

# **Gig Harbor City Council Meeting**

**August 9, 2004  
7:00 p.m.**



*"THE MARITIME CITY"*

**AGENDA FOR  
GIG HARBOR CITY COUNCIL MEETING  
August 9, 2004 - 7:00 p.m.**

**CALL TO ORDER:**

**PLEDGE OF ALLEGIANCE:**

**PUBLIC HEARING:** Moratorium on Development within the Height Restriction Area.

**CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of July 26, 2004.
2. Correspondence: a) Letter from Mayor Bill Barsma, City of Tacoma  
b) Harbor Heights Playscape Report c) Letter from Mayor Wiltse, Normandy Park  
d) Letter from Sara Curnow, Kitsap Regional Coordinating Council e) Letter from Stan Finkelstein, AWC
3. Request for Street Name – Harbor Hill Drive.
4. Olympic Drive / 56<sup>th</sup> Street Improvement Project – Right of Way Acquisition.
5. Change Order No. 1 – Well No. 6 Sand Repack Project.
6. Approval of Payment of Bills for August 9, 2004:  
Checks #44708 through #44827 in the amount of \$327,106.94.
7. Approval of Payroll for the month of July:  
Checks #3321 through #3377 and direct deposits in the amount of \$280,759.29.

**OLD BUSINESS:**

1. Continuation of Moratorium on Development within the Height Restriction Area.
2. Harbor Cove Settlement Agreement.

**NEW BUSINESS:**

1. First Reading of Ordinance – Amending the Design Manual.
2. First Reading of Ordinance – Amending Chapters in Title 17 to Ensure Consistency with the Design Manual.

**STAFF REPORT:**

GHPD – July Stats.

**PUBLIC COMMENT:**

**COUNCIL COMMENTS / MAYOR'S REPORT:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**EXECUTIVE SESSION:** For the purpose of discussing property acquisition per RCW 42.30.110(1)(b).

**ADJOURN:**

## GIG HARBOR CITY COUNCIL MEETING OF JULY 26, 2004

**PRESENT:** Councilmembers Ekberg, Young, Franich, Conan, Dick, Picinich, Ruffo and Mayor Wilbert.

**CALL TO ORDER:** 7:02 p.m.

### **PLEDGE OF ALLEGIANCE:**

**PUBLIC HEARINGS:** Vacation of Harbor Street. The Mayor announced that this public hearing and agenda item had been postponed. John Vodopich, Community Development Director, explained that this was due to inadequate posting.

### **CONSENT AGENDA:**

*These consent agenda items are considered routine and may be adopted with one motion as per Gig Harbor Ordinance No. 799.*

1. Approval of the Minutes of City Council Meeting of July 12, 2004 and Building Size Worksession 7/6/04.
2. Correspondence: a) Letter from Master Builders Association. b) Safe Streets – National Night Out.
3. State of Washington Dept. of General Administration – Surplus Property Agreement.
4. Approval of Payment of Bills for July 26, 2004:  
Checks #44585 through #44707 in the amount of \$232,275.44.

**MOTION:** Move to approve the consent agenda as presented.  
Ekberg / Ruffo – unanimously approved.

### **OLD BUSINESS:**

1. Second Reading of Ordinance – Adopting Findings and Facts for the Continuation of a Moratorium on Water Hook-ups. John Vodopich, Director of Community Development, presented this ordinance that continues the moratorium on issuance of development permits that requires city water hook-ups for a period of six months. He said that he had requested an update from the Department of Ecology, but has heard nothing to date.

**MOTION:** Move to adopt Ordinance No. 966 as presented.  
Ruffo / Picinich – unanimously approved.

### **NEW BUSINESS:**

1. First Reading of Ordinance – Harbor Street Vacation – Hunter. (Postponed)
2. First Reading of Ordinance – Amending Setback Standards in the PCD-BP District. Steve Osguthorpe, Planning / Building Manager, described the PCD zone in the Gig Harbor North area. He explained that as a result of this planned community, there are

zones abutting other zones that normally do not occur in other areas of the city. He discussed the setback requirements for parcels that abut residential zones.

Mr. Osguthorpe explained that Dale Pinney, First Western Development, had proposed a text amendment to amend the setbacks in the PCD-BP zone. This proposal was forwarded to the Planning Commission for review, and the ordinance before Council tonight is a result of that review. The proposed ordinance would create two categories of land uses in the PCD-BP District. Category One uses would be the more intense, manufacturing uses. The less-intense uses, such as professional offices, would be designated Category Two. This purpose of the two categories is to create different setbacks that are appropriate for the use adjacent to the residential area. He gave a detail of the setback requirements for each category, and how the Planning Commission arrived at the recommendations.

Councilmember Ekberg asked for clarification for the setbacks within the PCD zones when not abutting a residential zone. Mr. Osguthorpe explained that the greater setbacks would only apply when abutting a residential zone.

Councilmember Franich asked for a copy of the map referenced in the Planning Commission minutes to help identify the affected sites. He voiced concern that thirty or forty feet of buffering may not be sufficient, adding that an intense buffer may act as a transition zone for residential. He commented that Gig Harbor North is identified as a planned community, but the only thing that can be planned on is the continued change. He further stated that this area has not yet had a chance to develop its residential character. He said that map would help to identify how many residential parcels would be affected.

Mr. Osguthorpe responded that the current code requires a thirty feet buffer, with a dense vegetative screening, when commercial abuts residential areas. The proposed forty foot buffer would be an increase in that buffering requirement. He explained that this increase was in response to the inadequate buffering identified at the Burnham Mini-Storage facility.

Councilmember Dick asked for clarification on the definition of dense vegetation, and whether this definition would occur in the zoning code or in the design manual. Mr. Osguthorpe explained that current code requires a fifty foot buffer, which is proposed to be lowered to forty feet in anticipation of the definition of dense vegetation to be included in the design manual update. If this definition is not adopted, similar language could be inserted in the zoning code, or the fifty feet buffering requirement could be retained.

Councilmember Ruffo asked if the purpose of the buffer is to visually block, to acoustically protect, or to be a combination of both. Mr. Osguthorpe explained that vegetation gives little noise protection, but is primarily for visual screening. In the PCD-BP, the 150 foot buffer is designed to protect the residential development from the impact of the more intense use.

Councilmember Dick asked why buffering would be a design element rather than a zoning issue. Mr. Osguthorpe said that the intent is not to remove this from the zoning code. He said that he mentioned the definition inclusion in the design manual to reference the forty-foot buffer. This would allow three rows of staggered trees which would provide better visual screening. In addition, the transition zone standards also apply to this situation. Under the current design standards, if your property abuts a residential development, you have two options; to provide significant buffering, or to meet the average building footprint and height size.

Dale Pinney – First Western Development. Mr. Pinney gave a history of how the recommendation came about to change the setback requirements in the Gig Harbor North area. He said that the building setbacks would not supersede any other buffering requirements, stressing that the setbacks in the BP zone are greater than any others in the city. He used illustrations to show how the current setbacks would affect development at the parcel adjacent to Albertson's. He said that they had presented the Planning Commission with proposed and existing scenarios for every parcel affected. Mr. Pinney discussed the small sizes of the remaining BP parcels, and then finalized his presentation by voicing support of the proposed ordinance.

Councilmember Franich agreed that the 150 foot buffering requirement on the small parcel next to Albertsons may be excessive, but added that there is a larger parcel of BP abutting residential on the other side of Borgen Boulevard where it may be more appropriate. Mr. Pinney noted that the other remaining BP parcels are sandwiched between the power lines and the freeway, where the hospital will be located, and below the commercial area separated from the low-density zones by the Donkey Creek wetland area. The sites that would impact the residential developments are the ones that he discussed north of Borgen Boulevard.

Councilmember Ekberg asked for clarification on whether the 150 foot setback could contain other uses, such as a parking lot. Mr. Pinney responded yes. Councilmember Ekberg then pointed out that the existing code only requires a 30' buffer from other such uses, and in fact, the proposed change would increase the buffer from an existing 30' to 40' creating a larger, vegetative area.

This will return for a second reading at the August 23<sup>rd</sup> meeting.

3. Skansie Avenue Pedestrian Improvement Project Testing Services Contract. John Vodopich presented information on the consultant services contract with Krazan and Associates for geotechnical testing associated with the Skansie Avenue Pedestrian Improvement Project.

**MOTION:** Move to authorize the execution of the Consultant Services Contract with Krazan and Associates, Inc. for materials testing services for the Skansie Avenue Pedestrian Improvement Project in

the amount not to exceed four thousand two hundred ninety-five dollars and zero cents (\$4,295.00).

Ruffo – Ekberg – unanimously approved.

4. Harbor Cove Settlement Agreement. John Vodopich presented this proposed settlement agreement for the Harbor Cove mitigated determination of non-significance.

Mayor Wilbert pointed out that page two of the agreement was missing in the packet. John recommended that this be tabled until the complete agreement could be reviewed.

Jack Bujacich – 3607 Ross Avenue. Mr. Bujacich said that he didn't realize that the subject of this settlement agreement was the Eddon Boat property. He asked to have a copy of the agreement because he owns property in that area, adding that a notice should have gone to all the property owners within 300 feet to let them know the terms of the settlement.

Carol Morris, City Attorney, explained that the reason that the neighbors were not notified is because the agreement would settle the appeal of the MDNS issued on the project. Part of the agreement is that a revised MDNS would issue and would provide for an additional appeal to the neighbors. There would be notice of the MDNS just like any other. She added that there is no procedure to notify people of a settlement agreement, because it specifically provides that the same notice to the neighbors would occur as would have been required in the original action.

**MOTION:** Move to table the Harbor Cove Settlement Agreement until the next meeting.  
Franich / Ruffo – unanimously approved.

**STAFF REPORTS:**

1. David Rodenbach, Finance Director - Quarterly Finance Report. Mr. Rodenbach gave a brief report, explaining that the funds are right on target. He said that water is doing well, and sewer is ahead of the anticipated amount. He explained that the city's is slowly moving more money out of the investment pool.

2. John Vodopich, Community Development Director – Update on Building Size Analysis. Mr. Vodopich explained that the proposed survey being passed out to Council was developed by Rob White, Senior Planner, to determine the preference for various types and sizes of buildings located throughout the community. He introduced Rob White, who then gave an overview of the survey.

Mr. White used the design for Pump Station 3-A to illustrate the computer aided program that allows you to visually move around a site. He said that when the results of the survey are gathered, he can develop a similar model for each neighborhood.

After the presentation, Mr. Vodopich asked the Councilmembers if they would be interested in mailing this survey, at a cost of approximately \$10 each, to select

individuals, or to have an open workshop to invite the public in to complete the survey. He asked Council to keep in mind that this was not a budgeted objective for 2004.

Councilmember Ekberg asked if this could be sent electronically. Mr. White explained that it is quite a large file.

Councilmember Franich congratulated staff for moving forward with such a promising effort. He said that he did not mind spending money on such an important issue. He said that he would like to talk to the other Councilmembers about their thoughts on the format before making a decision.

Councilmember Ruffo agreed, and said that the moving picture really is a helpful tool to identify the issues that have been discussed. He said that the people who have been attending the meetings are the ones who are most interested. He then agreed that he would like to get input from the other Councilmembers before making a decision on how the survey should be distributed.

The Mayor suggested that a notice be sent to each of the neighborhoods, including the business owners, asking them to come to the Civic Center to pick up a copy of the survey for completion.

Councilmember Dick praised the use of the computer program as a visual aid, and encouraged the use of the website and e-mail to make the information more available and to save production costs.

Councilmembers were asked to complete their survey to turn back in to Mr. White by the end of the week to show the results before it is sent to the public.

**PUBLIC COMMENT:**

**COUNCIL COMMENTS / MAYOR'S REPORT:**

Councilmember Ekberg commented on the successful concert held in the Wilkinson Park on Sunday. He said that the venue and setup worked well.

Mayor Wilbert commented on the Safe Street Night Out program. She suggested that participation in this event may be a good project for the future Community Service Officer. She then talked about the summary itinerary for the Japanese Students coming on Wednesday. Mayor Wilbert thanked Councilmember Franich for acting as Mayor Pro Tem in her absence.

**ANNOUNCEMENT OF OTHER MEETINGS:** None.

**EXECUTIVE SESSION:** For the purpose of discussing potential litigation per RCW 42.30.110(1)(i) and property acquisition per RCW 42.30.110(1)(b).

**MOTION:** Move to adjourn to Executive Session at 8:10 p.m. for approximately five minutes for the purpose of discussing potential litigation and property acquisition.  
Ruffo / Franich - unanimously approved.

**MOTION:** Move to return to regular session at 8:12 p.m.  
Picinich / Ruffo – unanimously approved.

**MOTION:** Move to return to Executive Session for an additional five minutes.  
Picinich / Ruffo – unanimously approved.

**MOTION:** Move to return to regular session at 8:16.  
Dick / Ruffo – unanimously approved.

**MOTION:** Move to adjourn at 8:16 p.m.  
Franich / Conan – unanimously approved.

CD recorder utilized:  
Disc #1 Tracks 1 – 15.

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Gretchen A. Wilbert, Mayor

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Molly Towslee, City Clerk





FYI/MS

## City of Tacoma

Mayor Bill Baarsma

July 27, 2004

The Honorable John Ladenburg  
Pierce County Executive  
930 Tacoma Avenue South #737  
Tacoma, WA 98402

The Honorable Harold Moss  
Chair, Pierce County Council  
930 Tacoma Avenue South #737  
Tacoma, WA 98402

   
Dear Executive Ladenburg and Council Chair Moss:

In December, 2002 the City of Tacoma transmitted to you proposed text and map amendments to the Pierce County Comprehensive Plan and the Gig Harbor Peninsula Community Plan related to Tacoma Narrows Airport. These were submitted for your consideration in the 2003 Plan review cycle. Revised amendments were submitted September, 2003 after some additional attempts to negotiate differences between City and County staff.

After extensive deliberation and the formation of the Tacoma Narrows Airport Advisory Commission (TNAAC) by the Pierce County Council in late 2003, the City amendments were forwarded to the TNAAC for their review and recommendation during early 2004.

Last month, following their public hearing on draft recommendations, the TNAAC issued a package of recommended Plan amendments that balanced the respective interests of the City of Tacoma and the Gig Harbor Peninsula residents living near the Airport. These recommendations will now be forwarded to the Pierce County Planning Commission and from there to the Pierce County Council for final adoption. The City of Tacoma supports the amendments recommended by TNAAC. County staff has asked the City to withdraw its original amendment proposal to avoid confusion during public review. The City is willing to do so, with the understanding that the City's original request will be replaced with the TNAAC recommendation as part of the current round of comprehensive plan amendment requests.

COPY

Pierce County Executive Ladenburg  
Council Chair Moss  
July 27, 2004  
Page Two

In addition, on June 8, 2004, the TNAAC met to review and has recommended adoption of certain amendments to the Pierce County Comprehensive Plan text and various development regulations necessary to implement the TNAAC recommendations on the community Plan. The City of Tacoma also supports those amendments and asks the County Council to adopt those in conjunction with the recommended community plan amendments.

The TNAAC is to be complimented on its hard work and use of the interest-based negotiation process to achieve Plan amendment recommendations that could meet both residents' and the Airport's needs. Additionally, we compliment Councilmember Terry Lee for his support of the TNAAC. Because of this hard work and the resulting balanced proposal, the City of Tacoma now withdraws its original Plan amendments. Instead, the City urges your adoption of the TNAAC recommended Plan amendments and joins TNAAC in proposing them.

On behalf of my fellow City Council Members, I want you to know that we look forward to working with you, the Pierce County Planning Commission and the Pierce County Council to move this package forward for adoption. We would be happy to answer any questions you have about these recommendations. Please contact Leslie Rowen, (253) 591-5175, if you have any questions about Tacoma Narrows Airport related issues. Thank you in advance for your support of these Plan amendments.

Sincerely,



Bill Baarsma  
Mayor

cc: Pierce County Councilmembers  
TNAAC Members  
Catherine Mitchell, Assistant General Services Director, City of Tacoma  
Deena Turmo, Airport Manager, City of Tacoma  
Chuck Kleeberg, Director, Pierce County Planning and Land Services Department  
Chip Vincent, Planning Manager, Pierce County Planning and Land Services Department  
Mike Kruger, Senior Planner, Pierce County Planning and Land Services Department

**Towslee, Molly****From:** Terlenmca@aol.com**Sent:** Sunday, August 01, 2004 1:47 PM

**To:** dicko@penlight.org; realestate@barelli.org; JGHARBOR@aol.com; JudyZip@aol.com; Wilbert, Gretchen; bwagers@harbornet.com; rtossey@hotmail.com; jr-tiffany@att.net; russell@canterwood.com; srlloyd@harbornet.com; Pstefanic@aol.com; rrs@centurytel.net; rsandoval@columbiabank.com; DonRenn@aol.com; petephilley@hotmail.com; JamesPanks@cs.com; joemm@centurytel.net; artzylady@centurytel.net; moorerv@centurytel.net; bmcmonnies@juno.com; Terlenmca@aol.com; vanbonmanning@comcast.net; Jmac9616@aol.com; jarrett03@earthlink.com; rickandmarilyn@centurytel.net; hhawley@harbornet.com; Gazabat@aol.com; Bogair@aol.com; russf@centurytel.net; gail@gailferguson.com; eaglewatch@earthlink.com; jaeaston@earthlink.net; harrybooks@harbornet.com; cwcrawford253@earthlink.net; ruth.cheney@worldnet.att.net; CDEEDEEGAL@aol.com; harborarch@comcast.net; bbugbee@centurytel.net; dbassett@worldnet.att.net; Boguebaker@aol.com; jacnjean@centurytel.net; BillACPA@aol.com; pastoral@ghumc.org; PAlve15508@aol.com; katbob62@comcast.net; mamasama@harbornet.com; Ffanch@aol.com; qponman@msn.com; rabishop@sprintmail.com; smccubbins@integrity.com; simonsens@centurytel.net; FBurne@aol.com; lorett5@juno.com; carolynmorris@windermere.com; mkoedinger@hotmail.com; Egrannymac@aol.com; ccgorman@yahoo.com; Grace7429@aol.com; glorybeau@aol.com; patriciawendt@msn.com; mrbill1@gigharbor.com; mseiwera@juno.com; valleyhome@centurytel.net; carenhalvorsen@hotmail.com; matthalvorsen@hotmail.com; marysapp@centurytel.net; Rkarenmcc@aol.com; lindableifuss@earthlink.net; finallyretired@centurytel.net; vickicnz@earthlink.net; Treborps@aol.com; EWoutWest@aol.com; harborair@msn.com; ghkpfvpp@msn.com; sandoozle@att.net

**Cc:** Hoppen, Mark; Towslee, Molly**Subject:** Harbor Heights Playscape Report

We installed the Playscape equipment at Harbor Heights Elementary on Saturday. From the email notices to all of you and our Lions Club meeting programs 14 people responded and came to work on the project. By the end of the day our installation work was done! There is concrete work, grading and bark spreading yet to be done this week by contracting crews. This Playscape will provide great playground experiences for the kids and we are proud of our part in it! The MOMS who are leaders of this effort thanked us profusely for coming and working. Our group of 14 was equal (by my biased count) to the rest of the workers on hand! below is a list of those in our group who worked Saturday:

Jac Baker, John Barelli (with wife Dorothy and son Jason), Dave Bassett, Linda Bleifuss, Bruce Bugbee, Jim MacDonald, Len McAdams, Don Moore, Jim Panks, Bill Panttaja, Shelly Ryan, and Rick Waller.

Thanks for joining in! We had fun and we share in the gratification of what we did for the kids who are our FUTURE!

This shows what we can do in our mutual VOLUNTEER efforts with the Lions Club and the Bogue Volunteer Center working together!

*Len McAdams*



# City of Normandy Park

801 SW 174th Street, Normandy Park, Washington 98166-3679

Telephone (206)248-7603 Facsimile(206)439-8674

Police Department Telephone (206)248-7600 Facsimile(206)246-9732

www.ci.normandy-park.wa.us

## City Council

### Mayor

John Wiltse

### Mayor Pro-Tempore

Shawn McEvoy

### Council Members

Stuart Creighton

John Rankin

Charlie Harris

George Hadley

Bill Enersen

### City Manager

Merlin G. MacReynold

### Director of Public Safety

Rick Kieffer

### Assistant City Manager

Kevin A. Fuhrer

### Public Works Ops Manager

Karl Franta

### Planning Manager

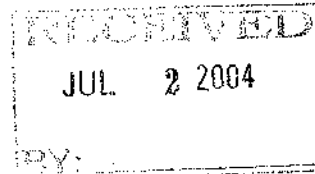
Stephen Bennett

### Recreational Coordinator

Karen McAllister-Wagner

July 28, 2004

Mayor Gretchen Wilbert  
3510 Grandview St  
Gig Harbor, WA. 98335



Dear Mayor Wilbert:

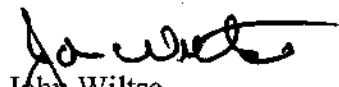
Decreasing revenues, increasing costs of providing essential services, citizen initiatives and ever changing legislative priorities. These are just some of the issues our small cities are facing everyday and individually it seems like there is not much we can do.

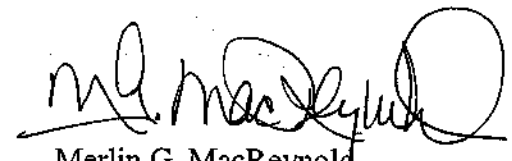
With the myriad of issues small cities face, we believe that unified cooperation, information sharing, and coordination may help us find solutions. Recently, some of our police chiefs and departments have provided a model of this type of cooperation with the success of the Coalition of Small Police Agencies,

The Normandy Park City Council and Administration is interested in pursuing the idea of small cities, under 10,000 population within King and Pierce Counties, working together to find solutions to the issues we jointly face. To explore whether or not there is interest in such a concept, we are inviting you to a Small Cities Workshop to be held on Saturday, September 18, 2004 at the Tukwila Community Center, 12424 42<sup>nd</sup> Ave South. The workshop will be held from 10 am to 2 pm with lunch hosted by Normandy Park. Paul Koch will be our facilitator for this initial meeting.

If you are interested, but would like more information, please contact either one of us at (206) 979-9762 or (206) 248-7603 respectively. Please R.S.V.P. to Stephanie Tonellato at (206) 248-7603 by September 3, 2004 if you plan to attend. An agenda and directions to the Community Center will be sent to attending cities in early September.

Sincerely,

  
John Wiltse  
Mayor of Normandy Park

  
Merlin G. MacReynold  
City Manager





# Kitsap Regional Coordinating Council

KRCC Chair  
Councilor Carol Arends  
City of Bremerton

KRCC Vice-Chair  
Commissioner Patty Lent  
Kitsap County

Commissioner Jan Angel  
Commissioner Chris Endresen  
Kitsap County

Mayor Cary Bozeman  
Councilor Mike Short  
Councilor Diane Robinson \*  
City of Bremerton

Mayor Darlene Kordonowy  
Councilor Christine Rolfes  
Councilor Bill Knobloch \*  
of Bainbridge Island

Mayor Kim Abel  
Councilor Carolyn Powers \*  
City of Port Orchard

Mayor Donna Jean Bruce  
Councilor Dale Rudolph \*  
City of Poulsbo

Councilor Roger Contraro  
Rob Purser\*  
Suquamish Tribe

Council Chair Ron Charles  
Phil Dorn \*  
Port Gamble S'Klallam Tribe

Mary McClure  
Executive Director

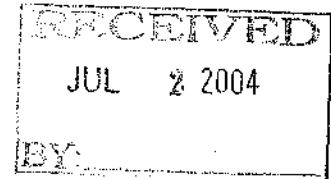
\*voting alternates

25406 S. Kingston Road  
Kingston, WA 98346  
360-377-4900 (voice)  
360-297-7762 (fax)  
email: [krcc@centurytel.net](mailto:krcc@centurytel.net)

July 28, 2004

To: Community Stakeholders

From: Sara Curnow, Project Coordinator  
Kitsap Regional Coordinating Council



Earlier this year, I developed a list of Community Groups and Stakeholders that included 100± groups provided by the KRCC member jurisdictions. We used the list to invite you to the series of Stakeholder Workshops that KRCC help concerning revisions to the Countywide Planning Policies.

In early July, we advertised a July 27 Public Hearing in The Sun (July 12) and The Kitsap Newspaper Group (July 17), and on the KRCC website. However, testimony at that July 27 Public Hearing alerted us that it would have been more effective to contact you directly. So, we are now exploring the idea of e-mailing stakeholders directly as well as advertising any future public events.

For this to be cost-efficient, the list needs to be e-mail. For it to be fair and effective, we would need to keep up to date, with the e-mail contact of the person/position in your organization who will insure that information gets passed on to interested parties e.g. the President, Chair, or Communication Officer.

In order to gauge interest and determine feasibility, we need to hear from you **before September 1:**

If you want your organization on this mailing list, send an e-mail as follows:

To: [krcc@centurytel.net](mailto:krcc@centurytel.net)

Subject line: Community Stakeholders

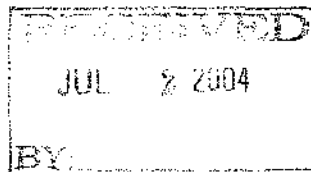
Name of person to receive notice with an e-mail address.

Thank you!

Cc: KRCC Planning Directors Group  
KRCC Board




1076 Franklin St. SE  
Olympia, WA 98501-1346  
Phone: 360-753-4137  
Toll Free: 1-800-562-8981  
Fax: 360-753-0149  
Website: www.awcnet.org



July 27, 2004

Gretchen Wilbert  
City of Gig Harbor  
3510 Grandview St  
Gig Harbor, WA 98335

Dear  Mayor Wilbert:

On behalf of the Association of Washington Cities Board of Directors I want to thank you for your support and assistance this year. Your commitment to this partnership of Washington cities and towns enables AWC to be an effective voice before the legislature and allows for us to provide you with quality training programs and other valuable member services.

You are well aware of the challenges facing our cities and towns each and every day. Whether it is the threat of I-864, finding common ground related to the proposed streamlined sales tax, or working to address critical transportation funding needs, AWC is committed to working with you to effectively meet these and other critical challenges.

As we look forward to 2005, we hope you will again join with city officials across the state and participate in your Association. Your commitment to the Association of Washington Cities will help us to continue to work hard to address the difficult issues faced by cities throughout the state. We are dedicated to providing outstanding services to the City of Gig Harbor.

To assist you with your budgeting process, we have calculated your 2005 AWC service fee. Your fee is estimated to be **\$3,445.53**, based upon the Office of Financial Management's most recent population figure of **6,680**.

**This is simply a notice of your 2005 service fee; we will send you an invoice in December.**

Thank you again for your support and participation. Please feel free to contact Mike McCarty or me at (360) 753-4137 or toll-free (800) 562-8981, if you have any questions regarding this notice or AWC services.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan".

Stan Finkelstein  
AWC Executive Director

Cc: David Rodenbach, Finance Director



COMMUNITY DEVELOPMENT DEPARTMENT

**TO:** MAYOR WILBERT AND CITY COUNCIL  
**FROM:** JOHN P. VODOPICH, AICP  
**SUBJECT:** COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** REQUEST FOR NEW STREET NAME- HARBOR HILL DRIVE  
AUGUST 9, 2004

**INFORMATION/BACKGROUND**

The city has received a request from Jon Rose, President of Olympic Property Group for the naming of a public street in the Harbor Hill Development between Borgen Boulevard and Burnham Drive in the Gig Harbor North area. Mr. Rose has requested that the new street be named "Harbor Hill Drive" as a result of their development. Notification of the proposed street name has been sent to city, county and public agencies for comments. Included are copies of the letter of request, request for comment and a location map. No comments have been received to date.

**POLICY**

The new street is not located in the "Historical Name Area."

The city recognizes the need to use more significant historic names, but feels those names should be reserved for streets that are more prominent.

**FISCAL IMPACTS**

None

**RECOMMENDATION**

Staff recommends approval of the street name as requested by Mr. Rose.

pd rpt - 027606  
#50.00



RECEIVED  
CITY OF GIG HARBOR  
JUL 02 2004  
COMMUNITY  
DEVELOPMENT

July 2, 2004

Patty McGallian, Community Development Assistant  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA 98335

SUBJECT: REQUEST FOR STREET NAME APPROVAL

Dear Patty:

This letter is to request the approval of the name of a primary street in the Harbor Hill Development in North Gig Harbor. Specifically, we request that the name of the road that is represented on the preliminary plat application currently under review by the city known as, "Business Park at Harbor Hill" be named "Harbor Hill Drive."

Olympic Property Group has been working for many years on this project, and we chose a project name that we feel is distinctive yet fits within the community. There are two road corridors that will serve to access the site: the existing Borgen Boulevard, and what's now identified as the North-South Road in the city's Transportation Improvement Plan. We feel the name "Harbor Hill Drive" provides a direct connection to the location of our neighborhood.

We respectfully request that this proposal be scheduled for the next available City Council review opportunity. If you have any questions or need additional information, please contact me. Thank you.

Sincerely,

  
Jon Rose  
President  
Olympic Property Group

Cc: Pete Gonzales, David Evans & Assoc.  
Scott Edwards, J. Scott Homes

Attachments/Enclosures:

Sheet 1 of 3 - Prelim. Plat of Business Park at Harbor Hill  
\$50 Fee.



— Olympic Property Group —  
19245 Tenth Avenue Northeast, Poulsbo, WA 98370-7456  
(360) 697-6626 • Seattle: (206) 292-0517 • Fax: (360) 697-1156





**FROM: CITY OF GIG HARBOR BUILDING OFFICIAL/FIRE MARSHAL**

**REQUEST FOR COMMENTS**

**ADDRESS/STREET NAME ADDITIONS OR CHANGES**

---

Owner/Project Name.....Business Park at Harbor Hill

Present Address/Street Name..... None

New Address/Street Name...Harbor Hill Drive

Please see attached materials.

---

Copy of memo sent to:

Date: July 13, 2004

- Planning/Building.....City Hall
- Gig Harbor Police.....City Hall
- Public Works.....City Hall
- Water & Sewer.....City Hall
- Pierce Co. Assessor.....2401 S. 35<sup>th</sup> St. Tacoma 98409
- Fire Prevention.....6711 Kimball Drive, Gig Harbor
- Post Office.....Gig Harbor
- Peninsula Light.....PO Box 78
- 911 Emergency Staff.....8102 Skansie Ave, Gig Harbor
- Cable TV Puget Sound.....2316 S. State St. Tacoma 98405
- 911 C0. Office.....Rm B-33 Co/City Bldg., 930 Tacoma Ave.
- Puget Sound Energy.....PO Box 11066, Tacoma 98411

This is **REQUEST FOR COMMENTS ONLY**- If you have any questions, please contact Patty McGallian, Building Assistant, City of Gig Harbor- 253-851-6170. 3510 Grandview St., Gig Harbor WA 98335.





"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: OLYMPIC DRIVE / 56<sup>TH</sup> STREET IMPROVEMENT PROJECT**  
**RIGHT-OF-WAY ACQUISITION SERVICES**  
**CONSULTANT SERVICES CONTRACT**  
**DATE: AUGUST 9, 2004**

**INTRODUCTION/BACKGROUND**

A Street Operating budget objective for 2004 called for the acquisition of additional right-of-way necessary for the Olympic Drive and 56<sup>th</sup> Street project. Professional consultant services are required to assist city staff in negotiating and procuring permanent and temporary right-of-way easements from approximately 24 individual property owners for the Olympic Drive /56<sup>th</sup> Street roadway widening and improvement project.

The city placed a Request For Engineering Services advertisement in the Peninsula Gateway for such services. In response to the advertisement, the city received submittals from three engineering consultants. HDR Engineering, Inc. was determined as the most qualified consultant to perform the work.

**FISCAL CONSIDERATIONS**

This work was anticipated in the adopted 2004 Budget, identified under the Street Operating Fund, objective 1, and is within the allocated budgeted amount of \$100,000.00.

**RECOMMENDATION**

I recommend that the Council authorize the execution of the consultant services contract for right-of-way acquisition services between the City of Gig Harbor and HDR Engineering, Inc. in an amount not to exceed ninety-seven thousand four hundred fifty dollars and fifty-two cents (\$97,450.52).

**CONSULTANT SERVICES CONTRACT  
BETWEEN THE CITY OF GIG HARBOR AND  
HDR ENGINEERING, INC.**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and HDR Engineering, Inc., a corporation organized under the laws of the State of Washington, located and doing business at 2401 Bristol Court SW, Suite B-18, Olympia, Washington 98502 (hereinafter the "Consultant").

