

GIG HARBOR CITY COUNCIL MEETING

APRIL 27, 1992

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

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AGENDA FOR GIG HARBOR CITY COUNCIL MEETING  
APRIL 27, 1992

PUBLIC COMMENT/DISCUSSION:

CALL TO ORDER:

PUBLIC HEARINGS: None scheduled.

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Notice of meeting of Pierce County Steering Committee regarding draft county-wide planning policies.

OLD BUSINESS:

1. Interlocal agreement creating Rainier Cable.

NEW BUSINESS:

1. Shore Acres Water Company agreement.
2. Request to revise preliminary plat (PUD91-01) - Rush Construction.
3. Hearing Examiner report and recommendation on SPR92-01: Ribary Dental Clinic.
4. Request for vacation of a portion of Sellers Street.
5. Planning Commission recommendation on Urban Growth Area.
6. Pierce Transit Board representative nomination.
7. Peninsula Light request for assistance in executing agreement with FCC for Travelers Information Radio Station.
8. Ordinance revising the Uniform Building Code - 1st reading.
9. Liquor license applications.

DEPARTMENT MANAGERS' REPORTS: None scheduled.

COUNCIL COMMITTEE REPORTS: None scheduled.

MAYOR'S REPORT:

1. Update on Pierce County Growth Management Comprehensive Plan.

ANNOUNCEMENTS OF OTHER MEETINGS: None scheduled.



APPROVAL OF BILLS:

Warrants #            through #            in the amount of \$

EXECUTIVE SESSION:

1.    Discussion of land acquisition.

3.    Claims.

ADJOURN:



REGULAR GIG HARBOR CITY COUNCIL MEETING OF APRIL 13, 1992

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

ABSENT: Councilmember English.

PUBLIC COMMENT/DISCUSSION:

1. Jim Boge addressed the council regarding air pollution and burn barrels. He was concerned that no agency was enforcing any anti-burning regulations.
2. Wade Perrow wished to commend the mayor and administrator for writing a letter to Pierce County in support of the proposed East/West Road.

APPROVAL OF MINUTES:

MOTION: To approve the minutes of the meeting of March 23, 1992.  
Frisbie/Platt - unanimously approved.

CORRESPONDENCE:

1. Letter from DOE regarding approval of Canterwood/Burnham Drive sewer extension.

OLD BUSINESS:

1. Amendment to Site Plan - SPR89-16 (Bush/Polen).  
Planning Director Ray Gilmore explained the request for an amendment to the site plan.

Jim Widrig, project architect, provided answers to council's questions.

MOTION: To accept the recommendation of staff and approve Resolution #351.  
Markovich/Platt - unanimously approved.

MOTION TO AMEND ORIGINAL MOTION:

To specifically reference the drawing dated March 20, 1992 and also limit the roof color to gray, green, or brown.  
Frisbie/Stevens-Taylor - unanimously approved.

2. Purdy Realty, Inc. and South Purdy Associates sewer utility extension agreement.

Public Works Director Ben Yazici explained the agreement which is the city's standard agreement.

MOTION: To approve the agreement.  
Frisbie/Stevens-Taylor - approved by a vote of 3 - 0 with Markovich abstaining.

NEW BUSINESS:

1. Interlocal agreement creating Rainier Cable.  
City Administrator Mark Hoppen presented the information about the creation of the Rainier Cable Commission.

Diane Lachel, Viacom Cablevision representative, was available to answer questions of council and presented information relative to the formation of the commission.

Mayor Wilbert suggested that the council may not have enough information to make a decision at this time.

MOTION: To not join the Rainier Cable Commission.  
Frisbie/Markovich - the vote on the motion was a 2 - 2 tie with Stevens-Taylor and Platt voting against. The mayor broke the tie by voting against the motion. The motion failed.

MOTION: To table this issue to the meeting of April 27, 1992 to gather more information.  
Platt/Stevens-Taylor - the vote on the motion was a 2 - 2 tie with Frisbie and Markovich voting against. The mayor broke the tie by voting in favor of the motion. The motion was approved.

2. Assigned Counsel agreement for legal services.  
Mr. Hoppen explained the agreement with the Department of Assigned Counsel to provide legal services.

MOTION: To approve the contract.  
Stevens-Taylor/Markovich - unanimously approved.



3. ULID construction professional services contract award.  
Mr. Yazici provided information on the proposed contract with Sitts & Hill Engineers and the subcontractors Craig Peck & Associates.

Councilmembers Markovich and Frisbie had questions regarding the language of several sections of the contract and requested that staff work with the city attorney to develop a new contract.

MOTION: To develop a new standard professional services agreement with the assistance of the City Attorney, City Administrator, Mayor, and Councilmembers Frisbie and Markovich and authorize the Mayor to execute such agreement for services not to exceed \$134,700.  
Frisbie/Platt - unanimously approved.

4. Harborview Drive change order.  
Mr. Yazici explained the necessity of the change order.

MOTION: To approve the change order for \$12,000.  
Frisbie/Stevens-Taylor - unanimously approved.

5. Comprehensive Water Plan professional services contract.

MOTION: To table this issue until new language can be developed.  
Platt/ - motion died for lack of a second.

Discussion followed on the area to be covered by such a plan.

MOTION: To table this issue until a new professional services contract can be developed.  
Platt/Frisbie - unanimously approved.

6. Pierce County Aging and Long-Term Care agreement.  
Mayor Wilbert provided the information regarding the leasing of the Bogue Building to this agency to provide services for seniors.

MOTION: To approve the agreement with these changes:  
1. in Section II. Term - change the termination time to thirty (30) days;  
2. in Section IV. Use of Premises -

identify the Community Room as "Space B" as referenced in Exhibit B drawing;  
3. in Section XIX. Revisions, Termination, Amendments - change the termination to thirty (30) days.  
Frisbie/Stevens-Taylor - unanimously approved.

7. Comprehensive Computer Plan.

Finance Officer Tom Enlow presented the proposed plan to upgrade the city's computer system.

MOTION: To approve Phase I and II of the proposed plan dated April 9, 1992.  
Frisbie/Stevens-Taylor - unanimously approved.

MOTION TO AMEND ORIGINAL MOTION:

To approve only Phase I of the proposed plan and move with caution regarding the tie-in of the police department with the rest of the city departments.  
Platt/Frisbie - unanimously approved.

(For clarification - the motion approved only Phase I of the proposed computer plan which upgrades the Police Department network.)

DEPARTMENT MANAGERS' REPORTS:

1. Police.

Chief of Police Denny Richards provided council with information regarding the police department's monthly statistics and projects.

2. Planning.

Mr. Gilmore provided council with updating information on the wetlands mapping project.

3. Public Works.

Mr. Yazici presented the information on the smoke testing of the city's sewer lines.

MAYOR'S REPORT:

1. Pierce County Growth Management Comprehensive Plan update.

ANNOUNCEMENTS OF OTHER MEETINGS:

The Mayor announced the Comprehensive Plan Workshop to be held on April 14, 1992 at Peninsula High School.

PAYROLL:

MOTION: To approve payment of warrants #6874 through #6970 in the amount of \$129,943.79.  
Platt/Stevens-Taylor - unanimously approved.

