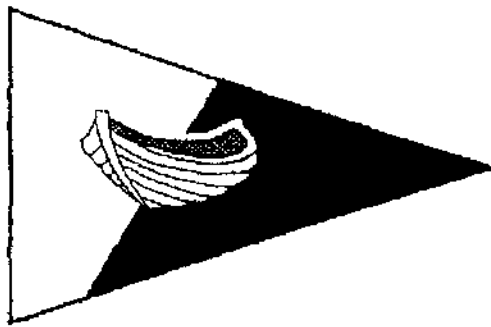


**GIG HARBOR  
CITY COUNCIL MEETING**



**SEPTEMBER 12, 1994**

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

**AGENDA FOR GIG HARBOR CITY COUNCIL MEETING**  
**September 12, 1994 - 7:00 p.m.**

**PUBLIC COMMENT/DISCUSSION:**

**SPECIAL PRESENTATION:**

K.G.H.P. - Update - Keith Stiles, Max Bice.

**CALL TO ORDER:**

**APPROVAL OF MINUTES:**

**CORRESPONDENCE:**

**OLD BUSINESS:**

**NEW BUSINESS:**

1. Harbor Green Park - Professional Services Contract.
2. Harborview Overlay Project - Professional Services Contract.
3. Resolution - Purchase of Big Boat Toy.
4. Resolution - Tallman Annexation.
5. SPR 94-03 - Request for Site Plan Approval - Tynes.
6. SDP 94-01 - Hearing Examiner Recommendation - Gernon.
7. Special Occasion Liquor License - St. Nicholas Fall Harvest Festival.

**MAYOR'S REPORT:**

Jerisich Park Dock Extension

**COUNCIL COMMENTS:**

**ANNOUNCEMENT OF OTHER MEETINGS:**

**APPROVAL OF BILLS:**

**APPROVAL OF PAYROLL:**

**EXECUTIVE SESSION:** Legal matters and property acquisition.

**ADJOURN:**

## REGULAR GIG HARBOR CITY COUNCIL MEETING OF AUGUST 8, 1994

**PRESENT:** Councilmembers Stevens Taylor, Picinich, Ekberg, Platt and Mayor Wilbert. Councilmember Markovich was absent.

### **PUBLIC COMMENT / DISCUSSION:**

John Kerr - 4410 Canterwood Dr. Mr. Kerr talked about the Department of Natural Resources choosing not to consider Council's recommendation in adjusting the harborline. He asked if someone from the Council or the Staff could attend the Intercoastal Commission Hearing on September 6th and once again give a recommendation.

Mark Hoppen explained that Councilmembers had just received a copy of the letter from DNR that afternoon, and had not had a chance to review the information. He added that later in the meeting during Staff Reports, more information could be given.

### **PUBLIC HEARING:**

#### Planning Commission Recommendation - Revised Comprehensive Plan including the Transportation Plan.

Mayor Wilbert opened the Public Hearing on the Planning Commission Recommendation - Revised Comprehensive Plan including the Transportation Plan, Final Report at 7:14 p.m. Ray Gilmore gave an overview of the eleven optional and required elements of the Comp Plan. Ben Yazici added the Comprehensive Transportation Plan portion and introduced Joe Savage of KJS, who was hired to complete the Transportation Plan portion of the Comp Plan. Mr. Savage gave a brief overview of the highlights of the transportation plan and answered questions.

Wade Perrow - P.O. Box 245, Gig Harbor. Mr. Perrow spoke about the generalized land use categories. He specifically spoke about the area along Burnham Drive, the designated truck route into Gig Harbor where he owns two business parks, one completed and one in the process of being developed. He asked that employment centers should be allowed under the mixed use category of the comp plan.

Daryl Hedman - P.O. Box 467, Gig Harbor. Mr. Hedman spoke about the five acres on the westside of the freeway by the Cimarron Restaurant. He said he didn't feel these five acres should be designated single-family as it is currently listed under the comp plan.

John Holmaas. Mr. Holmaas agreed with Mr. Perrow that the designation along Burnham Drive should include employment centers. He also added that the 300' screening requirements along the freeway corridor would create too much of a hardship for land owners.

Paul Cyr - P.C. Councilmember. Mr. Cyr said he had received correspondence from people concerned that the properties along Bujacich Drive were being divided inappropriately. He said that acreage had been designated commercial since 1975, and even though the boundaries were

irregular, he encouraged that when the hearing on that particular boundary was held, to consider looking at those approximately seven properties being affected. His second concern was where the money would be coming from for the large capital expenditures that are listed in the comp plan, most of which the county is listed as the lead agency. His last comment was on the predicted population numbers for the peninsula. He said the majority of the increase is in unincorporated Pierce County which he feels should lead to joint hearings between the County and City in planning for these areas.

Mayor Wilbert agreed with the last statement and asked Mr. Cyr when the County Council would adopt the Urban Growth Area as defined, so property owners would no longer be confused as to which jurisdiction to respond.

Dr. Gerald Post - Peninsula School District. Dr. Post stated the District appreciates the thought and planning for the schools that went into the comp plan, particularly the allocation of land set aside for schools in planned unit developments. He asked that wording be added to the pedestrian access section of the plan to include neighborhood pedestrian access and walkways to schools to reduce vehicular traffic.

Walt Smith - P.O. Box 191, Gig Harbor. Mr. Smith agreed with Councilman Cyr regarding joint meetings. He added one way to build a healthy environment and community is to provide adequate area for commercial growth. He added the commercial provision would allow for an increased employment base, and tax base to help fund development of capital projects. He also urged Council to address the Westside Area again. He questioned the 300' buffer provision along SR-16.

Ray Gilmore responded to the 300' buffer issue and stated that the Planning Commission had changed the required 300' buffer standard to "Any development *within* 300' would be subject to extensive design review or total screening. He added that the Planning Commission had determined they would review the Urban Growth Boundary line every five years, and at that time the area along Bujacich Road would be reconsidered.

Ben Yazici addressed Councilman Paul Cyr's comments regarding the capital projects. The public hearing portion of this meeting was closed at 8:12 p.m. and additional worksessions were scheduled for September 21st and October 3rd.

**CALL TO ORDER:** 8:17 p.m.

**APPROVAL OF MINUTES:**

**MOTION:** Move approval of the minutes of the August 8, 1994 meeting as presented. Picinich/Platt - three voted in favor with Councilmember Stevens Taylor abstaining.

**OLD BUSINESS:** None.

**NEW BUSINESS:**

1. HEX Recommendation/Resolution - SPR 94-03 Maritime Mart. Mayor Wilbert introduced this item and asked if any councilmember had any ex parte, written or oral communication with the applicant. There was no response. She then asked if any councilmember had an appearance of fairness issue to consider. Councilmember Stevens Taylor answered yes. Mayor then asked if any member of the audience had an appearance of fairness issue with any councilmember. There was no response. At this point, Councilmember Stevens Taylor recused herself from this item and left the council chambers.

Steve Osguthorpe introduced this recommendation and resolution and answered questions. Councilman Ekberg questioned Chief Richards regarding any past difficulties with all-night businesses. Chief responded that he hadn't had any problems in the past and did not foresee any with this business.

**MOTION:** Move to adopt Resolution #425 upholding the Hearing Examiners Recommendation with all seventeen conditions for SPR 94-03 Maritime Mart.  
Picinich/Platt - unanimously approved.

2. 1995 Insurance Presentation - Bradtrud Middleton. Mark Hoppen introduced Steve Feltus, who passed out a summary of the changes in the cost of insurance coverage and explained the differences. He added that he and Mark Hoppen had been researching AWC coverage to determine if there would be significant savings and he would have a full, comprehensive comparison of coverage and cost to present to council by November 1, as AWC runs from January to January in their coverage.
3. Liquor License Renewals - Bartell Drug Store, Olympic Village B.P., and Gig Harbor Yacht Club. No action taken.
4. Special Occassion Liquor License - PHS Class of '84 Reunion. No action taken.

#### **STAFF REPORTS:**

Carol Morris, Legal Counsel. Ms. Morris handed out documentation regarding the appearance of fairness issues for council items and explained why it was good practice to verbally ask council members and the audience for input so as to make it part of the public record.

Mark Hoppen, City Administrator. Mr. Hoppen gave a brief update on the local student/emergency radio station, KGHP and recommended the city support a fair share of the underwriting costs when the funding is clearly defined.

He then reviewed the letter from the Department of Natural Resources explaining their choice of harborline.

Dennis Richards, Chief of Police. Chief Richards gave a brief explanation of the monthly police activity report. He added that the kids were becoming restless now it was end of summer and getting a little more problematic, and he would be glad when school began again.

Ben Yazici, Director of Public Works. Mr. Yazici said he had received a commitment of \$5,000 toward the traffic signal improvements in front of Gig Harbor High School. He added that the light would be fully activated by September 27th, and that the school district would provide a flagger during peak hours until that time. He also asked for council's approval to proceed with the state bid process and spend an additional \$5,000 over the \$18,000 budgeted for a Chipper as the actual cost of the equipment was \$23,000. He explained the additional \$5,000 did not require a budget amendment. He will bring back the results at the next council meeting.

### **MAYOR'S REPORT:**

Mayor Wilbert gave a summary of the progress of certain projects including Growth Management, Narrows Bridge Congestion, and the new "pet litter disposal" equipment at Jerisich Park, and the Pilot Program sponsored by the Puget Sound Water Quality Authority for marina owners to participate in the development of a manual to be used statewide.

### **COUNCIL COMMENTS:**

Councilmember Stevens Taylor announced that she had been asked to serve on the AWC Legislative Committee again this year. She encouraged the staff and other councilmembers to let her know of any concerns that she could take to the committee for consideration.

Councilman Platt questioned how much had been budgeted for the hanging baskets and planters. He asked Mark Hoppen to research how much money had been spent to date to verify the city had not overrun that budget item.

Councilmember Picinich asked what was going to be done regarding the DNR and the harborline recommendation. He also added that the City of Gig Harbor needs to research the marinas for moorage spots and police them for compliance.

**MOTION:** Move we instruct the Mayor to instruct staff members to research whatever means appropriate to us to reiterate our position and be at the hearing in person to support that decision.  
Ekberg\Picinich - unanimously approved.

Bob Frisbie announced that is a procedure to allow for the staff and councilmembers to speak for up to five minutes at the Intercoastal Hearing regarding council's recommendation regarding Harborline Adjustment. He stated that to speak at the September 6th Hearing, be present prior to 9:00 a.m.

### **ANNOUNCEMENT OF OTHER MEETINGS:**

- 1) Meeting with Peninsula Light re: Undergrounding Utilities - September 29, 1994, 7:00 p.m. at Peninsula Light.
- 2) City Council/Planning Commission Worksession - Comprehensive Plan - September 21, 1994, 7:00 p.m. at City Hall.
- 3) City Council/Planning Commission Worksession - Comprehensive Plan - October 3, 1994, 7:00 p.m. at City Hall.

**APPROVAL OF BILLS:**

**MOTION:** Move approval of Warrants #12732 through #12792, in the amount of \$56,535.21.  
Platt/Ekberg - unanimously approved.

**EXECUTIVE SESSION:**

**MOTION:** Move to adjourn to Executive Session for the purpose of discussing a legal matter for approximately 20 minutes.  
Picinich/Stevens Taylor - unanimously approved.

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

**ADJOURN:**

**MOTION:** Move to adjourn at 9:32 p.m.  
Platt/Picinich - unanimously approved.

Cassette recorder utilized.  
Tape 360 Side A 411 - end.  
Tape 360 Side B 000 - end.  
Tape 361 Both Sides.  
Tape 362 Side A 000 - 112.

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Mayor

---

City Administrator



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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL  
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS *BY*  
SUBJECT: HARBOR GREEN PARK PROFESSIONAL SERVICES CONTRACT  
DATE: AUGUST 25, 1994

### **INTRODUCTION**

One of the Public Works Department's objectives this year is to select a consultant to complete the design of the Harbor Green Park. We have solicited a statement of qualifications in the newspaper and selected Lynn Horn & Associates for this work. The purpose of this memorandum is to receive your authorization for the Mayor to sign the standard City of Gig Harbor Professional Services Contract with this firm to complete this task for \$15,000.

### **BACKGROUND / ISSUES**

The City Council allocated \$15,000 in the 1994 budget to complete the design of the Harbor Green Park facility. We requested a Statement of Qualifications (SOQ) from the consultants to complete the design of this project. Lynn Horn & Associates was the only firm to submit a SOQ per our request. This firm is very qualified to do this type of work, and they have produced excellent products on their previous work for the City. Therefore, I feel very comfortable recommending them to you for the Harbor Green Park project.

We currently own approximately 10 acres at the Harbor Green Park site. Some of this available acreage will be used for the Senior Center project consistent with the Council's wishes. The Park will be closely coordinated with the Senior Center project to make sure that both projects are compatible at the same site.

The existing trees are a very sensitive issue. Both projects will be carefully designed to minimize the tree removal at each site.

### **POLICY ISSUES**

We currently own two active parks; Jerisich Park and the City Park. The use of these facilities are very intense. We are in need of another active park facility. The Harbor Green site is an excellent location to utilize for this purpose, provided that neighborhood and environmental impacts are carefully addressed for this type of use.

### **FISCAL IMPACT**

We budgeted \$15,000 for the design of this facility in the 1994 budget. The design cost will not exceed this amount. While the Landscaping Architectural work will be provided by Lynn Horn & Associates, the Public Works Department will complete all of the Civil Engineering, Traffic Engineering and Structural Engineering work for this project.



**MEMORANDUM - Mayor Wilbert and City Council**  
**Page 2**

**RECOMMENDATION**

I recommend a Council motion to authorize the Mayor to execute a Professional Services Contract with Lynn Horn & Associates to complete a park design at the Harbor Green Park location for \$15,000.

August 16, 1994

Mr. Ben Yazici, PE  
Public Works Director  
City of Gig Harbor  
3105 Judson Street  
Gig Harbor, WA. 98335



LANDSCAPE ARCHITECTURE  
SITE PLANNING

RE: Harbor Green Park, Gig Harbor, WA.

Mr. Ben Yazici:

Thank you for selecting our firm as the Landscape Architects for the Harbor Green Park project. The following is our understanding of the project's scope of work and our anticipated involvements.

**Park Planning Services:**  
-----

**Tasks of Lynn William Horn, Landscape Architect:**

**1. Design Services:**

- a. Schematic level plans
- b. Design Development level plans
- c. Construction Document level plans, including written specifications

**Scope of Plans:**

- a. Landscape Architectural plans only
2. Cost Estimates of all phases of plans
2. Public Meeting process testimony  
(organization/mailings of all public meetings to be by City Staff)
3. Site visits as required prior/during design phases
4. Meetings as required prior/during design phases

**Not Included in Current Scope of Services:**  
-----

Survey Work  
Aerial Photogrammetry  
Environmental Impact Statements  
Wetlands Studies/Mitigation Plans  
Permitting Phases

OFFICE  
10828 GRAVELLY LAKE DRIVE SW  
SUITE 103  
TACOMA, WASHINGTON  
206-582-6984  
MAIL  
POST OFFICE BOX 98967  
TACOMA, WASHINGTON 98498-0967

page 2  
Harbor Green Park

Continued Not Included in Current Scope of Services:  
-----

Architectural, Geotechnical, Structural, Mechanical/Electrical,  
Civil Engineering Services  
Traffic Analysis/Planning  
Noise or Air Quality Reports  
Hazardous Waste Investigation  
Bidding Administration Services  
Site Observation/Written Reports during Construction

It is our understanding that the design fee for this project is \$15,000.00 for the Park Planning Services. We can accomplish all tasks, as outlined in the Park Planning scope of work above, for this fee. Any of the services listed above as Not In Contract will need to be discussed further.

