

GIG HARBOR CITY COUNCIL MEETING

SEPTEMBER 23, 1991

7:00 p.m., City Hall Council Chambers

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING  
SEPTEMBER 23, 1991

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARINGS:

1. Revised short subdivision ordinance - 1st reading.

APPROVAL OF MINUTES:

1. Minutes of continued meeting September 4, 1991.
2. Minutes of regular meeting September 9, 1991.

CORRESPONDENCE: None scheduled.

OLD BUSINESS:

1. Hearing Examiner report and recommendation on SDP88-02/  
SP88-04: Darrah.
2. Request for consideration to annex ANX91-07: Tallman.
3. Skateboard ordinance - 2nd reading.

NEW BUSINESS:

1. Resolution/Interlocal Agreement - Growth Management.
2. Sewer Treatment Plant expansion engineering services  
agreement - Gray & Osborne, Inc.
3. Harborview Drive Repair.
4. Olympic Drive Traffic Study.

DEPARTMENT MANAGERS' REPORTS:

1. Administration: Final financial report for ULID No. 2  
project.

COUNCIL COMMITTEE REPORTS: None scheduled.

MAYOR'S REPORT:

1. County Transportation Update.

COMMITTEE REPORT:

1. Public Safety Minutes.

ANNOUNCEMENT OF OTHER MEETINGS:

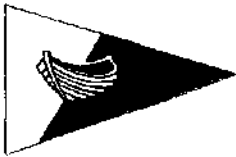
1. Council Workshop - Goals 1991 - 5:30 p.m., 9/30/91  
City Hall Conference Room.

APPROVAL OF BILLS:

To be given at Council Meeting.


EXECUTIVE SESSION: None scheduled.

ADJOURN:



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

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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: Mayor Wilbert and City Council  
FROM:  Ray Gilmore, Planning Director  
DATE: September 19, 1991  
SUBJ.: First Reading -- Revised and Updated Short  
Subdivision Ordinance

Attached for your consideration is a revised and updated short subdivision ordinance for the City of Gig Harbor. This ordinance regulates the subdividing of land into four or less lots, as defined under RCW 58.17 as short subdivisions, and is a substantial update of the original ordinance adopted in 1975. A copy of a summary of the ordinance is also included for your information.

This document was prepared with the acknowledgement of the Planning Commission. Because short subdivisions are an administrative procedure, the Planning Commission felt that it was appropriate that the ordinance be developed by staff for review by the Council. The Planning Commission, therefore, waived its option for public review.

The first reading of the ordinance is a public hearing.

SUMMARY  
REVISED DRAFT SHORT SUBDIVISION ORDINANCE  
CHAPTER 16.40

The revised short subdivision ordinance is a substantial re-write of an ordinance adopted by the City in 1975 and which has not undergone a revision or update since that time. The revised ordinance contains more definitive standards respective to design, street layout, dedication of right-of-way, storm drainage control, fire protection facilities, common facilities ownership and maintenance (other than public), application requirements, revised administrative procedures, and updating in conformance with RCW 58.17.

The more substantive changes are as follows:

Section 16.40.040. Specifically defines the administrator of the ordinance as the Planning Director or designee.

Deletes current section 16.40.070 on environmental analysis and impact statement in order to be consistent with the City of Gig Harbor Environmental Review Ordinance (adopted in 1988) and the State of Washington SEPA administrative code (WAC 197-11). Environmental review of short subdivisions would occur in conformance with applicable City and state regulations.

Section 16.40.080 and .090. Provides for a preliminary administrative decision to be rendered within 45 days of the filing of a complete application for a short plat.

Section 16.40.100. Provides for the appeal of an administrative decision on a preliminary short subdivision application by the applicant or adjacent property owner. Appeal is to the City Hearing Examiner.

Section 16.40.120 and .130. Establishes minimum standards for street right-of-way, surface width and surfacing requirements (public and private); provides minimum standards for road geometrics and alignment; dedication of right-of-way (when required); traffic control signage; storm drainage control and improvements; utility installation requirements. Requires that minimum improvements be installed prior to final short plat approval, which is within one year of the preliminary approval date.

Summary -- Revised Short Subdivision Ordinance  
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Section 16.40.140. Provides for the establishment of a home owners association for the ownership and maintenance of common facilities (private) within the plat.

Section 16.40.150. Provides for specific data to be placed on the final plat, including signature spaces for the approval of the Mayor, the City Administrator, the Public Works Director and the Planning Director (NOTE: The old ordinance required only the approval signature of the Mayor).

Section 16.40.055. Establishes minimum standards for location and composition of survey monuments.

Section 16.40.180. Provides for the review of variances from the minimum standards of the ordinance. Variances would be considered by the City Hearing Examiner, in accordance with the public hearing review procedures established in the City Zoning Code, Section 17.10.

Section 16.40.190. Provides for the posting of a bond for required minimum improvements. Such bonds have a maximum term of eighteen months. Improvements must be installed within twelve months of the posting of the bond.

CITY OF GIG HARBOR

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CHAPTER 16.40 AND ADOPTING A NEW CHAPTER 16.40 FOR THE REGULATION AND MANAGEMENT OF SHORT SUBDIVISIONS WITHIN THE INCORPORATED LIMITS OF THE CITY OF GIG HARBOR AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor adopted its short subdivision ordinance, Chapter 16.40 of the Gig Harbor Municipal Code in 1975; and,

WHEREAS, Chapter 16.40 has not been updated since its adoption; and,

WHEREAS, it is in the public's interest and welfare to update Chapter 16.40 of the G.H.M.C. to provide more definitive standards for the development of streets, subdivision design, street layout, dedication of right-of-way, storm drainage control, fire protection, common facilities maintenance, application requirements and revised administrative procedures; and,

WHEREAS, the updated Chapter 16.40 of the G.H.M.C. reflects the most recent revisions to Chapter 58.17 (State Subdivision Act).

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

Section 1. Chapter 16.40 is hereby repealed.

Section 2. The following chapter is hereby enacted:

Chapter 16.40

SHORT SUBDIVISIONS

16.40.010 Title  
16.40.020 Applicability  
16.40.030 Definitions

16.40.035	Exemptions
16.40.040	Administration
16.40.050	Short Sub Application Info Requirement
16.40.060	Short Sub Application Procedure
16.40.070	Adequacy Distribution
16.40.080	Administrator's Action
16.40.090	Administrator's Decision
16.40.100	Appeal of Administrator's Decision
16.40.110	Expiration
16.40.120	Requirements for Short Subdivisions
16.40.130	Minimum Standards and Improvements
16.40.140	Common Facilities Ownership
16.40.150	Inspection Procedures
16.40.155	Monuments, Standards and Requirements
16.40.160	Format of Short Plat
16.40.170	Administration
16.40.180	Variances Authorized
16.40.190	Performance Assurance
16.40.200	Penalties and Enforcement
16.40.210	Severability

16.40.010 Title. The ordinance codified in this chapter shall be referred to as the City short subdivision ordinance.

16.40.020 Applicability. Every division of land into four or fewer lots, tracts, parcels or sites for the purpose of sale, lease or transfer shall be considered a short subdivision of land within the City of Gig Harbor and shall proceed in conformance with this Chapter.

16.40.030 Definitions. Whenever the following words or phrases appear in this Chapter, they shall be given the meaning attributed to them by this section. "Shall" is always mandatory and the word "may" indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined in the edition of Webster's New Collegiate Dictionary published in 1990.

1. Administrator: The City of Gig Harbor Planning Director or his/her designee.
2. Cul-de-sac: A road closed at one end with no through access; a dead-end street.
3. Dedication: The deliberate appropriation of land by an owner for any general or public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property

has been devoted. The intention to dedicate shall be evidenced by the owner of the presentment for filing of a final plat or short plat showing the dedication thereon and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate governmental unit.

4. Easement: A written grant by a property owner of one or more property rights to a person.
5. Final short plat: The final drawing of the short subdivision and dedication prepared for recording with the Pierce County Auditor and containing all elements and requirements of this chapter and any conditions of preliminary short subdivision approval.
6. Owner: An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek the development of land.
7. Short Subdivision: The subdivision or redivision of land into four or fewer lots, tracts parcels or sites, any one of which is less than five acres or 1/128th of a section in area for the purpose of sale, lease, transfer or ownership.
8. Utilities: Utilities shall consist of all necessary utilities for construction and habitation purposes such as sewer, potable water, electrical and phone.