BILLS:

MOTION: To approve payment of warrants #8709 through #8804 in the amount of \$96,651.71.  
Platt/Stevens-Taylor - unanimously approved.

EXECUTIVE SESSION:

MOTION: To go into executive session at 9:20 p.m. for the purpose of discussing land acquisition, the PERC hearing, and claims for damages.  
Frisbie/Stevens-Taylor - unanimously approved.

MOTION: To return to regular session:  
- unanimously approved.

MOTION: To forward the Michaelson claim to the city's insurance carrier.  
Frisbie/Platt - unanimously approved.

ADJOURN:

MOTION: To adjourn at 9:45 p.m.  
Frisbie/Stevens-Taylor - unanimously approved.

Cassette recorder utilized.  
Tape #273 Side B 324 - end  
Tape #274 Both sides  
Tape #275 Side A 000 - 282.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator/Clerk



April 23, 1992

Mayor and Councilmembers  
City of Buckley

### MEETING NOTICE

The Pierce County Steering Committee has completed the draft Countywide Planning Policies for consideration by the county and city/town elected officials. The mini-convention will be held:

Wednesday, May 13, 1992

6:30 p.m. to 9:30 p.m.

Steilacoom Town Hall  
1717 Lafayette Street

The purpose of this meeting is to bring closure to the process that was initiated with the convention of elected officials in August of 1991. This meeting is of vital importance to all of us in Pierce County in our efforts to meet the requirements of the Growth Management Act. It is our hope that all elected officials from each city and town will be able to attend. Please call Steve Fischer at the Town of Steilacoom to confirm your attendance (581-1900).

The draft policies are the product of Pierce County's Growth Management Steering Committee, a group of elected officials representing all of the jurisdictions inside Pierce County, as well as the County itself. This 19 member committee has been working over the last months to produce these draft policies. The intent is to reach consensus on the Countywide Planning Policies for Pierce County and it is therefore important that all of us come to this meeting prepared to discuss how best to establish this important growth management policy. We are looking forward to seeing you on the 13th.

Sincerely,



MAYOR KATHLEEN SANDOR  
Chair, Pierce County Steering Committee

cc: Growth Management Coordinating Committee  
Urban Growth Areas Subcommittee

Enclosure: Directions to Steilacoom Town Hall





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 Council members  
From: Mark Hoppen, City Administrator *MH*  
Subject: Interlocal Agreement Creating Rainier Cable  
Commission  
Date: April 27, 1992

Attached is the interlocal agreement between the cities and towns of Pierce County to create Rainier Cable Commission.

A representative of Viacom has previously been here to share some alternate viewpoints to those presented by Dick Ferguson, Pierce County Public Relations Officer, on the nature of the interlocal agreement creating Rainier Cable Commission.

Generally, the formation of the commission is an attempt to regulate fees, contract terms, and service to the benefit of the members of the cable jurisdiction. Currently, this activity takes place in an individualized way, municipality by municipality, with supposedly negative consequences to consumers.

At this point the only practical benefit which can be ascertained in creating this commission is municipal video. On the other hand, there appears nothing out of line with our franchise with Viacom. In fact, a county staff person recommended that we wait on this issue at least until the Pierce County Council concludes their own ordinance.

Recommendation: Move to deny the creation of the commission.





Sample

1 FILE NO. \_\_\_\_\_

PROPOSAL NO. \_\_\_\_\_

2 Sponsored by Councilmember

3 RESOLUTION NO. \_\_\_\_\_

4 A RESOLUTION of the (Local Jurisdiction) Authorizing the (City  
5 Manager/Town Mayor) to Enter Into an Inter-Local  
6 Agreement With the Cities and Towns of Pierce County and  
7 Pierce County To Create the Rainier Cable Commission.

8 WHEREAS, cable television exerts an enormous influence on the  
9 lives and culture of many residents in Pierce County and is becoming  
10 the unique and essential source of information; and

11 WHEREAS, local governments attempt through the franchising process  
12 to monitor the performance of cable television operators to ensure that  
13 the operators provide quality service to consumers in all sections of  
14 a franchise area; and

15 WHEREAS, the Cable Communications Act of 1984 and subsequent  
16 decisions by the courts and the Federal Communications Commission have  
17 effectively deregulated cable television and have left local county  
18 governments with little or no power in the area of franchising,  
19 renewals, transfers, rate regulations, technical standards and other  
20 matters; and

21 WHEREAS, rate increases and lack of response to consumer  
22 complaints by cable operators have resulted in dissatisfaction by the  
23 subscribers to cable television; and

24 WHEREAS, most local governments do not have the expertise or  
25 manpower to monitor cable television operators; and

26 WHEREAS, an informal coalition of local governments in Pierce  
27 County has been meeting since January, 1991 to develop a more effective  
28 method of managing our cable television franchises and representatives  
of that coalition presented a report to the \_\_\_\_\_

1 on \_\_\_\_\_ recommending formation of the  
2 Rainier Cable Commission by Interlocal Agreement; and

3  
4 WHEREAS, the \_\_\_\_\_ finds that it does not  
5 have the manpower or expertise to sufficient monitor cable television  
6 operators and it would be in the best interest of the citizens of \_\_\_\_  
7 \_\_\_\_\_ to enter into an Interlocal Agreement to  
8 create a joint Commission known as the Rainier Cable Commission  
9 pursuant to RCW 39.34.030(3); NOW, THEREFORE,

10 BE IT RESOLVED by the Council of \_\_\_\_\_:

11 Section 1. The \_\_\_\_\_ is hereby authorized  
12 to execute the Interlocal Agreement establishing the Rainier Cable  
13 Commission substantially in the form as shown in Exhibit "A", attached  
14 hereto.

15 PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

16 ATTEST:

17 PIERCE COUNTY COUNCIL  
18 Pierce County, Washington

19 \_\_\_\_\_  
20 Clerk of the Council

21 \_\_\_\_\_  
22 Council Chair

23 Approved As To Form Only:  
24  
25 \_\_\_\_\_

26 Chief Civil Deputy  
27 Prosecuting Attorney  
28

**INTERLOCAL COOPERATION AGREEMENT  
FOR THE ADMINISTRATION OF CABLE TELEVISION  
FRANCHISES AND CREATING THE RAINIER CABLE COMMISSION**

WHEREAS, the local municipal and county governments within Pierce County, Washington, wish to make the most efficient use of their resources to encourage the development of quality cable television services; and

WHEREAS, each party signing this Agreement has the power and responsibility to issue and oversee cable television franchise agreements; and

WHEREAS, each party joining in this Agreement wishes to cooperate with other governments and thereby to provide its citizens the best possible cable television oversight, regulation, and community programming services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of cable television in its respective community; and

WHEREAS, it is the intention of the parties signing this Agreement to create a joint commission to be known as the Rainier Cable Commission ("Commission") as an administrative agency pursuant to RCW 39.34.030(3); and

WHEREAS, the parties signing this Agreement intend to cooperate in the operations of the Commission to accomplish the objectives set out in this Agreement;

NOW, THEREFORE, in consideration of the mutual promises of the parties, it is hereby agreed that:

THIS AGREEMENT is made by and between the undersigned governmental entities within Pierce County, Washington ("parties," "members," or "local jurisdictions"). This Agreement is made pursuant to the Interlocal Cooperation Act, RCW 39.34, et seq., and the General Laws of the State of Washington. This Agreement shall take effect upon the date of its filing with the Secretary of State in accordance with the provisions of RCW 39.34.040, after the Agreement has been executed by at least two local jurisdiction members.

