1993 Water Conservation Performance Standards)

**COMMENTS:**

These revisions are being proposed in the continuing effort to provide uniform standards between Pierce County and the City of Gig Harbor. These revisions will provide additional flexibility in the enforcement of fire flow standards. Any proposed revisions by the City of Gig Harbor to these revised State Codes will require approval by the WA State BCC prior to adoption by the City of Gig Harbor.

**RECOMMENDATIONS:**

The Mayor and City Council adopt the Building Code revisions as proposed by the WA State BCC and as recommended by the Gig Harbor Building Code Advisory Board after the second reading of the ordinance and inclusion of any required revisions.

CITY OF GIG HARBOR

ORDINANCE NO. \_\_\_\_

AN ORDINANCE of the City of Gig Harbor, Washington relating to the Uniform Fire Codes; adopting by reference appendix III-A and III-B of the 1991 Uniform Fire Code as adopted by the City of Gig Harbor and amending the fire flow requirements for buildings within the City of Gig Harbor; and amending Sections 15.12.017 and 15.12.060 of the Gig Harbor Municipal Code.

The City Council of the City of Gig Harbor, Washington DO **ORDAIN** as follows:

Section 1. A new Section 15.12.017 is hereby adopted to read as follows:

15.12.017 Fire Flow Appendix. Appendix III-A and Appendix III-B of the Uniform Fire Code, or as the same may hereafter be amended, is hereby adopted by reference for use within the City of Gig Harbor. A row of figures shall be added to the top of table A-III-A-1 as shown below:

TABLE NO. A-III-A-1  
MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS

FIRE AREA (square feet)					FIRE FLOW (gal. per min.)	FLOW DURATION (hrs.)
Type I-F.R. II-F.R. (1)	Type II One-HR. III One-HR. (1)	Type IV-H.T. V-One-HR. (1)	Type II-N III-N (1)	Type V-N (1)		
10,900	6,100	4,100	NA	NA	750	2

Section 2. Section 15.12.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

15.12.060 Additions to Uniform Fire Code. New sections to the Uniform Fire Code are added as follows:

- A. Section 2.202 of the Uniform Fire Code.
  - (a) The Fire Marshal should investigate promptly the cause, origin and circumstances of each and every fire occurring within the City of Gig Harbor boundaries and involving loss of life or injury to persons or destruction to or damage of property. If the Fire Marshal has reasonable cause to believe that arson or criminal activity is connected with the fire, then the Fire

Marshal will report his findings to the Gig Harbor Police Department. The Gig Harbor Police Department shall take primary responsibility for the investigation, may take immediate possession and charge of all physical evidence relating to the fire, and shall investigate the fire. If in the exercise of judgment and discretion, the Gig Harbor Police Department believes that, after preliminary investigation, there is insufficient evidence to indicate arson or criminal activity in connection with the fire, the Gig Harbor Police Department may decline further investigation of the fire. The Fire Marshal shall assist the Gig Harbor Police Department throughout the investigation.

(b) The Gig Harbor Fire Marshal or in his absence the Gig Harbor Police Chief, is authorized to request assistance by other approved inspection agencies in making fire investigations if after preliminary investigation, the Fire Marshal has reasonable cause to believe that arson or criminal activity is connected with the fire, or if a fatality is involved.

- B. Subsection 10.207(d) of the Uniform Fire Code.  
(d) Access Surface and Gradients. All developments shall be served by access roadways with all-weather driving surface; plans to be approved by the Gig Harbor Public works Director. Driveways which serve one (1) single family residence and are less than one hundred fifty (150) feet long are exempt from this provision.
- C. Subsection 10.204(a) of the Uniform Fire Code.  
(a) Dimensions. The minimum cleared vehicular roadway, driveway, or street, width shall be twelve (12) feet from shoulder to shoulder for one single family residence, fifteen (15) feet from shoulder to shoulder for one-way traffic in other developments, and twenty-four (24) feet minimum driving surface for all two-way traffic.

EXCEPTION: Private roadways which serve less than 10 living units may be twenty (20) feet in width from shoulder to shoulder for two way traffic when the roadway serves only R-1 or R-3 occupancies as defined in the Uniform Building Code and the buildings and site improvements comply with the Special Hazards section of the currently adopted Uniform Fire Code [I.E.: See Section #10.501(b), 1991 Uniform Fire Code].



EXCEPTION: Upon approval by the chief, vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

- D. Subsection 10.204(c) of the Uniform Fire Code.  
(c) Turning Radius. A minimum turning radius of forty-five (45') feet shall be provided for lanes, streets, driveways, and cul-de-sacs, the latter which are in excess of one hundred fifty (150') feet. (See Appendix A set out in Figure 15.12.060.)
- E. Subsection 10.301(a) and (b) of the Uniform Fire Code. Private Road Identification.  
(a) All private roads, recognized as a part of the addressing system of the City, shall be marked with road signs constructed and installed in accordance with Gig Harbor City Road Standards.  
(b) Costs of signs and their installation shall be the responsibility of the property owner and/or developer.
- F. Section 10.401. Water Supply.  
(1) An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of all buildings are hereafter constructed. When any portion of the building protected is in excess of 150 feet from a water supply on a public street or a private road, there shall be provided, when required by the Fire Marshal, on-site fire hydrants and mains capable of supplying the required fire flow. Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed system capable of supplying the required fire flow.  
(2) Fire flow for all new construction, new subdivisions of land, substantial alterations or additions to existing commercial or industrial Projects, multiple dwelling occupancies, mobile home parks, and RV parks, shall be in accordance with Appendix III-A and III-B of the Uniform Fire Code as adopted by the City of Gig Harbor I.S.O. Standards; except: that for dwellings, the requirement shall be 750 Gallons per Minute at 20 p.s.i. for a period of forty-five (45) minutes.