16.40.035 Exemptions. The following are excluded from the provisions of this chapter:

- A. Cemeteries and other burial plots while used for that purpose.
- B. Divisions made by testamentary provisions, or the laws of descent.
- C. Divisions of land into lots or tracts classified or designated for industrial use or commercial use when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- D. A division for the purpose for lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City has approved a binding site plan for the use of the land in accordance with local regulations.
- E. A division made for the purpose of alteration by boundary line adjustment, between platted or



unplatted lots or both, which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which contains insufficient area and dimension to meet minimum requirements for width and area for a building site

16.40.040 Administration. The City of Gig Harbor Planning Director or his/her designee is vested with the responsibility to administer the provisions of this chapter and shall have the authority to approve or disapprove short subdivisions.

16.40.050 Preliminary Short Subdivision Application Information Requirements. The preliminary short subdivision application shall consist of a short subdivision map drawn to scale, together with written data in such form that when the maps and written data are considered together, they shall fully and clearly represent the proposed short subdivision. The following data shall be furnished:

1. The name of the short subdivision.
2. A legal description of the boundary of the short subdivision.
3. A map depicting: the boundaries of the subject property, including exterior dimensions; the dimensions of the lots created; the date of the map, and a north arrow; a scale of the map not to be less than 1 inch equals 50 feet; the total area of the short plat and the total area of each lot created.
4. The name and addresses of the land owner(s), land dividers, engineer and surveyor.
5. Existing zoning district map designation.
6. Existing land use, including location of all existing structures and setbacks (in feet) from property lines.
7. Proposed uses for each lot.
8. A vicinity map which clearly relates the property's location respective to public roads, natural water courses (lakes, streams or ponds), including wetlands, and any bluffs or slopes exceeding 15%.
9. Location of proposed streets and access to public road and location of all existing and proposed easements on the property or lots to be created.
10. A preliminary stormwater management plan which shows the current slope and drainage vectors and

which also describes the approximate degree and extent of storm water to be generated and how it will be contained.

11. A preliminary utilities plan which shows the general layout of water, sanitary and storm sewer power lines.
12. Names and addresses of adjacent property owners on all sides of the property.
13. Environmental impact evaluation as may be required by the State Environmental Policy Act, RCW 43.21c, and the City of Gig Harbor Environmental Policy Ordinance, Title 18, of the Gig Harbor Municipal Code.

16.40.060 Preliminary Short Subdivision Application

Procedure. Any person seeking approval of a short subdivision shall complete the preliminary application forms provided by the Administrator, submit the required copies of the application including the application fee, as set forth in Chapter 3.40, G.H.M.C.

16.40.070 Adequacy, Distribution and Agency Response to Preliminary Short Subdivision Application. Upon a determination by the Administrator that an application for a short subdivision is complete as required by this Chapter, the Administrator shall affix a file number and date of receipt to the application and distribute copies of the application to all or a portion to the below listed agencies which may have an interest in the proposal. Distribution of the application to review agencies shall occur by no later than three days from the receipt of the complete application. Upon receipt of the application, the review agencies may submit comments to the Administrator by no later than fifteen (15) days from their receipt of the application. Review agencies are:

1. City Department of Public Works
2. City Fire Marshal
3. Pierce County Assessor's Office
4. Peninsula Light Company
5. Telephone Utilities
6. Other agencies as deemed appropriate by the Administrator.

Comments from the Department of Public Works and the Department of Community Development shall reference any requirements of City Code or Washington State law.

16.40.080 Administrator's Action. Within forty-five (45) days following the filing of a complete application or such additional period as the land divider may authorize, the Administrator shall approve or disapprove the preliminary short subdivision and shall notify the applicant, in writing, of the specific findings for the decision.

16.40.090 Administrator's Decision. The Administrator shall consider the recommendations of the responding agencies. Based upon the information provided, the Administrator shall determine if the preliminary short subdivision is consistent with the requirements of this chapter; the City Comprehensive Plan; the City Zoning Code; the City Wetland Management Ordinance; the City Environmentally Sensitive Areas Ordinance and Environmental Policy Ordinance; the City Shoreline Master Program, as applicable; the City Floodhazard Protection Ordinance; the City Fire Code Ordinance, and; the public health, safety, welfare, use and interest.

If the Administrator finds that the preliminary short subdivision complies with the above requirements, the preliminary short subdivision shall be approved. If the Administrator finds that the preliminary short subdivision does not comply with the above requirements, the preliminary short subdivision shall be denied.

The Administrator shall apply such reasonable conditions to the approval as may be necessary to assure that the preliminary short subdivision is consistent with the requirements of this section. The administrator shall provide written findings of fact for a decision to approve or deny a preliminary short subdivision.

16.40.100 Appeal of Administrator's Decision. Any decision of the Administrator regarding a preliminary short subdivision application may be appealed in writing to the City of Gig Harbor Hearing Examiner by the applicant or any interested person as defined below by no later than ten (10) days from the date of the decision. The written appeal shall be on forms supplied by the Administrator and shall be filed with the City. An interested person shall be defined as a property owner immediately adjacent to all boundaries of the proposed short subdivision.

The appeal to the Hearing Examiner shall be conducted in accordance with the procedures established under Chapter

17.10 for hearings conducted by the Hearing Examiner. The Examiner's decision is final and shall be supported by findings and conclusions, and is final unless appealed to the City Council, pursuant to Chapter 17.10.

16.40.110 Expiration. Proposed final short subdivisions shall be submitted within one year of preliminary short subdivision approval unless an extension of not more than one year is granted by the Administrator in writing prior to the expiration date.

If the proposed final short subdivision is not submitted within the required time period, or an extension is not granted, the approval of the preliminary short subdivisions shall be null and void. Requests for an extension shall be submitted not later than ten (10) days prior to the expiration of the original approval period. No extension shall be considered after that date. Approval of an extension shall be based upon a determination that the land divider is making reasonable progress towards completing the requirements for finalization of the short subdivisions. The Administrator shall not grant more than one extension.

16.40.120 Requirements for Short Subdivisions. All short subdivisions shall comply with the minimum standards and improvements as set forth in Section 16.40.130 of this chapter. All required improvements shall be installed after preliminary approval and prior to final approval of the short subdivision.

16.40.130 Minimum Standards and Improvement Requirements.

A. Street Right-of-Way, Surface Width and Surfacing Requirements.

Public roads shall conform to the requirements of the City of Gig Harbor Public Works Department, and shall also include the provisions for sidewalks and other safe pedestrian walking areas, and curbs and gutters, as required. As built plans, bearing the stamp of a civil engineer licensed in the State of Washington shall, be provided. Additionally, dedicated right-of-way shall be provided, as required, and shall conform to City standards. Public streets shall be dedicated to the City on the final plat and shall be maintained by the City.

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

1. A minimum surface width of 24 feet, consisting of an all-weather compacted surface.
  2. A minimum easement width of thirty feet. Upon execution of a written agreement between adjacent property owners, an easement may be combined with an easement on neighboring property to create the required thirty foot minimum width.
- B. Access: Each lot created shall adjoin a dedicated public street or have access to such a public street by recorded easement of not less than thirty (30) feet.
- C. Road Design Geometrics and Alignment:
1. Curves - The centerline radii of street curves shall not be less than 100 feet. If the Department of Public Works determines that a greater radii is required for public safety, based upon anticipated speed limits and superelevation, such radii may be required.
  2. Grades - Street grades shall not exceed fifteen (15) percent.
  3. Street Intersection Requirements - Streets intersecting with other streets shall have an approach angle of not less than 75 degrees. Streets must be aligned with streets approaching from the opposite direction. If an off-street approach is requested, the off-set interval shall not be less than 125 feet. Edge of lane radii at intersections shall be 55 feet.
  4. Dead-end Streets - Dead-end streets shall terminate in a turnaround which has a minimum radius of 45 feet or with a hammerhead design consistent with the requirements of the City Fire Code, Title 15 of the Gig Harbor Municipal Code.

D. Right-of-Way Dedication, When Required.

The City may require the dedication of right-of-way within a portion of the short plat for future public road development. The determination of the need for the dedication of right-of-way shall be based upon:

1. The potential for alignment of internal streets within the plat and on adjacent properties with existing or proposed public streets; or,
2. Implementation of the City's Six Year Road Improvement Program; or,
3. A determination by the City that the dedication of right-of-way would further the public's health, safety, convenience and welfare; or,
4. The property fronts a public street which currently has insufficient right-of-way width and additional right-of-way is required to bring right-of-way width up to City standards.

Right-of-way shall be dedicated on the final short plat.

