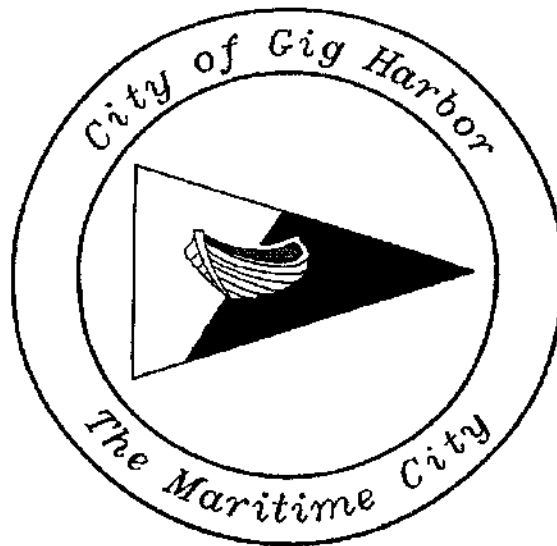


# **Gig Harbor City Council Meeting**



**January 12, 1998**

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



# AGENDA FOR GIG HARBOR CITY COUNCIL MEETING

January 12, 1998 - 7:00 p.m.

## CALL TO ORDER:

SWEARING IN CEREMONY: Mayor Wilbert, Councilmember Ekberg, Councilmember Picinich, and Councilmember Derek Young.

## INTRODUCTION OF APPLICANTS FOR NEW COUNCIL POSITIONS:

## APPROVAL OF MINUTES:

CORRESPONDENCE / PROCLAMATIONS: None scheduled.

## OLD BUSINESS:

1. Second Reading – Ordinance Establishing Compensation for the Municipal Court Judge.
2. Second Reading of Ordinance – Acceptance of Private Street and Utilities.
3. Second Reading of Ordinance – Planning Commission Recommendation – Amendment to Chapter 17.72 (Parking Standards for Multifamily Residential) – Remanded to Planning Commission in March of 1997.

## NEW BUSINESS:

1. Pierce County Boating Safety Agreement.
2. Job Description – Public Works Project Engineer.
3. First Reading of Ordinance – Proposed Revision to the Sign Code.
4. First Reading of Ordinance - Proposed Revisions to Chapter 17.98 Redefining the Design Review Process.
5. Consultant Services Agreement – TIB Grants.
6. 1998 Renewal – Pierce County Emergency Management Services.
7. First Reading of Ordinance – Disclosure of Financing during Elections.
8. Ordinance – Accepting Donations from the Morris Foundation.
9. Resolution – Hotel-Motel Tax Changes.
10. Reappointment of the Building Code Advisory Board Members.
11. Liquor License Assumption - Spiros Pizza.
12. Change of Corporate Officers – Harvester Restaurant.
13. New Liquor License Application – Harbor Arco, AM/PM Mart.
14. Liquor License Renewals – Gourmet Essentials; Harbor Inn.
15. Appointment of Council Members to Vacant Positions.

## PUBLIC COMMENT/DISCUSSION:

## COUNCIL COMMENTS:

## STAFF REPORTS:

Gig Harbor Police Department Stats – Mitch Barker.

## ANNOUNCEMENTS OF OTHER MEETINGS:

Welcome to City Hall Workshop for new Councilmembers – January 22<sup>nd</sup>, 8:00 a.m. – 4:30 p.m. in Fife.

## APPROVAL OF BILLS:

## APPROVAL OF PAYROLL:

## ADJOURN:



**DRAFT**

**REGULAR GIG HARBOR CITY COUNCIL MEETING OF DECEMBER 8, 1997**

**PRESENT:** Councilmembers Picinich, Owel, Ekberg, Platt, Markovich and Mayor Wilbert.

**SPECIAL PRESENTATION:** Dave Brereton, Public Works Supervisor – 20 years of Service.

Mayor Wilbert introduced Dave Brereton and his family and asked them to come forward. She thanked Dave and added that she had never received a complaint regarding him in the eight years she had served as Mayor. She then thanked his wife, Julie, and children, Stephanie and Andrew, for being supportive of Dave in his job. Mayor Wilbert presented Dave with a silver burgee pin as a thank you from the city for his 20 years of service.

**CALL TO ORDER:** 7:04 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the November 24, 1997 with correction as suggested.  
Picinich/Ekberg - unanimously approved. Councilmembers Markovich and Platt abstained.

**CORRESPONDENCE/PROCLAMATIONS:** None scheduled.

**OLD BUSINESS:**

1. **Second Reading of Ordinances – Vacation Request – 38<sup>th</sup> and Wollochet.** Wes Hill, Public Works Director, explained that these ordinances to vacate portions of Wollochet Drive and 38<sup>th</sup> Avenue had been presented as a first reading at the last council meeting.

**MOTION:** Move to approve Ordinance No. 777 as presented.  
Markovich/Picinich – unanimously approved.

**MOTION:** Move to approve Ordinance No. 778 as presented.  
Markovich/Owel – unanimously approved.

2. **Second Reading of Ordinance – 1997 Budget Amendment Ordinance.** Dave Rodenbach, Finance Director, introduced the second reading of this ordinance amending the 1997 budget.

**MOTION:** Move to approve Ordinance 780 as presented.  
Picinich/Ekberg – unanimously approved.

**NEW BUSINESS:**

1. Employment Agreement – Municipal Court Judge. Mark Hoppen, City Administrator, introduced this employment agreement, with a request for an increase in the monthly base salary as well as an increase in the hourly rate of compensation. An increase in the hours of compensable time were also proposed to be increased from 45 to 60 hours per year. He recommended approval of the new, four-year contract as presented.

**MOTION:** Move approval of the Employment Agreement for Municipal Court Judge. Markovich/Owel – unanimously approved.

2. First Reading – Ordinance Establishing Compensation for the Municipal Court Judge. Mark Hoppen introduced this first reading of an ordinance and explained that the ordinance is necessary to establish the level of compensation for the position. This will return at the next meeting for a second reading.

3. Employment Agreement – City Prosecutor. Mark Hoppen presented this contract and explained that the only change was an increase for the Associate from \$65 to \$70 per hour.

**MOTION:** Move approval of the Prosecutor Employment Agreement as presented. Markovich/Picinich – unanimously approved.

4. Legal Services Agreement for 1998. Mark Hoppen presented this proposal for legal services. He explained that the agreement added an overall 3.0% increase in the rate of compensation and added that video conferencing was being developed by Ogden Murphy Wallace that would help to keep costs down by decreasing the amount of on-site visits. He answered Council's questions and recommended approval of the contract.

**MOTION:** Move approval of the contract for legal services with a proposed rate adjustment for 1998. Markovich/Picinich – unanimously approved.

5. First Reading of Ordinance – Acceptance of Private Street and Utilities. Wes Hill explained that there are several private developments that may come before Council to request that their streets and storm drainage facilities be accepted by the City for maintenance purposes. This ordinance, amending the Public Works Standards, would provide standards and discretionary authority to review each proposal individually. Changes to the ordinance were discussed to include language to notify the property owners of possible assessments associated with acceptance of their structures.

John Holmaas – 7524 Goodman Drive. Mr. Holmaas explained that he had spoken at the last

meeting as the developer of Avalon Woods. He said that the proposed ordinance answered many questions but one question remained. He wanted to know whether or not the homeowners association would be able to convey the roads and storm system or if a plat alteration would be required. Howard Jensen, filling in for Legal Counsel, advised Mr. Holmaas that Carol Morris, City Attorney, had alternatives and that he should call her to discuss them. This ordinance will return for a second reading at the next meeting.

6. Bayridge Avenue Improvement Project – Consultant Services Contract. Wes Hill, Public Works Director, explained that one objective for 1997-98 was to complete storm sewer and waterline improvements on Bayridge Avenue. He added that there was a need for a more detailed analysis of the storm drainage system and recommended hiring Craig Peck & Associates to perform the work.

**MOTION:** Move we approve execution of the Consultant Services Contract with Craig Peck & Associates in an amount not to exceed four-thousand four-hundred dollars and no cents (\$4,400.00).  
Picinich/Owel – four voted in favor. Councilmember Ekberg voted against.

7. First Reading of Ordinance – Planning Commission Recommendation – Amendment to Chapter 17.72 (Parking Standards for Multifamily Residential). Steve Osguthorpe, Planning Associate, explained that the Council had a proposal to amend the parking standards for multi-family housing remanded back to the Planning Commission for further review. He gave an overview of the information requested from both Tacoma and Pierce County on their parking standards and explained that the Planning Commission had reviewed the additional information. He added that a Planning Commission Resolution recommending approval of the proposed amendments is included in the packet, along with a draft ordinance approving the amendments. This ordinance will return at the next meeting for a second reading.

8. Truck Service Body – Contract Award. Wes Hill gave an overview of the four bids received to replace the utility truck used by the wastewater treatment plant. He explained that the low bid amount exceeds the budgeted amount of \$50,000, but that it was anticipated that the salvage value of the existing truck would be approximately \$2,000, and that sufficient funds are available for the remainder.

**MOTION:** Move we approve the award and execution of the contract for the Truck Service Body to Pacific Utility Equipment Company, as the lowest responsive bidder, in the amount of twenty-eight thousand five-hundred twenty-two dollars and seventy cents (\$28,522.70).  
Owel/Picinich – unanimously approved.

9. Jerisich Park Dock Improvements – Contract Award. Wes Hill explained that a budgeted item for 1997-98 is the reconstruction of the Jerisich Park Dock. He added that three bids

had been received in response to an advertisement for bids and that all bids exceed the engineer's updated estimate of \$325,366. He added that there were three options; one, to reduce the scope of the project; two, to reject all the bids and readvertise, delaying the completion of the project and jeopardizing the grant funding; and three, to utilize funds from other sources. The importance of the project was discussed and it was decided to borrow the money from the property acquisition fund and to proceed.

**MOTION:** Move we follow staff's recommendation and approve award and execution of the contract for the Jerisich Park Dock Improvement Project to Hurlen Construction Company, as the lowest responsible bidder, for a total contract amount of three-hundred eighty-seven thousand five-hundred four dollars and no cents (\$387,504.00), and that the extra funds needed be deferred from the property acquisition fund, which will be repaid over the years.  
Ekberg/Owel – unanimously approved.

10. Liquor License Renewals – Marco's Restaurant / Mimi's Pantry. No action taken.

**PUBLIC COMMENT:** None.

**MAYOR'S REPORT:** Two New Council Positions.

Mayor Wilbert briefly explained that when the certification of the final census figures from the Gig Harbor North and Westside Annexations were received, two new Council Positions would be opened for appointment by the Council. She asked that anyone qualified for these positions submit a letter of interest to the city.

**COUNCIL COMMENTS:** None.

**STAFF REPORT:**

Mitch Barker, Chief of Police – GHPD Stats. Chief Barker explained that he had no additional information to add to the statistics and offered to answer questions.

**ANNOUNCEMENT OF OTHER MEETINGS:**

1. Sign Code Worksession – December 11<sup>th</sup>.
2. No second City Council meeting in December.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of checks #19117 through #19196 in the amount of \$92,863.83.



Owel/Ekberg - unanimously approved.

**APPROVAL OF PAYROLL:**

**MOTION:** Move approval of November payroll checks #14957 through #15088 in the amount of \$222,863.83  
Owel/Ekberg - unanimously approved.

**EXECUTIVE SESSION:** None held.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:01 p.m.  
Platt/Picinich - unanimously approved.

Cassette recorder utilized.  
Tape 477 Side A 000 - end.  
Tape 477 Side B 000 - 384.

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Mayor

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City Clerk





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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: SECOND READING - ORDINANCE ESTABLISHING COMPENSATION**  
**FOR THE MUNICIPAL COURT JUDGE**  
**DATE: DECEMBER 9, 1997**

**INFORMATION/BACKGROUND**

An ordinance is necessary to establish the level of compensation for the position of Municipal Court Judge for the next four year term, 1998 through 2001.

**FISCAL CONSIDERATIONS**

The monthly base salary is \$1300. Non-jury and jury trials and hearings scheduled on days other than Tuesday afternoons are to be compensated at \$80 per hour with the limit of 60 hours annually.

**RECOMMENDATION**

Staff recommends approval of the ordinance at this reading.

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
AMENDING ORDINANCE NO. 659 AND ESTABLISHING THE  
1998/2001 COMPENSATION FOR MUNICIPAL COURT JUDGE.**

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WHEREAS, the City has established a municipal court pursuant to RCW Chapter 3.50; and

WHEREAS, said statute requires that judicial compensation be established by ordinance;  
NOW, THEREFORE,

THE CITY OF GIG HARBOR DOES ORDAIN;

Section 1. The monthly base salary shall be \$1,300 for general administrative time, occasional in-custody arraignments, regular Tuesday court calendars, and related activities not specified herein. Non-jury and jury trials and hearings scheduled on days other than Tuesday afternoons shall be compensated at a rate of \$80 per hour with a limit of 60 compensated hours annually.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

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Gretchen A. Wilbert, Mayor

ATTEST:

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Molly M. Towslee, City Clerk

Filed with City Clerk: 11/5/97

Passed by City Council:

Date Published:

Date Effective:

**SUMMARY OF ORDINANCE NO. \_\_\_\_**  
of the City of Gig Harbor, Washington

On the \_\_\_ day of \_\_\_\_\_, 1997, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON,  
AMENDING ORDINANCE NO. 659 AND ESTABLISHING THE  
1998/2001 COMPENSATION FOR MUNICIPAL COURT JUDGE.**

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

DATED this \_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Molly Towslee, City Clerk

Filed with City Clerk: 11/5/97  
Passed by City Council:  
Date Published:  
Date Effective:





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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: CAROL MORRIS, CITY ATTORNEY**  
**SUBJECT: SECOND READING OF ORDINANCE – ACCEPTANCE OF PRIVATE STREET AND UTILITIES.**  
**DATE: JANUARY 12, 1998**

#### **INFORMATION/BACKGROUND**

At the last City Council meeting, the Council asked for an ordinance amending the Public Works Standards to include criteria for the consideration of acceptance of private streets and private storm drainage systems. The attached ordinance describes the City Council's decision to accept the responsibility for ownership, operation, repair and maintenance as discretionary. A number of factors for the Council to weigh in their decision are also listed.

#### **FISCAL IMPACTS**

Adoption of this ordinance will have no fiscal impact. This ordinance sets up a procedure to allow the Council to accept the responsibility for operation, maintenance, repair and improvement of private streets and storm water facilities, and subsequent decisions made pursuant to this ordinance may have fiscal impacts.

#### **RECOMMENDATION**

The City Attorney's office recommends that the Council pass this ordinance at it's second reading.

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS, ADOPTING NEW CRITERIA FOR THE CITY COUNCIL TO ACCEPT OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR EXISTING PRIVATE STREETS AND TO ADOPT SUCH STREETS AS PART OF THE CITY'S PUBLIC STREET SYSTEM, AMENDING SECTION 2B.070, ADDING A NEW SECTION 3.080 TO THE CITY'S PUBLIC WORKS STANDARDS, AND AMENDING ORDINANCE NO. 712.

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WHEREAS, property outside the City limits has been developed under the Pierce County codes and public works standards; and

WHEREAS, the Pierce County codes and public works standards allowed the development of private streets and other improvements which do not, in all instances, conform to the City's public works standards; and

WHEREAS, property owners with the responsibility of maintaining and operating these private streets and other improvements have requested that the City accept ownership and maintenance responsibilities for these streets and improvements; and

WHEREAS, the City Council desires to develop uniform criteria to determine whether the City should accept ownership and maintenance responsibilities for existing private streets; and

WHEREAS, the City Council finds that the City's current public works standards on this subject are too restrictive and should be changed; now, therefore,

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



Section 1. Section 2B.070 of the City's Public Works Standards, as adopted by Ordinance No. 712, is hereby amended to read as follows:

**2B.070 Private Streets.** See definition of "private street" in Section 1.025.

A. Private streets may be allowed under the following conditions:

\* \* \*

B. Acceptance of Public Streets. ~~Acceptance of private streets as public streets will be considered only if the street(s) meet all applicable public street standards, including right of way widths. The City Council's decision whether to accept dedication of a private street is wholly discretionary. The City Council's acceptance of private streets as public streets will be considered only if each of the following conditions are met:~~

1. The street(s) have been constructed to approximate City public works standards and would not result in unusually high costs of maintenance, improvement or repair;

2. The cost of improvement of the street(s) to approximate City public works standards would not exceed One Thousand Dollars (\$1,000.00), or the property owners agree to pay the cost of such improvement;

3. There is no hazardous waste located upon or under the street(s). The property owners desiring to dedicate the street(s) to the City shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may in the City's sole discretion, include a Phase II evaluation;

4. The owners of the street(s) have agreed in writing to dedicate the street(s) to the City on behalf

of the public as required by RCW 64.04.175;

5. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat alteration application, together with the proposed street dedication, and have paid the requisite fee, the plat alteration has been approved and the street dedication has been recommended for approval by the City Hearing Examiner;

6. The public interest will be benefitted by accepting dedication of the street(s); and

7. The acceptance of the street(s) does not set a precedent which is detrimental to the public health, safety or welfare.

Section 2. A new Section 3.080 is hereby added to the City's Public Works

Standards, as adopted by Ordinance 712, to read as follows:

**3.080 Acceptance of Private Storm Drainage Systems as Public Storm Drainage Systems.** The City Council's decision whether to accept dedication of a private storm drainage system is wholly discretionary. The City Council's acceptance of private storm drainage system, along with the dedication of the necessary access easement, as a public storm drainage system, will be considered only if each of the following conditions have been met.

1. The storm drainage system(s) have been constructed to approximate City public works standards and would not result in unusually high costs of maintenance, improvement or repair;

2. The cost of improving the storm drainage system(s) to approximate City public works standards does not exceed One Thousand Dollars (\$1,000.00), or the property owners agree to pay such costs;

3. There is no hazardous waste located within the storm drainage easement. The property owners desiring to dedicate the storm drainage system and

easement to the City shall hire a hazardous materials consultant, as approved by the City, and shall pay the cost of the hazardous materials evaluation. The hazardous materials evaluation shall include a Phase I evaluation, and may, in the City's sole discretion, include a Phase II evaluation;

4. The owner(s) of the storm drainage system have agreed in writing to dedicate the system and the requisite easements to the City on behalf of the public as required by RCW 64.04.175;

5. If a plat alteration is necessary, the requisite owner(s) have completed and signed the plat alteration application, and paid the requisite fee, the plat alteration has been approved and the easement dedication has been recommended for approval by the City Hearing Examiner;

6. The storm drainage easement is adequate for maintaining and servicing the storm drainage system;

7. The public interest will be benefitted by accepting dedication of the storm drainage system; and

8. The acceptance of the storm drainage system and easement does not set a precedent which is detrimental to the public health, safety or welfare.

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

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

APPROVED:

\_\_\_\_\_  
MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY: \_\_\_\_\_  
CITY ATTORNEY, CAROL A. MORRIS

FILED WITH THE CITY CLERK: 12/8/97  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

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

of the City of Gig Harbor, Washington

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On the \_\_\_\_ day of \_\_\_\_\_, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PUBLIC WORKS STANDARDS, ADOPTING NEW CRITERIA FOR THE CITY COUNCIL TO ACCEPT OWNERSHIP AND MAINTENANCE RESPONSIBILITIES FOR EXISTING PRIVATE STREETS AND TO ADOPT SUCH STREETS AS PART OF THE CITY'S PUBLIC STREET SYSTEM, AMENDING SECTION 2B.070, ADDING A NEW SECTION 3.080 TO THE CITY'S PUBLIC WORKS STANDARDS, AND AMENDING ORDINANCE NO. 712.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

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CITY CLERK, MOLLY TOWSLEE





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

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF** *so.*  
**SUBJECT: SECOND READING - PLANNING COMMISSION RECOMMENDATION  
ON COUNCIL REMAND OF PROPOSED AMENDMENTS TO THE GIG  
HARBOR MUNICIPAL CODE (TITLE 17) AFFECTING DEFINITIONS  
(SECTION 17.04) AND PARKING STANDARDS (SECTION 17.72.030).**  
**DATE: JANUARY 7, 1998**

**INTRODUCTION/BACKGROUND**

This is the second reading of a proposed ordinance to revise the City's parking standards for multi-family housing and to define a studio apartment. The City Council had no comments at the time of the first reading. The staff commented that Carol Morris had suggested some changes to the format of the ordinance introduced at the first reading on December 8, 1997. The staff has made the suggested changes to the ordinance which is attached for the Council's consideration.

**RECOMMENDATION:**

The staff recommends approval of the ordinance as presented.

**CITY OF GIG HARBOR  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE RELATING TO LAND USE AND ZONING, TO DEFINE A STUDIO APARTMENT AND TO REDUCE THE REQUIRED PARKING FOR MULTI-FAMILY HOUSING; ADDING A NEW SECTION 17.04.780 AND AMEND SECTION 17.72.030 OF THE GIG HARBOR MUNICIPAL CODE.**

**WHEREAS**, GHMC Section 17.72.030(B) requires two off-street parking spaces for each multi-family housing unit, regardless of the size of each unit; and

**WHEREAS**, a request was received from Mr. John Wise, Owner of a multi-family housing development in Gig Harbor, to amend the City's parking standards to reduce the required parking for multi-family housing City-wide; and,

**WHEREAS**, GHMC Section 17.100.040 establishes criteria for zoning text amendments which were addressed in a staff report dated February 19, 1997; and

**WHEREAS**, a public hearing was held on February 27, 1997, to receive public testimony on the proposed amendment; and,

**WHEREAS**, the Planning Commission has considered information contained in the staff report dated February 19, 1997 and input received at the public hearing; and,

**WHEREAS**, the Planning Commission has recommended approval of the proposed text amendment, as stated in Resolution # 3 of 1997 ; and

**WHEREAS**, the Gig Harbor City Council has reviewed the recommendation of the staff and Planning Commission; and,

**WHEREAS**, the City Council remanded the proposed amendments back to the planning commission and requested additional information documenting that the proposed standards would provide adequate "overflow" parking; and,

**WHEREAS**, the applicant, in response to the City Council's direction, submitted information on parking requirements from other jurisdictions and also submitted surveys indicated available parking in Gig Harbor multi-family housing developments; and,



**WHEREAS**, the Planning Commission considered the new information and surveys at a worksession on November 6, 1997 and found that the information and surveys provided convincing evidence that adequate parking would be available at the proposed reduced rate;

**WHEREAS**, The City Council finds that the current parking requirements for multi-family housing result in more parking than necessary for smaller multi-family units; and,

**WHEREAS**, the City Council finds that excessive parking requirements increases the cost of housing and affects the ability of the City to assure affordable housing units; and,

**WHEREAS**, The Housing Element of the City's Comprehensive Plan includes specific goals to reduce the cost of housing including the provision of incentives to increase densities on residential lots, or to consider density based upon performance standards as opposed to maximum unit allowances (Comprehensive Plan pg. 53 & 54);

**NOW, THEREFORE**, the City Council of the City of Gig Harbor, Washington, **ORDAINS** that the Gig Harbor Municipal Code be amended to read as follows:

Section 1. A new Section 17.04.780 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.780 Studio Apartment

"Studio Apartment" means an apartment with one main living space, a kitchen, a bathroom, and does not have a separate bedroom.

Section 2. Section 17.72.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

...

17.72.030 Number of off-street parking spaces required.

The following is the number of off-street parking spaces required:

...

B. For multiple-family dwellings, ~~two off-street parking spaces for each multiple dwelling unit;~~

- 1 parking space for each studio apartment.
- 1.5 parking spaces for each one bedroom apartment.
- 2 parking spaces for apartments with 2 or more bedrooms.