We are excited to begin the design process with yourself and the other staff members. Please call with authorization to proceed.

Thank you very much.

Regards,



Lynn William Horn, ASLA  
Principal  
Registered Landscape Architect

LWH/jmh

enclosures



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3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL  
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS <sup>851</sup>  
SUBJECT: HARBORVIEW DRIVE OVERLAY PROJECT,  
PROFESSIONAL SERVICES CONTRACT  
DATE: AUGUST 7, 1994

## **INTRODUCTION**

We have received approximately a \$200,000 federal grant for overlaying Harborview Drive from North Harborview Drive to Dorotich Street. We received authorization to complete the design of this project. The authorization amount is \$30,000. We selected Inca Engineers to complete this work for \$16,934.18. The purpose of this memorandum is to obtain your authorization to enter into a professional services contract with Inca Engineers Inc. to complete this work.

## **BACKGROUND/ISSUES**

We received approximately \$200,000 federal funds to be given to us in 1995. We then asked the feds to authorize us to spend a portion of this money in 1994 for the design work. We wanted to do this for the following reasons.

- 1) If we can complete the Harborview Drive Project design in the same time frame as the North Harborview Drive Project, we then can combine both projects and advertise it as one construction project. If the projects are combined, it is very conceivable that we can complete both projects less expensively than if they were two separate projects. The combining of both projects would increase quantities and consequently the larger quantity would yield a less expensive unit price; i.e. 100 tons of asphalt versus 200 tons of asphalt.
- 2) The design cost of the Harborview Drive project should be less expensive if both projects are combined and if the same consultant can do the design of both projects. Inca Engineers will already write specifications and special conditions for the North Harborview Drive Project which can be used for the Harborview Drive Project, i.e. specifications for the Harborview Drive Project are the same as the North Harborview Drive project, and special provisions for the Maintenance Bond and Performance Bond requirements are the same for the both projects.
- 3) It would be much easier for us to coordinate the project activities of both projects with one contractor versus two contractors.

**Memorandum/Mayor Wilbert and City Council**  
**Harborview Drive Overlay Project**  
**Page 2**

Because of the reasons stated above, Washington State Department of Transportation has approved our request by authorizing us \$30,000 of expenditures on the Harborview Drive Project design work. The State has also authorized us to use Inca Engineers to complete this work.

**FISCAL IMPACT**

The design phase of this project will be funded strictly with federal and state funds. We have negotiated with Inca Engineers Inc. to complete the design of the Harborview Drive Project for \$16,934.18. This amount is well within the federal authorization figure of \$30,000.

**RECOMMENDATION**

I recommend a council motion to authorize the Mayor to enter into a professional services contract with Inca Engineers Inc. to complete the design of Harborview Drive Overlay Project for \$16,934.18.

## **Exhibit B**

### **HARBORVIEW DRIVE Dorotich Street to North Harborview Drive Overlay**

#### **SCOPE OF WORK**

1. Administration and Coordination

The Consultant shall provide project administration and coordination with the City and all subcontractors to facilitate efficient progress and timely completion of the Harborview Drive Overlay Project.

- A. Prepare and submit monthly progress reports. The monthly progress reports shall contain the following types of information:

Status of deliverables

List of technical issues to be resolved

Records of decisions or resolutions to issues

Invoices

Updated progress schedule

Status of work performed during report period

Work effort expected in the next report period

- B. Provide the following management and review tasks:

Prepare for and attend two monthly meetings with the City to discuss technical and other issues.

Prepare project instructions for the purpose of providing Consultant staff

Establish an on-going list of technical issues to be resolved and document decisions and resolutions to those issues.

Provide necessary office administrative support for accomplishment of management activities.

Maintain project schedule and budget records for control of expenditures and achieving completion times.

## Exhibit B

### 2. Survey

The Consultant shall provide a field survey to establish overlay limits, pavement repair and utility adjustment requirements.

### 3. Basemapping

The Consultant shall prepare a basemap from all data collected in the field survey and supplement aerial photography completed by Walker Aerial.

### 4. Prepare Final Design

The Consultant shall prepare construction plans necessary to complete the following improvements. Plans will be prepared using a new 20-scale aerial photograph as a basemap.

#### **Harborview Drive, Dorotich Street to North Harborview Drive**

Overlay Harborview Drive from the intersection of Dorotich Street to the intersection of North Harborview Drive, including the following:

- Overlay with ACP curb to curb or outside edge of shoulder to outside edge of shoulder.
- Pavement repair/reconstruction as required.
- Adjust manholes, catch basins, utility valves, and monuments.
- Traffic control requirements for construction will be outlined in the specifications. These requirements will make the Contractor responsible for preparing all traffic control plans and obtaining the City's approval.

The following plan sheets will be prepared and will comprise the plan set.

Plan Sheet	Number of Sheets
Cover Sheet/Index/Vicinity Map	1
Roadway Sections and Details	1
Roadway and Channelization Plan	<u>6</u>
<b>TOTAL PLAN SHEETS</b>	<b>8</b>

## Exhibit B

### Design will conform to the following standards:

City of Gig Harbor Department of Public Works Design Standards.

Washington State Department of Transportation "Local Agency Guidelines".

Washington State Department of Transportation "Design Manual".

Washington State Department of Transportation, "Standard Plans for Road Bridge and Municipal Construction".

Washington State Department of Transportation, "Standard Specifications for Road Bridge and Municipal Construction", 1994 edition.

FHWA and Washington state Department of Transportation, "Manual on Uniform Traffic Control Devices for Streets and Highways".

Standard drawings prepared by the city and furnished to the Consultant shall be used as a guide in all cases where they fit design conditions.

### Documents to be furnished by the Consultant:

One copy of the quantity and design computations for the work performed under this agreement.

One set of all sheets comprising the composite contract plans on permanent scalable reproducible and specifications stamped by a Professional Engineer.

30 sets of bid documents.

The Consultant shall submit plans for City review at approximately the 60 percent, 100 percent, and final levels of completion.

The 60 percent submittal will consist of the following:

- a. Paving and channelization plans.
- b. Preliminary construction cost estimate.
- c. Establish typical roadway sections.



## Exhibit B

The 100 percent submittal will include the following:

- a. Finalize plans covering all technical aspects of the project.
- b. Incorporate City review comments from the 60 percent submittal.
- c. Special Provisions, Specifications, Contract Documents.
- d. A current set of bid quantities and opinion of final construction cost.

The final submittal will include the following:

- a. Incorporate City review comments from 100 percent submittal, summarize comments and provide written responses to each comment.
- b. Finalize special provisions and specifications.
- c. Finalize and stamp all drawings and specifications.
- d. Construction schedule.
- e. Opinion of final construction cost including quantity takeoffs.

*j. Incorporate the project to write the same into project notes*  
The Consultant shall provide five sets of full size drawings and specifications for each submittal. The final submittal will include 30 sets of bid documents. Mylar originals will be delivered to the City after construction of the project.

### 5. Opinions of Cost

The Consultant shall prepare an engineer's opinion of cost for the project based upon the construction plan sheets, bid item quantities, and current bid prices. Cost estimates will be provided at the 60 percent, 100 percent, and final submittals.

### 6. Specifications

The Consultant shall modify City standard contract specifications provided by the City. The Consultant shall supplement the standard specifications provided by the City with the special provisions required for the project and written by the Consultant. Electronic files will be provided in Word for Windows format.

## Exhibit B

### 7. Quality Assurance

The Consultant shall conduct a quality assurance check of the contract documents prior to the 100 percent level of completion submittal to the City.

### 8. Work by Subconsultants

The following work will be completed by the respective subconsultant after the final scope of work and limits of improvements have been established.

#### A. Geotechnical Investigation

Work will be performed by Hong West & Associates and will consist of conducting a pavement investigation to provide information relative to pavement removal or repair.

Perform engineering analysis and evaluation of data derived from the pavement investigation to establish design parameters relating to pavement repair.

Prepare letter report and provide results of field investigation.

#### B. Aerial Photography

Work will be performed by Walker Aerial and will consist of preparing 20 scale photographs of the project on mylar reproducibles.

### 9. Time of Completion

The Consultant shall not begin work under the terms of this Agreement until authorized in writing by the City. The time required for completion of plans, specifications, and estimates shall be October 31, 1994.

Established completion time shall not be extended because of any delays attributable to the Consultant, but may be extended by the City in the event of a delay attributable to the City or because of a delay caused by an act of God or governmental actions or other conditions beyond control of the Consultant.

Exhibit B

PROJECT MANHOOR REQUIREMENT ESTIMATE

INCA Engineers, Inc.

City of Gig Harbor  
 Harborview Drive  
 Dorotich Street to North Harborview Drive  
 Overlay

MAJOR TASK DESCRIPTION	Project Principal	Project Manager	Project Engineer	Design Engineer	Tech. Support	Clerical	TOTAL
<b>CIVIL TASKS</b>							
1. Administration and Coordination	0	10	0	0	0	4	14
2. Field Survey by INCA Survey	(See Survey Tasks Breakdown Sheet)						
3. Aerial Photography by Walker Aerial	0	4	0	0	0	0	4
4. Field Investigation	0	4	8	16	16	0	44
5. Prepare Plans	0	3	8	40	56	0	107
6. Specifications	0	1	4	0	0	2	7
<b>TOTAL ALL TASKS</b>	0	22	20	56	72	6	176

Exhibit B

PROJECT MANHOUR REQUIREMENT ESTIMATE

INCA Engineers, Inc.

City of Gig Harbor  
 Harborview Drive  
 Dorotich Street to North Harborview Drive  
 Overlay

MAJOR TASK DESCRIPTION	Survey Principal	Project Manager	Computer Tech.	AutoCad Tech.	Research Tech.	Field Tech. I	Field Tech. II	Field Tech. III	TOTAL HOURS
<b>SURVEY TASKS</b>									
1. Locate and mark monuments and utilities for aerial flight.	0	2	0	0	4	8	8	0	22
2. Set centerline stationing and provide additional topog to supplement aerial map.	0	2	0	8	4	8	8	0	30
<b>TOTAL SURVEY TASKS</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>16</b>	<b>0</b>	<b>52</b>

**Exhibit D**

**CONSULTANT FEE DETERMINATION – DIRECT SALARY COST**

**Project:** Gig Harbor  
 Harborview Drive  
 Dorotich Street to North Harborview Drive  
 Overlay

**Task:** Civil Tasks

DIRECT SALARY COST (DSC):					
Classification	Hours	X	Rate	=	Cost
1. Project Principal	0		42.50		\$0.00
2. Project Manager/Sr. Supervising Engineer	22		31.30		\$688.60
3. Project Engineer/Senior Engineer	20		27.13		\$542.60
4. Engineer/Designer	56		20.97		\$1,174.32
5. Technical Support	72		17.42		\$1,254.24
6. Clerical	6		14.13		\$84.78
<b>TOTAL - DSC</b>	<b>176</b>				<b>\$3,744.54</b>

**Task:** Survey Tasks

DIRECT SALARY COST (DSC):					
Classification	Hours	X	Rate	=	Cost
1. Survey Principal	0		30.31		\$0.00
2. Project Manager	4		23.69		\$94.76
3. Computer Technician	0		17.07		\$0.00
4. AutoCad Technician	8		15.68		\$125.44
5. Research Technician	8		17.07		\$136.56
6. Field Technician I	16		17.25		\$276.00
7. Field Technician II	16		13.07		\$209.12
8. Field Technician III	0		10.92		\$0.00
<b>TOTAL - DSC</b>	<b>52</b>				<b>\$841.88</b>



Exhibit D

CONSULTANT FEE SUMMARY

City of Gig Harbor  
 Harborview Drive  
 Dorotich Street to North Harborview Drive  
 Overlay

ITEM	DSC	Overhead (DSC X 155.95%)	Fee 15% X (DSC+OH)	TOTAL
Civil Tasks	\$3,744.54	\$5,839.61	\$1,437.62	\$11,021.77
Survey Tasks	\$841.88	\$1,312.91	\$323.22	\$2,478.01
<b>TOTAL</b>	<b>\$4,586.42</b>	<b>\$7,152.52</b>	<b>\$1,760.84</b>	<b>\$13,499.78</b>
<b>REIMBURSABLES</b>				
Mileage (480 miles x 0.28/mile)		\$134.40		
Reprographics		\$0.00		
Report Publication		\$100.00		
FAX/Messenger		\$0.00		
Survey Expenses		\$0.00		
Computer Time		\$0.00		
Subtotal Reimbursables				\$234.40
<b>INCA TOTAL</b>				<b>\$13,734.18</b>
<b>SUBCONSULTANTS</b>				
Hong West Associates (Geotech)		\$1,000.00		
Walker Aerial		\$2,200.00		
Subconsultant Total				\$3,200.00
<b>GRAND TOTAL</b>				<b>\$16,934.18</b>





**Washington State  
Department of Transportation**

**Sid Morrison**  
Secretary of Transportation

*File & Harrison Drive  
Only Contract*

Transportation Building  
P.O. Box 47300  
Olympia, WA 98504-7300

August 2, 1994

Mr. Ben Yazici  
Public Works Director  
City of Gig Harbor  
PO Box 145  
Gig Harbor, WA 98335

Harborview Drive  
STPUL-3327(001)

Dear Mr. Yazici:

Your request for approval to use Inca Engineers as "sole source" consultants for design of the North Harborview Drive project has been approved by the WSDOT Consultant liaison office.

I recommend that you reinforce your records with an Independent Estimate comparing the cost of using Inca Engineers with the cost of selecting another consultant. This will document the \$10,000 cost savings cited in your request letter.

Sincerely,

*Wayne T. Gruen*

WAYNE T. GRUEN  
Deputy Assistant Secretary  
TransAid

WTG:ch  
gig.doc

File - Harborview Drive  
Overlay Contract

# INDEPENDENT ESTIMATE FOR CONSULTING SERVICES

**DIRECT SALARY COST (Composite):**

BREAKDOWN OF WORK	MAN-HOURS	AVERAGE RATE OF PAY	ESTIMATED COST
Principal	20	50	1000
Project Manager	40	30	1200
Design	80	25	2,000
Survey Crew	40	50	2,000
CADD	100	15	1,500
Caloric	20	10	2,000
<b>TOTALS</b> →			<b>\$ 7900</b>

OVERHEAD COST (Including payroll additives)

185%

\$ 1,4615

NET FEE

\$ 2600

**T NON-SALARY COST:**

A. TRAVEL AND PER DIEM	\$ 200
B. REPRODUCTION EXPENSES	\$ 300
C. COMPUTER EXPENSE	\$ 300
D. COMMUNICATION	\$ 20
E. SAMPLING AND TESTING	\$
F. OUTSIDE CONSULTANTS	\$ 2000
G. OTHER (Specify)	\$
<b>TOTAL</b>	<u>\$ 2820</u>

SUB-TOTAL	<u>\$ 27,935</u>
*CONTINGENCIES	\$
<b>GRAND TOTAL</b>	<u>\$ 27,935</u>

AGENCY <i>Cig Harbor</i>	FILE NO.	PROJECT NO.
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PROJECT TITLE  
*Harborview Drive Overlay Project*

ESTIMATE PREPARED BY (Signature) <i>Robert E. [Signature]</i>	DATE <i>8/29/94</i>
--	------------------------

\* Use only on cost plus net fee type of payment.