- E. Street Name Sign: Street name signs shall be placed at all street intersections within or abutting the short subdivision. Sign type and location shall conform to the applicable City standards.
- F. Traffic Control: Streets in a short subdivision shall be marked and signs posted for traffic control in conformance with the Manual of Uniform Traffic Control Devices.
- G. Fire Protection Facilities and Improvements: Fire protection facilities and improvements as required by the City Fire Code, Title 15 of the Gig Harbor Municipal Code, shall be installed, as per the requirements of the City Fire Marshal. Prior to final plat approval, detailed plans for the fire protection system, bearing the stamp of a civil engineer licensed by the State of Washington, shall be submitted to the City for Approval.
- H. Storm Drainage Control and Improvements:

1. Preliminary Short Subdivision Drainage Plans: Preliminary drainage plans necessary for common drainage improvements shall be provided with the application by the land divider. Preliminary drainage plans shall be reviewed and approved by the Department of Public Works prior to preliminary approval of the short subdivision. The drainage plan submitted shall be reviewed in conjunction with adopted or accepted area-wide City of Gig Harbor storm drainage plans or programs.

Prior to final short plat approval, the land divider shall submit to the Department of Public Works a final detailed storm drainage plan, if required during preliminary short subdivision approval. The final storm drainage plan shall be submitted to the Department of Public Works for approval at least thirty (30) days prior to final short subdivision approval. The final plan shall be designed by, and bear the stamp of, a civil engineer licensed by the State of Washington.

2. Drainage improvements for individual lots: Each final short subdivision shall include a statement which requires the lot owner to submit a site drainage plan prior to approval of a building permit for each lot. Drainage improvements required by the City approved drainage plan shall be installed by the land owner at the time the lot is developed and shall be inspected by the City for conformance with the approved drainage plan prior to occupancy. Lot-by-lot improvements shall be maintained by the lot owner within the short subdivision.
- I. Utility Installation and Requirements: All necessary utilities serving the lots within the short subdivision shall be installed underground. Installation shall occur prior to final short subdivision approval.
  - J. Utility Easements: Utility easements shall be reserved as required by the City.
  - K. Zoning: All short subdivisions shall conform to City Zoning Code requirements in effect at the time the short subdivision is submitted for preliminary

approval.

- L. Appropriate provisions shall be made for open space, recreation areas and parks, consistent with the City Comprehensive Plan or other recreation plan or program of the City.

16.40.140 Common Facilities Ownership and Maintenance. The responsibility for the maintenance and operation of common facilities and improvements which are not under public ownership shall be the responsibility of the lot owners within the short plat. The maintenance of such facilities may be the responsibility of the land divider, a lot owner's association, a public agency or a private entity consistent with applicable state requirements. The determination of the maintenance entity shall be made prior to a preliminary decision on the short subdivision.

If common facilities are to be maintained by a lot owners association, the lot owners' association shall be established and incorporated prior to final short subdivision approval. The bylaws of such an association shall authorize, at a minimum, the following authorities and responsibilities:

1. The enforcement of covenants imposed by the landowner or developer, and which shall be stated on the final plat.
2. The levying and collection of assessments against all lots to adequately accomplish the association's responsibilities.
3. The collection of money from lot owners to finance future improvements.
4. The collection of delinquent assessments through the courts, including monies to pay for the costs of court actions.
5. The letting of contracts to build, maintain and manage common facilities.

The final short subdivision shall include a covenant which requires indefinite existence of the association and automatic membership in the association upon the purchase or ownership of a lot. Articles and bylaws of incorporation of the association shall be submitted and approved by the Administrator prior to final short subdivision approval.

The covenant shall be filed with the County Auditor and the Auditor's file number for the short plat and covenants shall



be submitted to the City within thirty days of the filing date.

16.40.150 Improvements - Installation, Construction and Inspection Procedures. All required improvements shall be installed by the land divider prior to final short subdivision approval. Work shall not commence until final plans have been approved by the City and the City has given authority to proceed. All improvements shall be installed in accordance with applicable City construction and performance standards.

16.40.155 Monuments, Standards and Requirements.

- A. Permanent control monuments shall be established at:
  - 1. All controlling corners on the boundaries of the short subdivision;
  - 2. The intersections of centerlines of roads within the short subdivision;
  - 3. On the centerlines of roads within the short subdivision at point of curve and point of tangency, or points of intersection, as required by the County Engineer.
- B. Permanent control monuments may be placed on offset lines. The position and type of every permanent monument shall be noted on all plats or short plats.
- C. Permanent control monuments within the streets shall be set after the roads are paved.
- D. Every lot corner shall be marked by a 1/2" galvanized iron pipe or equivalent monument which shall be driven into the ground.
- E. All monuments must be at least partially composed of a ferrous material.

16.40.160 Format of Short Plat. The proposed final short plat may be presented to the Administrator at any time following preliminary short subdivision approval. The final short plat shall be accompanied by three copies.

Every final short plat shall consist of one or more pages, each 18 inches wide by 24 inches in length, clearly and legibly drawn on polyester base (mylar) film with a minimum thickness of three mil. All drawings and letterings on the final short plat shall be in permanent black ink or, as an acceptable alternative, photographically processed mylar film copies.

The perimeter of the short plat shall be depicted with

heavier lines than appear elsewhere on the plat and shall be at a scale of not less than one inch to one hundred (100) feet. The map shall include, but not be limited to, the following:

- A. All section, township, City or County lines lying within or adjacent to the short subdivision.
- B. Description of all corners necessary to determine the exterior boundaries of the short subdivision and show bearing and distance ties to a minimum of two monumented corners of record which were utilized for the construction of the survey.
- C. The location of all permanent monuments found and established within the short subdivision.
- D. The boundary of the short subdivision complete with the bearings to the nearest one second and lineal dimensions to the nearest one-hundredth of a foot.
- E. The lengths and bearings of all straight lines; the radii, length of arcs and central angles of all curves.
- F. The location, width, centerline and name of all streets within and adjoining the short subdivision.
- G. The location and width of all easements.
- H. Numbers assigned to all lots.
- I. The required minimum yards of the City Zoning Code or any setbacks which may be more restrictive than the Zoning Code. In lieu of dashed lines representing the required setback, a notation may be entered on the face of the plat to describe the required setbacks.
- J. Statements identifying the purpose of all dedicated common areas, other than streets,
- K. Dedications of land to the public or to the lot owners association shall be clearly indicated on the face of the final short plat for road rights-of-way, drainage ways, utility easements, recreation and open space.
- L. The name of the short subdivision, scale, north arrow and the date of preparation.
- M. A legal description of the land contained within the short subdivision.
- N. A signed statement by the surveyor of the short subdivision, attesting that it is a true and correct representation of the land surveyed, substantially as follows:

"I \_\_\_\_\_,

registered as a land surveyor by the State of Washington, certify that this short subdivision is based on an actual survey of the land described herein conducted by me or under my supervision; that the distances, courses, angles are shown thereon correctly; and that the monuments other than those monuments approved for setting at a later date, have been set on lot corners staked on the ground as depicted on the this short plat.

- O. A statement that all lots shall be a valid land use notwithstanding a change in zoning laws for a period of five years from the date of recording of the final short plat.
- P. A statement in substantially the following language:  
"No portion of the this short subdivision may be altered, amended, deleted, added to or changed in any manner except by the short subdivision procedures set forth under this Title and in conformance with Chapter 58.17 RCW."
- Q. A statement of approval with signature space for the City Public Works Director as to:
  - 1. Survey data, for correct mathematical closure of all lots, blocks and boundaries.
  - 2. Certification that all required drainage and utility improvements have been constructed in conformance with approved plans.
- R. A statement of approval with signature space for the City Administrator which attests that there are not any delinquent assessments outstanding on the property.
- S. A statement of approval with signature space for the Administrator which attests that the short plat conforms to the City Zoning Code and the provisions of this Chapter.
- T. Where common facilities are to be owned and maintained by a lot-owners association, the short plat must contain a statement specifying that all lot owners are automatically members of the lot owners association upon assumption of ownership of a lot and that the association is responsible for the maintenance and management of specified common facilities consistent with the articles of incorporation.
- U. A full and correct legal description of the land divided by the short plat, including a declaration that the short plat is made with the free consent and in accordance with the desires of the owners.

Signature spaces for the land divider shall be provided.

- V. Where dedication for road right-of-way is required or provided, the final short plat or a separate written instrument shall contain and specify the dedication to the City and shall include a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said street. The certificate of dedication or instrument of dedication shall be signed and acknowledged before a notary public by all parties having any ownership interest in the lands divided and shall be recorded as part of the final plat.
- W. A title report of not less than thirty days from the date of submission of the final short plat which confirms that the title of the land as described and shown on the short plat is in the name of the owners signing the plat and any instrument of dedication.
- X. A signature space for the Pierce County Treasurer and a statement that all state and county taxes levied against the short platted property described hereon have been fully paid and discharged.
- Y. A signature space for the Pierce County Auditor, as required.

16.40.170 Administrator Action on Final Short Plat. The Administrator shall approve the final short plat if all of the following are met:

- A. That the requirements of state law and this Chapter pertaining to finalization of the short subdivision has been satisfied by the land divider.
- B. That a current title insurance report of not less than thirty days confirms the ownership interest in the divided land is in the names of the person whose signatures appear on the final short plat.
- C. That the conditions imposed as part of the preliminary approval have been met.