Exceptions:

a. Dwellings. The minimum fire flow requirements for one- and two-family dwellings (Group R Division 3), shall be 750 Gallons per Minute at 20 p.s.i. for a period of forty-five (45) minutes. Fire flow for buildings of three thousand six hundred (3600) square feet or more in floor area including attached garage, shall be one thousand (1,000) GPM for one (1) hour. For buildings of 3600 square feet or more, duration of fire flow may be reduced to not less than forty-five (45) minutes when using fire protection credits as described in Table III of this Section. Fire protection credits as described in Table III may be used in lieu of providing fire flow for one- and two-family dwellings (Group R Division 3) when:

- (1) The dwelling is built on lots which are one gross acre or more in area; or
- (2) the cost of providing fire flow exceeds the cost of adding a hydrant to a water main capable of providing at least 500 GPM of fire flow to the building, portion of a building, or substantial alteration thereto. If the above fire flow can be provided by the addition of a hydrant, the hydrant shall be installed. When at least five hundred (500) GPM is available from an approved hydrant it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection credits as described in Table III of this subsection, in lieu of providing additional fire flow.

b. Private Garages. The minimum fire flow requirements for private garages (Group M Division 1) shall be seven hundred fifty (750) GPM for forty-five (45) minutes. Fire protection credits as described in Table III of this subsection may be used in lieu of providing fire flow for private garages (Group M Division 1) when:

- (1) a private garage is built on a lot which is one gross acre or more in area; or
- (2) the cost of providing fire flow exceeds the cost of adding a hydrant to a water main capable of providing at least 500 GPM of fire flow to the building, portion of a building, or substantial alteration thereto. If the above fire flow can be provided by the addition of a hydrant, the hydrant shall be installed. When

at least five hundred (500) GPM is available from an approved hydrant it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection credits as described in Table III of this subsection, in lieu of providing additional fire flow. However, fire flow is not required for a private garage meeting all of the following criteria:

- (i) it does not exceed two thousand five hundred (2,500) square feet; and
- (ii) it is accessory to a one- or two-family dwelling (Group R Division 3) that meets the requirements of this Section; and
- (iii) it has setbacks from side and rear lot lines of at least twenty (20) feet, and at least ten (10) feet from other buildings on the same lot.

c. **Other Buildings.** Fire protection features consisting of approved monitored automatic sprinkler system, or fire resistive building construction as specified in Appendix III-A of the Uniform Fire Code, may be used in lieu of providing the full fire flow required by Appendix III-A for all buildings other than one- and two-family dwellings (Group R Division 3) or private garages (Group M Division 1).

(1) The required fire flow for approved monitored sprinkler systems may be reduced up to 75%, at the discretion of the Fire Marshal. However, the minimum amount of fire flow required shall at no time be less than 1500 GPM except as noted in (2) below. Duration of fire flow shall be the duration of the actual fire flow required after reductions for fire protection features described above.

(2) When at least seven hundred fifty (750) GPM is available from an existing approved hydrant, it shall be credited toward the required fire flow. The additional fire flow requirement may be provided by using fire protection features such as approved monitored automatic sprinkler systems or fire resistive building construction as specified in Appendix III-A of the Uniform Fire Code, in lieu of additional fire flow. Duration of fire flow shall be the duration of the actual fire flow required after reductions for fire protection features described above.

d. The use of any of the above exceptions to the fire flow as prescribed in the Uniform Fire Code shall not be allowed if the fire protection is required for compliance with any other code requirement.

Table III

FIRE PROTECTION CREDITS

Options to Reduce Fire Flow (1)	[%] of Reduction		
	Group R-3 E M-1	Group R-1	
	1-2 LV.	3-4 LV.	5+ LV.
OFF SITE WATER (2)			
Building < 3,600 sq. ft.	-35	-0	0
Building > 3,600 sq. ft.	-25	-0	0
NFPA* 13 sprinkler system (3)	-50	-50	0
NFPA* 13 monitored system (3)	-65	-75	0
NFPA* 13 D/R sprinkler system	-35	-50	0
Building < 2,000 sq. ft.	-35	-0	0
30 ft. Min setback all P.L. ** (4)	-25	-20	20
60 ft. Min setback all P.L. ** (4)	-25	-30	30
Monitored fire alarm (3)	-25	-15	-0
One-Hour Construction (5)	-15	-20	-20
Class A or B roof	-15	-20	-20
60% brick/stone exterior	-15	-20	-20

(1) Credits used for or with substantial alterations shall be applied to the entire structure.

(2) May be taken if the responding Fire Department has the capability to provide area-wide (not site-specific) off site water.

(3) These reductions may not be taken together.

(4) These reductions may not be taken together. The 30 ft and 60 ft setbacks are from side and rear property lines. Front setback may be that allowed by the zoning of the property.