Section 3. Severability.

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

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

PASSED this \_\_\_ day of December, 1997.

\_\_\_\_\_  
GRETCHEN A. WILBERT, MAYOR

ATTEST:

\_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

Filed with City Clerk: December 4, 1997

Ordinance Adopted:

Date Published:

Effective Date:

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_  
of the City of Gig Harbor, Washington**

On \_\_\_\_\_, 1997, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. \_\_\_\_\_, the summary of text of which is as follows:

**AN ORDINANCE TO AMEND CHAPTER 17.04 AND 17.72.030(B) OF THE CITY'S ZONING CODE TO DEFINE A STUDIO APARTMENT AND TO REDUCE THE REQUIRED PARKING FOR MULTI-FAMILY HOUSING.**

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

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

APPROVED by the City Council at their regular meeting of \_\_\_\_\_, 1997.

BY: \_\_\_\_\_  
Molly M. Towslee, City Clerk

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_  
of the City of Gig Harbor, Washington**

On \_\_\_\_\_, 1997, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. \_\_\_\_\_, the summary of text of which is as follows:

**AN ORDINANCE TO AMEND CHAPTER 17.04 AND 17.72.030(B) OF THE CITY'S ZONING CODE TO DEFINE A STUDIO APARTMENT AND TO REDUCE THE REQUIRED PARKING FOR MULTI-FAMILY HOUSING.**

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

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

APPROVED by the City Council at their regular meeting of \_\_\_\_\_, 1997.

BY: \_\_\_\_\_  
Molly M. Towslee, City Clerk



City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-2236

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MITCH BARKER** *MB*  
**SUBJECT: BOATING SAFETY PROGRAM AGREEMENT**  
**DATE: JANUARY 8, 1998**

#### **INFORMATION/BACKGROUND**

Pursuant to RCW 88.02.040, the Department of Licensing collects vessel registration fees on an annual basis. A portion of these fees are distributed to counties providing approved boating safety programs. Under WAC 352-65-30, such counties are responsible for disbursing a portion of this funding to municipalities with approved boating safety programs. The WAC provides no set guidelines for distribution, other than to require "equitable" distribution of the funds. Gig Harbor has a state approved boating safety program and has received a portion of the state funding for the past four years. We are eligible for a portion of this funding for the 1998 budget year.

#### **FISCAL IMPACTS**

Once again, while we do not agree with the County distribution formula, we are pragmatic enough to realize we have virtually no input in the process. Our only realistic choice is to sign the agreement and accept our share of the funding, \$7,619.26. If we do not sign the agreement, we receive none of the state boating safety funds.

#### **RECOMMENDATION**

Staff recommends that Council authorize the Mayor to sign the Boating Safety Agreement as submitted.

## **BOATING SAFETY PROGRAM AGREEMENT**

This Agreement, entered into by the County of Pierce (COUNTY) and the City of Gig Harbor (GIG HARBOR), witnesses that:

WHEREAS, pursuant to RCW 88.02.040, the Department of Licensing collects vessel registration fees on an annual basis, retains the first 1.1 million dollars of what was collected and then distributes the remainder to Washington counties that have approved boating safety programs; and

WHEREAS, the COUNTY has an approved boating safety program; and

WHEREAS, the 1997 annual distribution of vessel registration fees in the amount of \$177,882.14 has been received by the COUNTY; and

WHEREAS, pursuant to WAC 352-65-30, the legislative authority of each county with an approved boating safety program will be responsible for equitably distributing funds allocated by the state treasurer to local jurisdictions with approved boating safety programs within the county; and

WHEREAS, local jurisdictions offering boating safety services and desiring to receive distribution of funds must enter into a cooperative agreement with the COUNTY and receive and maintain State Park's approval for the boating safety program; and

WHEREAS, GIG HARBOR has received State approval of its boating safety program and is eligible to receive an equitable share of the vessel registration fees distributed to the COUNTY; and

WHEREAS, the COUNTY and GIG HARBOR desire to enter into a cooperative agreement;

NOW, THEREFORE, in consideration of the covenants, conditions, performances and promises hereinafter contained, the parties agree as follows:

1. GIG HARBOR agrees to use the funds made available under this agreement only for boating safety purposes as defined by WAC 356-65-040. GIG HARBOR further agrees to use the funds to increase boating safety education and enforcement efforts and to stimulate greater local participation in boating safety, but not to use the funds to supplant existing boating safety funding.
2. GIG HARBOR agrees to operate its boating safety programs in compliance with the state's program requirements and to comply with all applicable federal, state and local laws in performing any activities resulting from the use of the funds distributed under this Agreement.

TRIPLICATE  
ORIGINAL

3. GIG HARBOR agrees to submit an annual report of activities performed and participate in statewide boating surveys as required by State Parks. Additionally, in accordance with WAC 352-65-060, an annual program assessment and report of activities of the local jurisdiction boating safety program will be made by State Parks in order to insure the integrity of the program approval.

4. The COUNTY and GIG HARBOR agree that GIG HARBOR'S equitable share of the vessel registration fees are \$7,619.26. The COUNTY agrees to deliver to GIG HARBOR a Treasurer's check in that amount.

5. No changes or additions shall be made to this Agreement except as agreed to by both parties and reduced to writing and executed with the same formalities as are required for the execution of this Agreement.

6. This contract shall be governed by the laws of the state of Washington. The parties stipulate that any lawsuit regarding this contract must be brought in Pierce County, Washington.

7. Should any clause, phrase, sentence or paragraph of this Agreement be declared invalid or void, the remaining provision of this Agreement shall remain in full force and effect.

8. This Agreement shall take effect upon the signature of both parties and shall remain in effect until September 1, 1998 unless sooner extended by written agreement of the parties.

**CONTRACTOR:**

City of Gig Harbor

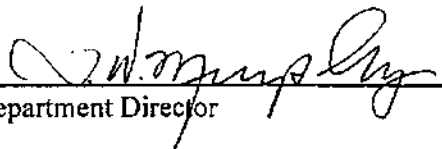
\_\_\_\_\_  
Full Firm Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title of Signatory

**PIERCE COUNTY:**

  
\_\_\_\_\_  
Department Director

11-17-97  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Prosecuting Attorney (as to form only)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Budget and Finance

\_\_\_\_\_  
Date

\_\_\_\_\_  
Executive Director (if applicable)

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive (if over \$50,000)

\_\_\_\_\_  
Date







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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MH*  
**SUBJECT: JOB DESCRIPTION - PUBLIC WORKS PROJECT ENGINEER**  
**DATE: DECEMBER 9, 1997**

#### **INTRODUCTION/BACKGROUND**

The city budget for 1998 authorizes the hiring of a full-time project engineer. In order to implement the hiring of this position, the job description for the position of Public Works Project Engineer is presented for Council inclusion in the City of Gig Harbor Job Descriptions.

#### **POLICY CONSIDERATIONS**

This position, as proposed, establishes a job description that is analogous to the level of work and skill expertise expected of an engineering subordinate to the Public Works Director.

#### **FISCAL CONSIDERATIONS**

The position is proposed for hire during January 1998.

#### **RECOMMENDATION**

Staff recommends a motion to include the Public Works Project Engineer job description in the City of Gig Harbor Job Descriptions.

## **PUBLIC WORKS PROJECT ENGINEER**

### **Nature of Work**

Under the direction of the Public Works Director, the position is responsible for project development and implementation (including grant and permit applications, utility and agency coordination; design; preparation of plans, specifications and estimates; contract administration, and construction inspection), development review, traffic engineering, supervision, and other functions as assigned.

### **Controls Over the Work**

Under the general supervisory control of the Public Works Director, work is performed with limited supervision, and the employee has relative independence and latitude for exercising independent judgment and initiative within the scope of oral and written instructions and established policies, guidelines, and procedures consistent with professional engineering practice. Work involves performance of complex tasks to provide engineering support for Public Works projects and programs and for development review to ensure technical congruence and compliance with current codes and criteria. Work is reviewed and evaluated by the Public Works Director.

### **Essential Duties and Responsibilities**

Prepares and/or supervises the preparation of grant and permit applications.

Prepares and/or supervises design, preparation of plans, specifications, cost and quantity estimates, bid documents, and addenda for public works projects, such as street, sewerage system, water system, storm drainage system, and park improvements.

Performs or supervises construction support services including on-site inspection, project coordination, preparation and/or negotiation of change orders, material source review, review and preparation of progress estimates, contract records preparation and management, and contract correspondence.

Prepares and/or assists in the development of consultant and/or vendor services contracts, and advertisements for services; participates in the consultant selection process; directs and/or supervises the work of consultants, and ensures conformance with contracted scopes of service and reviews invoices for accuracy.

Reviews and/or assists in review of development proposals and construction plans submitted for City review.

Coordinates projects and Department activities with other departments, agencies, consultants, contractors, developers, utilities, and citizens.

Assists in Department planning and program management, including preparation of elements of the City's Comprehensive Plan, capital improvement programs, updates and revisions to the Public

Works Standards, and annual budget; and development and implementation of Department policies and procedures, and street and other infrastructure management functions.

Ensures and/or assists in the preparation of accurate and properly filed project and Department documents.

Compiles information for reference such as rules and regulations applicable to Department functional areas, traffic, grants, costs, and other pertinent information.

### Knowledge, Abilities and Skills

Knowledge of the development, design, construction contract administration and inspection, and maintenance of street, traffic control, water system, sewerage system, storm drainage system, and park facilities.

Knowledge of federal, state and local rules and regulations pertaining to City facilities, development, environmental review, construction, and public agencies.

Ability to plan, schedule, coordinate, review and evaluate the work and performance of support staff, consultants, developers, and contractors in a manner conducive to proficient performance.

Ability to establish and maintain effective working relationships with other departments, governmental agencies, utilities, consultants, contractors, developers, other staff, and citizens.

Skill in the use of various word processing, spread sheet, and design software.

Ability to express ideas clearly and concisely, orally and in writing to groups and to individuals.

Valid Washington state driver's license, and ability to remain covered by the City's insurance provider.

### Physical Demands

Work is performed both in the office and in the field, including project inspection and review involving driving to the site(s). Work involves moderate risk conditions, such as high level of noise, dust, grease or mud, moving vehicles or machines, cold and/or wet weather. Work requires some physical exertion, such as long periods of standing, walking over rough, uneven surfaces, and recurring bending, crouching, reaching and occasional lifting of moderately heavy items.

### Qualifications Required

Minimum: Graduation from a four-year college or university with major course work in civil engineering or comparable field; Washington state registered professional civil engineer; three years experience in an engineering capacity with a city, county, or regional office or firm which does considerable work for local governmental agencies.





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

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF** *J.O.*  
**SUBJECT: PROPOSED REVISIONS TO SIGN CODE - FIRST READING**  
**DATE: JANUARY 7, 1997**

### **INTRODUCTION/BACKGROUND**

In June 1995, the City amended its sign code to bring it into conformance with the goals and policies specified in the 1994 Comprehensive Plan. The amended sign code has been in effect for a period of two years and, under direction of the Gig Harbor City Council, the Planning Commission has been reviewing the current sign code to determine its effectiveness and to address concerns expressed by the business community regarding the restrictiveness and complexity of the sign code. Two public hearings were held on March 6, 1997 and March 20, 1997 to receive input from the community on the existing sign code, at which time the Planning Commission listened to over six hours of public testimony which focused primarily on the following 13 issues:

1. Master sign plans.
2. Window signs.
3. National brand product or logo signs.
4. Freeway visibility of signage.
5. Amortization.
6. Illumination restrictions on internally illuminated signs.
7. Inflatable displays.
8. Allowable wall signage.
9. Portable signs.
10. Real Estate Signs.
11. Reader Boards.
12. Sign Areas.
13. Miscellaneous Items. (Clarification of terms, format, and general housekeeping items).

The planning commission submitted to the City Council a recommended process of addressing the 13 identified issues and the proposed process was approved by the City Council. The process allowed the public to submit specific recommendations on any issue under review or to request that additional items be added to the review process. The process also allowed public input during scheduled worksession/hearings. The planning commission held worksession/hearings over a 7 month period to address concerns and to receive public input. Input was submitted by the following individuals:

**Representing the Gig Harbor Area Business Community:**

Dave Morris, Jim Pasin, Phil Arenson, Lois Eyrse, Don Huber, Gene Gazabat, Mark Kahley, Peter Stanley, Steve Peacock, Patricia Lewallen, Gaye Nelson, Tim Potter, Anne Scott, Jim Boge, Wade Perrow

**Representing Gig Harbor Area Residents**

Michael O'Connor, Tom Morfee, Tom Brooks, Hank Searle, Annette Brooks, Burt Talcott,

**Non-local Commentators**

Robert J. Claus, Alan Weinstein, Heidi Hudson

On December 4th, the Planning Commission held a public hearing on proposed amendments which were based upon input received during the worksession/hearings. Only 8 individuals testified at the December 4th hearing. Most agreed that the proposed changes would result in a better sign code, but few were satisfied with the final product. Two individuals continued to insist that the proposed code would still be arbitrary and capricious. This concern seemed to be based upon proposed provisions allowing individuals the option to go before the Design Review Board (DRB) to determine certain issues. This option was intended to allow increased flexibility for those individuals not wanting to be bound by specific requirements in the code. For example, the proposed language would allow an individual with a non-conforming sign to have the DRB deem the sign *conforming* if it met specified criteria in the code.

Because the proposed criteria was more general in nature than the specific requirements, there was concern that the criteria allowed too much discretion. Moreover, it was expressed that the proposed sign code relied too much on the Design Manual, even though reliance upon Design Manual criteria would be for optional review and would not be mandatory. One reason the Planning Commission wished to utilize the Design Manual was to allow business owners the option of having *more* signage than allowed by the current code *if* the owner's building complied with certain design standards. This was intended to be an incentive approach.

The Planning Commission has prepared a draft amendment of the sign code which incorporates several major changes intended to address the concerns expressed by the public. The more significant changes are addressed in the attached final summary.

**POLICY**

The policies which the Planning Commission considered in its draft of the sign code amendments include the following goals and policies stated in the City's Comprehensive Plan:

Pg. 31

Goal: Position signs to fit within features of the facade

1. Avoid covering architectural details (signs should appear to be a secondary and complimentary feature of the facade)
2. Incorporate sign space into building design
3. Consider projecting signs when there is limited wall space.

Pg. 32

Goal: Keep signage as a subordinate element in building designs.

1. Minimize sign area in facade design.
2. Avoid using signage as a dominant architectural statement.
3. Encourage sign designs which reflect the building style or period.
  - a. Provide incentives for use of sandblasted signs.
  - b. Consider dis-incentives for internally illuminated signs in the downtown area.
  - c. Limit allowed materials for awnings in the downtown area to traditional fabrics and designs.
4. Include corporate or logo panels into signage area calculations
  - a. Include the area of corporate or logo panels into signage area calculation.
  - b. Prohibit illumination of corporate or logo panels except for the text or symbol within the panels.

Pg. 33

Goal: Avoid flamboyancy in signage design.

1. Keep internally illuminated signs subdued. (limit illumination to letters only).
2. Maintain traditional design of awnings
  - (b) Prohibit use of back-lit awnings except for sign text. Allow back-lit translucent materials on sign letters only.

Goal: Coordinate sign designs on multi-tenant buildings.

1. Design signs to compliment the building's architecture.
2. Develop master sign plans for multi-tenant buildings.
3. Coordinate free standing signs with building design

Goal: Restrict use of off-premise signage

1. Encourage use of directory signs to business areas.
2. Avoid signs designed for distant viewing.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission is forwarding for the City Council's consideration draft 3 of the proposed sign code amendments. A resolution from the Planning Commission recommending approval of the proposed amendments is attached.

### **STAFF ANALYSIS**

The staff believes that the Planning Commission has made every effort to address the concerns of the business community while assuring that the proposed sign code will be consistent with the goals and policies of the Comprehensive Plan. The Planning Commission's recommended text represents a number of major changes in response to the business community and also cleans up various problem areas identified by the staff.

While a few members of the business community find the criteria for DRB consideration to be arbitrary and capricious, the staff finds that the criteria are specific enough to provide direction for fair and consistent decision making. Anything more specific would render the criteria a formula for a specific result than a guideline intended to allow a similar result. Criteria for review are common tools in land-use regulations because it is just not possible to develop a formula which allows everything that conforms with the intent. (See, for example, the criteria for reviewing variances, conditional use permits, and planned unit development proposals). Criteria define what the spirit or intent of a law is, and allow departure from the letter of the law if a project is consistent with the intent.

If the business community is not comfortable having signage reviewed according to a specified criteria, the criteria could be omitted from the sign code and the strict letter of the law would prevail. It should be remembered, however, that the criteria approach is optional and an applicant can always fall back to the letter if he or she does not believe the criteria provides fair consideration. The staff is supportive of the Planning Commission's proposed criteria.

The only Planning Commission recommendations that are not fully supported by the staff include, (1) the code's allowance for unlimited off-premise open house signs and (2) the proposed triggers for removing non-conforming signs. Staff comments on these issues are as follows:

1. Open House Signs. The current code limits open house signs to one sign per street frontage on the premises for sale, and no more than one off-premise sign, located no further than the nearest arterial street intersection. While the staff agrees that one sign may not provide adequate direction to the house from the nearest arterial street, the staff also believes that there should be some limit to the number of off-premise signs (e.g., 3 or 5). The Planning Commission believes that this is self-regulating because such signs are allowed only during open house hours, and sign owners would want to keep track of their signs because they are costly. However, allowing unlimited signs could result in an unreasonable number of signs. For example, an open house on Randall Drive could result in an open house sign on every intersection between Randall Drive and every freeway interchange. Multiply this by the number of open houses being held at one time and the result could be significant.

2. Non-conforming signs. The staff is supportive of eliminating the 7-year amortization clause due to the difficulty of enforcing this in the year 2002. It would be extremely difficult to identify every non-conforming sign because many non-conformities cannot be identified through a windshield survey. For example, a sign that is even one square inch over size would be technically non-conforming, but this could never be identified with the naked eye.

While the staff supports eliminating the amortization clause, the staff believes that there should be stronger "triggers" for removing non-conforming signs than those proposed by the planning commission. The current code requires that a sign be brought into conformance with the existing standards any time there is a change to the sign or sign face (except for normal maintenance). The Planning Commission is recommending that this trigger be eliminated and is, instead, recommending a new trigger which requires removal of non-conforming signs any time there is a building expansion of 20% or more. The staff disagrees with this trigger for the following reasons:



- a. It seems more logical to require that a sign be brought into conformance when the sign is changed rather than when something unrelated to the sign is changed. Building expansions are not directly related to existing signs. Because information on existing signage is not typically provided with a permit application for a building expansion, it would be difficult to know which signs were non-conforming at the time of expansion. Detailed signage information is, however, provided when a sign permit application is submitted.
- b. It is unlikely that some tenant spaces will ever be expanded because they are located in the center of a multi-tenant building and have no room to expand. Sign changes, however, are a more frequent and likely occurrence and would therefore provide more reasonable assurance (as a trigger) that non-conforming signs will eventually be removed.
- c. Triggers related to expansion or improvements may discourage such improvements and therefore be counter-productive.

**STAFF RECOMMENDATION:**

A draft ordinance to adopt the Draft 3 amendments of the sign code is attached. This is the first reading of the ordinance and no action will be taken by the City Council at this time. However, the staff will be recommending approval of the proposed changes as defined in the draft ordinance, with the following recommended changes to the ordinance:

1. That Section 17.80.130 of Draft 3 be amended to read as follows:

17.80.130 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists; or

2. The sign was erected prior to January 1, 1992.

B. A sign must be brought into compliance with the requirements of this code unless it conforms to Section 17.80.130(A).

C. A permit is required for any changes to non-conforming signs including the sign face and sign graphics. A permit shall only be approved if the sign conforms to, or is brought into conformance with, all regulations of this Chapter. ~~Changes to the sign face and sign graphics may be made to a legally nonconforming sign except that such changes must conform to this code as to colors, sign graphics, materials, and illumination. A permit for such changes must be obtained.~~

D. A legal nonconforming sign shall be brought into compliance with this ordinance or shall be removed if:

1. The sign is abandoned; or

2. The sign is damaged in excess of fifty percent (50%) of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner; or

3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair.

4. ~~The building or property to which the sign applies is undergoing an expansion or renovation which increases the size of the building footprint by twenty percent (20%) or more, unless the sign is brought into conformance under the provisions of Section 17.80.130(E).~~ The owner seeks to change the sign face, including color, sign graphics, and illumination.

2. That Section 17.80.110(B)(2) of Draft 3 be revised to read as follows:

2. Residential Directional "Open House" Signs. Such signs shall be limited to one (1) sign per street frontage on the premises for sale and no more than one (1) open house sign at any street intersection for any one developer, broker or seller, not to exceed a total of three (3) off-premise signs per open house. "Open House" signs are permitted only during daylight hours and when the broker/agent or seller is in attendance at the property for sale. No such sign shall exceed six (6) square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.

**CITY OF GIG HARBOR  
PLANNING COMMISSION  
RESOLUTION NO. 5 Of 1997**

**A RESOLUTION TO RECOMMEND TO THE CITY COUNCIL AN AMENDMENT TO TITLE 17.80 OF THE GIG HARBOR MUNICIPAL CODE PERTAINING TO SIGN REGULATIONS**

**WHEREAS**, the City of Gig Harbor amended its sign code in June 1995 to bring the sign code into conformance with the Design Element of Gig Harbor's Comprehensive Plan; and

**WHEREAS**, the amended sign code has been in effect for a period of over two years, and the City Council has directed the Planning Commission to review the sign code to determine its effectiveness and to address concerns expressed by the business community regarding the restrictiveness and complexity of the sign code; and

**WHEREAS**, two public hearings were held on March 6, 1997 and March 20, 1997 to receive input from the community on the existing sign code, at which time the planning commission listened to over six hours of public testimony which focused primarily on the following 13 issues:

1. Master sign plans.
2. Window signs.
3. National brand product or logo signs.
4. Freeway visibility of signage.
5. Amortization.
6. Illumination restrictions on internally illuminated signs.
7. Inflatable displays.
8. Allowable wall signage.
9. Portable signs.
10. Real Estate Signs.
11. Reader Boards.
12. Sign Areas.
13. Miscellaneous Items. (Clarification of terms, format, and general housekeeping items); and

**WHEREAS**, the planning commission submitted to the City Council a recommended process of addressing the 13 identified issues which allowed the public to submit specific recommendations on any issue under review or to request that additional items be added to the review process, and which allowed public input during scheduled worksession/hearings; and

**WHEREAS**, the planning commission held worksession/hearings over a 7 month period to address concerns and to receive public input; and

**WHEREAS**, public input during the worksession/hearings was submitted by a limited number of individuals, which input was carefully considered by the planning commission and balanced against the goals and policies stated in the City's Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan states several goals and policies relating to maintaining signage as a subordinate element in building design including, but not limited to (a) minimizing sign area in facade design, (b) avoidance of signage as a dominant architectural feature, (c) including corporate or logo panels into signage area calculations, (d) avoidance of covering architectural details, (e) avoidance of signage as a dominant architectural statement, (f) encouragement of sign designs which reflect the building style or period by use of incentives and dis-incentives; and,

**WHEREAS**, the Planning Commission finds that the solid/void ratio requirements for buildings specified in the Architecture section of the City's Design Manual and also the landscaping requirements specified in Section 17.78 of the Gig Harbor Municipal Code provide sufficient interest in building and site designs to assure that signage does not become a dominant statement in the building or site design; and

**WHEREAS**, the Comprehensive Plan has the stated goal on page 32-33 to avoid flamboyancy in signage by keeping internally illuminated signs subdued through restrictions on sign face illumination; and,

**WHEREAS**, the Comprehensive Plan on page 33 has the stated goal to coordinate sign designs on multi-tenant buildings through the use of master sign plans designed to allocate signage among tenants and to unify the site design; and,

**WHEREAS**, the Comprehensive Plan has the stated goal on page 34 to restrict use of off-premise signage and to avoid signage design for viewing beyond the street on which a business is located; and,

**WHEREAS**, the Comprehensive Plan identifies SR-16 as an enhancement corridor which should require an extensive level of design review; and,

**WHEREAS**, the Planning Commission recognized that the Growth Management Act requires that any amendments to the City's sign code must be consistent with the Comprehensive Plan; and

**WHEREAS**, after carefully evaluating the existing sign code's effectiveness in implementing the goals and policies of the Comprehensive Plan by reviewing signs installed since the 1995 sign code update was adopted, and also after reviewing concerns over the complexity of some of the language in the existing code, the Planning Commission has made the following findings:

1. Since the adoption of the master sign plan requirement, it has become evident that signs installed prior to the master sign plan requirement often exceeded the allotted signage allowances because they were installed without the full knowledge of existing signage on a building. The master sign plan provides complete knowledge of existing and allocated signage prior to issuance of a sign permit and therefore assures that maximum sign allowances are not exceeded.
2. Signs installed under the master sign plan requirement have resulted in a more unifying site design and better reflect the architectural qualities of the buildings the signs apply to.