16.40.180 Variances Authorized. Variances to the standards prescribed by this section may be authorized by the City Hearing Examiner, provided that variances to dwelling density and minimum lot size may not be considered under this section. Request for variances shall be submitted

simultaneously with the application. A variance may only be granted by the Hearing Examiner if all of the following are met:

- A. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other, similarly situated property in the City.
- B. There are special circumstances applicable to the property, including size, shape, drainage, topography, location and surroundings which under a strict application of the regulations would deprive the property of rights and privileges enjoyed by other property in the vicinity.
- C. Granting of the variance would not be materially detrimental to the public health, safety, welfare, use or interest, or injurious to property or improvements in the vicinity.
- D. The variance is necessary to correct a special circumstance and not simply for economic convenience.
- E. The granting of the variance will not materially compromise the goals and policies of the Comprehensive Plan or be inconsistent with other City land use ordinances.

16.40.190 Performance Assurance in Lieu of Required Improvements. In lieu of required minimum improvements, a bond in the amount of 150% of a contractors bid for the cost of the required minimum improvements shall be posted with the city prior to final plat approval. If accepted by the City, the bond shall have a term not to exceed eighteen (18) months from the filing of the final plat with the Pierce County Auditor. Required improvements shall be constructed and installed within twelve (12) months of the filing of the final plat. Failure on the part of the land divider or land developer to construct or install the required improvements shall result in the city's foreclosure of the bond. Upon foreclosure of the bond, the City shall construct or complete the required improvements or contract for the construction or completion of the improvements.

16.40.200 Penalties and Enforcements. Any firm, corporation, partnership or individual found in violation of this Chapter or the applicable provisions of Chapter 58.17 RCW, or who subdivides land in violation of this Chapter shall be subject to civil penalties in an amount not to exceed fifty dollars (\$50) per day for each and every day

the violation continues. Assessment of a civil penalty shall be in accordance with the procedures established pursuant to Chapter 15.06, Gig Harbor Municipal Code. Appeal of a civil penalty order shall be to the City of Gig Harbor Hearing Examiner, pursuant to the procedures established under Chapter 17.10.

16.40.210 Severability.

If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

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 \_\_\_\_\_, 1991.

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

ATTEST:

\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk

Filed with the City Clerk: 8/18/91  
Passed by City Council:  
Date Published:

Short Subdivision Management  
Ordinance #  
Page 18

Date Effective:

CONTINUED COUNCIL MEETING OF SEPTEMBER 4, 1991

PRESENT: Councilmembers Frisbie, English, Perrow and Mayor Wilbert. Councilmember Davis arrived late.

CALL TO ORDER: 7:12 p.m.

RECONVENE:

MOTION: To reconvene.  
Perrow/English - unanimously approved.

BUSINESS:

1. Soundview Drive improvement Project.  
Public Works Director Ben Yazici provided council with background information on the project and the process used in deciding how Soundview Drive would ultimately look.

Many residents of Soundview Drive expressed their thoughts on the improvement project. They included: Al Hoffman, Lew Walker, Jim Clifford, Linda Clifford, Frank Witt, Mrs. Goldman, Vern Garner, Pat Jerkovich, Ray Arnold, Lois Babich, Mrs. Sterns, and Shirley Babich.

MOTION: To approve the Soundview Drive improvement project as follows: Sidewalks, curb, gutters, and a bike lane on the west side of Soundview; two 12' driving lanes; no sidewalk on the east side of the street, but to install the appropriate storm drainage and provide a raised edge; left-turn lanes at Judson, Ryan, Hunt, and Grandview, and any other justifiable areas.  
Frisbie/English - the vote was tied at 2 - 2 with Davis and Perrow voting against. The motion was approved when the tie was broken by the Mayor who voted in favor of the motion.

BILLS:

MOTION: To go into executive session to discuss the status of the Pape lawsuit.  
Perrow/Davis - unanimously approved.



MOTION: To return to regular session.  
Perrow/Davis - unanimously approved.

MOTION: To approve payment of the Pape bill, warrant  
#7697 in the amount of \$75,390.20.  
Davis/English - unanimously approved.

ADJOURN:

MOTION: To adjourn at 9:35 p.m.  
Perrow/Frisbie - unanimously approved.

REGULAR GIG HARBOR CITY COUNCIL MEETING OF SEPTEMBER 9, 1991

PRESENT: Councilmembers Hoppen, English, and Mayor Wilbert.  
Councilmember Perrow arrived at 7:15 p.m.

ABSENT: Councilmembers Frisbie and Davis.

Because of a lack of a quorum, the meeting began with items which required no council action.

NEW BUSINESS:

2. Skateboard ordinance - 1st reading.  
Police Chief Denny Richards provided council with information regarding problems associated with a skateboard park and introduced the ordinance to enforce skateboard traffic.

- Helen Baker expressed concerns over the number of skateboard riders in town and asked the council to consider establishing a place where they could ride.

CORRESPONDENCE:

1. Puget Sound Regional Council - notification of meeting.  
The mayor announced the first assembly meeting of the Puget Sound Regional Council on September 30, 1991.

CALL TO ORDER: 7:18 p.m.

PUBLIC HEARINGS:

1. Resolution for Acceptance of Annexation - ANX 91-06: Richardson.  
Planning Director Ray Gilmore explained the annexation proposal.

Steve Jones, Richard Warning, and Bill Snodgrass, all neighboring property owners, expressed concerns over the retention of the existing green belt, stormwater drainage concerns, and the possibility of lowered property value.

Jim Richardson responded to the concerns.

MOTION: To approved Resolution #326 accepting the annexation.  
English/Hoppen - approved by a vote of 2 - 1  
with Perrow voting against.

2. Resolution adopting six-year transportation plan.  
Public Works Director Ben Yazici presented the plan for the city's road improvements over the next six years.

Bill Bean, city resident, had questions regarding the budget and annexations and how they affected the six-year street plan.

MOTION: To adopt Resolution #327 approving the six-year transportation plan.  
Perrow/English - unanimously approved.

MINUTES:

MOTION: To approve the minutes of the meeting of August 26, 1991.  
English/Perrow - unanimously approved.

OLD BUSINESS:

1. Resolution amending Resolution #269 - Public Safety Committee.

MOTION: To approve Resolution #328 amending the Public Safety Resolution.  
Perrow/English - unanimously approved.

NEW BUSINESS:

1. Request for consideration to annex - ANX 91-07: Tallman.

(Councilmember Perrow left the room for discussion on this item due to a possible conflict of interest.)

Mr. Gilmore explained the 10% petition for annexation.

Guy Powell, Lois Powell, Mrs. McAlexander, Ed Worthen, and Jim McAlexander expressed concerns over the wetlands existing on the property, the increased air and noise pollution which would come with development of the property, and the effects development would have on their water quality.

MOTION: To table this issue to the meeting of September 23, 1991 to allow the applicant to attend the meeting.  
English/Hoppen - approved by a vote of 2 - 0 with Perrow abstaining.

3. Special occasion liquor license - Our School.  
Council took no action on this item.

DEPARTMENT MANAGERS' REPORTS:

1. Police:  
Police Chief Denny Richards provided council with information regarding the police department's activity statistics for the month of August.

COUNCIL COMMITTEE REPORTS:

1. Public Health & Safety Committee.  
Chief Richards reported on the meeting of the committee.  
  
Mayor requested minutes and recommendations be forwarded to the mayor and administrator for implementation.
2. Educational meetings regarding the change in the city's form of government.  
The mayor announced that Councilmembers Davis and English will co-chair the meetings.

ANNOUNCEMENT OF OTHER MEETINGS:

1. 1992 goal-setting session - September 30, 1991 at 5:30 p.m.

APPROVAL OF PAYROLL:

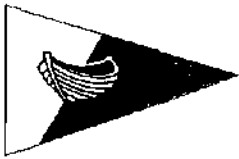
MOTION: To approve payment of warrants #6097 through #6205 in the amount of \$126,676.43.  
Perrow/English - unanimously approved.

BILLS:

MOTION: To approve payment of warrants #7696 through #7731 in the amount of \$25,332.92.  
English/Perrow - unanimously approved except Perrow abstained on the approval of warrant #7696.

ADJOURN:

MOTION: To adjourn at 9:30 p.m.  
English/Hoppen - unanimously approved.

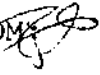


*City of Gig Harbor. The "Maritime" City."*

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: Mayor Wilbert and City Council  
FROM:  Ray Gilmore  
DATE: September 19, 1991  
SUBJ.: Shoreline Development Permit 88-02/Site Plan 88-04  
-- Peter Darrah

At its regular meeting of May 28, 1991, the Gig Harbor City Council considered the recommendation of the City Hearing Examiner, who has recommended conditional approval of the above referenced applications.