Section 1. General Purpose of Agreement.

The purpose of this Agreement is to create a single expert cable commission available to all the local governmental entities within Pierce County. The Commission will have the duties and functions necessary:

- A. To provide central and expert advice to each local jurisdiction member on cable television matters;
- B. To make available to each local jurisdiction member public, educational and municipal communications services, including video, voice and data services, on the cable systems serving the local jurisdiction members;
- C. To study and to advise each local jurisdiction member regarding the exercise of that member's cable television regarding the exercise of that member's cable television franchise powers;
- D. To take specific action on behalf of individual local jurisdiction members as authorized, or to recommend specific actions for individual local jurisdiction members to take in regard to the

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provision of cable television services and to the regulation and oversight of cable television activities and operators;

E. To provide a forum for intercommunication and consultation among the local jurisdiction members, and to provide an opportunity for joint sharing of the expenses, data, expertise, experiences and plans of each of the members; and

F. To prepare a Model Cable Television ordinance and Franchise Agreement for consideration by each of the local jurisdiction members and to provide a means for the local jurisdiction members to act jointly on cable television matters.

Section 2. Commission Creation and Powers.

There is hereby created a joint commission, to be known as the "Rainier Cable Commission," to carry out the specific purposes set forth in this Agreement. In carrying out the purposes of this Agreement, the Commission is charged with the following duties, responsibilities, and functions:

1. It shall enjoy all powers delegated to it by any local jurisdiction to monitor and enforce compliance with the terms of existing and future cable franchises of local jurisdiction members.

2. It shall act as contract agent on behalf of local jurisdiction members to the extent authorized by that member for the purpose of soliciting, reviewing, and analyzing cable television proposals, modifications, transfers, and renewals, for negotiating the proposed franchise terms with applicants, and for other actions related to monitoring and enforcing cable operator compliance with cable franchises.

3. It shall develop a Model Cable Television Ordinance and Franchise Agreement for use and reference by local jurisdiction members.

4. It shall be available to contract with local jurisdiction members for the production of programming for public and municipal purposes.

5. It shall provide advice to members in regard to the legal obligations of cable operators under federal, state and local law.

6. It may collect and receive monies, subject to the provisions of this Agreement, from its members.

7. It may incur expenses and make expenditures necessary and incidental to the effectuation of this Agreement.

8. It may employ such persons as it deems necessary to accomplish its duties and purposes. Any such employees shall be employees of the Commission and shall not be deemed to be employees of any member hereof.

9. It may contract for services with its member jurisdictions or with third parties to be performed in accomplishing its duties and functions.

10. It may perform such other duties and powers as prescribed by this Agreement.

Section 3. Membership.

A. Membership in the Rainier Cable Commission shall be available to Pierce County and

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all cities and towns in Pierce County.

B. A local jurisdiction shall become a member of the Commission only by an authorizing resolution properly adopted and executed by the local jurisdiction and duly executing this Agreement.

C. Each local jurisdiction shall adopt an authorizing resolution and shall forward a copy of such resolution to the Commission along with a copy of this Agreement executed by the local government's proper officer[s] pursuant to authority conferred by its governing body.

D. Membership shall be conditioned upon payment of dues and assessments charged by the Commission.

Section 4. The Board of Commissioners.

A. The Governing Body. The governing body of the Commission shall be its Board of Commissioners (the "Board"). Pierce County shall elect two representatives to the Board, one selected by the Pierce County Executive, and one by the Pierce County Council. The City of Tacoma shall select two representatives to the Board. The governing body of each other local jurisdiction member shall select one representative to serve as its Commissioner on the Board. Each member may select respective alternative representatives who may attend all meetings and shall act in the absence of the primary representative. Each Commissioner shall have one vote on any decision made by the Board.

B. Quorum and Voting. Except as expressly provided below, scheduled meetings or work sessions of which all Commissioners have received adequate notice may be conducted by the Board without the requirement of a quorum and decisions on routine procedural matters may be made by a majority of those present. This is intended to facilitate the work of the Commission without unnecessary delays. A quorum shall be required for the following actions:

- 1. Any decision which could lead to or have the effect of determining the manner in which a member jurisdiction receives cable television services;
- 2. Any decision which would lead to or have the effect of selecting a person or persons who would provide, by franchise or otherwise, a cable television system or systems with a particular area;
- 3. Any decision which would provide for apportioning any revenues received by the Commission among the parties hereto;
- 4. Any decision on any contract for services with a member jurisdiction;
- 5. Any decision on agreements or contracts for personal services or purchases for the Commission which exceed budget authority or purchasing procedure limits;
- 6. Any decision relating to the budget, expenditures or appropriations pursuant thereto; and
- 7. Any decision for which a Board member requests, either in person at the meeting or in writing before the meeting, that a quorum be present.

C. Terms of Office and Succession. A commissioner shall serve for a term of two years and may be reappointed. At the expiration of a term, a Commissioner may continue to serve until a successor is appointed and assumes the duties of office. Each local jurisdiction member shall fill its own vacancy on the Board.

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Section 5. Meetings, Bylaws and Officers.

A. Meetings of the Board shall be conducted in compliance with the Open Public Meetings Act.

B. Bylaws. The Board shall adopt bylaws, as soon as possible after its first organization meeting, which shall at a minimum specify the following:

1. The frequency of regular meetings;
2. The methods and manner of calling special meetings;
3. The method, term and manner of election of officers and appointment of staff, if any;
4. The procedures for execution of legal documents; and
5. The definition of a quorum.

C. Officers. The Board shall, at its first meeting, elect a president, vice president, and secretary-treasurer. The president, or, in the absence of the president, the vice president, shall preside at all meetings, call special meetings and otherwise conduct business in accordance with the bylaws. The secretary shall keep all minutes of the meetings.

Section 6. Fees and Expenses of Operation.

A. The Board shall comply with applicable state laws relating to budgets and audits of books and records. These books and records shall be open to inspection by any local jurisdiction member or its designate.

B. The Board shall determine the fees and assessments to be charged to member jurisdictions to equitably allocate among the members expenses associated with carrying out the duties and functions of the Commission.

C. The Commission shall be financed by fees and assessments to be charged to member jurisdictions. The fee to be charged each member shall be established by separate agreement with each member jurisdiction.

D. The Commission is authorized to establish a special fund with the Treasurer of Pierce County or the City of Tacoma to service the Commission, such fund to be designated as the "Operating Fund of the Rainier Cable Commission Joint Board."

Section 7. Duration of Agreement and Termination.

A. Duration. The duration of this Agreement is perpetual and the Commission shall continue from year-to-year, subject to termination by unanimous consent of its members.