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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

TO: MAYOR WILBERT AND CITY COUNCIL  
FROM: BEN YAZICI, DIRECTOR OF PUBLIC WORKS 861  
SUBJECT: BIG BOAT TOY PURCHASE  
DATE: AUGUST 8, 1994

## INTRODUCTION

One of the Public Works Department objectives this year is to purchase and install a Big Boat Toy for the City Park. Kompan, distributed by Pacific Playground, is the only manufacturer who makes the type of boat toy that meets the specifications. I am requesting City Council's approval to use this company as a "sole source" to purchase the Big Boat Toy.

## BACKGROUND/ISSUES

The City Council allocated \$16,000 in the 1994 budget to purchase a Big Boat Toy to be installed at the City Park. We called six different states to locate potential suppliers of this type of Big Boat Toy. We discovered only two suppliers, one in Washington and the other in Oregon who distributes a Big Boat Toy resembling the type of toy sought by the City.

On May 18, 1994, we competitively bid the proposed purchase of the Big Boat Toy. On June 1, 1994, we received bids from two suppliers; one of which was Pacific Playground for a toy which most nearly resembled the boat toy sought by the City, which met the Public Works Department Specifications and was the most aesthetically acceptable. In addition, the City Administrator obtained the opinions of children who would be using the toy, and the toy manufactured by Kompan was unanimously approved by these children for the installation in the City Park.

The other bid was received from Recreation Resources, Inc. from Oregon. On June 13, 1994, the City Council rejected bids on the Big Boat Toy, for the reasons that the Recreation Resources Bid was opened prior to the bid opening and the product of this supplier, manufactured by Landscape Structures, Inc. did not resemble the type of product sought by the City.

Since the Council's rejection of the bids, we have attempted to obtain additional information to determine whether there are other manufacturers of the type of Big Boat Toy which most nearly resembles the toy distributed by Pacific Playground. We have not been able to locate a manufacturer, other than Kompan, who makes a similar Big Boat Toy. Therefore, we believe this purchase is limited to a sole source.

We are requesting your authorization to purchase the Big Boat Toy from Pacific Playground under sole source provisions.

**Memorandum/Mayor Wilbert and City Council**  
**Big Boat Toy Purchase**  
**Page 2**

**POLICY ISSUES**

The City Council may waive the requirements of advertisement and formal sealed bidding of purchases if the Council declares that the proposed purchase is clearly and legitimately limited to a single source or supply within the near vicinity, and recites why this situation exists (RCW 35.23.352).

**FISCAL IMPACT**

The Council budgeted \$16,000 in the 1994 Budget for this purchase. The anticipated purchase price of this Big Boat Toy is \$13,805.81 which is well within the budgeted amount. Therefore, the purchase of the Big Boat Toy does not have any negative impact on the City.

**RECOMMENDATION**

I recommend a Council motion to approve Resolution No.     declaring the purchase of a Big Boat Toy for the City Park to be limited to a sole source and waiving competitive bidding requirements for the purchase of the Big Boat Toy.

**CITY OF GIG HARBOR  
RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DECLARING THE PURCHASE OF A BIG BOAT TOY FOR A CITY PARK TO BE LIMITED TO A SOLE SOURCE, AND WAIVING COMPETITIVE BIDDING REQUIREMENTS FOR PURCHASE OF THE BIG BOAT TOY.**

WHEREAS, on January 1, 1994, the City Council included in the Parks Department budget, an allocation for the purchase of a big boat toy to be placed in City Park; and

WHEREAS, in order to determine whether there were manufacturers of a big boat toy suitable for the City's purposes, the Public Works Director assigned an employee to call distributors in six states, including Washington; and

WHEREAS, such telephone survey disclosed that only two manufacturers made a big boat toy which resembled the type of boat toy by the City; and

WHEREAS, on May 18, 1994, the Public Works Department competitively bid the proposed purchase of the big boat toy; and

WHEREAS, on June 1, 1994, the Public Works Department received bids from two suppliers for the big boat toy; one of which from Pacific Playground, manufactured by Kompan for a toy which most nearly resembled the boat toy sought by the City, met the Department's specifications and was the most aesthetically acceptable. The other bid received was distributed by Recreational Resources, manufactured by Landscape Structures, Inc., respectively. In addition, the City decided to obtain the opinions of children who would be using the toy, and the toy distributed by Pacific Playground was unanimously approved by these children for installation in the park; and

WHEREAS, the difference in purchase price of the big boat toys described on the bids received by the City was \$1,328.25; and

WHEREAS, on June 13, 1994, the City Council determined to reject the bids on the big boat toy, for the reason that the Recreation Resource Bid envelope was opened prior to the scheduled time; and

WHEREAS, since the Council's rejection of the bids, the Public Works Department has attempted to obtain additional information to determine whether there are other manufacturers of the type of big boat toy which most nearly resembles the toy supplied by Pacific Playground, and

WHEREAS, the Public Works Department has been able to locate no manufacturer, other than Kompan, who makes a similar big boat toy, and has determined that this purchase is limited to a sole source; and

WHEREAS, the City Council may waive the requirements of advertisement and formal sealed bidding of purchases if the Council declares that the proposed purchase is clearly and legitimately limited to a single source or supply within the near vicinity, and recites why this situation exists (RCW 35.23.352);

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. The City Council declares that purchase of the big boat toy for the City park is clearly and legitimately limited to a single source or supply within the near vicinity, because only the big boat toy manufactured by Kompan is the most aesthetically acceptable and because it is was unanimously chosen by the children who would be using the park. Therefore, the City Council waives all competitive bidding requirements for this sole source purchase.

Section 2. The Public Works Director is hereby authorized to purchase the big boat toy as described in the specifications submitted by Pacific Playground, in the amount of \$13,805.81, for placement in the City park.

Resolved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

APPROVED:

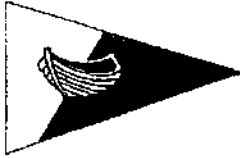
\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM;  
OFFICE OF THE CITY ATTORNEY:  
BY: \_\_\_\_\_

Filed with City Clerk: 8/30/94  
Passed by City Council:  
Date Published:  
Date Effective:



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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**TO: MAYOR WILBERT AND CITY COUNCILMEMBERS**  
**FROM: MARK HOPPEN, CITY ADMINISTRATOR** *MWH*  
**DATE: SEPTEMBER 8, 1994**  
**SUBJ: RESOLUTION - GIG HARBOR INTERCHANGE ANNEXATION**

### **Introduction**

Cindy Willis from the Pierce County Boundary Review Board contacted us regarding Resolution #398 that Council passed in December accepting the annexation petition for the Gig Harbor Interchange.

Ms. Willis stated that RCW 36.93.090 states that the Resolution must be passed within 180 days of submittal to the Boundary Review Board. Because the Resolution was dated December 13, 1993, and the documentation was sent to the BRB two weeks ago, the time requirement had expired. Ms. Willis requested we pass the same resolution and resubmit it to her office to fulfill this requirement.

Before you is the identical resolution with a change of dates to fulfill the time requirements for the Boundary Review Board.

### **Recommendation**

To approve this Resolution as presented.

**CITY OF GIG HARBOR  
RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR ACCEPTING THE ANNEXATION PETITION FOR THE AREA KNOWN AS THE GIG HARBOR INTERCHANGE (ANX 91-07) AND AS SUBMITTED BY PETITIONERS JAMES TALLMAN, ET.AL., AND ENTERS AN INTENT TO APPROVE AND REFERRING THE PETITION TO THE PIERCE COUNTY BOUNDARY REVIEW BOARD.

WHEREAS, on July 31, 1991, a petition for annexation of approximately 150 acres was submitted for the property; and,

WHEREAS, the petition which has been certified by the City Administrator as legally sufficient containing the signatures of not less than 60% of the owners of assessed evaluation and the legal description of the subject property are attached to this resolution as exhibit "A" and made a part hereto; and,

WHEREAS, such annexation proposal is within the Urban Area Boundary as defined in the Urban Area Agreement of September, 1987, between Pierce County and the City of Gig Harbor; and,

WHEREAS, such annexation proposal is within the future potential annexation area as defined by the City of Gig Harbor; and,

WHEREAS, on the 23rd of October, 1991, the City Council met with the initiating party during regular session of the Council; and,

WHEREAS, at that time the Council set forth the requirements placed on the petitioner wishing to annex as follows:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness;
2. The area shall be zoned as per the attached Exhibit "C".

WHEREAS, on May 18, 1992 a determination of non-significance was issued for the proposal, based upon a review of the environmental documents submitted by the petitioner, in accordance with the City of Gig Harbor Environmental Policy Ordinance, Title 18 of the Gig Harbor Municipal Code; and,

WHEREAS, at a public hearing of November 9th, 1992, the City Council considered the recommendation of the City Planning Commission on preannexation zoning for the area; and,

WHEREAS, following the public hearing on November 9, the City Council remanded the preannexation zoning to the Planning Commission for the development of a contract zoning agreement which would consider the following:

1. That they specifically address screening and buffers, not only between the properties, but also to properties across the street towards the waterfall business and any future development there.
2. That they specifically address development and ownership of the wetlands as it relates to wetlands directly and to how wetlands might be developed into a park.
3. Place emphasis on one and two, then establish uses for the parcels in the annexation.

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone; and

WHEREAS, the City Council, at a public hearing on November 8 and December 13 considered the concomitant agreement as recommended by the Planning Commission and, in consideration of testimony offered at the public hearings, does hereby declare its intent to authorize and approve said annexation, and to accept same as a part of the City of Gig Harbor; and,

WHEREAS, the City Council finds that the portion of the property to be annexed within the interchange area north of Wollochet Drive contains site characteristics and natural environmental constraints that make it unique and worthy of special land use considerations as reflected in the performance standards in the pre-annexation zoning concomitant agreement; and

WHEREAS, the City Council shall comply with the procedural requirements of RCW 35A.14 to the conclusion of this annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

Section 1. The City Council of the City of Gig Harbor does hereby declare its intent to authorize and approve the annexation and to accept the subject property as part of the City of Gig Harbor with the following requirements:

1. Assumption by the property owners their portion of the City of Gig Harbor's indebtedness.
2. The development of the land within the annexation area shall be consistent with the zoning concomitant agreement, which is attached as exhibit "B" and which

shall be filed as a covenant with the land so affected by the agreement.

3. The area shall be zoned as per the attached exhibit "C" and designated as within the height overlay district, subject to the City of Gig Harbor Zoning Code, Title 17 of the Gig Harbor Municipal Code.
4. The wetlands and buffers as described in the attached exhibit "D" shall be established as an open space/conservation easement, developed as a public park and dedicated to the City of Gig Harbor.
5. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street NW. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. The City Clerk of the City of Gig Harbor hereby declares the annexation petition contiguous with the boundaries of the City of Gig Harbor and said property which is more particularly described in the petition which is marked Exhibit "A" and which is made a part hereto.

The City Council does refer the petition and petitioner to the Pierce County Boundary Review Board for approval of the annexation and the City Council shall not take any further action on the annexation proposal until such time the Pierce County Boundary Review Board has completed its review of the notice of intent to annex.

PASSED AND APPROVED, at the regularly scheduled City Council meeting of the \_\_\_ day of \_\_\_\_\_, 1994

\_\_\_\_\_  
Gretchen Wilbert, Mayor

ATTEST:

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

Filed with City Clerk: 7/2/94

Passed by City Council:



July 6, 1994  
File #10431/1

**EXHIBIT "A"**

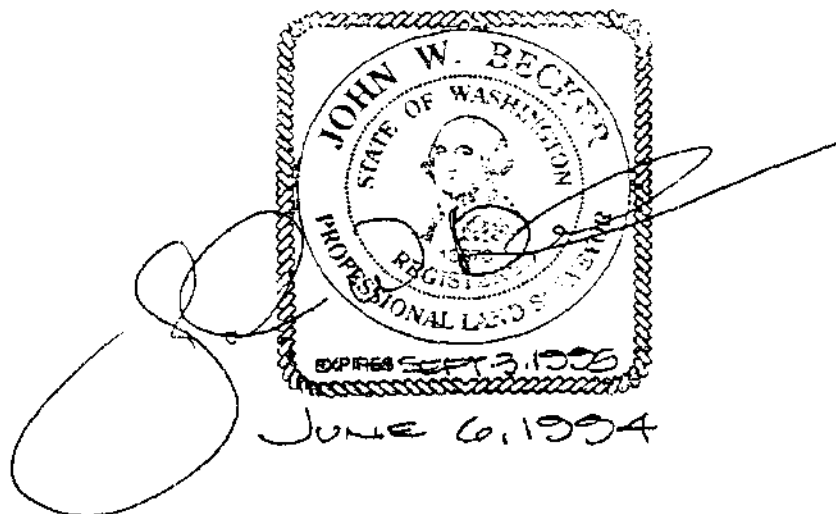
**LEGAL DESCRIPTION FOR ANNEXATION**

PORTIONS OF SECTIONS 7, 8 AND 18, TOWNSHIP 21 NORTH, RANGE 2 EAST, W.M.,  
PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY MARGIN OF HUNT STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET SOUTHERLY, MEASURED AT RIGHT ANGLES, FROM THE SOUTHERLY LINE OF SAID SECTION 7, WITH THE SOUTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY MARGIN OF 46TH AVENUE NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 7; THENCE NORTHERLY ALONG SAID PROLONGATION AND SAID WESTERLY RIGHT-OF-WAY MARGIN TO AN INTERSECTION WITH THE WESTERLY PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY MARGIN OF 72ND STREET NORTHWEST, BEING A LINE PARALLEL WITH AND DISTANT 30 FEET NORTHERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 7; THENCE EASTERLY ALONG SAID LAST MENTIONED PROLONGATION AND SAID NORTHERLY RIGHT-OF-WAY MARGIN TO AN INTERSECTION WITH THE WESTERLY LINE OF LOT 7 OF THE PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE IN SAID SECTION 7; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID LOT 7 TO THE WESTERLY RIGHT-OF-WAY MARGIN OF STATE ROUTE 16; THENCE NORTHWESTERLY ALONG SAID WESTERLY MARGIN TO A LINE 660 FEET SOUTH OF THE NORTHERLY LINE OF SAID SECTION 7; THENCE EASTERLY ALONG SAID 660 FOOT LINE TO THE EASTERLY LINE OF LOT 2 OF AFORESAID PLAT OF GIG HARBOR ABANDONED MILITARY RESERVE, IN SAID SECTION 7; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT 2 TO THE SOUTHEAST CORNER OF SAID LOT 2; THENCE WESTERLY ALONG THE SOUTHERLY LINE OF LOTS 2 AND 3 AND/OR ITS WESTERLY PROLONGATION OF SAID PLAT IN SAID SECTION 7 TO THE EASTERLY RIGHT-OF-WAY MARGIN OF AFORESAID STATE ROUTE 16; THENCE SOUTHEASTERLY ALONG SAID EASTERLY MARGIN TO SAID NORTHERLY RIGHT-OF-WAY MARGIN OF 72ND STREET NORTHWEST; THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY MARGIN TO THE EASTERLY MARGIN OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY, AS DESCRIBED IN QUITCLAIM DEED TO CITY OF TACOMA, RECORDED AS AUDITOR'S FILE NO. 8205070163 AND AS SHOWN HATCHED ON EXHIBIT "A" ATTACHED THERETO, BEING SHEETS 7 AND 9 OF 52 SHEETS OF THAT CERTAIN MAP OF DEFINITE LOCATION ENTITLED SR 16, NARROWS BRIDGE TO OLYMPIC DRIVE; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY MARGIN TO THE WESTERLY RIGHT-OF-WAY MARGIN OF STINSON AVENUE; THENCE NORTHEASTERLY IN A DIRECT LINE TO THE NORTHWESTERLY CORNER OF A CERTAIN PARCEL OF LAND DESCRIBED UNDER AUDITOR'S FILE NO. 2883468; THENCE SOUTHEASTERLY ALONG