3. To achieve a unified site design, and to assure that signs reflect the architectural qualities of a building, it is not necessary that all signs on buildings look alike, provided there is a limit to the number of types of signs on any given building and that multiple types of signs are not used on the same wall plane.
4. Window signs have as much visual impact on the community as other outdoor forms of advertising. Window signs placed behind or on the inside of clear glass are no less intrusive to the community than window signs placed on the outside of glass. However, interior signs more than 3 feet from the window may be intended for indoor advertisement and are far enough away from a window to allow a legal aisle width between a window and an interior display. While signs placed more than three feet may be visible from public rights-of-way, they are far enough away from the window to soften their visual impacts on the community.
5. Temporary interior window signs are currently allowed without limits on their size, design, or on the number of days temporary window signs may be displayed; permanent window signs are subject to the same restrictions as exterior wall signs. Illuminated window signs have more visual impact on the community than non-illuminated window signs because of their visibility at night, and their greater brilliancy both day and night. Illuminated window signs should therefore be regulated the same as other wall signs. Non-illuminated permanent window signs have no greater visual impacts to the community than temporary window signs and should therefore be regulated the same as temporary signs. However, to assure (a) that the architectural purpose, function and integrity of windows are retained, (b) that windows are not inadvertently converted into large wall signs without the regulations of wall signs, and (c) that signage is a subordinate element in the building design, neither temporary or permanent window signs should be allowed to cover entire window areas.
6. Illumination is necessary for both signage and general site lighting. Illumination of signage increases the effectiveness of signs in the evening hours and is essential for evening viewing. Illumination of sites increases safety by discouraging criminal activity and by illuminating pedestrian areas. Uncontrolled illumination for either signs or site lighting results in light trespass and glare and can impact other evening activities such as astronomical observations or sleeping.

The City's standards for site and building lighting are contained in the City's Design Manual. These standards allow necessary lighting for safety and convenience while mitigating the impacts of lighting by (a) specifying the surface to which lighting may be directed, and (b) regulating the fixture from which light may emanate. Generally, lighting regulations require that light fixtures be shielded, or that fixtures have horizontal cut-offs (shields) which direct light downward. Because such horizontal cut-offs would effectively shield the sign face, it is not possible to allow illumination of signs without either restricting illumination to shielded spot lights focused on a sign surface, or without allowing horizontal light to emanate from a sign fixture. Light emanating from a sign results in more glare than light being directed to a sign from a shielded fixture. It is therefore necessary to limit the amount of horizontal light emanating from the face of internally illuminated signs.

The City's current sign code effectively limits the amount of horizontal light emanating from signs by allowing light to emanate only from a sign's text, and not its entire sign face background. This has resulted in a reduction of glare and also assures that sign faces are consistent with other City lighting standards which, for aesthetic purposes, prohibit internal illumination of translucent panels and awnings. Back-lit panels and awnings are generally incompatible with Gig Harbor's small-town atmosphere and fishing village character.

Some back-lit sign panels have been found to meet the intent of the City's lighting regulations because they are of darker color values which allow very little light to emanate from them. Allowing these darker colors to be internally illuminated requires a criteria for a case-by-case review.

In addition to limiting internal illumination to the text only, the code also minimizes horizontal light emissions by limiting the size of the text. The current code limits the first letter of signs to 24 inches in height, and all remaining letters to 18 inches. Research pertaining to sign legibility indicates that it takes one inch of letter height for every 50 feet of distance it is read from and that speeds of up to 55 mph on a six lane highway requires a letter height of 16 inches (visible from a distance of 800 feet) to allow adequate time to respond to the sign. Restricting internally illuminated letter heights to up to eighteen and twenty-four inches is therefore reasonable in that it allows letter heights that are more than adequate in size to be read from all of Gig Harbor's streets. Nevertheless, allowing the first letter to be larger than all remaining letters does not reflect typical fonts of upper and lower case letters. Allowing 21 inches for all letters would more readily allow both upper and lower case letters while reasonably limiting the amount of horizontal light emanating from a sign fixture.

Because allowances for individual internally illuminated letters of up to 21 inches are proposed, and because businesses often wish to internally illuminate their logo backgrounds, it is reasonable to conclude that an internally illuminated logo background of up to 21 inches (or 4 square feet) would be no more impacting than an internally illuminated letter of up to 21 inches. Larger logos may be fully illuminated by an external light source directed to the logo if desired.

7. Sign with illuminated text and a non-illuminated background area easier to read at night and therefore represent more effective signage. This has been demonstrated both by personal observation of planning commission members and also by photographs of signs with both illuminated backgrounds and non-illuminated backgrounds. In most cases, the text of signs with illuminated backgrounds were blurred and illegible in the photos because of excess glare emanating from the signs; while signs with opaque backgrounds and illuminated text were fully readable in the photos.
8. Alternate methods of controlling light and glare, such as the use of light meters which measure foot candles, are difficult to administer and regulate because conformance can only be determined with special equipment and only after regular business hours when staff is not available.

9. Portable sandwich board signs are no more or less impacting than other portable signs and should therefore be regulated the same.
10. SR-16 is a designated Enhancement Corridor having visual integrity which should be protected and, where necessary, reestablished. The Green belts and buffering which characterize the SR-16 Enhancement Corridor have been damaged, removed or altered in areas where signage is oriented toward SR-16. Prohibiting signage oriented toward the SR-16 Enhancement Corridor is necessary to assure its continued protection. However, signs oriented toward interchanges would not threaten the Corridor's integrity because the Visually Sensitive Areas map which defines the Enhancement Corridor also defines visual nodes at each interchange.
11. The wall sign calculations have proven cumbersome to calculate and administer. A revised method of determining wall signage using a strict percentage approach would facilitate easier calculations.
12. Excessive use of balloons as attention-getting devices and for advertising result in a carnival atmosphere which is incompatible with the visual quality of Gig Harbor's environment. Without regulations, balloons have been shown to proliferate in use and to dominate entire streetscapes (e.g., the car dealerships along Puyallup's River Road).
13. While the code's current amortization clause is legally defensible, it will be difficult to administer because of the difficulty of identifying all non-conforming signs. Many non-conformities are minor and could not be easily discerned through a windshield survey. However, all non-conforming signs should eventually be eliminated. Without an amortization clause, other "triggers" for the removal of non-conforming signs will be necessary.
14. The current code's prohibition on readerboard signs is assumably based upon concerns over the excess light and glare caused by most readerboard signs, and also over the size, bulk and design of most portable readerboard signs. However, the code's restrictions on sign illumination combined with other restrictions on portable signs address these concerns. There is no reason to prohibit readerboard signs if they conform to all other sign code requirements.
15. National Brand/Product Logo signs are legitimate signs for advertising as long as they advertise a product or service available on the premises. The bulk or volume of the product sold is difficult to determine and should not be a factor in determining if a sign advertises an on-site product or service; and
16. Public event signs are allowed, but it is difficult to determine which events may legitimately be considered "public" events. Traditional events in Gig Harbor, including Tide Fest or Winterfest, have been allowed signage under this definition, but it may be argued that, while they are sponsored by a non-profit organization, individual vendors do receive profits from their sales and should therefore not be considered "public". It would be convenient to define

a public event as an event which requires a special event license, but the special events provisions of Chapter 5.28 apply only to those events on public rights-of-way. Many of the traditional events in Gig Harbor would not be covered under these provisions.

**WHEREAS**, the Planning Commission finds that the City has visual integrity which may be threatened by incompatible signage or by inadvertently encouraging removal of the vegetation which provides visual integrity to the City's enhancement corridor by allowing signs oriented to the enhancement corridor which would only be visible if the characteristic vegetation were removed; and

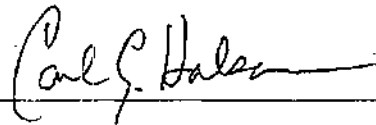
**WHEREAS**, the Planning Commission has drafted amendments to the sign code which reflect its findings stated above and which will (a) further the goals and policies outlined in the City's Comprehensive Plan (b) protect the public health/safety/welfare by avoiding excessive light and glare of illuminated signage, and (c) preserve the visual quality which has attracted tourists and new residents to the Gig Harbor area thereby preserving property values and promoting economic development in the Gig Harbor area; and

**WHEREAS**, the draft amendments reflect substantial changes intended to address, to the degree possible, the concerns of the business community and any further changes to relax the City's sign code standards would seriously alter the visual integrity of the City and would not protect the welfare of the citizenry; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed sign code amendments on December 4, 1997 to accept public testimony on the proposed amendments.

**NOW THEREFORE**, the Planning Commission of the City of Gig Harbor, Washington, recommends to the City Council adoption of amendments to Section 17.80 of the Gig Harbor Municipal Code, attached herein as "Exhibit A"; adoption of proposed revisions to Chapter 17.98 of the Gig Harbor Municipal Code, attached herein as "Exhibit B", and further recommends that the City Council consider amending Chapter 5.28 to include in the definition of a "special event" those traditional or annual events in Gig Harbor which are not necessarily located on public rights-of-way.

**RESOLVED** by the Planning Commission of the City of Gig Harbor, Washington at its regular meeting of the Planning Commission held on this 11th day of December, 1997



Carl Halsan, Planning Commission Chairman



**FINAL SUMMARY OF PROPOSED SIGN CODE CHANGES  
1998**

**Statement of Purpose.** It is proposed that the Purpose section of the sign code be modified to reflect the sign code's purpose, which is (in part) to implement the goals and policies found in the Design Element of the City's Comprehensive Plan (Section 17.80.010(A)).

**Window Signs.** The current sign code may regulate interior signs regardless of their location indoors if they are readable outdoors. It is proposed that the Scope Section of the sign code be modified to state that the sign code does *not* regulate interior signs unless they fall under the definition of "window signs".

It is also proposed that non-illuminated permanent window signs be treated the same as temporary window signs (e.g., poster signs) and that they be allowed without permits and without deduction from the allowed wall signage, provided they do not cover more than 50% of the window area. Finally, it is proposed that non-illuminated window signs be exempt from master sign plan requirements for design.

**Seasonal Decorations.** Although the current sign code allows most seasonal decorations, the allowances for seasonal decorations are not readily apparent in the current code. It has been suggested that some seasonal decorations may be in violation of the sign code. To avoid confusion, it is proposed to amend the sign code to define seasonal decorations and to specifically state that seasonal decorations are allowed for holidays. In conjunction with this, a definition for "holiday" is being proposed.

**Definitions.** It is proposed to include the following terms in the definitions section of the sign code:

- a) "Event" The proposed definition assures that most seasonal decorations do not fall under the definition of a sign by specifically excluding holidays from the definition of an event.
- b) "Festoon" The proposed definition assures that only those balloons attached to fixed objects or vehicles fall under the sign code's regulation of balloons.
- c) "Holiday" The proposed definition adopts all State holidays except Sunday. In conjunction with the proposed definition for "event", this "holiday" definition assures that decorations typically displayed for seasonal State holidays are not considered signage. It also specifies on which holidays seasonal decorations may be displayed.
- d) "Logo" The word "logo" is commonly used in many sign codes and is a word used in the proposed amendments to Gig Harbor's sign code. A definition for the word is therefore proposed.
- e) "Logo Shield" This definition assures that there is a defined allowable area for logos that might not otherwise conform to all color or illumination requirements of the sign code. It

is also a convenient term for describing signs which combine logo graphics with individually mounted letters.

- f) "Public Event" This defines a term already existing in the sign code, but which was previously undefined.
- g) "Seasonal Decorations" This definition provides provisions for decorations customarily used for holidays, and states that decorations which fall under the definition of a sign must conform to all provisions of the sign code. (i.e., it assures that signs which do not conform to the sign code are not installed under the guise of seasonal decorations).
- h) "Sign Graphics" This defines a term already existing in the sign code, but which was previously undefined. The definition assures that colors and materials which may not be allowed for sign face backgrounds (e.g., fluorescent colors or reflective materials) may nonetheless be allowed for graphics (e.g., polished brass lettering).
- i) "Silhouette lighting" This term defines a lighting method using individual pan-channel letters that was not previously defined.
- j) "Trim caps" and "Returns" These terms define parts used on pan-channel letters and cabinet signs.
- k) "Window Sign" This term defines which interior signs may be regulated under the sign code. Signs more than 3 feet from the inside of windows are not regulated as window signs, unless they are within an enclosed display window. Three feet is proposed because it represents the legal aisle width required inside a store according to the Uniform Building Code, therefore making signs any closer to the window than three feet unreadable from a legal aisle width unless the sign is read backwards or at an acute angle. In effect, signs three feet or closer to the window are determined to be oriented for outdoor advertising rather than indoor display. Moreover, it is determined that a sign three feet or closer to a window has similar visual impacts on the community as a sign placed directly on the glass, and should therefore conform to all sign code requirements.
- l) Additional terms - The following terms were added to the definition section of the sign code because they were used in the code, but not defined:

Awning; Awning sign; Cabinet sign; Internal illumination; Neon lighting; Pan-channel; Silhouette lighting;

**Sign Districts.** The current sign code identifies three sign districts. It is proposed to redefine the sign areas into only two districts including:

Area 1 - All B-2 zones and all C-1 zones except in the defined height restriction area; and

Area 2 - all remaining parcels not defined under Area 1.

This will simplify the code and allow businesses in, say, the Kimball Drive area the same signage allowance as businesses in the Olympic Village area.

**Illuminated Signs.** The current code limits internally illuminated letters to a maximum height of 18 inches, except that the first letter may be 24 inches. It is proposed to increase the maximum letter height to 21 inches for all internally illuminated letters. It is also proposed to provide a criteria for the City's Design Review Board to consider illumination of an entire sign face.

**Portable and Sandwich Board Signs.** Because sandwich board signs are portable signs, and because their visual impact is no different than other portable signs, it is proposed to eliminate specific sections on sandwich board signs and to regulate them as any other *portable sign*. This will have the effect of reducing the number of portable signs, because it is currently possible to have one portable sign plus one sandwich board sign. However, the locational requirements for on-site sandwich board signs will be eliminated, thereby providing more flexibility for their use.

**Master Sign Plans.** It is proposed to revise master sign plan requirements pertaining to sign design by providing options for specific sign types. Currently, the sign code requires common design elements for all signs on multi-tenant buildings or projects. The code provides a general criteria for sign designs to establish uniformity, but the criteria has proven difficult to interpret. Rather than specifying sign design, the proposed revisions provide a list of sign types which the owner of a building would choose from. The chosen sign type(s) would be specified on the master sign plan.

Additionally, the revisions would allow up to three sign types on a single building, provided that no more than one sign type be allowed on a single wall plane. Moreover, the proposed revisions would allow a different master sign plan for each individual building within a project, rather than one sign plan that is the same for all buildings (as currently required). Finally, a procedure for revising master sign plans is proposed.

**Sign Orientation.** It is proposed to revise language on sign orientation to make it clear that restrictions on "distant viewing" apply specifically to SR-16 visibility. The proposed language would maintain the current prohibition on SR-16 orientation, except that defined interchange properties would be allowed to orient their signage to SR-16, subject to Design Manual screening requirements.

**Wall Sign Allowances.** It is proposed to revised the current formulas for determining wall signage in all areas of the City. The current formulas have proven too complicated to easily calculate because they require determination of signage based upon the lineal feet of the building facade, orientation of the building, and the area of the wall planes proposed for signage. It is proposed that allowed wall signage calculations be based upon a simple percentage approach. The percentage would be based upon the area of the wall plane the sign is mounted to. The allowed percentage would be the same for all wall planes, except that wall planes conforming to Design Manual standards would be allowed an increased percentage of signage.

**Real Estate Signs.** It is proposed to eliminate the current restriction on the number of off-premise open house signs. Currently, the code limits off-premise open house signs to one sign no further than the nearest arterial street. It is also proposed to increase the allowed size of open house signs from 5 square feet to 6 square feet, because 6 square feet is an industry standard. Finally, it is proposed to include provisions for developed commercial and industrial property real estate signs. Currently, such signs are only allowed on undeveloped commercial sites.

**Campaign/Political Signs.** It is proposed to remove the 90 day limit on campaign/political signs and to increase their allowed height from 5 feet to 6 feet, making them consistent with real estate signs.

**Balloon Signs.** The current code prohibits the use of balloons for signage. It is proposed that balloon sign displays be allowed for up to 90 days per calendar year, subject to issuance of a permit for each display (similar to the current requirements for outdoor banner signs). It is also proposed to allow displays of up to 5 balloons without a permit and without time limits.

**Signs Advertising a Public Event.** The current code states that signs advertising a public event are allowed and states a duration time for their display, but provides no criteria for the location. It is proposed to amend the code to state that public event signs are permitted off-premise subject to public works standards or within building windows, subject to the building owner's approval.

**Administrative and Enforcement.** It is proposed to eliminate enforcement provisions from the sign code. Enforcement of the sign code would then be based upon normal zoning code enforcement provisions.

**Nonconforming Signs.** It is proposed to eliminate the year 2002 amortization clause from the sign code, and provide new "triggers" for bringing signs into conformance with current codes. It is also proposed to allow existing non-conforming sign cabinets to be used for new sign panels, provided that new sign panels conform to current codes pertaining to color and illumination restrictions. Finally, a criteria allowing the Design Review Board to deem a non-conforming sign as *conforming* is proposed.

**Readerboard Signs.** It is proposed to eliminate the current code's prohibition on readerboard signs. Currently, readerboard signs are allowed only for school and theater marquees. The current prohibition is based upon concerns over the excess light and glare caused by most readerboard signs, and also the size, bulk and design of most portable readerboard signs. However, the code's restrictions on sign illumination combined with other restrictions on portable signs address these concerns. There is no apparent reason to prohibit readerboard signs provided they conform to all other sign code requirements.

**National Brand/Product Logo Signs.** The current code prohibits signs displaying the symbol, slogan or trademark of national brand products that do not form the bulk of business transacted on the premises. The intent of this prohibition was (in part) to assure that signage does not become, in effect, *off-premise* advertising (which is also prohibited). However, if product logo signs conform to all maximum sign size, area standards and other design criteria of the sign code, and if they

legitimately advertise a product or service sold on the premises (regardless of volume), there appears to be no reason to prohibit them. It is therefore proposed to remove this prohibition.

**General Housekeeping Items.** There are a number of "housekeeping" items proposed which are not substantive changes. Such changes include format changes, changes required to bring the sign code into conformance with regulatory reform requirements, changes which provide clarification of existing requirements, etc. Housekeeping changes are not listed herein, but are clearly identified in the proposed draft of the revised sign code. All proposed changes are represented by strikeouts (deleted language) and highlighting (new language).

**Design Review Board Process.** In conjunction with those items in the sign code requiring the Design Review Board approval, it is proposed to revised Section 17.98 of the zoning code to provide a process for the DRB's review of specified items in the sign code. Currently, the DRB may only make decisions on Design Manual issues.

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO REGULATION OF COMMERCIAL AND NON-COMMERCIAL SIGNS; MAKING REVISIONS TO TITLE 17.80 OF THE GIG HARBOR MUNICIPAL CODE.**

**WHEREAS**, the City Council finds and declares that outdoor advertising is a legitimate, commercial use of private property adjacent to City street, roads and highways; and

**WHEREAS**, outdoor advertising is an integral part of the business and marketing function, and an established segment of the City's economy which serves to promote and protect private investments in commerce and industry; and

**WHEREAS**, the City has adopted sign regulations in order to safeguard the general welfare of the property owner, to preserve the beauty of the community and to balance this with growth, development and commercial pursuits; and

**WHEREAS**, the City of Gig Harbor amended its sign code in June 1995 to bring the sign code into conformance with the Design Element of Gig Harbor's Comprehensive Plan; and

**WHEREAS**, the amended sign code has been in effect for a period of over two years, and the City Council has directed the Planning Commission to review the sign code to determine its effectiveness and to address concerns expressed by the business community regarding the restrictiveness and complexity of the sign code; and

**WHEREAS**, two public hearings were held on March 6, 1997 and March 20, 1997 to receive input from the community on the existing sign code, at which time the planning commission listened to over six hours of public testimony which focused primarily on the following 13 issues:

1. Master sign plans.
2. Window signs.
3. National brand product or logo signs.
4. Freeway visibility of signage.
5. Amortization.
6. Illumination restrictions on internally illuminated signs.
7. Inflatable displays.
8. Allowable wall signage.
9. Portable signs.
10. Real Estate Signs.
11. Reader Boards.
12. Sign Areas.
13. Miscellaneous Items. (Clarification of terms, format, and general housekeeping items); and

**WHEREAS**, the planning commission submitted to the City Council a recommended process of addressing the 13 identified issues which allowed the public to submit specific recommendations on any issue under review or to request that additional items be added to the review process, and which allowed public input during scheduled worksession/hearings; and

**WHEREAS**, the planning commission held worksession/hearings over a 7 month period to address concerns and to receive public input; and

**WHEREAS**, public input during the worksession/hearings was submitted by a limited number of individuals, which input was carefully considered by the planning commission and balanced against the goals and policies stated in the City's Comprehensive Plan; and

**WHEREAS**, the Comprehensive Plan states several goals and policies relating to maintaining signage as a subordinate element in building design including, but not limited to (a) minimizing sign area in facade design, (b) avoidance of signage as a dominant architectural feature, (c) including corporate or logo panels into signage area calculations, (d) avoidance of covering architectural details, (e) avoidance of signage as a dominant architectural statement, (f) encouragement of sign designs which reflect the building style or period by use of incentives and dis-incentives; and,

**WHEREAS**, the Planning Commission finds that the solid/void ratio requirements for buildings specified in the Architecture section of the City's Design Manual and also the landscaping requirements specified in Section 17.78 of the Gig Harbor Municipal Code provide sufficient interest in building and site designs to assure that signage does not become a dominant statement in the building or site design; and

**WHEREAS**, the Comprehensive Plan has the stated goal on page 32-33 to avoid flamboyancy in signage by keeping internally illuminated signs subdued through restrictions on sign face illumination; and,

**WHEREAS**, the Comprehensive Plan on page 33 has the stated goal to coordinate sign designs on multi-tenant buildings through the use of master sign plans designed to allocate signage among tenants and to unify the site design; and,

**WHEREAS**, the Comprehensive Plan has the stated goal on page 34 to restrict use of off-premise signage and to avoid signage design for viewing beyond the street on which a business is located; and,

**WHEREAS**, the Comprehensive Plan identifies SR-16 as an enhancement corridor which should require an extensive level of design review; and,

**WHEREAS**, the Planning Commission recognized that the Growth Management Act requires that any amendments to the City's sign code must be consistent with the Comprehensive Plan; and

**WHEREAS**, after carefully evaluating the existing sign code's effectiveness in implementing the goals and policies of the Comprehensive Plan by reviewing signs installed since the 1995 sign code update was adopted, and also after reviewing concerns over the complexity of some of the language in the existing code, the Planning Commission has made the following findings:

1. Since the adoption of the master sign plan requirement, it has become evident that signs installed prior to the master sign plan requirement often exceeded the allotted signage allowances because they were installed without the full knowledge of existing signage on a building. The master sign plan provides complete knowledge of existing and allocated signage prior to issuance of a sign permit and therefore assures that maximum sign allowances are not exceeded.
2. Signs installed under the master sign plan requirement have resulted in a more unifying site design and better reflect the architectural qualities of the buildings the signs apply to.
3. To achieve a unified site design, and to assure that signs reflect the architectural qualities of a building, it is not necessary that all signs on buildings look alike, provided there is a limit to the number of types of signs on any given building and that multiple types of signs are not used on the same wall plane.
4. Window signs have as much visual impact on the community as other outdoor forms of advertising. Window signs placed behind or on the inside of clear glass are no less intrusive to the community than window signs placed on the outside of glass. However, interior signs more than 3 feet from the window may be intended for indoor advertisement and are far enough away from a window to allow a legal aisle width between a window and an interior display. While signs placed more than three feet may be visible from public rights-of-way, they are far enough away from the window to soften their visual impacts on the community.
5. Temporary interior window signs are currently allowed without limits on their size, design, or on the number of days temporary window signs may be displayed; permanent window signs are subject to the same restrictions as exterior wall signs. Illuminated window signs have more visual impact on the community than non-illuminated window signs because of their visibility at night, and their greater brilliancy both day and night. Illuminated window signs should therefore be regulated the same as other wall signs. Non-illuminated permanent window signs have no greater visual impacts to the community than temporary window signs and should therefore be regulated the same as temporary signs. However, to assure (a) that the architectural purpose, function and integrity of windows are retained, (b) that windows are not inadvertently converted into large wall signs without the regulations of wall signs, and (c) that signage is a subordinate element in the building design, neither temporary or permanent window signs should be allowed to cover entire window areas.
6. Illumination is necessary for both signage and general site lighting. Illumination of signage increases the effectiveness of signs in the evening hours and is essential for evening viewing.