Following extensive discussion, the City Council voted unanimously to table the matter to its regular meeting of September 23, 1991, in order for you to provide the following information:

1. A site plan, drawn to scale, showing all existing structures on the applicant's property, extending from Harborview Drive to the outer harbor line. The site plan shall also include existing structures on adjacent property, extending from the north line of the old Union Oil facility to the south line of the Ross property.
2. A vertical plan (elevation) of the applicant's property, drawn to scale, extending from Harborview Drive to the outer harbor line showing property contours (a 5' contour interval for the uplands and 10' contour for tidelands, including submerged lands, is recommended).
3. On both plans, outline all proposed or new improvements.
4. Show all leased areas, tidelands and DNR lands.
5. Show owned tidelands.

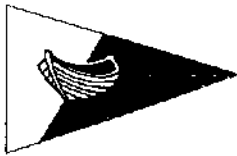
Mr. Darrah was informed of the Council's decision in a letter dated May 29, 1991, and in which he was informed that the required documents must be submitted to the Planning Department for transmittal to the Council by no later than Septemebr 18, 1991. As of 3:00 pm, Thursday, September 19,

1991, the requested information and documents had not been received by this department.

Two options are available for Council:


1. Act on the proposal based upon the information currently available, in conjunction with the hearing examiner's recommendation.
2. Table the matter for two weeks to allow Mr. Darrah one final opportunity to present the required information.

Staff recommends option 1. It is felt that four months is sufficient time to comply with the Council's request.



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GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

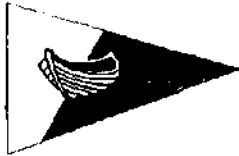
TO: Mr. Peter Darrah  
FROM:  Ray Gilmore  
DATE: September 11, 1991  
SUBJ.: Continued Meeting -- SDP 88-02.

This is to remind you that the continued meeting on the above referenced item before the City Council is scheduled for September 23, 1991, at 7:00 pm or shortly thereafter. A copy of my original letter of May 29 on this subject is enclosed for your information.

Please be advised that the information requested by Council must be submitted by no later than September 18, 1991, for inclusion in the Council packet. The City Council agenda for this item will be available on Friday afternoon, September 20.

If you have any questions on this matter, please call me.

cc: parties of record



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

May 29, 1991

Mr. Peter Darrah  
3311 Harborview Drive  
Gig Harbor, WA 98335

RE: Council Action -- SDP 88-02/SPR 88-04

Dear Mr Darrah:

At its regular meeting of May 28, 1991, the Gig Harbor City Council considered the recommendation of the City Hearing Examiner, who has recommended conditional approval of the above referenced applications.

Following extensive discussion, the City Council voted unanimously to table the matter to its regular meeting of September 23, 1991, in order for you to provide the following information:

1. A site plan, drawn to scale, showing all existing structures on the applicant's property, extending from Harborview Drive to the outer harbor line. The site plan shall also include existing structures on adjacent property, extending from the north line of the old Union Oil facility to the south line of the Ross property.
2. A vertical plan (elevation) of the applicant's property, drawn to scale, extending from Harborview Drive to the outer harbor line showing property contours (a 5' contour interval for the uplands and 10' contour for tidelands, including submerged lands, is recommended).
3. On both plans, outline all proposed or new improvements.
4. Show all leased areas, tidelands and DNR lands.
5. Show owned tidelands.

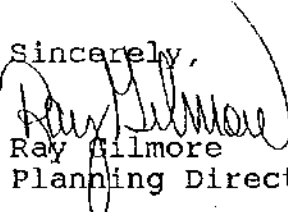


Mr. Peter Darrah  
May 29, 1991  
Page 2

The City Council will render a decision on the application on September 23, 1991. Timely submittal of the requested information by no later than Wednesday, September 18, 1991, is necessary for inclusion on the Council agenda.

If you have any questions on this matter or if you would like to discuss the subject, please feel free to call me.

Sincerely,

  
Ray Gilmore  
Planning Director

CITY OF GIG HARBOR

RESOLUTION \_\_\_\_\_

WHEREAS, Mr. Peter Darrah has requested a shoreline management substantial development permit (SDP 88-02) and site plan approval (SPR 88-04) for modifications to, and the continued use of, floats and various upland developments; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance No. 489 which establishes guidelines for the review of site plans and other land use issues; and,

WHEREAS, the Planning Director has recommended conditional approval of the project in a report issued June 22, 1988, and in a supplemental report of February 22, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 22, 1988, at a continued public hearing on October 19, 1988 and on February 20, 1991 to accept public comment on the proposal; and,

WHEREAS, requests for reconsideration were filed by Mr. Peter Darrah and Mr. John Paglia and were duly considered by the Examiner in his findings of May 20, 1991; and,

WHEREAS, the Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of the application in his report dated April 26, 1991.

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

That the findings, conclusions and recommendations of the hearing examiner in his report of February 4, 1991, are hereby adopted and the shoreline substantial development permit SDP 88-02 and site plan SPR 88-02 are approved, subject to the following conditions:

1. Any changes to the existing development on the site shall occur in substantial compliance with Exhibit B (the original site plan), except as modified by the conditions listed below.

2. The proposed drainage improvements shall be reviewed for approval by the Public Works Director.
3. Frontage improvements (curbs, gutters, sidewalks) may be required to the extent determined by the Gig Harbor Public Works Director.
4. The floats must conform with the setback provisions of Chapter 17.76. This requires placements to be no closer than 12 feet from the property lines or the floats must be removed. Verification of this setback by a survey shall be required.
5. The bulkhead work must be reviewed for applicability of building permit requirements. Any required structural calculations must be prepared by a licensed engineer.
6. The interior space of the boathouse shall remain decked over and moorage shall not be allowed in the structure. The structure shall only be used for a water dependent use accessory to activities at the site or the structure shall be removed.
7. The design, location and access/approach for the proposed parking lot shall be reviewed for approval by the Public Works Director. All parking areas must have a blacktop surface and parking spaces shall be delineated in white paint. Because of the relationship between the moorage facility and the current lack of parking, the parking area(s) must be constructed within two years of the date of approval or the aspects of this permit relating to the pier and floats shall expire. Expiration of the permit shall be grounds for removal of said structures

---

Gretchen A. Wilbert, Mayor

ATTEST:

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Resolution #  
Page 3

Michael R. Wilson  
City Administrator/Clerk

Filed with City Clerk: 5/23/91  
Passed by City Council: 5/28/91



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

May 29, 1991

Mr. Peter Darrah  
3311 Harborview Drive  
Gig Harbor, WA 98335

RE: Council Action -- SDP 88-02/SPR 88-04

Dear Mr Darrah:

At its regular meeting of May 28, 1991, the Gig Harbor City Council considered the recommendation of the City Hearing Examiner, who has recommended conditional approval of the above referenced applications.

Following extensive discussion, the City Council voted unanimously to table the matter to its regular meeting of September 23, 1991, in order for you to provide the following information:

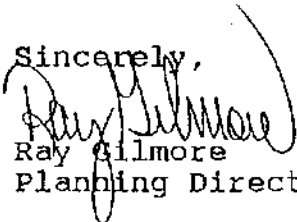
1. A site plan, drawn to scale, showing all existing structures on the applicant's property, extending from Harborview Drive to the outer harbor line. The site plan shall also include existing structures on adjacent property, extending from the north line of the old Union Oil facility to the south line of the Ross property.
2. A vertical plan (elevation) of the applicant's property, drawn to scale, extending from Harborview Drive to the outer harbor line showing property contours (a 5' contour interval for the uplands and 10' contour for tidelands, including submerged lands, is recommended).
3. On both plans, outline all proposed or new improvements.
4. Show all leased areas, tidelands and DNR lands.
5. Show owned tidelands.

Mr. Peter Darrah  
May 29, 1991  
Page 2

The City Council will render a decision on the application on September 23, 1991. Timely submittal of the requested information by no later than Wednesday, September 18, 1991, is necessary for inclusion on the Council agenda.

If you have any questions on this matter or if you would like to discuss the subject, please feel free to call me.

Sincerely,



Ray Gilmore  
Planning Director

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

---

**APPLICANT:** Peter Darrah

**CASE NO.:** SDP - 88-02/SP - 88-04

**APPLICATION:** Approval of a shoreline substantial development permit and site plan to allow the continued use of floats and various upland improvements.