THE NORTHERLY LINE OF SAID PARCEL TO THE NORTHWESTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY AT THE MOST NORTHWESTERLY CORNER OF LOT 1 OF GIG HARBOR SHORT PLAT, RECORDED UNDER AUDITOR'S FILE NO. 8402100196; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF PIONEER WAY AS SHOWN ON SAID PLAT TO SAID EASTERLY MARGIN OF THE TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY AS SHOWN ON SHEET 9 OF SAID EXHIBIT "A"; THENCE SOUTHERLY ALONG THE EASTERLY MARGIN OF SAID TACOMA-LAKE CUSHMAN POWER LINE RIGHT-OF-WAY TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY MARGIN OF KIMBALL DRIVE NORTHWEST, BEING A LINE PARALLEL AND/OR CONCENTRIC WITH AND DISTANT 30 FEET WESTERLY, MEASURED AT RIGHT ANGLES OR RADIALLY, FROM THE FR-3 CENTERLINE AS SHOWN ON SAID SHEET 9 OF EXHIBIT "A"; THENCE SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY MARGIN TO THE NORTHERLY LINE OF LOT 10 OF AFORESAID PLAT OF GIG HARBOR MILITARY RESERVE, IN SAID SECTION 8; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 10 AND 9 OF SAID PLAT IN SAID SECTION 8 TO THE NORTHWEST CORNER OF SAID LOT 9, BEING ALSO THE NORTHEAST CORNER OF LOT 16 OF SAID PLAT IN SAID SECTION 7; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID LOT 16 TO THE NORTHWEST CORNER THEREOF, BEING ALSO THE NORTHEAST CORNER OF LOT 4 OF SUNNYBRAE, RECORDED IN VOLUME 37 OF PLATS, AT PAGE 50, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG THE NORTHERLY LINE OF LOTS 4 THROUGH 1, INCLUSIVE, OF SAID SUNNYBRAE TO THE SOUTHEASTERLY RIGHT-OF-WAY MARGIN OF WOLLOCHET DRIVE NORTHWEST AS SHOWN ON SAID LAST MENTIONED PLAT; THENCE SOUTHWESTERLY ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY MARGIN AND ITS SOUTHWESTERLY PROLONGATION TO SAID SOUTHERLY RIGHT-OF-WAY MARGIN OF HUNT STREET NORTHWEST; THENCE WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY MARGIN TO THE POINT OF BEGINNING. THE FOREGOING DESCRIBED ANNEXATION PARCEL BEING CONTIGUOUS ON ITS NORTH AND EAST SIDES WITH THE EXISTING CITY LIMITS OF GIG HARBOR.

Legals/#10431/L/MZ/df



Resolution No. \_\_\_\_ - ANX 91-07  
Page 4

**Exhibit "A"**

**Legal Description of Annexation Area**  
(to be submitted with signed agreement prior to Council adoption of resolution)

After recording with the Pierce County Auditor, return to:  
Planning Director  
City of Gig Harbor  
P.O. Box 145  
Gig Harbor, Washington 98335

**Exhibit "B"**

**CONCOMITANT ZONING AGREEMENT  
FOR TALLMAN ANNEXATION (ANX 91-07)**

THIS AGREEMENT, executed this date in favor of the City of Gig Harbor, a Washington municipal corporation (hereinafter the "City"), and by the undersigned owners of the within-described property (herein called "Owners"):

**W I T N E S S E T H:**

WHEREAS, the Owners are persons owning a fee simple and/or having a substantial beneficial interest in the real property comprised of one hundred twenty (120) acres and legally described in Exhibit A, attached hereto and incorporated herein by this reference (the "Property" hereinafter); and

WHEREAS, a petition (No. 91-07) has been filed to annex the property, and requesting pre-annexation zoning, pursuant to chapter 35A.14 RCW; and

WHEREAS, the City Council conducted a public hearing on November 9, 1992 on the petition to annex and preannexation zoning, and directed the City Planning Commission to develop and recommend a preannexation zoning agreement; and

WHEREAS, the Planning Commission, at open public meetings held on December 15, 1992; February 2, February 16, February 23, and March 2, 1993, recommended approval of the petition subject to certain conditions, including the execution and recording of an agreement with

the City pertaining to the preannexation zoning of the property; imposing certain use and development restrictions in order to ameliorate the adverse impact of unrestricted use and development of property in the RB-2 zone;

NOW, THEREFORE, the Owners hereby covenant, bargain and agree on behalf of themselves, their heirs, successors and assigns as follows:

Section 1. Conditions. If the Property is rezoned to RB-2 zone, development of the Property shall be accomplished in accordance with the following conditions and restrictions:

- A. Plans and Surveys. The Owners agree to submit a site plan to the City for approval prior to the clearing of any lot, tract or parcel on the Property. In addition, a tree survey for required buffers on the property shall also be submitted to the City in order to document the nature and composition of the existing vegetation on the Property.
- B. Buffers. The Owners agree to provide the following buffers on the Property, and to depict such buffers in the site plan submitted for the City's approval:
  1. A forty (40) foot dense vegetative screen buffer is required on all boundaries with single family uses.
  2. Along SR-16, a buffer shall be placed twenty-five feet (25') wide. Existing vegetation shall be retained as much as possible.
  3. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
- C. Land Use Restrictions North of Wollochet Drive. In addition to any other

applicable requirements of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the area of the Property north of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be allowed, with the exception of multi-family dwellings.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met, with the exception of mini-warehousing. In addition, food stores and delicatessens may also be conditionally allowed, provided that:
  - (a) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
  - (b) they do not exceed a total of eight hundred (800) square feet in area;
  - (c) they do not contain any outside sales, storage or drive-in service;
  - (e) their hours of operation are limited to sixteen (16) hours per day.
4. **Signage.** Signage shall not be oriented toward the freeway; however signage may be oriented toward Wollochet Drive N.W., 46th Street N.W., Hunt Street, 72nd Street NW and any private roadway within this district.
5. **Design.** Minimum roof pitch shall be 4/12.
6. **Impervious Coverage.** Maximum impervious coverage shall be sixty

percent (60%) per site, which shall include buffers, but exclude wetlands.

7. **Outdoor Lighting.** Outdoor lighting shall be provided on the property only in accordance with GHMC Section 17.28.090(D).

D. Land Use Restrictions South of Wollochet Drive. In addition to any other applicable regulations of the Gig Harbor Municipal Code, the following land use restrictions shall apply to the Property south of Wollochet Drive.

1. **Zoning Designation.** RB-2.
2. **Permitted Uses.** All uses otherwise permitted in a RB-2 zone shall be permitted on the Property, with the exception of multi-family dwellings. In addition, nurseries and landscaping services shall be permitted outright on the Property.
3. **Conditional Uses.** All other conditional uses that may be applied for in a RB-2 zone may be permitted if the applicable criteria are met. In addition, the following uses may also be conditionally allowed:
  - a) Wholesale and Retail Sales where the business is conducted entirely within an enclosed structure;
  - b) Restaurants with associated lounges;
  - c) Gasoline Service Stations;
  - d) Food Stores and delicatessens, provided that:
    - (1) they are situated on the street level of nursing home(s), retirement center(s) or office building(s);
    - (2) they do not exceed a total of eight hundred (800) square

feet;

(3) they do not contain outside sales, storage or drive-in service;

(4) their hours of operation are limited to sixteen hours per day.

4. **Signage.** Signage shall be oriented so that it does not directly face SR-16, however, signage may be directly oriented toward Wollochet Drive N.W. or 38th Street N.W. and any private roadway within this district.
5. **Design.** Minimum roof pitch for all non-residential uses shall be 4/12. No mechanical or electrical equipment shall be visible from any public right of way or adjacent residence. Dumpsters shall be screened from view.
6. **Impervious Coverage.** Maximum impervious coverage is sixty percent (60%) per site, including buffers but excluding wetlands.
7. **Outdoor Lighting.** Outdoor lighting shall be provided on the Property only in accordance with GHMC Section 17.28.090(D).

E. Development of Wetlands on the Property.

1. **Wetland buffers.** The wetlands identified on the site as a Class III (Pierce County) wetlands shall be subject to a minimum fifty (50) foot buffer along the perimeters of the wetland, as designated in the Wetland Mitigation Plan approved by Pierce County. Wollochet Creek, which is a Type 3 water course as identified under the Department of Natural Resources Stream Typing Maps, shall be subject to a minimum buffer of thirty-five feet as measured from ordinary high water, per the City of Gig



Harbor Wetland Management Ordinance. The wetland and its associated buffer shall be identified and established as a conservation easement as a covenant running with the Property.

2. **Wetland Use.** The use of the wetlands and wetland buffers shall be limited to the following:
  - (a) Wells and necessary appurtenances as per Section 18.08.120 of the GHMC.
  - (b) Impervious trails and associated viewing platforms as per Section 18.08.120 of the GHMC. The development of a impervious trail along the perimeter of the wetland and within the buffer shall be developed as each adjoining parcel is developed.
  - (b) The placement of underground utilities, other utilities and access roads as per Section 18.08.120 of the GHMC.
3. **Parking areas.** A parking area sufficient to accommodate a minimum of eight (8) vehicles shall be developed in proximity to the wetlands. The parking area shall be clearly identified as "**Public Parking, Trail Access.**"
4. **Plans.** The plan titled Park Development Plan from Pac Tech Engineering and drawn to the scale of 1" = 50' and sealed on October 14, 1993, shall be recorded with this Agreement in the records of the Pierce County Auditor as a covenant running with the Property. A copy of the documents and proof of recording shall be submitted to the City prior to the submission of any application for development permits in the affected

area of the Property.

5. **Park Dedication.** The development of the park facilities shall be done in a phased manner by the respective property owner as each property is developed. Upon completion of the park, the facility will be dedicated to the city. It is acknowledged that the property, or portions of the property in the annexation area will be sold, and that the terms and conditions of this Agreement shall be binding upon the successive owners of the property. The owner of any portion of property designated in this Agreement as the future City park shall, at the same time as he or she develops the property, construct and install the necessary park facilities described herein. However, even if such property is not developed, each owner must construct and install the park facilities on that portion of the park located on his or her property so that completion and dedication of the park to the City occurs not later than \_\_\_\_\_. The City shall have the right to require dedication of the unimproved park property at any time prior to \_\_\_\_\_, and to thereafter install the necessary facilities for completion.

- F. Transportation. Prior to adoption of the annexation by the City of Gig Harbor, the petitioners shall prepare a traffic impact study to assess transportation impacts on Wollochet Drive from Hunt Street to the interchange, the interchange area, Hunt Street, 46th Street NW and 72nd Street NW. The traffic study shall be based upon the land use as approved by the City Council per this resolution and as

adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. Binding Effect of Agreement. This Agreement shall be recorded in the records of the Pierce County Auditor, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to the Owners of after-acquired title to the Property.

Section 3. Owners' Payment of Costs and Fees. The Owners shall pay all costs of preparation and recording of this Agreement, together with all reasonable costs incurred by the City, including the City's Attorneys' fees.

Section 4. Amendment. This Agreement may be amended or modified by agreement between the Owners and the City; Provided, that such amended agreement shall be approved by the legislative authority of the City by ordinance.

Section 5. Police Power. Nothing in this Agreement shall prevent the City Council from making such further amendment to its Comprehensive Plan, Zoning Ordinances or any other City code or ordinance as the City deems necessary in the public interest. Nothing in this Agreement is intended to authorize any use or dimension not otherwise permitted in the RB-2 zone, except as permitted by this agreement.

Section 6. Benefit of Covenant. This Agreement is made for the benefit of the City, and the City may institute and prosecute any proceeding at law or in equity to enforce this Agreement. If the City prevails in such proceeding, it shall be entitled to recover all costs and fees, including reasonable attorneys' fees.

Section 7. Payment of Costs and Recording Fees. The Owners agree to pay all costs of

recording this Agreement and its Exhibits, together with all reasonable costs incurred by the City in the preparation of this Agreement, including the City Attorneys' fees.

Section 8. Severability. It is further expressly agreed that in the event any covenant or condition or restriction hereinabove contained or any portion thereof is invalid or void, such invalidity or voidness shall in no way affect any other covenant, condition, or restriction hereinabove contained; PROVIDED, however, that in the event that any section, paragraph, sentence, term or clause of this Agreement is found to conflict with applicable law, the City shall have the right to unilaterally modify this Agreement in order to ensure accomplishment of its purposes.

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 1994.

OWNERS:

TALMO CORPORATION

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
(address)

By \_\_\_\_\_  
Its \_\_\_\_\_

\_\_\_\_\_  
(address)

By \_\_\_\_\_

adopted by Pierce County. The traffic study shall be presented to the city for consideration and approval prior to adoption, by ordinance, of the annexation.

Section 2. Binding Effect of Agreement. This Agreement shall be recorded in the records of the Pierce County Auditor, and the covenants hereof shall be deemed to attach to and run with the Property and shall be binding upon the Owners, their heirs, successors and assigns, and shall apply to the Owners of after-acquired title to the Property.

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EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 1994.

OWNERS:

TALMO CORPORATION

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)  
\_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)

\_\_\_\_\_

By \_\_\_\_\_

Its \_\_\_\_\_

\_\_\_\_\_  
(address)

\_\_\_\_\_

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

**Exhibit "C"**

City of Gig Harbor Proposed Zoning  
ANX 91-07 (Gig Harbor Interchange)

**Exhibit "D"**

Park Development Plan

PLEASE SEE ATTACHED DRAWING





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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

### MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:** Planning Staff *AC-*

**DATE:** August 21, 1994

**RE:** SPR 94-03 - Bud Tynes -- Request for site plan approval for 10,000 square foot office building at 7626 Pioneer Way

---

Bud Tynes and Snodgrass Freeman Associates are requesting site plan approval for a ten thousand square foot office building at 7626 Pioneer Way. This is the site adjacent to and west of the Mustard Seed building. The Hearing Examiner is recommending approval of the site plan subject to the same conditions recommended by the Staff. A copy of the Hearing Examiner's report, along with a copy of the staff report to the Hearing Examiner and a draft resolution approving the site plan, are attached for the Council's consideration.