Illumination of sites increases safety by discouraging criminal activity and by illuminating pedestrian areas. Uncontrolled illumination for either signs or site lighting results in light trespass and glare and can impact other evening activities such as astronomical observations or sleeping.

The City's standards for site and building lighting are contained in the City's Design Manual. These standards allow necessary lighting for safety and convenience while mitigating the impacts of lighting by (a) specifying the surface to which lighting may be directed, and (b) regulating the fixture from which light may emanate. Generally, lighting regulations require that light fixtures be shielded, or that fixtures have horizontal cut-offs (shields) which direct light downward. Because such horizontal cut-offs would effectively shield the sign face, it is not possible to allow illumination of signs without either restricting illumination to shielded spot lights focused on a sign surface, or without allowing horizontal light to emanate from a sign fixture. Light emanating from a sign results in more glare than light being directed to a sign from a shielded fixture. It is therefore necessary to limit the amount of horizontal light emanating from the face of internally illuminated signs.

The City's current sign code effectively limits the amount of horizontal light emanating from signs by allowing light to emanate only from a sign's text, and not its entire sign face background. This has resulted in a reduction of glare and also assures that sign faces are consistent with other City lighting standards which, for aesthetic purposes, prohibit internal illumination of translucent panels and awnings. Back-lit panels and awnings are generally incompatible with Gig Harbor's small-town atmosphere and fishing village character.

Some back-lit sign panels have been found to meet the intent of the City's lighting regulations because they are of darker color values which allow very little light to emanate from them. Allowing these darker colors to be internally illuminated requires a criteria for a case-by-case review.

In addition to limiting internal illumination to the text only, the code also minimizes horizontal light emissions by limiting the size of the text. The current code limits the first letter of signs to 24 inches in height, and all remaining letters to 18 inches. Research pertaining to sign legibility indicates that it takes one inch of letter height for every 50 feet of distance it is read from and that speeds of up to 55 mph on a six lane highway requires a letter height of 16 inches (visible from a distance of 800 feet) to allow adequate time to respond to the sign. Restricting internally illuminated letter heights to up to eighteen and twenty-four inches is therefore reasonable in that it allows letter heights that are more than adequate in size to be read from all of Gig Harbor's streets. Nevertheless, allowing the first letter to be larger than all remaining letters does not reflect typical fonts of upper and lower case letters. Allowing 21 inches for all letters would more readily allow both upper and lower case letters while reasonably limiting the amount of horizontal light emanating from a sign fixture.

Because allowances for individual internally illuminated letters of up to 21 inches are proposed, and because businesses often wish to internally illuminate their logo backgrounds, it is reasonable to conclude that an internally illuminated logo background of up to 21 inches (or 4 square feet) would be no more impacting than an internally illuminated letter of up to 21 inches. Larger logos may be fully illuminated by an external light source directed to the logo if desired.

7. Sign with illuminated text and a non-illuminated background area easier to read at night and therefore represent more effective signage. This has been demonstrated both by personal observation of planning commission members and also by photographs of signs with both illuminated backgrounds and non-illuminated backgrounds. In most cases, the text of signs with illuminated backgrounds were blurred and illegible in the photos because of excess glare emanating from the signs; while signs with opaque backgrounds and illuminated text were fully readable in the photos.
8. Alternate methods of controlling light and glare, such as the use of light meters which measure foot candles, are difficult to administer and regulate because conformance can only be determined with special equipment and only after regular business hours when staff is not available.
9. Portable sandwich board signs are no more or less impacting than other portable signs and should therefore be regulated the same.
10. SR-16 is a designated Enhancement Corridor having visual integrity which should be protected and, where necessary, reestablished. The Green belts and buffering which characterize the SR-16 Enhancement Corridor have been damaged, removed or altered in areas where signage is oriented toward SR-16. Prohibiting signage oriented toward the SR-16 Enhancement Corridor is necessary to assure its continued protection. However, signs oriented toward interchanges would not threaten the Corridor's integrity because the Visually Sensitive Areas map which defines the Enhancement Corridor also defines visual nodes at each interchange.
11. The wall sign calculations have proven cumbersome to calculate and administer. A revised method of determining wall signage using a strict percentage approach would facilitate easier calculations.
12. Excessive use of balloons as attention-getting devices and for advertising result in a carnival atmosphere which is incompatible with the visual quality of Gig Harbor's environment. Without regulations, balloons have been shown to proliferate in use and to dominate entire streetscapes (e.g., the car dealerships along Puyallup's River Road).
13. While the code's current amortization clause is legally defensible, it will be difficult to administer because of the difficulty of identifying all non-conforming signs. Many non-

conformities are minor and could not be easily discerned through a windshield survey. However, all non-conforming signs should eventually be eliminated. Without an amortization clause, other "triggers" for the removal of non-conforming signs will be necessary.

14. The current code's prohibition on readerboard signs is based upon concerns over the excess light and glare caused by most readerboard signs, and also over the size, bulk and design of most portable readerboard signs. However, the code's restrictions on sign illumination combined with other restrictions on portable signs address these concerns. There is no reason to prohibit readerboard signs if they conform to all other sign code requirements.
15. National Brand/Product Logo signs are legitimate signs for advertising as long as they advertise a product or service available on the premises. The bulk or volume of the product sold is difficult to determine and should not be a factor in determining if a sign advertises an on-site product or service; and
16. Public event signs are allowed, but it is difficult to determine which events may legitimately be considered "public" events. Traditional events in Gig Harbor, including Tide Fest or Winterfest, have been allowed signage under this definition, but it may be argued that, while they are sponsored by a non-profit organization, individual vendors do receive profits from their sales and should therefore not be considered "public". It would be convenient to define a public event as an event which requires a special event license, but the special events provisions of Chapter 5.28 apply only to those events on public rights-of-way. Many of the traditional events in Gig Harbor would not be covered under these provisions.

**WHEREAS**, the Planning Commission finds that the City has visual integrity which may be threatened by incompatible signage or by inadvertently encouraging removal of the vegetation which provides visual integrity to the City's enhancement corridor by allowing signs oriented to the enhancement corridor which would only be visible if the characteristic vegetation were removed; and

**WHEREAS**, the City Council agrees with the findings of the Planning Commission and hereby adopts the same findings; and

**WHEREAS**, the Planning Commission has proposed amendments to the sign code which reflect its findings stated above and which will (a) further the goals and policies outlined in the City's Comprehensive Plan (b) protect the public health/safety/welfare by avoiding excessive light and glare of illuminated signage, and (c) preserve the visual quality which has attracted tourists and new residents to the Gig Harbor area thereby preserving property values and promoting economic development in the Gig Harbor area; and

**WHEREAS**, the proposed amendments reflect substantial changes intended to address, to the degree possible, the concerns of the business community and any further changes to relax the City's sign

code standards would seriously alter the visual integrity of the City and would not protect the welfare of the citizenry; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed sign code amendments of Chapter 17.80 on December 4, 1997 to accept public testimony on the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:**

Section 1. Chapter 17.80 of the Gig Harbor Municipal Code is hereby amended as follows:

Chapter 17.80  
SIGN CODE

Sections:

- 17.80.010 Purpose and scope.
- ~~17.80.015~~ 17.80.020 Permits not required.
- ~~17.80.020~~ 17.80.030 Definitions.
- ~~17.80.030~~ 17.80.040 Permit procedures.
- 17.80.050 Variances & Administrative Waivers
- ~~17.80.031~~ 17.80.060 General regulations.
- 17.80.070 Master Sign Plans
- 17.80.080 Sign Districts
- ~~17.80.033~~ 17.80.090 Sign standards for Areas 1 and 2 Area 1.
- ~~17.80.035~~ 17.80.100 Sign standards for Area 3-2.
- ~~17.80.040~~ 17.80.110 Temporary signs.
- ~~17.80.050~~ 17.80.120 Prohibited signs.
- ~~17.80.060~~ 17.80.130 Administration and enforcement Nonconforming Signs.
- 17.80.140 Design Review Board Approval
- ~~17.80.080~~ 17.80.150 Liability.

17.80.010 Purpose and scope.

A. Purpose. It is the purpose of this chapter to promote a quality visual environment by establishing reasonable standards for the size, placement, height and maintenance of outdoor signs, graphics and advertising. It is further intended to encourage quality design and material composition which create an attractive community and business climate. ~~Special emphasis should be placed on achieving harmony with building design, settings and the character of the surrounding areas.~~ by implementing the goals and policies described in the Community Design Element of the City's Comprehensive Plan. Implementing these goals and policies will assure that signage is in harmony with building designs and the character of the surrounding areas.

B. Scope. This chapter shall not regulate traffic and directional signs installed by a governmental entity; signs not readable from nor intended to be viewed from a public right-of-way or waterway; interior signs placed more than three (3) feet behind a window or opening of a building unless within an enclosed display window; merchandise displays; points-of-purchase advertising displays on product dispenser machines; national flags; flags of a political subdivision; symbolic flags of an institution; legal notices required by law; barber poles; historic site plaques; gravestones; structures intended for a separate use, such as phone booths, Goodwill containers and recycling containers; or lettering sign graphics or symbols painted directly onto or flush-mounted magnetically onto a motor vehicle operating in the normal course of business. (Ord. 691 § 1, 1995; Ord. 532 § 2, 1988).

~~17.80.015~~ 17.80.020 Permits not required.

The following shall not require a sign permit; provided however, these exemptions shall not be construed as relieving the owner from the responsibility to comply with the provisions of this chapter or any other law or ordinance.

A. The changing of the advertising copy or message on a lawfully erected readerboard or similar sign specifically designed for the use of replaceable copy;

B. Repainting or cleaning of a lawfully erected sign and other normal maintenance which does not involve a change of sign color or design, unless a structural or electrical change is made;

C. Temporary Seasonal decorations customary for special holidays erected entirely on private property;

D. On-premises directional signs not exceeding four square feet. The height of the sign shall not exceed four (4) feet and distance from the ground level at the base of the sign to the top of the sign shall not exceed four feet unless it is attached to a wall, in which case the sign must have a maximum clearance of 27 twenty-seven (27) inches or a minimum clearance as defined in GHMC ~~17.80.035(E)(2)~~ 17.80.090(D)(2) and 17.80.100(E)(2);

E. ~~Poster signs, per GHMC 17.80.040(B)~~ Non-illuminated window signs conforming to GHMC 17.80.090(C)(2) and 17.80.100(D)(2);

F. Campaign and political signs, ~~per conforming to GHMC 17.80.040(F) and (G)~~ 17.80.110(D);

G. One temporary construction sign of up to 32 thirty-two (32) square feet or one project identification sign, ~~per conforming to GHMC 17.80.040(D)(1)~~ 17.80.110(C);

H. One wall or projecting gas station price sign or one portable gas station price sign per station limited to a maximum of 30 fifteen (15) square feet ~~total area on all sides per sign face~~, and no more than two (2) faces. In addition to one wall or projecting gas price sign and in lieu of a portable gas station price sign, one gas price sign may be incorporated into an approved freestanding ground sign, subject to maximum size and height allowances for freestanding signs. Portable gas price signs shall ~~have be limited to~~ a maximum height from the ground of five (5) feet; illumination of portable gas price signs shall be limited to an external source or to an opaque face with illuminated letters sign graphics only;

I. One lot identification sign per single-family dwelling in the R-1 district with the total area not to exceed two square feet;

J. ~~One neighborhood identification sign not exceeding a total of 12 square feet on all its faces and the height from the base of the sign to the top shall not exceed six feet;~~

J. Real Estate signs conforming to GHMC 17.80.110(B).

K. ~~One nonelectric~~ Non-electric portable signs not exceeding four square feet located on premises conforming to GHMC 17.80.060(H) and 17.80.100(F). (Ord. 691 § 1, 1995; Ord. 532 § 6, 1988. Formerly 17.80.050.).

~~17.80.020~~ 17.80.030 Definitions.

The following definitions shall apply for the purpose of this code:

1. "Abandoned sign" means a sign that no longer correctly identifies, exhorts or advertises any person, business, lessor, owner, product or activity conducted or available on the premises where such sign is located and which has not been changed or removed within thirty (30) days of a tenancy change; or a sign which is damaged, in disrepair, or vandalized and not repaired within thirty (30) days of the damaging event.

2. "Advertising copy" includes any letters, figures, symbols, sign graphics, background colors, logos or trademarks which identify or promote the sign user or any product or service; or which provides information about the sign user, the building or the products or services available.

3. "Awning" means a shelter projecting from and supported by a structure or building wall and constructed of a rigid supporting framework and a flexible or non-rigid covering.

4. "Awning sign" means a sign applied to or incorporated into the covering of an awning.

~~3~~ 5. "Building" means a roofed and walled structure built for permanent use.

~~4~~ 6. "Bulletin board" means a board or small sign on which notices, community events or hours of operation are posted.

7. "Cabinet sign" means an internally illuminated sign in which a removable sign face (usually with translucent sign graphics) is enclosed on all edges by a metal cabinet. A cabinet sign may be multi-sided.

~~5~~ 8. "Code administrator" "Director" means the city's planning director, or the director's designee, who shall be authorized to administer and enforce all of the provisions of the sign code.

~~6~~ 9. District, Sign.

a. "Area 1" ~~Those includes those properties situated 300 feet back from the beginning and ending of the Olympic Drive freeway interchange, including those properties located within the Olympic Village and interchange area.~~ in all B-2 zones except the B-2 zone in the vicinity of the Burnham Drive/Harborview Drive junction; and all C-1 zones except C-1 zones in the height restriction area.

b. "Area 2" includes all properties not defined under Area 1. ~~The Westside business district outside the defined interchange area, the commercial zones on Pioneer Way and Kimball Drive and the commercial zones on the west side of Soundview Drive outside the Olympic Village interchange.~~

c. ~~Area 3. The RB-1 zoning district along Soundview Drive, and all other commercial districts and residential areas.~~

~~7~~ 10. "Double-faced sign" means a sign that has advertising copy on opposite sides of a single display surface or sign structure.

~~8~~ 11. "Electric sign" means a sign or sign structure in which electrical wiring, connections and/or fixtures are used as part of the sign proper.

12. "Event" means a current or planned activity or occurrence which involves a gathering of people or solicits their participation. In this context, an event does not include the commemoration of a holiday.

~~9~~ 13. "Facade" means the entire building front or street wall face of a building extending from the

- grade of the building to the top of the parapet or eaves and the entire width of the building elevation.
14. "Festoon" means a strip or string of balloons which includes clusters or strings of balloons connected to a fixed object or vehicle on at least one end of the festoon.
15. "Flashing sign" means a sign or a portion thereof which changes light intensity or switches on and off in a constant pattern or contains motion or the optical illusion of motion by use of electrical energy. Changing message centers shall not be considered flashing signs.
16. "Freestanding sign" means a sign supported by a pole(s) or mounted on a sign base and is not connected to or supported by any other structure.
17. Freeway Interchange Area. The freeway interchange of State Route 16 (SR-16) shall be the area between where the present or designed future on and off ramps to the highway are situated measured between the intersection of the fog line of the exit and on-ramps that are near SR-16. This designation applies to those properties situated 300 feet back from the freeway interchange. is illustrated on Exhibit 1 and defines the area where signage may be oriented to SR-16, subject to the provisions of Section 17.80.060(K).
18. "Gas station price sign" means a sign advertising the price of motor fuel and contains no other business advertising.
14. "Grade" means the elevation as measured at the relative ground level in the immediate vicinity of the sign.
19. "Holiday" includes all State holidays as defined under RCW 1.16.050, except Sunday.
20. "Incidental sign" means a small nonelectric information sign four (4) square feet or less in area which pertains to goods, products, services or facilities which are available on the premises where the sign occurs and is intended primarily for the convenience of the public while on the premises.
21. "Internal illumination" means a source of lighting concealed entirely within a sign which makes sign graphics visible by transmitting light through a translucent or semi-translucent material.
22. "Institutional sign" means a sign to identify educational, civic and religious institutions.
23. "Landscaping" means the planned use of trees, shrubs and other living plant materials used in conjunction with a sign and other decorative features.
24. "Logo" means an identifying emblem or insignia containing sign graphics, symbols or colors typically used for identification and/or advertisement.
25. "Logo shield" means a logo contained within an area no greater than four (4) square feet, incorporated into a larger sign face or designed as an individual sign or a component of a sign containing individually mounted sign graphics.
26. "Lot identification sign" means a sign to identify the occupants of the premises.
27. "Mansard roof" means a sloped roof or roof-like facade architecturally able to be treated as a building wall.
28. "Marquee" means a permanent structure attached to, supported by and projecting from a building and providing protection from the weather elements, but does not include a projecting roof. For purposes of this chapter, a freestanding permanent roof-like structure providing protection from the elements, such as a service station gas pump island, will also be considered a marquee. This also includes canopies.
29. "Neighborhood identification sign" means a sign to identify a particular residential area or development four acres or greater in size.
30. "Neon lighting" means illuminated tubing forming signs graphics or which is otherwise used

as an exposed lighting source. For the purpose of this ordinance the term "neon" will be considered a generic term for this type of lighting regardless of the type of fluorescing gas or material contained within the tubing.

22-31. "Neon sign" means illuminated neon tubing neon lighting used to draw attention to a business or building in any manner, including (but not limited to) neon text, symbols sign graphics, logos or outlining of a building's architectural features. Neon signs shall not flash, oscillate or revolve.

23-32. "Off-premises directional sign" means a permanently installed sign which provides directional information to a parcel located in the Gig Harbor area, but not located on the same parcel as the sign in question.

24-33. "Off-premises sign" means a sign relating, through its message and content to a commercial or non-commercial business activity, use, product or service not available or conducted on the premises on which the sign is erected.

25-34. "On-premises directional sign" means a permanent sign that directs the public to a specific place such as an entrance, exit, or parking or service area, or a particular aspect of a business establishment.

26-35. "On-premises sign" means a sign which carries only advertisements and messages strictly applicable to a lawful use of the premises on which it is located.

36. "Pan-channel" means a sign graphic that is constructed of a three-sided metal channel, usually having a light source contained within the channel. The open side may face inward, resulting in silhouette lighting, or it may face outward to allow full illumination. The open side of the channel may be enclosed with a translucent material.

27-37. "Portable sign" means a free-standing sign made of any material, which by its design is readily movable and is not permanently affixed to the ground, structures or buildings.

28-38. "Projecting sign" means a sign which is attached to and projects more than one foot from a structure, building face or marquee.

39. "Public event" means an event held no more than once a year by an individual sponsor, business or agency, and which is on a site normally associated with activities or uses other than the event, and which does not represent or promote a use, product or service normally associated with the site of the event. Special sales or promotions of products or services commonly available on the site, or which are readily available at a permanent outlet or site within the City, do not represent public events.

29-40. "Readerboard" means a sign face designed to hold readily changeable letters sign graphics allowing frequent changes of copy.

41. "Returns" are the exposed sides of pan-channel sign graphics and cabinet signs.

30-42. "Revolving sign" means a sign which rotates or turns in a circular pattern.

31-43. "Roof sign" means a sign supported by and erected on and above a roof, parapet or fascia of a building or structure (shall not include a sign erected on the face of a mansard roof).

32-44. "Sandwich board/sidewalk sign" means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make it self-standing.

45. "Seasonal decorations" mean temporary decorations for holidays which do not fall under the definition of a sign and which are installed no sooner than thirty (30) days before a holiday and removed no later than five (5) days after the holiday. Decorations which fall under the definition of a sign must conform to all provisions of the sign code.



33. "Sign" means any visual communication device, structure, or fixture which is visible from any right-of-way or waterway and is intended to aid the establishment in question in promoting the sale of products, goods, services, events or to identify a building, using graphics, letters, figures, symbols, trademarks or written copy. Steel, plastic or similar panels displaying corporate colors, logos or trademarks and as are common on corporate signature buildings to give identity to the business shall be considered signage. Corporate colors which conform to design guidelines as may be adopted by the city shall be excluded from this definition. Inflatable displays, figures, or product representations shall also be considered signage.

46. "Sign" means:

(a) any visual communication device, structure, or fixture which is visible from any public right-of-way or waterway placed for the promotion of the sale of products, goods, services, events or to identify a building, using sign graphics or trademarks; or

(b) Steel, plastic or similar panels displaying corporate colors, logos or trademarks and as are common on corporate signature buildings to give identity to the business (Corporate colors which conform to the City's Design Manual requirements for color shall be excluded from this definition of a sign); or

(c) Inflatable figures, balloons (in a display of six or more), festoons, streamers, spinners, product representations and advertisements for services which are attached to a fixed object or stationary vehicle.

34 47. "Sign area" means the entire area of a sign, including the sign face background, on which advertising copy, logos, trademarks, and business or corporate colors are to be placed. Sign structures and associated architectural embellishments, framework and decorative features which contain no written or advertising copy, which are not illuminated and which contain no logos or trademarks shall not be included. Sign area shall be calculated by measuring the area of the smallest rectangle, circle, triangle or parallelogram that can be drawn around all parts of the sign from the viewpoint exposing the largest sign surface area, excluding simple support structures. Sign supporting structures which are part of the sign display shall be included in the area of calculation.