**RECITALS**

WHEREAS, the City is presently engaged in the right-of-way acquisition for the Olympic Drive/56th Street Project and desires that the Consultant perform services necessary to provide the following consultation services.

WHEREAS, the Consultant agrees to perform the services more specifically described in the Scope of Work, dated July 29, 2004 including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as **Exhibit A – Scope of Work and Cost**, and are incorporated by this reference as if fully set forth herein.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed by and between the parties as follows:

**TERMS**

**I. Description of Work**

The Consultant shall perform all work as described in **Exhibit A**.

**II. Payment**

A. The City shall pay the Consultant an amount based on time and materials, not to exceed Ninety-seven thousand four hundred fifty dollars and fifty-two cents (\$97,450.52) for the services described in Section I herein. This is the maximum amount to be paid under this Agreement for the work described in **Exhibit A**, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed supplemental agreement. PROVIDED, HOWEVER, the City reserves the right to direct the Consultant's compensated services under the time frame set forth in Section IV herein before reaching the maximum amount. The Consultant's staff and billing rates shall be as described in **Exhibit B** The Consultant shall not bill for Consultant's staff not identified or listed in **Exhibit B** or bill at rates in excess of the hourly rates shown in **Exhibit B**; unless the parties agree to a modification of this Contract, pursuant to Section XVIII herein.

B. The Consultant shall submit monthly invoices to the City after such services have been performed, and a final bill upon completion of all the services described in this Agreement. The City shall pay the full amount of an invoice within forty-five (45) days of receipt. If the City objects to all or any portion of any invoice, it shall so notify the Consultant of the same within fifteen (15) days from the date of receipt and shall pay that portion of the invoice not in dispute, and the parties shall immediately make every effort to settle the disputed portion.

### III. Relationship of Parties

The parties intend that an independent contractor-client relationship will be created by this Agreement. As the Consultant is customarily engaged in an independently established trade which encompasses the specific service provided to the City hereunder, no agent, employee, representative or sub-consultant of the Consultant shall be or shall be deemed to be the employee, agent, representative or sub-consultant of the City. In the performance of the work, the Consultant is an independent contractor with the ability to control and direct the performance and details of the work, the City being interested only in the results obtained under this Agreement. None of the benefits provided by the City to its employees, including, but not limited to, compensation, insurance, and unemployment insurance are available from the City to the employees, agents, representatives, or sub-consultants of the Consultant. The Consultant will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives and sub-consultants during the performance of this Agreement. The City may, during the term of this Agreement, engage other independent contractors to perform the same or similar work that the Consultant performs hereunder.

### IV. Duration of Work

The City and the Consultant agree that work will begin on the tasks described in **Exhibit A** immediately upon execution of this Agreement. The parties agree that the work described in **Exhibit A** shall be completed by April 30, 2005; provided however, that additional time shall be granted by the City for excusable days or extra work.

### V. Termination

A. Termination of Agreement. The City may terminate this Agreement, for public convenience, the Consultant's default, the Consultant's insolvency or bankruptcy, or the Consultant's assignment for the benefit of creditors, at any time prior to completion of the work described in **Exhibit A**. If delivered to consultant in person, termination shall be effective immediately upon the Consultant's receipt of the City's written notice or such date stated in the City's notice, whichever is later.

B. Rights Upon Termination. In the event of termination, the City shall pay for all services satisfactorily performed by the Consultant to the effective date of termination, as described on a final invoice submitted to the City. Said amount shall not exceed the

amount in Section II above. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this Agreement, which records and data may be used by the City without restriction. Upon termination, the City may take over the work and prosecute the same to completion, by contract or otherwise. Except in the situation where the Consultant has been terminated for public convenience, the Consultant shall be liable to the City for any additional costs incurred by the City in the completion of the Scope of Work and Cost referenced as **Exhibit A** and as modified or amended prior to termination. "Additional Costs" shall mean all reasonable costs incurred by the City beyond the maximum contract price specified in Section II(A), above.

## **VI. Discrimination**

In the hiring of employees for the performance of work under this Agreement or any sub-contract hereunder, the Consultant, its subcontractors, or any person acting on behalf of such Consultant or sub-consultant shall not, by reason of race, religion, color, sex, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

## **VII. Indemnification**

The Consultant shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City. The City's inspection or acceptance of any of the Consultant's work when completed shall not be grounds to avoid any of these covenants of indemnification.

Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER. THE CONSULTANT'S WAIVER OF IMMUNITY UNDER THE PROVISIONS OF THIS SECTION DOES NOT INCLUDE, OR EXTEND TO, ANY CLAIMS BY THE CONSULTANT'S EMPLOYEES DIRECTLY AGAINST THE CONSULTANT.

The provisions of this section shall survive the expiration or termination of this Agreement.

### VIII. Insurance

A. The Consultant shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the Consultant's own work including the work of the Consultant's agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):

1. Business auto coverage for any auto no less than a \$1,000,000 each accident limit, and
2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$2,000,000 aggregate. Coverage shall include, but is not limited to, contractual liability, products and completed operations, property damage, and employers liability, and
3. Professional Liability insurance with no less than \$1,000,000. All policies and coverage's shall be on a claims made basis.

C. The Consultant is responsible for the payment of any deductible or self-insured retention that is required by any of the Consultant's insurance. If the City is required to contribute to the deductible under any of the Consultant's insurance policies, the Contractor shall reimburse the City the full amount of the deductible within 10 working days of the City's deductible payment.

D. The City of Gig Harbor shall be named as an additional insured on the Consultant's commercial general liability policy. This additional insured endorsement shall be included with evidence of insurance in the form of a Certificate of Insurance for coverage necessary in Section B. The City reserves the right to receive a certified and complete copy of all of the Consultant's insurance policies.

E. Under this agreement, the Consultant's insurance shall be considered primary in the event of a loss, damage or suit. The City's own comprehensive general liability policy will be considered excess coverage with respect to defense and indemnity of the City only and no other party. Additionally, the Consultant's commercial general liability policy must provide cross-liability coverage as could be achieved under a standard ISO separation of insured's clause.

F. The Consultant shall request from his insurer a modification of the ACORD certificate to include language that prior written notification will be given to the City of Gig

Harbor at least 30-days in advance of any cancellation, suspension or material change in the Consultant's coverage.

### **IX. Exchange of Information**

The City warrants the accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Agreement. The parties agree that the Consultant will notify the City of any inaccuracies in the information provided by the City as may be discovered in the process of performing the work, and that the City is entitled to rely upon any information supplied by the Consultant which results as a product of this Agreement.

### **X. Ownership and Use of Records and Documents**

Original documents, drawings, designs and reports developed under this Agreement shall belong to and become the property of the City. All written information submitted by the City to the Consultant in connection with the services performed by the Consultant under this Agreement will be safeguarded by the Consultant to at least the same extent as the Consultant safeguards like information relating to its own business. If such information is publicly available or is already in consultant's possession or known to it, or is rightfully obtained by the Consultant from third parties, the Consultant shall bear no responsibility for its disclosure, inadvertent or otherwise.

### **XI. City's Right of Inspection**

Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Agreement, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure the satisfactory completion thereof. The Consultant agrees to comply with all federal, state, and municipal laws, rules, and regulations that are now effective or become applicable within the terms of this Agreement to the Consultant's business, equipment, and personnel engaged in operations covered by this Agreement or accruing out of the performance of such operations.

### **XII. Consultant to Maintain Records to Support Independent Contractor Status**

On the effective date of this Agreement (or shortly thereafter), the Consultant shall comply with all federal and state laws applicable to independent contractors including, but not limited to the maintenance of a separate set of books and records that reflect all items of income and expenses of the Consultant's business, pursuant to the Revised Code of Washington (RCW) Section 51.08.195, as required to show that the services performed by the Consultant under this Agreement shall not give rise to an employer-employee relationship between the parties which is subject to RCW Title 51, Industrial Insurance.



### **XIII. Work Performed at the Consultant's Risk**

The Consultant shall take all precautions necessary and shall be responsible for the safety of its employees, agents, and sub-consultants in the performance of the work hereunder and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held by the Consultant for use in connection with the work.

### **XIV. Non-Waiver of Breach**

The failure of the City to insist upon strict performance of any of the covenants and agreements contained herein, or to exercise any option herein conferred in one or more instances shall not be construed to be a waiver or relinquishment of said covenants, agreements, or options, and the same shall be and remain in full force and effect.

### **XV. Resolution of Disputes and Governing Law**

Should any dispute, misunderstanding, or conflict arise as to the terms and conditions contained in this Agreement, the matter shall first be referred to the City Engineer and the City shall determine the term or provision's true intent or meaning. The City Engineer shall also decide all questions which may arise between the parties relative to the actual services provided or to the sufficiency of the performance hereunder.

If any dispute arises between the City and the Consultant under any of the provisions of this Agreement which cannot be resolved by the City Engineer's determination in a reasonable time, or if the Consultant does not agree with the City's decision on the disputed matter, jurisdiction of any resulting litigation shall be filed in Pierce County Superior Court, Pierce County, Washington. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. The non-prevailing party in any action brought to enforce this Agreement shall pay the other parties' expenses and reasonable attorney's fees.

### **XVI. Written Notice**

All communications regarding this Agreement shall be sent to the parties at the addresses listed on the signature page of the agreement, unless notified to the contrary. Unless otherwise specified, any written notice hereunder shall become effective upon the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated below:

CONSULTANT  
David R. Skinner, P.E.  
HDR Engineering, Inc.  
2401 Bristol Court SW, Suite B-18  
Olympia, Washington 98502  
(360) 754-4243

Stephen Misiurak, P.E.  
City Engineer  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, Washington 98335  
(253) 851-6170

### **XVII. Assignment**

Any assignment of this Agreement by the Consultant without the written consent of the City shall be void. If the City shall give its consent to any assignment, this paragraph shall continue in full force and effect and no further assignment shall be made without the City's consent.

### **XVIII. Modification**

No waiver, alteration, or modification of any of the provisions of this Agreement shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

### **XIX. Entire Agreement**

The written provisions and terms of this Agreement, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner whatsoever, this Agreement or the Agreement documents. The entire agreement between the parties with respect to the subject matter hereunder is contained in this Agreement and any Exhibits attached hereto, which may or may not have been executed prior to the execution of this Agreement. All of the above documents are hereby made a part of this Agreement and form the Agreement document as fully as if the same were set forth herein. Should any language in any of the Exhibits to this Agreement conflict with any language contained in this Agreement, then this Agreement shall prevail.

IN WITNESS WHEREOF, the parties have executed this Agreement on this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

By: Laurence A. Kyle  
Its Principal

By: \_\_\_\_\_  
Mayor

Notices to be sent to:  
CONSULTANT  
David R. Skinner, P.E.  
HDR Engineering, Inc.  
2401 Bristol Court SW  
Olympia, Washington 98502  
(360) 754-4243

Stephen Misiurak, P.E.  
City Engineer  
City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, Washington 98335  
(253) 851-6170

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

ATTEST:

\_\_\_\_\_  
City Clerk



STATE OF WASHINGTON        )  
  ) ss.  
COUNTY OF PIERCE         )

I certify that I know or have satisfactory evidence that Gretchen A. Wilbert is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the Mayor of Gig Harbor to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(print or type name)  
NOTARY PUBLIC in and for the  
State of Washington, residing at:

\_\_\_\_\_  
My Commission expires: \_\_\_\_\_



**EXHIBIT A  
SCOPE OF SERVICES**

**Olympic Drive / 56<sup>th</sup> Street Project  
Real Estate Acquisition Assistance**

- Right of Way Acquisition Services

Prepared by:

**HDR Engineering, Inc.**  
2401 Bristol Court SW, Suite B-18  
Olympia, Washington 98502-6061

July 2004

**EXHIBIT A  
SCOPE OF SERVICES**

**Olympic Drive / 56<sup>th</sup> Street Project  
Real Estate Acquisition Services**

**I. INTRODUCTION**

The City of Gig Harbor desires to acquire the real property rights necessary for the construction of the Olympic Drive / 56<sup>th</sup> Street Improvement Project. The City has completed the Design Plans, Specifications, and Estimate for the improvement project and is currently anticipating construction for the summer of 2006 contingent on funding. In anticipation of construction, the City has begun the process to acquire the real property rights for the construction of the improvement by requesting HDR Engineering, Inc. to assist the City in the required acquisitions along Olympic Drive and 56<sup>th</sup> Street.

During the term of this AGREEMENT, HDR Engineering, Inc. (CONSULTANT) shall perform professional services for the City of Gig Harbor (CITY) in connection with the Olympic Drive / 56<sup>th</sup> Street Improvement Project. The work will be accomplished in one phase:

**Phase 1 - Real Property Rights Acquisition**

Phase 1 work is authorized by the signing of this AGREEMENT. Work on subsequent phases may be authorized by supplement to this AGREEMENT, after negotiation of scope and budget.

Phase 1 will provide appraisal and other real estate services necessary for acquisition of right-of-way and other real property rights required for the Project including up to fourteen (14) partial permanent right-of-way easements of real property, sixteen (16) slope easements, two (2) storm drainage easements, and fifteen (15) temporary construction easements. Consultant will provide appraisals to estimate the Fair Market Value of required property rights if dedication is not possible and it is determined that an appraisal is warranted. If necessary, Consultant will recommend amounts to be paid to property owners as Just Compensation for the property rights as well as compensation to property owners and/or tenants for damage and/or curing of damages to remainder properties caused by the Olympic Drive / 56<sup>th</sup> Street Improvement Project.

CONSULTANT's work is expected to start in August 2004, and be completed by January 2005. The CONSULTANT will perform the work tasks listed in Section II for the Olympic Drive / 56<sup>th</sup> Street Improvement Project.

## II. DETAILED SCOPE OF SERVICES

### A. Phase 1 – Real Property Rights Acquisition Services

#### Task 1. Project Management and Administration

##### Project Reporting/Project Management

**Assumption:** Estimate assumes project duration of six months.

Administer the project and coordinate with the CITY to facilitate efficient progress and timely completion.

- 1.1. Set-up project management system, including pertinent electronic and hard copy file folders.
- 1.2. Prepare and submit a brief monthly status report outlining the work completed during that month, project status, and an outline of issues to be resolved.
- 1.3. Attend up to 1 monthly meeting with the CITY to discuss project related technical issues. Prepare meeting notes for the monthly meeting documenting status, schedule, and invoicing.
- 1.4. At completion of Phase 1, close out project and deliver property acquisition files to the City. The files will include all original owner signed property rights, owner payment request documents, title reports and supporting documents, record of negotiations and if applicable, IRS W-9 form, real estate tax affidavit, as well as copies of owner correspondence, and appraisal/appraisal review.

#### Task 2. Pre-Acquisition Activities

**Assumption:** The City will provide copies of all title reports and previous written documentation received from, or sent to, project area property owners regarding the subject project, as well as inform Consultant of all conversations and contact numbers available in City records.

- 2.1 Review title reports provided by the City. Analyze liens and encumbrances (such as easements, vesting deeds and other pertinent documents of record) to identify items affecting ownership and other title matters. Assess risk, advise City of issues and formulate plans to resolve them.
- 2.2. Review Right-of-Way (RW) plans for understanding and concurrence; coordinate and consult with design engineers.
- 2.3. Conduct site visits; attend project meetings including team activities, community outreach, and City Council sessions relative to this project.



- 2.4. Conduct preliminary liaisons with the affected property owners or their representatives, and meet with owner/representatives when necessary.
- 2.5. Prepare Offer Letter and sample documents for City review and approval.

### **Task 3. Appraisal (*Independent Subconsultant Lump Sum Fee*)**

**Assumption:** *Budget estimate assumes 2 parcels will require appraisals. If additional parcels are required during the project the subconsultant will provide the information described below and an amendment to the contract amount will be negotiated for the additional scope*

- 3.1 Provide information to and coordinate with Appraisal Subconsultant, Strickland Heischman & Hoss, Inc., facilitate timely resolution of appraisal-related issues.

**Appraisal Subconsultant will:**

*Complete narrative taking and damage appraisals of up to fourteen (14) parcels of partial permanent right of way easements based on comparable sales and the highest and best use approach. Appraisal process will also address value of up to sixteen (16) slope easements, two (2) storm drainage easements, and fifteen (15) temporary construction easements. Consultant will provide appraisals to estimate the Fair Market Value of required property rights if dedication is not possible. If necessary, Consultant will recommend amounts to be paid to property owners as Just Compensation for the property rights as well as compensation to property owners and/or tenants for damage and/or curing of damages to remainder properties caused by the Olympic Drive / 56<sup>th</sup> Street Improvement Project.*

- 3.2 Perform administrative review of appraisals and determine Just Compensation (offer amounts).
- 3.3 Coordinate any required formal Appraisal Review processes.

### **Task 4. Right-of-Way Acquisition**

**Assumption:**

- *If it becomes apparent that negotiations have reached an impasse and sufficient time has passed for the property owner to make a settlement decision, the Consultant will coordinate with the City on negotiation strategy and administrative settlements. The filing of condemnation proceedings shall be the responsibility of the City.*
  - *All fees and expenses associated with Escrow instrument transfer will be the responsibility of the City.*
- 4.1 Present proposed Just Compensation for each acquisition parcel that the owner refuses to dedicate to the City and obtain approved Determination of Value on all appraised parcels.

- 4.2 Prepare offer packages including all property rights transaction forms and documents for partial takings, damages and/or curing of damages, if any, permanent easements and temporary construction easements. Packages will include parcel sketch, legal description and appropriate right-of-way plan sheet (to be provided by City) as well as any other appropriate documents as determined between Consultant and City.
- 4.3 Present dedication requests and/or offers to owners by certified mail and negotiate for acquisition of real property rights. Dedication requests will be made as soon as possible following receipt of all necessary material, such as complete Right of Way plans, legal descriptions, parcel plan sheets and title reports. Each property owner will be requested to sign the City's agreement for dedication document. If owner refuses to dedicate the required property rights, Consultant will determine or obtain an appraisal to determine the value of such property rights. Upon determination of value, Consultant will present offer, negotiate; recommend settlement and/or exercise of Eminent Domain authority. If settlement is reached for compensation, the following forms will be obtained as part of the acquisition process: IRS W-9 form, Real Estate Excise Tax Affidavit, permanent easements, temporary construction easements. Other miscellaneous agreements/documents will be executed if appropriate.
- 4.4 Maintain electronic parcel files such as Records of Negotiation to track contacts with each property owner or their representative and activities pertaining to each parcel.
- 4.5 Coordinate with Escrow Company to close transactions OR record transfer instruments and arrange for any payments to be distributed directly by the City.

#### **Task 5. Condemnation Support (as necessary)**

*Assumptions: No fee has been included for condemnation. If condemnation support is required a separate fee will be negotiated based on the items included in Task 5.*

- 5.1 Provide written recommendation to initiate condemnation should negotiations fail.
- 5.2 Arrange for litigation appraisals as requested.
- 5.3 Assist City legal counsel and litigation appraiser as necessary to reach administrative settlement or prepare for trial.
- 5.4 Testify at possession hearings and/or during trial.

#### **Task 6. Quality Assurance and Quality Control**

- 6.1 Quality control includes senior engineer and real estate agent reviews. The CONSULTANT will conduct an internal quality assurance program prior to the submittal of offer letters, appraisals, and other project deliverables.

#### **IV. DOCUMENTS FURNISHED BY CONSULTANT TO CITY**

The following documents, exhibits or other presentations for the work covered by this AGREEMENT ("Documents") shall be furnished by CONSULTANT to CITY upon completion of the various phases of the work. Whether the Documents are submitted in electronic media or in tangible format, any use of the Documents on another project or on extensions of this project beyond the use for which they were intended, or any modification of the Documents, or conversion of the Documents to an alternate system or format shall be without liability or legal exposure to CONSULTANT; CITY shall assume all risks associated with such use, modifications, or conversions. CONSULTANT may remove from the electronic Documents delivered to CITY all references to CONSULTANT's involvement and will retain a tangible copy of the Documents delivered to CITY which shall govern the interpretation of the Documents and the information recorded. Electronic files are considered working files only—CONSULTANT is not required to maintain electronic files beyond 90 days after project final billing, and makes no warranty as to the viability of electronic files beyond 90 days from date of transmittal.

1. Appraisal Reports (If obtained)
2. Determination of Values. (If obtained)
3. Sample Offer Packet
4. Completed Property Acquisition Files

#### **V. ITEMS AND SERVICES TO BE FURNISHED BY CITY TO CONSULTANT**

CITY will provide the following items and services to CONSULTANT that will facilitate the acquisition of the required real property within the limits of the project. CONSULTANT is entitled to rely on the accuracy and completeness of the data furnished by the City.

1. Title reports of all properties within the project which require acquisition of real property.
2. All previous written documentation received from, or sent to, project area property owners regarding the subject project, as well as, inform Consultant of all conversations and contact numbers available in City records.
3. Electronic copies of all design drawings for the project prepared by the City or the City's design consultant, including right of way plans, legal descriptions and parcel plats.
4. Payment of all related acquisition fees.

Exhibit B

Project Name: City of Gig Harbor -  
 Phase Name: Olympic Drive / 56th Street R/W Acquisition

Prepared by: D. Skinner  
 Date: 7/29/2004  
 Checked by: D. McCracken  
 Date: 7/29/2004

WORK CODE	Task.Subtask	TOTALS HOURS/ DOLLARS	Principle \$176.90	Senior PM \$148.02	Project Engineer \$102.18	Real Estate Agent \$134.93	CADD \$73.20	Word Processor \$67.10	Project Controller \$78.95		
	<b>PHASE 1 - REAL PROPERTY RIGHTS ACQUISITION - (6 months)</b>										
	<b>Task 1 - Project Management and Administration</b>										
1.1	Project Set-up	40 \$4,934.64	4 \$707.60	8 \$1,184.16		16 \$2,158.88		4 \$268.40	8 \$615.60		
1.2	Project monthly status reporting and invoicing	68 \$7,723.12	4 \$707.60	24 \$3,552.48		8 \$1,079.44		8 \$536.80	24 \$1,846.80		
1.3	Monthly meetings and minutes	96 \$12,391.60		40 \$5,920.80		40 \$5,397.20		16 \$1,073.60			
1.4	Project close-out and property acquisition file delivery	56 \$7,158.84	4 \$707.60	16 \$2,368.32		24 \$3,238.32		8 \$536.80	4 \$307.80		
	<b>Task 2 - Pre-Acquisition Activities</b>										
2.1	Title report review to identify property encumbrances	30 \$4,034.75		4 \$592.08	2 \$204.36	24 \$3,238.32					
2.2	Right-of-Way plan review	12 \$1,332.92		2 \$296.04	2 \$204.36	4 \$539.72	4 \$292.80				
2.3	Conduct site visits, project meetings, and council meetings.	80 \$11,318.00		40 \$5,920.80		40 \$5,397.20					
2.4	Conduct preliminary liaison with affected property owners.	44 \$5,770.32		8 \$1,184.16		32 \$4,317.76		4 \$268.40			
2.5	Prepare Offer Letter	12 \$1,509.68		2 \$296.04		8 \$1,079.44		2 \$134.20			
	<b>Task 3 - Appraisal (Budget assumes 2 parcels to be appraised)</b>										
3.1	Subconsultant coordination	12 \$1,671.52		4 \$592.08		8 \$1,079.44					
3.2	Administrative review of appraisal and Just Compensation calculation	12 \$1,671.52		4 \$592.08		8 \$1,079.44					
3.3	Coordination of formal Appraisal Review	12 \$1,671.52		4 \$592.08		8 \$1,079.44					
	<b>Task 4 - Right-of-Way Acquisition</b>										
4.1	Provide Just Compensation and Determination of Value	6 \$835.76		2 \$296.04		4 \$539.72					
4.2	Prepare offer package	88 \$9,411.76		8 \$1,184.16		40 \$5,397.20	24 \$1,756.80	16 \$1,073.60			
4.3	Present offers to property owners and begin negotiations	32 \$4,317.76				32 \$4,317.76					
4.4	Maintain Record of Negotiations Log	44 \$4,904.00		4 \$592.08		24 \$3,238.32		16 \$1,073.60			
4.5	Coordination with Escrow Company for acquisition closure or record transfers.	20 \$2,750.96		4 \$592.08		16 \$2,158.88					
	<b>Task 5 - Condemnation Support (if required)</b> - Budget to be negotiated if required.										

Project Name: City of Gig Harbor -  
Phase Name: Olympic Drive / 56th Street R/W Acquisition

Prepared by: D. Skinner  
Date: 7/29/2004  
Checked by: D. McCracken  
Date: 7/29/2004

WORK CODE	Task.Subtask	TOTALS HOURS/ DOLLARS	Principle \$176.90	Senior PM \$148.02	Project Engineer \$102.18	Real Estate Agent \$134.93	CADD \$73.20	Word Processor \$67.10	Project Controller \$76.95		
	5.1 Provide written recommendations of condemnation										
	5.2 Coordinate litigation appraisals										
	5.3 Assist City legal counsel and litigation appraiser										
	5.4 Testify at possession hearings										
	<b>Task 6 - Quality Assurance and Quality Control</b>										
	6.1 Internal Quality Assurance Program	44 \$6,441.84	16 \$2,830.40	8 \$1,184.16		16 \$2,158.88		4 \$268.40			
	<b>TOTALS</b>	<b>708 \$89,850.52</b>	<b>28 \$4,953.20</b>	<b>182 \$26,839.64</b>	<b>4 \$408.72</b>	<b>352 \$47,495.36</b>	<b>28 \$2,049.60</b>	<b>78 \$5,233.80</b>	<b>36 \$2,770.20</b>		

		OUTSIDE REIMBURSABLES				SUBCONSULTANTS	
Direct Salary	\$89,850.52	Per Diem		1)	Appraisor	\$6,000.00	
Subtotal	\$89,850.52	Lodging		2)			
Outside Reimbursables	\$1,600.00	Mileage/pers. Vehicle (\$0.375/mile)	\$900.00	3)			
Subconsultants	\$6,000.00	Travel		4)			
<b>TOTAL =</b>	<b>\$97,450.52</b>	Supplies	\$50.00	5)			
		Reproduction	\$250.00	6)			
		Telephone	\$200.00	7)			
		Postage/Delivery	\$200.00	8)			
		Other		9)			
				10)			
		Markup for Reimb. =			Markup =		
			Total = \$1,600.00			Total: \$6,000.00	



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**SUBJECT: WELL NO. 6 SAND REPACK**  
**DATE: AUGUST 9, 2004**

**INTRODUCTION/BACKGROUND**

On July 12, 2004, the City Council authorized the award of a contract to Holt Drilling, Inc. in the amount of \$44,931.80 for the Well No. 6 Sand Repack Project.

One of the conditions of the pump warranty is that only the authorized factory representative (Pump Tech, Inc.) can perform pump removal and reinstallation procedures. The pump warranty will be void if a non factory pump installer is used. Consequently, Pump Tech, Inc. must be added as an additional subcontractor to the contract. This change order provides for this addition.

**POLICY/FISCAL CONSIDERATIONS**

This change order will increase the contract amount by \$2,395.37 to reflect a revised contract amount of \$47,327.17 including retail sales tax. This additional work is within the 2004 budgeted allocation of \$50,000, as identified under the Water Operating Fund, objective 2.

**RECOMMENDATION**

I recommend Council authorize execution of Change Order No. 1 for the Well No. 6 Sand Repack Project in the amount of Two Thousand Three Hundred Ninety-five dollars and Thirty-seven cents (\$2,395.37), including retail sales tax.

CITY OF GIG HARBOR  
PUBLIC WORKS DEPARTMENT

Sheet <u>1 of 2</u>	<b>CHANGE ORDER</b>	Change Order Number <u>  1  </u>
Date <u>8/4/04</u>		
<input checked="" type="checkbox"/> <b>ORDERED BY ENGINEER/CITY UNDER TERMS OF SECTION 12.01 OF THE SUPPLEMENTARY CONDITIONS.</b> <input type="checkbox"/> <b>CHANGE PROPOSED BY CONTRACTOR.</b> <input type="checkbox"/> <b>OTHER: CHANGE MUTUALLY AGREED BETWEEN THE CITY AND THE VENDOR.</b>	<u>Well No. 6 Sand Repack Project</u> CITY PROJECT NO.: <u>CWP - 0006</u>	
ENDORSED BY: <u>Holt Drilling, Inc.</u> <small>COMPANY NAME</small>  _____ <small>SIGNATURE</small> <small>DATE</small>  TITLE: _____	TO: Holt Drilling, Inc.  PO Box 1890  Milton, Washington 98354	
Consent Given by Surety (When required):  BY: _____ <small>ATTORNEY IN-FACT</small> <small>DATE</small>		

DESCRIPTION OF WORK

THE CONTRACTOR SHALL PERFORM THE FOLLOWING UPON RECEIPT OF AN APPROVED COPY OF THIS CHANGE ORDER:

This Change Order provides for all labor, materials, and equipment necessary to provide Pump Tech, Inc as a subcontractor. The contractor shall perform the following:

1. Add 2 way pick up, transport to City Maintenance Shop, unloading of 8-inch column pipe	\$1,010.00
2. Add fuel surcharge from original written proposal from Pump Tech, dated 3/9/04	\$225.00
3. Replace Bid Item No. 2 (\$5,800.00) with Pump Tech Scope of Work dated 3/9/04 and 8/3/04.	\$5,730.00
Subtotal	<u>\$6,965.00</u>
Contractor markup at 15% to include Pump Tech as a subcontractor	\$1,044.75
Delete Bid Item No. 2	<u>&lt;\$5,800.00&gt;</u>
Subtotal	\$2,209.75
Sales Tax at 8.4%	\$185.62
<b>Total</b>	<b>\$2,395.37</b>

Sheet <u>2 of 2</u>	<b>CHANGE ORDER</b>	Change Order Number <u>  1  </u>
Date <u>8/4/02</u>		

ALL WORK, MATERIALS, AND MEASUREMENTS SHALL OTHERWISE BE IN ACCORDANCE WITH THE PROVISIONS OF THE CONTRACT AS APPLICABLE.

An additional two working days are added to the contract time revising the total working days to equal 22 working days.

ORIGINAL CONTRACT AMOUNT	CURRENT CONTRACT AMOUNT	NET CHANGE THIS ORDER	CONTRACT TOTAL AFTER CHANGE
\$ <u>44,931.80</u>	\$ <u>44,931.80</u>	\$ <u>2,395.37</u>	\$ <u>47,327.17</u>

APPROVAL RECOMMENDED:

Steve Misurak                      8-4-04  
CITY ENGINEER                      DATE

APPROVED: \_\_\_\_\_  
MAYOR    DATE

Note: Amounts include applicable Washington State Sales Tax. Final payment amount will vary from contract amount, and will be as set forth in the Final Progress Estimate and Reconciliation of Quantities.





COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: PUBLIC HEARING - ORDINANCE NO. 965**  
**- MORATORIUM ON DEVELOPMENT WITHIN THE HEIGHT**  
**RESTRICTION AREA**  
**DATE: AUGUST 9, 2004**

**INFORMATION/BACKGROUND**

The City Council adopted Ordinance No. 965 which imposed an immediate moratorium for a period of up to six months on the acceptance of applications for new development or re-development within the height restriction area on July 12, 2004. Adoption of this ordinance was predicated on the City Council holding a public hearing on the proposed moratorium within sixty (60) days after adoption (RCW 35A.63.220, RCW 36.70A.390).

**RECOMMENDATION**

If, at the conclusion of the public hearing, the Council believes the continuation of the moratorium is justified, findings of fact supporting such a continuation must be adopted.

Additionally, if it is determined that the continuation is justified, staff would recommend that the following amendment be made to Section A:

A. **"Exempt Development Permits"** shall include all of the following permit applications for "development" or "development activity" defined in GHMC Section 19.14.010(24) and 19.14.010(26), a copy of which is attached to this Ordinance as Exhibit B, which:

1. are not subject to any other moratorium in the City;
2. were determined complete by City staff and submitted to the City on or before the effective date of this Ordinance;
3. propose development or a development activity on property located outside the City height restriction area (see, Subsection B below); and

4. are project(s) located on publicly owned property and which building(s) do not exceed one thousand (1,000) square feet in size;

5. include sign permits; demolition permits; and marinas without upland buildings; and

6. are building permits associated with development applications which were determined complete by City staff before the effective date of this

Ordinance.

"Exempt development permits" shall also include any permits meeting all of the above criteria and which involve interior remodeling of existing structures anywhere in the City, as long as the remodeling will not increase the size of the existing structure in footprint, height, bulk and scale.