(5) Consists of a minimum of 1/2 inch type X drywall throughout the interior for Group R-3 occupancies. Other occupancy groups shall meet the requirements for one-hour construction in the building code.

\* National Fire Protection Association

\*\* Property lines

LV. living Units

~~(3) Industrial and Commercial Area Requirements.~~  
~~The requirements stated in this section apply to all commercial and industrial areas.~~

~~(I)~~

Table 3

~~MINIMUM DURATION FOR REQUIRED FIRE FLOW~~

~~\*Gallons per minute Hours~~

~~1,000 ----- One (1)~~

~~1,250 ----- One and one-half (1-1/2)~~

~~2,000 ----- Two (2)~~

~~\*Gallons Per Minute are derived from the I.S.O. Guide~~

~~(II) When the required fire flow exceeds 2,500 GPM, the fire hydrants shall be served on the property by a looped main capable of supplying the required flow.~~

(4) Installation and requirements.

(I) New or replace water mains (water main repair excluded) shall be a minimum of eight (8") inches in diameter for dead-ends, and six (6") inches for circulating mains, provided that for dead-end cul-de-sacs, an eight (8") inch main need only extend to the last required fire hydrant and normal domestic mains may be installed thereafter to the remaining residences. Hydrant leads less than fifty (50') feet in length shall be a minimum of six (6") inches in diameter. A dead-end main which extends across a street only for the purpose of serving a hydrant shall be of a size capable of providing the required fire flow, but it shall not be less than (6") inches in diameter. All mains shall have hydrants and/or tees and valves installed to conform with this regulation, except that no hydrants, tees or valves shall be required along transmission mains. Any service connection made to a transmission main may require that a hydrant or hydrants be installed, pursuant to Table IX, of this subsection, Fire Hydrant Spacing.

(II) Standard hydrants shall have not less than five (5") inch main valve openings (MVO) with two (2) two-and-one-half (2-1/2") inch outlet ports and one four-and-one-half (4 1/2") inch steamer outlet. All two and one-half (2-1/2") inch outlet ports and the steamer port outlet shall have National Standard Threads that correspond with and meet the approval of Pierce County Fire District #5. Hydrants shall meet the current A.W.W.A. Standards (IOWA or equal). All four-and-one-half (4 1/2") inch outlet ports shall have five (5") inch storz fittings.

(III) There shall be an auxiliary gate valve installed to permit the repair and replacement of the

hydrants without disruption of water service.

(IV) Hydrants shall stand plumb and be set to the finished grade. The bottom of the lowest outlet of the hydrant shall be no less than eighteen (18") inches above the finished grade, and the bottom of the ground flange shall be a minimum of one (1") inch above finished grade. There shall be thirty-six (36") inches of clear area about the hydrant for operation of a hydrant wrench on the outlets and on the control valve. The pumper port shall face the street, Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and the location of the fire truck while pumping, as determined by the Gig Harbor Fire Marshal.

(V) Hydrants shall not be obstructed by any structure or vegetation, or have the visibility impaired for a distance of fifty (50') feet in the direction of vehicular approach to the hydrant.

(VI) Hydrants are to be accessible for fire department pumpers.

(VII) Fire hydrants located in areas subject to regular private, commercial or industrial motor vehicle traffic shall be protected against vehicle damage by curbs, space separation, grade-level changes, guard posts, or other means acceptable to the Fire Marshal.

(VIII) All hydrants shall be subject to testing and inspection by the fire department, subject to reasonable notice and scheduling with the water authority.

(IX) Fire Hydrant Spacing. The following table specifies the maximum permissible spacing between hydrants:

TABLE IX

<u>Type of Development</u>	<u>Hydrant Spacing<sup>1</sup></u>
Subdivisions and Short Subdivision - Limited to Single Family Dwellings	600 feet
Multiple Dwelling - Low Density Twelve or Less Units Per Acre	500 feet
Commercial and Multiple Dwelling High Density - More than Twelve Units Per Acre	400 feet

1

Spacing shall be measured to the pathway required for the fire department to lay the fire hose. This spacing shall be determined by the Gig Harbor Fire Marshal.

Industrial, Hospitals, Shopping  
Centers, Schools, Areas of More  
Than 20 Commercial Establishments 300 feet

Where possible hydrants shall be located at street intersections, except that in no event shall any hydrant be more than three hundred (300') feet from the center of the frontage of any lot except on dead-end cul-de-sacs with dwellings only. When the dead-end cul-de-sac exceeds six hundred (600') feet from the center of the intersection to the end of the cul-de-sac, a hydrant shall be located at the intersection and additional hydrant(s) will be required. The hydrant(s) shall be located three hundred (300') feet from the center of the frontage from the last lot on the cul-de-sac, and shall comply with the maximum spacing requirements listed above.

(A) Commercial building requirements.