48. "Sign graphics" include all lines, strokes, text, symbols and logo shields applied to a sign surface and does not include the background surface to which they are applied.

49. "Silhouette lighting", sometimes called "halo lighting" means lighting being emitted from the back side of pan-channel sign graphic which has the open side of the channel facing the wall or sign face it is mounted to, thereby silhouetting the sign graphics

35 50. "Temporary construction sign" means a sign jointly erected and maintained on premises undergoing construction by an architect, contractor, subcontractor and/or materialman upon which property such person is furnishing labor or material.

36 51. "Temporary sign" means any sign or advertising display constructed of cloth, canvas, light fabric, paper, cardboard or other light materials, with or without frames, intended to be displayed for a limited time only and not permanently attached to a building or site.

52. "Trim caps" are the corner trim pieces holding the translucent materials or sign faces on pan-channel sign graphics and cabinet signs.

37 53. "Wall graphics" means a wall sign of which color and form are part of an overall design on the building.

38 54. "Wall plane" includes that portion of a facade which is contained on one general plane. If

there is a shift in the facade, forward or back, a new plane is created. A single wall plane may contain windows and doors but it is generally a solid surface, notwithstanding the fascia of projecting porches or colonnades may be considered part of the wall plane the porch or colonnade projects from for calculating signage area.

39 55. "Wall sign" means a sign attached or erected parallel to and extending not more than one foot from the facade or face of any building to which it is attached and supported throughout its entire length, with the exposed face of the sign parallel to the plane of said wall or facade. Signs incorporated into mansard roofs, marquees or canopies shall be treated as a wall sign. (Ord. 691 § 1, 1995; Ord. 558 § 1, 1989; Ord. 532 § 3, 1988).

56. "Window Sign" means a sign which is mounted on a window, or placed within three (3) feet of the inside of a window or opening, or is within an enclosed display window (i.e., the display area in the window is separated from the main floor area by a wall, curtain or screen).

~~17.80.030~~ 17.80.040 Permit procedures.

The following regulations shall apply to all signs.

A. Permit Requirements. Signs located on public right-of-way must conform to all provisions of this chapter, except that such signs are exempt from the permit requirements of this section and shall be processed and administered as per Chapter 12.02 GHMC. No sign shall be installed, constructed, painted, structurally altered, posted or applied without first obtaining a sign permit from the code administrator, director unless exempted by this chapter. A separate permit shall be required for each group of signs installed simultaneously on a single supporting structure. Thereafter, each additional sign erected on the structure must have a separate permit.

B. Permit Application Procedures. ~~Applications for signs shall be accompanied by~~ A complete application for a sign permit shall consist of:

1. Two site plans showing the location of the affected lot, building(s) and sign(s), showing both existing and proposed signs;

2. Two copies of a scaled drawing of the proposed sign or sign revision including size, height, copy, structural footing details, material specifications, method of attachment, illumination, front and end views of marquees, calculation for dead load and wind pressure, photograph of site and building marked to show where sign or marquee is proposed, and any other information required to ensure compliance with appropriate laws;

3. Written consent of the sign owner and the owner of the building, structure, or property where the sign is to be erected;

4. A permit fee as adopted by resolution of the city council;

5. Documentation demonstrating that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign.

5 6. Exemptions. The code administrator may waive submission of plans and specifications when the structural aspect is of minor importance.

C. Administrative Permit Processing Requirements. ~~The code administrator shall ascertain that the sign installer has a valid Washington State contractor's license when a sign requires a building permit unless the sign is being installed by the owner of the sign.~~ A sign permit shall be processed according to the procedures in Title 19 of the Gig Harbor Municipal Code, and is a Type II permit

application.

#### 17.80.050 Variances and Administrative Waivers

~~D A. Variances. Any person may apply to the hearing examiner for a variance from the requirements of this chapter. Variances shall be processed by the code administrator. The hearing examiner shall review a sign variance application in accordance with the applicable procedures established in Chapter 17.10 GHMC. In the examiner's determination whether a sign variance should be granted, the examiner will follow the applicable criteria in lieu of the criteria set forth in GHMC 17.66.030 (B)(1), (2), (3), (4) and (5):~~ A variance may be requested from any requirement in this chapter, with the exception of the requirements described in GHMC Section 17.80.050(B), Administrative Waiver. The variance shall be processed as a Type III application, and the variance criteria described in the Zoning Code (GHMC Section 17.66.030) shall not be used to determine whether a variance may be granted. A variance may be approved if all of the following criteria are satisfied:

1. The granting of the variance would not be materially detrimental to the property owners in the vicinity and the variance sought is of minimum sign size, height, and scope to meet the conditions and needs of the applicant; and
2. The granting of the variance would not be contrary to the objectives of this chapter; and
3. The signage of the property in question cannot be adequately met under the literal interpretation and strict application of the chapter; and
4. The granting of the variance is necessary because of special circumstances relating to property location, topography, shape and size; site distance and limited view to property.

~~E B. Administrative Waiver - Design Restrictions. Restrictions pertaining to the location of a sign within architectural features of a building or to color of illumination as required in GHMC 17.80.033(B)(2) and 17.80.035(A) 17.80.090(B)(2) and 17.80.100(A) and 17.80.100 (C)(2) shall be observed unless a waiver is granted by the code administrator director. Waivers may be granted by the code administrator director upon a clear demonstration that all of the following conditions apply:~~

1. The proposed sign design is consistent with ~~design guidelines in place at the time the waiver is requested~~ the City's Design Manual;
  2. The building for which the waiver is requested lacks usable wall and/or fascia space common to newer buildings;
  3. ~~The waiver shall not be granted for the purposes of increasing advertising effectiveness;~~
  4. 3. If colored illumination other than white or ivory is desired in Area 3 2, the proposed sign is not visible to any residents from residential property within 200 two-hundred (200) feet of the parcel the sign is located on;
  5. 4. All reasonable alternative locations for signage have been explored by the applicant.
- (Ord. 691 § 1, 1995; Ord. 664 § 4, 1994; Ord. 558 § 2, 1989; Ord. 532 § 4, 1988).

#### ~~17.80.031~~ 17.80.060 General regulations.

~~A. Sign District. Three sign districts are created as designated on Map 1. The requirements of this chapter shall be applied to signs in all districts except for the special requirements to be imposed on signs located in each of the three districts.~~

~~B A. Motion Signs Prohibited. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners.~~



These devices, when not part of any sign, are also prohibited. Balloons may be permitted on signs if they conform to the provisions of Section 17.80.110(F). Limited use of thematic flags, banners and pennants which are complementary to a specific location or structure may be permitted upon approval of the code administrator. This waiver is not intended to permit the use of numerous types of devices which as a result of wind pressure may move to a point of attracting attention of vehicular and pedestrian traffic.

**B. Exposed Sign Supports.** Exposed braces and angle irons are prohibited unless they are a decorative element in the sign structure (e.g., wrought iron "S" curve braces) or unless there are no other practical means of supporting the sign.

**C. Flashing Signs.** No sign shall have blinking, flashing, fluttering or moving lights or other illuminating device which has a changing light intensity or color; provided, however, temperature and/or time signs that conform in all other respects to this chapter are allowed.

**D. Uniform Building Code Compliance.** The structure and installation of all signs shall comply with the latest adopted edition of the city's building code. Such sign shall meet all other applicable provisions of this chapter.

**E. Off-premises Directional Signs.** Off-premises directional signs may only be allowed if a variance is granted pursuant to GHMC 17.80.030 ~~(D)~~ 17.80.050(A). If more than one business in an immediate area has need for an off-premises directional sign, all must be identified on the same sign.

**F. Maintenance Required.** All signs, together with all of their supports, braces, guys and anchors, shall be maintained in good repair and in a safe, neat, clean and attractive condition.

**G. Illumination Restrictions.**

1. **Externally illuminated signs.** Signs may be externally illuminated and shall conform to the City's Design Manual standards for lighting. ~~The light directed on, or internal to, any sign shall be so shaded, shielded and/or directed so that the intensity or brightness shall not adversely affect safe vision of operators of vehicles moving on private or public property or pedestrians on a public right-of-way.~~

2. **Internal illumination and neon.** ~~Electric signs shall not use incandescent bulbs for internal illumination. Lights on externally illuminated signs shall be so shielded as to contain the light to the sign surface only.~~ Internally illuminated signs shall ~~be limited~~ conform to the following:

a. **Individual pan-channel sign graphics and emblems.** Sign graphics and emblems (e.g., fully illuminated logo shields) shall not exceed twenty-one (21) inches in height.

b. **Individual sign graphics using "halo" or "silhouette" lighting.** Sign graphic height shall not be restricted on opaque sign graphics using "halo" or "silhouette" lighting where the light is reflected off the surface to which the sign graphics are mounted.

c. **Internal illumination and neon lighting.** All sign graphics which are internally illuminated, or illuminated with neon tubing, are limited to no more than twenty-one (21) inches in height, except that illuminated outlines and borders may extend to the height of the sign face. Sign faces may not be internally illuminated and must be sealed at the seams to avoid light leaks. However, design allowances for illuminated sign faces may be approved by the Design Review Board (DRB) under the provisions of Section 17.80.140 if the sign conforms to all of the following criteria:

i. **Illumination may be the minimum required to reveal the background color, but no brighter.**

ii. Color Value of the sign face shall be limited to the darker values which are heavily imbued with brown or black undertones. Intensity (or chroma) shall be dull or weak. Examples of acceptable colors and unacceptable contrasts include: deep burgundy or maroon as opposed to red; dark forest green as opposed to kelly or lime green; dark navy blue as opposed to royal or sky blue). These darker hues are naturally more opaque due to their darker values.

d. Internally illuminated awning signs. Awning materials must be totally opaque. Only the sign graphics on an awning may be translucent.

~~individual pan-channel letters or to cabinet or awning signs with individual letters cut out of an opaque sign or awning face. Internally illuminated letters shall be limited to a letter height of 24 inches for the first letter of each word with the remaining letters limited to an 18-inch height maximum. Sign or awning materials must black out all light. Only the text may be translucent. Lighted signs visible from nearby residences shall have low or soft illumination or be shielded in a manner to not adversely affect such residents.~~

~~† H. Portable Signs. Portable signs shall not exceed 12 square feet in sign area six (6) square feet per side and shall not exceed twelve (12) square feet total. Portable signs shall not exceed four (4) feet in height and not more than one such sign plus one portable sandwich board sign may be displayed per business. Portable signs must be located on the premises to which they relate, except real estate signs and those signs allowed under Section 17.80.100(F).~~

~~† I. Abandoned Signs. Abandoned signs shall be removed by the owner or lessee of the premises upon which the sign is located after the business or service advertised is no longer conducted on the premises.~~

J. Color and Material Restrictions. Reflective materials, brilliant luminescent or fluorescent colors shall be permitted for sign graphics and one logo shield per sign face only and may not be used on the background, field, or surface to which graphics or logo shields are applied. Materials which give the appearance of changing color or of movement are prohibited.

K. SR-16 Sign Orientation. Signage shall not be oriented for SR-16 visibility, except as follows:

1. Signage for existing establishments may be oriented to the road or parking lot providing primary access to the customer entrance.

2. Wall signage may be oriented toward designated freeway interchange areas as defined on Exhibit 1, provided all screening or buffering requirements specified in the City's Design Manual or zoning code are in compliance on the subject site, and provided that no more than one sign is visible from the interchange for any one business.

L. Wall Graphics. There are no restrictions on wall graphics except as regulated by the City's Design Manual for color, provided that they do not constitute advertising of a business, product, service or event normally subject to the provisions for painted signs.

#### 17.80.070 Master Sign Plans

~~K. Master Sign Plan. Before a sign permit can be issued for any commercial multi-tenant building, All commercial buildings shall provide a master sign plan for the entire structure or project a master sign plan shall be developed and approved by the City. Individual buildings on a single site may have separate master sign plans.~~

~~A. Required contents of master sign plans. The plan. Master sign plans shall indicate the amount and location of signage allocated to each tenant space. The signage plan must be designed so that~~

it establishes a common theme or design, uses similar construction methods, has compatible colors, lettering, lettering style, symbols, scale and size of signs and/or identical background. In addition, master sign plans shall specify from the following list of sign types which sign types are permitted on each building .

1. Individual pan-channel sign graphics - internally illuminated
2. Individual sign graphics - silhouette lighting
3. Individual cut-out sign graphics - no internal light source (e.g., wood, foam, brass)
4. Cabinet signs
5. Sandblasted or carved wood signs
6. Flat wood signs with hand-painted or vinyl graphics.
7. Neon signs
8. Awning signs
9. Fabric signs (e.g., banners)
10. Combination signs - signs which incorporate multiple sign types into one single sign in a specified or pre-determined fashion.(e.g., individual pan-channel sign graphics combined with internally illuminated logo shields or reader lines; cabinet signs with neon mounted to the sign face; wood carved signs combined with metal cut-out sign graphics).
11. Other - The Director may approve other sign types which have specific and unique design characteristics which are visually distinct from other sign types described herein (e.g., mosaic signs, concrete formed signs, etc.).

B. Design limitations. No more than one sign type may be used on any one building, except that up to two sign types plus one combination sign (as described in the above list) are permitted on a single building provided that no more than one sign type is used on any single wall plane, and provided that the separate sign types used on one building have at least two of the following design elements in common with each other:

- a. Common colors on the background or text
- b. Common lettering style.
- c. Common size (e.g., a specified height common to each sign).
- d. Common materials

C. Sign structure color requirements. Regardless of whether one or three sign types are specified, all sign cabinets, trim caps, returns and all sign supports such as poles and braces, shall be of a common color.

D. Approval process. Sign plans shall be approved through the site plan review process except that existing buildings may have sign plans approved administratively by the Director. Owners, or owner's designees, of all existing multi-tenant projects or buildings shall submit a master sign plan prior to issuance of any new sign permits for said buildings. The Director may approve a master sign plan prepared by an owner or owner's designee.

E. Amendment procedures. Master sign plans shall be amended no more than once every five years, except that a plan may be amended more frequently if all signs approved under an existing master sign plan are in conformance, or are brought into conformance, with the provisions of the amended sign plan.

~~L. Color Restrictions. "Day-glo", fluorescent, or reflective colored materials that give the appearance of changing color or brilliant luminescent colors shall not be permitted. Additional color restrictions are defined for Area 3. Reflective materials, brilliant luminescent or fluorescent colors shall be permitted for sign graphics only. Materials which give the appearance of changing color or of movement are prohibited.~~

~~M. Sign Orientation. Signage shall not be oriented for distant viewing. At least 70 percent of the allowed signage for a building shall be oriented to the road or main parking lot the project has direct driveway access to. The remaining signage may be oriented to the building side or rear, provided that the building has road frontage along that side or rear and provided that the signage is not oriented to the freeway or freeway interchange areas. (Ord. 691 § 1, 1995).~~

#### 17.80.080 Sign Districts

Two sign districts are created as defined under Section 17.80.030(9). The requirements of this chapter shall be applied to signs in both districts except for the special requirements to be imposed on signs located in each of the two districts.

#### ~~17.80.033~~ 17.80.090 Sign standards for Areas 1 and 2 Area 1.

In addition to other applicable requirements of this chapter, signs located in Areas 1 and 2 Area 1 shall conform to the following:

##### A. Freestanding Signs.

1. Height Measurement. Freestanding signs shall be measured from the highest point of the sign to the finished grade at the base of the sign support. Finished grade shall be the final grade approved through the site plan review process and shall not be increased for purposes of increasing overall sign height.

2. Height Standards. Freestanding ground signs shall not exceed eight feet in height.

3. Clearance Standards. Freestanding signs which abut the edge of a sidewalk shall have a maximum clearance of ~~27~~ twenty-seven (27) inches.

4. Maximum Sign Area. Fifty (50) square feet for a single side or ~~100~~ one-hundred (100) square feet total both sides, or one square foot of sign area for every three (3) feet of frontage the sign is located on, whichever is less.

5. Location. Freestanding signs may not be located on public property. The placement of freestanding signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

6. Density. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than ~~1,000~~ one-thousand (1,000) feet of continuous street frontage and with more than one (1) entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC ~~17.80.033(A)(4)~~ 17.80.090(A)(4). Where there is frontage on more than one street, each frontage is treated independently.

7. Landscaping. Freestanding signs must be landscaped around the base of the sign.

a. Each sign shall have a landscaped area twice the size of the sign area. The landscaping and sign base shall be protected from vehicles by a six-inch high curb (or equivalent)



at least three (3) feet from the sign base.

b. Landscaping shall be installed in the planting season closest to the date of the sign permit issuance. Signs installed after the planting season shall be landscaped by no later than the following planting season.

c. These requirements may be waived by the administrator if the sign is located in an area that is part of an approved overall site landscape plan.

#### B. Wall Mounted Signs.

1. Total Area. Painted or attached signs on any wall shall not exceed the following ratios: ~~Area 1 Two square feet of sign area to one lineal foot of commercial building front or 50 square feet of sign area, whichever is greater, is allowed each business provided that signage does not exceed 10 percent of the wall plane it is mounted to.~~

~~Area 2 One and one-half square feet of sign area to one lineal foot of commercial building front, provided that signage does not exceed 10 percent of the wall plane it is mounted to.~~

3 percent (3%) of the wall plane the sign is mounted to, except that signage covering up to ten percent (10%) of a wall plane is allowed if the wall plane conforms to all solid/void ratio requirements specified in the City's Design Manual, and if all on-premise yards on the side of the building the sign faces conform to all landscaping provisions of the City's Design Manual and of Chapter 17.78. In no case may a single sign exceed one-hundred (100) square feet.

2. Architectural Details. Signs may not cover or obscure important architectural details of a building such as stair railings, turnings, windows, doors, decorative louvers, or similar elements intended to be decorative features of a building design. Signs must appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural signs bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. Signs hanging between pillars and archways may also be an effective design solution. However, to avoid a "maxed out" appearance, signs shall be no larger than ~~70~~ seventy percent (70%) of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window which is ~~30~~ thirty (30) inches wide may have a sign which is ~~24~~ twenty-one (21) inches wide.

3. Height Restriction. Wall signs shall not project above roof lines or fascia boards.

#### C. Window Signs.

1. Allowed Size. Illuminated Window Signs. ~~Where a window sign is utilized in place of a wall sign, the area standards contained in GHMC 17.80.033(B)(1) shall apply.~~ Illuminated window signs shall conform to the total wall sign area standards in 17.80.090(B) and shall conform with all master sign plan requirements in 17.80.070.

2. Non-illuminated Window Signs. Non-illuminated window signs are allowed in addition to the standards in 17.80.090(B), provided that they do not exceed fifty percent (50%) of the nominal window size (i.e., the window size as specified by the manufacturer). Additionally, non-illuminated window signs are not required to conform to the design standards of master sign plans.

~~2. Extra Sign Allowed. In addition to the area requirements of GHMC 17.80.033(B)(1), businesses are allowed one painted window sign identifying the business. The maximum area of these signs is six square feet.~~

~~3. Second Story Signs. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area of one square foot of sign area for each lineal foot of window frontage.~~

~~D. Projecting Signs.~~

~~1. Surface Area. Projecting signs are limited to ~~32~~ thirty-two (32) square feet total both sides. Projecting sign area shall be deducted from the allowable wall signage determined under GHMC ~~17.80.033(B)(1)~~ 17.80.090(B)(1).~~

~~2. Clearance Requirements. All projecting signs must be at least eight (8) feet above sidewalks and walkways and ~~15~~ fifteen (15) feet above vehicular ways.~~

~~3. Maximum Projection. Projecting signs shall have a maximum width of three (3) feet with a maximum clearance of six (6) inches from the building wall.~~

~~4. Design Restriction. Projecting signs may not be cabinet-type signs and may not be internally illuminated.~~

~~E. Sidewalk/Sandwich Board. One sidewalk or sandwich board sign per business building entrance (not to exceed one sign per business) may be permitted subject to the following:~~

~~1. Location. If allowed in public right-of-way such as a sidewalk, sandwich board signs shall be located next to the sidewalk curb edge in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, car or pedestrian traffic, as approved by the public works director. No sign may be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises.~~

~~2. Hours of Display. Signs shall be located directly in front of the sponsoring business, within 12 feet of the building entrance and during business hours only.~~

~~3. Owner Liability. Owners of such signs shall assume liability for damage resulting from their use and shall provide the city with an appropriate legal document holding the city harmless for such resulting loss.~~

~~4. Allowed Size. Maximum allowable sign area shall be 12 square feet total both sides. Such signs shall have a maximum height of three feet and width of two feet located in front of the business.~~

~~5. Signs in Public Right-of-Way. In order to place a sandwich board or portable sign in the public right-of-way, the sign owner must comply with the requirements of this chapter as well as the requirements of Chapter 12.02 GHMC, Right-of-Way Permits.~~

~~F. Wall Graphics. There are no restrictions on wall graphics provided that they do not constitute advertising of a business or product normally subject to the provisions for painted signs. (Ord. 691 § 1, 1995).~~

17.80.035 17.80.100 Sign standards for Area 3.2.

The following sign standards shall apply:

A. Illumination. When illumination is desired in Area 3.2, the city encourages use of external light sources subject to the provisions of GHMC ~~17.80.031(H)~~ 17.80.060(G)(1). Internally illuminated signs are permitted. Internal illumination is permitted on all signs except neighborhood identification signs, subject to the provisions of GHMC ~~17.80.031(H)~~ 17.80.060(G)(2). , except that illuminated text must be a light color contrasted against a dark background. Internally illuminated sign graphics are limited to white or ivory colors if the proposed sign is visible from residential property within 200 feet of the parcel the sign is located on;

## B. Freestanding Signs.

1. Height Measurement. Freestanding signs shall be measured from the highest point of the sign to the finished grade at the base of the sign support. Finished grade shall be the final grade approved through the site plan review process and shall not be increased for purposes of increasing overall sign height.

2. Height Standards. Freestanding ground signs shall not exceed six (6) feet in height.

3. Clearance Standards. Freestanding signs which abut the edge of a sidewalk shall have a maximum clearance of ~~27~~ twenty-seven (27) inches.

4. Maximum Sign Area. Twenty-four (24) square feet for a single side or ~~48~~ forty-eight (48) square feet for both sides. If a carved or sandblasted wooden sign is used, freestanding signs may be ~~30~~ thirty (30) square feet for a single side or ~~60~~ sixty (60) square feet total both sides.

5. Location. Freestanding signs may not be located on public property. The placement of freestanding signs shall be in such a fashion and location as to not obstruct the view of signs of adjacent property owners.

~~6. Density. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than 1,000 feet of continuous street frontage and with more than one entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC 17.80.035(B)(4). Where there is frontage on more than one street, each frontage is treated independently.~~

6. Density. Freestanding signs shall be limited to the following number and locations::

a. Commercial. One freestanding sign shall be permitted on each street frontage of property on which the business is located. Sites on a corner of two public streets may have one sign on the corner instead of a sign for each frontage, subject to approval by the public works director. Commercial properties with more than one-thousand (1,000) feet of continuous street frontage and with more than one entrance may install a freestanding sign at each entrance, provided that no single sign exceeds the maximum sign area described under GHMC 17.80.100(B)(4). Where there is frontage on more than one street, each frontage is treated independently.

b. Residential. One freestanding neighborhood identification sign is permitted at each entrance to a residential neighborhood.