ORDINANCE NO. 965

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING AN IMMEDIATE EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT WITHIN THE HEIGHT RESTRICTION AREA AS SHOWN ON THE OFFICIAL HEIGHT RESTRICTION MAP, UNTIL THE CITY FINISHES THE PROCESS OF CODE REVIEW AND AMENDMENT RELATING TO BUILDING SIZE LIMITATIONS, SUCH MORATORIUM TO BE EFFECTIVE IMMEDIATELY, DEFINING THE APPLICATIONS SUBJECT TO THE MORATORIUM, SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM, ESTABLISHING SIX MONTHS AS THE TENTATIVE EFFECTIVE PERIOD UNTIL THE COUNCIL PUBLIC HEARING ON THE CONTINUED MAINTENANCE OF THE MORATORIUM, AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF A MORATORIUM.**

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WHEREAS, the City Council of the City of Gig Harbor commissioned a report from an independent consultant on the issue of building size limitations; and

WHEREAS, after the report was issued, the City Council decided to hold public hearings and workshops to obtain testimony and evidence from the public on the issue of building sizes, especially in the height restriction area of the City; and

WHEREAS, while the workshops were underway, the City Council decided that the issue of building size limitations should be addressed while a moratorium is in place, to prevent any property owners from submitting applications for development or re-development under the existing codes; and

WHEREAS, the City Council may adopt an immediate moratorium for a period of up to six months on the acceptance of certain development permit applications as long as the City Council holds a public hearing on the proposed moratorium within sixty days after adoption (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, the City desires to impose an immediate six-month moratorium on the acceptance of development applications for any "development activity" or "development permit" as defined in Gig Harbor Municipal Code Section 19.14.010(24) and (26), for any property within the height restriction area of the City, unless the development is actually a remodel of an existing structure and will not increase the size of the existing structure; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. "**Exempt Development Permits**" shall include all of the following permit applications for "development" or "development activity" defined in GHMC Section 19.14.010(24) and 19.14.010(26), a copy of which is attached to this Ordinance as Exhibit B, which:

1. are not subject to any other moratorium in the City;
2. were determined complete by City staff and submitted to the City on or before the effective date of this Ordinance;
3. propose development or a development activity on property located outside the City height restriction area (see, Subsection B below); and
4. are project(s) located on publicly owned property and which building(s) do not exceed one thousand (1,000) square feet in size.

"Exempt development permits" shall also include any permits meeting all of the above criteria and which involve interior remodeling of existing structures anywhere in the City, as long as the remodeling will not increase the size of the existing structure in footprint, height, bulk and scale.

B. **“Non-Exempt Development Permits”** shall include any permits or permit applications for any “development activity” as defined in GHMC Section 19.14.010(24) and 19.14.010(26) proposed to take place on property located within the City’s height restriction area, submitted after the effective date of this Ordinance. Any permits meeting this description that were submitted to the City but not determined complete by City staff on or before the effective date of this Ordinance, are also “non-exempt development permits.” The “height restriction area” is that area shown on the City’s official height restriction area map, as adopted in GHMC Section 17.62.020, a copy of which is attached to this Ordinance as Exhibit A.

Section 2. Purpose. The purpose of this moratorium is to allow the City to continue the process of analyzing the issue of building size limitations without the possibility that developers will flood the City with applications for development under the existing codes. The City Council is currently engaged in a workshop process to determine whether building size limitations should be imposed in Gig Harbor, and if so, on which area(s) of the City. Additional time is needed to fully explore the options available to the City.

Section 3. Moratorium Imposed. The City Council hereby imposes an immediate six-month moratorium on the acceptance of all non-exempt development permit applications for development activities on property located within the height restriction area, as shown in the map attached hereto as Exhibit A. All such non-exempt applications shall be rejected and returned to the applicant. With regard to the City’s acceptance of any exempt development application, such acceptance shall only allow

processing to proceed, but shall not constitute an assurance that the application will be approved.

Section 4. Duration of Moratorium. The moratorium imposed by this Ordinance shall commence on the date of the adoption of this Ordinance. As long as the City holds a public hearing on the moratorium and adopts findings and conclusions in support of the moratorium (as contemplated by Section 5 herein), the moratorium shall not terminate until six (6) months after the date of adoption, or at the time all of the tasks described herein have been accomplished, whichever is sooner. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 5. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or before September 10, 2004. The Council shall hold this hearing on August 9, 2004. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium and either justify its continued imposition or cancel the moratorium.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that

the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested, leading to development that could be incompatible with the codes eventually adopted by the City. Therefore, the moratorium must be imposed as an emergency measure to protect the public health, safety and welfare, and to prevent the submission of a flood of applications to the City in an attempt to vest rights for an indefinite period of time. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits, those with previously obtained approvals for development or redevelopment of the type identified as "exempt" may proceed with processing and development, as the case may be.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This Ordinance shall take effect and be in full force and effect immediately upon passage, as set forth in Section 7, as long as it is approved by a majority plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor,  
this 12<sup>th</sup> day of July, 2004.

CITY OF GIG HARBOR

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Mayor Gretchen Wilbert

ATTEST/AUTHENTICATED:

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Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

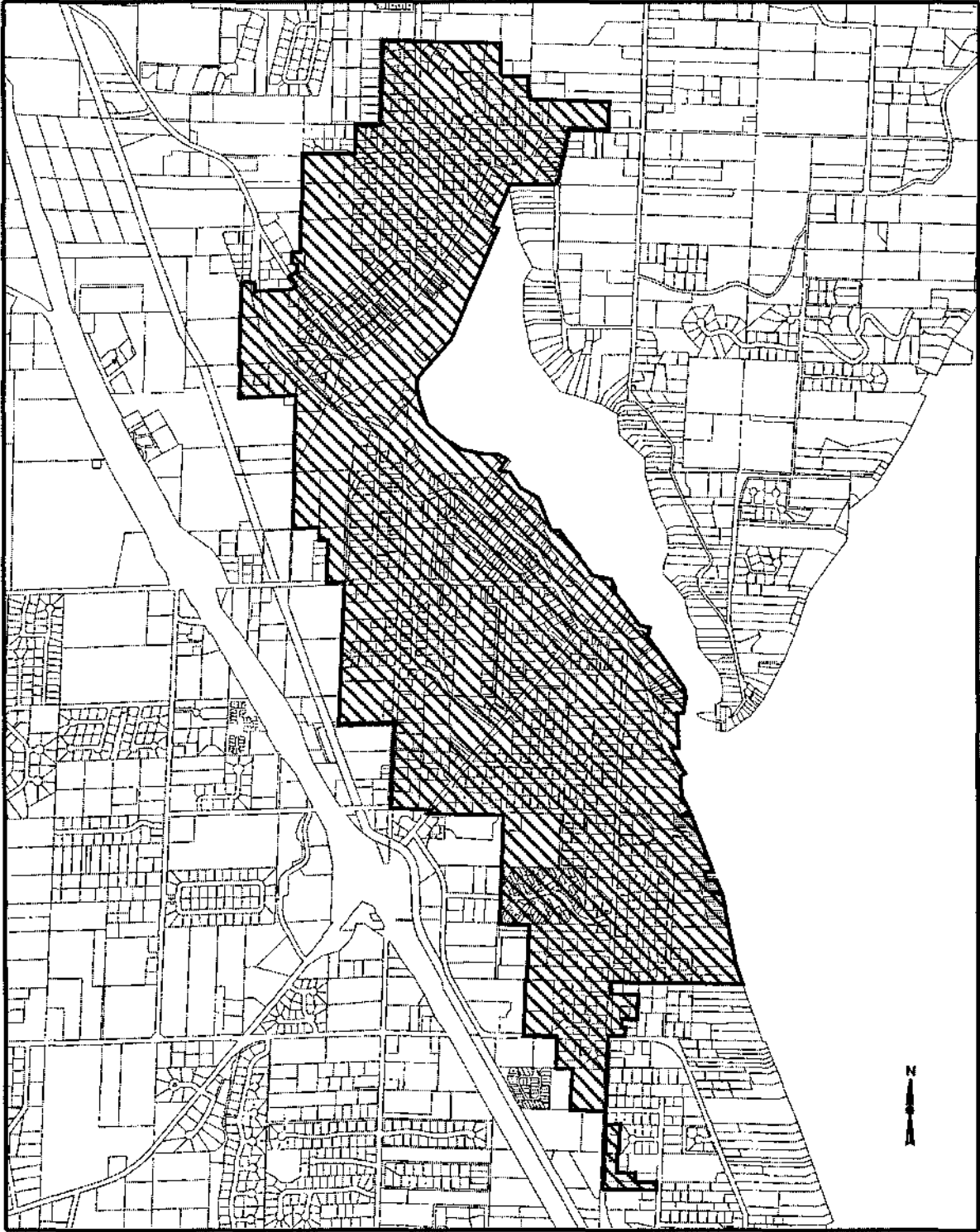
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Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 7/12/04  
PASSED BY THE CITY COUNCIL: 7/12/04  
PUBLISHED: 7/14/04  
EFFECTIVE DATE: 7/12/04  
ORDINANCE NO:



# Exhibit "A"



Height Restriction Area

# Exhibit "B"

## Gig Harbor Municipal Code

### Chapter 19.14

#### CONCURRENCY AND IMPACT FEE PROGRAM DEFINITIONS

##### 19.14.010 Definitions.

24. "Development activity" or "development" means any construction or expansion of a building, structure, or use; any change in the use of a building or structure; or any changes in the use of the land that creates additional demand for public facilities (such as a change which results in an increase in the number of vehicle trips to and from the property, building or structure) and requires a development permit from the city.

26. "Development permit" or "project permit" means any land use permit required by the city for a project action, including but not limited to building permits, subdivisions, short plats, binding site plans, planned unit developments, conditional uses, shoreline substantial developments, site plan reviews, or site specific rezones, and, for purposes of the city's concurrency ordinance, shall include applications for amendments to the city's comprehensive plan which request an increase in the extent or density of development on the subject property.



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: JOHN P. VODOPICH, AICP**  
**COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: HARBOR COVE SETTLEMENT AGREEMENT**  
**DATE: AUGUST 9, 2004**

**INFORMATION/BACKGROUND**

Attached for the Council's consideration is a settlement agreement proposed on behalf of the owners of 3711, 3801, 3803, and 3805 Harborview Drive, known as the Harbor Cove site. On February 18, 2004, the City issued a Mitigated Determination of Non-significance (MDNS) for the demolition of all upland structures on the Harbor Cove site. The applicant appealed the historic preservation section and the toxics cleanup section of the MDNS on behalf of the property owners on March 17, 2004.

The Historic Preservation section of the MDNS required a level 1 Historic American Building Survey (HABS) for the Glein Boatyard building and required a level 3 HABS for other structures onsite greater than 50 years old.<sup>1</sup> The proposed settlement preserves the requirement for a HABS (level one) for the boat yard building and will require a level one HABS on the residence. The settlement does allow a slight modification to the level one HABS requirements to limit the written history such that it would not include the larger contextual history of the pleasure boat industry in Gig Harbor and South Sound.

The MDNS required that demolition permits could be issued once the environmental clean up was completed or when the applicant had obtained an approved plan for the cleanup from the Department of Ecology (DOE). The language in the settlement indicates that the applicant has entered the voluntary clean-up process with DOE and that the applicant shall continue to work with DOE to achieve compliance with the Model Toxics Control Act.

The City Attorney has reviewed and approved the proposed settlement agreement.

**POLICY CONSIDERATIONS**

The City's SEPA process is codified in chapter 18.04 of the Gig Harbor Municipal Code.

**FISCAL IMPACTS**

There are no adverse fiscal impacts associated with this settlement.

**RECOMMENDATION**

The City Attorney recommends that the City Council approve the settlement agreement.

<sup>1</sup> A level 1 HABS requires structural drawings, photographs and an extensive written history of the site and its relationship to the history of the region. The requirements for a level 3 HABS differ from a level 1 only in that a sketch is substituted for full structural drawings.

## SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (hereinafter "Agreement") is entered into by and between the CITY OF GIG HARBOR, a Washington municipal corporation (hereinafter "City"), and Eileen Tellefson and Marsan LLC, effective as of the date of the last signature herein.

### RECITALS

WHEREAS, Eileen Tellefson and Marsan LLC (hereinafter "Owners") are the owners of certain real property located at 3711, 3801, 3803 and 3805 Harborview Drive, Gig Harbor (hereinafter the "Property"), in Pierce County, Washington; and

WHEREAS, A & J Development submitted an application on behalf of the Owners for a Demolition Permit (hereinafter the "Permit") for the Property to the City in 2003; and

WHEREAS, the City issued a MDNS for the Permit on February 18, 2004; and

WHEREAS, appealed the MDNS on March 17, 2004; and

WHEREAS, the City and The Owners have discussed resolution of the appeal under the terms and conditions set forth in this Settlement Agreement; and

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and obligations of the parties as set forth below, the parties agree and promise as follows:

### TERMS

**Section 1. Revision of the MDNS.** The City will issue a Revised MDNS on the demolition permit, which is attached hereto as Exhibit A. A copy of the Revised MDNS will be sent to The Owners and all other persons and agencies requesting or requiring notice of same.

**Section 2. Recordation of the Revised MDNS.** The parties agree that the Revised MDNS, attached hereto as Exhibit A, will be recorded by the City against the Property. The legal description of the parcels for which the Revised MDNS will be recorded are as follows:

Parcel 0221053074: See Exhibit B

Parcel 0221053050: See Exhibit C

**Section 3. Recordation of the Fulfillment of the MDNS.** The parties further agree that on issuance of the Permit, a document indicating the fulfillment of the requirements of the

Revised MDNS, in the form of the document attached hereto as Exhibit D, will be executed by the Mayor of the City of Gig Harbor and recorded.

**Section 4. Further Appeals of the Revised MDNS.** The parties understand and agree that the City's issuance of the Revised MDNS and The Owners's agreement not to appeal the Revised MDNS (as long as it issues exactly as set forth in Exhibit A) are material terms of this Settlement, and that it relates only to the Revised MDNS, not the City's decision on the Permit. The parties understand and agree that if there is no third party appeal of the Revised MDNS or Permit, the conditions of the Revised MDNS shall become conditions of the Permit, and after issuance of the Permit, The Owners further agrees not to appeal any condition of the Permit that is duplicated in the Revised MDNS.

The parties acknowledge that the City must observe the procedures allowing comment and appeals of the Revised MDNS as well as the Permit after issuance. A third party may choose to appeal the Revised MDNS and/or Permit. If a third party appeals the Revised MDNS or the Permit, nothing in this Settlement Agreement will allow or can be interpreted to allow The Owners to control or influence the City's handling of the appeal of the Revised MDNS or the Permit. The parties agree that if a third party appeals the Revised MDNS or the Permit, and after processing the appeal, the City decides to attach different or additional conditions on the Revised MDNS or the Permit, and The Owners is not satisfied with the different or additional conditions on the Revised MDNS or the Permit, this Settlement Agreement will be null and void and of no further effect. If The Owners are not satisfied with the different or additional conditions on the Revised MDNS or the Permit resulting from a third party appeal, nothing in this Settlement Agreement shall prevent The Owners from appealing the different or additional conditions.

**Section 5. Notice.** All required notices under this Agreement shall be delivered to the parties' representatives at the addresses listed below:

**To the City:**  
Steve Osguthorpe  
Planting and Building Manager  
3510 Grandview Street  
Gig Harbor, WA 98335

**To the Owners:**  
Harbor Cove Group  
108 S Jackson Suite # 300  
Seattle WA 98101

**Section 6. Representations or Warranties.** The parties acknowledge that no other person or entity, nor any agent or attorney of any person or entity, has made any promise, representation or

warranty whatsoever, express or implied, not contained in this Agreement concerning the subject matter hereof, to induce the parties to execute this Agreement. The parties further acknowledge that they have not executed this Agreement in reliance on any such promise, representation, or warranty not contained herein.

**Section 7. Authority to Execute.** Each signatory of this Agreement represents and warrants that he or she has full power and authority to execute and deliver this Agreement on behalf of the entity or party for which he or she is signing, and that he or she will defend and hold harmless the other party from any claim that he or she was not fully authorized to execute this Agreement on behalf of the person or entity for whom he or she signed. Upon a proper execution and delivery, this Agreement will have been duly entered into by the parties, will constitute as against each party a valid, legal and binding obligation, and will be enforceable against each party in accordance with the terms herein.

**Section 8. Specific Performance.** This section shall not apply to the activities described in Sections 2 of this Agreement. The parties agree that damages alone do not constitute an adequate remedy for breach, and that the parties are entitled to compel specific performance of all material terms of the remaining provisions of this Agreement by any party in default hereof, as well as to obtain damages. All remaining terms and provisions of this Agreement are material.

**Section 9. Governing Law and Attorneys' Fees.** This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event that either party institutes litigation to enforce the terms of this Agreement, venue shall be in the Pierce County Superior Court, Pierce County, Washington. The prevailing party shall be entitled to recover its reasonable attorneys' fees and costs.

**Section 10. Entire Agreement.** This Agreement contains the entire Agreement between the parties with respect to the subject matter hereof, and shall not be modified or amended in any way except in writing, and signed by each of the parties hereto.

**Section 11. Interpretation.** This Agreement was drafted by negotiation by counsel for the parties, and there shall not be a presumption or construction against either party. Any titles or captions of paragraphs contained in this Agreement are for convenience and reference only.

**Section 12. Severability.** If any portion of this Agreement is held to be invalid by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Agreement.

**Section 13. Counterpart Originals.** Each signatory to this Agreement may sign a separate original of the Agreement. In such event, the Agreement remains as binding and enforceable as it would be if all parties signed the Agreement at the same time and place.

**Section 14. Third Party Beneficiaries.** This Agreement is neither expressly nor impliedly intended to be for the benefit of any third party, and is neither expressly nor impliedly enforceable by any third party.

**CITY OF GIG HARBOR**

By: \_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**OWNERS**

By: Eileen Tellefson  
Eileen Tellefson

By: Sandra Schawnaug  
Marsan LLC

By: Marcia Shuman  
Marsan LLC

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

I certify that I know or have satisfactory evidence that Gretchen Wilbert is the person who appeared before me, and said person acknowledged as the Mayor of The City of Gig Harbor that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

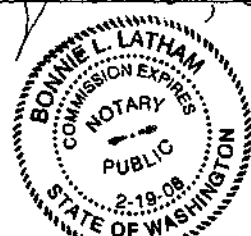
Dated: \_\_\_\_\_  
\_\_\_\_\_

NOTARY PUBLIC in and for the  
State of Washington, residing  
at: \_\_\_\_\_  
My Commission expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Pierce )

I certify that I know or have satisfactory evidence that Eileen Tellefson is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: June 30th 2004 Bonnie Latham

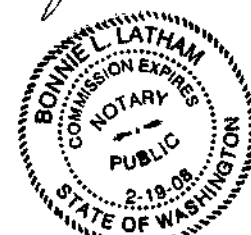


NOTARY PUBLIC in and for the  
State of Washington, residing  
at: Albion, Wa  
My Commission expires: 02-19-08

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Pierce )

I certify that I know or have satisfactory evidence that Marcia Johnson is the person who appeared before me, and said person acknowledged as the \_\_\_\_\_ of Marsan LLC that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: June 30th 2004 Bonnie Latham



NOTARY PUBLIC in and for the  
State of Washington, residing  
at: Albion, Wa  
My Commission expires: 02-19-08



STATE OF WASHINGTON )

COUNTY OF Pierce ) ss.

I certify that I know or have satisfactory evidence that Leandra Schaubert is the person who appeared before me, and said person acknowledged as the she of Marsan LLC that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: June 30, 2004 Bonnie L. Latham



NOTARY PUBLIC in and for the State of Washington, residing at Thoma WA My Commission expires: 02-19-08

**Exhibit A**

**Revised Mitigated Determination of Nonsignificance (MDNS)  
W.A.C. 197-11-970**

**Environmental Review Application No.:** SEPA 03-25

**Parcel Number:** 0221053074 and 0221053050

**Action:** Demolition Permit

**Proposal:** Proposal includes phased demolition of the structures at 3711, 3801, 3803, and 3805 Harborview Drive and associated improvements, and lowering of portions of the existing bulkhead.

**Location:** 3711, 3801, 3803, and 3805 Harborview, Gig Harbor

**Proponent:** Harbor Cove Group  
108 S Jackson Suite #300  
Seattle WA 98101

**Lead Agency:** City of Gig Harbor

**I. DESCRIPTION OF PROPOSAL:**

The proponent proposes phased demolition of structures located at 3711, 3801, 3803, and 3805 Harborview and associated improvements. Demolition includes a boat building facility housing the Northwest Boat Yard, a residence presently used as an office for the boat yard, and two commercial structures that formerly housed the Pandora's Box and Wild Birds Unlimited businesses. Demolition includes removal of retaining walls, parking areas and vegetation associated with said structures. Phasing includes early demolition and removal of the two structures that have no historic, toxic cleanup, or other issues.

The proposal also includes lowering the existing bulkhead on the south portion of the property so that the top of the bulkhead is approximately at the height of Mean Higher High Water (MHHW).

**II. ANALYSIS:**

A. Shoreline and Critical Areas. The subject site is located in the Urban Shoreline Environment and additionally has steep slopes ranging from 15% to nearly vertical. The site is presently bisected by three drainage culverts which drain Harborview drive in this vicinity. Due to the steep slopes on the site a geotechnical report has been submitted to and reviewed by the City of Gig Harbor Community Development Department. The steep slopes and shoreline location necessitate mitigation to ensure protection of the slopes and shoreline environment.

1. Erosion Control and Slope Stability. Since rainfall during demolition is possible, precautions should be taken to prevent significant degradation of waters of the state. The site could be eroded by channelized water or by sheet flow as identified in the geotechnical report. Additionally, steep slopes on the site support Harborview Drive and if weakened could result in a massive road failure. Therefore, it is necessary to ensure that both short and long-term erosion control is adequate to protect the shoreline and slopes.

Mitigation: An erosion control and grading plan shall be submitted to this department that addresses both short-term and long-term erosion control prior to the issuance of demolition permits for this site relative to any proposed grading. The

erosion control plan shall be submitted by the geotechnical firm retained for this project and/or submitted with a letter from the geotechnical engineer of record indicating that the plan conforms to all relevant recommendations contained within the geotechnical report for this site. The erosion control plan shall be consistent with the City Storm Water Design Manual chapter 3 and shall include a Spill Prevention Control and Counter Measures (SPCC) plan. The applicant shall submit documentation that the erosion control plan has been submitted to the Department of Ecology for review. Erosion control measures shall be installed and inspected by City staff prior to the start of demolition. A representative of Krazan & Associates, Inc., or another geotechnical firm shall inspect and evaluate all temporary and permanent slopes for stability and shall review subsurface conditions during earthwork to ensure that the assumptions made based on preliminary fieldwork are accurate. Inspection reports shall be submitted by the proponent to the building official before the project is finalized.

2. **Water Quality.** The Department of Ecology submitted comments related to water quality when performing work below the Ordinary High Water Mark (OHWM). The current application request does not include any work below the OHWM; however, the alteration of the bulkhead is adjacent to the OHWM.

**Mitigation:** No work is to be conducted forward of the OHWM.

3. **Waste Disposal.** Demolition debris contains potentially harmful material including asphalt which can leach petroleum contaminants into the soil. The proposal additionally includes the removal of portions of the treated lumber bulkhead. The Shoreline Master Program prohibits the storage or disposal of solid waste in the shoreline environment.

**Mitigation:** Temporary storage of demolition debris shall be located above the OHWM. No storage is permitted on tidal areas. Additionally, removed materials shall be disposed of at a facility that has been approved to accept such materials. The owner shall contact the Tacoma-Pierce County Health Department and proceed through their Waste Disposal Authorization Process to determine if the waste is acceptable and what facilities are authorized to take the debris. The owner of the property shall provide to the City verification that the demolition debris was disposed of at an authorized facility and the correct Tacoma-Pierce County Health Department procedures were followed before the project is finalized.

4. **Other Regulations.** The proposed project is subject to the provisions of the Shoreline Master Program, the Gig Harbor Municipal Code, the Uniform Building Code, and the Storm Water Design Manual.

**Mitigation:** The project shall comply with all applicable City regulations.

**B. Historic Preservation.** The subject site includes the Glein Boat Building, built in the mid 1940s, as well as the Glein home and two other older commercial structures. The site was used as a boat yard prior to the construction of the current boat yard. The Gig Harbor Shoreline Master Program in chapter 3.06 Commercial Fishing Industry states "The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures that provide direct support to the industry." The SMP goes on to state that "Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal." The SMP does not include direct regulatory language to implement these statements. The boat yard has played an important role in supporting the commercial fishing industry as well as making significant contributions to recreational boating in the Harbor. In fact, the boat yard is where the first Thunderbird sailboats were designed and built. The boats were very popular and have continued to grow in popularity. The Thunderbird association has worldwide memberships and events. The Gig Harbor Peninsula Historical Society has a significant collection relating to Thunderbird sailing, including Hull #1, which was recently donated to them.

1. **Site Preservation.** The demolition of the Glein-Hoppen Building/Boatyard and the associated residence will permanently erase a unique historical element of the Gig

harbor waterfront. This history should be preserved for future generations in a manner consistent with accepted standards and sensitive to the local context.

**Mitigation:** A Historic American Buildings Survey (HABS) shall be prepared for the Glein-Hoppen Building/Boatyard and the associated, adjacent residence. The boatyard shall be documented by a level one HABS and the adjacent residence shall be documented by a level three HABS as defined by the Department of the Interior's Guidelines for Architectural and Engineering Documentation contained in the federal register, as modified herein.

The Level I documentation for the Glein-Hoppen Building/Boatyard shall consist of a full set of measured drawings depicting existing conditions (including associated dock and ways) and large format negatives of exterior and interior view. Photocopies with large format negatives of historic views, particularly of the interior, if available, shall be prepared. HABS Level I documentation also typically includes a comprehensive historic narrative and description of the resource. However, because the demolition of this building will irrevocably and significantly alter the historic Gig Harbor waterfront, because the local Museum maintains some amount of historical information on the building and associated themes, and because an alternative methodology will have a more direct benefit to the community and others, the following mitigation element will be followed. The usual historic narrative requirement shall be pared back substantially to focus only on a description of the building relative to the boat building process, overall site development (including associated residence), and an overview of Ed Hoppen's contributions to the boat building industry in Gig Harbor and environs. The larger contextual history of the pleasure boat industry in Gig Harbor and South Sound (including the impact of the T-Bird), which would typically be included in such a narrative, would not be required.

The HABS shall be prepared by a historian meeting the minimum standards of the Department of the Interior. The completed HABS shall not be submitted to the Department of the Interior, but shall be submitted to the Gig Harbor Peninsula Historical Society. Evidence of submittal shall be submitted to this department prior to the issuance of demolition permits for the two structures. The demolition permit for the residence associated with the Glein-Hoppen Building and Boatyard shall be issued once historical mitigation for this residence is complete and submitted to the City. No historical mitigation is required for the Wild Bird or the Pandora's buildings and related structures. The demolition permit for these two structures shall be issued upon satisfaction of standard demolition requirements stated herein.

2. Site Documentation – The demolition of the structures and redevelopment of the site will remove a significant aspect of the history of Gig Harbor from the public view. Future redevelopment is likely to require a public shoreline access or viewing platform.

**Mitigation:** If public shoreline access or view is required by future development of the site, a historic plaque, accessible to the public, shall be included that commemorates the history of this site. The final design of the plaque shall be reviewed by the Gig Harbor Peninsula Historical Society for historical accuracy.

C. Toxics Cleanup. The applicant has submitted environmental investigations to the department that identify soil contamination on that portion of the upland area of the site that contains the boatyard and in the tidal area adjacent to the marine ways that lie just waterward of the boatyard. Lead was found at levels above Model Toxics Control Act cleanup standards in samples taken from sediments in the tidal area adjacent to the marine ways associated with the boat yard, and cadmium, lead, and carcinogenic PAHs were found at levels that were above Washington State Model Toxics Control Act (MTCA) cleanup standards in upland soils at/near the boatyard. No contamination has been found nor is any suspected to be found in the areas of the Wildbird and Pandora's buildings. The Department of Ecology (Ecology) has been notified and the proponent has met with representatives of the City, the Tacoma/Pierce County Health Department, Ecology, and the Washington State Department of Fish and Wildlife regarding cleanup of the site. In addition, the proponent has submitted an Application for Assistance under the Volunteer Cleanup Program. The cleanup of the upland soils and marine sediments will be covered

as components of this voluntary action, which is subject to separate environmental review.

1. Toxics Cleanup – MTCA requires that if contamination is revealed by sampling or other observation, Ecology must be notified. The proponent has an obligation to work with Ecology to plan and implement an acceptable cleanup of the upland and marine areas.

**Mitigation:** The applicant shall continue to work with Ecology to achieve compliance with MTCA through the Voluntary Cleanup Program (VCP). The City recognizes that through enrollment in the VCP, the applicant is committed to remediate contamination under MTCA under the oversight of Ecology. The City further recognizes that Ecology will protect human health and the environment through its oversight of this process. The City agrees to accept applications for lot line adjustments, short plats, and similar or related submittals for the site and agrees to process same without imposing additional conditions related to contamination, beyond those required by Ecology.

### III. THRESHOLD DETERMINATION:

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment, provided mitigation measures specified in Section II A – C above are imposed. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public upon request.

[x] This MDNS is issued under WAC 197-11-355; the lead agency will not act on this proposal for 14 days from the date of below. Comments must be submitted by XXXXX, 2004.

Any interested person may appeal the adequacy of this final threshold determination to the City of Gig Harbor Hearing Examiner pursuant to the procedures set forth under Title 18.04 of the Gig Harbor Municipal Code if a written request for appeal is received within fourteen (14) days after the end of the comment period, or XXXXX, 2004. The written appeal must be submitted with a filing fee of one hundred fifty dollars (\$150).

Responsible Official: Steve Osguthorpe  
Position Title: Planning & Building Manager Phone: 851-6170

Address: City of Gig Harbor  
3510 Grandview Street  
Gig Harbor, WA. 98335

Signature \_\_\_\_\_ Date: \_\_\_\_\_

**Exhibit B: Legal Description for Assessor's Parcel Number 0221053074:**

ALL THAT PART OF LOT 7, SECTION 5, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT A STONE MONUMENT AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE RUNNING SOUTH 1 DEGREES 13' WEST ALONG WEST LINE OF SAID LOT, 351.47 FEET TO TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREES 13' WEST ON SAID WEST LINE 221.35 FEET TO TRACT CONVEYED TO JOHN DOWAR LUMBER COMPANY BY DEED RECORDED IN BOOK 521 OF DEEDS AT PAGE 170, UNDER AUDITOR'S FILE NO. 987817; THENCE NORTH 50 DEGREES 55' EAST 220.55 FEET; THENCE NORTH 19 DEGREES 49' EAST 79 FEET, MORE OR LESS, TO GOVERNMENT MEANDER LINE OF SAID LOT 7; THENCE ON SAID GOVERNMENT MEANDER LINE NORTH 25 DEGREES WEST 125.5 FEET, MORE OR LESS, TO A POINT NORTH 54 DEGREES 48' EAST OF THE TRUE POINT OF BEGINNING; THENCE SOUTH 54 DEGREES 48' WEST 174.98 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH TIDELANDS OF THE SECOND CLASS ABUTTING THEREON, LYING WITHIN THE PROLONGATION OF THE SIDE LINES OF THE ABOVE DESCRIBED TRACT AND EXTENDING TO THE LINE OF MEAN LOW TIDE;

AND TOGETHER WITH ALL TIDELANDS OF THE SECOND CLASS LYING BETWEEN THE LINE OF MEAN LOW TIDE AND EXTREME LOW TIDE, LYING IN FRONT THEREOF;

EXCEPT STATE HIGHWAY NO. 14;

AND EXCEPT ANY PORTION LYING SOUTH OF SAID HIGHWAY

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE AND STATE OF WASHINGTON.