- (i) All new commercial buildings and substantial alterations or additions to existing buildings shall be provided with water mains and fire hydrants capable of supplying the required fire flow. ~~Hydrants and mains shall be operational when building construction commences. Hydrants and mains shall be approved by the Gig Harbor Fire Marshal and made operational prior to bringing combustible materials to the site.~~
- (ii) Change of occupancy from a lower to a higher classification per the Uniform Building Code shall require that the existing building be provided with water mains and fire hydrants capable of supplying the required fire flow per this ordinance.
- (iii) Commercial buildings and additions so located that a portion is more than one hundred fifty (150') feet from a street property line as measured by vehicular travel shall have mains extended to them, with fire hydrants, capable of supplying the required fire flow in accordance with Appendix III-A and III-B of the Uniform Fire Code as adopted by the City of Gig Harbor.
- ~~(iv) Commercial buildings with a ground floor area of over twenty thousand square feet; or a group of buildings with a required fire flow of more than three thousand gallons per minute shall require fire hydrants located around the buildings or group of buildings as determined by the Fire Marshal. Other buildings may have fire hydrants located only on one side, but the required number of hydrants shall be located within one hundred fifty (150') feet of all portions of the building.~~

~~(v)~~ (iv) The number of fire hydrants required shall be

determined on an average of three hundred (300') feet, computed on an imaginary perimeter that is parallel to and fifty (50') feet from the building or group of buildings. The number of fire hydrants required shall be increased by one for each story over two stories and basement. ~~See table in paragraph (B) of this section for minimum number of hydrants.~~

(vi) (v) The fire marshal shall determine the location of fire hydrants depending on utility, topography and building location. Hydrants shall be a minimum of fifty (50') feet out from the building except when it is impractical due to topography or property lines.

(B) Fire flow criteria. Required fire flows determined by the fire marshal shall be based on criteria set forth in ~~Appendix III-A of the Uniform Fire Code. Guide for Determination of Required Fire Flow, 1974 Edition, Published by the Insurance Service Office. Such required fire flow shall be for a minimum of two hours of continuous flow, with a minimum number of fire hydrants per the following table.~~

~~REQUIRED FIRE FLOW PER I.S.O. GUIDE~~

<del>(GPM)</del>	<del>500</del>	<del>1251</del>	<del>2501</del>	<del>3751</del>	<del>5001</del>	<del>6251</del>	
		<del>1250</del>	<del>2500</del>	<del>3750</del>	<del>5000</del>	<del>6250</del>	<del>7500</del>
<del>Minimum</del>							
<del>No. Of</del>	<del>1</del>	<del>2</del>	<del>3</del>	<del>4</del>	<del>5</del>	<del>6</del>	
<del>Hydrants</del>							

EXCEPTIONS: a. This requirement shall not apply to those projects which have previously received approval (and conform to the standards in effect at the time of installation) for adequacy of water or water supply in regards to fire flow from the City of Gig Harbor as of the effective date of the ordinance codified in this section.

\* \* \*

Section 3. Pursuant to RCW 35 A. 12.140, one copy of Appendix III-A and III-B, of the 1991 Uniform Fire Code has been filed in the office of the City Clerk for examination by the public.

Section 4. Severability Clause. If any section or provision of this Ordinance or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.



Section 5. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 6. This Ordinance shall take effect and be in full force on the first day of January, 1994.

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular meeting of the council held on the \_\_\_\_ day of \_\_\_\_\_, 199\_\_.

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

ATTEST:

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

Filed with city clerk: 8/9/93  
Passed by city council: / /93  
Date published: / /9  
Date effective: / /9

**Division III**  
**FIRE PROTECTION**  
**APPENDIX III-A**  
**FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

**1. SCOPE**

The procedure determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings.

**2. DEFINITIONS**

For the purpose of this appendix, certain terms are defined as follows:

**FIRE AREA** is the floor area, in square feet, used to determine the required fire flow.

**FIRE FLOW** is the flow rate of a water supply, measured at 20 psi residual pressure, that is available for firefighting.

**3. MODIFICATIONS**

(a) **Decreases.** Fire-flow requirements may be modified downward by the chief for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

(b) **Increases.** Fire flow may be modified upward by the chief where conditions indicate an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under consideration.

**4. FIRE AREA**

(a) **General.** The fire area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in this section.

(b) **Area Separation.** Portions of buildings which are separated by one or more four-hour area separation walls constructed in accordance with the Building Code, without openings and provided with a 30-inch parapet, are allowed to be considered as separate fire areas.

(c) **Type I and Type II-F.R. Construction.** The fire area of buildings constructed of Type I and Type II-F.R. construction shall be the area of the three largest successive floors.

**5. FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

(a) **One- and Two-Family Dwellings.** The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire area which does not exceed 3,600 square feet shall be 1,000 gallons per minute. Fire flow and flow duration for dwellings having a fire area in excess of 3,600 square feet shall not be less than that specified in Table No. A-III-A-1.

**EXCEPTION:** A reduction in required fire flow of 50 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system.

(b) **Buildings other than One- and Two-Family Dwellings.** The minimum fire flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table No. A-III-A-1.