7. Landscaping. Freestanding signs must be landscaped around the base of the sign.

a. Each sign shall have a landscaped area twice the size of the sign area. If a carved or sandblasted wooden sign is used, landscaping may be reduced by ~~50~~ fifty percent (50%) for all grade level landscaping, or by ~~75~~ seventy-five percent (75%) if landscaping is contained in a raised planter around the base of the sign. Raised planters must be at least ~~18~~ eighteen (18) inches high. Planter and organic materials shall be installed within ~~30~~ thirty (30) days of sign installation. The landscaping, sign base or planter shall be protected from vehicles by a six inch high curb stop or sidewalk edge at least three feet from the planter base.

b. Landscaping shall be installed in the planting season closest to the date of the sign permit issuance. Signs installed after the planting season shall be landscaped by no later than the following planting season.

c. These requirements may be waived if the sign is located in an area that is part of

an approved overall site landscape plan.

### C. Wall Mounted Signs.

1. Total Sign Area. ~~Painted or attached wall signs must meet each of the following size criteria:~~

~~a. Allowed Signage per Facade. The combined area of wall signs on a given facade shall not exceed one square foot of sign for every lineal foot of commercial wall upon which it is mounted.~~

a. Allowed Signage per Wall Plane. Total allowed signage in Area 2 shall not exceed three percent (3%) of the wall plane the sign is mounted to, except that signage covering up to eight percent (8%) of a wall plane is allowed if the wall plane conforms to all solid/void ratio requirements specified in the City's Design Manual, and if all on-premise yards on the side of the building the sign faces conform to all landscaping provisions of the City's Design Manual and of Chapter 17.78.

b. Individual Sign Size. No single wall sign shall exceed 50 fifty (50) square feet.

~~c. Allowed Signage per Wall Plane. Wall signage may not exceed 10 percent of the wall plane or surface it is mounted to (see definition of wall plane).~~

~~d. c. Increased Size Option. If a carved or sandblasted wooden sign is used, the sign size may be increased by 20 twenty percent (20%) of its underlying allowable sign area.~~

~~e. d. Size Restriction. Wall signs must meet the 70 seventy percent (70%) space coverage allowances described under the surface coverage requirements in GHMC 17.80.035(C)(2) 17.80.100(C)(2).~~

2. Architectural Details. Signs may not cover or obscure important architectural details of a building; they should appear to be a secondary and complementary feature of the building facade. Wall signs must be located within architectural signs bands or other blank spaces which visually frame the sign. Blank wall sections above or between windows and doors, for example, may provide an effective location for signage. However, to avoid a "maxed out" appearance, signs shall be no larger than 70 seventy percent (70%) of the width or height of the blank wall space or fascia the sign is mounted to so as to leave reveal on all sides of the sign and to maintain an appropriate balance between the sign and wall. For example, a pillar between a door and window which is 30 thirty (30) inches wide may have a sign which is 21 twenty-one (21) inches wide.

3. Height Restriction. Wall signs shall not project above roof lines or fascia boards.

### D. Window Signs.

1. Allowed Size. Illuminated Window Signs. ~~Where a window sign is utilized in place of a wall sign, the area standards contained in GHMC 17.80.035(C)(1) shall apply.~~ Illuminated window signs shall conform to the total wall sign area standards in 17.80.100(C)(1) and shall conform with all master sign plan requirements in 17.80.070.

2. Non-illuminated Window Signs. Non-illuminated window signs are allowed in addition to the standards in 17.80.100(C)(1), provided that they do not exceed 50 percent (50%) of the nominal window size (i.e., the window size as specified by the manufacturer). Additionally, non-illuminated window signs are not required to conform to the design standards of master sign plans.

~~2. Extra Sign Allowed. In addition to the area requirements of GHMC 17.80.035(C)(1), businesses are allowed one painted window sign identifying the business. The maximum area of these signs is six square feet.~~

~~3. Second Story Signs. Window signs above the first floor are not included in the maximum sign area of a site, and are allowed to businesses located above the first floor with a maximum area~~

of one square foot of sign area for each lineal foot of window frontage.

E. Projecting Signs.

1. Surface Area. Projecting signs in Area 3 2 are limited to 32 thirty-two (32) square feet total for both sides. Projecting sign area shall be deducted from the allowable wall signage determined under GHMC 17.80.035(C)(1) and (D)(1) respectively 17.80.100(C)(1).

2. Clearance Requirements. All projecting signs must be at least eight (8) feet above sidewalks and walkways and 15 fifteen (15) feet above vehicular ways.

3. Maximum Projection. Projecting signs shall have a maximum width of three feet with a maximum clearance of six inches from the building wall.

4. Design Restriction. Projecting signs may not be cabinet-type signs and may not be internally illuminated.

F. Sidewalk/Sandwich Board, Portable Sign. One (1) portable sidewalk or sandwich board sign per customer building entrance (not to exceed one sign per tenant thirty (30) feet of building frontage) shall may be permitted subject to the following:

1. Location. Signs shall be located on the premises or directly in front of the sponsoring business at a point on the sidewalk right-of-way which is closest to the building entrance. Signs shall be located in such a manner so as not to interfere with the opening of car doors, bus stops, loading zones, car or pedestrian traffic. No sign shall be located so as to create a traffic safety hazard by interfering with the vision of drivers entering or leaving the premises. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

2. Hours of Display. Signs may be displayed during business hours only.

3. Owner Liability. Owners of such signs shall assume liability for damage resulting from their use and shall provide the city with an appropriate legal document holding the city harmless for such resulting loss.

4. Allowed Size Height. Maximum allowable sign area shall be 12 square feet total both sides; height of portable sidewalk signs shall be three (3) feet. All other size requirements of portable signs described in Section 17.80.060(H) shall apply.

5 4. Signs in Public Right-of-Way. Right-of-Way Permit. In order to place a sandwich board or portable sign in the public right-of-way, the sign owner must comply with the requirements of this chapter as well as the requirements of Chapter 12.02 GHMC, Right-of-Way permits.

G. Wall Graphics. There are no restrictions on wall graphics provided that they do not constitute advertising of a business or product normally subject to the provisions for painted signs. (Ord. 691 §1, 1995).

~~17.80.040~~ 17.80.110 Temporary signs.

Except for business signs described under subsection A of this section and balloon signs described under subsection F of this section, no permit is required for temporary signs. Temporary signs are not allowed to continually advertise goods, services, political messages or events on a site; permanent signs shall be used for that purpose. Temporary signs located within public right-of-way shall be subject to the requirements of Chapter 12.02 GHMC.

A. Exterior Business Signs. Such signs include grand opening signs, sale signs, promotional signs,

quitting business signs, and other nonpermanent exterior signs used by businesses. Exterior business signs shall be limited to ~~20~~ twenty (20) square feet in size. No more than one (1) exterior business sign may be displayed at any one time for any one business or tenant. Exterior business signs may be displayed for no more than ~~60~~ sixty (60) cumulative days per calendar year. A permit is required for each exterior business sign.

~~B. Poster Signs. Notwithstanding the business sign restrictions in subsection A, each business may continually display temporary poster-type signs. Poster signs are allowed on the inside of windows only.~~

CB. Real Estate (On-Premises and Off-Premises Signs).

1. Residential "For Sale", "For Rent" and "Sold" Signs. Such signs shall be limited to one sign per street frontage not to exceed six (6) square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six (6) feet. One off-premises "For Sale" or "For Rent" sign no larger than two (2) square feet and no further from the subject house than the nearest arterial street intersection is permitted. No more than one (1) "For Sale" or "For Rent" sign may be used at any street intersection for any one developer, broker, seller or owner. No off-premises "Sold" signs are allowed. All real estate signs shall be removed within five (5) days of the final sale or rental.

If a development or subdivision with more than eight (8) parcels or units has more than ~~50~~ 25 percent (25%) of the parcels or units for sale at any one time by a single or joint developer, agent, or seller, signage shall be limited to one (1) project identification sign, no larger than ~~32~~ thirty-two (32) square feet, at the subdivision or project entrance with a map showing available lots or units by number. Each lot or unit may have a corresponding number sign not exceeding one (1) square foot.

2. Residential Directional "Open House" Signs. Such signs shall be limited to one (1) sign per street frontage on the premises for sale ~~and which is no further from the open house than the nearest arterial street intersection.~~ No and no more than one (1) open house sign may be used at any street intersection for any one developer, broker or seller. Such "Open House" signs are permitted only during daylight hours and when the broker/agent or seller is in attendance at the property for sale. No such sign shall exceed ~~five~~ six (6) square feet in sign area per side. The sign may be placed along the periphery of a public right-of-way, provided it does not interfere with traffic safety, but it may not be attached to a utility pole or traffic safety device.

3. Undeveloped Commercial and Industrial Property "For Sale or Rent" Signs. One sign per street frontage advertising undeveloped commercial property for sale or for rent is permitted while the property is actually for rent or sale. The sign shall not exceed ~~32~~ thirty-two (32) square feet in sign area per side and six (6) feet in height.

4. Developed Commercial and Industrial Property "For Sale or Rent" Signs. Such signs shall be limited to one (1) sign per street frontage not to exceed sixteen (16) square feet in sign area per side, placed wholly on the property for sale, and not to exceed a height of six (6) feet.

DC. Construction Signs. Sign copy shall be limited to information about a building under construction or being remodeled. Maximum duration shall be until construction is completed or one year, whichever is shorter. Maximum area shall be ~~32~~ thirty-two (32) square feet.

ED. Campaign/Political Signs. Campaign/political signs may be posted on private property or on the planting strip between the sidewalk and the street, ~~which when such planting strip is immediately~~

adjacent to the sign owner's property, provided that it does not present a safety hazard to pedestrian or vehicular traffic. ~~These signs may be posted for a period not to exceed 90 days.~~ If related to an event or election, such signs shall be removed within seven days after the event or election. It shall be the responsibility of the property owner, tenant or candidate to remove such signs as required by this section. Maximum sign area shall be ~~±~~ twelve (12) square feet. Maximum height shall be ~~three~~ six (6) feet.

~~FE. Seasonal Decoration Signs and Signs Advertising a Public Event.~~ Maximum duration shall be from one month before the event to five days after the event. Because public events are allowed on a limited time basis and on sites not normally associated with the event, public event signs may be located off-premise within the City right-of-way, subject to the provisions of Chapter 12.02 GHMC, Right-of-way permits, or within the windows of buildings, subject to the building owner's approval and all other window sign requirements. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter's expense. (Ord. 691 § 1, 1995; Ord. 558 § 3, 1989; Ord. 532 § 5, 1988).

F. Balloon signs. Such signs include display of six (6) or more balloons, either individually or as festoons, connected to one or more fixed objects or vehicles. Balloon sizes shall not exceed eighteen (18) inches in any dimension. Balloon signs may be displayed for no more than sixty (60) cumulative days per calendar year. A permit is required for each balloon sign display.

G. Temporary window signs conforming to Section 17.80.020(E).

~~17.80.050~~ 17.80.120 Prohibited signs.

The following signs are prohibited:

A. Signs which by coloring, shape, wording or location resemble or conflict with traffic-control signs or devices;

B. Signs which the director of public works determines to be a safety hazard for pedestrian or vehicular traffic. Such signs may be removed if they already exist;

C. Flashing signs or lights;

D. Signs or parts of signs which revolve or otherwise have mechanical or motorized motion;

E. Portable signs exceeding six square feet each side;

F. Signs attached to or placed on a vehicle or trailer parked on public or private property; provided, however, this provision shall not be construed as prohibiting the identification of a firm or its products on a vehicle operating during the normal course of business. Franchised buses and taxis are exempt from this provision;

G. Off-premises signs, except as specifically allowed in this chapter;

H. Any sign affixed to or painted on trees, rocks or other natural features or utility poles;

I. Roof signs;

~~J. All readerboard signs, including portable readerboard signs except such signs used for theaters or public schools;~~

~~K. Signs that display the symbol, slogan or trademark of national brands of soft drinks or other products that do not form the bulk of the business transacted on the premises;~~

~~E~~ J. Signs not meeting the requirements of this section. (Ord. 691 § 1, 1995; Ord. 558 § 4, 1989; Ord. 532 § 7, 1988. Formerly 17.80.060.).

~~17.80.060 — Administration and enforcement.~~

~~The code administrator shall be responsible for enforcing the provisions of this code.~~

~~A. Removal of Signs. The code administrator or the public works director may order the removal of any sign erected, installed or maintained in violation of this chapter. Where there is no immediate threat to public safety or welfare, written notice shall be first given to the sign owner, the sign permittee or the owner of the property where the sign is placed, pursuant to Chapter 15.18 GHMC. Any sign located in the city's right-of-way which violates this chapter or Chapter 12.02 GHMC shall be subject to immediate removal by the city. Temporary or sandwich board signs removed by the city may be reclaimed by the owner after paying the city's administrative costs associated with storage. Signs not reclaimed after five working days shall be deemed refuse and may be discarded by the city.~~

~~B. Cumulative Civil Penalty. In addition to any other remedy available to the city, a person violating or failing to comply with any of the provisions of this chapter shall be subject to the procedures for violation, hearing and penalties as set forth in Chapter 15.18 GHMC.~~

~~C. Nonconforming Signs:~~

~~1. Nonconforming sign(s) shall be required to be brought into compliance with this chapter upon the earlier occurrence of any of the following events:~~

~~a. Abandonment of the sign or premises;~~

~~b. Destruction of the sign beyond 50 percent of its value;~~

~~c. A change in the use of the property where the sign(s) is located requiring additional permits or approvals from the city; or~~

~~d. On June 1, 2002; provided that such time limitation may be extended for periods not to exceed two years at a time by the administrator upon the granting of a hardship variance as set forth in subsection (C)(2) of this section.~~

~~2. Hardship variances may be granted by the administrator to extend the time period for compliance with subsection (C)(1)(d) of this section, if the administrator finds that all of the following are true:~~

~~a. Strict compliance with the provisions of subsection (C)(1)(d) of this section may impose an undue hardship upon the sign owner. This showing of "undue hardship" may be met, for example, by the sign owner's demonstration that the sign has not fully depreciated for federal income tax purposes. A sign owner's expenditures toward improvement or repair of any nonconforming sign shall not be considered by the administrator in the showing of hardship.~~

~~b. Granting of the variance from the provisions of this chapter will not:~~

~~i. Depreciate or damage neighboring property;~~

~~ii. Create a safety hazard; or~~

~~iii. Be contrary to the purposes of this chapter.~~

~~e. The nonconforming sign has been and will be properly maintained. (Ord. 691 § 1, 1995; Ord. 585 § 1, 1990; Ord. 532 § 8, 1988. Formerly 17.80.070.)~~

17.80.130 Nonconforming signs.

A. A sign is legally nonconforming if it is out of conformance with this code, and:

1. The sign was lawfully erected in compliance with the applicable sign ordinance of the city or county which was effective at the time of sign installation, and a valid permit for such sign exists;

or



2. The sign was erected prior to January 1, 1992.

B. A sign must be brought into compliance with the requirements of this code unless it conforms to Section 17.80.130(A).

C. Changes to the sign face and sign graphics may be made to a legally nonconforming sign except that such changes must conform to this code as to colors, sign graphics, materials, and illumination. A permit for such changes must be obtained.

D. A legal nonconforming sign shall be brought into compliance with this ordinance or shall be removed if:

1. The sign is abandoned; or
2. The sign is damaged in excess of fifty percent (50%) of its replacement value, unless said destruction is the result of vandalism or intentional destruction or removal by someone not authorized by the sign owner; or
3. The owner seeks to change the sign structure supporting, holding, or surrounding the sign, other than minor maintenance or repair..
4. The building or property to which the sign applies is undergoing an expansion or renovation which increases the size of the building footprint by twenty percent (20%) or more, unless the sign is brought into conformance under the provisions of Section 17.80.130(E).

E. An owner of a nonconforming sign may, under the provisions of Section 17.80.140, request the Design Review Board (DRB) to approve a design allowance deeming the sign conforming if the DRB makes all findings of fact specified for the following sign types:

1. Signs attached to buildings.

a. The sign is not a dominant feature on a blank wall, but is positioned within architectural features of a building specifically designed and intended for signage, such as parapets, sign bands, or fascias, or is positioned between other architectural features such as doors, windows or projections which provide architectural relief and detailing.

b. The sign is smaller than the architectural space the sign fits within so as to leave wall reveal around all sides of the sign.

c. The sign face conforms to all restrictions on background illumination and sign color.

d. The sign is consistent with the intent and general scope of the sign code and Design Manual standards.

2. Freestanding signs.

a. The sign has design features which reflect design elements of surrounding structures, or the sign is incorporated into a landscaped area with large and mature plantings which provide a backdrop to the sign and which are at least as tall as the sign.

b. The sign has the characteristics of a monument sign rather than a pole sign (e.g., the base of the sign support where it meets the ground is at least as wide as the sign face).

c. The sign is consistent with the intent and general scope of the City's sign code and Design Manual standards.

#### 17.80.140 Design Review Board Approval.

Those sections of this chapter which require a determination by the Design Review Board shall be processed as a design allowance in accordance with GHMC Chapter 17.98.035, and not as a design

variance.

~~17.80.080~~ 17.80.150 Liability.

This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, building, altering, constructing, or removing any sign for damages to anyone injured or damaged either in person or property by any defect or action therein, nor shall the city, or any agent thereof, be held as assuming such liability by reason of permit or inspection authorized herein or a certificate of inspection issued by the city or any of its agents. (Ord. 532 § 9, 1988).

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

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

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Mark E. Hoppen, City Administrator

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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



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

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-4278

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: PLANNING STAFF**  
**SUBJECT: PROPOSED REVISIONS TO CHAPTER 17.98 REDEFINING THE  
DESIGN REVIEW PROCESS - FIRST READING**  
**DATE: JANUARY 7, 1997**

#### **INTRODUCTION/BACKGROUND**

The Planning Commission has prepared a draft amendment of the sign code which includes criteria for Design Review Board (DRB) consideration of specified sections of the sign code. Currently, however, there is no legally defined process for the DRB's review of anything outside the City's Design Manual. The Planning Commission has therefore prepared draft amendments of Chapter 17.98 which redefines the design review process to allow the DRB to consider design criteria specified in the zoning code, which includes the sign code.

#### **STAFF ANALYSIS**

The staff agrees with the amendments as proposed.

#### **STAFF RECOMMENDATION:**

A draft ordinance to adopt the proposed amendments to Chapter 17.98 is attached. This is the first reading of the ordinance and no action will be taken by the City Council at this time. However, the staff will be recommending approval of the proposed changes as defined in the draft ordinance.

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO THE DESIGN REVIEW BOARD PROCESS OF REVIEWING SPECIFIED SECTIONS OF THE ZONING CODE; MAKING REVISIONS TO TITLE 17.98 OF THE GIG HARBOR MUNICIPAL CODE.**

**WHEREAS**, the Planning Commission has proposed amendments to the City's sign code which would allow the City's Design Review Board (DRB) to make decisions on specified sections of the sign code; and

**WHEREAS**, there are currently no defined provisions in GHMC Chapter 17.98 which allow the DRB to review or act on regulations outside the City's Design Manual; and

**WHEREAS**, it is expected that future amendments to the City's zoning code will also include criteria for DRB consideration of specified sections of the zoning code; and

**WHEREAS**, the Planning Commission's recommendation to amend the sign code includes a recommendation to amend Chapter 17.98 to provide a process for DRB consideration of all sections of the zoning code (including the sign code) which provide a criteria for DRB review; and

**WHEREAS**, the Planning Commission held a public hearing on the proposed amendments to Chapter 17.98 on December 4, 1997 to accept public testimony on the proposed amendments.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:**

Section 1. Chapter 17.98 of the Gig Harbor Municipal Code is hereby amended as follows:

Chapter 17.98

DESIGN STANDARDS AND REVIEW\*

Sections:

- 17.98.010 Intent.
- 17.98.020 Design manual.
- 17.98.030 Design Manual Applicability.
- 17.98.035 Design Allowances
- 17.98.040 Design review application requirements.
- 17.98.050 Design review and project approval.
- 17.98.060 Variances.
- 17.98.070 Appeal of director's or DRB's decision.
- 17.98.080 Design Review Decision Chart.

\*Code reviser's note: Section 2 of Ord. 735 provides as follows:

~~Applicability and Review of Historic District Design Section. The Historic District Design section of the design manual shall be mandatory for the entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards contained in the Design Manual. The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.~~

17.98.010 Intent.

This chapter is 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 outdoor projects and development as described herein to determine their compliance with design standards as adopted by the city. The design review process is not intended to determine the appropriateness of a 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. (Ord. 735 § 1, 1996).

17.98.020 Design manual.

The city's design standards are primarily contained in the design manual which is hereby adopted by the city. A copy of the 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. (Ord. 735 § 1, 1996). The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.

17.98.030 Design Manual Applicability.

A. General Applicability. The design manual applies to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element 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. 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 site plan, conditional use, or city council approval. (Ord. 735 § 1, 1996). All outdoor proposals, whether requiring permits or not, must comply with adopted development and design standards. Specific application requirements may be waived by the Planning Director if they are found to be unrelated to the proposed project, or if the application requirements are addressed under a separate and concurrent application.

B. Applicability and Review of Historic District Design Section. The Historic District Design section of the design manual shall apply to all activities described in subsection (A) above in the entire Historic District, except that in the R-1 zone within the Historic District, development

may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards contained in the Design Manual. Exercise of this option by the property owner shall not affect the City's ability to require compliance with all other applicable codes.

#### 17.98.035 Design Allowances

All sections of Title 17 which provide a criteria for DRB decision making shall be considered criteria for design allowances and not design variances. Design allowances shall be processed as a Type II application in accordance with all design review application and review criteria of this chapter.

#### 17.98.040 Design review application requirements.

Application for design review, whether administrative or through the city's design review board (DRB), shall be submitted in such detail as to allow the review of the specific project on the merits of the city's design manual and other applicable city codes. A formal Design Review Application must be submitted for any project requiring City approval or permits, or for any project which will be reviewed by the DRB.

Projects which require design review in one or more of the categories listed under 17.98.040 (A - E) shall be reviewed under one application addressing each category under review, or under a separate application for each individual category. ~~may be reviewed in one complete application or may be reviewed by category.~~ To be considered complete, 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, 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 as identified by the staff. Alternatively, a topographic map 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 (utility plan must be consistent with proposed areas of non-disturbance).

##### 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/or 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, proposed sign colors, materials, design and methods of illumination, 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 and screening materials.

E. Outdoor Lighting and Accessories Review.

1. Light Fixture Details. The type, model, color, location, height, 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. (Ord. 735 § 1, 1996).

17.98.050 Design review and project approval.

Design review shall be processed by the director as a Permit Application Type II (refer to GHMC Title 19), or may be reviewed at a public meeting by the city's design review board (DRB), as follows:

A. Project Review Time. Design review must be completed as defined in GHMC Title 19, except that if an applicant requests DRB review under GHMC 17.98.050(B)(1) below, the DRB review option is requested; the applicant must submit a signed statement waiving rights to be reviewed under the time limits defined in GHMC Title 19. An applicant may also be requested to sign a waiver of GHMC Title 19 time limitations, if the applicant chooses to allow the planning director additional time under Section 17.98.050(B)(2). A waiver of GHMC Title 19 time limitations may also be issued if the applicant chooses to grant the planning director additional time for the director's review.

B. Project Approval. All outdoor proposals must comply with the design manual and zoning code development standards. Outdoor proposals shall be reviewed according to the following review options:

1. Design Review Board (DRB) Approval. Outdoor projects which conform to the general requirements of the design manual (as defined within the design manual) or DRB review criteria for design allowances specified in the zoning code shall be approved by the DRB unless the DRB makes specific findings for denial as defined in GHMC 17.98.030(C) 17.98.050(C). The DRB shall issue a written decision on the proposal within 14 days of full-quorum DRB review, unless the DRB and the applicant agree to continue review of the proposal to the next DRB public meeting.

2. Director Approval. Outdoor proposals which conform to the specific requirements of the zoning code and design manual (as defined within the design manual) shall be approved by the planning director (or designee). The planning director's decision shall be issued in writing.