**CITY OF GIG HARBOR**  
**RESOLUTION # \_\_\_\_\_**

**WHEREAS**, Bud Tynes and Snodgrass Freeman Associates have requested site plan approval for the construction of a 10,000 square foot office building at 7626 Pioneer Way; and,

**WHEREAS**, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of site plans; and,

**WHEREAS**, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated August 17, 1994; and

**WHEREAS**, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on August 17, 1994 to accept public comment on; and,

**WHEREAS**, the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended conditional approval of said site plan in his report dated August 26, 1994; and,

**WHEREAS**, the City Council, during its regular meeting of September 21, 1994 reviewed the proposed site plan and the findings and recommendation of the Hearing Examiner; and,

**WHEREAS**, the City Council has determined that the site plan and the recommendation of the Hearing Examiner to be consistent with City codes and policies regulating site plan development;

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

That the findings, conclusions and recommendations of the hearing examiner in his report dated September 26, 1994, are hereby adopted and the site plan is approved subject to the following conditions:

1. The driveway entrance shall be perpendicular to Pioneer Way. This will require a driveway approach not to exceed 24 feet in width with the easterly curb of the driveway being perpendicular to the road. In addition, the curbs should provide handicap ramps on both sides of the driveway aligning with the street sidewalk. A final design of the driveway approach shall be submitted to and approved by the Public Works Department prior to permit issuance.
2. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which

includes details on how the signs should be designed so as to assure unity in the building's overall signage.

3. All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping.
4. The project shall conform to all building and fire code requirements as follows:
  - i. Fire flow must be provided to within 150 FT of the front entrance to the building parcel and within 150 FT of all portions of the building in accordance with the Section 10.401, 1991 Uniform Fire Code. The minimum fire hydrant spacing on Pioneer Way is at each street intersection, at the entrance to the site. Since the building is proposed to be immediately adjacent to the property lines fire hydrants and water mains may need to be extended up the 4th Street right of way to provide the necessary fire protection.

Note: City of Gig Harbor Fire flow is presently available on Pioneer Way. The fire main in Pioneer Way must be tested. The water main in Pioneer may be undersized and of non-conforming materials.

- ii. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (See Appendix III-A & B):

REQUIRED FIRE FLOW (Table A-III-A-1):

Note: The minimum Fire Flow is 1,750 gpm at 20 psi for a 10,000 sqft Type V-One hour fire rated building.

The minimum Fire Flow is 2,750 gpm at 20 psi for a 10,000 sqft Type V-NonRated building.

- iii. REQUIRED NUMBER OF HYDRANTS (Table A-III-B-1):

Note: 1,500 gpm Fire Flow requires 1 hydrant at 500 FT Spacing within 250 FT of the Road

2,500 gpm Fire Flow requires 3 hydrants at 450 FT Spacing within 2 25 FT of the Road

- iv. Access must be provided to all areas in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards.
  - v. Access must be provided to within 150ft of all portions of the building in accordance with Chapter 10.2, 1991 Uniform Fire Code. Access is not provided on two sides and the rear of the building as proposed on the site plan.

- vi. One hour fire rated walls are required for B-2 Occupancies (an office/retail building) within 20ft of the property lines. Three quarter hour fire rated windows and openings are required for buildings within ten feet of property lines.
- vii. A fire resistant roof will be required in accordance with Chapter 32, 1994 UBC.
- viii. A complete plan review will be completed upon submittal of plans for a building permit.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 21st day of September, 1994.

---

Gretchen A. Wilbert, Mayor

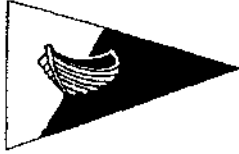
ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk

Passed by City Council: 9/21/94





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** August 17, 1994

**RE:** SPR 94-03 - Bud Tynes -- Request for site plan approval for 10,000 square foot office building at 7626 Pioneer Way

---

**I. GENERAL INFORMATION**

**APPLICANT:** Snodgrass Freeman Associates  
3206 50th Street Ct. N.W.  
Gig Harbor, WA 98335  
Telephone: 851-8383

**OWNER:** Bud Tynes  
7700 Pioneer Way  
Gig Harbor, WA 98335  
Telephone: 851-3939

**AGENT:** Snodgrass Freeman Associates

**II. PROPERTY DESCRIPTION**

1. **Location:** 7626 Pioneer Way  
Tax Assessor's Parcel #765500-016-0

2. **Site Area/Acreage:** 21,763 Square Feet

3. **Natural Site Characteristics:**

- i. **Soil Type:** Harstine
- ii. **Slope:** Approx. 8%
- iii. **Drainage:** easterly toward road
- iv. **Vegetation:** Dense deciduous coverage on back half of parcel



4. **Zoning:**

- i. **Subject parcel:** DB (Downtown business)
- ii. **Adjacent zoning and land use:**
  - North: DB
  - South: DB
  - East: DB
  - West: DB

5. **Utilities/road access:** The parcel is served by City sewer and water and is accessed off Pioneer Way - a city street.

III. **APPLICABLE LAND-USE POLICIES/CODES**

1. **Comprehensive Plan:**

The City of Gig Harbor Comprehensive Plan designates this area as commercial/business. Relevant policies include the following:

Economics, Page 17, Goal - Develop a Sound Fiscal Base. Help market local socio-economic resources to increase employment opportunities, develop office and industrial park properties and provide the City a sound tax base while providing the residents of the city with a continuing high quality of life.

Job Creation - Help create employment opportunities within the local economy, particularly for residents who how commute across the Tacoma Narrows Bridge.

Small Business Development - Encourage local business development opportunities which may be owned by or employ local residents. Promote the local use of special small business financing and management assistance programs. Help identify facilities which may be used for small business start-ups including older structures which may be suitably reused for business purposes.

2. **Zoning Ordinance:**

Section 17.31.010 of the zoning ordinance states that the intent of the DB district is, in part, to provide for an area that offers a broad range of goods and services for the citizens of Gig Harbor, and to promote and enhance services and activities which cater to visitors to the city.

Section 17.31.020 states that business and professional offices are permitted uses in the DB zone.



Section 17.72.030(E) states that 1 parking spaces shall be provided for every 300 square feet of office space.

Other relevant sections include Section 17.78 (landscaping and screening requirements), Section 17.80 (signs) and 17.96 which outlines the general site plan review requirements.

#### **IV. BACKGROUND INFORMATION:**

The subject parcel is currently vacant. The front portion of the site has been used for parking for adjacent businesses.

#### **V. REQUEST/PROJECT DESCRIPTION:**

The applicant is requesting site plan approval to build a 10,000 square-foot building with a net leasable floor area of 8,700 square feet. The building is clearly of a contemporary design but the architect has attempted to incorporate design elements which reflect the historic structures of the downtown area including window proportions, window orientation and scale. The building is rather wide, but it has sufficient facade variation to break up its mass into smaller components, thus reflecting the scale of historic structures in the downtown. The project will include 29 parking stalls.

#### **VI. PUBLIC NOTICE:**

The property was posted and legal notice was sent to the Peninsula Gateway and to property owners within 300 feet. As of August 10, 1994 the City has received comments from 6 downtown business owners each stating support for the project design. These individuals include Shannon Thompson and Jane Henson of Harbor Natural Clothing; Joan Mitton; Carole & Gary Clark of Savannah Sweets; Anthanasios Meras of Meras Men's Store; Joanie Smith of Joanie's; and Mark Wambold of Marco's.

#### **VII. ANALYSIS:**

The Planning Staff has generally no concerns with the proposed project. The applicant has attempted to design a building which respects the downtown setting and meets all zoning code requirements. The only item which will require additional information is signage. The stated intent for site plan review is, in part, to assure a unified design. Because signage plays a critical role in the design of a commercial project and because the proposed building is a multi-tenant structure, a master sign plan should be submitted which identifies the type, location, and maximum area of signage allocated to each tenant space. The sign plan should include details on how the signs should be designed so as to assure unity in the building's overall signage. For example, the sign plan may specify that all signs are to be made of similar materials, letter styles, or background color.



Additional Staff and/or agency comments are as follows:

1. Building Official: The Building Official/Fire Marshall has submitted the following comments:

- i. Fire flow must be provided to within 150 FT of the front entrance to the building parcel and within 150 FT of all portions of the building in accordance with the Section 10.401, 1991 Uniform Fire Code. The minimum fire hydrant spacing on Pioneer Way is at each street intersection, at the entrance to the site. Since the building is proposed to be immediately adjacent to the property lines fire hydrants and water mains may need to be extended up the 4th Street right of way to provide the necessary fire protection.

Note: City of Gig Harbor Fire flow is presently available on Pioneer Way. The fire main in Pioneer Way must be tested. The water main in Pioneer may be undersized and of non-conforming materials.

- ii. Fire flow must be provided to the building in accordance with the Section 10.401, 1991 Uniform Fire Code (See Appendix III-A & B):

REQUIRED FIRE FLOW (Table A-III-A-1):

Note: The minimum Fire Flow is 1,750 gpm at 20 psi for a 10,000 sqft Type V-One hour fire rated building.

The minimum Fire Flow is 2,750 gpm at 20 psi for a 10,000 sqft Type V-NonRated building.

- iii. REQUIRED NUMBER OF HYDRANTS (Table A-III-B-1):

Note: 1,500 gpm Fire Flow requires 1 hydrant at 500 FT Spacing within 250 FT of the Road

2,500 gpm Fire Flow requires 3 hydrants at 450 FT Spacing within 2 25 FT of the Road

- iv. Access must be provided to all areas in accordance with the Washington State Standards for Access. Access must also be provided in accordance with the Federal ADA Standards.
- v. Access must be provided to within 150ft of all portions of the building in accordance with Chapter 10.2, 1991 Uniform Fire Code. Access is not provided on two sides and the rear of the building as proposed on the site plan.





- vi. One hour fire rated walls are required for B-2 Occupancies (an office/retail building) within 20ft of the property lines. Three quarter hour fire rated windows and openings are required for buildings within ten feet of property lines.
  - vii. A fire resistant roof will be required in accordance with Chapter 32, 1994 UBC.
  - viii. A complete plan review will be completed upon submittal of plans for a building permit.
2. Public Works: The Public Works Department has indicated that the driveway entrance should be perpendicular to Pioneer Way. This will require a driveway approach not to exceed 24 feet in width with the easterly curb of the driveway being perpendicular to the road. In addition, the curbs should provide handicap ramps on both sides of the driveway aligning with the street sidewalk.
  3. SEPA Responsible Official: The SEPA Responsible Official has issued a determination of non-significance on July 25, 1994.

#### **VIII. FINDINGS AND CONCLUSIONS:**

The Staff finds that the proposed development is a permitted use in the downtown Business district and meets all zoning code requirements for site plan approval.

#### **IX. RECOMMENDATION:**

The Staff recommends that the Hearing Examiner forward to the City Council a positive recommendation on the proposed development subject to the following conditions:

1. The driveway entrance shall be perpendicular to Pioneer Way. This will require a driveway approach not to exceed 24 feet in width with the easterly curb of the driveway being perpendicular to the road. In addition, the curbs should provide handicap ramps on both sides of the driveway aligning with the street sidewalk. A final design of the driveway approach shall be submitted to and approved by the Public Works Department prior to permit issuance.
2. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
3. All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping.



4. The project shall conform to all building and fire code requirements as stated in the Building Official/Fire Marshall's comments on page 4 and 5 of this report.

Project Planner: Steve Osguthorpe, Associate Planner

A handwritten signature in cursive script, appearing to read "Steve Osguthorpe", written over a horizontal line.

Date: Aug 11, 1994



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

---

**APPLICANT:** Bud Tynes  
**CASE NO.:** SPR 94-03  
**LOCATION:** 7626 Pioneer Way  
**APPLICATION:** Request for site plan approval for a 10,000 square foot office building.

**SUMMARY OF RECOMMENDATIONS:**

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

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Advisory Report; and after visiting the site, the Hearing Examiner conducted a public hearing on the application. The hearing on the Tynes application was opened at 5:26 pm, August 17, 1994, in City Hall, Gig Harbor, Washington, and closed at 5:37 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the hearing. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained in Sections I through VII of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. The applicant's representative concurred with the Staff recommendations.

**II. CONCLUSIONS:**

- A. The conclusions prepared by the Planning Staff and contained in Section VIII of the Planning Staff's Advisory Report accurately set forth the conclusions of the Hearing Examiner and by this reference is adopted as the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.



### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, it is recommended that the revised site plan (Exhibit B) be approved as requested, subject to the following conditions:

- A. The driveway entrance shall be perpendicular to Pioneer Way. This will require a driveway approach not to exceed 24 feet in width with the easterly curb of the driveway being perpendicular to the road. In addition, the curbs should provide handicap ramps on both sides of the driveway aligning with the street sidewalk. A final design of the driveway approach shall be submitted to and approved by the Public Works Department prior to permit issuance.
- B. Prior to building permit issuance, a master sign plan shall be submitted to and approved by the Planning Staff which identifies the type, size, and location of signage allocated to each tenant space (consistent with current sign code regulations) and which includes details on how the signs should be designed so as to assure unity in the building's overall signage.
- C. All landscaping shall be installed prior to issuance of a final occupancy permit or an assignment of funds may be submitted to the City equal to 110% of the cost of the required landscaping.
- D. The project shall conform to all building and fire code requirements as stated in the Building Official/Fire Marshall's comments on page 4 and 5 of Exhibit A.

Dated this 26th day of August, 1994.

  
Ron McConnell  
Hearing Examiner





**RECOMMENDATION:**

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

**COUNCIL ACTION:**

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

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

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



**MINUTES OF THE AUGUST 17, 1994  
HEARING OF THE  
TYNES APPLICATION**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing were: Steve Osguthorpe, representing the City of Gig Harbor; and Dave Freeman, representing the applicant.

**EXHIBITS:**

The following exhibits were offered and entered into the record:

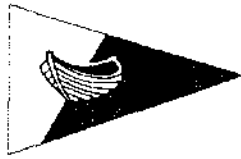
- A. Planning Staff's Advisory Report.
- B. Revised Site Plan

**PARTIES OF RECORD:**

Dave Freeman  
Snodgrass Freeman Associates  
3206 50th Street, Ct. NW  
Gig Harbor, WA 98335

Bud Tynes  
7700 Pioneer Way  
Gig Harbor, WA 98335





City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

## MEMORANDUM

**TO:** Mayor Wilbert and City Council

**FROM:** Planning Staff *AC*

**DATE:** September 12, 1994

**RE:** Hearing Examiner Recommendation -- SDP 94-01, Stephen & Kathryn Gernon

---

Attached for your consideration is the hearing examiner's report and recommendation for conditional approval of the above referenced shoreline variance application. The variance request (which was submitted under the old Shoreline Master Program) is to allow construction of a single family residence, to be used as a vacation cottage, at 6847 Craig Lane. The site is located below the bluff adjacent to Craig Lane and is on the beach south of the old ferry terminal. This is a rebuild of a house which had deteriorated to the point of needing major repairs. The house was essentially rebuilt on top of the previous house's piered platform. Much of the work to rebuild the house has already been completed but because the applicants considered this to be "maintenance" work, they did not obtain the required building or shoreline permits.

The hearing examiner has recommended approval subject to the following conditions:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.
- B. The building must be re-constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink

**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in rest room and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.

**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

- C. A complete plan review will be completed upon submittal of plans for a building permit.

A resolution and documents pertinent to your review are attached.