**EXCEPTION:** A reduction in required fire flow of up to 75 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute.

**TABLE NO. A-III-A-1  
MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS**

FIRE AREA (square feet)					FIRE FLOW (gallons per minute)	FLOW DURATION (hours)
Type I-F.R. <sup>1</sup> II-F.R. <sup>1</sup>	Type II One-HR. III One-HR. <sup>1</sup>	Type IV-H.T. V-One-HR. <sup>1</sup>	Type II-N III-N <sup>1</sup>	Type V-N <sup>1</sup>		
22,700	12,700	8,200	5,900	3,600	1,500	2
30,200	17,000	10,900	7,900	4,800	1,750	
38,700	21,800	12,900	9,800	6,200	2,000	
48,300	24,200	17,400	12,600	7,700	2,250	
59,000	33,200	21,300	15,400	9,400	2,500	
70,900	39,700	25,500	18,400	11,300	2,750	
83,700	47,100	30,100	21,800	13,400	3,000	3
97,700	54,900	35,200	25,900	15,600	3,250	
112,700	63,400	40,600	29,300	18,000	3,500	
128,700	72,400	46,400	33,500	20,600	3,750	
145,900	82,100	52,500	37,900	23,300	4,000	4
164,200	92,400	59,100	42,700	26,300	4,250	
183,400	103,100	66,000	47,700	29,300	4,500	
203,700	114,600	73,300	53,000	32,600	4,750	
225,200	126,700	81,100	58,600	36,000	5,000	
247,700	139,400	89,200	65,400	39,600	5,250	
271,200	152,600	97,700	70,600	43,400	5,500	
295,900	166,500	106,500	77,000	47,400	5,750	
Greater	Greater	115,800	83,700	51,500	6,000	
"	"	125,500	90,600	55,700	6,250	
"	"	135,500	97,900	60,200	6,500	
"	"	145,800	106,800	64,800	6,750	
"	"	156,700	113,200	69,600	7,000	
"	"	167,900	121,300	74,600	7,250	
"	"	179,400	129,600	79,800	7,500	
"	"	191,400	138,300	85,100	7,750	
"	"	Greater	Greater	Greater	8,000	

<sup>1</sup>Types of construction are based upon the Building Code.

## APPENDIX III-B

### FIRE HYDRANT LOCATIONS AND DISTRIBUTION

#### 1. SCOPE

Fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed.

#### 2. LOCATION

Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

#### 3. NUMBER OF FIRE HYDRANTS

The minimum number of fire hydrants available to a building shall not be less than that listed in Table No. A-III-B-1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table No. A-III-B-1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

#### 4. CONSIDERATION OF EXISTING FIRE HYDRANTS

Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

#### 5. DISTRIBUTION OF FIRE HYDRANTS

The average spacing between fire hydrants shall not exceed that listed in Table No. A-III-B-1.

**EXCEPTION:** The chief may accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table No. A-III-B-1.

**TABLE NO. A-III-B-1  
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NO. OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS <sup>1,2,3</sup> (Ft.)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROAD FRONTAGE <sup>4</sup> (Ft.)
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more <sup>5</sup>	200	120

<sup>1</sup>Reduce by 100 feet for dead-end streets or roads.

<sup>2</sup>Where streets are provided with median dividers which can be crossed by firefighters pulling hose lines, or arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

<sup>3</sup>Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at not less than 1,000-foot spacing to provide for transportation hazards.

<sup>4</sup>Reduce by 50 feet for dead-end streets or roads.

<sup>5</sup>One hydrant for each 1,000 gallons per minute or fraction thereof.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING TO TITLE 6 OF THE GIG HARBOR MUNICIPAL CODE RELATING TO ANIMAL CONTROL AND ESTABLISHING A MISDEMEANOR FOR FAILURE TO REMOVE AND DISPOSE OF FECES DEPOSITED ON PUBLIC PROPERTY.**

WHEREAS, accumulation of fecal matter from animals on public property is an unsanitary and noisome condition which interferes with the public's use of sidewalks, parks and other public areas; and

WHEREAS, creation of this nuisance rests with animal owners who do not remove their animals' feces in public areas;

NOW, THEREFORE, THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. Language in the City of Gig Harbor Municipal Code, Chapter 6.06, is hereby added to read as follows:

Chapter 6.06

ANIMAL FECAL MATTER

Sections:

6.06.010	Control of Animals
6.06.020	Removing Fecal Matter
6.06.030	Possession of Removal Equipment
6.06.040	Set Aside Areas
6.06.050	Violation - Penalty

6.06.010 Control of Animals. It is unlawful for the owner of any animal to cause, permit or allow such animal to roam, run, stray, or to be away from the premises of such owner unless the animal is under tethered control.

6.06.020 Removing Fecal Matter. It is unlawful for the owner or handler of any animal to fail to remove fecal matter deposited by their animal on public property or public easement, or private property of another, before the owner leaves the immediate area where the fecal matter was deposited.

6.06.030 Possession of Removal Equipment. It is unlawful for the owner or handler of any animal to fail to have in their possession the equipment necessary to remove

their animal's fecal matter when accompanied by said animal on public property or public easement.

6.06.040 Set Aside Areas. The above prohibitions shall not extend to areas set aside and designated by the city as areas where animals can be off-leash for exercise or training.

6.06.050 Violation - Penalty. Any person violating this section is guilty of a misdemeanor, and upon conviction shall be punished:

- A. By a fine of not less than twenty dollars or more than fifty dollars for the first offense; or
- B. For the second and subsequent offenses occurring within one year, a fine of not less than thirty dollars or more than one hundred dollars.

The minimum fines provided for by this section are mandatory minimums, and shall not be either suspended or deferred except in cases in which the court determines that the defendant is indigent and unable to pay any fine.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 3. This ordinance shall be in force and take effect five (5) days after its publication according to law.