B. Any member jurisdiction shall have the right to withdraw from this Interlocal Agreement by giving written notice to the Commission six months prior to the date of withdrawal.

C. Withdrawal will not absolve the withdrawing member of responsibility for meeting financial and other obligations which exist between the Commission and the member at the time of withdrawal.

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2 D. Upon termination of this Agreement, any money or assets in possession of the  
3 Commission after payment of all liabilities, costs, expenses, and charges validly incurred under  
4 this agreement shall be returned to all contributing governments in proportion to their assessment  
determined at the time of termination.

5 E. The debts, liabilities, and obligations of the Commission shall not constitute a debt,  
liability or obligation of any member jurisdiction.

6 Section 8. General Terms.

7 A. Severability. The terms of this Agreement are severable and a determination by an  
8 appropriate body having jurisdiction over the subject matter of this Agreement that results in the  
invalidity of any part shall not affect the remainder of the Agreement.

9 B. Interpretation. The terms and provisions of this Agreement shall be liberally construed  
10 to accomplish the purposes intended.

11 C. Additional Members. The Board may allow other local jurisdictions to enter into this  
12 Agreement where those jurisdictions had previously decided not to enter into this Agreement or  
had not been contemplated as possible members. The Board may impose a fee on the jurisdiction  
to recover costs associated with the subsequent inclusion of the jurisdiction.

13 D. Enforcement. Each member agrees to be bound by the terms and conditions of this  
14 Agreement. The Commission may seek legal action to enforce this Agreement against any party  
which attempts to or actually breaches this Agreement.

15 E. Amendments. Amendments hereto may be made by the affirmative vote of three-  
16 fourths of the members, including the affirmative votes of the City of Tacoma and Pierce County.

17 F. Property. The Commission is authorized to acquire, hold, and dispose of real and  
18 personal property used in its operation in its own name. In the event of its dissolution, money and  
property held by the Commission shall first be used to apply to its debts, and any remaining  
money or property shall be returned to its member jurisdictions.

19 Section 9. Initial Dues and Basic Services.

20 A. In consideration of the basic dues payable by each member, the Commission shall  
21 provide the following basic services:

- 22 1. Cable Administration. The Commission shall provide administration services in the  
23 following areas: Franchise monitoring, contract negotiation, consumer complaints,  
technical standards, and production management.
- 24 2. Office/Clerical. The Commission shall provide an office and clerical staff sufficient  
25 to manage activities surrounding franchise management, consumer complaints,  
information dissemination, and production control.
- 26 3. Overhead. Basic dues shall cover building rental, miscellaneous equipment,  
27 telephones, office supplies, and maintenance.
- 28 4. Cable Consultant. The Commission shall retain a technical cable consultant to serve  
the members, and shall retain legal counsel as necessary.

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The Commission shall be authorized to vary the basic services to be provided to members from time-to-time.

B. Basic Dues. Members subscribing to this Agreement agree to pay as basic dues for each membership one-half of one percent (0.5%) of the cable franchise fee payable to that member by its cable franchisee(s). The Commission shall be authorized to amend the basis dues from time to time.

IN WITNESS WHEREOF, this Agreement has been executed by each party subscribing to membership, as indicated on the signature page affixed to this document.



**SIGNATURE PAGE**

**Joinder in Interlocal Cooperation Agreement for the  
Administration of Cable Television Franchises and  
Creating the Rainier Cable Commission**

The undersigned jurisdiction, pursuant to resolution of its governing body, agrees to membership in the Rainier Cable Commission and agrees to the terms and conditions of the "Interlocal Cooperation Agreement for the Administration of Cable Television Franchises and Creating the Rainier Cable Commission."

DATED at \_\_\_\_\_, Washington, this \_\_\_\_ day of \_\_\_\_\_,  
1992.

APPROVED:

\_\_\_\_\_

CITY OF GIG HARBOR

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

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

Attest:

\_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Deputy Prosecuting Attorney/City Attorney



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 Council  
From: Mark Hoppen, City Administrator *MH*  
Subject: Agreement with Shore Acres Water Company  
Date: April 27, 1992

Although it has taken some time to get in touch with a representative of the Shore Acres Water Company, we have communicated and discussed terms of an agreement.

With 208 current users, the following four year agreement mirrors the previous agreement with 1.25 multiplier for the outside rate. The connection multiplier has been increased to 1.5. It should be noted that since we replaced the meter to Shore Acres flow readings have essentially increased by 25 percent.

The Shore Acres Water Company made the argument that they should have a rate comparable to Rushmore (1.0 to an outside user established last year). On the other hand, it should be noted that water service extended outside the city limits (Ord. 583, 1990; Ord. 498, 1986), as codified in Section 13.04.030, should be charged at an outside city multiplier of 1.5. The 1.25 multiplier with Shore Acres has a long historical precedent which predates these ordinances.

Recommendation: Move to approve the indicated terms and authorize the City Administrator to conclude the four year agreement with the Shore Acres Water Company.

AGREEMENT

between

CITY OF GIG HARBOR

and

SHORE ACRES WATER COMPANY

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1992, by and between the City of Gig Harbor, a municipal corporation of the State of Washington, for and on behalf of its Water Division, hereinafter called the "City"; and Shore Acres Water Company, a mutual corporation organized and existing under the laws of the State of Washington, hereinafter called "Purchaser".

WITNESSETH:

That the parties heretofore and in consideration of the mutual covenants herein contained, agree as follows:

1. Agreement to Sell and Purchase.

The City will deliver at the point or points of delivery herein specified, and will sell to the Purchaser, all water required by the Purchaser as a distributing utility for its members, at the rates and otherwise upon and subject to the terms and conditions herein set forth.

2. Term of Contract.

This contract shall be deemed effective as of \_\_\_\_\_, 1992, and shall terminate \_\_\_\_\_, 1996. Without further action by either of the parties hereto, this contract shall be renewed and continued in full force and effect for additional terms of four year periods, unless the Purchaser or City on or before ninety (90) days prior to the termination of this contract, or on or before ninety (90) days prior to the termination of any renewal period, gives written notice that the contract will not be renewed.

3. Point of Delivery and Character of Service.

The City will deliver or make available to the Purchaser, at the two master meters serving Shore Acres Water Company near the City's corporate limits or at such other sites as the City and the Purchaser may agree upon, wholesome water for residential and fire extinguishing uses. The water supplied shall be of the same quality as that distributed by the City to its users and supplied in sufficient quantities and sufficient pressure for the residential and fire extinguishing uses by the members of Shore Acres Water Company at the point of connection between the City's and the Purchaser's systems. The City will, throughout the term and under the conditions of this contract, deliver or make available to the Purchaser that amount of water needed to adequately supply the members of Shore Acres Water Company.

4. Payment for Water and Connection Fees.

Water delivered under this contract shall be billed by the City and paid by the Purchaser bi-monthly. The rate shall be 125% of the City's residential rate which has been set by City Ordinance #547, or as amended in the future. All conditions of payment which apply to City customers shall apply equally to the Purchaser.

The Purchaser shall pay to the City for each new connection to the Purchaser's system a connection fee equal to 150% of the connection fees charged by the City to its customers at the time of connection to the Purchaser's system.