CITY OF GIG HARBOR  
RESOLUTION # \_\_\_\_\_

**WHEREAS,** Stephen & Kathryn Gernon have requested a shoreline variance to allow construction of a single family residence over the water at 6847 Craig Lane; and

**WHEREAS,** the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management permits; and,

**WHEREAS,** the Planning Department for the City of Gig Harbor has recommended conditional approval of the variance, in a staff report dated August 17, 1994; and,

**WHEREAS,** a public hearing was held on August 17, 1994 with the Hearing examiner to accept public input relating to this request; and,

**WHEREAS,** the City of Gig Harbor Hearing Examiner has made specific findings and conclusions and has recommended approval of the application in his report dated August 26, 1994;

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

That the findings, conclusions and recommendations of the Hearing Examiner in his report dated August 26, 1994 are hereby adopted and the application for a Shoreline Management Substantial Development permit is **APPROVED**, subject to the following conditions:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.
- B. The building must be re- constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

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**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

- C. A complete plan review will be completed upon submittal of plans for a building permit.

**PASSED** by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the Council held on this 8th day of August, 1994.

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Gretchen A. Wilbert, Mayor

ATTEST:

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Mark E. Hoppen  
City Administrator/Clerk



CITY OF GIG HARBOR  
SHORELINE MANAGEMENT SUBSTANTIAL DEVELOPMENT  
CONDITIONAL USE, VARIANCE PERMIT

- Substantial Development
- Conditional Use
- Variance

Application No: SDP 94-01

Date Received: June 13, 1994

Approved: XXX

Denied:

Date of Issuance: September 12, 1994

Date of Expiration: September 12, 1999

Pursuant to RCW 90.58, a permit is hereby granted/denied to:

Stephen M. & Kathryn A. Gernon  
4114 101st St. Court N.W.  
Gig Harbor, WA 98332

To undertake the following development:

Build a single family house over the water on the existing pilings

Upon the following property:

6847 Craig Lane, Assessor's parcel #02-21-8-4-031

On the Puget Sound Shoreline and/or its associated wetlands. The project will not be within shorelines of Statewide Significance per RCW 90.58.030 and is within an Urban Residential environment designation.

Development pursuant to this permit shall be undertaken subject to the following terms and conditions:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.
- B. The building must be re-constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink

**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in rest room and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.

**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

- C. A complete plan review will be completed upon submittal of plans for a building permit.

This permit is granted pursuant to the Shoreline Management Act of 1972 and nothing in this permit shall excuse the applicant from compliance with any other federal, state or local statutes, ordinances or regulations applicable to this project, but not inconsistent with the Shoreline Management Act, RCW 90.58.

This permit may be rescinded pursuant to RCW 90.58.140(7) in the event the permittee fails to comply with the terms or conditions hereof.

Construction pursuant to this permit will not begin and is not authorized until thirty (30) days from the date of filing with the Department of Ecology as defined under RCW 90.58.140(6) or until all review proceedings initiated within thirty (30) days from the date of such filing have terminated, except as provided in RCW 90.58.140 (5)(a-c).

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor, City of Gig Harbor

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**THIS SECTION FOR DEPARTMENT OF ECOLOGY USE ONLY IN REGARD TO A  
CONDITIONAL USE OR VARIANCE PERMIT.**

Date received: \_\_\_\_\_

Approved \_\_\_\_\_

Denied \_\_\_\_\_

Development shall be undertaken pursuant to the following additional terms and conditions:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

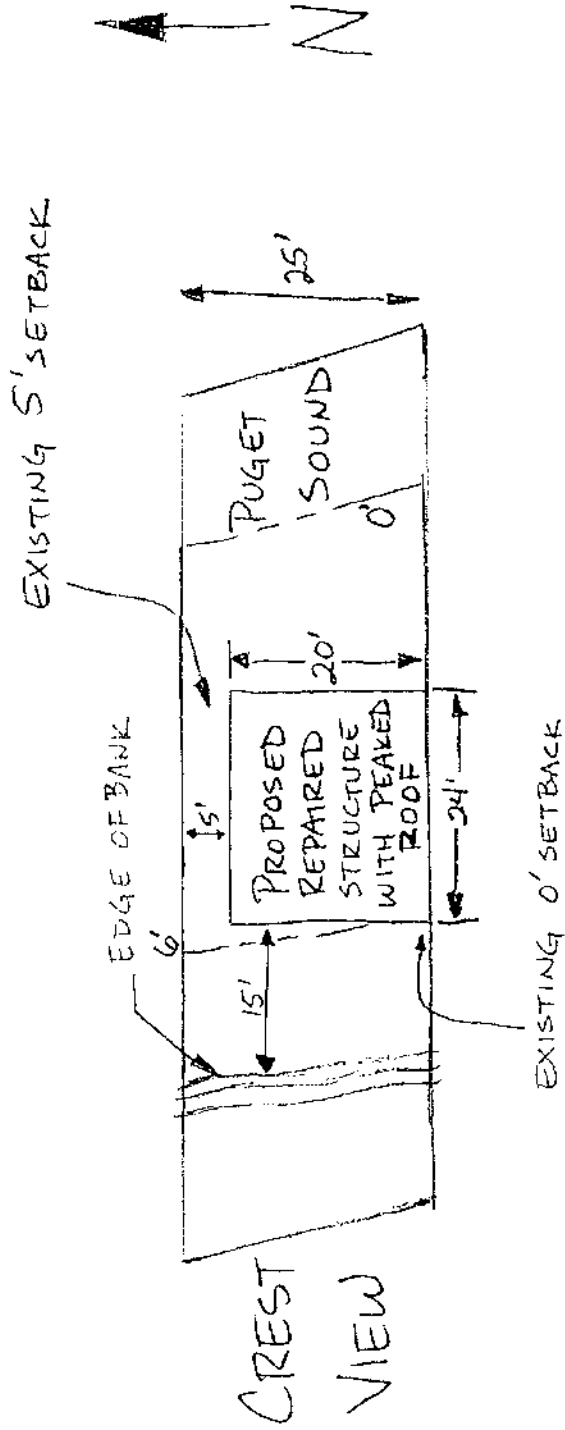
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Department Official

7007 CRAIG LANE  
STEPHEN AND KATHRYN GERNOON

5-5-94

# SITE PLAN

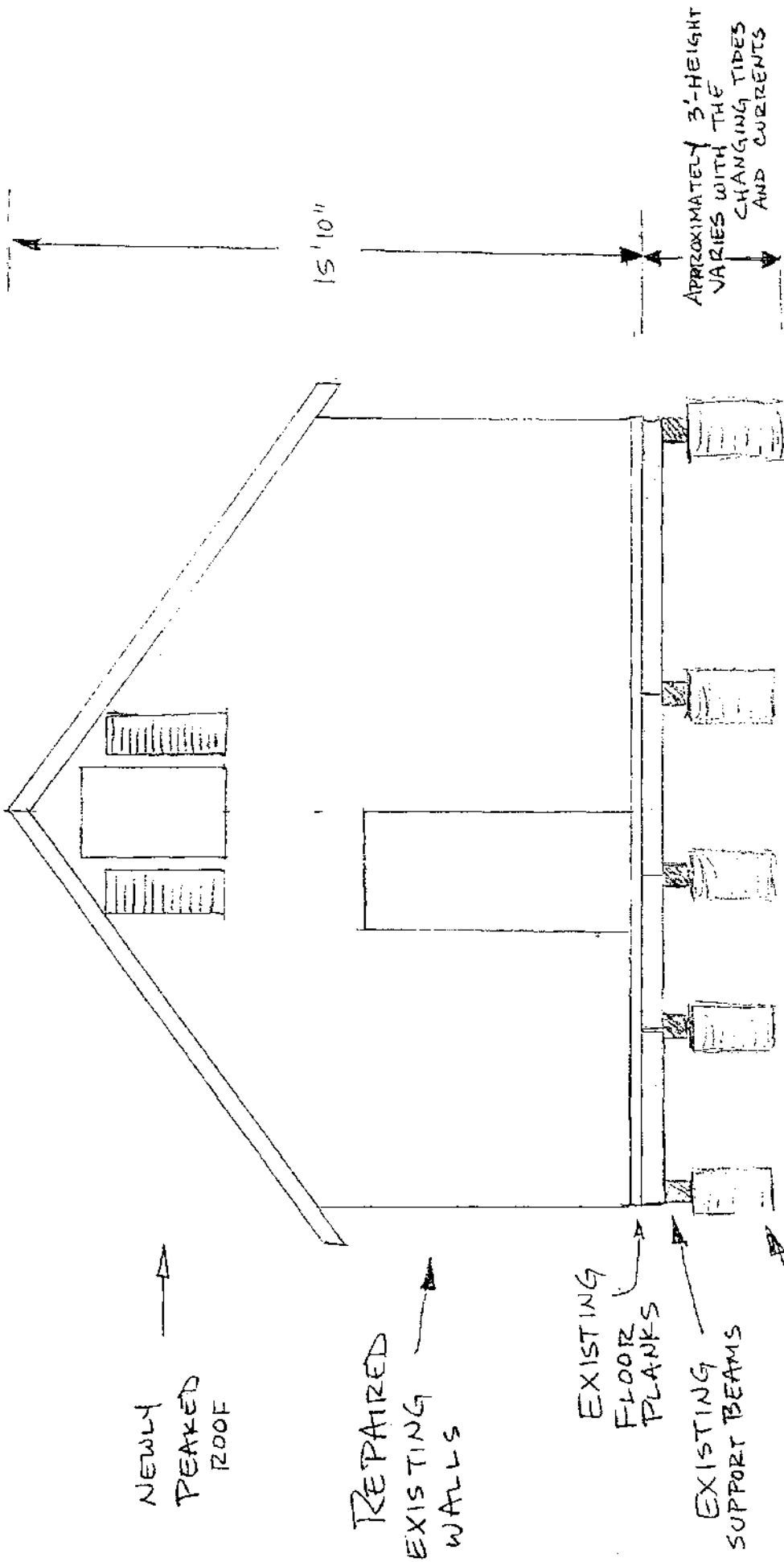


SCALE: 1" = 20'-0"

S-4-44

7007 CRAIG LANE  
STEPHEN + KATHRYN GERMON

# WEST ELEVATION -- REAR



NEWLY PEAKED ROOF

REPAIRED EXISTING WALLS

EXISTING FLOOR PLANKS

EXISTING SUPPORT BEAMS

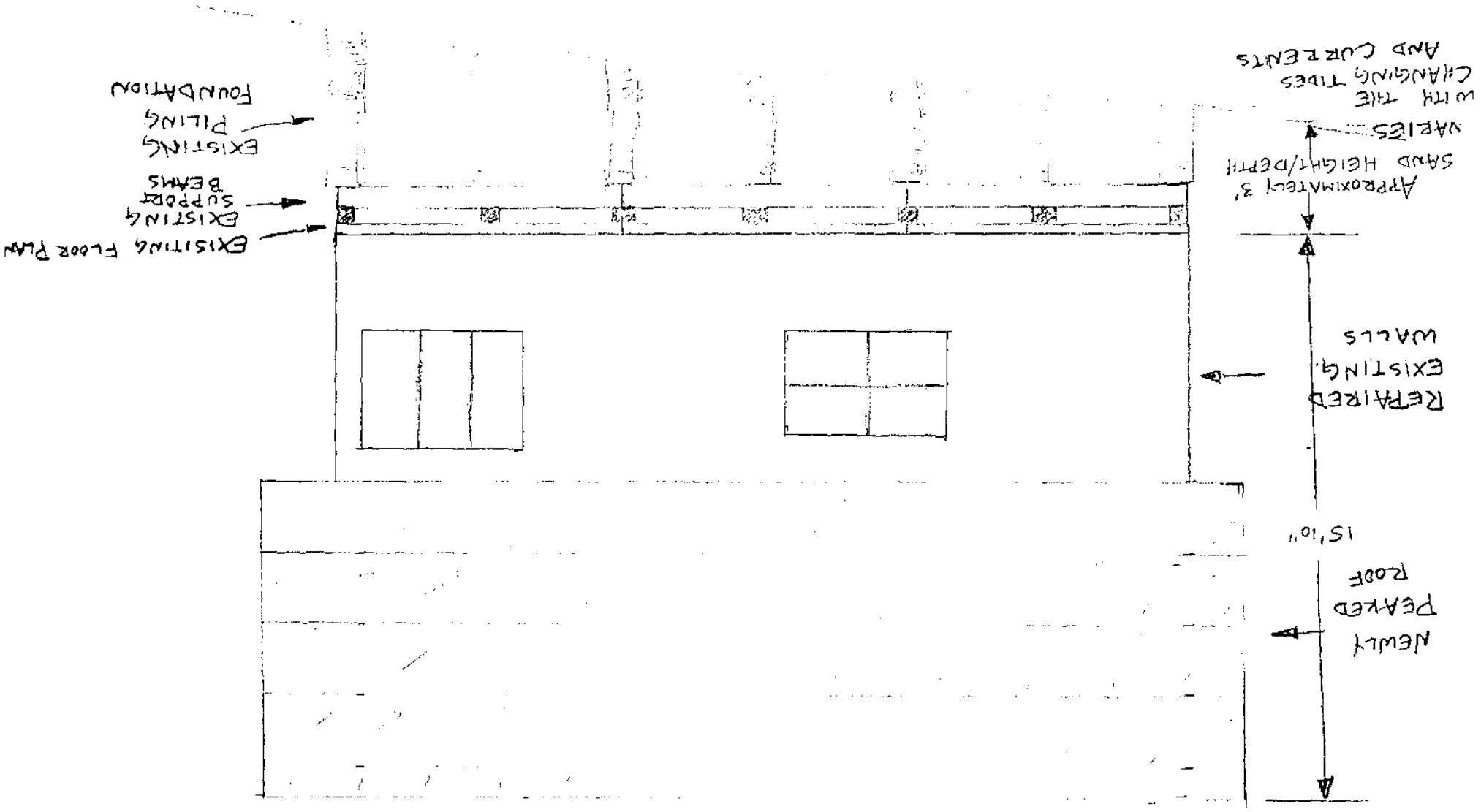
EXISTING PILING FOUNDATION

15'10"

APPROXIMATELY 3'-HEIGHT VARIES WITH THE CHANGING TIDES AND CURRENTS

SCALE 1/4" = 1'-0"

SCALE: 1/4" = 1'-0"