**Exhibit C: Legal Description for Assessor's Parcel Number 0221053050:**

BEGINNING AT AN INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE 60 FOOT RIGHT-OF-WAY OF THE BURNHAM-HUNT COUNTY ROAD, AND A LINE WHICH IS NORTH 1°13' EAST, BEING PARALLEL TO THE SECTION LINE COMMON TO SECTION 5 AND 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, AND EAST THERE FROM 212.37 FEET, MEASURED AT RIGHT ANGLES THERETO; THENCE ON A LINE NORTH 1°13' EAST, 209 FEET, MORE OR LESS, TO THE INTERSECTION WITH THE GOVERNMENT MEANDER LINE ON THE SOUTH SIDE OF GIG HARBOR; THENCE SOUTH AND EAST, FOLLOWING SAID GOVERNMENT MEANDER LINE TO ITS INTERSECTION WITH A LINE WHICH IS SOUTH 1°13' WEST AND PARALLEL TO THE AFORESAID SECTION LINE COMMON TO SECTION 5 AND 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., AND EAST THERE FROM 287.37 FEET, MEASURED AT RIGHT ANGLE THERETO; THENCE SOUTH 1°13' WEST ON SAID LINE 163 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE NORTH BOUNDARY LINE OF THE AFORESAID BURNHAM-HUNT COUNTY ROAD; THENCE WEST AND SOUTH 79 FEET, MORE OR LESS, ALONG THE NORTH BOUNDARY LINE OF SAID COUNTY ROAD TO THE POINT OF BEGINNING;

ALSO THE FOLLOWING DESCRIBED TIDELANDS OF THE SECOND CLASS, BEING ADJACENT TO AND ABUTTING UPON THE AFOREDESCRIBED UPLAND PROPERTY:

BEGINNING AT THE INTERSECTION OF THE WEST BOUNDARY LINE OF THE AFOREDESCRIBED UPLAND PROPERTY AND THE SAID GOVERNMENT MEANDER LINE, WHICH POINT IS EAST 212.37 FEET FROM THE SECTION LINE COMMON TO SECTION 5 AND 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., AND MEASURED AT RIGHT ANGLE THERETO; THENCE ON A LINE NORTH 19°49' EAST OVER TIDELANDS OF THE SECOND CLASS TO AN INTERSECTION WITH THE IRREGULAR LINE, INDICATED BY THE EXTREME LOW TIDE; THENCE SOUTH AND EAST FOLLOWING SAID IRREGULAR LINE OF EXTREME LOW TIDE, TO INTERSECT A LINE WHICH BEARS NORTH 19°49' EAST FROM THE NORTHEAST CORNER OF THE ABOVE DESCRIBED TRACT OF UPLAND; THENCE ON SAID PARALLEL LINE SOUTH 19°49' WEST TO ITS INTERSECTION WITH AFORESAID GOVERNMENT MEANDER LINE; THENCE WEST AND NORTH ALONG THE SAID GOVERNMENT MEANDER LINE TO THE PLACE OF BEGINNING;

TOGETHER WITH THE FOLLOWING DESCRIBED DESCRIPTION:

BEGINNING AT THE STONE MONUMENT WHICH IS AT THE INTERSECTION OF THE SECTION LINE COMMON TO SECTIONS 5 AND 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., WITH ITS GOVERNMENT MEANDER LINE ON THE SOUTH SIDE OF GIG HARBOR, PIERCE COUNTY, WASHINGTON; THENCE SOUTH 1°13' WEST ON THE SAID SECTION LINE COMMON TO SECTION 5 AND 6 AFORESAID, 572.83 FEET; THENCE ON A LINE NORTH 50°55' EAST 58 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE EAST BOUNDARY LINE OF THE RIGHT-OF-WAY OF THE 60 FOOT BURNHAM-HUNT COUNTY ROAD, THE TRUE POINT OF BEGINNING; THENCE CONTINUING ON SAID LINE, WHICH IS NORTH 50°55' EAST TO THE POINT 220.55 FEET, MEASURED FROM ITS INTERSECTION WITH THE AFORESAID SECTION LINE COMMON TO SAID SECTION 5 AND 6; THENCE ON A LINE NORTH 19°49' EAST 79 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE GOVERNMENT MEANDER LINE OF GIG HARBOR; THENCE ON THE SAID GOVERNMENT MEANDER LINE SOUTH 25° EAST 42 FEET, MORE OR LESS, TO AND INTERSECTION WITH A LINE WHICH IS

SOUTH 1°13' WEST, WHICH LINE IS PARALLEL TO THE AFORESAID SECTION LINE COMMON TO SECTION 5 AND 6, AND THE EAST 212.37 FEET, MEASURED AT RIGHT ANGLES THERETO; THENCE SOUTH 1°13' WEST ON SAID LINE, 209 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE NORTH BOUNDARY OF THE AFORESAID BURNHAM-HUNT COUNTY ROAD; THENCE ON A CURVE TO THE RIGHT, FOLLOWING THE NORTH BOUNDARY LINE OF SAID BURNHAM-HUNT COUNTY ROAD, 193 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

ALSO THE FOLLOWING DESCRIBED TIDELANDS OF THE SECOND CLASS BEING ADJACENT AND ABUTTING UPON THE AFOREDESCRIBED UPLAND PROPERTY:

BEGINNING AT THE STONE MONUMENT WHICH IS AT THE INTERSECTION OF THE SECTION LINE COMMON TO SECTIONS 5 AND 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., AND THE GOVERNMENT MEANDER LINE ON THE SOUTH SIDE OF GIG HARBOR, PIERCE COUNTY, WASHINGTON; THENCE SOUTH 1°13' WEST ON SAID SECTION LINE COMMON TO SECTION 5 AND 6 AFORESAID, 572.83 FEET; THENCE ON A LINE NORTH 50°55' EAST 220.55 FEET; THENCE ON LINE NORTH 19°49' EAST 79 FEET, MORE OR LESS, TO ITS INTERSECTION WITH THE AFORESAID GOVERNMENT MEANDER LINE, THE TRUE PLACE OF BEGINNING; THENCE CONTINUING ON SAID LINE NORTH 19°49' EAST OVER THE TIDELANDS OF THE SECOND CLASS, TO AN INTERSECTION WITH AN IRREGULAR LINE INDICATED BY THE EXTREME LOW TIDE; THENCE SOUTH AND EAST FOLLOWING THE IRREGULAR LINE OF EXTREME LOW TIDE TO INTERSECT A LINE WHICH BEARS NORTH 19°49' EAST FROM THE NORTHEAST CORNER OF THE ABOVE DESCRIBED TRACT OF UPLAND; THENCE ON SAID PARALLEL LINE SOUTH 19°49' WEST TO ITS INTERSECTION WITH THE AFORESAID GOVERNMENT MEANDER LINE NORTH 25° WEST 42 FEET, MORE OR LESS, TO THE POINT OF BEGINNING;

SITUATE IN THE CITY OF GIG HARBOR, COUNTY OF PIERCE, STATE OF WASHINGTON.







COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: STEVE OSGUTHORPE, AICP**  
**PLANNING & BUILDING MANAGER**  
**SUBJECT: FIRST READING OF ORDINANCE AMENDING DESIGN**  
**MANUAL** *✓*  
**DATE: AUGUST 9, 2004**

**INFORMATION / BACKGROUND**

Attached for the City Council's consideration is an ordinance that would update the City's Design Manual and incorporate it as a new chapter in the Gig Harbor Municipal Code. The Design Manual was originally adopted in 1996. It has not been amended since that time. The City's Design Review Board has been working on an update to the manual for well over three years. The process has resulted in a major rewrite of the manual in terms of formatting and structure, and has also resulted in a number of substantive changes. The attached Summary of Proposed Changes outlines the more significant amendments to the Design Manual.

The proposed changes are intended to: (a) revise the format to make the Manual more user friendly, (b) correct inconsistencies and errors, (c) address design issues that were not fully addressed in the original Manual, (d) clarify standards by providing more specific and definitive language, (d) provide additional design options, (e) define and provide design exemptions for industrial buildings, (f) identify parkways and activity centers in newly annexed areas and throughout the City's Urban Growth Area, and (g) enlarge the historic district boundaries to include parcels on both sides of streets that currently define the historic district. The proposal involves incorporating the Design Manual as a new chapter into the Gig Harbor Municipal Code, which also requires the repeal of Chapter 17.98 (the chapter that defined the design review process and adopted the existing Design Manual by reference). Adoption of a new Chapter 17.98, along with amendments to various chapters in Title 17 related to the Design Manual, is therefore being processed in a separate ordinance.

The staff believes that the proposed changes will make a positive difference in the administration of the City's design standards. The document is much more user-friendly in terms of its layout, and standards that were previously difficult to interpret have been clarified or redefined. A quick look at the table of contents reveals a more logical layout to the manual. The requirements are placed under descriptive headings, making it much easier to navigate through the document and find information pertinent to a particular proposal.

The Planning Commission reviewed the DRB's proposed amendments on two separate work sessions prior to the public hearing and during three additional work sessions after the public hearing. The current draft includes all Planning Commission recommendations, a number of which were in response to public testimony, which was received from the following individuals

Lita Dawn Stanton (DRB member speaking as citizen)  
Chuck Hunter (DRB member speaking as citizen)  
Wade Perrow (Wade Perrow Construction)  
Jake Bujacich (citizen)  
David Fisher (Architect, North Pacific Design)  
Gordon Rush (Rush Construction)  
David Boe (Boe Architects)  
Jason Fowers (Designer)  
Rand Boss (Seattle Pacific Realty)  
Dale Pinney (First Western Development)  
Jon Rose (Olympic Property Group)

Most of the above individuals provided specific recommendations for the Planning Commission's consideration. The Commission considered each of their proposals at length and made numerous changes to the draft Manual as a result of their input.

The only thing that has not yet been completed in the proposed update is the insertion and/or replacement of select graphics and maps that relate to the text in the document now presented. The graphic work is expected to be completed within the next few days and a finalized version of the Design Manual will be distributed in time for the second reading. This will not result in any substantive changes, however. The graphics are simply included for illustrative purposes.

There are two sections in the Design Manual that Carol Morris has advised not be included in the update. These include (a) all standards pertaining to right-of-way development and (b) standards pertaining to required on-site common areas. Regarding right-of-way improvements, the Design Manual currently includes standards that pertain to both engineering issues, such as street width's & turning radii, and to design of fixtures and trees within the right-of-way. Carol has advised staff that, while the DRB may make suggestions on right-of-way matters, the City engineer has sole discretion over right-of-way design. Even street tree design, for example, has engineering implications because certain types of trees may have invasive root systems that could adversely impact sidewalks and utilities. The staff suggested to the DRB and to the Planning Commission that the more appropriate place to regulate these would be within the Public Works Standards. However, the DRB and the Planning Commission both agreed to recommend retention within the Design Manual of those right-of-way standards that address primarily aesthetic matters (e.g., street trees and lighting standards) and, in response to Carol Morris's concern, eliminate those

standards that are clearly engineering in nature (e.g., street width's and turning radii). They also recommended including a statement in the same section that all publicly owned land is subject to design review. Accordingly, the final chapter in the updated Design Manual would be devoted to public rights-of-way and publicly owned land. The staff will be recommending that this chapter be deleted from the Design Manual and incorporated into an update to the Public Works Standards, and that it also include a provision for public review and comment, and DRB review and recommendations on any public works project that involves major street redesigns, park design and any project that involves above-ground structures or aesthetic features such as street trees and light fixtures.

Regarding common area requirements, Carol has advised staff that this issue needs further analysis and suggests that we retain the existing common area requirements until that analysis can be completed. Accordingly, the attached ordinance repealing the Design Manual repeals everything except those pages addressing common area standards. There are no differences between the existing common area standards and those proposed by the DRB, except that the DRB's proposal included an additional option for meeting common area requirements, which was an employee plaza for professional office and industrial buildings.

#### **ENVIRONMENTAL REVIEW**

After review of a completed environmental checklist and other information on file with the agency, the City of Gig Harbor has determined this proposal will not have a probable significant adverse impact on the environment. A DNS was therefore been issued for this proposal. The DNS became final on August 3, 2004. The deadline for appealing the SEPA determination is August 17, 2004.

#### **POLICY CONSIDERATIONS**

The original Design Manual was based upon the goals and policies contained in the Design Element of the Comprehensive Plan. The staff believes that the proposed changes are consistent with, and will help to achieve, those goals and policies.

#### **FISCAL IMPACTS**

There are no known fiscal impacts associated with this proposal.

#### **RECOMMENDATION**

The staff recommends that the Council conduct the first reading. The staff will be recommending at the second reading adoption of the proposed amendments, with the exception of the right-of-way standards contained in the last section of the proposed Design Manual. The staff recommends that the Council direct staff to update the public works standards to include similar provisions as those recommended by the DRB and Planning Commission, and that they include a provision for public review and comment, and DRB review and recommendations.

Attachments: Summary of Proposed Changes  
Draft Ordinance amending the Design Manual  
Proposed Design Manual Chapter 17.99 (attachment to ordinance)  
Planning Commission Minutes of July 29, 2004, July 15, 2004, and July 1, 2004

# **Design Manual Update**

## **Summary of Proposed Changes**

The following is a non-exhaustive summary of proposed changes to the City's Design Manual. While the summary does not state all changes in detail, it identifies the more substantive or salient changes in the Design Review Board's 2004 draft.

Correct typographical errors in original manual.

Incorporate cleaner graphics in to the manual.

Prepare manual for incorporation into the Gig Harbor Municipal Code.

Reformat entire document into more definitive chapters and topics

Refer to all development as either residential or non-residential through-out the document.

Adopt an expiration date for design review approval (24 months).

Identify those specific dimensional requirements that may only be varied through the normal variance process and not through the DRB process. (See section on Design Review Options in the introduction to the manual).

Incorporate into manual an Industrial Building Exemption that defines industrial buildings and identifies which standards are exempt for industrial buildings. (Pg. 10 of Introduction).

Rename and amend boundaries of activity centers. (Section 1.1.02)

Eliminate requirement to cluster development around outdoor space in activities centers

Eliminate requirement for pedestrian paths in activity centers to connect to out-lying development.

Eliminate requirement to buffer pedestrian areas from the street.

Eliminate transit stop language from activity center standards.

Identify new parkways (e.g., Borgen Blvd., Purdy Drive, North/South Connector, and eliminate portion of Rosedale Street Parkway lying west of Skansie Avenue, extend Peacock Hill Avenue parkway up to Borgen Blvd. (Section 1.2.02)

Eliminate setback averaging requirement from parkway standards.

Revise Zone Transition standards to include a more definitive description of what "substantial buffering" between districts entails, to require conformance to architectural standards if development abuts a different zone on the same side of the street, to apply zone transition standards only if a proposed use is not an allowed use in the opposing zone, to redefine the structures in the opposing zone that will be used to determine average footprint size and height, and to define zoning categories that zone transition standards apply to, to eliminate vegetative buffering as an option for meeting zone transition standards within the height restriction area (view basin), and to provide an alternative method for addressing zone transition standards before the DRB based on a site specific evaluation. (Section 1.4.03)

Provide more definitive language on respecting natural topography. Section 2.1.01(3)).

Revise standards for protective barricades that protect areas of natural vegetation to provide a sturdier barricade that will not be easily removed or buried during the construction phase. (Section 2.1.01(6)).

Provide additional tree-replacement options for trees otherwise required to be retained. (Section 2.1.01(7)).

Provide phased landscape options for sites not fully developed. (Section 2.2.01(2))

Provide maintenance and thinning provisions for overcrowded buffer areas. (Section 2.2.01(8)).

Define the required width of primary walkways. (Section 2.3.01(2)).

Define seating requirements along primary walkways. (Section 2.3.01(5)).

Revise secondary walkway requirements to state that walkways should provide the shortest route between building entrances. (Section 2.4.01(1)).

Include in the list of common area options an "outdoor employee space", which would be applicable to professional office and industrial buildings only. (Section 2.5.01(3)(e)).

Provide alternative parking lot landscaping standards that allows trees to be placed in regularly spaced islands as opposed to continuous landscaped strips. (Section 2.10.01(5))

Redefine driveway location requirements to minimize their impacts on perimeter landscape areas or buffers. (Section 2.10.01(10)).

Establish setbacks for parking lots located near street corners. (Section 2.10.01(11)).

Revise lighting standards to allow security lighting that is not downward directional, provided it is intermittent lighting on motion detectors. (Section 2.12.01(2)).

Define height allowance for parking lot or pole lights. (Section 2.12.01(7)).

Include provisions that avoid false-front appearance on buildings. (Section 3.2.01(3)).

Include provisions that allow primary structures to be single-story structures if the architecture provides the lofty appearance of two-story structures. (Section 3.3.01(1)(b)).

Provide a more descriptive definition of acceptable siding materials. (Section 3.6.01(1) and - for the historic district - Section 3.14.05(1)).

Include a "masonry façade option" that, if applied, allows some other design standards to be relaxed. (Section 3.6.01(2)).

Provide better definition of acceptable roofing colors. (Section 3.7.01(2)).

Exclude, under the specific language of the Design Manual, faux windows, false-fronts and architectural details that do not reflect the overall building design. (Section 3.8.01(1)).

Provide more options for acceptable field (wall) colors. (Section 3.9.01(1))

Include a new standard that requires natural or factory finishes on brick and stone to be retained (not painted). (Section 3.9.01(4)).

Redefine how parking car garage entrances must be recessed beyond front façade. (Section 3.11.01(1)).

Provide additional options for de-emphasizing garages on single family houses. (Section 3.13.01(1)).

Redefine the point within allowable building area where building height must be measured. (Section 3.13.01(3)).

Redefine the maximum height of a wall on single family homes before a step-back in the wall plane is required. (Section 3.13.01(4)).

Extend boundaries of historic district to include parcels on both sides of Stinson Avenue and Rosedale Street, and the parcel to the southwest corner of Stinson and Rosedale Street. (Section 3.14.01)

Eliminate requirement for DRB review of basic structure units in historic district.

Eliminate maximum height option in the historic district for commercial structures.



Provide standards for the use of slider windows in the historic district (Section 3.14.01(4)).

Provide allowances for use of horizontal cable for deck railing in the waterfront portion of the historic district.

Redefine colors for roofing materials in the historic district (Section 3.14.07(2)).

Eliminate reference to vinyl siding as an appropriate material in the historic district.

Create a new definition of "dense vegetative buffer" that provides both a dimension of the buffer and the type and spacing of vegetation within the buffer. (See "dense vegetative buffer" in glossary).

Revise definition of "gable" (see "gable" in glossary).

Revise definition of "porch" (see "porch" in glossary).

Revise definition of "prominent façade" to make sure it includes any façade visible from any public right-of-way (see "prominent façade" in glossary).

Redefine definition of "significant vegetation" to exclude maple and alder. (See "significant vegetation" in glossary)

Define alley requirements in residential plats. (1.5.01(2)).

Require that all structures on a site be located at front setback line unless they are directly located behind other buildings. (Section 2.7.01(2)).

Change from 7 feet to 8 feet the allowed reduction of parking stall that may be used to retain significant vegetation. (Section 2.1.01(4)(b)).

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, INCORPORATING THE CITY'S DESIGN MANUAL INTO A NEW CHAPTER OF THE GIG HARBOR MUNICIPAL CODE; ALSO AMENDING THE CITY'S DESIGN MANUAL TO REVISE THE FORMAT TO MAKE THE MANUAL MORE USER FRIENDLY, (B) CORRECT INCONSISTENCIES AND ERRORS, (C) ADDRESS DESIGN ISSUES THAT WERE NOT FULLY ADDRESSED IN THE ORIGINAL MANUAL, (D) CLARIFY STANDARDS BY PROVIDING MORE SPECIFIC AND DEFINITIVE LANGUAGE, (D) PROVIDE ADDITIONAL DESIGN OPTIONS, (E) DEFINE AND PROVIDE DESIGN EXEMPTIONS FOR INDUSTRIAL BUILDINGS, (F) IDENTIFY PARKWAYS AND ACTIVITY CENTERS IN NEWLY ANNEXED AREAS AND THROUGHOUT THE CITY'S URBAN GROWTH AREA, AND (G) EXPAND THE BOUNDARIES OF THE HISTORIC DISTRICT TO INCLUDE PARCELS ON THE BOTH SIDES OF STREETS THAT DEFINE THE EXISTING HISTORIC DISTRICT.**

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WHEREAS, The City of Gig Harbor's Comprehensive Plan Design Element, ADOPTED November 28, 1994, on pages 18 – 34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed to achieve said goals; and,

WHEREAS, the City adopted by reference a Design Manual on August 26, 1996 under Ordinance 735, which adopted Chapter 17.98, Design standards & Review; and

WHEREAS, the City has not amended its design standards since their initial adoption in 1996; and

WHEREAS, Section 17.98.020 states that the Design Manual shall be reviewed by the planning commission two years after the date of adoption of Ordinance No. 787 to evaluate its effectiveness; and

WHEREAS, the City Council directed the staff and the Design Review Board (DRB) to review and, if necessary recommend amendments to the Design Manual based upon knowledge of its effectiveness on actual projects since its original adoption; and

WHEREAS, the DRB has conducted numerous evening and all-day work sessions over the course of the last three years in developing an update to the Design Manual, including meetings on January 17, 2002, January 31, 2002, April 11, 2002, April 18, 2002, April 22, 2002, October 10, 2002, November 18, 2002, February 13, 2003, March 27, 2003, April 10, 2003, May 8, 2003, May, 22, 2003, February 12, 2004, February 26, 2004, March 25, 2004, April 5, 2004; April 22, 204, May 13, 2004, May 24, 2004 and May 27, 2004 and

WHEREAS, the DRB has drafted changes to the Design Manual that includes numerous changes including the following:

1. Correct typographical errors in original manual.
2. Incorporate cleaner graphics in to the manual.
3. Prepare manual for incorporation into the Gig Harbor Municipal Code.
4. Reformat entire document into more definitive chapters and topics
5. Refer to all development as either residential or non-residential through-out the document.
6. Identify those specific dimensional requirements that may only be varied through the normal variance process and not through the DRB process.
7. Incorporate into manual an Industrial Building Exemption that defines industrial buildings and identifies which standards are exempt for industrial buildings.
8. Rename and amend boundaries of activity centers.
9. Eliminate requirement to cluster development around outdoor space in activities centers
10. Eliminate requirement for pedestrian paths in activity centers to connect to out-lying development.
11. Eliminate requirement to buffer pedestrian areas from the street.
12. Eliminate transit stop language from activity center standards.
13. Identify new parkways (i.e., Borgen Blvd., Purdy Drive, North/South Connector, and eliminate portion of Rosedale Street Parkway lying west of Skansie Avenue, extend Peacock Hill Avenue parkway up to Borgen Blvd.
14. Eliminate setback averaging requirement from parkway standards.
15. Eliminate all right-of-way design standards.
16. Revise Zone Transition standards to include a more definitive description of what "substantial buffering" between districts entails, to require conformance to architectural standards if development abuts a different zone on the same side of the street, to apply zone transition standards only if a proposed use is not an allowed use in the opposing zone, to redefine the structures in the opposing zone that will be used to determine average footprint size and height, and to define those zoning districts that zone transition standards occur between.
17. Provide more definitive language on respecting natural topography.

18. Revise standards for protective barricades that protect areas of natural vegetation to provide a sturdier barricade that will not be easily removed or buried during the construction phase.
19. Provide additional tree-replacement options for trees otherwise required to be retained.
20. Provide phased landscape options for sites not fully developed.
21. Provide maintenance and thinning provisions for overcrowded buffer areas.
22. Define the required width of primary walkways.
23. Define seating requirements along primary walkways.
24. Revise secondary walkway requirements to state that walkways should provide the shortest route between building entrances.
25. Provide alternative parking lot landscaping standards that allows trees to be placed in regularly spaced islands as opposed to continuous landscaped strips.
26. Redefine driveway location requirements to minimize their impacts on perimeter landscape areas or buffers.
27. Establish setbacks for parking lots located near street corners.
28. Revise lighting standards to allow security lighting that is not downward directional, provided it is intermittent lighting on motion detectors.
29. Define height allowance for parking lot or pole lights.
30. Include provisions that avoid false-front appearance on buildings.
31. Include provisions that allow primary structures to be single-story structures if the architecture provides the lofty appearance of two-story structures.
32. Provide a more descriptive definition of acceptable siding materials.
33. Include a "masonry façade option" that, if applied, allows some other design standards to be relaxed.
34. Provide better definition of acceptable roofing colors.
35. Exclude, under the specific language of the Design Manual, faux windows, false-fronts and architectural details that do not reflect the overall building design.
36. Provide more options for acceptable field (wall) colors.
37. Include a new standard that requires natural or factory finishes on brick and stone to be retained (not painted).
38. Redefine how parking car garage entrances must be recessed beyond front façade.
39. Provide additional options for de-emphasizing garages on single family houses.
40. Redefine the point within allowable building area where building height must be measured.
41. Redefine the maximum height of a wall on single family homes before a step-back in the wall plane is required.
42. Extend boundaries of historic district to include parcels on both sides of Stinson Avenue and Rosedale Street, the C-1 and B-2 districts on North

Harborview Drive, all parcels having frontage on Harborview Drive, and the parcel to the southwest corner of Stinson and Rosedale Street.

43. Eliminate requirement for DRB review of basic structure units in historic district.
44. Eliminate maximum height option in the historic district for commercial structures.
45. Provide standards for the use of slider windows in the historic district.
46. Provide allowances for use of horizontal cable for deck railing in the waterfront portion of the historic district.
47. Redefine colors for roofing materials in the historic district.
48. Eliminate reference to vinyl siding as an appropriate material in the historic district.
49. Create a new definition of "dense vegetative buffer" that provides both a dimension of the buffer and the type and spacing of vegetation within the buffer.
50. Revise definition of "gable."
51. Revise definition of "porch".
52. Revise definition of "prominent façade" to make sure it includes any façade visible from any public right-of-way.
53. Redefine definition of "significant vegetation" to exclude maple and alder.
54. Define alley requirements in residential plats.
55. Require that all structures on a site be located at front setback line unless they are directly located behind other buildings.
56. Change from 7 feet to 8 feet the allowed reduction of parking stall that may be used to retain significant vegetation; and

WHEREAS, the DRB voted unanimously during its May 27, 2004 work session to forward a recommendation to the Planning Commission and City Council supportive of the proposed amendments; and

WHEREAS, the Planning Commission conducted work sessions on June 3, 2004, June 17, 2004, and a final work session on July 15, 2004; and

WHEREAS, the City Council finds that the proposed amendments to the Design Manual are consistent with the Design Element of the City's Comprehensive Plan; and

WHEREAS, the City desires to incorporate the Design Manual into the Municipal Code; and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed Design Manual update and its incorporation into the Municipal Code on June 4, 2004 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on June 4, 2004 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on July 1, 2004, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_ 2004; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. A new Chapter 17.99 of the Gig Harbor Municipal Code, Design Manual, as shown in Attachment A to this ordinance, is hereby adopted.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this \_\_\_ day of \_\_\_\_\_, 2004.

CITY OF GIG HARBOR

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

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: \_\_\_\_\_

**City of Gig Harbor Planning Commission  
Minutes of Public Hearing  
Thursday, July 1, 2004  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Carol Johnson, Kathy Franklin, Bruce Gair, Dick Allen, Chairman Paul Kadzik. Staff present: Steve Osguthorpe .

**CALL TO ORDER:** 7:00 p.m.

**APPROVAL OF MINUTES:**

Deferred until the next meeting as not everyone had a copy.

The Chairman opened the public hearing at 7:02.

**PUBLIC HEARING**

**Dale Pinney, Proposed text amendments reducing setbacks requirements in the PCD-BP (ZONE 04-03) –**

Planning Manager Steve Osguthorpe gave a staff report giving the history of the PCD-BP zone and the current proposal. He stated that in 1997 Gig Harbor North Development regulations were adopted. The idea at that time was a planned approach to the entire area coordinate uses amongst uses, carefully mixed and integrated. Large setbacks were intended for where intense uses were abutting residential zones. The current proposal is to create two categories of uses which place more impacting type of uses in one, less in another. The proposal defines different setbacks for each category with more impacting uses having a larger setback. Staff is recommending that the Planning Commission conduct the public hearing and forward a recommendation for approval to the City Council.

Chairman Paul Kadzik opened the Public Hearing

**Dale Pinney, First Western Development, 1359 N 205<sup>th</sup>, Shoreline**

Mr. Pinney stated that he felt that the ordinance as drafted meets with what was discussed in the work session with the Planning Commission and that the proposed setbacks were more appropriate and accomplished the city's goals.

Commissioner Allen asked staff at what point would each site be classified. Mr. Osguthorpe replied that a site would not be classified, it depends on the use and that the use would be classified more or less at the time of application.

There being no further comment Chairman Kadzik closed the public hearing at 7:07

**Motion:** Move we recommend adoption of the ordinance as written.  
Johnson/Franklin – motion carried unanimously.



## Design Manual Update -

Planning Manager Steve Osguthorpe outlined his staff report stating that the Design Review Board has been working on the update for over 2 years resulting in a major rewrite of the formatting and some substantive changes. Mr. Osguthorpe then distributed a summary of the proposed changes, highlighting the incorporation of the design manual into the zoning code and the correction of inconsistencies between the design manual and the zoning code. He reported that staff believes this is a positive change in the administration of the design standards and the Design Review Board voted unanimously to recommend approval to the Planning Commission. As a result of the previous work sessions held with the Planning Commission the only changes recommended are (1) the elimination of provisions for extra height on primary structures within the entire height restriction area rather than just on parcels within defined view corridors, (2) an additional Industrial Building Exemption for interior parking lot landscaping provided that additional trees will be provided in the perimeter landscaping (this was done to provide for maneuverability of large semi trucks), (3) to redefine transition zone standards to not apply between R-1 and R-2 and R-2 and R-3 zones and (4) only those buildings within 200 feet of subject site would be used for calculation of building footprint size in zone transition areas.

Additionally, Mr. Osguthorpe stated that the Design Review Board had proposed exclusion of alders and maples from significant vegetation and the Planning Commission had expressed concern with that proposal.

Mr. Osguthorpe distributed a letter he had received from Wade Perrow and reminded the Planning Commission of a letter from Lita Dawn Stanton which was e-mailed or delivered to them. He further stated that the City Attorney had drafted a response, of which he then gave a copy to Ms. Stanton and the Planning Commission. He stated that the response basically reiterated the need to be specific in our standards due to state case law and also included a full copy of the article referenced in Ms. Stanton's letter.

Chairman Paul Kadzik asked if staff could remind everyone of the schedule set forth by the city council for adoption of the Design Manual. Planning Manager Steve Osguthorpe replied that the next scheduled work session with the Planning Commission is July 15<sup>th</sup> at which time they should finalize their recommendation to the City Council. The City Council has directed that this item be brought to them on August 9<sup>th</sup> and 23<sup>rd</sup>, 2004.

Chairman Kadzik opened the public hearing with a limit of 10 minutes per person.

David Fisher, North Pacific Design, 2727 Hollycroft, Gig Harbor

Mr. Fisher submitted two letters, one from Gordon Rush and one from himself. He stated that he had gone through the design manual changes and noted that it seemed clearer and more organized and felt that this would help streamline design review. Mr. Fisher expressed his concern that prescriptive review could prevent a better design and

suggested that there be a time limit such as; 20 business days for staff review, 20 days for a report and if necessary 20 days for the Design Review Board report. He pointed out that on page 8 of the manual there is a reference to the DRB not recommending approval for dimensional standards and that a variance is required. He recommended that these standards be in the municipal code. He felt that the introduction was clear on the two paths of design review. However, there should be more options and suggested that the Planning Commission delete the alley requirement. Mr. Fisher went on to say that he was concerned with the zone transition standards and comparing one's building size and height to that of one's neighbors. If the building is right next door (within 100') it may make sense but 200' away does not seem reasonable. He felt that there should be an option to increase the size by about 1/3. He further stated that the exterior materials section should not be specific but rather have two categories (premium and commodity) and proposed that at least 50% of the building be premium materials (premium being brick and stone). Additionally he suggested providing options for de-emphasizing garage doors.

Commissioner Bruce Gair asked Mr. Fisher about the delays he had experienced and what he felt had caused them. Mr. Fisher stated that he felt it was a lack of clarity and SEPA not running concurrently with the Design Review Process.

Jake Bujacich, 3607 Ross Ave., Gig Harbor

Mr. Bujacich wished to comment on the proposed expansion of the Historic District and observed that when this is adopted there will be approximately over 100 homes in the historic district. He noted that there were approximately nine building lots without homes not counting the parcel behind Yacht Club and the Franich residence. He noted that there are new houses that have been built and according to this manual those houses would not be able to be built because of the setbacks. Now according to this manual you can build as close as 3' from the rear lot line or 5' from the side. Mr. Bujacich stated that it seems almost impossible to build and that this document makes it take too long. He then cited a case where he had to plant 9 trees for taking down a Madrona without a permit. He felt that we should use the height restrictions and zoning to regulate and stated that we created this quaint little village without any of these regulations.