5. Presumed Number of Connections.

For purposes of calculating billing from the City to the Purchaser it shall be conclusively presumed that there are currently 208 connections to the Purchaser's system. This presumption shall be reviewed and adjusted to reflect actual number of connections on the first day of December of each year this agreement shall remain in force.

6. Master Meter System.

The City shall bi-monthly read the two master meters in existence and the bill payable to the City shall be calculated upon that reading. The bi-monthly bill shall be computed as follows:

- A. Determine the total water consumed bi-monthly by reading the master meters.
- B. Compute billing according to current ordinance by multiplying base charge for each 4" meter times the outside city multiplier, plus multiplying usage at the current ordinance rate per 100 cubic feet times the outside city multiplier, plus city taxes at 5%.

7. Load Changes.

The Purchaser shall not extend new service to a structure which is larger than a single family dwelling, without prior written approval from the City Council allowing the Purchaser to extend service to the structure or meter serving the structure.

8. Resale of Water.

The Purchaser agrees that all water delivered by the City hereunder will be used for its own purposes as a distributing utility to distribute water to its members and that none will be delivered or sold to another distributing utility for resale.

9. Interruption of Service for Causes Beyond Control of Parties.

If the operation of the City's source of water or means of distribution or the operation of the Purchaser's service is suspended, interrupted, or interfered with for any cause beyond the City's control, including but not by way of limitation, the failure or breakdown or interruption of electrical power, floods, fires, acts of God or the public enemy, or other causes beyond the control of the parties, but expressly excluding business recessions, depressions, strikes, etc., the City need not deliver water for such period of time to the extent that such suspension, interruption or interference makes it reasonably impractical to deliver

such water; and monthly bills for any suchh period, including any such suspension, interruption of interference, shall be pro-ratedd by reducing the billing demand in the ratio of days of suspension of service to the total days in the billing period.

The City shall have reasonable time to repair any accident, leaks, or breaks in the plant. Such repairs shall be made with due diligence and ddispatch without unnecessary delay.

10. Flushing.

The City shall notify the Purchaser prior to flushing any lines which will effect the quality of the water delivered to the Purchaser.

11. Area Served.

The Purchaser shall only serve members within the following described area:

Beginning at the Northeast corner of thee Southeast quarter of the Southwest quarter of Section 8, Township 21 North, Range 2 East of W.M.;

Thence West 30 feet more or less to the West line of Wickersham County Road;

Thence Southerly along the West line of Wickersham County Road to the North line of the Southwesst quarter of Section 17, Township 21 North, Range 2 East W.M.;

Thence Easterly along the North line of the Southwest quarter and the Southeast quarter of Section 17 to the point of intersection with the Government Meander line;

Thence Northwesterly along the Government Meander line to the City limits of the City of Gig Harbor;

Thence Westerly along said City limits to the point of beginning.

Excluding any area which has been annexed to the City of Gig Harbor.

12. Assignment.

This agreement shall inure to the benefit of and be binding upon the respective successors and assigns of the parties hereto; provided, however, that neither this contract nor any interest herein shall be transferred or assigned by the Purchaser without the prior written consent of the City Council.

13. Arbitration.

Any controversy or claim arising out of or relating to this agreement, including any dispute involving an increase in the rates, shall be settled by arbitration in accordance with the rules of the American Arbitration Association.

IN WITNESS WHEREOF, the parties hereto have executed this agreement in triplicate, each by signatures and attest of its duly authorized officers, as of the day and date first above written.

CITY OF GIG HARBOR

SHORE ACRES WATER COMPANY

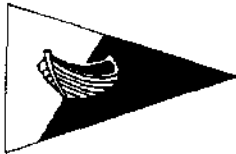
\_\_\_\_\_  
Gretchen A. Wilbert, Mayor

\_\_\_\_\_  
Jack Wiles, President

ATTEST:

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

\_\_\_\_\_  
Secretary



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

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

TO: *RG* MAYOR WILBERT AND COUNCILMEMBERS  
FROM: *RG* RAY GILMORE, PLANNING DIRECTOR  
DATE: APRIL 24, 1992  
SUBJECT: REQUEST TO RECONFIGURE PRELIMINARY PLAT  
(PUD 91-01)

In February, 1992, Council granted preliminary plat approval to Mr. Gordon Rush for the development of a 43 lot, planned unit development subdivision south of Hunt Street. Since preliminary plat approval, two adjustments have been proposed to improve the development.

Attached is a copy of a letter dated April 6, 1992, from Mr. Jim Cooper of Rush Construction. The letter details the proposed changes, which consists of 1) lot reconfiguration in teh central and west portion of the plat; and 2) provision of additional open space for on-site stormwater detention.

Because the reconfigured plat does not alter the density nor substantially alter the design, staff recommends approval of revision. A Resolution for Council's consideration is attached.



RUSH CONSTRUCTION COMPANY  
5715 Wollochet Dr NW  
Gig Harbor, WA 98335

22 April 1992

Ray Gilmore - Planning Director  
City of Gig Harbor  
3105 Judson  
Gig Harbor, WA 98335

Dear Mr. Gilmore,

Since preliminary approval of the Rush Construction Harbor Sunset project South of Hunt and East of SR16, two adjustments have been proposed to improve the development.

We would like to request review and approval of these changes and will provide whatever information you require for your review. If a presentation to the City Council is needed, please schedule us at the earliest available date.

I have included a copy of the plat the Council has already reviewed and a copy of the modified plat for comparison.

The adjustments are:

- 1) To reduce the SR16 road noise to the homes in the development, the lots along the SR16 boundary (West side) should be moved to the outer perimeter so that the back of the homes can face the freeway. The homes can then be more easily designed to reduce interior noise by reducing window openings in the rear and by sloping the roof lines to deflect noise from the inside of the development. The access road would then be relocated to the East of these homes. In addition to improved noise control, this approach also increases the amount of open space in the project by reducing the area required for the access road.
- 2) In order to accommodate a storm water retention area, the Northwest corner of the development needs to be modified so that the additional open space produced by item (1) above can be made available for the retention system.

Other than these changes the general layout of the development is not changed. It is felt that these changes are very positive in nature and that they have no anticipated negative effects. The increase in open space will provide better screening and isolation from SR16 and will improve the quality of the neighborhood by reducing



noise. The number of units remains as approved at 43 with the following mix: (10) duplexes, (5) singles, (2) 3-plexs, and (1) 12-plex.

The idea of a sound fence along the Western side to further reduce noise has also been studied. At this time it is not known whether a fence will improve the development or not. Should a fence be deemed appropriate, Rush Construction will provide the City with a plan and a request for approval. The best location for the fence will likely be in the greenbelt where it will not generate a sight nuisance to drivers on SR16.

Thank you for your help. Please let me know if anything else is required to proceed.

Regards,

Jim Cooper  
Rush Construction Company



GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

TO: CITY COUNCIL  
FROM: PLANNING DEPARTMENT  
DATE: APRIL 27, 1992

RE: SITE PLAN REVIEW FOR DENTAL CLINIC ON KIMBALL  
DRIVE, APPROXIMATELY 150 FEET NORTH OF ERICKSON  
STREET - CASE # SPR92-01

=====  
Snodgrass, Freeman Associates is requesting site plan approval for a dental clinic on a .16 acre parcel on Kimball Street approximately 150 feet north of Erickson Street. The site is a triangular shaped parcel situated between the Peninsula Learning Center on the north and the proposed hotel site on the south.