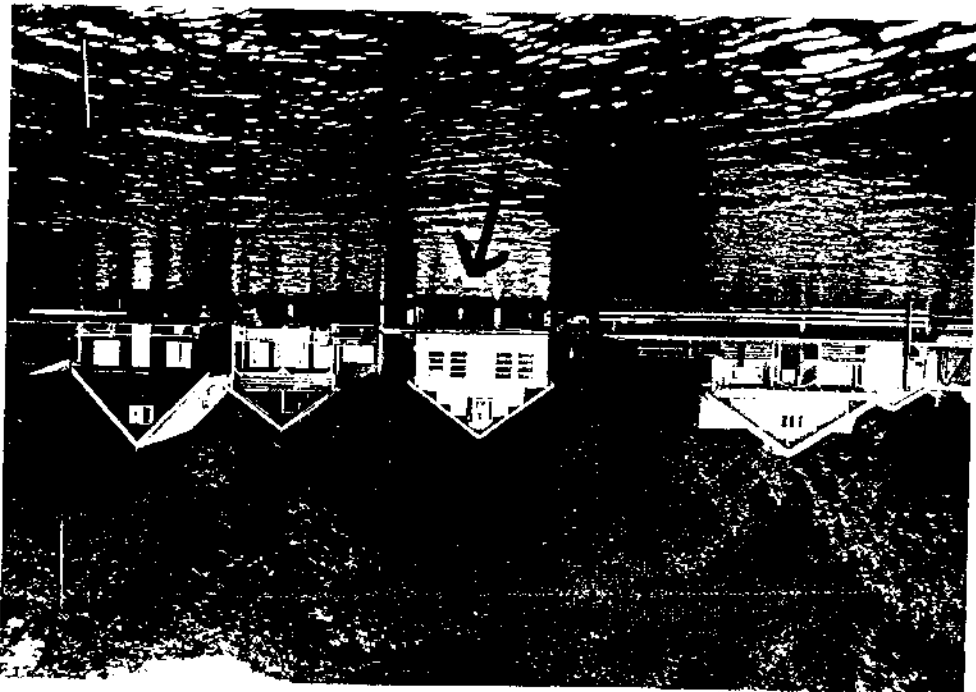
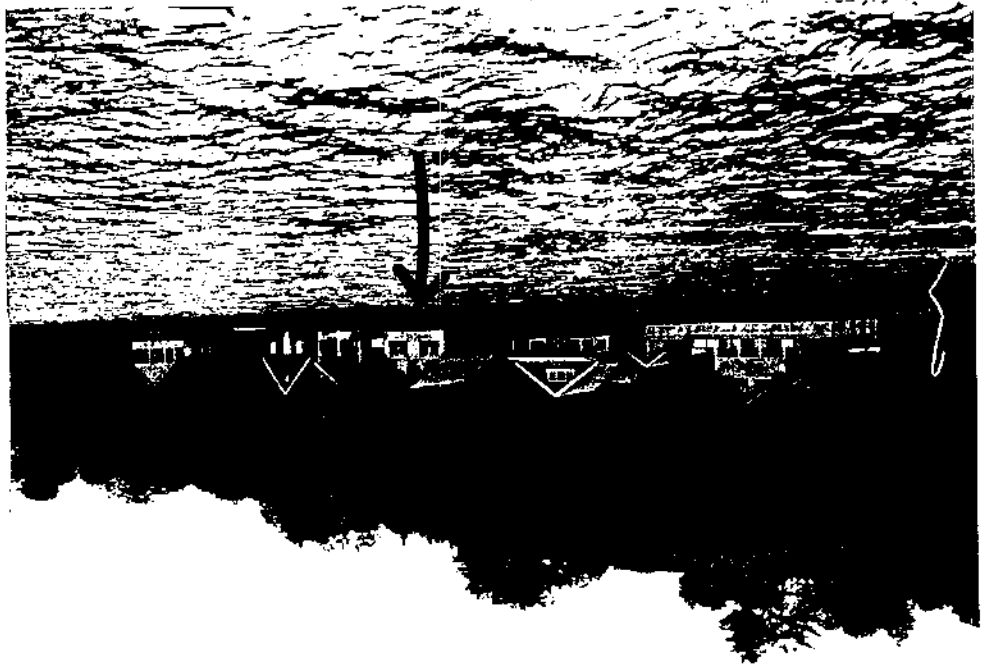


FOOT GRASS LANE  
STEPHEN AND KATHRYN GERMAN

SOUTH SIDE ELEVATION

5-4-94









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

3105 JUDSON STREET • P.O. BOX 145  
GIG HARBOR, WASHINGTON 98335  
(206) 851-8136

**GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT**

**TO:** Hearing Examiner  
**FROM:** Planning Staff  
**DATE:** August 17, 1994

**RE:** SDP 94-01 - Stephen and Kathryn Gernon -- Request for shoreline variance allowing single family house to be rebuilt over the water at 6847 Craig Lane

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**I. GENERAL INFORMATION**

**APPLICANT:** Stephen & Kathryn Gernon  
4114 101st St. Ct. N.W.  
Gig Harbor, WA 98332  
Telephone: 858-2563

**OWNER:** (same)

**AGENT:** N/A

**II. PROPERTY DESCRIPTION**

1. **Location:** 6847 Craig Lane  
Tax assessor's parcel #02--21-08-4-031
2. **Site Area/Acreage:** 3000 sq.ft.
3. **Natural Site Characteristics:**
  - i. **Soil Type:** (coastal beach)
  - ii. **Slope:** Level beach with steep bluff rising on upland side
  - iii. **Drainage:** Bluff draining into Puget Sound
  - iv. **Vegetation:** Bluff vegetated with dense trees and understory
4. **Zoning:**



- i. **Subject parcel:** R-1 (single family)
  - ii. **Adjacent zoning and land use:**
    - North:** R-1 with beach house
    - South:** R-1 with beach house
    - East:** Puget Sound
    - West:** R-1 with single family residence
5. **Utilities/road access:** The parcel has no utilities whatsoever. It is accessed off of an easement to Craig Lane (which is accessed off of Ryan Street).

### **III. APPLICABLE LAND-USE POLICIES/CODES**

1. **Comprehensive Plan:** The Comprehensive Plan designates this area as low urban residential (sewer)

The Shoreline Management section of the Comprehensive Plan includes the goal to "Protect Natural Quality" of the shoreline by defining and regulating "activities which can possibly contaminate or pollute the harbor and shorelines including the use or storage of chemicals, pesticides, fertilizers, fuels and lubricants, animal and human wastes, erosion and other potentially polluting practices or conditions." (Comp. Plan, pg. 35).

2. **Gig Harbor Shoreline Master Program:**

The Gig Harbor Shoreline Master Program states that construction of single family residences are exempt from obtaining a Shoreline Substantial Development Permit, but are nonetheless required to meet specified policies and regulations which, in part, prohibit residences from being extended into the water without qualifying and obtaining a shoreline variance (Master Program, Pg. 27)

Variances may be granted only if the applicant can successfully demonstrate that he cannot make any reasonable use of his property. To support his case, the property owner must address all of the following criteria:

- a) Description of the hardship.
- b) How the hardship relates specifically to the property of the applicant.
- c) Why the hardship results from the application of the Shoreline Management Act and the Gig Harbor Shoreline Master Program and not from the applicant's own actions, deed restrictions, or other laws and regulations.
- d) How the proposed Variance will be consistent with the general purpose and



intent of the Shoreline Management Act and the Gig Harbor Shoreline Master Program.

e) Why the proposed Variance is the minimum variance necessary to relieve the hardship.

f) How the public welfare and interest will be served.

### **3. Zoning Ordinance:**

Section 17.04.620 defines a nonconformity as "any lot, structure, use of land, use of structure or characteristic of use that does not conform to the terms of this title or its future amendments, but that was lawful before the effective date of the ordinance codified in this title or its future amendments."

Section 17.68.040 of the zoning code provides the following guidelines and regulations for non-conforming structures.

- A. No such nonconforming structure may be altered in any way that increases its nonconformity or enlarges any of its dimensions, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Should such nonconforming structure or nonconforming portion of a structure be damaged to less than 50 percent of its replacement cost by any means it may be replaced to its original dimensions, and this shall occur within one year of the time of damage or not at all. The reconstruction shall comply with all applicable building codes in force at the time of replacement, and GHMC 17.68.090;
- C. If no structure alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use, after approval by the hearing examiner; and provided, that the hearing examiner finds that the proposed use is more appropriate for the district than the existing nonconforming use, and in permitting such a change, the hearing examiner may require appropriate conditions and safeguards, and these conditions and safeguards may be made without public hearing;
- D. Any structure and premises in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the use regulations for the district in which they are located, and the nonconforming use may not thereafter be resumed;
- E. When a nonconforming use of a structure and premises is discontinued or abandoned for one year, the structure and premises shall not thereafter be used except in conformity with the regulations of the district in which it is located; and
- F. When a structure and premises have a nonconforming use status, the removal or destruction of the structure shall eliminate the nonconforming status, and destruction for the purposes of this subsection is defined as damage causing loss value greater than 50 percent of the replacement cost at the time of destruction.



#### IV. BACKGROUND INFORMATION:

The subject house is a reconstruction of an original beach which had deteriorated to the point of needing major repairs. The house was essentially taken down to floor level and rebuilt from the walls up on top of the original pier platform. There were some variations from the original design. The roof, for example was built with a steeper pitch, resulting in a height violation. The City's building department received word from the County Tax Assessor that the house was being reconstructed. Notice was therefore sent to the Gernon's that a building permit should have been obtained for the work and that because more than 50% of the house was destroyed, it will have to be rebuilt to current code requirements. Accordingly, the Gernons were informed that (a) the current Shoreline Master Program prohibits houses from being built over the water and a Shoreline variance will be required before the building permit can be issued, and (b) the structure does not meet height or setback requirements for the R-1 zone and a general variance will also be required.

The following additional background information (shown in italics) was submitted by the applicant:

*In 1990, my wife and I purchased the beach cottage at 6847 Craig Lane. This location is part of a cluster of seaside cottages where my wife's family spent many happy years as the children grew up. the opportunity to acquire one of thee cottages came up and we decided to create the same family memories for our two children, ages three and one. I am the sole wage earner as a teacher at Kopachuck Middle School. Therefore, we knew that this cottage was to be our sole family hobby and any repairs would have to be made by us on weekends.*

*When we took possession of the single bedroom cottage, we soon learned that the need for repairs was immediate, and our new hobby was to be a formidable task. I called Pierce County DCD to inquire about permits. I was told that if the cost of the repair work was under \$1,500 we did not need a building permit. Later I learned that the Shoreline Management Program also excludes single family homes from the need for a permit. During the summers from 1991 to September 1993, we slowly proceeded with our new "family adventure." On weekends and during the summers, we replaced pieces of deck and repaired the walls. The roof also leaked badly, and we repaired that too. On April 20, 1994, officials of Gig Harbor called and stated that we were in violation of the City's zoning laws, and that the work we had done would require a permit. Since that time, we have tried to learn what was required and what we need to do.*

#### V. REQUEST/PROJECT DESCRIPTION:

The current request is for a shoreline variance allowing reconstruction of a beach house over the water. In support of this request, the applicant has submitted the following comments (shown in italics) addressing the required findings for a shoreline variance:





**a. Description of the hardship.**

*The variance allows the building to remain as it is. The purpose of the cottage is to allow our young family to have a special place for recreation and relaxation. It is not meant for investment or potential profit. To deny this variance is to deny us use of our cottage. The narrow lot will not accommodate the mandated setbacks and the tidal flow will not accommodate the mandated height requirements. All work on this cottage is done by us through careful budgeting of one educator's salary. To have to rip off the roof or tear down the cottage would be a considerable expense that we would have difficulty in meeting, and would end any meaningful use of the property.*

**b. How the hardship relates specifically to the property of the applicant.**

*This property and structure are zoned as a single family residence, and used as a recreation cottage on weekends during the summer. If the variance is not granted, according to City staff, we would have to tear down the structure. If the structure is destroyed, it would no longer be useable as a single family residence, or as a summer recreation cottage, which is our sole use of the property. We do not reside at this location year round.*

**c. Why the hardship results from the application of the Shoreline Management Act and the Gig Harbor Shoreline Master Program and not from the applicants own actions, deed restrictions, or other laws and regulations.**

*The variance is needed to meet a uniform standard of the zoning code. As a single family residence, the cottage is exempt from the Shoreline Management Program. However, even though it is exempt, the City staff states that it must meet the standards of the zoning code. The zoning code calls for setbacks and height requirements which are designed for an upland residential lot in a modern subdivision. The zoning code requirements for height and setbacks do not meet the needs of an older and very narrow waterfront with the structure on pilings.*

**d. How the proposed variance will be consistent with the general purpose and intent of the Shoreline Management Act and the Gig Harbor Shoreline Master Program.**

*The cottage is a family project which enhances the residential nature of the shoreline. It is not a modern development meant to enhance the local economy. The Shoreline Management Act and Shoreline Master Program are needed to protect the shoreline and allow residential use of it. We are merely trying to repair what has always been there.*

**e. Why the proposed variance is the minimum variance necessary to relieve the hardship.**

*The variance would allow us to keep what is already there. The variance only acknowledges what is already in place, and does not provide for a massive enlargement of the building. Nor would granting the variance set such a precedent since this is a unique neighborhood.*



*f. How the public welfare and interest will be served.*

*Our family has been in this section of shoreline for more than 50 years. By purchasing this older cottage and assuming responsibility for its care, we have tried to carry on this tradition. Our family's hope is to complete this renovation as a family unit, and have a summer weekend cottage for the next several decades. The public welfare and interest is served by strong family units and the maintenance of the residential aspect of Gig Harbor.*

**VI. PUBLIC NOTICE:** The property was posted and legal notice was sent to property owners within 300 feet of the property and to the Peninsula Gateway on July 13, 1994 and July 20, 1994. As of August 11, 1994, no public input has been received on this proposal.

**VII. ANALYSIS:** The Planning Staff concurs with the applicant that this property was developed as residential and is in an area of other beach house cottages. It is zoned as single family residential and the only way to use the property for this purpose is to build over the water. The steep bluff on the west side of the property will not allow building on the upland portion of the site. Moreover, because the platform the house was built on was not removed when the house was reconstructed, the reconstruction has not increased over-water development or caused any disturbance to the beach. The only concern the staff has identified is the house's lack of a sanitary sewer system. None of the beach houses in this area have sanitary sewers resulting in sewerage being disposed of in Puget Sound. While this is a concern, the staff believes that it is an issue more appropriately addressed through the Pierce County Department of Health.

Additional Staff and/or agency comments are as follows:

1. Building Official:

- i.. The existing site lacks the necessary sanitary facilities in accordance with the 1991 Uniform Plumbing Code. The applicant must provide the necessary sanitation facilities as approved by the Tacoma / Pierce County Health Department.

Note: City sanitary sewer and water is not currently available at the site from the City of Gig Harbor.

- ii. The building must be re-constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code.** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors,



Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink

**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in restroom and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.

**Washington State Energy Code.** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows

iii.. A complete plan review will be completed upon submittal of plans for a building permit.

2. Public Works: (no comments)

3. SEPA Responsible Official: The SEPA Responsible Official has determined that this application is exempt from SEPA review as per WAC 197-11-800-6b.

## **VIII. FINDINGS:**

Based upon a site inspection and the analysis contained in Part VII of this report, the Staff finds as follows:

1. The hardship as described by the applicant exists. The property is zoned for single family development and has been historically developed with a residence. There is no other reasonable alternative to build a single family house without building over the water due to the steep bluff on the west side of the property.

2. The hardship relates specifically to the property of the applicant and is not common to other parcels in the R-1 zone. Few parcels in the R-1 zone are located on the beach as the applicant's property is.

3. The hardship results from the application of the Shoreline Management Act and the Gig Harbor Shoreline Master Program which generally prohibits construction of single family dwellings over the water.

4. The requested variance will be consistent with the general purpose and intent of the Shoreline Management Act and the Gig Harbor Shoreline Master Program to protect and preserve the shoreline as a valuable natural resource, provide measures are taken to protect the



shorelines from contaminants and pollutants including sewerage waste.