Mr. Osguthorpe stated that the update addresses the tree issue as the Design Review Board has recommended a selective thinning and maintenance provision.

Wade Perrow, 9119 North Harborview Dr., Gig Harbor

Mr. Perrow thanked Mr. Osguthorpe for sending an early copy of the Design Manual for review and said that up to this point we haven't been able to comment. Mr. Perrow went over his written comments and suggested the city hold a work study session like what is being done with the Building Size Analysis so that we can have more of a dialog. He pointed out that his comments only encompass the introduction and stated that he still needed to take the time to thoroughly review the manual. Mr. Perrow cautioned that once this manual is codified it's a zoning ordinance and you will have to go to the Hearing Examiner and the DRB won't have any authority. He asked how do

you define equivalent or superior design solutions. He stated that in the update 50% of the lots have to have an alley and asked what if you are on a steep hillside and can only have 25%. He noted that now that it's codified the DRB can't rule. This is legislating good taste. He suggested that the city get a land use attorney other than Carol Morris to review it so that we can have real design review instead of legislating it. Design is art and art needs to be flexible. He cited an example of metal siding which can only be on certain parts of the building and pointed out that Albertsons and Home Depot have metal siding and everyone thinks it looks great.

Chairman Kadzik asked to let the record show that Commissioner Scott Wagner arrived.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor

Ms. Stanton stated that her comments were not intended to derail the design manual, however she did have concerns for the process. She voiced her hope that there will be changes to manual along with a hope that there be a good look at the process. She thanked Carol Morris for the lengthy response. She then noted that on page 5 of the manual in the overview item c) originally said facilitate early and ongoing communication, a dialog among project proponents, neighborhoods and city's design review board in a public meetings setting. She stated that the Design Review Board had changed that language and until tonight she didn't realize how important the word neighborhood is. She then noted that some of the staff don't live in this area and don't know what's in your backyard and don't know what Gig Harbor North looks like. She said that if you take the public out of the process you will lose resources and insights about those properties. I can't tell you what color to paint your house and I shouldn't have that authority in my opinion. Ms. Stanton told the Planning Commission they could pass either manual as far as she was concerned and with as much time as it's taken to get this far she would assume you would because there are some good things in the manual. She noted that Seattle has a process in place and that they are 10 years ahead of us and they've got some good things to look at. She pointed out that on the Design Review Board agenda it states: all public attendance is encouraged, and that this is a public meeting not a public hearing; public testimony will not be accepted at this time. This is our manual, this is our town and we should say what it looks like, and if you are not opening the doors and encouraging public input in some capacity then you shut the door on your own community. Ms. Stanton further emphasized that she didn't mean to say that things in it aren't valid but she thought that the process was broken and encouraged the commission to please, caveat your decision with some kind of work sessions or some kind of ability to review other cities and their procedures.

Jason Fowers 18526 Newell Rd, Poulsbo

Mr. Fowers noted that he doesn't live in the community, however, loved it here and have been designing here for the last couple of years and wanted to continue to do so. He stated that his comments were from experiencing Design Review. He then went on to explain that in his reading of the Design Manual and the section on retention of 20% retention of significant vegetation, if that happens to be in the middle of your lot you are out of luck and can't replace with like kind. He then asked if that is that different now.

Planning Manager Steve Osguthorpe responded that the three-tree replacement issue pertains to trees that were required to be retained but which were subsequently lost. It was not intended to allow a replacement process without efforts to retain what exists.

Mr. Fowers stated that he didn't mean to throw out the design manual as some have here tonight, and further stated that he actually thought a lot of it was good. He then went through his outline which was submitted to the Planning Commission. He voiced his concern with zone transition buffer and stated that he had encountered problems especially for commercial lots when the 40% buffer is in a zone across the street from a residential zone, when doing a commercial project if your project doesn't have frontage you tend to lose that street presence and without that street presence the business will fold. He continued to say that then he would have to make the building the same size as the residence across the street within 200' feet and, again, commercially speaking, if there is a 1700 sq ft residence across the street it becomes a lot more expensive to try to build multiple small 1700 sq ft buildings as opposed to a larger building. He pointed out that when you are in the same zone you could build a 6000 sq ft home right next to a 1700 sq ft home but not a commercial building. He proposed to allow commercial across from residential and to use modulation like we have done in the past. He continued with his next item which was the 20% retention of significant vegetation. He pointed out that commercial developments usually need the center of their lots. He expressed that he did not understand the proposal to perhaps exclude alders and maples and asked why save one species of tree and say another doesn't matter, voicing his opinion to have that deleted. Mr. Fowers went on to explain his recommendation to allow replacement of like kind vegetation during the construction process not just after it, along with a requirement to put an 8' or 12' tree. His next issue was the modulation of all facades and ridges. He quoted from the manual and stated that the problem again is more a functional one, to make all facades fit within this requirement, stating that he agreed that it is important on prominent facades but to also require it on the non prominent facades is a waste of material.

Planning Manager Steve Osguthorpe pointed out that facades which are not prominent do not have to comply with the design standards.

Randy Boss, Seattle Pacific Realty.

Mr. Boss stated that he had sat in with several of the design review sub-committee meetings with planning staff and expressed his pleasure with being able to have an opportunity to talk rather than listen. He further stated that one of the issues that came before the city council during the west side rezone and building size discussion was the 65,000 sq ft boxes that were going to be allowed over on the west side and that discussion at that point was that the city council eliminated the PUD process for any developments that went into that development then came back at the end of the day and said okay PUDs would be okay except that we can't change the box size through a PUD. He thought that some of the comments that came out tonight could be addressed through the PUD process, stating that the planning department and the city could to take a look at a project using the design manual as a guideline and someone who wanted to vary would have the opportunity for a PUD process that would then invite the public to the table and give the planning department and the public input on that project.

He encouraged a discussion or a blending of those two and somehow get the PUD process incorporated into the design manual because he thought that it would address some of the concerns that the public has about the process and the restrictions that they perceive would be imposed by this manual. He then stated that he had 40 complaints but would limit those to less than a dozen tonight and speak on them quickly. He noted that the code says that your building can't be any bigger than the building adjacent to it and can't be any taller than the building next to it if you're next to a transitional line. He felt that that would place a real burden on property owners not just commercial property owners but any property owner. He had talked to the real estate director for Safeway and he said he was not happy about their recent remodel. He wanted to tear the structure down and build a new Safeway, even though they spent 3 million dollars on it. When he went to the City they handed him the new design manual which isn't in affect yet and told him if he was going to do this you might as well comply with this manual which required him to take his building and push it up to the front setback line with the parking behind the store. Even with that the buildings across the street were a gas station and a bank existed, the transitional zoning wouldn't have allowed the building to be built. He thought this was detrimental to the city and one of the unintended consequences of the design manual. He then addressed the requirement for no retaining walls to be over 6 feet tall. He continued to say that Costco is now in the process of trying to get a site plan approved with the city and they have a 27 foot grade elevation change so they have to build a retaining wall on the back in order to get a flat site. If there is no modification to this or if Costco is required to comply with this requirement it would eliminate the Costco from that site. Furthermore, in talking with the developer on that site, Costco is the primary structure on that site and therefore would have to be on the front property line and the city wasn't happy with having a 130,000 square foot building on the front property line and of course this is heresay, but I understand that Costco is going to be required to apply for a variance to move their building to the back of the property so as not to have such a massive structure up on the street. He felt that this was a ludicrous regulation to have to comply with. He stated that the PUD process would have worked to resolve that issue. Mr. Boss then addressed common areas equal to 10% of the gross square footage of the project. He explained that on Pt Fosdick there is 30 acres where the WalMart/Fred Meyer site was and if you joined that with Safeway you have about 47 acres. He went on to explain that if you were to redevelop that whole property obviously there's 4700 square feet of required common area which is over an acre of common area that would have to be developed. That's an extreme taking that someone has to pay commercial property taxes on. He pointed out that shoppers park at the front door, go in the store and then go home and that nobody takes their groceries and then sits and has a sandwich before they go home. He admitted it may be a nice amenity for the community but if you go up to Gig Harbor North there is never anyone there. It looks nice but the cost is too high.

Continuing, Mr. Boss stated that one of the parties that's interested in bringing a new theatre to Gig Harbor would have to have the front of their building facing Pt Fosdick with a 40' buffer in front of it so the front door of the theatre is behind 40' of trees with the parking to the side or behind the building. He guaranteed that the theatre is never coming to Gig Harbor with that design requirement in place. He felt that there should be some review criteria and suggested that maybe it's the PUD.

Commissioner Allen asked in the case of the theatre illustration what is it that drives the 40' buffer?

Mr. Boss replied that it was the property line setback requirement.

Mr. Allen further queried if it was in the transition zone. Mr. Boss replied that he understood that the entire perimeter must be retained.

Mr. Osguthorpe clarified that the zoning code requires that all significant trees within the setback be retained and that the design manual just states 20% retention, so the 40' requirement does not apply. He further pointed out that the front setback is actually 20' in the B-2 zone and if there were significant trees within that setback they would have to be retained. Additionally he explained that the side yard setback in the B-2 is 5' or 10' and the side would only be 40' if it was abutting a different zone.

Commissioner Wagner asked about the zone transition standards and would they apply to this site. Planning Manager Steve Osguthorpe answered that no, they were not abutting a different zone.

Mr. Boss further stated that he had heard that Costco was having difficulty in the process here in Gig Harbor and they originally wanted to go to Port Orchard but they were given headaches there and decided to come to Gig Harbor North but now have renewed their interest in Port Orchard. He felt that would be a significant loss for the revenue stream in Gig Harbor of over about a million dollars in sales tax revenue.

Chairman Kadzik asked if it was possible to have written comments from Mr. Boss. He answered that his comments tonight were off the cuff and he would e-mail written comments.

Chuck Hunter, 8829 Franklin Ave., Gig Harbor

Mr. Hunter stated that he was a member of the Design Review Board but was speaking on his own behalf. He stated that the Design Review Board had never held up a project more than over a couple of meetings. He explained that the requirements of the design manual are carried out by the staff and the applicant and that usually the DRB will deal with 3 or 4 items, sometimes 1 item and you can guess that one item isn't going to affect a project very much. He further stated that most of the time things have been resolved between staff and the applicant when it gets to us. He expressed that he would like to see the DRB be able to look at the entire staff report when a project reaches a certain threshold to provide a little oversight as to how staff is interpreting the manual. He further stated that in the manual itself he would like to see less formulas and no prohibited items and a chance for a little more creativity. He expressed skepticism about codifying the manual. He agreed that he couldn't argue with the staff or the city attorney about the good points and bad points about codifying it but thought that once it's codified it will be more intimidating and reduce creativity. Mr. Hunter recommended that there be some kind of standard operating procedure for staff and noted design review really went off the track here about 2-3 years ago when a couple of

projects in the view basin that we had a lot questions about resulted in a gag order. The next project we tried to review while not being able to have any dialogue with the applicant. It's impossible to negotiate and be able to have a dialogue. He went on to explain that he'd like to see some neighborhood participation on the design review board. He reminded the Planning Commission that the same requirement in downtown Gig Harbor doesn't necessarily work at Point Fosdick and stated that there was a need for a narrow scope in the view basin and then lessen the scope as you move outward until you get to the UGA. Continuing, he explained that Design Review was great and does good things but he would hate to see every building looking the same.

Dale Pinney, First Western Development, 1359 N 205<sup>th</sup> Shoreline Washington

Mr. Pinney stated that the city has a design manual because it has a general idea of what the city should look like and there are some good clinical examples of the pitfalls of trying to be too specific about how you get to your vision. He voiced his concern in regard to what Mr. Perrow was saying in that all regulations have of a little bit of wiggle room but the zoning code is pretty strict and how you would interpret "that the alternative design meets the intent of each general requirement". "Intent" is not a zoning code type of word, those are flexibility words. He stated that he went through two design review processes and they were more of an administrative process. The DRB had an administrative role to aid you in meeting the city's vision while having the flexibility to make it's own decisions. He noted that somebody said the theatre had to be on the front setback line and if we were to submit a building design that looks really good I'm not sure that if this is part of the zoning code the DRB would still have the flexibility to decide these things. He recommended that there be a vehicle in this document that specifically says the DRB has parameters, that they are not stuck with certain provisions. He cautioned the Planning Commission in their review of the residential sections of the manual and recommended that cottage design style and it's pedestrian features shouldn't be excluded. He went to say that in the parking garage section the Planning Commission should consider that any parking garage is probably more than 20 cars and asked if underground parking had been considered the same as a parking garage.

Jake Bujacich, 3607 Ross Ave., Gig Harbor

Mr. Bujacich asked if he has a lot in a residential district now and wants to build a 3500 sq ft building in Waterfront Millville and if the residences across the street within 200 feet are smaller, would he have to put in a 40' buffer.

Planning Manager Steve Osguthorpe replied that under the proposed changes if the use is allowed in the opposing zone then the zone transition standards do not apply, yet if it's an office building across from a residence in a different zone the zone transition standards would apply and pointed out that you would have the choice to reflect the scale of the abutting buildings or buffering. He further stated that the current and proposed standards allow a smaller structure in front and a larger structure in the rear to reflect the scale.

Mr. Bujacich voiced his concern that we enjoy the view of the bay and if you start

building residences and putting up a buffer, you'll be building a wall. Additionally he noted that there should not be a choice to build as close as 5' to the side property line. He explained that if you have to put a driveway on one side and then you are forced to do the 5' on one side.

Commissioner Allen added that Waterfront Millville allows duplexes so all of the distance on the shoreline side of the street of Harborview from Rosedale to Stinson is Waterfront Millville. If someone wanted to build a 4000 square foot duplex and has a 900 square foot house across the street he has a problem.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor

Ms. Stanton stated that she would like to comment on just one more thing. She stated that if you are taking the flexibility out of the manual by getting very prescriptive with your formulas where are you going to accommodate flexibility. She noted that in Seattle's municipal code they require a pre-application conference and these meetings happen early on. She expressed that if we don't have these meetings early on with neighborhoods we lose an opportunity and that this particular process works to include neighborhoods. She felt that if you restrict it to five people on a board and three staff members then you have to provide prescriptive mechanisms to kick into place because you don't have access to your neighborhood. She further pointed that the Design Review Board had unanimously agreed to send a letter to the Planning Commission regarding the public works requirements being taken out completely from the manual and voiced her concern with the Public Works department not having to comply with design review.

Planning Manager Steve Osguthorpe replied that the Seattle Code is certainly worth looking at. Mr. Osguthorpe went on to explain that there are two processes in Seattle, with one being a Design Review Board process and the other being an Administrative Process very much like we have here. He explained that a project in which goes before the Design Review Board in Seattle does require both a pre-application conference and also what they call an early design guidance public meeting with the Design Review Board. The pre-application conference is a staff meeting the same as what we have here in Gig Harbor; not a neighborhood meeting. He further stated that we have pre-application meetings with applicants before they actually submit an application and that we certainly encourage those. Mr. Osguthorpe continued that the only time that you have to have the early design guidance public meeting in Seattle is if you choose the Design Review Board process and in both situations, however, whether it's administrative by the director or the Design Review Board, the Seattle DRB is also a recommending body only; not a decision making body. He noted the difference between Seattle and Gig Harbor is that unlike the Hearing Examiner making the final decision on design review based upon the DRB recommendation, Seattle's Planning Director makes the final decision based upon the recommendation of the DRB. He summarized by saying those are the two processes much like what we have here and that he would expect that probably the reason for the dual process in Seattle was the same as our concern for the need to provide specificity because the state has mandated a turnaround time for review. He explained that we have the 120 day requirement to turn a project around and you usually cannot do that with the DRB



process. Therefore, the alternate administrative process gives the applicant specific information to decide if they want to meet those or not which allows them the opportunity to meet that turnaround time. He closed by saying the Seattle process is definitely worth looking at as there are some similarities and some differences as well.

Dale Pinney, First Western Development, 1359 N 205<sup>th</sup> Shoreline Washington:

Mr. Pinney stated that he had just completed a 70,000 sq ft medical office building in the Northgate design review district in Seattle and that their design review method is very prescriptive. He said that they have a very different vision of what their city is going to be than Gig Harbor does. He noted that it was much easier to meet their standards and they have very wide tolerances and there is lots of stuff you can do but a totally different perspective. He felt that it was not a good comparison. He noted that the pre-design meetings were very different and the interactive process in Seattle was very much more impersonal, cold and calculating.

Commissioner Wagner asked Mr. Pinney, as a developer who has recently been through both processes, which process he enjoyed going through better and if the Seattle process was more timely. Mr. Pinney replied that the vision is different because their districts are set up throughout the city and their design manuals are set up differently. He stated that their Design Review Manual is part of their zoning code and you look at it and you know what you can do. He noted that here in Gig Harbor there are so many different alternatives to achieve your vision that he wasn't sure we should try to be that narrow and prescriptive in how you want to do it or let the DRB give their opinion. He explained that the process in Gig Harbor was very difficult and time consuming for larger box-type projects because he couldn't build it the way the book said, so he had to work with the Design Review Board to come up with ways that met the intent or that the Board thought looked good and further explained that that inherently is going to take a lot more time. He emphasized that if he turned a project in that is a prescriptive project he'd probably go right through. The types of projects like Gig Harbor North, large medical projects or Safeways, don't fit your manual very well. He further stated that if you want to build a Costco or a Safeway or a large theatre or a big office building then the rules and the vision that Gig Harbor has doesn't fit that project very well.

Commissioner Wagner clarified that if you wanted to build Randy Boss's project in Seattle, a Safeway and a theatre and go through their process in a commercial zone would that be a lot simpler.

Mr. Pinney explained that Safeways and big theatres don't look like the Civic Center building, which he thought was what Gig Harbor wanted. Smaller buildings can meet your vision much easier.

Commissioner Allen asked who is making these discretionary calls when you have to tweak the system to build these buildings.

Mr. Pinney replied that the most difficult part for us has been getting through the Design Review Board because it's the most constraining element, so in our process it was staff,

the DRB and us putting up examples and trying to win DRB support for our ideas by making something fatter, taller, wider, different to the point that it was acceptable. He explained that zoning code review is clinical and that once you had design review approval the zoning code part was a lot simpler.

Commissioner Gair commented that the rules need to be formulated for the neighborhood. He noted that Seattle has been around a long time and have a lot of staff and they have a different approach for each neighborhood. He pointed out that we are trying to write one manual for all and cautioned that we have the potential to make a big mistake because we are growing.

There being no further testimony Chairman Paul Kadzik closed the Public Hearing. The next meeting is a work-study session on July 15<sup>th</sup>, 2004.

Commissioner Wagner stated that there was a lot of discussion tonight on zone transitions and was wondering if there is a way to make a map to see all the properties that are affected by transition zones. He noted that the topic came up 60-70% of the time and asked if a staff member could make a map that shows this. Commissioners Gair and Allen agreed that it would be helpful to see this on a larger scale.

Mr. Osguthorpe stated that he would pull together something.

Commissioner Gair noted that this was a tough time of year to get everyone together and asked if there was any possibility that we could open up the next work session as a public hearing in case anyone else wants to say something.

Mr. Osguthorpe pointed out that as a work session you can still allow public dialogue. Commissioner Johnson reiterated that the City Council has given the Planning Commission an August deadline. Mr. Osguthorpe stated that the Council may want to have their own workshops or public hearings and that those work sessions with the City Council will need to have definite agendas so that discussion topics do not drift and repeat.

Commissioner Allen expressed a concern that we haven't received enough comments from citizens at large. He noted that there are some changes within the Historic District which really affect people's property and they don't realize it. He further stated that he didn't like these things happening without ordinary citizens being aware.

Commissioner Johnson asked what process had been used to solicit participation in the building size analysis. She further pointed out that she would really like to use the next work session to discuss the issues as a Commission so that they could formulate a recommendation and let the City Council hold a public hearing.

Chairman Kadzik expressed his wish to also get staff's input on the public comments received and their validity. He suggested that the next meeting be used to go over the comments presented tonight. Commissioner Wagner reiterated the need for time to discuss everyone's concerns.

Planning Manager Steve Osguthorpe went over some of the comments presented and those which he would clarify further at the next meeting and pointed out that the design manual update was not initiated to create an entire new design review process.

Commissioner Gair suggested that the design review process be looked at separately from the design manual update.

Planning Manager Steve Osguthorpe pointed out that specific notice was sent out to every property owner affected by the expansion of the historic district and staff received 3 or 4 phone calls but those residents did not show up at the hearing. He suggested that the requirement that all property owners meet the historic district standards be removed.

Chairman Kadzik stated that the next meeting would be a work-study session and suggested that if there is time we could allow for some input at that meeting.

**NEXT REGULAR MEETING:**

July 15, 2004 at 6pm – Work Study Session

**ADJOURN:**

**MOTION:** Move to adjourn at 10:00 p.m.  
Johnson/Allen – unanimously approved

CD recorder utilized:  
Disc #1 Track 1  
Disc #2 Track 1

**City of Gig Harbor Planning Commission  
Minutes of Public Hearing  
Thursday, July 15, 2004  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Carol Johnson, Kathy Franklin, Bruce Gair, Dick Allen, Theresa Malich, Scott Wagner and Chairman Paul Kadzik. Staff present: Steve Osguthorpe and Kristin Riebli.

**CALL TO ORDER:** 6:00 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of June 17, 2004  
Johnson/Gair – unanimously approved.

**MOTION:** Move to approve the minutes of July 1, 2004  
Gair/Franklin – unanimously approved

**NEW BUSINESS**

**WORK-STUDY SESSION**

**Design Manual Update -**

Planning Manager Steve Osguthorpe went over his staff report outlining the comments received at the Public Hearing on July 1, 2004 along with staff comments on specific recommendations. He stated that zone transition was one of the bigger issues that arose from the public hearing and that the Planning Commission had asked that staff prepare a map of the areas affected by zone transition. Mr. Osguthorpe presented the map and gave a brief explanation. Additionally Mr. Osguthorpe had prepared a list of zoning categories to facilitate the zone transition discussion along with the map which he distributed to the Planning Commission. He asked that the Planning Commission provide specific recommendations on each subject and that if there is an issue on an existing regulation that the Commission couldn't come to an agreement on that the original language in the Design Manual be retained. It was agreed that they would go through the list of written comments to facilitate discussion.

The first written comment was from David Fisher. His first proposal was to propose time limits on design review. Mr. Osguthorpe responded that there are already time limits in place that require 120 day turnaround on development applications. There was no further discussion.

Mr. Fisher's second proposal was to not require the shortest distance between buildings for pedestrian paths, a longer path may provide a higher quality pedestrian experience. The Commission agreed that the shortest distance would be an administrative requirement and if an applicant felt they had a superior design they could go to the DRB

on that requirement. No further discussion. His third proposal was to not require all outdoor fixtures, furnishings, etc. in activity centers to be coordinated. Chairman Kadzik stated that he thought that in the Design Review Board meetings it had been decided to drop that requirement. Planning Manager Steve Osguthorpe responded that he recalled that the DRB had just dropped the requirement for new activity center. Chairman Kadzik then asked Lita Dawn Stanton and Chuck Hunter who were present in the audience if they recalled the discussion. They replied that they did not recall. Mr. Osguthorpe stated that he thought that Mr. Kadzik was correct and that perhaps the requirement only remained for individual developments to coordinate their fixtures within the development not within the whole activity center. Mr. Osguthorpe looked at the Activity Center section of the Design Manual and stated that it still said "coordinate all outdoor fixtures, furnishings and right of way paving materials in activity centers".

Commissioner Wagner asked if the Design Review Board had felt that that should be removed and Chairman Kadzik stated that he recalled that it was. Mr. Wagner further stated that he felt that having the furnishings different was more diverse and charming. Planning Manager Osguthorpe stated that in the downtown area it was the light fixtures that tied the area together. Commissioner Kadzik directed everyone to look at section 1.1.04 and pointed out that the bold language talks about the furnishings and the specific language underneath only talks about the light fixtures. It was agreed to leave the language regarding light fixtures and right of way paving materials and remove the language regarding accessories and furnishings.

The next item was to add a provision that allows structures on parkways to be up to 1/3 higher or larger in massing. Planning Manager Osguthorpe pointed that providing a number for administrative review is helpful. Commissioner Gair stated that when you start averaging and then increasing the size the average size will just get larger and larger and voiced his concern for doing this along parkways. Chairman Kadzik pointed out that the existing language did not provide for an exact requirement, but rather stated "reflect mass and scale of adjacent structures". With that in mind Mr. Osguthorpe recommended that the language remain unchanged. It was agreed to leave the language unchanged.

Minor Street Standards (Section 1.4.01) was the next item addressed and it was decided to recommend to the Council that that be included in the public works standards and removed from the Design Manual. Proposal #6, the requirement for alleys, was also recommended to be moved into the public works standards.

The zone transition standards were discussed and the concern for perpetuating a small house. Commissioner Johnson pointed out that the change to measure within 200' did improve that situation. It was decided that this item be put on hold for a broader zone transition discussion at 8:00 p.m. Items 8 and 9 were also deferred to the zone transition discussion.

The proposal item #10 was that setback standards should not be stated in the Design Manual because they are already stated in the Municipal Code. Mr. Osguthorpe explained that this was being concurrently addressed by the inclusion of the Design Manual into the zoning code and by amending each section of the zoning code where

setbacks are now stated to reference the setbacks in the Design Manual.

Parking lots on corners (2.10.01) was the next item and proposal #11 was to change the distance provision to a screening provision for them. Mr. Osguthorpe responded that this item could be addressed by an applicant going to the Design Review Board. It was agreed that the language would remain unchanged.

Proposal number 12 was to change the term "cinder block" to concrete block and/or concrete masonry unit, not to be confused with ground-faced block. Planning Manager Osguthorpe expressed that he felt this was an easy change and consistent with the intent of the existing language. The Commission agreed to this change.

Sports facility lighting was the subject of Mr. Fisher's proposal number 13. Mr. Osguthorpe stated that this had already been addressed in the recently adopted provisions for performance-based height exceptions.

Proposal number 14 was to allow pole lights between 20 and 40 feet in height except in pedestrian areas. Mr. Osguthorpe explained that 30' had been successful in several areas of the city. Discussion was held on the size of the base and whether or not that should be included in the height calculation. Mr. Osguthorpe further explained that the standard was actually 20' and that the 30' had been allowed through a DRB process. Chairman Kadzik stated that the DRB had been concerned with excessive light throw and considered topography and site conditions in their decision to allow additional height. It was decided to add language that stated that the 20' be measured above base with a maximum 36" base.

The next item for discussion was proposal number 15 to delete language that states that porches, porticos and similar unheated spaces do not affect the height-width ratio of the wall plane from which the unenclosed structure projects. A vote was held and it was decided to leave the existing language as is with Commissioners Wagner, Gair and Allen voting no.

Proposal number 16 was to add language that states that prominent entrances must be visible from a public street or an interior private street. Mr. Osguthorpe pointed out that this is allowed in the existing language. It was decided that no change be made.

Proposal number 17 was to reinsert language pertain to "traditional siding materials with human handicraft" in general requirements and, for specific requirements, develop list of "premium" materials and "commodity" materials. Mr. Osguthorpe pointed out that this would take significant time to develop such a list. Commissioner Wagner proposed that siding materials be regulated in the historic district or the view basin only. Commissioner Gair voiced his concern with allowing this and felt that the Planning Commission had discussed this at length previously. Commissioner Johnson felt that the integrity of every neighborhood is just as important as every other neighborhood. Chairman Kadzik expressed that he felt there was merit in the "premium" vs. "commodity" materials discussion but that it was something that would have to be discussed at another time. It was decided to make no change to the existing language.

Changing the 100% provision in the masonry façade option to a 90% provision was the proposal in item number 19. Chairman Kadzik asked what the intent of reducing it to 90% was and Planning Manager Osguthorpe replied that perhaps it was to add some timbers or some other accent material and agreed that it may be prudent to add some flexibility here. Commissioner Wagner asked why not make it 80% like is allowed with other materials and the Planning Commission asked those DRB members in attendance if they had any problems with the change to 80% and hearing none they then agreed to change the masonry façade option to 80%.

Proposal number 19 was to state that the roofing materials provisions apply only to roofs sloped 1:12 and greater. Mr. Osguthorpe went on to explain the Mr. Fisher had commented that there are some slopes that you just can't use those materials on. It was agreed upon to make the change as proposed.

The 20<sup>th</sup> proposal was to eliminate the prohibition on the use of faux windows. Planning Manager Osguthorpe explained that the language to eliminate the use of faux windows had been proposed because they had been used as a means of meeting fenestration requirements. Commissioner Wagner expressed that he felt that faux windows when used effectively to create a second story were a valid option. Mr. Osguthorpe pointed out that the language in the second story requirement had changed to allow dormers as a second story and that the DRB could approve the use of the windows if they felt it presented a more lofty design. After discussion with some of the DRB members in the audience it was decided to leave the language unchanged.

Proposal #21 was to eliminate the proposed language addressing false fronts because false fronts are needed to comply with the Design Manual. Planning Manager Osguthorpe suggested that false fronts do not convey an honest approach to building design. The Commission agreed and it was decided to leave the language prohibiting false fronts.

Proposal #22 was to use foot-candles as a measure of allowable lighting as opposed to wattage of incandescent bulbs. Mr. Osguthorpe expressed his concern with using foot-candles as it requires a level of expertise that few people have. Commissioner Gair commented that foot candle meters can be bought and is a more accurate unit of measure than watts. Discussion followed on what the standard should be. It was decided to add "or equivalent foot candles" to the existing language.

Mr. Fisher's 23<sup>rd</sup> proposal was to eliminate the requirement to vary design on multi-family developments. It was explained by Mr. Osguthorpe that perhaps variation of design may be more difficult to achieve with stacked units and apartments, however, it is possible. It was decided to change the language to vary design on units or groups of units.

Proposal number 24 was to revise requirements pertaining to de-emphasizing the garage on single-family houses to provide more options. Mr. Osguthorpe pointed out that this section had been revised in the proposed update, however, he did note that the option to include a side-loaded garage in the single-family section had been overlooked and should be corrected. Additionally he stated that the proposal for an option for

garage doors not visible from any public right-of-way would be a good addition to the proposed list of alternatives. Commissioner Wagner expressed a concern for imposing design standards on single family homes outside the historic district. It was decided to make both the changes as suggested.

The next proposals were submitted by Wade Perrow. His first proposal was to revise the statement on page 5 Overview to "Compliment the existing character of the specific neighborhoods or geographic areas within the City in which the proposed building or site improvements are suggested". Mr. Osguthorpe stated that he felt the change would reinforce the concept of neighborhood and be consistent with other Design Manual policies. The Planning Commission agreed.

Proposal number 2 was to expand on the language addressing an objective basis for decisions, including additional sub-bullets. Mr. Osguthorpe stated that staff was unsure as to how to best incorporate the proposal and asked for the commission's direction. Commissioner Johnson stated that she felt the manual was much clearer than it once was and gives more guidance to the Design Review Board and staff which in turn provides the objective basis for making decisions. Chairman Kadzik read each of the bullets as proposed by Mr. Perrow. Planning Manager Steve Osguthorpe read item E) and suggested that if the bullets were added that the language in item E) be changed also. The Planning Commission decided that there was no change necessary.

Proposal number 3 was to eliminate the statement on page 6 of the overview that states, "Design Review cannot override underlying zoning requirements". Mr. Osguthorpe agreed that in fact our City attorney had also recommended that his language be deleted.

The fourth proposal in Mr. Perrow's letter was to include a provision that allows the DRB to waive a particular general requirement if they find that the project in its entirety is otherwise superior. Mr. Osguthorpe stated that he felt that the overall idea was good but expressed a concern for undue pressure on the DRB to simply waive any number of requirements with the claim that the overall project is somehow superior. The Planning Commission decided that no change should be made as there is already flexibility present.

Proposal number 5 was to relocate those requirements that have dimensional standards from the general language into the specific language in order to allow the DRB flexibility on those items. Planning Manager Osguthorpe explained that this is one of the few items that the DRB does not have the authority to review as these types of standards can only be granted through the normal variance process. Commissioner Wagner asked about the ability of the DRB to grant flexibility in setbacks and presented information he had obtained from the City of Seattle and their process. He recommended that this item be further discussed and that more information be obtained on this legal issue. Mr. Osguthorpe recommended that this item of process be addressed as a separate issue as it could change the entire scope of the Design Manual. Chairman Kadzik suggested that perhaps these larger issues of process be examined at a later date by a joint meeting with the Design Review Board, Planning Commission and committee members from the City Council.