In conjunction with this application, a rear yard setback variance was requested and approved by the Hearing Examiner on March 30, 1992. The approval was based upon the sites unusual configuration and size restraints and was consistent with the Planning Staff's recommendation. The Hearing Examiner also considered testimony received during a public hearing held on March 18, 1992. Comments expressed during the public hearing reflected support of this proposal. No further input has been received.

The Planning Staff and the Hearing Examiner are recommending approval of the proposed site plan for this parcel. The Staff Report to the Hearing Examiner and the Hearing Examiner's report and recommendation to the City Council are attached. Additional graphics will be presented during the City Council meeting on April 27th.

CITY OF GIG HARBOR  
RESOLUTION NO. \_\_\_\_

WHEREAS, Snodgrass Freeman Associates has requested site plan approval for the construction and operation of a 2589 square foot dental clinic on Kimball Drive; 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 March 18, 1992; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on March 18, 1992 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 reports dated March 30, 1992;

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 March 30, 1992 are hereby adopted and the site plan is approved subject to the following conditions:

1. A twenty foot buffer zone shall be retained on the north side of the building and shall be incorporated as part of the required landscape plan stipulated in Section 17.78.070 of the Gig Harbor Zoning Code.
2. All significant trees shall be retained in the buffer zone according to Section 17.78.050 of the Gig Harbor Zoning Code. The Planning Staff shall approve the identification significant trees and the method of tree protection during construction. No site work shall occur prior to obtaining said approval.

3. The site plan and structure shall conform to all fire and building protection measures as specified by the City's Building Official/Fire Marshall and the Uniform Building Code.
4. A final storm drainage plan shall be approved by the City's Public Works Department prior to building permit issuance.
5. Sidewalks, curbs and gutters shall be installed along the entire frontage of Kimball Drive.
6. The Applicant shall provide a written agreement with the adjacent property owner allowing temporary encroachment for the purpose of constructing the rear retaining wall near the east property line. The agreement shall be acceptable to the City Attorney prior to issuance of the building permit on the subject site. This requirement may be waived by the City if the Applicant can demonstrate, to the satisfaction of the City, that the wall can be built without disturbance beyond said property line.

**PASSED** this 27th day of April, 1992.

-----  
Gretchen A. Wilbert, Mayor

**ATTEST:**

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

Filed with City Clerk:  
Passed by City Council: 4/27/92

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

---

**APPLICANT:** Snodgrass Freeman Associates  
**CASE NO.:** SPR92-01  
VAR92-02  
**APPLICATION:** Site Plan Review and Variance for a dental clinic on Kimball drive, approximately 150 feet north of Erickson Street.

**SUMMARY OF RECOMMENDATIONS:**

**Planning Staff Recommendation:** SPR92-01 Approve with conditions  
VAR92-02 Approve with conditions  
**Hearing Examiner Recommendation:** SPR92-01 Approve with conditions  
VAR92-02 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 Pro-tem conducted a public hearing on the application. The hearing on the Snodgrass Freeman Associates application was opened at 5:05 p.m. March 18, 1992, in City Hall Gig Harbor, Washington, and closed at 5:40 p.m. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Planning Department.

**FINDINGS CONCLUSIONS AND RECOMMENDATION:**

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

**I. FINDINGS:**

- A. The information contained on pages 1, 2, 3, 4, and 5 of the Planning's Staff Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner Pro-tem to be supported by the evidence presented during the hearing and by this reference is adopted as a part of the Hearing Examiner Pro-tem's findings of fact. A copy of said report is available in the Planning Department.
- B. David Freeman of Snodgrass Freeman Associates, 3206 50th St. Ct. NW, Suite 125, Gig Harbor testified as the Applicant as follows:



1. The proposed project was brought to the Applicant's architectural office last fall. The Owner wished to relocate to the subject site and was advised of the constraints of the site. An initial design was done following the constraints and the resulting structure was smaller than desired. Yard setbacks of the site included a twenty foot front and rear yard setback. A twenty foot setback from the remaining property line is adjacent to residentially zoned property on which is a school. The Applicant consulted the City Staff and was advised to request a variance.
2. The yard setbacks in effect at the time the Owner purchased the subject site determined the allowable site building area of 6,800 square feet. Shortly after the Owner purchased the site, the zoning code was amended and the setbacks were changed. The allowable building site area now, after the setbacks were amended, is 2,640 square feet, a 61% reduction in the initial allowable building area. The proposed variance would increase the allowable site building area 2,100 square feet.
3. The design of the proposed structure would accommodate seven dental operatories on the level above parking and support offices and lounge on the second level above the parking level.
4. The parking level, which is three feet below the grade of Kimball Drive, accommodates nine parking stalls. The subject site slopes downward from the east property line to the west property line at Kimball Drive. This condition reduces the visual impact of the parking from the property abutting the subject site to the east and from Kimball Drive.
5. The proposed building has been designed to be diminutive in size. The exterior materials are concrete, cedar and glass block to be illuminated with soft lighting. The proposed structure will be very visible because of its location on the outside of the curve of Kimball Drive. The parking will be shielded by the grade difference and landscape screening.
6. The mitigating design measures are dependent on approval of the variance.

7. The Applicant has no exceptions to the Staff recommendations. The twenty foot setback at the north property line will be maintained except for clearing for construction purposes. The vegetation in this setback is to be retained and maintained in its natural state. The Applicant, the architect of the proposed project, will monitor the preserved, natural setback area during construction to assure protection. Installed landscaping of the site will be natural landscape materials.
8. The variance and site plan approval requested are not unusual considering the City's action that changed the conditions for development of the site after the Owner acquired the site. It is a credit to the Owner to pursue a creative solution with a reputable architectural firm. The proposed landscaping, parking, lighting and building design conform to the City's design guidelines. The proposed structure and the site treatment has been subdued to respect the high visibility location of the site from Kimball Drive.

C. Keith Lyle, 9020 Crescent Valley Drive, Gig Harbor testified in support of the proposed Variance and Site Plan Approval as follows:

1. Mr. Lyle sold the subject property to the Owner two years ago. Prior to the transaction, a plan was reviewed with the City's Planning Staff for a two story building of 4,200 square feet. Parking was separate from the building in the plan reviewed.
2. The Applicant has done a credible job of reducing the site footprint of the building to minimum size but at increased cost of construction.
3. The neighboring property to the east is in early development stage for a motel.
4. Mr. Lyle did not think the City would change the requirements for development after the transaction occurred.