C. Project Denial. The planning director (or designee) shall deny projects or portions of projects which he/she finds are not in compliance with the specific requirements of the design manual. ~~The applicant may appeal the director's decision to deny a project to the design review board if he or she believes the director interpreted the specific requirements of the design manual incorrectly, or if he or she believes that the project conforms to the general requirements of the design manual.~~ Projects may be denied by the DRB if it finds that the project does not comply with the specific or general requirements of the design manual, or if it finds that the project does not conform to the DRB review criteria in specified sections of the zoning code.

D. Notice of Decision. For projects requiring site plan approval, notice of the staff director or DRB decision on the project design shall be included in the site plan staff report to the hearing examiner.

E. Site Plan Review Design Amendments. Design approval as granted by the planning director or DRB shall not be revisited by the hearing examiner except upon appeal or where specific health/safety considerations as determined by the hearing examiner require changes to a site plan. Changes to project designs resulting from site plan review shall be consistent with the specific or general requirements of the design manual as determined by the hearing examiner. (Ord. 735 § 1, 1996).

#### 17.98.060 Variances.

A. Required Findings. Variances from the requirements of the design manual may be granted by the DRB as a Type II application, except that variances affecting height and setbacks which exceed the limitations established in GHMC 17.66.020(A) must be reviewed by the hearing examiner as per the Type III general variance procedures established in GHMC 17.66.030. Before a design variance can be granted, the design review board shall make findings of fact setting forth and showing that all of the following circumstances exist:

1. Special conditions and circumstances exist which render a specific requirement of the design manual unreasonable, 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 variance 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 variance have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the variance have been sufficiently compensated by other site amenities; and
6. The requested variance will not result in a project which is inconsistent with the intent and general scope of the design manual standards.

B. Notice. Notice of ~~variances affecting increased height or setbacks~~ approved by the DRB under the increased height options described in the Design Manual shall be sent to owners of all contiguous parcels. (Ord. 735 § 1, 1996).



17.98.070 Appeal of director's or DRB's decision.

The planning director's decision may be appealed to the ~~DRB~~ Hearing Examiner if the applicant believes the director interpreted the specific requirements of the design manual incorrectly, ~~or if the applicant believes his or her project conforms to the general requirements of the design manual.~~ The decision of the DRB may be appealed to the hearing examiner by the applicant, parties of record, ~~or contiguous property owners,~~ if the parties of record believe that the DRB interpreted the general requirements of the Design Manual incorrectly. Appeals are subject to the provisions of Chapter 19.06 GHMC. (Ord. 735 § 1, 1996).

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

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

APPROVED:

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

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Mark E. Hoppen, City Administrator

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

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



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL MEMBERS**  
**FROM: WES HILL, P.E., PUBLIC WORKS DIRECTOR**  
**SUBJECT: CONSULTANT SERVICES CONTRACT - TIB GRANTS**  
**DATE: JANUARY 7, 1998**

### **INTRODUCTION/BACKGROUND**

The 1998 Six-Year Transportation Improvement Program identifies seven projects which could potentially be eligible for one of the State Transportation Improvement Board (TIB) funding programs for street and pedestrian facilities improvements.

This will be the last year that the City will be eligible for the Small Cities Account (SCA) program which is available only to agencies with less than 5,000 population. This program offers the most flexibility for street improvement projects in terms of eligibility requirements for small cities. However, there is also considerable competition. Last year, substantial staff time was expended preparing an application for the Kimball Drive project. We were ranked 15 out of 19 applications in the west Sound region, and did not obtain a grant. As stated during the hearing on the Six-Year TIP, grant funding is critical to successful implementation of the improvement program.

Insufficient staff resources are available to perform the necessary review, grant preparation and follow-up for the projects identified as potentially grant eligible under the various TIB programs. The City's Consultant Roster was reviewed, and the firm of Skillings-Connolly, Inc., was tentatively selected as the most qualified to assist this Department's efforts in confirming grant eligibility, and preparing grant applications for the TIB programs. Specifically, Skillings-Connolly, Inc. has retained Mr. John Tevis, P.E., a former TIB staff member, to assist local agencies in their efforts to secure grant assistance for their projects. He is intimately familiar with the various TIB programs (including the new pedestrian facilities program) and staff, eligibility requirements, and elements for successful grant applications.

### **FISCAL CONSIDERATIONS**

Funds are available for this work in the Street Fund.

### **RECOMMENDATION**

I recommend that the Council move and approve execution of the Consultant Services Contract with Skillings-Connolly, Inc. in an amount not to exceed three-thousand one-hundred twenty-six dollars and twenty cents (\$3,126.20).

**CONSULTANT SERVICES CONTRACT  
BETWEEN THE CITY OF GIG HARBOR AND  
SKILLINGS-CONNOLLY, INC.**

THIS AGREEMENT is made by and between the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and Skillings-Connolly, Inc. organized under the laws of the State of Washington, located and doing business at 5016 Lacey Boulevard S.E., Lacey, Washington (hereinafter the "Consultant").

**RECITALS**

WHEREAS, the City is presently engaged in seeking funding for future road projects 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 December 16, 1997, including any addenda thereto as of the effective date of this agreement, all of which are attached hereto as Exhibit A and incorporated herein by this reference as if fully set forth.

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

**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 \$3,126.20 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 billing rates shall be as described in Exhibit A.

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 is to be completed within 60 calendar days of the execution of this Agreement; provided however, that additional time shall be granted by the City for excusable delays or extra work.

### V. Termination

A. Termination of Agreement. The City may terminate this Agreement at any time prior to completion of the work described in Exhibit A. 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. Such notice may be delivered to the Consultant in person or by certified mail.

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 hereinafter. After termination, the City may take possession of all records and data with 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, and the Consultant shall be liable to the City for any additional costs incurred by it in the completion of the Scope of Work 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 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 claim for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, employees, sub-consultants or sub-contractors.

B. Before beginning work on the project described in this Agreement, the Consultant shall provide a Certificate of Insurance evidencing:

1. Automobile Liability insurance with limits no less than \$1,000,000 combined single limit per accident for bodily injury and property damage; and

2. Commercial General Liability insurance written on an occurrence basis with limits no less than \$1,000,000 combined single limit per occurrence and \$2,000,000 aggregate for personal injury, bodily injury and property damage. Coverage shall include but not be limited to: blanket contractual; products/completed operations/broad form property damage; explosion, collapse and underground (XCU) if applicable; and employer's liability; and

3. Professional Liability insurance with limits no less than \$1,000,000 limit per occurrence.

C. Any payment of deductible or self insured retention shall be the sole responsibility of the Consultant. The City shall be named as an additional insured on the Commercial General Liability insurance policy, as respects work performed by or on behalf of the Consultant and a copy of the endorsement naming the City as additional insured shall be attached to the Certificate of Insurance. The City reserves the right to receive a certified copy of all the required insurance policies.

D. The Consultant's Commercial General Liability insurance shall contain a clause stating that coverage shall apply separately to each insured against whom claim is made or suit is brought, except with respects to the limits of the insurer's liability. The Consultant's insurance shall be primary insurance as respects the City. The City shall be given thirty (30) days prior written notice by certified mail, return receipt requested, of any cancellation, suspension or material change in 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 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 Public Works Director and the City shall determine the term or provision's true intent or meaning. The City Public Works Director 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 Public Works Director'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 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. 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 in this Agreement or such other address as may be hereafter specified in writing.

## **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.

## **XIII. 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 \_\_\_\_\_, 19 .

SKILLINGS-CONNOLLY, INC.

THE CITY OF Gig Harbor

By:   
Principal

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

Notices to be sent to:

SKILLINGS-CONNOLLY, INC.  
CONSULTANT

P.O. Box 5080  
Lacey, WA 98503

Mr. Wes Hill  
Director of Public Works  
The City of Gig Harbor  
3105 Judson Street  
Gig Harbor, Washington 98335

APPROVED AS TO FORM:

\_\_\_\_\_  
Gig Harbor City Attorney

ATTEST:

\_\_\_\_\_  
Gig Harbor City Clerk

**EXHIBIT A**  
**SCOPE OF WORK**  
**CITY OF GIG HARBOR**

**DESCRIPTION OF PROJECT:**

Phase 1 - Review the following proposed street projects. Determine the funding source they will be the most competitive. Evaluate them using the Transportation Improvement Board's rating system to determine a possible competitive score.

Project Listing:            Kimball Drive -Pioneer Way to Hunt Street  
                                  Harbor View Drive - Soundview Dr. to End (Ped.)  
                                  Pt. Fosdick Dr.- End of current improvement to 44th St.  
                                  38th Street - 56th St. to Goodman Middle School (Ped.) - 2 segments  
                                  East-West Road - SR. 16 to Peacock Hill Ave.  
                                  Rosedale Street - Skansie Ave. to W. City limits  
                                  Prentice Street - Burnham Dr. to Fennimore St. (Ped.)

Phase 2 - Review ratings with City and recommending which projects would be competitive.  
 Prepare applications for those projects the City desires to submit for consideration.  
 Phase 3 - Project support.

The work will be completed as needed to allow the City to meet funding agencies deadlines.

**CONSULTANT FEE DETERMINATION**  
**(NEGOTIATED HOURLY RATE)**

**PROJECT:** City of Gig Harbor  
 Phase 1 - Review and evaluation of possible street improvement projects.  
 Phase 2 - Prepare funding applications for competitive projects.

<b>DISCIPLINE OR JOB TITLE</b>	<b>HOURLY RATE</b>	<b>OVERHEAD @ 155%</b>	<b>PROFIT @ 15%</b>	<b>RATE PER HOUR</b>
Project Manager	\$25.96	\$40.24	\$9.93	\$76.13
Estimated Hours:	Phase 1 -	10 hours		
	Phase 2 -	20 hours		
	Phase 3 -	10 hours		
	Total	40 hours X \$76.13		\$3,042.20

**REIMBURSABLE:**

Mileage - 240 mi @ \$0.35/mi \$ 84.00

**GRAND TOTAL** **\$3,126.20**

**PREPARED BY:**    John M. Tevis, PE

**DATE:** 12/30/97





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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: 1998 RENEWAL - PIERCE COUNTY EMS**  
**DATE: DECEMBER 30, 1997**

*MH*

#### **INFORMATION/BACKGROUND**

In 1996, the city agreed to pay Pierce County \$.60 per capita for emergency services under Chapter 38.52 RCW. This arrangement satisfies the city's statutorily recommended obligation for emergency management services within the jurisdiction. The county's ability to make claim for additional compensation, subsequent to an emergency, exists regardless of this renewal.

#### **FISCAL CONSIDERATIONS**

Pierce County emergency management staff members have stated that they will be using the state population figures from January, 1998 (Gig Harbor population 6413). Consequently, the cost per capita to the city in 1998 will be \$3849.

#### **RECOMMENDATION**

Staff recommends approval of the renewal memorandum, making the renewal retroactive to January 1, adding language to the agreement that the population referenced will be the OFM figure from January, 1998, at a population count of 6413.

**MEMORANDUM OF RENEWAL**

The "Agreement for Emergency Management" signed in 1996 by Pierce County and the City of Gig Harbor is hereby renewed effective 1 January, 1998, and terminating at midnight on the 31st day of December, 1998.

The agreement is renewed in its entirety with the exception of Paragraph 5 which is amended to read as follows:

5. Compensation. City shall pay County upon execution of this agreement the sum of \$.60 per capita per year for all services rendered under the terms of this agreement, using population figures from the "Population Trends for Washington State" publication of the State Office of Financial Management. Pierce County shall perform all services required by its Emergency Management Plan and/or Chapter 38.52 RCW and Attachment "A" 1998 Emergency Management Work Plan. Nothing herein shall prevent County from making a claim for additional compensation in the event of an actual emergency or disaster as authorized by Chapter 38.52 RCW.

**IN WITNESS WHEREOF**, the parties hereto have caused this contract to be duly executed, such parties acting by their representatives being thereunto duly authorized. Dated this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

**PIERCE COUNTY**

**CITY OF GIG HARBOR**

By \_\_\_\_\_ Date \_\_\_\_\_  
Steven C. Bailey  
Director of Emergency Management

By \_\_\_\_\_ Date \_\_\_\_\_  
Gretchen A. Wilbert  
City of Gig Harbor Mayor

By \_\_\_\_\_ Date \_\_\_\_\_  
Prosecuting Attorney (as to form only)

Attest:

By \_\_\_\_\_ Date \_\_\_\_\_  
Patrick Kenney  
Executive Director of Administration

By \_\_\_\_\_ Date \_\_\_\_\_  
Mark E. Hoppen  
City Administrator

By \_\_\_\_\_ Date \_\_\_\_\_  
Charles Robbins  
Executive Director of Public Safety

Approved As To Form

By \_\_\_\_\_ Date \_\_\_\_\_  
Doug Sutherland  
Pierce County Executive  
(\$50,000 or more)

By \_\_\_\_\_ Date \_\_\_\_\_  
Carol Morris  
City Attorney

ATTACHMENT "A"

City of Gig Harbor

1998 Emergency Management Work Plan

1. Full participation in the "Earthquake 98" three County full scale disaster exercise scheduled for September 1998.
2. Provide two public education presentations on emergency preparedness issues.
3. Review and provide assessment of Regional Basic Emergency Management Plan and the Emergency Support Functions (ESF).
4. Provide training for City's EOC Staff as appropriate.
5. Provide full 24 hour a day Duty Officer coverage for Emergency Management issues.
6. Activate the County Emergency Operations Center in support of an EOC activation or the declaration of an emergency in either City, or in support of any emergency incident that requires multi-agency response coordination.







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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MHA*  
**SUBJECT: FIRST READING OF ORDINANCE - DISCLOSURE OF FINANCING  
DURING ELECTIONS**  
**DATE: JANUARY 7, 1998**

#### **INFORMATION/BACKGROUND**

Municipalities with fewer than 5000 registered voters have the option to require disclosure of campaign financing consistent with state law. Legal Counsel has crafted the attached ordinance to require campaign finance disclosure for elections for local office within the City of Gig Harbor. The ordinance is consistent with Washington state law and the requirements of the Washington state Public Disclosure Commission.

#### **POLICY CONSIDERATIONS**

The Public Disclosure Commission requires notice of the adoption of disclosure statutes through an ordinance, a resolution or other official action from a city with fewer than 5000 registered voters in order to apply campaign finance disclosure requirements to the jurisdiction.

#### **FISCAL CONSIDERATIONS**

None.

#### **RECOMMENDATION**

Staff recommends approval of the ordinance at the second reading.

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE DISCLOSURE OF FINANCING FOR ELECTION CAMPAIGNS, REQUIRING THAT CANDIDATES FOR CITY OFFICE COMPLY WITH CERTAIN STATUTORY FILING, REPORTING AND DISCLOSURE PROVISIONS FOR THE FINANCING OF ELECTION CAMPAIGNS; ADOPTING SECTIONS 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.067, 42.17.070, 42.17.080, 42.17.090, 42.17.095, 42.17.100, 42.17.105, 42.17.110, 42.17.120, 42.17.125, 42.17.128, 42.17.130 AND 42.17.135 RCW BY REFERENCE; AND ADDING NEW SECTIONS 2.12.100 AND 2.12.105 TO THE GIG HARBOR MUNICIPAL CODE.**

---

WHEREAS, the City Council wishes to make candidates and political committees accountable to the citizens; and

WHEREAS, certain statutory provisions in chapter 42.17 RCW make candidates and political committees accountable through campaign finance disclosure; and

WHEREAS, these statutory provisions do not currently apply to candidates or political committees in the City of Gig Harbor because the City contains fewer than 5000 registered voters as of the date of the most recent election; and

WHEREAS, pursuant to RCW Section 42.17.405, the City Council may adopt the statutes by reference through an ordinance, resolution or other official action; NOW, THEREFORE,

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

Section 1. A new Section 2.12.100 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**2.12.100 Campaign Financing -- Obligation of Political Candidates and Committees to Comply with Requirements of**

**GHMC 2.12.105.** The provisions of GHMC 2.12.105 and the statutes adopted by reference therein, shall apply to all election campaigns other than for a precinct committee officer and for a federal elective office.

Section 2. A new Section 2.12.105 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**2.12.105 Disclosure-campaign finances adopted.**

The following state statutes are specifically adopted by reference and incorporated herein as if set forth in full. Brief summaries of each provision are provided for reference purposes only, are not intended to amend any of the statutory provisions, and should not be relied upon as a full description of the requirements contained in any statutory provision.

- A. RCW 42.17.020 **Definitions.**
- B. RCW 42.17.040 **Obligation of political committees to file statement of organization.** [Requiring a statement of organization for every political committee, setting deadlines for filing of the statement, describing the contents of such statement and identifying the manner in which such statement must be filed.]
- C. RCW 42.17.050 **Treasurer-Depositories.** [Requiring each candidate to designate and file the names and addresses of his/her treasurer and bank, describing the manner of filing and the prohibitions on support of political candidates by political committees and exceptions thereto.]
- D. RCW 42.17.060 **Deposit of contributions-Investment of campaign funds, qualifications-Unidentified contributions-Cash contributions.** [Describing the manner in which a treasurer shall deposit contributions in bank accounts, the methodology for keeping and identifying such accounts, prohibitions on the use of accumulated unidentified

- contributions and acceptance of cash contributions.]
- E. **RCW 42.17.065 Filing and reporting by continuing political committee.** [Describing the manner in which a continuing political committee shall file reports, the contents of such reports and required bookkeeping.]
  - F. **RCW 42.17.067 Fund-raising activities-Alternative reporting method.** [Describing the manner in which certain fund-raising activities may be reported, the contents of such report, and the manner of filing.]
  - G. **RCW 42.17.070 Expenditures-Authorization of and restrictions on.** [Describing the manner in which a candidate or political committee may make expenditures of funds, and the necessary record-keeping requirements.]
  - H. **RCW 42.17.080 Candidates' and treasurers' duty to report contributions and expenditures.** [Describing the manner in which a report of contributions must be filed by a candidate or political committee, the timeframes for such reporting and continued reporting, and the necessary record-keeping requirements.]
  - I. **RCW 42.17.090 Contents of report.** [Listing all of the necessary elements of the report required by RCW 42.17.080.]
  - J. **RCW 42.17.095 Disposal of surplus funds.** [Describing the manner in which a candidate or political committee supporting or opposing a candidate may dispose of surplus funds.]
  - K. **RCW 42.17.100 Special reports-Independent expenditures.** [Defining "independent expenditures," which are not required to be reported pursuant to RCW 42.17.060, 42.17.080 or 42.17.090, and describing the method for filing an initial report of such expenditures.]
  - L. **RCW 42.17.105 Special reports, late contributions or totals over five hundred dollars-Certain late contributions prohibited.** [Requiring campaign treasurers to prepare special reports when a contribution or aggregate of contributions exceeds five hundred dollars, is from a single person or entity, and is received during a special reporting period, defining a "special reporting period," "aggregate of contributions," and describing the acceptable methods for filing such a report and setting forth violations.]
  - M. **RCW 42.17.110 Commercial advertisers-Documents and books open for public inspection-Delivery of copies to commission upon request.** [Requiring commercial

advertisers of political advertising to maintain certain records for public inspection, describing the type of records, the contents of the records, and requiring such advertisers to provide copies of such information under certain circumstances.]

- N. **RCW 42.17.120 Identification of contributions and communications.** [Prohibiting the concealment of the identity of a contributor of campaign funds, or the expenditure of such funds.]
- O. **RCW 42.17.125 Personal use of contributions-When permitted.** [Describing the circumstances in which certain contributions may be expended for an individual's personal use.]
- P. **RCW 42.17.128 Use of public funds for political purposes.** [Prohibiting the use of public funds to finance campaigns for state or local office.]
- Q. **RCW 42.17.130 Forbids use of public office or agency facilities in campaign.** [Prohibiting the use of public office or agency facilities in campaigns, describing the activities which constitute exceptions.]
- R. **RCW 42.17.135 Earmarked contributions.** [Describing the manner in which a candidate or political committee receiving a contribution earmarked for the benefit of another candidate or political committee must report the contribution and provide notification.]

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

Section 4. Pursuant to RCW 35A.12.140, a copy of all the statutes set forth in Section 2 of this ordinance shall be filed in the office of the City Clerk for examination by the public.

Section 5. Pursuant to RCW 42.17.405, the City Clerk shall mail a copy of this ordinance to the Public Disclosure Commission after adoption.

Section 6. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

\_\_\_\_\_  
MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/5/98  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

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

of the City of Gig Harbor, Washington

---

On the \_\_\_\_ day of \_\_\_\_\_, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. \_\_\_\_\_. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE DISCLOSURE OF FINANCING FOR ELECTION CAMPAIGNS, REQUIRING THAT CANDIDATES FOR CITY OFFICE COMPLY WITH CERTAIN STATUTORY FILING, REPORTING AND DISCLOSURE PROVISIONS FOR THE FINANCING OF ELECTION CAMPAIGNS; ADOPTING SECTIONS 42.17.020, 42.17.040, 42.17.050, 42.17.060, 42.17.067, 42.17.070, 42.17.080, 42.17.090, 42.17.095, 42.17.100, 42.17.105, 42.17.110, 42.17.120, 42.17.125, 42.17.128, 42.17.130 AND 42.17.135 RCW BY REFERENCE; AND ADDING NEW SECTIONS 2.12.100 AND 2.12.105 TO THE GIG HARBOR MUNICIPAL CODE.

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

DATED this \_\_\_\_ day of \_\_\_\_\_, 1998.

---

CITY CLERK, MOLLY TOWSLEE







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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH *DR***  
**DATE: JANUARY 5, 1998**  
**SUBJECT: ORDINANCE ACCEPTING A DONATION FROM THE MORRIS  
FOUNDATION FOR THE PURPOSE OF ENHANCING CITY PARKS**

#### **BACKGROUND**

The Morris Foundation donated \$25,000 to the City for enhancement of the City Parks – either for new real estate acquisitions and/or capital improvements to existing parks. The Morris Foundation has made a priority request that the donation be used for new park benefits in conjunction with the Gig Harbor Historical Society and their efforts to secure property within City boundaries.

The donation has been receipted and placed in the Property Acquisition Fund, No. 109.

#### **RECOMMENDATION**

Staff recommends adoption of the ordinance, pursuant to GHMC section 1.08.020, which allows for passage of an ordinance on the day of its introduction, upon the affirmative vote of a majority plus one of the whole membership of the Council.

**THE MORRIS FOUNDATION**

**P.O. Box 401  
Gig Harbor, WA 98335  
(253) 857-5555**

December 19, 1997

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

RE: The Morris Foundation--1997 Qualified Distribution

Dear Gretchen,

The Morris Foundation was formed in December of 1995, at the direction of Thomas G. Morris Sr. Its primary purpose is to receive and invest funds--and to distribute the earnings on these funds to tax exempt organizations that qualify under Section 501(c) (3) of the Internal Revenue Code.


For the year 1997, the City of Gig Harbor is eligible for a \$25,000 total donation--for the enhancement of the City Parks--for either new real estate acquisitions and/or capital improvements to new parks within City limits. Our only priority request within these parameters would be that the funds be utilized for new Park benefit in conjunction with the Gig Harbor Historical Society and their efforts to secure property within City boundaries. This priority request is hereby withdrawn in the event the Historical Society is unable to acquire property in the City within the next six (6) to twelve (12) months.

Enclosed is our check in the amount of \$25,000.00.

Please send us a letter confirming your acceptance of this donation, consistent with its intended use as described in paragraph two above.

Thank you.