Proposal number 6 was to define "not visible" to mean anything within 800 feet of a public right-of-way or enhancement corridor. Mr. Osguthorpe stated that Mr. Perrow made a good point and that projects that may be seen from distant vantage points are not necessarily intended to be included in the "not visible" definition. Commissioner Wagner agreed that it was a good idea but that 800 feet may be too far and asked where was this more applicable. Mr. Osguthorpe replied that it was probably most applied in the Employment District. It was agreed to make the change to 800'.

Proposal number 7 was to expand and/or clarify uses that fall under the Industrial Building definition. Mr. Osguthorpe stated that he felt the Design Review had given this subject careful consideration and that the additional uses in Mr. Perrow's list were include in the existing language by definition: For example, the definition of *light manufacturing* in the zoning code includes "fabrication facilities". Commissioner Wagner pointed out that there was also a new requirement to record an industrial building exemption against the property which could be a problem if the zoning code changes. Additionally he stated that the City's permitting should be enough to track that and that the city doesn't do title searches anyway. Commissioner Wagner further stated that if the city is going to grant an IBE then they need to track who has it. Mr. Osguthorpe stated that if we can't track it then we would have to remove the Industrial Building Exemption. Commissioner Wagner emphasized that the property could be rezoned to allow the use and then the title is still clouded. He further suggested that perhaps an Industrial Building Exemption be a conditional use. It was decided that this required further legal analysis and this item would be held in abeyance.

The next set of written comments was from Jason Fowers. Mr. Fowers first proposal was to allow commercial zones across the street from residential zones to use modulation on the street side of their buildings to promote scale similarities. This was item was set aside to discuss along with the zone transition issues.

The second proposal was to delete buffer requirements between adjacent commercial projects of different commercial projects. This was also a zone transition issue and it was agreed to discuss these items later.

Proposal number 3 was to allow the replacement of like-kind vegetation rather than require retention of existing significant vegetation. Planning Manager Osguthorpe recommended that this item remain because many developer's first preference is to remove all vegetation with the promise of replacement. He stated that this would result in substantial removal of existing vegetation and the replacement is not usually as significant as the existing vegetation. Commissioner Wagner asked for clarification of the existing requirement and whether there was a provision for removing some trees to achieve a superior design. Commissioner Wagner recommended that the 20% requirement be removed from the bold and underlined text and leave it in the specific requirements. Chairman Kadzik asked what happens if all the significant vegetation is in the center of the property. Mr. Osguthorpe agreed that perhaps we could create language to accommodate that. Chairman Kadzik suggested that the bold and underlined text state "approximately 20%". Commissioner Wagner pointed out that this was something that should be discussed along with the procedural changes as he felt

that applicants should be required to bring two sets of plans before the Design Review Board, one that shows what the project would look like if they met the requirement and here is what it would look like if we removed the trees. Commissioner Gair asked if staff required landscaping plans and Mr. Osguthorpe stated that yes landscaping plans are a submittal requirement. Commissioner Wagner went on to explain that this requirement only worked on a forested site and if you only have one tree in the middle of the site you are removing 100% of the significant vegetation. Mr. Osguthorpe expressed his concern that there would be significant pressure on the Design Review Board to allow clear cutting and replacement. It was decided to change the bold text to read "approximately 20%".

The next two proposals (4 & 5) were decided to be non-issues as they are already addressed.

The remaining written comments submitted were general in nature and no specific proposals were suggested.

It was pointed out by a member of the audience that the term "light bulbs" should be changed to "lamps" throughout the manual.

The Planning Commission then discussed the Zone Transition section. Planning Manager Steve Osguthorpe suggested that categories of zones be developed and that zone transition perhaps only apply between different categories.

Chairman Kadzik replied that he felt there were two different issues relative to Zone Transition, one being dissimilar uses and the second being the presence on the streetscape. He further stated that it seemed that most of the issues that have been brought before the Design Review Board related to mass and scale on the streetscape.

Mr. Osguthorpe further suggested that perhaps to address the streetscape issues that the Planning Commission establish the zoning categories and then identify parkways within those categories when zone transition does occur.

Chairman Kadzik expressed that he would not like to see zone transition be eliminated. Mr. Osguthorpe presented the map he had prepared which illustrated the areas in the city where zone transition occurred.

Commissioner Malich stated that she felt zone transition served to soften the edges of districts within the city and that it wasn't necessary to have a huge buffer in most instances but to have some kind of buffer. Commissioner Johnson pointed out that most of what they were talking about were zoning issues not necessarily design issues.

A suggestion was made by Commissioner Wagner to perhaps put a maximum on how much larger a building can be than its neighbor when located on a parkway. He additionally pointed out that some of the modulation requirements solve these problems. He further suggested that the massing and scale language replace the footprint & height language in the zone transition section.

Planning Manager Osguthorpe reminded the commission that there are several new buildings in town which have received criticism for their massing and scale yet they meet the modulation requirements.

Chairman Kadzik stated that on commercial streetscapes he did not see the need for zone transition standards. He stated that the mass and scale wasn't as important as the landscaping and modulation of the building in those cases.

The Planning Commission then went to the zone transition section of the design manual to review the current language.

Planning Manager Osguthorpe suggested that perhaps there are groups of zones that could be identified where zone transition did not apply. Commissioner Wagner expressed that it does look nice to have a streetscape where the smaller buildings are at the street face then the parking and then the larger buildings. Commissioner Allen voiced his support for the idea of zoning categories to avoid the zone transition between similar uses.

Discussion was held with the Design Review Board members present in the audience about allowing the DRB to decide zone transition issues relative to mass and scale but not of height and setbacks. Planning Manager Osguthorpe referred everyone to the section on Parkways within the design manual where mass, scale and height are also addressed.

Chairman Kadzik asked if there was a reason why number 1 on page 8 of the Parkway section couldn't be incorporated into the zone transition section. Commissioner Wagner suggested that number 1 be replaced and number 2 be deleted. Mr. Osguthorpe pointed out that the section only required that the projections of a building reflect the mass and scale of adjacent structures, therefore, the building itself could still be very large. Commissioner Wagner stated that if the Design Review Board required that the building reflect the architecture of the adjacent structures then that may be okay.

Commissioner Franklin stated that the overall size of the building is important regardless of the modulation. She additionally pointed out that in most instances it is site specific and that there really is no general language that can be written to apply to each and every situation.

Commissioner Wagner proposed that the existing average footprint be used and then add the ability of the Design Review Board to allow up to 4 times that in certain situations. Commissioner Johnson expressed her concern for picking a number whereas the average has some logic to it. It was stated by Commissioner Gair that he had heard several times tonight that no number can be assigned to every situation but that the Design Review Board needs the ability to make these decisions.

Discussion followed on the pending Building Size Analysis and it's affect on some of the zones. Planning Manager Osguthorpe explained that in the event of a vacant lot the maximum allowed size in that zone would be used to calculate the average.

It was suggested by Commissioner Wagner a replacement of numbers 1 and 2 in the zone transition development standards with bold print stating "reflect the mass and scale and height of adjacent structures. Larger structures built next to smaller structures shall include projections in the façade which reflect and approximate the smaller structure's massing and heights. Heights of existing structures shall be measured from the average finished grade along the street side façade to the highest point of the roof". In the general language, "Building footprints shall be no larger or smaller than 4 times the average footprint size on the buildings in the opposing zones located within 200". He additionally stated that he felt this language would give the Design Review Board some flexibility.

Commissioner Gair pointed out that we had reached the 9:00 time limit and it was required in the by-laws that they vote on how much longer to continue. Chairman Kadzik proposed a 9:30 deadline. Everyone agreed.

Planning Manager Osguthorpe clarified the proposed language that Mr. Wagner had proposed. He suggested using the existing language with the addition of "4 times the average" and then add another requirement that addresses mass and scale. Mr. Wagner clarified that he would like to replace the words "limit building footprint". Mr. Osguthorpe further pointed out that the Design Review Board would still not be able to address the building size and so Mr. Wagner suggested that all dimensional references be removed including the "4 times the average footprint size".

Discussion followed on the merits of providing a limit while still giving the DRB the ability to decide. Commissioner Gair advocated applicants being required to bring in a scale model of the surrounding neighborhood.

Planning Manager Osguthorpe recommended that the Planning Commission appoint a sub-committee to further address the zone transition issue. Chairman Kadzik suggested that the sub-committee also include Design Review Board Members and then asked for volunteers. Commissioners Scott Wagner and Carol Johnson volunteered along with Design Review Board members Lita Dawn Stanton and Chuck Hunter. Mr. Osguthorpe further inquired as to whether the Planning Commission would also like to schedule a special meeting prior to finalize their recommendation prior to the City Council Meeting of August 9<sup>th</sup>, 2004. It was decided to meet again on July 29<sup>th</sup>, 2004 at 6:00 p.m..

Mr. Osguthorpe further pointed out that they still needed to discuss whether the historic district standards within the R-1 portion of the historic district would be optional or mandatory. Chairman Kadzik recalled that at the last meeting they had agreed to go back to the optional method. The Planning Commission agreed that the historic district standards in the R-1 portion of the historic district would remain optional.

A member of the audience, Randy Boss asked for clarification on section 3.3.01 (d) and the comments from David Fisher which states that the entrance has to face the road. Mr. Boss asked which road, the public road or the interior private street. Mr. Osguthorpe referenced the definition of prominent façade. He suggested that the language be changed to state public road or primary access road to site. Mr. Boss

asked if the internal access road would then become the front setback line.

At 9:35 Commissioner Gair apologized and stated that he had to leave the meeting.

Mr. Osguthorpe replied that those roads were for parking lot circulation and that the public road side is still the front setback. He further stated that this was to maintain architectural presence at the street face rather than turn their back to the street. Mr. Boss stated that then all the buildings on a big 40 acre shopping center would have to face the front setback. Mr. Osguthorpe explained that these requirements were only for primary structures and that not all the buildings on a site are primary structures. He then referenced Mr. Boss to that section.

Mr. Boss then stated that he felt that the requirement that not more than 50% of the parking be in front of the building required a tighter definition of what front is.

Chairman Kadzik asked if staff could address those two issues at the meeting on July 29<sup>th</sup>.

Lita Dawn Stanton asked about Design Review of the public rights of way and public projects. Planning Manager Steve Osguthorpe recalled that the Design Review Board was going to write a letter to the City Council and the Planning Commission recommending that there be a requirement for this. Ms. Stanton replied that they had written a letter but that due to a malfunction in Chuck Hunter's e-mail it did not get sent. Chairman Kadzik asked that the letter be submitted.

**NEXT REGULAR MEETING:**

July 29, 2004 at 6pm – Special Meeting  
August 9, 2004 at 6pm – Work-Study Session

**ADJOURN:**

**MOTION:** Move to adjourn at 10:00 p.m.  
Johnson/Allen – unanimously approved

CD recorder utilized:  
Disc #1 Track 1  
Disc #2 Track 1

**City of Gig Harbor Planning Commission  
Minutes of Special Meeting  
Thursday, July 29, 2004  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Carol Johnson, Kathy Franklin, Bruce Gair, Dick Allen, Theresa Malich, Scott Wagner and Chairman Paul Kadzik. Staff present: Steve Osguthorpe and Kristin Riebli.

**CALL TO ORDER:** 6:00 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of July 15, 2004 with a correction to page 8 paragraph 2 to add the word "certain".  
Malich/Johnson – unanimously approved.

**WORK-STUDY SESSION**

**Design Manual Update -**

Planning Manager Steve Osguthorpe went over his staff report outlining the 16 changes to the Design Manual the Planning Commission had agreed upon thus far. He then asked the commission to review those and they agreed they were correct. He then briefed the commission on the recommendations of the Zone Transition Subcommittee, stating that they had developed language that would (a) eliminate the zone transition buffering option in the height restriction area (view basin) in order to better protect views in that area, (b) group each zone in the City into specified categories and not apply zone transition standards between any two zones that fall within the same category, and (c) provide an alternative method for meeting zone transition standards that would allow the DRB to review development in the context of its surroundings. He then referred the Planning Commission to page 3 of 4 of his staff report for a copy of the proposed changes to the zone transition section.

Mr. Osguthorpe then updated the commission on the two items that they had asked staff to do further research on. The first of which was placing deed restrictions on property which had received an industrial building exemption. Mr. Osguthorpe reported that the City Attorney stated that the deed restriction would not prevent transfer of ownership and therefore would not cloud that title. She was concerned, however, that the only way to enforce the deed restriction was through the courts.

Discussion followed on how difficult it may be to remove the deed restriction. Commissioner Wagner pointed out that city staff does not get a title report before issuing a business license so how would they even know the deed restriction was in place. Commissioner Allen stated that if the city imposes a regulation it should be their duty to track it. A consensus was reached to keep a record of the Industrial Building Exemption in the city's files and not record it against the property.

The second item was Randy Boss's concern over setback of buildings and location of parking. Planning Manager Steve Osguthorpe presented proposed language that he felt addressed this concern by replacing the words "in front" with the words "forward of the front façade" in the non-residential setback section 2.7.01.

Chairman Kadzik asked Mr. Boss if this resolved his concerns. Mr. Boss asked for further clarification of how the buildings could be placed on a site and how the language would be interpreted. Mr. Kadzik explained that secondary structures do not have to face the front setback. Planning Manager Steve Osguthorpe further explained the intent of the regulation to Mr. Boss.

Commissioner Gair asked how staff would interpret the phrase "directly behind". Commissioner Wagner suggested that the word "directly" be removed. Commissioner Gair asked weren't we really trying to control where parking is located rather than the placement of buildings and if so, why not say that. Chairman Kadzik responded that the intent was to avoid having one small building at the front setback then a huge expanse of parking followed by a large strip mall to the back of the property.

Planning Manager Steve Osguthorpe drew some examples that would be administratively approved and referred the Planning Commission to the illustration on page 36 of the current design manual.

Chairman Kadzik pointed out that the existing language has been working and asked for verification of that from Design Review Board Member Lita Dawn Stanton who was present in the audience. Ms. Stanton suggested adding in the intent section, the language "in order to diminish parking lots and service areas". She drew some possible scenarios on the board and stated that if a developer had a more superior design they could go to the DRB. Discussion followed on whether projects of a certain size should automatically go to the DRB. Mr. Osguthorpe pointed out that we still needed to provide an administrative option.

**Motion:** Move to remove the word "directly" from paragraph 2 of Section 2.7.01. Gair/Wagner – motion carried.

**Motion:** Move to change "in front of" to "forward of the front façade" in Section 2.7.01 and 2.10.01. Gair/Johnson – motion carried.

Planning Manager Steve Osguthorpe then went over the recommendations made by the zone transition subcommittee. The first recommendation was to add an additional section 1.4.04 providing an alternative zone transition standard subject to 11 criteria. Mr. Osguthorpe read the 11 criteria aloud.

Chairman Kadzik expressed his appreciation for the committee and their hard work. Commissioner Johnson stated that her hope was that the developers would see this as the intent and address these issues in their design.

Mr. Osguthorpe then pointed out the second recommendation which was the creation of zone categories where zone transition would not apply within. Commissioner Allen

pointed out that R-2 and R-3 should have a zone transition between them. It was decided to create another category labeled Low-Medium Density Residential with R-2 and R-3 within that category.

The third item Mr. Osguthorpe presented on behalf of the sub committee was specifying a minimum building size to which zone transition standards would not apply. Mr. Osguthorpe reported that the subcommittee could not reach an agreement on this issue and stated that the main concern was that a small house could drive development on adjoining parcels.

Commissioner Johnson asked why not let these types of situations go to the Design Review Board and be resolved on a case by case basis. Commissioner Wagner stated that he felt that there should be some point where it's small enough that zone transition standards do not apply.

Commissioner Gair suggested that a scaled model be required when zone transition decisions are considered and Mr. Osguthorpe pointed out that the Design Review Board has the authority to require that.

Chairman Kadzik called for a vote. Those in favor of the zone transition exemption were Commissioners Wagner and Allen. Those against the zone transition exemption were Commissioners Johnson, Franklin, Malich and Gair.

Design Review Board member Lita Dawn Stanton pointed out that item #6 on the list of criteria for the Alternative Zone Transition Standards (Section 1.4.04) should have the word "negative" inserted before the word "impacts". The Planning Commission agreed to the change.

Chairman Paul Kadzik asked Chuck Hunter, the Chairman of the Design Review Board who was present in the audience, to brief the Planning Commission regarding the letter from the Design Review Board to the Planning Commission about the desire to leave the section on right of way design in the manual.

Mr. Hunter stated that he felt that it was important that these items remain in the Design Manual so that the entire community is given an opportunity to take part in the design review of public spaces. Chairman Kadzik stated that these requirements should also be placed in the Public Works Standards.

Planning Manager Steve Osguthorpe stated that the city attorney had recommended that these items be removed from the manual and put in the public works standards as there was a concern with non-engineering staff deciding on engineering items. He further stated that the intent was for the DRB to review street trees, furnishings and lighting in the right of way, not get involved in engineering related items. Mr. Osguthorpe also reminded the Planning Commission that public parks are not in the right of way and therefore are subject to site plan review and design review just like any other non-residential project.

Discussion was held on the need for the public parks to comply with design standards



and set a good example.

**Motion:** Move to retain a chapter on right of way design along with a statement excluding safety issues. Franklin/Johnson – motion carried.

Commissioner Gair voiced his concern for the need for parks direction and review. Planning Manager Steve Osguthorpe suggested that if the Planning Commission felt that there was a need for more public review of parks, they may wish to forward a letter to the City Council expressing their concerns.

**Motion:** Move that the chapter on right of way design be changed to say all public projects in the right of way and on publicly owned land shall go through the design review process. Gair/Franklin – motion carried.

Chairman Kadzik then asked if the Planning Commission members had any other items for review.

Commissioner Gair distributed a memo to the other Planning Commission members regarding the use of trees to solve design problems. Planning Manager Steve Osguthorpe pointed out that the buffering option in the zone transition section had been removed.

Commissioner Malich stated that rows of large trees which block someone's view should not be allowed to be planted but it is difficult to regulate someone's yard.

Commissioner Gair expressed his desire to have tree heights considered and suggested that trees in all zones not be allowed to exceed the building height limit in all zones. Commissioner Johnson asked would 100' foot tall trees within an area of significant vegetation in a new development be cut down in order to comply, and Commissioner Gair replied that he would like it considered by the Design Review Board.

Commissioner Malich noted that trees are not mass and volume. Lita Dawn Stanton stated that in some areas of the city the trees are the view and are highly desired and questioned whether the Design Review Board had the knowledge to make decisions about which trees to plant where.

**Motion:** Move to ask Council to pursue the study of the interfacing of tree height into design review. Gair/Franklin - 6 against, motion withdrawn

Commissioner Wagner stated that he had some issues that he wanted to bring forward. The first item was the driveway width requirement needing an Industrial Building Exemption because tandem trailers cannot make that narrow of a turn. He added that even in shopping center situations when there are three lanes and a car is in the middle lane there is no room for a truck to make that corner. It was decided to put the 15, 24 and 34 width requirement into the specific language and to change the intent statement

to say "limit driveway width to maximize landscaping at the street face" and not have an Industrial Building Exemption.

Commissioner Wagner's next item for discussion was the requirement to plant vines or shrubs on blank walls. Mr. Wagner recommended that this also be eligible for an industrial building exemption as many industrial buildings are metal and vines can damage the structure. He also stated that these plants are usually not maintained and usually die.

Commissioner Gair pointed out that there is still a need for livable surroundings for the employees in industrial developments.

Planning Manager Steve Osguthorpe reminded the Planning Commission that the intent of the Industrial Building Exemption was to exempt those items that have a practical reason to not apply them, such as windows in a movie theatre.

Chairman Kadzik suggested adding the phrase "encourage the use of" and to change the "shall" to "may". The commission agreed.

Commissioner Wagner pointed out a conflict in the language located in Section 1.5. Mr. Osguthorpe agreed to clarify the wording to say "except as allowed

Design Review Board member Lita Dawn Stanton suggested that on page 5 section C the word "neighborhoods" be added after the phrase "project proponents".

**Motion:** Move to forward to the City Council, a recommendation for approval of the updated Design Manual. Franklin/Gair – motion carried.

**NEXT REGULAR MEETING:**

August 5th, 2004 at 6pm – Work-Study Session

Commissioner Malich announced that she would be absent from the August 5<sup>th</sup>, 2004 meeting. Commissioner Wagner announced that he would be recusing himself from the next two meetings due to a conflict of interest.

Planning Manager Steve Osguthorpe announced that the Planning Commission agenda from September on was being reserved for the Comprehensive Plan amendment.

**ADJOURN:**

**MOTION:** Move to adjourn at 9:00 p.m.  
Franklin/Malich – unanimously approved

CD recorder utilized:  
Disc #1 Track 1  
Disc #2 Track 1  
Disc #3 Track 1



COMMUNITY DEVELOPMENT DEPARTMENT

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: STEVE OSGUTHORPE, AICP** *S.O.*  
**PLANNING & BUILDING MANAGER**  
**SUBJECT: FIRST READING OF ORDINANCE AMENDING CHAPTERS IN**  
**TITLE 17 TO ENSURE CONSISTENCY WITH THE DESIGN MANUAL**  
**DATE: AUGUST 9, 2004**

**INFORMATION / BACKGROUND**

Attached for the Council's consideration is an ordinance amending various chapters in Title 17 that relate to the update of the City's Design Manual. Proposed amendments include the repeal of Chapter 17.98 which adopted the existing Design Manual by reference, and adoption of a new Chapter 17.98 that would provide basically the same procedural standards for design review that we currently have, but which would reference the Design Manual as a new chapter in the zoning code. The new chapter would also include an expiration date for design review which does not now exist in our codes. Finally, the ordinance includes amendments to the development standards of each zone in the City as defined in GHMC Title 17 to make them consistent with the development and design standards of the proposed Design Manual chapter. There have been inconsistencies between the Design Manual and the zoning code ever since the Design Manual was first adopted. This update provides an opportunity to make the necessary corrections.

**ENVIRONMENTAL REVIEW**

After review of a completed environmental checklist and other information on file with the agency, the City of Gig Harbor has determined this proposal will not have a probable significant adverse impact on the environment. A DNS was therefore been issued for this proposal. The DNS became final on August 3, 2004. The deadline for appealing the SEPA determination is August 17, 2004.

**POLICY CONSIDERATIONS**

The original Design Manual was based upon the goals and policies contained in the Design Element of the Comprehensive Plan. The staff believes that the proposed changes are consistent with, and will help to achieve, those goals and policies.

**FISCAL IMPACTS**

There are no known fiscal impacts associated with this proposal.

**RECOMMENDATION**

The staff recommends that the Council conduct the first reading. The staff will be recommending adoption of the proposed amendments at the second reading.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 17.98.010, 17.98.030, 17.98.035, 17.98.040, 17.98.050, 17.98.060, and 17.98.070; ADOPTING NEW SECTIONS 17.98.010, 17.98.030, 17.98.035, 17.98.040, 17.98.050, 17.98.060, 17.98.080 WHICH INCLUDE PROCEDURES FOR REVIEW OF APPLICATIONS REQUESTING DESIGN REVIEW APPROVAL, DEFINE THE PROPER APPLICATION OF DESIGN MANUAL REGULATIONS; ALLOW FOR A FINAL ADMINISTRATIVE APPROVAL OF ALL DESIGN REVIEW APPLICATIONS MEETING THE SPECIFIC REQUIREMENTS OF THE DESIGN MANUAL REGULATIONS; ALLOW FOR A PUBLIC MEETING AND DESIGN REVIEW BOARD RECOMMENDATION PROCESS FOR ALL DESIGN REVIEW APPLICATIONS NOT MEETING THE SPECIFIC REQUIREMENTS OF THE DESIGN MANUAL REGULATIONS; ADOPT DESIGN REVIEW GOALS; ADOPT PROCEDURES AND CRITERIA FOR DESIGN REVIEW VARIANCES; ADOPT PROCEDURES FOR APPEALS OF DESIGN REVIEW DECISIONS TO BE CONSISTENT WITH TITLE 19 GHMC; AND ADOPT AN EXPIRATION DATE FOR DESIGN REVIEW DECISIONS; ALSO AMENDING SECTION 17.98.020 TO REPEAL ALL DESIGN MANUAL STANDARDS EXCEPT FOR COMMON AREA REQUIREMENTS AND TO REFERENCE AMENDED DESIGNS STANDARDS THAT WILL BE INCORPORATED INTO THE GIG HARBOR MUNICIPAL CODE; ALSO, AMENDING THE FOLLOWING SECTIONS OF THE GIG HARBOR MUNICIPAL CODE TO ELIMINATE INCONSISTENCIES BETWEEN SAID SECTIONS AND THE CITY'S DESIGN MANUAL STANDARDS: 17.15.060; 17.15.090; 17.16.060; 17.16.070; 17.17.040; 17.20.060; 17.21.040; 17.24.060; 17.28.050; 17.28.060; 17.28.090; 17.30.070; 17.31.060; 17.31.080; 17.31.110; 17.32.033; 17.32.080; 17.36.060; 17.36.080; 17.36.120; 17.40.080; 17.40.100; 17.40.120; 17.41.030; 17.45.040; 17.46.040; 17.46.060; 17.48.040; 17.48.060; 17.48.090; 17.50.040; 17.50.060; 17.50.090; 17.54.030; 17.56.030; 17.60.020; 17.62.030; 17.78.050; 17.78.060; 17.78.070; 17.78.080; 17.78.090; 17.78.120; 17.91.040; ALSO AMENDING SECTION 17.98.020 TO REPEAL ALL OF EXISTING DESIGN MANUAL EXCEPT FOR COMMON AREA STANDARDS; ALSO ADDING TO THE GIG HARBOR MUNICIPAL CODE THE FOLLOWING NEW SECTIONS: 17.16.090; 17.20.070; 17.28.085; 17.32.050;

**17.32.100; 17.32.120; 17.46.090; 17.98.080; 17.98.090 ALSO  
REPEALING SECTION 17.32.050;**

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WHEREAS, The City of Gig Harbor's Comprehensive Plan Design Element, adopted November 28, 1994, on pages 18 – 34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed to achieve said goals; and,

WHEREAS, the City adopted by reference a Design Manual on August 26, 1996 under Ordinance 735, which adopted Chapter 17.98, Design standards & Review; and

WHEREAS, the adoption of the Design Manual resulted in inconsistencies between zoning code standards and Design Manual standards; and

WHEREAS, the City is in the process of amending its design standards and incorporating them into the Gig Harbor Municipal Code; and

WHEREAS, incorporating the Design Manual into the Municipal Code will require repeal of multiple sections of Chapter 17.98, which adopted the Design Manual by reference as a separate document; and

WHEREAS, incorporating the design manual into the municipal code requires sections of Chapter 17.98 to reflect the adoption of the Design Manual as a new chapter in the Municipal Code and also to define the procedures for the process of applications for design review; and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed amendments on June 4, 2004, pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on June 4, 2004, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on July 1, 2004, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of \_\_\_\_\_ 2004; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON,  
ORDAINS AS FOLLOWS:

Section 1. Section 17.98.010 of the Gig Harbor Municipal Code is hereby repealed:

Section 2. Section 17.98.030 of the Gig Harbor Municipal Code is hereby repealed:

Section 3. Section 17.98.035 of the Gig Harbor Municipal Code is hereby repealed:

Section 4. Section 17.98.040 of the Gig Harbor Municipal Code is hereby repealed:

Section 5. Section 17.98.050 of the Gig Harbor Municipal Code is hereby repealed:

Section 6. Section 17.98.060 of the Gig Harbor Municipal Code is hereby repealed:

Section 7. Section 17.98.070 of the Gig Harbor Municipal Code is hereby repealed:

Section 8. A new Section 17.998.010 is hereby adopted, to read as follows:

**17.98.010 Intent.**

A. This chapter and the design manual chapter 17.99 are intended to implement the goals and policies established in the design element of the city's comprehensive plan by providing design standards and procedures for the review of projects described in GHMC 17.98.030 to determine compliance with design standards contained in Chapter 17.99.

B. Gig Harbor's design review goals are to:

1. Encourage design and site planning that:

a. Complements the existing character of Gig Harbor.

b. Relates visually and physically to surrounding development.

c. Promotes pedestrian usage.

2. Provide options in project design.
  3. Facilitate dialogue between project proponents and the City's Design Review Board in a public meeting setting.
  4. Increase public awareness of design issues and design options.
  5. Provide an objective basis for decisions which affect both individual projects and the City of Gig Harbor as a whole.
  6. Ensure that the intent of goals and objectives contained within the City of Gig Harbor's comprehensive plan are met.
- C. The design review process is not intended to determine the appropriateness of any given use on a given site or to address technical requirements, which are otherwise reviewed under the site plan review process. It is intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the city's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well designed commercial districts which attract customers and businesses. The design review process provides an opportunity for new development to enhance Gig Harbor's character more effectively than through application of standard zoning regulations.

Section 9. Section 17.98.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.020 Design manual.**

The city's design standards are contained in Chapter 17.99, Design Manual. In those cases where provisions of this chapter or Chapter 17.99 are different than or contradict standards contained in other chapters of Title 17, the standards in this chapter and Chapter 17.99 shall prevail.

Section 10. Section 17.98.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~The City's design standards are primarily contained in the design manual which is hereby adopted by the City. The 1996 Design Manual adopted by the City in Ordinance 735 is hereby repealed, with the exception of pages 31 through 34 of the 1996 Design Manual, which shall remain effective. A copy of pages 31 through 34 of the 1996 Design Manual is on file with the city clerk. In those cases where the design manual is found to be in conflict with performance standards of the zoning code, the standards in the design manual shall prevail. The design manual shall be reviewed by the planning commission two years after the date of the adoption of Ordinance No. 787 to evaluate its effectiveness.~~

Section 11. Section 17.98.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.030 Design Manual Chapter applicability.**

A. General Applicability. The Design Manual Chapter 17.99 applies to all proposals to subdivide land under the provisions of Title 16, GHMC, and to all proposals to build, locate, construct,

remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials (hereafter referred to as outdoor proposals), as described in the Design Manual Chapter 17.99. Design review approval is required for all outdoor proposals which require a

building permit, clearing and grading permit, or which are part of a project or development requiring a site plan, conditional use permit or utility extension agreement.

B. Applicability and Review of Historic District Design Standards. The historic district design Standards of the Chapter 17.99 shall apply to all activities described in subsection A of this section in the entire historic district, except that in the R-1 ~~zone~~ district within the historic district, at the option of the property owner, development shall conform strictly to either the setback standards contained in Section 2.9.01 of Chapter 17.99 GHMC and the height standards contained in Section 3.14.02 of Chapter 17.99 GHMC, or, alternatively, the setback and height standards of Chapter 17.16 GHMC Section 17.16.090 GHMC, and height standards contained in the Design Manual Chapter 17.99. Exercise of this option by the property owner shall not affect the city's ability to require compliance with all other applicable codes. Exercise of this option precludes a property owner, or any subsequent property owner, from applying any of the setback and height standards contained in Chapter 17.99 on any structure or development on the site unless all existing structures or development not conforming to the setback and height standards of Chapter 17.99 are removed.

Section 12. A new Section 17.98.035 is hereby adopted, to read as follows:

**17.98.035 Design review criteria.**

All sections of this chapter or Chapter 17.99 which provide criteria for DRB design review shall be considered criteria for design review approval. Design exceptions shall be processed in accordance with the criteria and procedures set forth in GHMC 17.98.060. General and administrative variances are processed as set forth in Chapter 17.66 GHMC.

Section 13. A new Section 17.98.040 is hereby adopted, to read as follows:

**17.98.040 Design review application requirements.**

Projects which require design review in one or more of the categories listed under subsections A through E of this section shall be reviewed under one application addressing each category under review, or under a separate application for each individual category. To be considered complete, a completed application form along with required design review fees must be submitted to the city community development department. The application must identify the requested categories of design review. In addition, the following information must be submitted with applications for each category of requested design review.

A. Site Plan Review.

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, and vehicle areas.



2. **Vegetation Plan.** A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within five feet of all setback lines.

3. **Landscape Plan.** A preliminary landscape plan showing the species, size and location of all significant natural vegetation to be retained.

4. **Site Section Drawings.** Section drawings which illustrate existing and proposed grades in specified areas of concern that may be identified by the staff. Alternatively, a topographic map of the property, delineating contours, existing and proposed,

at no greater than five-foot intervals and

which locates existing streams, marshes and other natural features may be submitted.

5. **Grading and Drainage Plan.** An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.