D. Dennis Davenport, 7501 Artondale Drive, Gig Harbor testified at the hearing as follows:

1. Mr. Davenport testified that he is the owner of the property to the east of the subject site.

2. The Applicant, Dave Freeman, is the architect for a motel on his property.
  3. Mr. Davenport wants to be on record that he does not oppose the proposed development.
  4. Mr. Davenport expressed concern for compatibility of the structures to be developed on adjacent properties. The Applicant indicated that the proposed structure could be described as "post modern" style building. Mr. Davenport indicated that he has site plan approval for *ninety-five motel units designed in the "Queen Ann" style*.
  5. Mr. Davenport expressed his support for good development and does not oppose the subject development.
- E. The Hearing Examiner Pro-tem finds that the reasons set forth in the Application justify the granting of the variance requested and finds that the variance requested is the minimum variance that will make possible the reasonable use of the land.

## II. CONCLUSIONS:

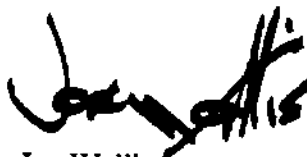
- A. The conclusions prepared by the Planning Staff and set forth under "Findings" on pages 5 and 6 of the Planning Staff's Advisory Report accurately set forth a portion of the conclusions of the Hearing Examiner Pro-tem and by this reference are adopted as a portion of the Hearing Examiner Pro-tem's conclusions. A copy of said report is available in the Planning Department.
- B. The requested variance meets all criteria of Section 17.66.030 of the Zoning Code for acceptance.
- C. The Owner has acted in good faith to comply with the City's regulations in acquiring and attempting to reasonably develop the subject site.
- D. The proposed site plan responds to existing site conditions to integrate the proposed development into the surrounding area.
- E. The proposed site plan, with the variance requested, uses the subject, atypical site effectively meeting development criteria of the City.

### III. RECOMMENDATION:

Based upon the foregoing findings of fact and conclusions, the requested Site Plan Approval (SPR92-01) and Variance (VAR92-02) is recommended APPROVED subject to the following conditions:

1. A twenty foot buffer zone shall be retained on the north side of the building and shall be incorporated as part of the required landscape plan stipulated in Section 17.78.070 of the Gig Harbor Zoning Code.
2. All significant trees shall be retained in the buffer zone according to Section 17.78.050 of the Gig Harbor Zoning Code. The Planning Staff shall approve the identification of significant trees and the method of tree protection during construction. No site work shall occur prior to obtaining said approval.
3. The site plan and structure shall conform to all fire and building protection measures as specified by the City's Building Official/Fire Marshal and the Uniform Building Code.
4. A final storm drainage plan shall be approved by the City's Public Works Department prior to building permit issuance.
5. Sidewalks, curbs and gutters shall be installed along the entire frontage of Kimball Drive.
6. The Applicant shall provide a written agreement with the adjacent property owner allowing temporary encroachment for the purpose of constructing the rear retaining wall near the east property line. The agreement shall be acceptable to the City Attorney prior to issuance of the building permit on the subject site. This requirement may be waived by the City if the Applicant can demonstrate, to the satisfaction of the City, that the wall can be built without disturbance beyond said property line.

Dated this 30th day of March, 1992.



Joe Wallis  
Hearing Examiner Pro-tem

**RECONSIDERATION:**

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

**COUNCIL ACTION:**

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

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

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

**MINUTES OF THE MARCH 18, 1992  
HEARING ON THE SNODGRASS FREEMAN ASSOCIATES  
APPLICATION**

E. Joseph Wallis was the Hearing Examiner Pro-tem for this matter. Participating in the hearing was: Steve Osguthorpe, Associate Planner, representing the City of Gig Harbor.

The following exhibits were offered and entered into the record:

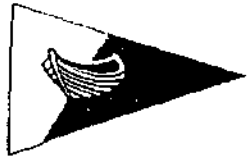
- A. Planning Staff's Advisory Report.
- B. Site Plan dated 2/12/92
- C. First and Second Floor Plans dated 1/23/92
- D. Preliminary Front Elevation, undated, receipt stamped by the City of Gig Harbor "Feb 25 1992".
- E. Preliminary Rear Elevation, undated, receipt stamped by the City of Gig Harbor "FEB 25 1992".

**PARTIES OF RECORD:**

David Freeman  
Snodgrass, Freeman Associates  
3206 50th St. Ct. NW  
Suite 125  
Gig Harbor, WA 98335

Keith Lyle  
9020 Crescent Valley Dr.  
Gig Harbor, WA 98335

Dennis Davenport  
7501 Artendale Drive NW  
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

GIG HARBOR COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

TO: HEARING EXAMINER  
FROM: PLANNING DEPARTMENT  
DATE: MARCH 18, 1992

RE: SITE PLAN REVIEW AND VARIANCE FOR DENTAL CLINIC ON  
KIMBALL DRIVE, APPROXIMATELY 150 FEET NORTH OF  
ERICKSON STREET - CASE # SPR92-01  
VAR92-02

I. GENERAL INFORMATION

APPLICANT: Snodgrass Freeman Associates  
3206 50th St. Ct. NW, #125  
Gig Harbor, Washington 98332

OWNER: James L. Ribary  
7108 Pioneer Way  
Gig Harbor, Washington 98332

AGENT: N/A

II. PROPERTY DESCRIPTION:

1. Location: The site is located on the east side of Kimball Drive approximately 150 feet north of Erickson Street. The assessor's tax number is 02-21-08-3-131 which is within a portion of the SW 1/4 of Section 8 Township 21 North, Range 2 East.
2. Site Area/Acreage: The parcel is .16 acres or 6970 Square feet. Total impervious coverage is expected to be 70%.
3. Natural Site Characteristics:
  - i. Soil Type: Harstine gravelly sandy loam
  - ii. Slope: Approx. 6%
  - iii. Drainage: Westerly toward Kimball Drive
  - iv. Vegetation: Mixed stand of cedar, fir, and madrona - evenly distributed

4. Zoning:

- i. Subject parcel: B-2 (General Business)
- ii. Adjacent zoning and land use:
  - North: R-1 (Public School)
  - South: B-2 (vacant land, car wash)
  - East: B-2 (undeveloped)
  - West: B-2 (Pioneer Plaza Shopping Center)

5. Utilities/Road Access: The parcel is accessed off of Kimball Drive. Sewer and water are provided by the City of Gig Harbor, power by Peninsula Light, and gas by Washington Natural Gas.

III. APPLICABLE LAND-USE POLICIES/CODES

1. Comprehensive Plan: The proposed site is within the commercial/business zone as indicated on the Comprehensive Plan Land Use map, Graphic 9, pg. 24. Commercial/business-type uses support the Comprehensive Plan's objectives to create employment opportunities and attract new businesses into the Gig Harbor area.

2. Zoning Ordinance:

The B-2 zone is intended to accommodate a wide range of consumer goods and services which will be primarily for sale on the premises and within enclosed structures (Section 17.36.010).

IV. BACKGROUND INFORMATION:

The subject parcel is a triangular shaped lot on the east side of Kimball Drive. It is located between the school playground and a proposed hotel site on the corner of Kimball and Erickson Street. The .16 acre parcel is 216.28 feet wide and 98.3 feet deep on its north side. The lot tapers down to a point on the south side adjacent to the hotel site.

The property was purchased by Dr. James Ribary in January 1990 for the purpose of building a dental clinic on the site. In March 1990, the zoning ordinance was amended to



increase the front setback in the B-2 zone from zero feet to 20 feet. This amendment significantly decreased the buildable portion of this site due to its long, shallow and tapered configuration.