Sincerely,

  
David R. Morris, Secretary/Director

C: Thomas G. Morris, President of the Board of Directors  
C: Thomas G. Morris, Jr., Director

1980

**THOMAS G. MORRIS**  
2809 HARBORVIEW DRIVE (206) 858-3850  
GIG HARBOR, WA 98335

19-57 145  
1250

*December 18, 1997*

PAY  
TO THE  
ORDER OF

*City of Gig Harbor*

\$ *25,000.00*

*Twenty five thousand dollars & 00/100*

DOLLARS  Security Features Detail on back.



KeyBank National Association  
Gig Harbor, Washington 98335  
1-800-KEY2YOU

FOR

*Morris Foundation*

*Thomas Morris*

MP

⑈001980⑈ ⑆125000574⑆ 0045367596⑈

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

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING A DONATION OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE MORRIS FOUNDATION FOR THE PURPOSE OF ENHANCING CITY PARKS, AND INCLUDING SUCH DONATION IN THE CITY'S PROPERTY ACQUISITION FUND.

---

WHEREAS, pursuant to RCW 35.21.100, the City of Gig Harbor may accept any donations of money by ordinance, and may carry out the terms of the donation, if the same are within the powers granted to the City by law; and

WHEREAS, the City has received a check in the amount of Twenty-Five Thousand Dollars (\$25,000.00) from the Morris Foundation, to be used for the purpose of City park enhancement, as further described in the letter from David R. Morris, dated December 19, 1997, attached to this Ordinance as Exhibit A; now, therefore,

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

Section 1. **Acceptance of Donation.** The City Council hereby accepts the Twenty Five Thousand Dollar (\$25,000.00) donation from the Morris Foundation, subject to the following terms of the donation, as expressed in Exhibit A: the donation is to be used for the enhancement of the City Parks -- for either new real estate acquisitions and/or capital improvements to new parks within the City limits.

Section 2. **Priority Request.** The City Council shall use its best efforts to implement the Morris Foundation's "priority request," which is to use the donation for new Park

benefits in conjunction with the Gig Harbor Historical Society and their efforts to secure property within the City boundaries.

Section 3. Termination of Priority Request. The City Council acknowledges that the Morris Foundation's priority request, as described in Section 2 above, is withdrawn in the event the Historical Society is unable to acquire property in the City within the six (6) to twelve (12) month period following passage of this Ordinance.

Section 4. Finance Director to Acknowledge Acceptance in Letter. As requested by the Morris Foundation, the Finance Director is hereby directed to send a copy of this Ordinance confirming the City's acceptance of the donation, for the uses described in the letter attached hereto as Exhibit A. The Finance Director shall deposit the donation in the City's Property Acquisition Fund, and shall earmark the funds to be used for the purposes described in this ordinance.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

---

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/6/98  
PASSED BY THE CITY COUNCIL:  
PUBLISHED:  
EFFECTIVE DATE:  
ORDINANCE NO. \_\_\_\_\_

**SUMMARY OF ORDINANCE NO. \_\_\_\_\_  
of the City of Gig Harbor, Washington**

On \_\_\_\_\_, 1998, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. \_\_\_\_\_, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING A DONATION OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FROM THE MORRIS FOUNDATION FOR THE PURPOSE OF ENHANCING CITY PARKS, AND INCLUDING SUCH DONATION IN THE CITY'S PROPERTY ACQUISITION FUND.**

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

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

APPROVED by the City Council at their regular meeting of \_\_\_\_\_, 1998.

BY: \_\_\_\_\_  
Molly M. Towslee, City Clerk







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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: DAVID RODENBACH** *DR*  
**DATE: January 5, 1998**  
**SUBJECT: HOTEL – MOTEL TAX CHANGES**

### **BACKGROUND**

The 1997 legislature enacted some changes to the hotel-motel tax.

The changes broadened the permitted uses to include spending on tourism-related facilities in addition to advertising, publicizing, and distributing materials that would encourage tourism.

The law also requires cities with a population over 5,000 to form a **lodging tax advisory committee** which has the following composition:

- This committee must have at least five members, appointed by the City Council.
- The committee membership must include at least two representatives of businesses that are required to collect the hotel – motel tax, two people who are involved in activities that are authorized to be funded by this tax, and one elected official who serves as chairperson of the committee.
- The number of committee members from organizations representing the hotels and motels and the number from organizations involved in activities that can be funded must be equal.
- A city's committee may include a nonvoting member from the county.
- The council must review the membership of the committee annually.

The committee will review, comment, and provide recommendations to council concerning imposition of a new hotel-motel tax or increases to the current tax, and changes in the use of the tax proceeds.

### **FINANCIAL CONSIDERATIONS**

We expect the Hotel-Motel Tax Fund to have a beginning fund balance of about \$15,000. Currently, the City has made no definitive plans for expenditure of these funds.

### **RECOMMENDATION**

Staff recommends adoption of the resolution.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ESTABLISHING A LODGING TAX ADVISORY COMMITTEE AND APPOINTING MEMBERS THERETO.**

---

WHEREAS, the City of Gig Harbor currently levies a lodging tax pursuant to Chapter 67.28 RCW; and

WHEREAS, the State Legislature has passed SSB 5867, enacted as Chapter 452, Laws of 1997, which modifies or repeals some previous lodging tax authority but also adds new lodging tax authority; and

WHEREAS, SSB 5867 requires that, in cities with a population over 5,000, any new imposition of a lodging tax enacted under Chapter 67.28 RCW be first submitted for consideration to a lodging tax advisory committee not less than 45 days in advance of final action on the lodging tax by the City; and

WHEREAS, SSB 5867 was effective on July 27, 1997; and

WHEREAS, SSB 5867 replaces the current lodging tax authority with a new statutory scheme; and

WHEREAS, to insure continued authorization for the imposition of the lodging tax it is deemed to be in the best interest of the city that a lodging tax advisory committee be created and that a proposal be submitted to this committee regarding continuation of the lodging tax;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES, as follows:

Section 1. There is hereby created a City of Gig Harbor Lodging Tax Advisory Committee, to serve the functions prescribed in SSB 5867, which was enacted as Chapter 452, Laws of 1997.

Section 2. The membership of the lodging Tax Advisory Committee shall consist of nine members, appointed by the City Council. One member shall be an elected official of the City who shall serve as chair, four members shall be representatives of businesses required to collect the tax, and four members shall be persons involved in activities authorized to be funded by revenue received from the tax. The City Council will review the membership on an annual basis and make changes as appropriate. Vacancies on the committee shall be filled by the City Council.

Section 3. The following persons are initially appointed to serve as members of the City of Gig Harbor Lodging Tax Advisory Committee:

<b>Membership Category</b>	<b>Appointee</b>
Elected Official of City	<u>Gretchen Wilbert</u>
Representative of businesses required to collect the tax:	<u>Wade Perrow</u>
	<u>Sue Braton</u>
	<u>Cathy Franklin</u>
	<u>Mary Jackson</u>
Persons involved in activities authorized to be funded:	<u>Donna Lormor</u>
	<u>Chris Erlich</u>
	<u>Shirley Tomasi</u>
	<u>Marie Sullivan</u>

Section 3. The City Council shall submit to the Lodging Tax Advisory Committee, for its review and comment, proposals on: (1) the imposition of a tax under SSB 5867; (2) any increase in the rate of such a tax; (3) repeal of an exemption from such a tax; or (4) a change in the use of the revenue received from such a tax. The City Council shall submit such a proposal to the Committee at least 45 days before taking final action on any such proposal. Comments by the Committee should include an analysis of the extent to which the proposal will accommodate activities for tourists or increase tourism, and the extent to which the proposal will affect the long-range stability of the special fund created for the lodging tax revenues.

Section 6. This resolution shall take effect immediately upon passage.

RESOLVED this \_\_\_\_ day of \_\_\_\_\_, 1998.

APPROVED:

---

GRETCHEN A. WILBERT, MAYOR

ATTEST/AUTHENTICATED:

---

MOLLY M. TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 12/23/97  
 PASSED BY THE CITY COUNCIL:  
 RESOLUTION NO.





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

DEPARTMENT OF PLANNING & BUILDING SERVICES  
3125 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 861-4278

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: *SB* STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL**  
**DATE: DECEMBER 19, 1997**  
**SUBJECT: BUILDING CODE ADVISORY BOARD MEMBERS (BCAB)**  
**TERM OF OFFICE AND ATTACHED RESOLUTION**

#### INTRODUCTION/BACKGROUND

The attached resolution is submitted for your consideration. The terms of office for three BCAB members (Mr. Tom Bates, AIA, Mr. Al Mitchell, P.E. and Mr. Jim Zusy, P.E.) have expired. Mr. Tom Bates, AIA and Mr. Jim Zusy, P.E. have each volunteered to serve on the BCAB for a three year term (ending December 31, 2000). Mr. Al Mitchell, PE has volunteered to serve on the BCAB for another one year term (ending December 31, 1998). Mayor Wilbert has reviewed the slate of officers and is hereby recommending their appointment for the terms herein stated.

#### RECOMMENDATION

The resolution be adopted as amended by the Gig Harbor City Council.

**RESOLUTION NO. \_\_\_\_\_**

WHEREAS, the Gig Harbor City Council on December 7, 1987 adopted Ordinance #526 which established the Building Code Advisory Board; and

WHEREAS, the Gig Harbor City Council on September 27, 1993 adopted Ordinance #649 which modified Ordinance #526; and

WHEREAS, the Gig Harbor City Council has adopted in Ordinances #526 & 649 guidelines for the appointment of Building Code Advisory Board members; and,

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

The following persons shall serve as members of the Building Code Advisory Board for the designated term beginning on January 1, 1998:

Mr. Tom Bates, AIA (Architect) ..... three year term

Mr. Al Mitchell, PE, (Engineer) ..... one year term

Mr. Jim Zusy, PE, (Engineer) ..... three year term

PASSED this 12th day of January, 1998.

\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

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

Filed with city clerk: 12/19/97

Passed by city council: 1/12/98









RECEIVED

DEC 24 1997

CITY OF GIG HARBOR

RETURN TO:

WASHINGTON STATE LIQUOR CONTROL BOARD
License Division - 1025 E. Union, P.O. Box 43075
Olympia, WA 98504-3075
(360) 664-0012

TO: CITY OF GIG HARBOR

DATE: 12/22/97

RE: ASSUMPTION

From AARDAL, SUSAN BISHOP
Dba SPIRO'S PIZZA & PASTA

APPLICANTS:

SPIRO'S BELLA NOTTE', INC.

License: 363055 - 2E County: 27

BAKER, SUSAN BISHOP
11-25-55 532-62-6048

Tradename: SPIRO'S BELLA NOTTE' PIZZA & PASTA

BAKER, TIMOTHY JOHN
07-30-48 538-46-3379

Loc Addr: 3108 HARBORVIEW DR
GIG HARBOR WA 98335

Mail Addr: 3108 HARBORVIEW DR
GIG HARBOR WA 98335-2124

Phone No.: 253-851-9200 SUSAN BAKER

Classes Applied For:

H Spirituous liquor by individual glass and/or beer and wine on
premises

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required you must submit a written request for an extension of up to 20 days. An extension of more than 20 days will be approved only under extraordinary circumstances.

- 1. Do you approve of applicant?
2. Do you approve of location?
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken?

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

DATE

SIGNATURE OF MAYOR,CITY MANAGER,COUNTY COMMISSIONERS OR DESIGNEE



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD  
 License Division - 1025 E. Union, P.O. Box 43075  
 Olympia, WA 98504-3075  
 (360) 664-0012

TO: CITY OF GIG HARBOR

DATE: 12/26/97

RECEIVED

RE: CHANGE OF CORPORATE OFFICERS/STOCKHOLDERS APPLICATION

License: 366707 - 2E County: 27  
 Tradename: HARVESTER RESTAURANT  
 Loc Addr: 5601 SOUNDVIEW DR  
 GIG HARBOR WA 98335

APPLICANTS:  
 HARVESTER GIG HARBOR, INC.

Mail Addr: 5601 SOUNDVIEW DR  
 GIG HARBOR WA 98335-2039

TWETEN, TIMOTHY LEE 10-28-54 539-56-9906  
 TWETEN, KIRBY LEWIS 05-08-52 531-54-4964  
 SON, ELIZABETH S 08-17-61 531-72-9787  
 BENOIT, DONALD ALEX 04-25-61 534-78-1496

Phone No.: 206-851-8500 TIMOTHY TWETEN

Classes Applied For:

H Spirituous liquor by individual glass and/or beer and wine on premises

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within 20 DAYS from the date above, it will be assumed that you have no objection to the issuance of the license. If additional time is required you must submit a written request for an extension of up to 20 days. An extension of more than 20 days will be approved only under extraordinary circumstances.

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

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

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE



RETURN TO: WASHINGTON STATE LIQUOR CONTROL BOARD  
 License Division - 1025 E. Union, P.O. Box 100  
 Olympia, WA 98504-3075  
 (360) 664-0012

RECEIVED

JAN - 5 1998 DATE: 12/29/97

CITY OF GIG HARBOR

TO: CITY OF GIG HARBOR

RE: NEW APPLICATION

License: 080805 - 2E County: 27  
 Tradename: HARBOR ARCO AM/PM MART  
 Loc Addr: OLYMPIC DR NW & 50TH ST CT NW  
 GIG HARBOR WA 98335  
 Mail Addr: 4821 DEER CREEK LN  
 GIG HARBOR WA 98335-8345  
 Phone No.: 253-858-3267 JOHN M PARK

APPLICANTS:  
 PARK, JOHN M 11-20-55 539-88-1159  
 PARK, WAN CHA 03-14-57 534-86-4404

Classes Applied For:

- E Beer by bottle or package - off premises
- F Wine by bottle or package - off premises

As required by RCW 66.24.010(8), you are notified that application has been made to the Washington State Liquor Control Board for a license to conduct business. If return of this notice is not received in this office within **20 DAYS** from the date above, it will be assumed that you have no objection to the issuance of the license. **If additional time is required you must submit a written request for an extension of up to 20 days.** An extension of more than 20 days will be approved only under extraordinary circumstances.

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

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

DATE

SIGNATURE OF MAYOR, CITY MANAGER, COUNTY COMMISSIONERS OR DESIGNEE

LICENSED ESTABLISHMENTS IN INCORPORATED AREAS CITY OF GIG HARBOR  
FOR EXPIRATION DATE OF 3/31/98

LICENSEE	BUSINESS NAME AND ADDRESS	LICENSE NUMBER	CLASSES
1 GOURMET ESSENTIALS, INCORPORAT	GOURMET ESSENTIALS 5500 OLYMPIC DR NW #1-102 GIG HARBOR WA 98335 0000	078110	F
2 DROHAN CORPORATION	HARBOR INN RESTAURANT 3111 HARBORVIEW DR GIG HARBOR WA 98335 0000	359834	H

JAN - 5 1998



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

3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR**  
**SUBJECT: APPOINTMENT OF COUNCIL MEMBERS TO VACANT POSITIONS**  
**DATE: JANUARY 7, 1998**

#### **INFORMATION/BACKGROUND**

The City Council is required to appoint two individuals to fill the two vacancies that are created by the increase in population. RCW 35A.12.030. The appointments must be made within 90 days of the vacancy which occurred in late November when OFM filed the city's population count with the Secretary of State. If there is a tie vote on the seconded motion to appoint, then the Mayor is entitled to vote to break the tie. RCW 35A.12.100.

The City Council has exclusive authority during this ninety day period to appoint the new council members. RCW 42.12.070(2). However, both appointments are not made by the existing five member Council. Rather, existing Council members appoint a qualified person to fill the first vacant council position, then, the newly appointed Council member and the other five Council members appoint a qualified person to fill the second vacant position. RCW 42.12.070(2) (attached for reference). 35A.12.050.

At the next general election, the two new positions will be filled by election, with one position being elected for a four-year term and the other position being elected for a two-year term.

#### **PROCESS CONSIDERATIONS**

Eight eligible applicants will have up to five minutes each to express relevant vita and/or qualifications to the five member seated Council. At the end of New Business, the five member Council will adjourn to Executive Session to deliberate on Council position #6, which will run at the next election as a four year term. The Council will return to regular session to motion and vote on Council position #6. Upon a conclusive vote, Judge Paja will administer the Oath of Office to the successful appointee and the new Council member will be seated. Next, the new six member Council will adjourn to Executive Session to deliberate on Council position #7, which will run at the next election as a two-year term. The Council will return to regular session to motion and vote on Council position #7. Upon a conclusive vote, Judge Paja will again administer the Oath of Office and the new Council member will be seated.

All new City Council members are scheduled to attend the last available Association of Washington Cities' City Hall workshop for new Council members on January 22 from 8:00 a.m. to 4:30 p.m. in Fife at the Best Western Executive Inn. The next City Council Meeting is Monday, January 26.

County office, appointment of acting official: RCW 36.16.115.

Filing period, special: RCW 29.15.230.

**42.12.070 Filling nonpartisan vacancies.** A vacancy on an elected nonpartisan governing body of a special purpose district where property ownership is not a qualification to vote, a town, or a city other than a first class city or a charter code city, shall be filled as follows unless the provisions of law relating to the special district, town, or city provide otherwise:

(1) Where one position is vacant, the remaining members of the governing body shall appoint a qualified person to fill the vacant position.

(2) Where two or more positions are vacant and two or more members of the governing body remain in office, the remaining members of the governing body shall appoint a qualified person to fill one of the vacant positions, the remaining members of the governing body and the newly appointed person shall appoint another qualified person to fill another vacant position, and so on until each of the vacant positions is filled with each of the new appointees participating in each appointment that is made after his or

(3) If two or more members of the governing body remain in office, the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person or persons to the governing body until the governing body has two members.

(4) If a governing body fails to appoint a qualified person to fill a vacancy within ninety days of the occurrence of the vacancy, the authority of the governing body to fill the vacancy shall cease and the county legislative authority of the county in which all or the largest geographic portion of the city, town, or special district is located shall appoint a qualified person to fill the vacancy.

(5) If the county legislative authority of the county fails to appoint a qualified person within one hundred eighty days of the occurrence of the vacancy, the county legislative authority or the remaining members of the governing body of the city, town, or special district may petition the governor to appoint a qualified person to fill the vacancy. The governor may appoint a qualified person to fill the vacancy after being petitioned if at the time the governor fills the vacancy the county legislative authority has not appointed a qualified person to fill the vacancy.

(6) As provided in RCW 29.15.190 and 29.21.410, each person who is appointed shall serve until a qualified person is elected at the next election at which a member of the governing body normally would be elected that occurs twenty-eight or more days after the occurrence of the vacancy. If needed, special filing periods shall be authorized as provided in RCW 29.15.170 and 29.15.180 for qualified persons to file for the vacant office. A primary shall be held to nominate candidates if sufficient time exists to hold a primary and more than two candidates file for the vacant office. Otherwise, a primary shall not be held and the person receiving the greatest number of votes shall be elected. The person elected shall take office immediately and serve the remainder of the unexpired term.

If an election for the position that became vacant would otherwise have been held at this general election date, only

one election to fill the position shall be held and the person elected to fill the succeeding term for that position shall take office immediately when qualified as defined in RCW 29.01.135 and shall service both the remainder of the unexpired term and the succeeding term. [1994 c 223 § 1.]

## Chapter 42.14

### CONTINUITY OF GOVERNMENT ACT

#### Sections

42.14.010	Definitions.
42.14.020	Office of governor.
42.14.030	Legislature.
42.14.035	Convening legislature at locations other than usual seat of government.
42.14.040	County commissioners.
42.14.050	City or town officers.
42.14.060	Appointed officers of the state.
42.14.070	Officers of political subdivisions.
42.14.075	Meetings of governing bodies of political subdivisions at other than usual places.
42.14.900	Short title.
42.14.910	Severability—1963 c 203.

Continuity of government: State Constitution Art. 2 § 42 (Amendment 39).

Microfilming of records to provide continuity of civil government: Chapter 40.10 RCW.

**42.14.010 Definitions.** Unless otherwise clearly required by the context, the following definitions apply:

(1) "Unavailable" means either that a vacancy in the office exists or that the lawful incumbent of the office is absent or unable to exercise the powers and discharge the duties of the office following an attack and a declaration of existing emergency by the governor or his successor.

(2) "Attack" means any acts of warfare taken by an enemy of the United States causing substantial damage or injury to persons or property in the United States and in the state of Washington. [1963 c 203 § 2.]

**42.14.020 Office of governor.** (1) In the event that all successors to the office of governor as provided by Article 3, section 10, as amended by amendment 6 of the Constitution of the state of Washington are unavailable following an enemy attack, the powers and duties of the office of governor shall be exercised and discharged by the speaker of the house of representatives.

(2) In the event the speaker of the house is unavailable, the powers and duties of the office of governor shall be exercised and discharged by the president pro tem of the senate.

(3) In the event that neither the speaker nor the president pro tem is available, the house of representatives and the senate in joint assembly shall elect an emergency interim governor. [1963 c 203 § 3.]

**42.14.030 Legislature.** In the event enemy attack reduces the number of legislators available for duty, then those legislators available for duty shall constitute the legislature and shall have full power to act in separate or joint assembly by majority vote of those present. In the event of an attack, (1) quorum requirements for the legislature shall be suspended, and (2) where the affirmative vote of a specified proportion of members for approval of a bill,



City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-2236

**TO: MAYOR WILBERT AND CITY COUNCIL**  
**FROM: MITCH BARKER, CHIEF OF POLICE** MB  
**SUBJECT: DECEMBER INFORMATION FROM PD**  
**DATE: JANUARY 7, 1998**

Attached are the activity statistics for December 1997. This also offers a quick overview of the 1997 activities in total. We will have a more comprehensive year end report later.

The Reserves contributed 230 hours of service in December. This included 191 hours of patrol time, 25.5 hours administrative duties, and 13.5 hours of training.

The Explorers accounted for 229 hours of service in December. This included two training meetings, two officer ride-a-long, and assisting with traffic control and security at Tidefest and the Jerisich Christmas tree lighting. Additionally, three Explorers attended the winter Explorer Academy at Camp Murray.

The Marine Services Unit was in service for only 5 hours in December. This included assisting with the annual Lighted Boat Parade.

All newly hired officers have completed their required academies, field training, and certification requirements. They will be monitored throughout the remainder of their probationary period before receiving regular employee status.



City of Gig Harbor Police Dept.  
3105 JUDSON STREET  
GIG HARBOR, WASHINGTON 98335  
(253) 851-2236

## GIG HARBOR POLICE DEPARTMENT

### MONTHLY ACTIVITY REPORT

#### December 1997

	<u>DEC</u> <u>1997</u>	<u>YTD</u> <u>1997</u>	<u>YTD</u> <u>1996</u>	<u>%chg to</u> <u>1996</u>
CALLS FOR SERVICE	<u>408</u>	<u>4195</u>	<u>3087</u>	+ <u>36</u>
CRIMINAL TRAFFIC	<u>20</u>	<u>184</u>	<u>152</u>	+ <u>21</u>
TRAFFIC INFRACTIONS	<u>73</u>	<u>767</u>	<u>683</u>	+ <u>12</u>
DUI ARRESTS	<u>9</u>	<u>76</u>	<u>32</u>	+ <u>137</u>
FELONY ARRESTS	<u>7</u>	<u>73</u>	<u>36</u>	+ <u>102</u>
MISDEMEANOR ARRESTS	<u>20</u>	<u>170</u>	<u>159</u>	+ <u>7</u>
WARRANT ARRESTS	<u>9</u>	<u>70</u>	<u>67</u>	+ <u>4</u>
CASE REPORTS	<u>128</u>	<u>1180</u>	<u>819</u>	+ <u>44</u>
REPORTABLE VEHICLE ACCIDENTS	<u>12</u>	<u>141</u>	<u>107</u>	+ <u>32</u>