**SUMMARY OF RECOMMENDATIONS:**

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

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Darrah application was opened at 4:20 p.m., June 22, 1988, in City Hall Gig Harbor, Washington, and closed at 5:37 pm, was continued to October 19, 1988. The hearing was reopened at 4:00 p.m. on October 19, 1988 and at 4:32 p.m. the hearing was closed for oral testimony but kept open administratively to allow submission of written correspondence. The hearing was reopened at 5:35 p.m. on February 20, 1991 and at 5:58 p.m. was again continued administratively to allow staff time to review revisions to the application. The file was closed on February 25, 1991. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained on pages 1, 2, 3, 4 and 5 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. The applicant testified at the first hearing that:

1. The boat house has been there about nine years and a wood floor has been installed so it can no longer be used as a boat house. It is now a floating shed used in the repair of small boats.
  2. The finger floats were there when he bought the property.
  3. He has applied for permits on the movable piers.
- C. The applicant submitted several exhibits to explain and support his applications and he submitted a modified request prior to the last hearing. Exhibits submitted included Exhibit B through L, Q, R, T through Y, and GG.
- D. Two letters were received from neighboring property owners (Exhibits M and FF). The letters expressed several concerns and objections regarding the requests. Those concerns and objections included the following:
1. Firm control should be exercised on Gig Harbor's most important asset, its waterfront, and only projects that conform to all existing regulations should be approved.
  2. Although pleased of any improvements made to the subject site concern was expressed about further installation or construction on the site due to the proximity of the three nearby existing marinas.
  3. While a parking lot would allow vehicles belonging to the applicant and his marina tenants to remove their vehicles from the street, a parking lot on that curve of Harborview would be a definite traffic hazard.
  4. The incline to the proposed parking lot is very steep.
  5. Lights on cars existing from the proposed lot would shine directly into the private residences across the street.
  6. The upkeep of the subject premises, both on the water and the shore, should be upgraded in order that they become an asset to the City.
- E. An attorney for an adjacent property owner submitted a letter expressing opposition to the application (Exhibit O) and spoke in opposition to the application at the public hearings. He wrote or stated several concerns and objections on behalf of his client. Those concerns and objections included the following:
1. The applicant never sought to provide or maintain the twelve (12) foot setback required by Gig Harbor law.
  2. The applicant seeks overly intense utilization of his narrow property, which he has consistently expanded in the past without permits and in disregard of his neighbors and applicable law.
  3. The purse seiner owned by his client is over 50 feet long and is 16 feet wide. It has single engine and is difficult to land in the constricted space that Mr. Darrah has created with his unauthorized expansions.



4. The sea is a highway and there are required setbacks. Mr. Darrah has not observed those setbacks and then he tried to grandfather himself in.
5. Mr. Darrah does not have 11,200 square feet of space above the bulkhead as noted in the staff report. He really only has 5,000 to 6,000 square feet of space and he cannot provide adequate on site parking.
6. Approval of the application with the recommended conditions would reward a person who has broken the law.

## II. CONCLUSIONS:

- A. The staff evaluation prepared by the Planning Staff and set forth on page 5 of the Planning Staff's Advisory Report accurately sets forth a portion of the conclusions of the Hearing Examiner and by this reference is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. Approval of this application subject to the conditions listed below will assist in remedying several existing land use code violations on the subject site.

## III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the requested shoreline substantial development permit and site plan should be approved subject to the following conditions:

1. Any changes to the existing development on the site shall occur in substantial compliance with Exhibit B, except as modified by the conditions listed below.
2. The proposed drainage improvements shall be reviewed for approval by the Public Works Director.
3. Frontage improvements (curbs, gutters, sidewalks) may be required to the extent determined by the Gig Harbor Public Works Director.
4. The floats must conform with the setback provisions of Chapter 17.76. This requires placement to be no closer than 12 feet from the property lines or the floats must be removed. Verification of this setback by a survey shall be required.
5. The bulkhead work must be reviewed for applicability of building permit requirements. Any required structural calculations must be prepared by a licensed engineer.
6. The the interior space of the boat house shall remain "decked over" and moorage shall not be allowed in the structure. The structure shall only be used for a water dependent use accessory to activities at the site or the structure shall be removed.

7. The design, location and access/approach for the proposed parking lot shall be reviewed for approval by the Public Works Director. All parking areas must have a blacktop surface and parking spaces shall be delineated in white paint. Because of the relationship between the moorage facility and the current lack of parking, the parking area(s) must be constructed within two years of the date of approval or the aspects of this permit relating to the pier and floats shall expire. Expiration of this permit shall be grounds for removal of said structures.

Dated this 26th day of April, 1991.



Ron McConnell  
Hearing Examiner

**MINUTES OF THE JUNE 22, 1988/OCTOBER 19, 1988/FEBRUARY 20 1991  
HEARING ON THE DARRAH  
APPLICATION**

Ronald L. McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Pete Friedman and Gil Alvarado; representing the City of Gig Harbor, Peter Darrah, the applicant; and John Paglia, representing a neighboring property owner.

The following exhibits were offered and entered into the record:

- A. Planning Staff's Advisory Report
- B. Site Plan
- C. Letter to Peter Darrah from Ronald Holtcamp, dated September 9, 1985
- D. Compliance Investigation, dated June 11, 1973
- E. Public notice P-69-236, dated November 24, 1969
- F. Permit to construct an open pile and timber wharf, dated January 29, 1929
- G. Site plan showing finger piers, 1982
- H. Letter to H.A. Cain from R. R. Ekstron, dated October 28, 1971
- I. Letter to Peter Darrah from H.W. Munson, dated March 16, 1972
- J. Letter to Scott Alexander from John DeMeyer, dated December 9, 1985
- K. Thornton Survey
- L. Description of proposed projects, dated February 16, 1988
- M. Memo to Pete Friedman from Pamela and Robert Martin, dated June 12, 1988
- N. Letter to Pete Friedman from John Paglia, dated March 5, 1988
- O. Letter to Pete Friedman from John Paglia, dated March 31, 1988
- P. Memo from Pete Friedman to Parties of Record dated June 23, 1988
- Q. Washington State DNR Statement of Account, dated August 31, 1988
- R. DNR Uniform Formula Rent Procedure
- S. Letter to Pete Friedman from James Isdell, dated July 14, 1988, with attachment
- T. Letter to Peter Darrah from Ronald Holtcamp, dated July 15, 1988
- U. Letter to Ronald Holtcamp from Peter Darrah, dated September 19, 1988
- V. Letter to Peter Darrah from Ronald Holtcamp, dated September 21, 1988
- W. Default Advisory letter to Peter Darrah from Jim Isdell, dated October 7, 1988
- X. Letter to Peter Darrah from Ronald Holtcamp dated November 2, 1988
- Y. Letter to Ron McConnell from Peter Darrah, dated November 18, 1988
- Z. Letter to Pete Friedman from Ronald Holtcamp, dated December 12, 1988
- AA. Letter from Peter Darrah, dated December 20, 1988
- BB. Memo from Ray Gilmore to Parties of Record, dated January 8, 1991
- CC. Letter to Ray Gilmore from Peter Darrah, dated February 5, 1991
- DD. Letter to Peter Darrah from Ray Gilmore, dated February 7, 1991
- EE. Memo to Ron McConnell, from Ray Gilmore, dated February 13, 1991
- FF. Letter to the City of Gig Harbor from Tony and Marie Lovrovich, dated February 17, 1991
- GG. Revised plans submitted by Peter Darrah on February 20, 1991
- HH. Drawing by PacTech Engineers dated 1983
- II. Memo to Ray Gilmore, dated February 22, 1991

## **RECONSIDERATION:**

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

## **COUNCIL ACTION:**

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

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

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

**PARTIES OF RECORD:**

Peter Darrah  
3311 Harborview Drive  
Gig Harbor, WA 98335

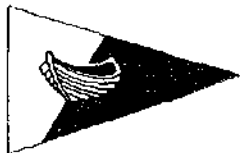
John Paglia  
Suite 304 - 705 South 9th  
Tacoma, WA 98405

Adam Ross  
3309 Harborview Drive  
Gig Harbor, WA 98335

Pamela and Robert Martin  
3303 Ross Avenue  
Gig Harbor, WA 98335

James Isdell and Ronald Holtcamp  
Division of Aquatic Lands  
Department of Natural Resources  
Olympia, WA 98504

Tony and Marie Lovrovich  
3319 Ross Avenue  
Gig Harbor, WA 98335



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: *RG* RAY GILMORE, PLANNING DIRECTOR  
SUBJECT: ANNEXATION 91-07 (~~WILLIAM~~ TALLMAN)  
DATE: SEPTEMBER 5, 1991 *Jack*

Attached for your consideration is a request for consideration to annex approximately 95 acres of land located predominantly west of SR-16, extending from the Wollochet Drive interchange, north along SR-16 to include three parcels south of Rosedale Street. A petition bearing the signatures of the owners of approximately 25% of the assessed evaluation within the annexation area is included. A minimum of ten percent is required for consideration of the petition.