**IX. RECOMMENDATION:**

The staff recommends approval of the requested shoreline variance allowing reconstruction of the house over the water at 6847 Craig Lane subject to conditions i - iii stipulated under the Building Official's comments on page 6 - 7 of this report.

Project Planner: Steve Osguthorpe, Associate Planner

A handwritten signature in cursive script, appearing to read "Steve Osguthorpe", written over a horizontal line.

Date: Aug. 14, 1984





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

---

**APPLICANT:** Stephen & Kathryn Gernon  
**CASE NO.:** SDP 94-01  
**LOCATION:** 6847 Craig Lane  
**APPLICATION:** Request for a shoreline variance to allow a cabin to be rebuilt over the water.

**SUMMARY OF RECOMMENDATIONS:**

Staff Recommendation:	Approve with Conditions
Hearing Examiner Decision:	Approve with Conditions

**PUBLIC HEARING:**

After reviewing the official file which included the Planning Staff Report; the Hearing Examiner conducted a public hearing on the application. The hearing on the Gernon application was opened at 5:03 pm, August 17, 1994, in the City Hall, Gig Harbor, Washington, and closed at 5:25 pm. Participants at the public hearing and the exhibits offered and entered are listed in the minutes of the meeting. A verbatim recording of the hearing is available in the Planning Department. The Hearing on this case was held concurrently with the hearing on case number SDP 94-07.

**TESTIMONY**

From The City:

Steve Osguthorpe, Associate Planner, reviewed the staff report (Exhibit A).

From the Applicant:

Steve Gernon, applicant, said that of the 18 cabins along the Gig Harbor shoreline, one cabin is in unincorporated Pierce County and the remainder are in Gig Harbor. He said eight of the cabins have electricity and he thought those with electricity also had water. He said he may need to get an easement from the property above to comply with the City's conditions relative to electricity and water. He said he had contacted the Health Department and was told that a holding tank or propane incinerating system may be possible with the incinerating system being the most likely solution.

He said that with respect to the height variance, the measurement should not be from the sand, but rather from the high water mark. He also said that without the requested variances, the structure would only be allowed to be 9 feet wide and 10 or 12 feet tall.

He said the cabin is used approximately 30 days per year and it has been and will continue to be indoor camping.



Kathryn Gernon, applicant, concurred with her husband and said they had not seriously looked into electricity because they like the camping feeling. She said the cabin was never intended to be a year-round residence.

From the Community:

Ronald Kent asked questions regarding the Shoreline Master Program which were answered by staff.

Written Comments:

No written comments were submitted either in favor of or in opposition to the subject application.

**FINDINGS CONCLUSIONS AND RECOMMENDATION :**

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

**I. FINDINGS:**

- A. The information contained in Sections I through VII of the Planning Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner's findings of fact. A copy of said report is available in the Community Development Department.

**II. CONCLUSIONS:**

- A. The conclusions prepared by the Planning Staff and contained in Section VIII of the Planning Staff's Advisory Report accurately set forth the conclusions of the Hearing Examiner and by this reference is adopted as the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.

**III. RECOMMENDATION:**

Based upon the foregoing findings and conclusions, it is recommended that the requested shoreline variance to allow reconstruction of the existing over the water cabin be approved, subject to the following:

- A. The applicant must provide the necessary sanitation facilities as approved by the Tacoma/Pierce County Health Department.
- B. The building must be re-constructed in accordance with all applicable Sections of the 1991 Uniform Codes as adopted by the City of Gig Harbor:

**Uniform Building Code:** Including but not limited to: Structure (including piling and pile connections), Exiting, Smoke Detectors, Egress windows from bedrooms, Minimum Floor Areas in habitable rooms, and Fire Walls for building walls and windows on the south property line. An engineer's review may be required to determine the adequacy of the existing structure.

**Uniform Plumbing Code:** Including but not limited to: Sanitation facilities such as: Water Closet, Potable Water and Kitchen Sink.



**Uniform Mechanical Code:** Including but not limited to: Mechanical Exhaust system in restroom and over kitchen range and a Heating System capable of providing heat of 70 degree F at a point three feet above the floor.

**Washington State Energy Code:** Including but not limited to: Insulation in walls, ceiling and floor, double pane windows.

- C. A complete plan review will be completed upon submittal of plans for a building permit.

Dated this 26th day of August, 1994.



Ron McConnell  
Hearing Examiner



**RECOMMENDATION:**

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

**COUNCIL ACTION:**

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

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

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





**MINUTES OF THE AUGUST 17, 1994  
HEARING ON THE  
GERNON APPLICATION**

Ron McConnell was the Hearing Examiner for this matter. Participating in the hearing was: Steve Osguthorpe representing the City of Gig Harbor; Steven and Kathryn Gernon, the applicants, and Ronald Kent, an interested party .

The following exhibit was offered and entered into the record:

A. Staff Advisory report with attachments.

**PARTIES OF RECORD:**

- Stephen and Kathryn Gernon  
4114 101st Court NW  
Gig Harbor, WA 98332
- Ronald Kent  
4504 Layman Terrace  
Browns Point, WA 98422



WASHINGTON STATE LIQUOR CONTROL BOARD-License Services  
1025 E Union - P O Box 43075  
Olympia WA 98504-3075

TO: MAYOR OF GIG HARBOR

8-29-94

SPECIAL OCCASION #360342

CLASS: GJ

ST. NICHOLAS CATHOLIC CHURCH  
3510 ROSEDALE ST  
GIG HARBOR, WA

DATE/TIME: OCTOBER 1, 1994 7:30PM TO 11PM

PLACE: PARISH HALL 3510 ROSEDALE ST, GIG HARBOR, WA

CONTACT: MARK MC KIBBEN 851-5784

PLEASE RETURN ONE COPY TO THE LIQUOR CONTROL BOARD

SPECIAL OCCASION LICENSES

- \* G - License to sell beer on a specified date for consumption at specific place.
- \* J \_\_\_ License to sell wine on a specific date for consumption at a specific place.  
\_\_\_ Wine in unopened bottle or package in limited quantity for off premises consumption.
- \* K - Spirituous liquor by the individual glass for consumption at a specific place.
- \* I - Class I, to class H licensed restaurant to sell spirituous liquor by the glass, beer and wine to members and guests of a society or organization away from its premises.
- \* I - Annual license for added locations for special events (Class H only)

If return of this notice is not received in this office within 20 days (10 days notice given for Class I) from the date above, we will assume you have no objection to the issuance of the license. If additional time is required please advise.

1. Do you approve of applicant? YES \_\_\_ NO \_\_\_
2. Do you approve of location? YES \_\_\_ NO \_\_\_
3. If you disapprove and the Board contemplates issuing a license, do you want a hearing before final action is taken? YES \_\_\_ NO \_\_\_

<u>OPTIONAL CHECK LIST</u>	<u>EXPLANATION</u>	
LAW ENFORCEMENT	_____	YES ___ NO ___
HEALTH & SANITATION	_____	YES ___ NO ___
FIRE, BUILDING, ZONING	_____	YES ___ NO ___
OTHER:	_____	YES ___ NO ___

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

MAYOR'S REPORT  
September 12, 1994

**JERISICH PARK DOCK EXTENSION**

A handwritten signature in black ink, appearing to be 'JW', is written over the end of the title 'JERISICH PARK DOCK EXTENSION'.

Ben has started the permitting process for a 200' dock extension at Jerisich Park. I'm asking for your comments on this project.

Last week, the DNR informed us we will need to produce a survey of the area. I have also learned from the DNR that any property owner has the right to request to lease any adjacent property available for lease that is not leased by anyone else. Much of the property to the south of the city dock probably is available, except a small square for the moorage of "Genius" leased to Skansis.

Personally, I'm opposed to extending the city dock out beyond the end of the gas dock at Pleasurecraft Marina. I do not want to create a hazardous disadvantage for Skip. But the possibility of extending east then south might be feasible.

Please share your thoughts.



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

JENNIFER M. BELCHER  
*Commissioner of Public Lands*  
KALEEN COTTINGHAM  
*Supervisor*

September 15, 1994

The Honorable Gretchen Wilbert/Gig Harbor City Council  
3105 Judson Street  
Post Office Box 145  
Gig Harbor, WA 98335

RE: Request for Comments - Revised City Comprehensive Plan

Dear Mayor Wilbert:

Thank you for giving the Department of Natural Resources (DNR) the opportunity to comment on the August 1994 City of Gig Harbor Revised Comprehensive Plan. The City has done an excellent job preparing their plan in compliance with the Growth Management Act requirements and reflecting the intent and spirit of growth management.

The DNR does request a plan change with respect to the state's property inside the Interim Urban Growth Boundary in the vicinity of the Washington Correction Center for Women (WCCW). Currently, the draft plan designates the northern 40 acres as Residential Low with the remaining 169 acres designated Public/Institutional. The DNR requests that 22 acres change designation from Public/Institutional to Residential Low. The enclosed map and following background information will help explain our request.

Over four years ago, the department initiated work on the Purdy Master Plan for the property outlined on the map. The participants who helped DNR design the Master Plan were: Pierce County, Peninsula Neighborhood Association, Peninsula School District, Pierce County Fire District No. 5 and the Department of Corrections (DOC). The Master Plan was designed to accomplish the following objectives:

1. Be consistent and compliant with all pertinent land use and zoning regulations of Pierce County and the Gig Harbor Peninsula Area, regardless of the eventual land owner.
2. Allow the DNR to dispose of all its trust ownership in this specific area because of the increasing difficulty to effectively manage these properties for the beneficiaries.
3. Enable the DNR to avoid becoming a defacto park.



The Honorable Gretchen Wilbert  
Page 2  
September 15, 1994

4. Provide all the participants something they wanted, which ultimately gained a consensus of support for the plan. This was one of the few times that DNR was able to plan and offer its property in a manner that satisfactorily addressed the specific needs/agendas of each participant.

As a result of implementing this Master Plan, DNR has completed and/or started the following transactions which covers all of our ownership:

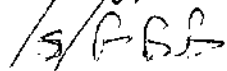
1. Completed two separate sales to the Fire District (1987 and 1990).
2. Completed one sale to the School District (1992).
3. Started an inter-grant exchange and no fee lease with DOC for the WCCW.
4. Started an inter-grant exchange and reconveyance at no cost with Pierce County for a park.
5. Preparing for a public auction sale in March - April 1995 of the 22 acres to fulfill our obligations as trust land managers.

The implementation of this plan is half done, with completion expected within one year thanks to the commitment, dedication and hard work of the participants. We need Gig Harbor's assistance to finish.

We request the City to change the Generalized Land Use Map to reflect our Master Plan. Specifically, the 22 acre parcel needs to be Residential Low and the 115 acre parcel needs to be park if such use isn't allowed under Public/Institutional. These changes would bring the Master Plan, Pierce County zoning and the City Comprehensive Plan together as one and smooth the way for plan completion.

Thank you for the opportunity to comment. If my staff can be of assistance in incorporating these suggestions at this time or in future plan amendments, please call Dave Kiehle in Enumclaw at 825-1631.

Sincerely,

  
Bonnie B. Bunning  
Region Manager

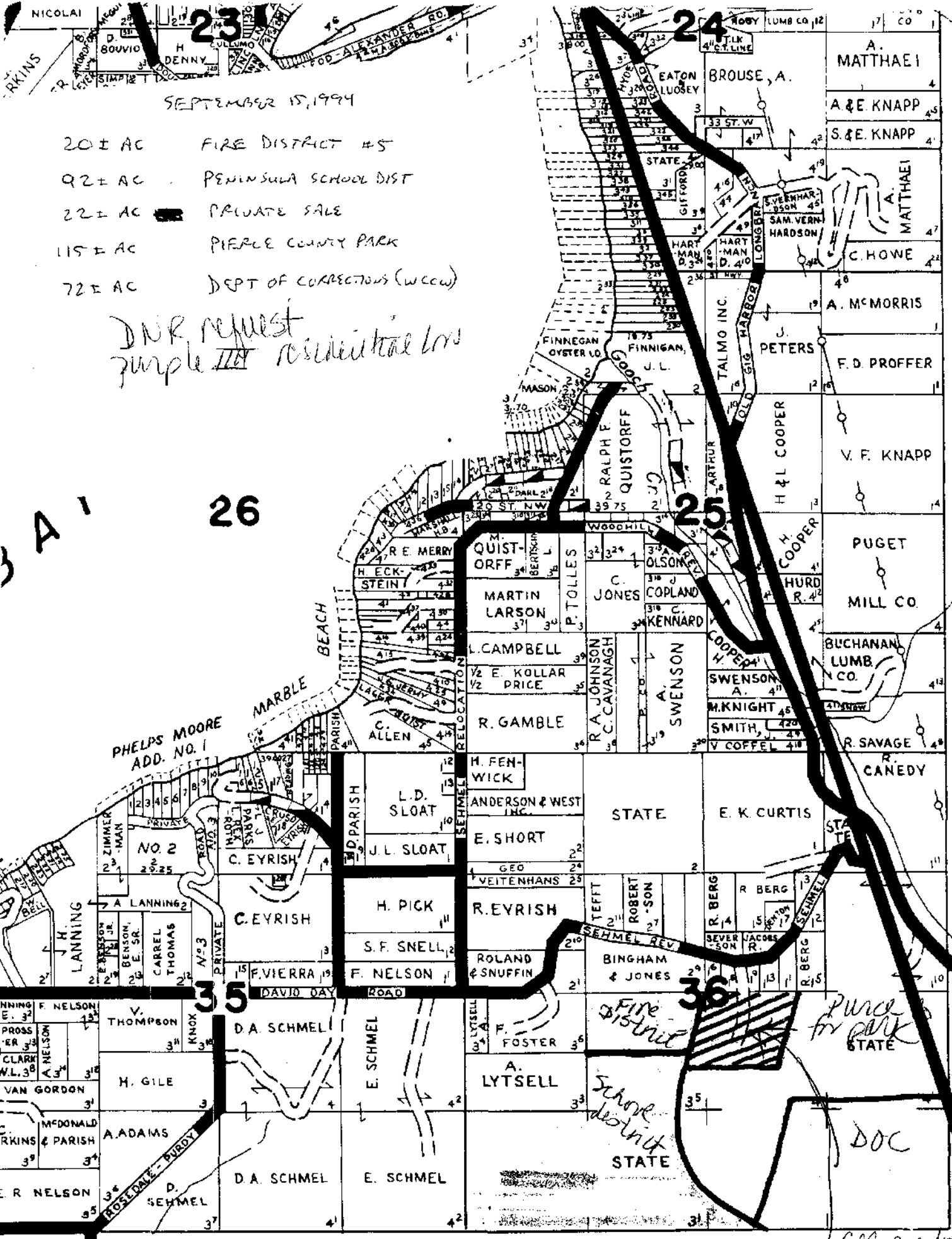
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Enclosures

bc: Rich Scrivner, Steve Hahn, Jerry Probst, Bob Larson, Stu Blocher







SEPTEMBER 15, 1994

- 20 ± AC FIRE DISTRICT #5
- 92 ± AC PENINSULA SCHOOL DIST
- 22 ± AC PRIVATE SALE
- 115 ± AC PIERCE COUNTY PARK
- 72 ± AC DEPT OF CORRECTIONS (WCCW)

DNR request  
purple ~~lot~~ residential lots

3 A 1

26

25

3

16

Rosedale

27

DOC  
reg res lots  
Gin Harbor &