6. **Utilities Plan.** A utilities plan showing location of utilities in relation to landscape and buffer areas, including, but not limited to, the size and capacity of all vaults, transformers, and any on-site fixtures, structures or supports related to the utility, and the location of all lines, pipes or linear conductors or transporters, and the width of the area of disturbance required to install and maintain said utilities (utility plan must be consistent with proposed areas of nondisturbance).

**B. Landscaping and Paving Review.**

1. **Final Landscape Plan.** A final landscape plan showing type, size, species, and spacing of all retained and new vegetation.

2. **Irrigation Plan.** Showing irrigation of all domestic vegetation.

3. **Paving Materials.** Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and texture.

**C. Architectural Design Review.**

1. **Elevation Drawings.** Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.

2. **Sign Plan.** A master sign plan or individual sign plans showing the location of signage on buildings, consistent with Chapter 17.80 GHMC.

3. **Architectural Lighting Details.** Details on all lighting proposals which affect architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.

4. **Screening Details.** Details on how all mechanical and utility equipment will be screened.

**D. Color and Material Review.**

1. **Color Palette.** A color palette of the building's exterior including roof, siding, trim.

2. **Material Samples.** Sample colors of all factory finished materials including roofing and masonry materials.

3. **Fencing Details.** Color, type and specification of all fencing materials.

**E. Outdoor Lighting and Accessories Review.**

1. **Light Fixture Details.** The type, model, color, location, height, wattage and area of illumination for all outdoor light fixtures.

2. **Accessory Details.** The type, model, color, and location of all outdoor furniture, trash receptacles and accessories.

Section 14. A new Section 17.98.050 is hereby adopted, to read as follows:

**17.98.050 Design review and project approval.**

The applicant shall choose one of the following application review paths, based upon whether or not the application strictly conforms to the specific design standards of Chapter 17.99:

A. ~~Director's Review.~~ Administrative Approval. A design review application may be processed by the director as follows:

1. The application shall be reviewed for compliance with the specific requirements of Chapter 17.99 and all other applicable codes. The director shall issue a ~~final~~ decision approving the application or portions thereof if he/she finds that the application or portions of the application satisfy the strict requirements of Chapter 17.99 design standards. The director shall not approve any application or portion thereof that does not comply with applicable codes.
2. An applicant may choose to submit an application for review by the director on a single category or multiple categories from GHMC 17.98.040. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the director shall only provide preliminary decisions on each category. Once the city has received a complete application (~~meaning that all information has been submitted for processing of all categories listed in GHMC 17.98.040~~), for all categories from GHMC 17.98.040, the director shall issue a final decision on ~~the entire application~~ those portions of the application submitted for administrative approval. The preliminary decisions made by the director on each category may be different from the final decision on ~~the entire application, with regard to each category~~.
3. A notice of complete application shall not be issued until the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection A, as set forth in GHMC Title 19 for a Type III project permit application. The complete application shall otherwise be processed as a Type II project permit application, and a final decision shall be issued on a complete application before the deadline established in GHMC 19.05.009. If the final decision is appealed, the appeal shall be considered in an open record hearing, as described in GHMC Title 19.

B. Design Review Board Review Recommendation. A design review application may be processed for review by the design review board as follows:

1. The board shall review an application or that portion of an application which does not strictly conform to the specific requirements of Chapter 17.99 design standards under the following criteria:
  - (i) whether the alternative design presented by the application represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and
  - (ii) whether the alternative design meets the intent of the general requirements of the Design Manual Chapter 17.99. The design review board shall not review or make a recommendation on any application or portion of an application that does not satisfy all other applicable codes.
2. The board's processing of an application or portion of an application under this subsection is exempt from project permit processing in GHMC Title 19. If an applicant chooses to submit an application for review by the board, it shall submit a written waiver acknowledging that the application or portion thereof will not be processed under GHMC Title 19, except to the extent described in this subsection B.

3. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the board shall only provide preliminary recommendations on each category. Once the city has received a complete application (~~meaning that all information has been submitted for processing of~~ for all categories listed in GHMC 17.98.040), the board shall issue a final recommendation on ~~the entire application~~ those portions of the application submitted for Design Review Board review. This recommendation may be different from the preliminary recommendation provided on each of the categories listed in GHMC 17.98.040 with regard to each category.

4. A notice of complete application shall be issued on the application once the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection, as set forth in GHMC Title 19 for a Type III project permit application.

5. An application for the board's review of a category listed in GHMC 17.98.040 or a complete application shall proceed as follows:

- a. The planning staff shall send notice of a public meeting to property owners within 300 feet of the subject property.
- b. The public meeting shall be scheduled to be held in the same manner as a public hearing, as set forth in GHMC 19.03.003.
- c. The board shall hold a public meeting on the application or the portion of the application.
- d. After the public meeting, the city staff shall draft the board's preliminary recommendation or recommendation on the application or portion thereof.
- e. Once a complete application has received a recommendation from the board, an open public hearing before the hearing examiner shall be scheduled for the application or both the application and the underlying permit application.
- f. Notice of the public hearing shall be sent as provided in GHMC 19.03.003.

Section 15. A new Section 17.98.060 is hereby adopted, to read as follows:

**17.98.060 Exceptions.**

A. Processing. An exception requested under this section shall be processed in conjunction with a design review application, and shall follow the procedures for permit processing by the board as set forth in GHMC 17.98.050(B). An exception is used in those situations in which an applicant does not provide an alternative design to the requirements of the Design Manual Chapter 17.99.

B. The requirements for a complete design exception application are:

1. Submittal of a complete design review application as set forth in GHMC 17.98.040.
2. A written statement describing the requested exception.
3. A written statement justifying the granting of the requested exception pursuant to the criteria of subsection D of this section.

C. Board Action. The board shall issue a recommendation to the hearing examiner on an exception application.

D. Criteria for Approval. All of the following circumstances must be shown to exist for approval of a design exception:

1. Special conditions and circumstances exist which render a specific requirement of the Chapter 17.99 design standards unnecessary, given the location and intended use of the proposed development;
2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant;

3. The special conditions and circumstances are not representative of typical retail, professional office or residential type development which may be allowed within the zoning district;
4. The requested exception is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;
5. Architectural changes in the project design as a result of the exception have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the exception have been sufficiently compensated by other site amenities; and
6. The requested exception will not result in a project which is inconsistent with the intent and general scope of the Design Manual standards of Chapter 17.99.

**Section 16.** A new Section 17.98.070 is hereby adopted, to read as follows:

**17.98.070 Recommendations, decisions and appeals.**

A. The decision rendered by the director or the recommendation by the design review board shall be in writing. The design review board chair shall sign the recommendation to be forwarded to the hearing examiner.

B. The decision/recommendation shall describe the facts surrounding the application, the applicable Design Manual provisions triggered by the application, include an analysis of the facts and applicable design manual provisions to the facts, and shall include conclusions supporting the approval, denial or recommendation for approval or denial under the design manual.

C. A decision of the director may be appealed as set forth in GHMC Title 19 for a Type II project permit application. A recommendation of the design review board on an application or exception will be acted upon by the hearing examiner in an open record hearing either on the design review application or the underlying project permit application.

**Section 17.** A new Section 17.98.080 is hereby adopted, to read as follows:

**17.98.080 Design Review Decision Chart**

<b>Design Review Decision Chart</b>				
	<b>Categorical Review</b>		<b>Full Review</b>	
	<b>Admin<sup>1</sup></b>	<b>DRB<sup>2</sup></b>	<b>Admin.</b>	<b>DRB</b>
Notice of Complete Application	No	NO	Yes	Yes
Notice of Application	No	No	Yes	Yes
Public Meeting	No	Yes	No	Yes
Preliminary Recommendation	Yes	Yes	No	No
Final Recommendation	No	No	No	Yes (To HEX <sup>3</sup> )

Preliminary Decision	Yes	No	No	No
Final Decision	No	No	Yes	Yes (By HEX)
Appealable Decision	No	No	Yes (To HEX)	Yes (To Superior Court)
<sup>1</sup> DRB = Design Review Board Recommendation Option <sup>2</sup> Admin. = Administrative Approval Option <sup>3</sup> HEX = Hearing Examiner				

**Section 18.** A new Section 17.98.020 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.98.090 Duration of Approval**

Construction on projects that receive design approval must commence within 24 months from the date of final design approval; otherwise, the approval of the project becomes null and void.

**Section 19.** Section 17.15.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.15.060 Maximum height of structures.**

In a PI district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area, and except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC. (Ord. 706 § 1, 1996).

**Section 20.** Section 17.15.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.15.090 Performance standards.**

In a PI district, the performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge~~

~~of the shield shall be below the light source.~~ Outdoor lighting shall conform to the provisions of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 706 § 1, 1996).

F. Design. All design and development standards contained in Chapter 17.99 GHMC are applicable in the PI district.

Section 21. Section 17.16.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.16.060 Development standards.**

In an R-1 district, the minimum lot requirements are as follows:

A. Minimum lot area per building site

for short plats 12,000 sq. ft.

B. Minimum lot width 70'

C. Minimum front yard setback<sup>2</sup> 25'

D. Minimum rear yard setback<sup>2</sup> 30'

E. Minimum side yard setback<sup>2</sup> 8'

F. Maximum impervious lot coverage 40%

G. Minimum street frontage 20'

H. Maximum density 3 dwelling

units/acre

1A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

~~2In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.~~

As defined in Section 2.6 and 2.9 of Chapter 17.99 GHMC

3A maximum density of up to four dwelling units per acre may be permitted within a planned residential development, pursuant

to Chapter 17.89 GHMC. (Ord. 710 § 6, 1996; Ord. 573 § 2, 1990. Formerly 17.16.070).

Section 22. Section 17.16.070 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.16.070 Maximum height of structures.**

In an R-1 district, all buildings and structures shall not exceed 35 feet except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 7, 1996; Ord. 573 § 2, 1990. Formerly 17.16.070).

Section 23. A new Section 17.16.090 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.16.090 Alternative setback and height standards for R-1 District within Historic District.**  
In an R-1 district located within the historic district, the following alternative setback and height provisions may be applied in lieu of the height and setback standards contained in Chapter 17.99:  
A. Minimum front yard setback 25'  
B. Minimum rear yard setback 30'  
C. Minimum side yard setback 8'  
D. Maximum building height, 16 feet above the highest point of natural grade as measured along or within the building footprint.

Section 24. Section 17.16.090 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.16.90 Design of structures.**  
All structures shall conform to the design standards for single-family dwellings as defined in Section 3.13 and 3.14 of Chapter 17.99 GHMC, as well as all other provisions of Chapter 17.99 applicable to single family development.

Section 25. Section 17.17.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.17.040 Performance standards.**  
A. Density. Maximum base density is four dwelling units per gross acre. Additional density may be allowed using either of the following options:  
1. Bonus Density Option. A bonus density of up to 30 percent over the base may be permitted, based upon the following allocations:  
a. Thirty percent of the development site is common open space, which must be contiguous or larger than one acre in area (plus five percent).  
b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).  
c. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:  
i. Clearly defined athletic fields and/or activity courts.  
ii. Recreation center or community facility.  
d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).  
2. Density Credit Transfers. A transfer of density credits may be applied from one residential district within the PCD district to the RLD district up to a maximum of seven dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section, in

Chapter 17.59 GHMC. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of seven dwelling units per acre.

**B. General.**

1. Maximum density is four dwelling units per structure in attached single-family dwellings.
  2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
  3. Private easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.
  4. Minimum yards (from the property line):
    - a. ~~Front, 15 feet.~~
    - b. ~~Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.~~
    - c. ~~Rear, 15 feet. As defined in Section 2.6 of Chapter 17.99.~~
  5. Minimum Lot Area. The minimum lot size is 10,000 square feet for divisions of land of four or less lots. A minimum parcel size is not specified for divisions of land of five or more lots.
  6. Minimum Lot Width. Minimum lot width is 0.7 percent of the lot area, in lineal feet.
  7. Maximum Height. The maximum height is 35 feet.
  8. Maximum lot area coverage: Forty-five percent, excluding residential driveways, private walkways and similar impervious surfaces.
  9. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC.
  10. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of the city of Gig Harbor design manual.~~ single-family structures, attached or detached, shall comply with the design standards defined in Section 3.13 of Chapter 17.99.
  11. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the provisions of public sidewalks curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.
  12. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 1, 1997).
- C. Design. Development in the PCD-RLD district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 26. Section 17.20.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.20.060 Maximum height of structures.**

In an R-2 district, all buildings and structures shall not exceed 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided for under Section 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 14, 1996; Ord. 573 § 2, 1990).

Section 27. A new Section 17.20.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:



**17.20.70 Design.**

All structures shall conform to the design standards defined for single-family dwellings as provided in Section 3.13 of Chapter 17.99 GHMC. Non-residential development shall conform to all non-residential design standards defined in Chapter 17.99.

**Section 28.** Section 17.21.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.21.040 Performance standards.**

A. Density. The minimum base density is eight dwelling units per acre. Additional density may be allowed using either of the following options:

1. Bonus Density Option. A bonus density of up to 30 percent over the base may be permitted, based upon the following allocations:

a. Thirty percent of the development site is common open space, which must be contiguous or greater than larger than one acre in area (plus five percent).

b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).

c. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:

i. Clearly defined athletic fields

and/or activity courts.

ii. Recreation center or community facility.

d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).

2. Density Credit Transfers. A transfer of density credits may be applied from one residential district within the PCD to the residential medium district up to a maximum of 16 dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section, in Chapter 17.59 GHMC. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of 16 dwelling units per acre.

B. General.

1. Single-family attached dwelling units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

2. Minimum yards (from the property line):

Multi-family or multiple units of single family on one parcel:

a. Front, 10 feet.

b. Side, 30 feet.

c. Rear, 30 feet.

Single-family on individual parcels:

As defined in Section 2.6 of Chapter 17.99 GHMC.

3. Maximum Height. The maximum height is 45 feet, except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.

4. Maximum lot area coverage: Sixty-five percent, excluding driveways, private walkways and similar impervious surfaces.

5. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC.

6. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the requirements in the city's public works standards for public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

7. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures development shall comply with the standards of the city of Gig Harbor design manual Chapter 17.99 GHMC.~~

8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 2, 1997).

Section 29. Section 17.24.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.24.060 Maximum height of structures.** In an R-3 district, all buildings and structures shall not exceed 35 feet in height except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 18, 1996; Ord. 573 § 2, 1990).

Section 30. A new Section 17.24.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.24.070 Design.**

All single-family and duplex structures shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC. All multifamily and non-residential development shall conform to all applicable design standards of Chapter 17.99 GHMC.

Section 31. Section 17.28.050 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.28.050 Minimum development standards.**

In an RB-1 district, the minimum lot requirements are as follows:

	Residential	Nonresidential
A. Minimum lot area (sq. ft.)	12,000	15,000
B. Minimum lot width	70'	70'
C. Minimum front yard setback <sup>1</sup>	20'	20'
D. Minimum rear yard setback <sup>1</sup>	25'	15'
E. Minimum side yard setback <sup>1</sup>	7'	10'
F. Maximum impervious lot coverage	0%	60%
G. Minimum street frontage	20'	50'
H. Maximum density 3 dwelling units/acre		
I. Maximum gross floor area N/A 5,000 sq. ft. per lot		

<sup>1</sup>If the RB-1 district is located in the Historic District defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply. Single family dwellings in any RB-1 district outside the historic district are subject to the setback standards of Section 2.6 of Chapter 17.99 GHMC.

J. Any yard abutting a single-family residence shall be required to maintain a 30-foot-wide dense vegetated screen. (Ord. 716 § 3, 1996; Ord. 710 § 21, 1996; Ord. 601 § 1, 1991; Ord. 573 § 2, 1990).

Section 32. Section 17.28.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.28.060 Maximum height of structures.** In an RB-1 district, all buildings and structures shall not exceed 35 feet in height except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 22, 1996; Ord. 573 § 2, 1990).

Section 33. Section 17.28.085 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.28.085 Design.**

Development in the RB-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 34. Section 17.28.090 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.28.090 Performance standards.**

In an RB-1 district, the performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC, and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
- C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
- D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. ~~Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.~~
- E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord.
- F. Design. Development in the RB-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 35. Section 17.30.070 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.30.070 Maximum building height.**

In an RB-2 district, all buildings and structures shall not exceed 35 feet except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 27, 1996; Ord. 554 § 1G, 1989).

Section 36. Section 17.30.110 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.30.110 Performance standards.**

In an RB-2 district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and as provided under Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 28, 1996; Ord. 554 § 1K, 1989).

F. Design. Development in the RB-2 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 37. Section 17.31.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.31.060 Minimum building setback requirements.**

In a DB district, ~~there are no minimum requirements for front, side and rear building setbacks. Setback dimensions may be determined as part of the site plan reviews of Chapter 17.96 GHMC~~ the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 GHMC apply; provided, however,

that where a DB district abuts a residential district, a building setback shall be required as ~~specified below 20 feet minimum~~, and the space so created shall be landscaped to screen the commercial uses from the abutting residential district. ~~Such building setbacks shall be a minimum of 20 feet.~~ (Ord. 573 § 2, 1990).

Section 38. Section 17.31.080 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.31.080 Maximum height of structures.**

In the DB district, ~~all buildings and structures shall have a maximum height of 16 feet.~~ (Ord. 710 § 29, 1996; Ord. 573 § 2, 1990). the height provisions of Section 3.14.02 in Chapter 17.99 GHMC apply.

Section 39. Section 17.31.110 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.31.110 Performance standards.**

In a DB district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC by this title and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of 12 feet from the building. Outdoor displays of merchandise on public sidewalks or rights-of-way shall be regulated per Chapter 12.02 GHMC.

E. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Section 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

F. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 30, 1996; Ord. 573 § 2, 1990).

G. Design. Development in the DB district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 40. Section 17.32.033 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.32.033 General standards.**

The following general standards shall apply:

- A. Minimum lot area: 5,000 sq. ft.
- B. Minimum lot width: 50 feet
- C. Minimum front yard<sup>1</sup>: 20 feet
- D. Minimum side yard<sup>1</sup>: 10 feet
- E. Minimum rear yard<sup>1</sup>: 25 feet
- F. Maximum site impervious coverage: 80%
- G. Maximum residential density: 4 dwelling units per acre (Ord. 710 § 34, 1996).

<sup>1</sup>If the B-1 district is in the Historic District defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply.

Section 41. Section 17.32.050 of the Gig Harbor Municipal Code is hereby repealed.

Section 42. A new Section 17.32.050 is hereby adopted, to read as follows:

**17.32.050 Design.**

Development in the B-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 43. Section 17.32.080 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.32.080 Building height.**

Building height regulations shall be the same as those provided in GHMC 17.16.080. (Ord. 231, 1976; Ord. 109A § 7.7, 1968). In a B-1 district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided for under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC.

Section 44. A new Section 17.32.100 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.32.110 Outdoor lighting.**

Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground-mounted flood lighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

Section 45. A new Section 17.32.120 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.32.120 Landscaping.**

Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

Section 46. Section 17.36.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.36.060 Minimum building setback requirements.**

- A. Front yard, 20 feet<sup>1</sup>;
- B. Rear yard, 20 feet<sup>1</sup>;
- C. Side Yard<sup>1</sup>.
  - 1. Interior yards, 5 feet,
  - 2. Flanking street, 10 feet;
- D. Separation between structures, 20 feet;
- E. Any yard abutting residential development, 30 feet with dense vegetative screening. (Ord. 710 § 40, 1996; Ord. 573 § 2, 1990).

<sup>1</sup> If the B-2 district is located in the Historic District as defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply.

Section 47. Section 17.36.080 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.36.080 Maximum height of structures.**

In a B-2 district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 41, 1996; Ord. 573 § 2, 1990).

Section 48. Section 17.36.120 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.36.120 Performance standards.**

In a B-2 district, performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life

of the project. In no event shall such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of 12 feet from the building. Outdoor displays of merchandise on public right-of-way or sidewalks shall be regulated under the provisions of Chapter 12.02 GHMC.

E. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

F. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 42, 1996; Ord. 573 § 2, 1990).

G. Design. Development in the B-2 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 49. Section 17.40.080 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.40.080 Minimum building setback requirements.**

In a C-1 district, there are no minimum requirements for front, side and rear building setbacks, except that C-1 districts located in the historic district defined in Chapter 17.99 GHMC are subject to the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 GHMC. Outside the historic district, setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96 GHMC. Where a C-1 district abuts a residential district, the minimum yard shall be 30 feet with a dense vegetative screen located on the commercial property. The minimum separation between commercial structures on the same site shall be 20 feet. (Ord. 710 § 49, 1996; Ord. 573 § 2, 1990).

Section 50. Section 17.40.100 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.40.100 Maximum height of structures.** In a C-1 district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 50, 1996; Ord. 573 § 2, 1990).



**Section 51.** Section 17.40.120 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.40.120 Performance standards.**

In a C-1 district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 573 § 2, 1990).

F. Design. Development in the C-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

**Section 52.** Section 17.41.030 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.41.030 Performance standards.**

A. Yard Requirements. The following minimums (in feet) apply:

	Contiguous Parcel Situation	Lot Width	Front Side	Rear	Street Frontage
Commercial/Commercial	75	20	05	20	20
Commercial/Residential	75	20	30	30	20

B. Landscaping. ~~All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC.~~ All required yards developed parcels shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC.

C. Lot Area. There is no minimum lot area for this district.

D. Height. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height, except as provided under Section 3.3.01(1)(c) of Chapter 17.99. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall be determined as defined in GHMC 17.04.160. The maximum building height shall also be

- limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire code.
- E. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.
- F. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.
- G. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.
- H. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.
- I. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.
- J. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
- K. Design. All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of the city of Gig Harbor design manual.
- L. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 3, 1997).

**Section 53.** Section 17.45.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.45.040 Performance standards.**

All uses in the employment district shall be regulated by the following performance standards:

- A. Setbacks. No structure shall be closer than 0 feet to any residential zone or development or closer than 20 feet to any street or property line. Parking shall not be located any closer than 35 feet adjacent to a residential zone or development, or any closer than five feet to any interior lot.
- B. Open Space. A minimum of 15 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.
- C. Landscaping. ~~All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC.~~ All required yards developed sites shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC. Yards adjacent to residential zones or development shall include a 35-foot-wide dense vegetative screen.
- D. Lot Area. There is no minimum lot area for this district.
- E. Height. The maximum height of a building shall not exceed 35 feet, except as permitted under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.
- F. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.
- G. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.
- H. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical/ electrical devices shall be screened from view from all public right-of-way.

- I. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.
- J. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Section 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Outdoor lighting shall be shielded so as not be directly visible from SR-16. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. ~~Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.~~
- K. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
- L. Design. ~~The requirements of the city of Gig Harbor design guidelines manual shall apply to all development, as required. (Ord. 753 § 2, 1997; Ord. 707 § 1, 1996).~~ Development in the ED district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 54. Section 17.46.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.46.040 Development standards.**

A minimum lot area for new subdivisions is not specified. The minimum lot requirements are as follows:

	Single- Family	Duplex	Nonresidential
A. Minimum lot area (sq. ft.) <sup>1</sup>	7,000	14,000	12,000
B. Minimum lot width	70'	50'	50'
C. Minimum front yard <sup>2</sup>	20'	20'	20'
D. Minimum side yard	10'	10'	10'
E. Minimum rear yard	25'	25'	25'
<u>C. Minimum front yard<sup>2</sup></u>			
<u>D. Minimum side yard<sup>2</sup></u>			
<u>E. Minimum rear yard<sup>2</sup></u>			

F. Minimum yard abutting tidelands 0' 0' 0'

G. Maximum site impervious coverage 40% 45% 50%

H. Maximum density<sup>3</sup> 3 dwelling units per acre

<sup>1</sup>An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

~~<sup>2</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.~~

<sup>2</sup>The setbacks of Section 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WR district.

<sup>3</sup>Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC, Planned residential district. (Ord. 725 § 3, 1996; Ord. 710 § 52, 1996; Ord. 598 § 3, 1991; Ord. 573 § 2, 1990).

Section 55. Section 17.46.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.46.060 Maximum height of structures.** In a WR district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC. (Ord. 710 § 53,

1996; Ord. 573 § 2, 1990). the height limits defined in Section 3.14.02(1)(b) of Chapter 17.99 GHMC.

Section 56. A new Section 17.46.090 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.46.090 Design.**

All development in the WR district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Two-family dwellings (duplexes) shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC.

Section 57. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.48.040 Development standards.**

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq. ft.)	1 6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. <del>Minimum front yard<sup>2</sup></del>	<del>20'</del>	<del>20'</del>	<del>20'</del>
D. <del>Minimum side yard</del>	<del>8'</del>	<del>10'</del>	<del>10'</del>
E. <del>Minimum rear yard</del>	<del>25'</del>	<del>25'</del>	<del>25'</del>

C. Minimum front yard<sup>2</sup>

D. Minimum side yard<sup>2</sup>

E. Minimum rear yard<sup>2</sup>

F. Minimum yard abutting tidelands 0' 0' 0'

G. Maximum site impervious coverage 50% 55% 70%

H. Maximum density<sup>3</sup> 3.5 dwelling units per acre

I. Maximum gross floor area N/A N/A 3,500 sq. ft. per lot

<sup>1</sup>An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>~~In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the planning and public works directors.~~

<sup>3</sup>The setbacks of Section 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WM district.

<sup>3</sup>Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC (Planned residential district). (Ord. 725 § 4, 1996; Ord. 716 § 4, 1996; Ord. 710 § 54, 1996; Ord. 598 § 2, 1991).

Section 58. Section 17.48.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.48.060 Height.**

A. ~~Structures shall not exceed 16 feet in height. Additional height increase of up to eight feet maximum may be permitted for each structure if one additional waterview and one access opportunity are provided per structure per lot and the following criteria are met:~~

- ~~1. The structure shall not exceed two stories~~

or floors in height.

2. Each story or floor shall be less than or equal to 10 feet in height as measured from the top of the first floor to the top of the second floor.

3. There shall be no occupancy of the attic space.

4. The pitch of the roof shall have a minimum slope of 2:1 (6:12 pitch) and a maximum slope of 1:1 (12:12 pitch).

5. The proposal is reviewed in accordance with the site plan review criteria and procedure as established in Chapter 17.96 GHMC.

B. The two waterview/access opportunities are in addition to the waterview/access opportunities provided for increased impervious coverage, pursuant to GHMC 17.48.090(E). (Ord. 710 § 55, 1996; Ord. 598 § 2, 1991). In the WM district, buildings and structures shall not exceed the height limits defined in Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC

Section 59. Section 17.48.090 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.48.090 Performance standards. .**

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC by this title and/or by conditions of approval of discretionary applications required by his title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing-related equipment is exempt from this standard.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)

E. Waterview Opportunity and Waterfront Access.

1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner and provided further that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses or for increased height, as follows:

	Maximum Imp. Coverage	Number of Waterview/ Access Opportunities
a.	50/55/70	0
b.	+10%	1
c.	+10%	2
d.	+10%	3

2. Waterview/Harbor Access Opportunities a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the city building code.

b. Waterview opportunity, by means of a five-foot-wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.

c. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the fishing pier.

e. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 30-foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of 100 feet. (Ord. 598 § 2, 1991).

F. Design. All development in the WM district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Two-family dwellings (duplexes) shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC.

Section 60. Section 17.50.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.50.040 Development standards.**

In a waterfront commercial district, the minimum development requirements are as follows:

	Single-Family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq. ft.)	1 6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
<del>C. Minimum front yard<sup>2</sup></del>	<del>20'</del>	<del>20'</del>	<del>20'</del>
<del>D. Minimum side yard</del>	<del>8'</del>	<del>10'</del>	<del>10'</del>
<del>E. Minimum rear yard</del>	<del>25'</del>	<del>25'</del>	<del>25'</del>
<u>C. Minimum front yard<sup>2</sup></u>			
<u>D. Minimum side yard<sup>2</sup></u>			
<u>E. Minimum rear yard<sup>2</sup></u>			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Maximum density	3.5 dwelling units per acre		

<sup>1</sup>An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective.

<sup>2</sup>In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.

2 The setbacks of Sections 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WC district.

I. 1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner, and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

	Maximum Imp. Coverage	Number of Waterview/ Access Opportunities
	a. 0/55/70	0
b.	+10%	1
c.	+10%	2
d.	+10%	3

2. Waterview/Harbor Access Opportunities. a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the city building code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than 10 feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the city council for a defined growth period.

b. Waterview opportunity, by means of a five-foot-wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.

c. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the fishing pier.

e. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 30-foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of 100 feet. (Ord. 725 § 5, 1996; Ord. 710 § 56, 1996; Ord. 598 § 3, 1991; Ord. 573 § 2, 1990).

Section 61. Section 17.50.060 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.50.060 Maximum height of structures.** In a waterfront commercial district, the maximum building height shall not exceed 16 feet. the height limits defined in Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99. (Ord. 710 § 58, 1996; Ord. 573 § 2, 1990).

Section 62. Section 17.50.090 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.50.090 Performance standards.** In a waterfront commercial district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement. (Ord. 573 § 2, 1990).

E. Design. All development in the WC district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Two-family dwellings (duplexes) shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.

Section 63. Section 17.54.030 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.54.030 Performance standards.**

All uses in the business park zone shall be regulated by the following performance standards:

A. General. Uses which create a risk of hazardous waste spills must provide hazardous waste containment provisions that meet building code, fire code and health and environmental regulations to prevent air, ground and surface water contamination.

B. Setbacks. No structure shall be closer than 150 feet to any residential zone or development or closer than 50 feet to any street or property line. Parking shall not be located any closer than 30 feet to a property line.

C. Open Space. A minimum of 20 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

D. Landscaping. All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC. All required yards shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC.

E. Lot Area. There is no minimum lot area for this district.

F. Height. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height except as provided under 3.3.01(1)(c) of Chapter 17.99 GHMC. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall



be calculated as defined in GHMC 17.04.160. The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire code.

G. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

H. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

I. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.

J. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way.

K. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

L. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

M. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of the city of Gig Harbor design manual.~~ Development in the PCD-BP district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

N. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 4, 1997).

Section 64. Section 17.56.030 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.56.030 Performance standards.** A. General. All uses in the neighborhood business zone are subject to the following conditions:

1. All business, service, or repair must be conducted within an enclosed building except for outside restaurant sitting, flower and plant display and fruit/vegetable stands appurtenant to a grocery store.
2. Any goods produced in the neighborhood business zone shall be sold on the premises where produced.
3. Processes, equipment and goods shall not emit odor, dust, smoke, cinders, gas, noise, vibrations, or waste which would be unreasonably affect adjacent residential area. The neighborhood business districts shall not be greater than three acres in total land area nor may an NBD be located within one mile of any other NBD.

B. Hours of Operation. The following hours of operation apply:

**Facility Hours of Operation**

Gasoline Dispensing with Convenience Store 6:00 a.m. – 10:00 p.m. Grocery Stores 6:00 a.m. – 10:00 p.m.  
Delicatessens 6:00 a.m. – 10:00 p.m.

C. Yard Requirements. Minimum yard requirements are as follows:

Contiguous Parcel Situation	Minimum Lot Width	Front	Side	Rear	Street Frontage
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Commercial/ Commercial/	75	10	0	20	20
Residential	5	20	30	30	20

The side yard must be at least 20 feet plus 10 feet for each story above two. Except when adjacent to a residential use or zone, the side yard must be at least 30 feet plus 10 feet for each story above two.

D. Height. Maximum height shall not exceed 35 feet for all structures except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.

E. Lot Area. No minimum lot size is specified except as required to accommodate landscaping and open space requirements.

F. Lot Coverage. A maximum lot coverage is not specified except as needed to meet setback and open space requirements.

G. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

H. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.

I. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way. J.

Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

K. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

L. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of the city of Gig Harbor design manual. M. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 5, 1997).~~ Development in the PCD-NB district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 65. Section 17.60.020 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.60.020 Permitted uses.**

A. In an R-1 zone, a lot which abuts on or is located across the street or alley from property in a nonresidential zone, may be used for:

1. Two-family dwellings, provided that such lot is at least 14,000 square feet in size;
2. A parking lot for a business within 100 feet of the lot, solely for the customers and employees of the business to which it is accessory, for the use of automobiles only, ~~and provided that the entrance to the parking lot is at least 30 feet from the nearest residential lot, and the lot is landscaped and screened.~~ and provided that: (a) the entrance to the parking lot is at least 30 feet from the nearest residential lot; (b) the lot is landscaped as per parking lot landscaping requirements in Section 17.72.080 GHMC and Section 2.10.01(5) of Chapter 17.99 GHMC; and

(c) the parking lot and it's associated commercial development complies with all zone transition standards of Section 1.4 of Chapter 17.99 GHMC.