The petitioner requests that the land be designated under several zoning districts under the city Zoning Ordinance, including residential and a commercial/business designation. Consequently, a pre-annexation zoning hearing before the city Planning Commission would be required.

If the petition is accepted by the Council, the petitioner will submit a zoning designation proposal for consideration by the city Planning Commission sometime in the fall. With the submittal of a 60% petition and the required environmental documents, a resolution for acceptance of the annexation will be presented to the Council. Upon completion of all review procedures by the Pierce County Boundary Review Board, an ordinance adopting the annexation will be presented for Council action.

Upon acceptance by the Council, the petition for annexation should include the requirement for the assumption of existing city indebtedness on a pro-rata basis and that the are to be annexed shall be subject to pre-annexation zoning hearings before the Planning Commission and the City Council. Additional requirements, as may be appropriate, can be considered.



**PAC-TECH** Engineering, Inc.

Engineers / Planners / Surveyors

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August 7, 1991  
File #10431

Mr. Mike Wilson  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, WA 98335

Reference: Gig Harbor Interchange Annexation

Dear Mr. Wilson:

You had requested some additional information concerning the preliminary work we have done with property owners lying within the area currently being petitioned for annexation to the City of Gig Harbor. Prior to filing the 10 percent petition, we sent letters to the property owners within the area we were considering for annexation. While not all of the property owners responded, we did receive comments from some of the parties involved and spoke with several others. Attached are copies of the letters we sent to them with their responses. As you can see, the majority of the responses were favorable and they constitute a total of 28 percent of the assessed evaluation for the area involved. I have also included copies of the assessment role with the individuals who responded in favor, noted as well as illustrated their parcels on the annexation base map (see attached).

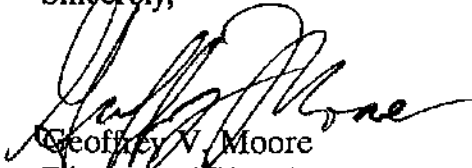
As I indicated to the City Planner, the property owners will be petitioned for zoning of this area with annexation. The Comprehensive Plan shows land use classification ranging from residential to business within the area. I am currently completing development of a proposed zoning map for the area which I have been reviewing closely with the City Planner. I would suggest that the best way to proceed would be to bring the 10 percent petition before the City Council at their regularly scheduled August 12th meeting at which time it can be accepted. I would hope that we could have already pre-selected a public meeting date which could be announced at that time, and I will be happy to send out notices to all property owners involved for a meeting at the City Hall.

I will make sure the zoning map is available along with copies of the 60 percent petition so that we can try to secure the remaining signatures for submission of the 60 percent petition. If we are successful in garnering those signatures, we can then prepare the necessary supporting documentation and file the matter with the City Council.

Mr. Mike Wilson  
August 17, 1991  
File #10431  
Page 2

I hope this additional background information will answer any questions you have and look forward to presenting the matter to the Council on August 12, 1991.

Sincerely,



Geoffrey V. Moore  
Director of Planning

GVM/gt

c: Mr. Jim Tallman  
Mr. Ray Gilmore





A NATURAL RESOURCE CORPORATION

(206) 857-5440

P.O. BOX 401, GIG HARBOR, WA 98335

June 25, 1991

Mr. Thomas Morris Jr.  
P.O. Box 572  
Gig Harbor, WA 98335

Dear Tom,

We wish to file an annexation request with the City of Gig Harbor for an area as shown on the enclosed map which includes land which, according to Pierce County records, you own or control. The purpose of this letter is to solicit your support by joining in the request to annex.

There are a number of advantages to annexing which includes sewer and water availability, closer and better police protection, closer more responsive Government, etc.. The taxes generally do not change as the County assesses and collects the taxes and turns the money over to the City.

We are having PacTech Engineering handle the filing and carry the matter through the hearing process.

I would appreciate your indicating your position below and return one copy using the self addressed envelope enclosed. Thank you.

Respectfully yours,

TALMO, INC.

*James O. Tallman*  
JAMES O. TALLMAN, PRESIDENT

We are in favor  opposed  of/to annexation.

SIGNED

*Thomas Morris Jr.* 6-25-91

DATE

DATE





A NATURAL RESOURCE CORPORATION

(206) 857-5440

P.O. BOX 401, GIG HARBOR, WA 98335

June 25, 1991

Marilyn Anderson  
9107 - 73rd Avenue Court N.W.  
Gig Harbor, WA 98335

Dear Ms. Anderson,

We wish to file an annexation request with the City of Gig Harbor for an area as shown on the enclosed map which includes land which, according to Pierce County records, you own or control. The purpose of this letter is to solicit your support by joining in the request to annex.

There are a number of advantages to annexing which includes sewer and water availability, closer and better police protection, closer more responsive Government, etc.. The taxes generally do not change as the County assesses and collects the taxes and turns the money over to the City.

We are having PacTech Engineering handle the filing and carry the matter through the hearing process.

I would appreciate your indicating your position below and return one copy using the self addressed envelope enclosed. Thank you.

Respectfully yours,

TALMO, INC.

*James O. Tallman*  
JAMES O. TALLMAN, PRESIDENT

We are in favor  X  opposed \_\_\_\_\_ of/to annexation.

SIGNED

*Marilyn Jakob Anderson*  
\_\_\_\_\_  
DATE  
6/27/91  
DATE





A NATURAL RESOURCE CORPORATION

P.O. BOX 401, GIG HARBOR, WA 98335 (206) 857-5440

June 25, 1991

Mr. Joe Hoots  
2602 - 64th Street N.W.  
Gig Harbor, WA 98335

Dear Mr. Hoots,

We wish to file an annexation request with the City of Gig Harbor for an area as shown on the enclosed map which includes land which, according to Pierce County records, you own or control. The purpose of this letter is to solicit your support by joining in the request to annex.

There are a number of advantages to annexing which includes sewer and water availability, closer and better police protection, closer more responsive Government, etc.. The taxes generally do not change as the County assesses and collects the taxes and turns the money over to the City.

We are having PacTech Engineering handle the filing and carry the matter through the hearing process.

I would appreciate your indicating your position below and return one copy using the self addressed envelope enclosed. Thank you.

Respectfully yours,

TALMO, INC.

*James O. Tallman*  
JAMES O. TALLMAN, PRESIDENT

We are in favor  opposed  of/to annexation.

SIGNED *Joe Hoots* July 1-1991  
DATE  
*Laura Hoots* July 1-1991  
DATE





A NATURAL RESOURCE CORPORATION

(206) 857-5440

P.O. BOX 401, GIG HARBOR, WA 98335

June 25, 1991

Ms. Helen Wilkinson  
4118 Rosedale Street  
Gig Harbor, WA 98335

Dear Ms. Wilkinson,

We wish to file an annexation request with the City of Gig Harbor for an area as shown on the enclosed map which includes land which, according to Pierce County records, you own or control. The purpose of this letter is to solicit your support by joining in the request to annex.

There are a number of advantages to annexing which includes sewer and water availability, closer and better police protection, closer more responsive Government, etc.. The taxes generally do not change as the County assesses and collects the taxes and turns the money over to the City.

We are having PacTech Engineering handle the filing and carry the matter through the hearing process.

I would appreciate your indicating your position below and return one copy using the self addressed envelope enclosed. Thank you.

Respectfully yours,

TALMO, INC.

*James O. Tallman*  
JAMES O. TALLMAN, PRESIDENT

We are in favor  opposed  of/to annexation.

*I already have sewer & other advantages of the city & do not wish to take a chance on them raising my taxes. my assessment last year was a 44% increase probably because of the 2 new building projects in town. I am in a bind to oppose my own...*

*Helen Wilkinson*  
DATE

*July 5, 1991*  
DATE





A NATURAL RESOURCE CORPORATION

(206) 857-5440

P.O. BOX 401, GIG HARBOR, WA 98335

June 25, 1991

Mrs. Raymond G. Armstrong  
4123 - 72nd Street N.W.  
Gig Harbor, WA 98335

Dear Mrs. Armstrong,

We wish to file an annexation request with the City of Gig Harbor for an area as shown on the enclosed map which includes land which, according to Pierce County records, you own or control. The purpose of this letter is to solicit your support by joining in the request to annex.

There are a number of advantages to annexing which includes sewer and water availability, closer and better police protection, closer more responsive Government, etc.. The taxes generally do not change as the County assesses and collects the taxes and turns the money over to the City.

We are having PacTech Engineering handle the filing and carry the matter through the hearing process.

I would appreciate your indicating your position below and return one copy using the self addressed envelope enclosed. Thank you.

Respectfully yours,

TALMO, INC.

*James O. Tallman*  
JAMES O. TALLMAN, PRESIDENT  
*iam*

We are in favor  opposed  of/to annexation.