APPROVED:

\_\_\_\_\_  
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: 9/3/93  
Passed by City Council:  
Date Published:  
Date Effective:



*City of Gig Harbor. The "Maritime City."*  
3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**

**FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS** *BY*

**RE: RIGHT-OF-WAY USE PERMIT - FENCES**

**DATE: SEPTEMBER 23, 1993**

### **INTRODUCTION**

The Council directed staff to develop an ordinance to primarily regulate the use of City right-of-way for fence and retaining walls and landscaping shrubbery. The attached is the ordinance I believe reflects the Council's wishes.

### **BACKGROUND ISSUES**

The City has been allowing fences to be constructed on the City right-of-way if they did not interfere with city utilities and cause any sight distance problem. Early this year, there was public testimony at a council meeting requesting the city be more restrictive in construction of fences in the right-of-way.

The primary concern over the existing policy was raised as a result of new fence construction on Soundview Drive. There has been three difference fences constructed on Soundview Drive since the street was reconstructed. One of the three fences was strictly a relocation of an existing fence; one was built without any permit.

The proposed ordinance will make it difficult for the property owners to build fences on the City right-of-way. It will also create an additional burden on the Public Works Department to formally review and approve every fence location.

### **POLICY ISSUES**

It is the City's intent to control the use of City right-of-way. The proposed ordinance will regulate the right-of-way use for construction of fences, retaining walls, and any other structure.



The implementation of the ordinance will likely create additional work for the Public Works Department. However, we think that we can absorb this with our current available manpower.

Some of the existing fences may not be legal with this ordinance. Some of the are 15 years old or more. The Council will have to decide to either uniformly implement the ordinance including the existing fences, or grandfather the existing fences regardless of their location.

#### **FINANCIAL IMPACT**

There is no direct financial impact to the City for adoption and implementation of this ordinance. I expect that there will be an additional financial impact as a result of staff time required for implementation. However, it will be very minimal.

#### **RECOMMENDATION**

I recommend a Council motion to adopt the enclosed ordinance.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
ESTABLISHING A PROCEDURE FOR APPLICATION AND ISSUANCE OF  
RIGHT-OF-WAY USE PERMITS AND CREATING A NEW CHAPTER 12.02  
TO THE CITY OF GIG HARBOR MUNICIPAL CODE ENTITLED  
RIGHT-OF-WAY USE PERMITS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG  
HARBOR:

Section 1. A new chapter, Chapter 12.02, entitled Right-of-Way Use Permits, is hereby added to the City of Gig Harbor Municipal Code to read as follows:

12.02.010 Permit Required. No person shall use any public right-of-way, street, sidewalk, or other public place without a right-of-way use permit. The term "use" means to construct, erect, or maintain in, on, over or under any public right-of-way, street, sidewalk or other similar public place, any building, fence, retaining wall, structure, scaffolding, or otherwise used or occupied in such a way as to obstruct a public parking strip, sidewalk, street or right-of-way within the City.

12.02.020 Applications. Application shall be made to the Director of Public Works on a format as prescribed and provided by said Director. The application shall contain such information as the Director deems necessary, including but not limited to evidence that the applicant is either the owner or entitled to possession of the property adjoining the public right-of-way or place sought to be used, and a full and complete description of the use to be made of the public right-of-way or place by the applicant and the duration of such proposed use. The decision to issue or not issue a right-of-way use permit, as authorized under this chapter, shall be at the sole discretion of the City. This ordinance shall in no way be construed as granting or creating a right in any applicant to obtain a right-of-way use permit. An application fee shall be paid at the time of filing of the application with the City. The fee shall be in such amount as established from time to time by the City Council, by ordinance, or by resolution.

12.02.030 Issuance of Permit. All permits shall be issued by the Director of Public Works, or the Director's designee. The permit may be issued to the applicant if all requirements deemed relevant by the Administrator are met. Requirements shall include, but are not limited, to the following:

- A. The proposed use will not protrude into or over any portion of a public right-of-way or public place open to vehicle or pedestrian

travel in such a manner as to create a likelihood of endangering the use of such public place by vehicle or pedestrian traffic. In addition, in the event the requested permit involves encroachment or partial obstruction of a sidewalk or other walkway open to the public, a minimum of six (6) feet of unobstructed sidewalk or other walkway shall be maintained at all times.

- B. The proposed use will not protrude into or over any public utility lines including, water, sewer, storm drainage, cable, gas, power, or will not block access to said utility lines.
- C. If the proposed use involves obstruction of a portion of a public sidewalk or other walkway, permits shall be issued for a period not to exceed thirty (30) days.
- D. The requested use must meet all other applicable requirements of the City of Gig Harbor Municipal Code.
- E. The applicant shall be required to indemnify and hold the City harmless from any and all claims for bodily injury or property damage that may arise out of or in connection with the applicant's permitted use.
- F. During all periods of use, the applicant shall maintain public liability and property damage insurance acceptable to the City and/or other insurance necessary to protect the public and the City on premises to be used unless waived by the Director of Public Works. The limits of said insurance shall be established by the Director of Public Works. A certificate evidencing the existence of said insurance or, upon written request of the Director of Public Works, a duplicate copy of the policy shall be provided to the City as evidence of the existence of the insurance protection. Said insurance shall not be cancelable or reduced without prior written notice to the City, not less than thirty (30) days in advance of the cancellation or alteration. Said insurance shall name the City as a named or additional insured and shall be primary as to any other insurance available to the City.
- G. Such other conditions as may be imposed by the Director of Public Works to reasonably assure that the requested use does not in any way create a likelihood of endangering those who are lawfully using the public right-of-way or public place.,
- H. All conditions shall be subscribed on or attached to the permit.
- I. Applicant shall consent that in the event the City is required to take

enforcement actions to enforce the terms and conditions of the permit, that the City shall be entitled to recover its costs, disbursements, and expenses including its attorneys fees, which sums may be filed as a lien against applicant's premises and enforceable in the manner provided for the enforcement of mortgages on real property.