B. In R-2 zones, a lot adjacent to a nonresidential zone may be used for a parking lot for a business within 100 feet, if solely for cars for customers or employees, and provided that the parking lot entrance is at least 30 feet from the nearest residential lot, and the lot is landscaped and provided with a dense vegetative screen. (Ord. 573 §§ 2, 3, 1990).

Section 66. Section 17.62.030 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.62.030 Standards.** The maximum height for structures shall be 16 feet, except that in the historic district defined in Chapter 17.99 GHMC, structures shall not exceed the height limits defined in Sections 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC, and except as otherwise may be provided in a planned unit development or a planned residential development. (Ord. 710 § 61, 1996; Ord. 537 § 1, 1988).

Section 67. Section 17.78.050 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.78.050 Preservation of significant trees.**

A. ~~Applicability.~~ Retention. In the required perimeter landscaping area, applicants shall retain all significant trees vegetation as defined in Chapter 17.99 GHMC. The city encourages retention of trees on the remaining portions of the project sites as well.

B. ~~Significant Trees.~~ Significant trees are those which possess one or more of the following characteristics:

1. ~~Contribute to the character of the area and do not constitute a safety hazard; or~~

2. ~~Form a continuous canopy or dense vegetated screen; or~~

3. ~~If the grade level adjoining a tree to be retained is to be altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree. Proof of professional design may be required; or~~

4. B. Encroachment into drip line. The applicant may install impervious or compactable surface within the area defined by the drip line of any tree to be retained if it is demonstrated by a qualified arborist that such activities will not endanger the tree or trees. (See definition of "drip line" in Chapter 17.99 glossary).

C. ~~Other Existing Vegetation.~~ Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

D. ~~Areas of native vegetation which are designated as landscape or buffers areas, or which are otherwise retained under the provisions of Chapter 17.99 GHMC, shall be subject to a 10-foot-wide no-construction zone and shall be protected by a temporary perimeter fence protective barricade as defined in Section 2.1.01(6) of Chapter 17.99 GHMC.~~ Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10-foot setback will not harm existing vegetation within the designated landscape or buffer area. (Ord. 710 § 76, 1996; Ord. 573 § 2, 1990).

Section 68. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended 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 75 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 500 square feet of the area to be landscaped. 2. A minimum of 40 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 GHMC. 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.** All residential plats shall have a minimum 25-foot buffer consisting of a dense vegetated screen, shall be required along the perimeters of the plat, and the buffer shall be established as a covenant on the final plat. 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;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 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 dense vegetative screen.

**C. Parking Areas.** Parking areas shall be landscaped subject to the standards for parking lots found in Chapter 17.72 GHMC and subject to the standards of Section 2.10.01 of Chapter 17.99. (Ord. 652 § 6, 1993; Ord. 573 § 2, 1990).

Section 69. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.78.070 Requirements for commercial non-residential uses.**

**A. Perimeter Areas.**

1. Notwithstanding other regulations found in this chapter, perimeter areas ~~not covered with buildings, driveways and parking and loading areas~~ shall be landscaped. The required width of perimeter areas to be landscaped shall be the required yard or setback area or a total area equivalent to the required yards. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot high evergreen tree or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 300 square feet of area to be landscaped.

2. A minimum of 40 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 GHMC. Trees shall be of a species that will ultimately grow to the height of the planned building.

B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, the zone transition standards of Section 1.4 of Chapter 17.99 GHMC shall be met. Where a non-residential development abuts a residential development in the same zone, then that required perimeter area shall be landscaped the full width of the setback areas as follows:

1. A solid screen of evergreen trees or shrubs;
2. A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three feet high along its midline;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 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.

C. Areas Without Setbacks.

1. In those areas where there is no required front yard setback or where buildings are built to the property line, development subject to this chapter shall provide a street tree at an interval of one every 20 feet or planter boxes at the same interval or some combination of trees and boxes, or an alternative.
2. Street trees shall be a minimum caliper of two inches and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

D. Parking Area. Parking areas shall be landscaped subject to the standards for parking lots found in ~~Chapter 17.72~~ Section 17.78.080 GHMC, and subject to the standards of Section 2.10.01 of Chapter 17.99 GHMC. (Ord. 710 § 77, 1996; Ord. 573 § 2, 1990).

Section 70. Section 17.78.080 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.78.080 Parking lot landscaping and screening.**

The standards of this section shall apply to public and private parking lots, residential parking areas providing spaces for more than 10 cars and all nonresidential uses of land and development.

A. Perimeter Landscaping. In order to soften the visual effects or separate one parking area from another or from other uses, the following standards apply:

1. Adjacent to a street or road, the minimum width shall be equal to the required yard for the underlying land use or a strip 10 feet wide, whichever is greater. On all other perimeters the depth shall be a minimum of five feet.
2. Visual screening through one or any of a combination of the following methods:
  - a. Planting of living ground cover as well as shrubs or small trees which will form a solid vegetative screen at least three feet in height, or
  - b. Construction of a barrier fence or wall to a height of three feet combined with low-planting or wall-clinging plant materials. Materials should be complementary to building design, or
  - c. Earth mounding or berms having a minimum height of three feet and covered with shrubs and trees.

~~3. B. Other Landscaping Required. In addition to the screening required above, deciduous trees shall be provided at intervals no greater than 30 feet and shall be a minimum of two-inch caliper.~~

~~B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then that required perimeter area shall be landscaped as follows:~~

- ~~1. A solid screen of evergreen trees or shrubs;~~

2. A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three feet high along its midline;

3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 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. non-residential parking lots shall conform to the landscape standards of Section 2.10.01 of Chapter 17.99 GHMC.

C. Downtown Parking Lots. For In addition to the standards of Section 2.10.01 of Chapter 17.99 GHMC, parking lots located within the downtown area, the following standards apply shall conform to the following:

1. Provision of a minimum of five-foot wide landscaping strip intended to screen and soften the visual impacts of parking lots. Screening may be accomplished through any of the methods described under subdivision 2 of subsection A of this section. In addition to screening, street trees a minimum of two-inch caliper shall be provided at 20-foot intervals.

2. In those instances where parking areas are bordered by more than one street, the strip required in subdivision 1 of this subsection shall only apply to the longest side. All other sides must be screened with a wall, fence, vegetative buffer or combination of these elements at a minimum height of three and one-half feet. The street tree requirements will pertain.

3. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be as established in the city of Gig Harbor public works standards.

4. ~~Trees Required. Trees are required at a ratio of at least one per 64 square feet of landscaped area or fraction thereof. They~~

D. Tree size and placement. Trees required under the provisions of Section 2.10.01 of Chapter 17.99 GHMC shall have a clear trunk to a height of at least five ~~six~~ feet above the ground at maturity planting unless otherwise specified. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.

~~D. Interior Parking Lot Landscaping. All parking lots that contain 20 or more parking spaces or are larger than 6,000 square feet in area shall have interior lot landscaping as follows:~~

~~1. Landscaped Area. Parking lots that contain 20 or more parking stalls or are 6,000 to 30,000 square feet in area shall have five square feet of landscaped area per 100 square feet of vehicle use area, or fraction thereof. Parking lots larger than 30,000 square feet shall have seven square feet of landscaped area per 100 square feet of vehicle use area or fraction thereof. Vehicle use area shall include driveways.~~

~~2. Minimum Area. The minimum area of required landscaping shall be 64 square feet in order to provide a proper plant environment. 3. Maximum Contiguous Area. To encourage the proper distribution of landscaping throughout parking areas, no required landscaped areas shall be larger than 350 square feet in parking lots that are less than 30,000 square feet in area; and 1,500 square feet in larger lots. Larger landscaped areas may be provided when the excess over the minimum requirement exceeds the total area requirement for the entire lot. Interior lot landscaping may be peninsular or island in shape and may accent pedestrian ways.~~

~~4. Trees Required. Trees are required at a ratio of at least one per 64 square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five feet above the ground. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.~~

~~5. E. Shrubs and Ground Cover. Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover. The distribution of plants shall be adequate to ultimately achieve 75 percent ground coverage within three years of plantings.~~

~~6. F. Vehicle Overhang. Parked vehicles may overhang landscaped areas up to two feet by wheel stops or curbing. (Ord. 710 § 78, 1996; Ord. 573 § 2, 1990).~~

Section 71. Section 17.78.090 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.78.090 Screening/buffering from SR-16, the Tacoma City Light right-of-way and SR-16 interchanges.**

A. All development of properties adjacent to SR-16, the Tacoma City Light right-of-way and SR-16 interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of ~~25~~ 30 feet in depth and shall conform to all Enhancement Corridor standards defined in Section 1.3.03 of Chapter 17.99 GHMC. Along SR-16 and the Tacoma City Light right-of-way outside of the defined interchange areas, this buffer shall be adequate to totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of four to six feet shall be planted.

B. Adjacent to SR-16 interchange ramps landscape buffering shall be done according to the standards for perimeter landscaping for residential and ~~commercial areas in the height overlay district~~ non-residential development. The buffer area shall be covered with live plant materials which will ultimately cover 75 percent of the ground cover within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot evergreen or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped. Forty percent of the required planting shall be evergreen trees a minimum of six feet in height and of a species that will grow to the height of the buildings in the development. ~~If possible, evergreen trees shall be retained to meet this requirement.~~ All significant vegetation as defined in Chapter 17.99 GHMC shall be retained. (Ord. 710 § 79, 1996; Ord. 573 § 2, 1990).

Section 72. Section 17.78.120 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.78.120 Maintenance.**

A. Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Planting beds shall not be located over impervious surfaces. All landscaped areas shall be provided with ~~sprinkler systems or hose bibs within 75 feet of plantings~~ mechanical automatic underground sprinkler systems designed to provide full coverage of landscaped areas. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonably free of noxious weeds and trash.

B. Similarly, if necessary, the trees or shrubs shall receive pruning or removal to avoid the creation of a safety hazard or nuisance through excessive shading, overhanging adjacent properties or to preserve a view or scenic vista, subject to the provisions of Sections 2.1.01 and 2.2.01 of Chapter 17.99 GHMC. (Ord. 573 § 2, 1990).

Section 73. Section 17.91.040 of the Gig Harbor Municipal Code is hereby amended as follows:

**17.91.040 Site development and performance standards.**

A. Minimum Development Parcel Size. To promote efficient and compatible groupings of uses within a mixed use district, the following minimum development parcel sizes shall apply:

1. No parcel less than 10 acres shall be developed with residential uses, except where the parcel is contiguous to a developed or planned residential area.
2. No parcel less than 10 acres shall be developed with commercial or business uses, except where the parcel is contiguous to a developed or planned business or commercial area.
3. Where phased development is proposed for a parcel of 10 acres or greater and where the first phase is less than 10 acres, the remaining portion of the parcel reserved for future development shall be committed to residential or commercial uses.
4. Where residential and nonresidential uses are developed on the same parcel or site, the parcel size requirements may be waived where it is found that the intent of the mixed use zone is otherwise met.

B. Density. Maximum residential density is four dwelling units per acre. Minimum parcel size is not specified. Bonus densities of up to 30 percent over the base may be permitted, based upon the following allocations:

1. Thirty percent of the development site is common open space, which must be contiguous to or greater than one acre in area (plus five percent).
2. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).
3. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:
  - a. Clearly defined athletic fields and/or activity courts.
  - b. Recreation center or community facility. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).

C. General.

1. The maximum residential density is four dwelling units per structure in townhouse or zero lot line developments.
2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
3. Townhouse units adjacent to a single-family residence within the same development shall have a front yard equal to or exceeding the single-family dwelling and a minimum side yard of 25 feet if adjacent to a single-family lot.
4. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

D. Separation of Uses/Transition Buffers. To assure that different land uses are adequately separated, the following transition buffers and setbacks shall be used:

1. Buffers Separating New Businesses from Existing Residential Uses. A business or ~~commercial~~ non-residential use must meet the following standards where it is adjacent to property which is either developed or planned for residential use in addition to the zone transition standards defined in Section 1.4 of Chapter 17.99 GHMC:
  - a. A minimum 35-foot setback from any property shared with a residential site.
  - b. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.
  - c. No parking shall occur within a required buffer.



2. Buffers Separating New Residential Use from Existing Commercial Non-residential Uses. A residential use must meet the following standards where it is adjacent to property which is either developed or planned for ~~commercial~~ non-residential or business use:

a. A minimum 35-foot setback from any property shared with a ~~commercial~~ non-residential site. b. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.

3. Buffers Separating New Multifamily Dwellings from Existing Single-Family Dwellings. A In addition to the zone transition standards in Section 1.4 of Chapter 17.99 GHMC, multifamily use must meet the following standards where it is adjacent to property which is developed as single-family residential:

a. A minimum setback of 25 feet from all street rights-of-way common to both uses. b. A minimum setback of at least 25 feet from any property line shared with a single-family use. c. Landscaping within required buffer areas equal to minimum width of the buffer. Parking areas shall not occupy the required buffer area.

4. Buffers Separating Single-Family Dwellings from Existing Multifamily Dwellings. Where adjacent property is developed or planned for single-family residential use, a multifamily residential development must meet the following standards:

a. A minimum setback of 25 feet from all street rights-of-way common to both uses. b. A minimum setback of at least 25 feet from any property line shared with a single-family use. c. Landscaping within required buffer areas equal to minimum width of the buffer.

E. Mixed Use Occupancies Within the Same Structure. Residential units and retail business or office uses shall be permitted within the same structure, subject to the following standards:

1. The nonresidential use must have access by way of a business arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.

2. Where a business or residential portion of the building is located on different floors, business uses shall occupy the floors below the residential uses.

3. Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances.

4. Allocation of uses shall be consistent with the city of Gig Harbor comprehensive plan.

F. Performance Standards.

1. Minimum yards (from the property line):

a. Front, 15 feet.

b. Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.

c. Rear, 15 feet.

2. Maximum Height. The maximum height

of a structure shall not exceed 35 feet. 3. Maximum lot area coverage: Forty-five percent, excluding driveways, private walkways and similar impervious surfaces.

4. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC.

5. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public right-of-way.

6. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of way.

7. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of~~

~~the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

8. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

9. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of the city of Gig Harbor design manual.~~ Development in the MUD district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Two-family dwellings (duplexes) shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.

10. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 7, 1997)

Section 74. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 75. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this \_\_\_ day of \_\_\_\_\_, 2004.

CITY OF GIG HARBOR

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

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: \_\_\_\_\_  
PASSED BY THE CITY COUNCIL: \_\_\_\_\_  
PUBLISHED: \_\_\_\_\_  
EFFECTIVE DATE: \_\_\_\_\_  
ORDINANCE NO: \_\_\_\_\_



**POLICE**

**TO: MAYOR WILBERT AND CITY COUNCILMEMBERS**  
**FROM: CHIEF OF POLICE MIKE DAVIS**  
**SUBJECT: GHPD JULY STATS**  
**DATE: AUGUST 9, 2004**

**DEPARTMENTAL ACTIVITIES**

Activity statistics for the month of July 2004 indicate continued increases in felony arrests, traffic accidents and warrants arrests. We have also seen an increase in traffic infractions.

The Marine Services Unit (MSU) had 75 hours of patrol time in July. This is an increase of 29 hours over the month of June. The Bike Patrol Unit logged 22 hours of patrol duty.

The Reserve Unit supplied 171.5 hours of volunteer time assisting our officers for the month of July.

The month of July saw a rash of eight commercial burglaries committed in the early morning hours in the area of Olympic and Pt. Fosdick Drives. Total loss in damages and property is approximately \$7,000. Our burglaries appeared to be related to other commercial burglaries committed around the same time period in Silverdale and Bainbridge Island. We have followed several leads. We are awaiting lab results on a key piece of evidence left at the scene of one of the burglaries. (see attached flyer)

During the early morning hours of August 1, we had a series of three car prowls that may be related. Videotape from the Target parking lot has revealed a dark colored sedan with chrome wheels that may be involved.

An investigation of a suspected meth lab on Ross Street resulted in two arrests. The Pierce County Health Department has quarantined the residence until toxic material can be removed.

A traffic stop by one of our officers on July 28<sup>th</sup> at midnight resulted in several packets of meth being discovered along with several hundred dollars in cash. A female subject was arrested and the vehicle has been impounded pending drug forfeiture proceedings. The drugs were found hidden under the dash of the vehicle.

Another traffic stop and a subsequent "fail to yield" resulted in a shotgun and a cache of ammunition being seized. It appears that the driver who ran off was dealing drugs and is awaiting a prison sentence (thus he didn't want to be caught as a felon in possession of a firearm). We are attempting to locate the subject at this time.

### **TRAVEL/TRAINING**

Officer Garcia is at Emergency Vehicle Operators Course (EVOC) training from August 1<sup>st</sup> through the 6<sup>th</sup>.

First aid training was conducted on July 12<sup>th</sup>. It was suggested that an Automatic External Defibrillator (AED) which is a small, lightweight device that looks at a person's heart rhythm (through special pads placed on the torso) and can recognize ventricular fibrillation (VF), also known as "sudden cardiac arrest" be purchased for the Civic Center. We will support this initiative during upcoming budget hearings.

Officer Fred Douglas has passed his one year probationary period and is now a permanent employee.

### **SPECIAL PROJECTS**

We are working with the Department of Community Development (DCD) and their Global Information System (GIS) experts in developing a way to plot individual types of crimes on a city map. This will enable officers to develop a graphical representation of crime activity that will assist in developing a more focused response plan to different types of crimes. More to follow-

We signed the new child sexual assault investigative protocol approved by all Pierce County law enforcement agencies.

We are continuing to assign officers to the Westsound Narcotics Enforcement Team (WestNET) on a temporary training assignment when scheduling allows.

The proposed jail contract with Kitsap County Corrections has been sent back to Kitsap County with suggested changes noted by our Attorney Carol Morris.

Carol is also working on the Interlocal Agreement with other cooperative cities to jointly participate in a regional Special Response Team (SRT), meth lab response team and a major Crime Response Unit (CRU). Carol has agreed to rewrite the agreement to bring it into alignment with her preferred indemnification clause.

Carol has suggested an ordinance may be needed to address the recent proliferation of mini-motorcycles on public roads. These vehicles do not have

serial numbers and technically are not approved for licensing, but meet other statutory definitions of ranking as a motor vehicle. Our officers are seeing an increase of these vehicles recently.

Our recruitment for the new Community Services Officer (CSO) netted over 170 applications. The resumes were reviewed and subsequently narrowed down to eight qualified applicants. A citizen and police oral board interviewed these applicants. Special thanks to Councilman Steve Ekberg for his assistance with the oral board. We have several fine candidates from which to choose and will be initiating background investigations soon.

Our recruitment for lateral officers resulted in six applicants being interviewed. Three of the applicants passed the interview and the eligibility list will be certified by the Civil Service Commission. We will commence background investigations on the top applicants within the next week. We are looking to fill the position being vacated by the retirement of Mark Galligan.

### **PUBLIC CONCERNS**

We received citizen complaints about speeding on Vernhaardsen and Pioneer Way. We are working on a web-based traffic complaint form that can be filled out by the citizens and sent directly to our officers. The officer will then document the times of enforcement, any actions taken and then send this information back to the citizen.

We received complaints that it is very hard for citizens to locate the police department, especially at night with the current signage. Public works has proposed a plan to relocate the signs to make it easier for citizens to find us.

### **FIELD CONTACTS**

Meetings with WSP Chief Lowell Porter, Pierce County Sheriff Pastor and Bonney Lake Chief Bryan Jeter went very well. Both Porter and Pastor reinforced their desire to support GHPD. A new captain is coming on board with the WSP Tacoma detachment. We will be meeting with him in an attempt to increase the presence of WSP troopers on the Peninsula side of the bridge. Both Pierce County Executive Landenberg and Sheriff Pastor stated 24/7 law enforcement coverage for the unincorporated Peninsula looks very promising this next year.

My membership with the Gig Harbor Rotary has been accepted.

Lt. Colberg and I continue to attend the Chamber public forums on Thursday mornings.

Community contacts during the month included:

- Met with Shannon Wiggs from the Peninsula School District to discuss the proposed school advocacy program
- Attended the Kitsap Meth Interdiction Task Force meeting on July 22 to discuss their community education program on meth
- Attended the Peninsula Art League Summer Art Show
- Attended the monthly information sharing meeting between GHPD, Pierce County Sheriff's Department and the Kitsap County Sheriff's Office
- Met with the Gateway to discuss expanding their coverage of police news and events
- Met with Pierce County Domestic Violence advocates to plan and discuss a proposed DV summit tentatively planned for January 2005
- Meet with Joy Peterson to discuss "Just Imagine", which is a proposed strategic planning project for the City of Gig Harbor

### **OTHER COMMENTS**

Officer Mark Galligan officially retires on August 15<sup>th</sup> after a 28-year career with GHPD. A retirement party is set for August 8<sup>th</sup> at the Madrona Links Golf Course.

Detective Kelly Busey returned safely from his sailboat race to Hawaii. Even though they didn't make it to the winner's circle, he had a great time. We look forward to hearing his presentation.



**POLICE DEPARTMENT**  
3510 Grandview Street  
Gig Harbor, Washington 98335  
(253) 851-2236 • www.harborpd.com

**GIG HARBOR POLICE DEPARTMENT**  
**MONTHLY ACTIVITY REPORT**

**July 2004**

	<b><u>JULY</u></b> <b><u>2004</u></b>	<b><u>YTD</u></b> <b><u>2004</u></b>	<b><u>YTD</u></b> <b><u>2003</u></b>	<b><u>% chg</u></b>
<b>CALLS FOR SERVICE</b>	<b>550</b>	<b>3203</b>	<b>3427</b>	<b>-07%</b>
<b>CRIMINAL TRAFFIC</b>	<b>5</b>	<b>57</b>	<b>68</b>	<b>-16%</b>
<b>TRAFFIC INFRACTIONS</b>	<b>77</b>	<b>624</b>	<b>552</b>	<b>13%</b>
<b>DUI ARRESTS</b>	<b>2</b>	<b>25</b>	<b>30</b>	<b>-17%</b>
<b>FELONY ARRESTS</b>	<b>10</b>	<b>95</b>	<b>40</b>	<b>138%</b>
<b>MISDEMEANOR ARRESTS</b>	<b>13</b>	<b>157</b>	<b>153</b>	<b>3%</b>
<b>WARRANT ARRESTS</b>	<b>6</b>	<b>54</b>	<b>40</b>	<b>35%</b>
<b>CASE REPORTS</b>	<b>129</b>	<b>780</b>	<b>770</b>	<b>1%</b>
<b>REPORTABLE VEHICLE ACCIDENTS</b>	<b>16</b>	<b>137</b>	<b>101</b>	<b>36%</b>



**Gig Harbor Police Department  
Monthly Activity Stats 2004**

Category	Jan. 2004				February 2004				March 2004				April 2004				May 2004				June 2004			
	Jan 2004	YTD 2004	YTD 2003	% Change	Feb 2004	YTD 2004	YTD 2003	% Change	Mar 2004	YTD 2004	YTD 2003	% Change	Apr 2004	YTD 2004	YTD 2003	% Change	May 2004	YTD 2004	YTD 2003	% Change	Jun 2004	YTD 2004	YTD 2003	% Change
Calls for Service	401	401	458	-12%	419	820	892	-8%	428	1,248	1,404	-11%	431	1,679	1,838	-9%	502	2,181	2,346	-7%	472	2,653	2,924	-9%
Criminal Traffic	7	7	5	40%	10	17	20	-15%	9	26	29	-10%	9	35	39	-10%	15	50	48	4%	2	52	58	-10%
Traffic Infractions	63	63	55	15%	76	139	129	8%	76	215	209	3%	63	278	283	-2%	197	475	391	21%	72	547	477	15%
DUI Arrests	4	4	5	-20%	5	9	7	29%	4	13	12	8%	5	18	16	13%	3	21	22	-5%	2	23	25	-8%
Felony Arrests	22	22	7	214%	12	34	13	162%	19	53	16	231%	7	60	20	200%	15	75	27	178%	10	85	35	143%
Misdemeanor Arrests	34	34	18	89%	24	58	33	76%	23	81	51	59%	23	104	71	46%	28	132	108	22%	12	144	128	13%
Warrant Arrests	2	2	5	-60%	6	8	7	14%	7	15	10	50%	14	29	16	81%	13	42	24	75%	6	48	37	30%
Case Reports	116	116	97	20%	128	244	210	16%	126	370	312	19%	91	461	397	16%	106	567	523	8%	84	651	655	-1%
Reportable Vehicle Accidents	20	20	16	25%	24	44	27	63%	24	68	40	70%	23	91	56	63%	12	103	74	39%	18	121	89	36%
Second Officer Assist	44	44	64	-31%	51	95	135	-30%	48	143	210	-32%	45	188	259	-27%	76	264	326	-19%	60	324	409	-21%

Category	July 2004				August 2004				September 2004				October 2004				November 2004				December 2004			
	Jul 2004	YTD 2004	YTD 2003	% Change	Aug 2004	YTD 2004	YTD 2003	% Change	Sep 2004	YTD 2004	YTD 2003	% Change	Oct 2004	YTD 2004	YTD 2003	% Change	Nov 2004	YTD 2004	YTD 2003	% Change	Dec 2004	YTD 2004	YTD 2003	% Change
Calls for Service	550	3,203	3,427	-7%	3,203	3,965	3,965	-19%	3,203	4,450	4,450	-28%	3,203	4,922	4,922	-35%	3,203	5,311	5,311	-40%	3,203	5,728	5,728	-44%
Criminal Traffic	5	57	68	-16%	57	114	135	-28%	57	171	214	-32%	57	228	342	-35%	0	105	105	-100%	0	119	119	-100%
Traffic Infractions	77	624	552	13%	624	1,248	1,248	-2%	624	1,872	2,087	-11%	624	2,496	2,812	-17%	0	848	848	-100%	0	901	901	-100%
DUI Arrests	2	25	30	-17%	25	50	63	-34%	25	75	104	-36%	25	100	139	-38%	0	50	50	-100%	0	58	58	-100%
Felony Arrests	10	95	40	138%	95	190	83	107%	95	285	136	76%	95	380	175	56%	0	63	63	-100%	0	76	76	-100%
Misdemeanor Arrests	13	157	153	3%	157	314	329	-5%	157	471	570	-19%	157	628	805	-27%	0	238	238	-100%	0	251	251	-100%
Warrant Arrests	6	54	40	35%	54	108	81	13%	54	162	162	0%	54	216	279	-13%	0	71	71	-100%	0	78	78	-100%
Case Reports	129	780	770	1%	780	1,560	1,656	-13%	780	2,340	2,478	-24%	780	3,120	3,465	-31%	0	1,214	1,214	-100%	0	1,315	1,315	-100%
Reportable Vehicle Accidents	16	137	101	36%	137	274	216	22%	137	411	397	4%	137	548	664	-12%	0	177	177	-100%	0	199	199	-100%
Second Officer Assist	75	399	468	-15%	399	798	1,167	-31%	399	1,197	1,764	-36%	399	1,596	2,163	-37%	0	720	720	-100%	0	760	760	-100%



## **BURGLARIES - REWARD**

Gig Harbor Police detectives need your help in locating the suspects responsible for a string of retail burglaries. On the night of Sunday July 25 through the early morning hours of Monday July 26, unidentified suspects burglarized eight businesses in the city of Gig Harbor.

These burglaries occurred at 2 restaurants, 5 retail stores, and 1 pizza business. All of the victim businesses were located in the Pt. Fosdick and Olympic Drive retail areas of Gig Harbor.

The suspects broke into the business during the late night hours, and targeted the business safes and/or cash registers. These burglaries resulted in stolen cash, food, and damage to the victim businesses.

Detectives believe the same suspects are responsible for a series of burglaries in Bainbridge Island on July 16 and in Silverdale on July 22.

Detectives are looking for any information on suspects responsible for these burglaries or vehicles seen in the areas of these burglaries on the night of July 25.

Receive up to **\$1000** dollars for information leading to the arrest and charges filed for the person(s) in the above case.

**Call 253-591-5959**

*All Callers will remain anonymous*

C.H. Council Meeting

Statement by  
Lynne J. J. J.

8/9/01

Five years ago we moved to Big Harbor from Spokane, my birthplace. We searched for new home here and found Big Harbor. And everything we were looking for. "We loved the small town feel."

We feel the possible sale of the 17 parcels located at around Harbourview and Stinson Street & the closure of the Eddon Boat Works would not benefit the majority of the citizens. The loss of the Boat works

would certainly not benefit  
our maintenance fishing  
village ~~through~~ in a  
The beauty of Elg  
Dobson is the village "  
feels rather additional  
we scale farms a Candy -  
monuments on the flat  
waterfront property would  
only benefit the residents  
them of. Many many  
peasants pass the  
property daily - do we  
really need any more  
"up scale" condos for those  
Plain Lake? ~~Frankly~~  
Frankly

Thank you for receiving my comments tonight.

The City of Gig Harbor, if it signs the Settlement Agreement with The Harbor Cove Group, owners of the Eddon Boat property, will set a precedent that will have out of town developers and investors cheering in their boardrooms. The revised MDNS that the city is validating with the Settlement Agreement under section B. Historic Preservation, contains city generated language that emasculates the directives of the Gig Harbor Shoreline Master Program. The city states, and I quote, that "the SMP does not include the direct regulatory language to implement these statements." End Quote. Among those statements from the Shoreline Master Program that the city administration has decided that it will not attempt to regulate in the future if the council signs off on the Harbor Cove Group Settlement Agreement are these. That "Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal." and that, "The shorelines of the City of Gig Harbor support it's fishing, boating, and tourist industries as well as the residential community. Therefore preservation of the characteristics beneficial to these industries should be a primary consideration in evaluating the effect of all shoreline proposals". That the city of Gig Harbor would compromise the clear intent of the SMP, and thereby the shoreline sections of the Gig Harbor Comprehensive Plan which contain similar clear language that is designed to protect our diverse and historic waterfront, is appalling.

It is no accident that the Eddon Boat property has generated so much community support for the preservation of Gig Harbor's historic waterfront. The Eddon Boat property is rightly viewed as the last chance for the City of Gig Harbor to apply the brakes on waterfront development that displaces the historic working waterfront. It is the fishing and boatbuilding nature of that working waterfront that defines the character of this city. Rather than compromising the guidelines set forth in the Shoreline Master Program and the Gig Harbor Comprehensive Plan with the signing of the Harbor Cove Group Settlement Agreement, why not use this issue as an opportunity to test and fortify the clear language contained in both plans with regard to the preservation of our historic waterfront.

The city suggests in the Revised MDNS that the placement of an historic plaque and access to a viewing platform following the demolition of the boatyard will in some way mitigate the loss. That plaque placed among upscale homes, should it come to pass, for me will forever represent a community that lost it's way.

Regards, Guy Hoppen

August 9, 2004

From: John McMillan, 9816 Jacobsen Lane, Gig Harbor

To: Mayor Wilbert and Council Members

Please reject any settlement agreement that facilitates the demolition of Historic Eddon Boat Yard. This is not a Settlement Agreement ... it's a very Unsettling Agreement. The current waterfront is already loaded with single-use development in the form of condos and marinas. It's time we stop destroying our historic shoreline. Gig Harbor's Shoreline Master Program on page 7, under part 2 (Overall Goals / Character) states that (quote) *the shorelines of the city of Gig Harbor should support it's fishing, boating, and tourist industries as well as the residential community (unquote)*. That clearly means, SAVE EDDON BOAT YARD. In chapter 3.06 under Commercial Fishing Industries, (quote) *The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures that provide direct support to the industry (unquote)*. That clearly means, SAVE EDDON BOAT YARD. It also states that (quote) *Preservation of the fishing character of the City is a primary consideration in evaluating the effects of a shoreline proposal (unquote)*. That clearly means, SAVE EDDON BOAT YARD.

What are we afraid of? A lawsuit? Let's be known as a community willing to fight for a good cause. At all costs, this is our chance to have the real thing: I propose a real working waterfront complete with a restored boat yard, family-based educational boat-building programs, a heritage site, the Shenendoah display, a museum, a park, municipal parking and even a waterfront boardwalk the full length of the property.

Finally, rather than a plaque that tells the sad story of how, on August 9th, 2004, we agreed to demolished a very significant part of our history, I propose a fully-restored boat yard that recognizes the accomplishments, skills, hard work, and spirit of those in its history including Ed Hoppen. On its wall a plaque would also recognize the wisdom and foresight of a community and a City Council that cared about Gig Harbor's past, Gig Harbor's present, and Gig Harbor's future.

Thank you.

John McMillan