SIGNED

*Barbara K. Brewster*  
DATE *10 July 91*

DATE



MARSHALL D. ADAMS  
BARTON L. ADAMS

LAW OFFICES OF  
**ADAMS & ADAMS**  
2115 NO. 30TH STREET, SUITE 203  
TACOMA, WASHINGTON 98403  
TELEPHONE  
(206) 363-2606

FAX  
(206) 272-2766

July 12, 1991

RECEIVED JUL 15 1991

Talmo, Inc.  
P.O. Box 401  
Gig Harbor, WA 98335

Attention: James O. Tallman, President

Gentlemen:

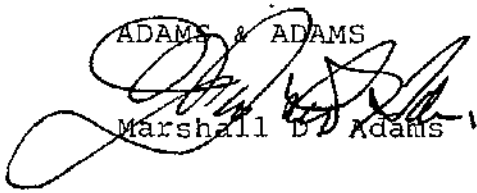
I have your letter of June 25, 1991, wherein you request that I support your request for annexation of certain Gig Harbor property. The property, of which I am Trustee, has only a very narrow access easement, which is presently unuseable, as it runs through a gully.

As Trustee of the property, I would be very interested in securing an access easement sufficiently wide to permit commercial development of the property. If such were acquired, I would be more than happy to support the annexation request.

If this is of interest to you, or if you are in a position to provide a suitable access easement, please communicate with me.

Very truly yours,

ADAMS & ADAMS

  
Marshall D. Adams

MDA/j

cc: Mrs. Thelma L. Busch

July 12, 1991  
File #10431

**GIG HARBOR INTERCHANGE ANNEXATION ASSESSMENT**

	<u>Name &amp; Address</u>	<u>Parcel #</u>	<u>Assessed Evaluation</u>
1.	Adams, Marshall D., Trustee 2115 North 30th, Suite 203 Tacoma, WA 98403	022107-1-051	\$ 4,000.00
2.	Anderson, Marilyn 9107 - 73rd Avenue Court N.W. Gig Harbor, WA 98335	022107-5-008	\$ 14,300.00
3.	Armstrong, Raymond G. 4123 - 72nd Street N.W. Gig Harbor, WA 98335	022107-1-104 022107-1-105	\$ 54,200.00 <u>\$ 25,700.00</u> \$ 79,900.00
4.	Arnold, Theodore and Blanche 6615 Wollochet Drive N.W. Gig Harbor, WA 98335	022107-4-048	\$ 59,500.00
5.	Burton Park Associates P.O. Box 401 Gig Harbor, WA 98335	022108-3-087 022108-3-089	\$ 13,500.00 <u>\$ 279,800.00</u> \$ 293,300.00
6.	Hoots, Joe 2602 - 64th Street N.W. Gig Harbor, WA 98335	022108-3-091	\$ 14,900.00
7.	Jones, F.G. and Ann Ellen P.O. Box 549 Wauna, WA 98395	022107-8-004 022107-8-001 022107-8-002 022107-8-003	\$ 56,300.00 \$ 115,100.00 \$ 53,000.00 <u>\$ 253,400.00</u> \$ 477,800.00

**GIG HARBOR INTERCHANGE ANNEXATION ASSESSMENT (Cont'd)**

	<u>Name &amp; Address</u>	<u>Parcel #</u>	<u>Assessed Evaluation</u>
8.	Kauppila, Jean C. 7676 Kauppila Lane Gig Harbor, WA 98335	022107-1-094	\$ 107,000.00
9.	Lindner, Charles and Patricia 3715 Moose Trail N.W. Gig Harbor, WA 98335	022108-3-100	\$ 131,800.00
10.	Morris, Thomas Jr. P.O. Box 572 Gig Harbor, WA 98335	022107-4-025 022107-4-032	\$ 400.00 <u>\$ 33,500.00</u> \$ 33,900.00
11.	Natucci, Marvin E. 6311 Soundview Drive Gig Harbor, WA 98335	022107-4-052	\$ 3,000.00
12.	Olsen, Vagn 3110 White Cloud Avenue N.W. Gig Harbor, WA 98335	022107-4-058	\$ 40,300.00
13.	Olsen, Wayne and Vagn Olsen 6623 Wollochet Drive N.W. Gig Harbor, WA 98335	022107-4-069 022107-4-070 022107-4-071	\$ 13,000.00 \$ 17,500.00 <u>\$ 11,000.00</u> \$ 41,500.00
14.	Tacoma City Light P.O. Box 11007 Tacoma, WA 98411	022107-4-015	\$ 7,800.00



**GIG HARBOR INTERCHANGE ANNEXATION ASSESSMENT (Cont'd)**

	<u>Name &amp; Address</u>	<u>Parcel #</u>	<u>Assessed Evaluation</u>
15.	Talmo, Inc. James and Diane Tallman P.O. Box 401 Gig Harbor, WA 98335	022107-4-054 022107-4-004 022107-4-012 022107-4-061 022107-4-040 022107-4-042 022107-4-060	\$ 37,700.00 \$ 106,700.00 \$ 154,600.00 \$ 40,500.00 \$ 35,100.00 \$ 106,700.00 <u>\$ 25,500.00</u> \$ 505,800.00
16.	Washington, State of MS MC-10 Olympia, WA 98504 Vashon, WA	022107-4-036 022107-4-005 022107-4-021 022107-4-030	\$ 100.00 \$ 3,500.00 \$ 2,800.00 <u>\$ 45,300.00</u> \$ 51,700.00
17.	Wilkinson, Helen 4118 Rosedale Street Gig Harbor, WA 98335	022107-1-009	\$ 53,900.00
18.	Frank, Andrea 6502 Wollochet Drive N.W. Gig Harbor, WA 98335	022107-4-037	\$ 65,600.00 <hr/>
	<b>TOTAL ASSESSED EVALUATION</b>		<b>\$1,987,000.00</b>

CITY OF GIG HARBOR

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW SECTION TO THE GIG HARBOR MUNICIPAL CODE PROHIBITING THE NEGLIGENT OPERATION OF SKATEBOARDS AND ESTABLISHING A PENALTY FOR VIOLATIONS.

WHEREAS, the Gig Harbor City Council finds that the regulation of skateboards upon roadways, sidewalks, and publicly owned parking lots is necessary to promote the public health, safety, and welfare,

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

Section 1. There is hereby added to the Gig Harbor Municipal Code a new Section to read as follows:

Negligent Operation of Skateboards Prohibited - Penalty.

- A. Prohibition. It is unlawful for any person to operate a skateboard in a negligent manner upon any roadway, sidewalk, publicly owned facility, or parking lot. For the purpose of this section, "to operate in a negligent manner" means the operation of a skateboard in such a manner as to endanger or be likely to endanger any persons or property.
- B. Any person violating any provision of this section shall be guilty of a civil infraction, and upon conviction thereof, shall be punished by the imposition of a monetary penalty of not more than Two Hundred Fifty Dollars (\$250.00). Community service hours may be imposed in addition to or in lieu of a monetary penalty.

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

Prohibiting the Negligent Operation of Skateboards  
Page 2

validity or constitutionality of any other section,  
sentence, clause or phrase of this ordinance.

Section 3. This ordinance or a summary thereof which  
includes the penalty provision shall be published in the  
official newspaper of the City, and shall take effect and  
be in full force five (5) days after the date of  
publication.

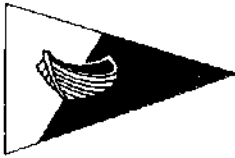
PASSED by the City Council of the City of Gig Harbor,  
Washington, and approved by its mayor at a regular meeting  
of the council held on this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

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

ATTEST:

\_\_\_\_\_  
Michael R. Wilson  
City Administrator/Clerk


Filed with city clerk: 9/6/91  
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: CITY COUNCILMEMBERS

FROM: GRETCHEN WILBERT, MAYOR 

DATE: SEPTEMBER 17, 1991

RE: PIERCE COUNTY INTERLOCAL AGREEMENT  
Establishing Process for Development of  
County-wide Planning Process

The resolution created by the Steering Committee of the GMCC Growth Management Coordinating Committee is before you for your consideration and action.

The Interlocal Agreement is the substance of what was agreed upon by the Steering Committee at its September 5th meeting. I was a participant at that meeting. The agreement has been put in its proper form by the City of Tacoma legal staff and has also been reviewed by Wayne Tanaka, our legal counsel.

State law mandates the reaching of an agreement by October 1st. If the appropriate number of Pierce County jurisdictions approve this Interlocal Agreement, it will meet the requirements of the statute.

I recommend your approval of this resolution adopting the Interlocal Agreement establishing the process for the development of the county-wide planning policy to comply with Reengrossed Substitute House Bill 1025.