12.02.040 Revocation.

- A. All permits issued pursuant to this chapter shall be temporary, shall vest no permanent in the applicant, and may be revoked by the Director of Public Works upon the occurrence of any of the following:
1. Immediate revocation in the event of a violation of any of the terms and conditions of the permit;
  2. Immediate revocation, in event such use becomes, for any reason, dangerous or any structure or obstruction permitted becomes insecure or unsafe;
  3. Upon thirty (30) days notice if the permit is not otherwise for a specified period of time and is not covered by the preceding subsections.
- B. If any use or occupancy for which the permit has been revoked is not immediately discontinued, the Director of Public Works may remove any such structure or obstruction or cause to be made to such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, the cost and expense of which shall be assessed against the permittee, including all fees, costs, and expenses incurred, including attorneys fees associated with the enforcement of or collection of the same.

12.02.050 Appeal. Any decision of the Director of Public Works or the Director's designed, with respect to the issuance, refusal to issue, or revocation or refusal to revoke a permit may be appealed to the City Council by filing a notice of intent to appeal such decision with the City Administrator/Clerk within ten (10) days of the date of issuance of the decision being appealed. If an appeal from any such decision is taken, the appellant shall be required to pay a non-refundable appeal fee in an amount of not less than one hundred dollars (\$100.00). Said appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the City Council shall be final, binding and conclusive, said decision being solely within the discretion of the legislative body.

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

Section 3. This ordinance shall take effect and be in full force 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:  
Passed by City Council:  
Date Published:  
Date Effective:

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

of the City of Gig Harbor, Washington

On \_\_\_\_\_, 1993, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. \_\_\_\_\_, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A PROCEDURE FOR APPLICATION AND ISSUANCE OF RIGHT-OF-WAY USE PERMITS AND CREATING A NEW CHAPTER 12.02 TO THE CITY OF GIG HARBOR MUNICIPAL CODE ENTITLED RIGHT-OF-WAY USE PERMITS

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

APPROVED by the City Council at their meeting of \_\_\_\_\_, 19\_\_.

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

MARK HOPPEN  
CITY ADMINISTRATOR/CLERK  
CITY CLERK

MAYOR'S REPORT

September 27, 1993

PROGRESS REPORT  
GIG HARBOR HISTORICAL ADVISORY GROUP

More than forty individual residents, business owners within the city, members of the Peninsula Historical Society, and professional historical planners have met to share their thoughts about the historical features of our city, and how we can preserve the character we all enjoy.

During the five meetings held so far, the group reviewed and commented on the Growth Management element in the County Wide Planning Policy on Historic, Archeological, and Cultural Preservation. They have reviewed the draft of a proposed Urban Design Element under consideration at the present time by the Planning Commission. They are prepared to ask the Planning Commission to consider adding an historic element to the Urban Design Plan identifying conservation districts.

The group has articulated language to be included in a Mission Statement with Goals and Objectives that will soon be reviewed by the Planning Commission.

The Advisory Group recognizes these policies need to be adopted as soon as possible to give staff the guidance they need to draw up regulations with options for property owners within the "conservation district" as defined in the group's Mission Statement.

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 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 26, 1993  
Date Published:  
Date Effective:

# **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

## Table of Contents

Part 1	INTRODUCTION
	The Shoreline Management Act
	Jurisdiction
	Shoreline Substantial Development Permit
	The Inventory
	The Master Program
	<del>Environment Designations</del>
	<del>How the Master Program was Developed</del>
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	<del>Commercial Fishing Industry</del>
3.07	Dredging
3.08	Forest Management Practices
3.09	Industrial Development
3.10	Landfill
3.11	Marinas, <del>Piers, Floats and Moorages</del>
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	<del>Administrative Procedures</del>
4.01	<del>General Variances</del>
4.02	<del>Administrator</del>
4.03	<del>City Council</del>
4.04	<del>County Tax Assessor</del>
4.05	<del>Applicability to Substantial Development</del>
4.06	<del>Statement of Exemptions</del>
4.07	<del>Application Fees</del>
4.08	<del>Permit Application</del>
4.09	<del>Permit Process</del>
4.10	<del>Revisions to Permits</del>
4.11	<del>Appeal of Administrative Decisions</del>
4.12	<del>Appeal to Shoreline Hearing Board</del>
4.13	<del>Variances and Conditional Use Permits</del>
4.14	<del>Nonconforming Development</del>
4.15	<del>Enforcement and Penalties</del>
4.16	<del>Master Program Review</del>
4.17	<del>Amendments to Master Program</del>

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 foot 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.

## 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 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 require review as a shoreline management substantial development, conditional use or variance permit pursuant to Section 4 of the Master Program.~~

~~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. Dredging 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 decking 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.~~

## New Section

3.06

### 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 1945. 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) Development activities associated with 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 ~~or for the removal of contaminated sediment~~ 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 ~~or for the removal of contaminated sediment~~, 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 Denkey 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 ORWM 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 waterward 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.~~

### 3.11

## 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. (~~7. 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 with a value less than \$2,500 used non-commercially 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 minimize 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 vessels are moored, provision should be made to absorb transfer waste discharges from watercraft vessels 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.~~
  - ~~C.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 provided 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 marina 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 from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be 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 Gig 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. The submission to the City of a covenant between the condominium moorage association and an upland property owner providing the required parking, which covenant shall state 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 and run 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 between the property owner/applicant and the moorage facility owner to the City, providing that the portioned 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. The covenant shall run with the land and be filed with the Pierce County Auditor.

~~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 on the waters under the jurisdiction of the City of 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/~~e~~ 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.~~

14.13. 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~~) in 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~~ be constructed so as to minimize harmful effects 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. Authority. The Administrator shall have overall responsibility for administration of the Shoreline Master Program in the City as described in this section.
- 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 in accordance with Section 4.09 (C) (1).

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 pursuant to WAC 173-14-040 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 (300) feet 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.

#### 4.07 FEES

An application 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

It is the responsibility of the applicant to 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 applicant shall bear the burden of proving that proposed development is consistent with the approval criteria and master program policies and regulations.

The Administrator shall schedule a public hearing before the City Hearing Examiner within 45 days of the date of application. For the purpose of scheduling a public hearing, the date of submittal of a complete application shall be considered the date of 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. At its next regularly scheduled meeting, the City Council may decide to conduct its own de novo hearing on the application or to affirm, modify or deny the Hearing Examiner's recommendation based upon the record. In the alternative, the City Council may decide to modify the Hearing Examiner's recommendation and remand the application back to the Hearing Examiner to hold a public hearing and make a final decision consistent with the Council's findings and conclusions on modification.
2. 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.

3. Except where the Council remands an application to the Hearing Examiner for final action as described in C(1) above, the decision 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

The City's final action on an application for a permit shall be filed with the Department of Ecology and Attorney General within eight days of issuance. Construction pursuant to a substantial development, conditional use or variance permit shall not begin until 30 days from the date of filing, or until all review proceedings initiated within 30 days of the date of filing has been terminated. The date of filing is determined as defined in WAC 173-14-090.

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.

#### E. Duration of 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:

1. Time Limit for Substantial Progress. Construction, or substantial progress toward completion, must begin within two years after the City's approval of the permits.
2. 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.
3. Five Year Permit Authorization. If construction has not been completed within five years of approval by the City, the Administration may review the permit and, upon showing of good cause, either extend the permit for one year, or terminate the permit. Prior 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.

#### 4.10 Revision of Permits

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 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 or permit revision 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 a final decision of the City granting, denying, rescinding or modifying of a Shoreline Permit may seek review from the State Shorelines Hearings Board by filing an original and one copy of the request for review with the Hearings Board within 30 days of receipt of the final decision by the City Council. Said request shall be submitted as required by the rules for practice and procedure before the Hearings Board, as contained in WAC 461-08. The person seeking review shall file a copy of the request for review with the State Department of Ecology and the Attorney General.

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

Construction pursuant to this permit shall not begin nor can construction be authorized except as provided in RCW 90.58.020. In all instances, variances shall only be approved where extraordinary circumstances are shown and there will be no substantial detrimental effect on the public interest.

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

2. Criteria for Granting Variances: Variance Permits for development that will be located landward of the ordinary high water mark, except those areas designated by DOE as marshes, bogs, or swamps pursuant to WAC

173-22, may be authorized provided the applicant can demonstrate all of the following:

- a. That the strict requirements of the bulk, dimensional, or performance standards set forth in the Master Program preclude or significantly interfere with a reasonable use of the property which is not otherwise prohibited by the Master Program.
- b. That the hardship described above is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size or natural features and the application of the Master Program, and not, for example, from deed restrictions or the applicant's own actions.
- c. That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects to adjacent properties or the shoreline environment.
- d. That the proposed variance does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford 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 impact 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 forth below.

#### B. Conditional Uses

The purpose of 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

D. 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

C. If a nonconforming development is damaged to an extent not exceeding seventy-five (75) 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, except single family nonconforming development may be one hundred (100) percent replaced if restoration is completed within three years of the date of damage.

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

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

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.

4.16 Nonconforming Development

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.

4.15 DOE Approval of Conditional Uses and Variance Permits

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. Uses which are specifically prohibited by the Master Program may not be authorized in a manner consistent with the use regulations of the City SMP.

property intends to abandon such nonconforming use in order for the nonconforming rights to expire;

- E. 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
- F. 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.

#### 4.17 Enforcement and Penalties

The choice of enforcement action and the severity of any penalty should be based on (1) the nature of the violation; (2) the damage or risk to the public or to public resources; (3) the existence or degree of bad faith of the persons subject to the enforcement action; (4) the benefits that accrue to the violator; and (5) the cost of obtaining compliance.

##### A. Civil Penalty

###### 1. Action

The City Attorney shall bring such 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. For all violations for which penalties are mandatory, 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 a reasonable time 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.

**Boat** - see definition under "Vessel".

**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 or a use, development or substantial development which is classified as a conditional or unclassified use in this shoreline master program.

**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 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.

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~~ vessels 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 ~~one thousand dollars~~ two thousand five hundred 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, in WAC 173-14-040. ~~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, sail or by rowing or paddling. 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.