**V. REQUEST/PROJECT DESCRIPTION:**

The current application is for a variance for a reduced rear yard setback and also site plan approval for a 2589 square foot dental clinic. The structure would consist of three levels including an at-grade parking level below and in front of the primary structure. A total of 9 parking spaces are proposed, conforming to the code required parking of 1 space per 250 square feet of floor area. The overall height of the structure will be 28 feet as measured from finished grade at the front of the building. Maximum building height in this area is 35 feet for commercial structures.

The proposed clinic is design to respect the new front yard setback requirements and provides for a wide landscape buffer on the side adjacent to the school yard. However, the plan requires that the rear yard setback be reduced from 20 feet to 5 feet. The applicant is therefore requesting a 15 foot variance to accommodate the building's footprint.

**VI. APPLICANT'S RESPONSE TO VARIANCE CRITERIA:**

The applicant has submitted a detailed statement addressing the findings of fact outlined in Section 17.66.030 of the City's Zoning Code and is attached with this report.

**VII. PUBLIC NOTICE:**

Public notice was provided as follows:

Published in Peninsula Gateway: March 4, 1992  
Mailed to property owners of record within 300 feet of the site: February 26, 1992  
Posted in three conspicuous locations in the vicinity of the site: March 4, 1992

As of March 12, 1992 the Staff has received no public input on this proposal.

**VIII. STAFF REVIEW:**

The Planning Staff is reasonably comfortable with the proposed layout of this site. The architect has successfully integrated the parking area into the structure's design and it is sufficiently landscaped to soften the appearance of the parking area from the street. While the layout does require a significant reduction of the rear yard setback, the Staff believes that the reduced setback should not create any significant difficulties for developing the property to the rear as it is large and has sufficient vegetation to retain as a buffer. Moreover, the proposed dental clinic is not a use which would generate obnoxious activities noticeable beyond the premises.

The site plan does indicate a retaining wall along the rear property line which will likely require a temporary encroachment onto the adjacent property to construct the wall. The Staff will be recommending that prior to construction of the wall a temporary encroachment agreement will be obtained from the owner of the adjacent property.

Additional Staff and/or Agency comments are as follows:

1. Building Official:

Access must be provided around the entire building & vehicular access within 150 feet of all portions of the building. Fire hydrants and an 8 inch water main within 150 feet of all portions of building. An automatic fire sprinkler system may be required for compliance with fire flow standards. The garbage bin container indicated under the building in the parking area will have to be protected with a fire sprinkler system or relocated away from the building and exit.

2. Public Works Director:

A traffic study will be required unless it can be demonstrated that the proposal will generate less than 10 peak hour trips. Sidewalks, curbs and gutters will be required along Kimball Drive. A storm drainage plan is required and it must be prepared by a licensed engineer.

3. SEPA Responsible Official:

Due to the size of the facility and the number of parking spaces proposed, the SEPA Responsible Official has determined that the project is exempt from the environmental threshold determination, pursuant to WAC 197-11-800(1)(b)(iii).

**IX. FINDINGS AND RECOMMENDATION**

The planning staff has determined that the proposed use of the site is consistent with all zoning and comprehensive plan criteria with the exception of the rear yard setback. However, the Staff recognizes the constraints of this parcel and believes that the proposed site plan represents a reasonable approach to an unusual site. The Staff therefore recommends site plan approval and approval of a variance allowing an encroachment of 15 feet into the rear yard setback, based upon the following findings and subject to the following conditions:

Findings:

1. The proposed use conforms to the purpose and intent of the B-2 zone which is to provide a wide range of consumer goods (including professional services) which will be produced on the premises within an enclosed structure. A dental clinic is consistent with this definition, and does not constitute a rezone.
2. The triangular configuration of the site in conjunction with its limited area creates undue restraints on the site's development which are not typical of most parcels in the B-2 zone.
3. The hardship is a result of special site conditions and not the result of the owner's actions. The zoning amendment which increased the setbacks on this parcel were not anticipated by the owner at the time of purchase.
4. The granting of the variance would represent relief from unusual site constraints not suffered by other land owners in the district and would not represent a special privilege denied to other property owners in the same district.

5. Impacts on adjacent properties or the public welfare as a result of vegetative loss in the rear yard are mitigated by the inclusion of a generous landscape buffer zone in the north side yard adjacent to the school playground. Moreover, the proposed dental clinic would not be an obnoxious use requiring a significant buffer on the rear.

Conditions of Approval:

1. A 20 foot buffer zone shall be retained on the north side of the building and shall be incorporated as part of the required landscape plan as per Section 17.18.070 of the Gig Harbor Zoning Code.
2. All significant trees shall be retained in the buffer zone as per Section 17.78.050 of the Gig Harbor Zoning Code. The Planning Staff shall approve the identification of significant trees and also the manner of tree protection during construction.
3. The site plan and structure shall conform to all fire and building protection measures as specified by the City's Building Official/Fire Marshall and the Uniform Building Code.
4. Prior to permit issuance, a final storm drainage plan shall be approved by the City's Public Works Department.
5. Sidewalks, curbs and gutters shall be installed along the entire frontage of Kimball Drive.
6. The applicant shall obtain written approval from the adjacent property allowing a temporary encroachment for the purpose of constructing the rear retaining wall unless it can be demonstrated that the wall can be built without disturbance beyond the parcel boundary.

Project Planner: Steve Osguthorpe, Associate Planner

  
Date: Mar 12, 1992

# CITY OF GIG HARBOR

851-8136

Conditional Use Permit

Variance

Administrative Appeal

Planned Unit Development

Rezone

Site Plan Review

## APPLICATION

# CITY USE ONLY

Case Number \_\_\_\_\_

Date Received \_\_\_\_\_

By \_\_\_\_\_

Related Case Numbers \_\_\_\_\_

OWNER(S)

1. NAME James L. Ribary, DDS, PS  
MAILING ADDRESS 7108 Pioneer Way  
CITY AND STATE Gig Harbor, WA ZIP 98332  
TELEPHONE (206) 858-8158

I (We) (Signature(s)) \_\_\_\_\_ Date 2/13/92  
*James Ribary*

do hereby affirm and certify, under penalty of perjury, that I am one (or more) of the owners or owner under contract of the below described property and that the foregoing statements and answers are in all respects true and correct on my information and belief as to those matters, I believe it to be true.

APPLICANT

2. NAME Snodgrass Freeman Associates  
MAILING ADDRESS 3206 50th St. Ct. NW, #125  
CITY AND STATE Gig Harbor, WA ZIP 98335  
TELEPHONE (206) 851-8383  
SIGNATURE *David Freeman* DATE 2-7-92

3. AUTHORIZED REP.  
NAME Snodgrass Freeman Associates  
MAILING ADDRESS 3206 50th St. Ct. NW, #125  
CITY AND STATE Gig Harbor, WA ZIP 98335  
TELEPHONE (206) 851-8383

4. NAME OF PROJECT New Dental Clinic

5. SUMMARY OF REQUEST (List Type of Usos) S.P.R. and Variance for professional office building zoned B-2.

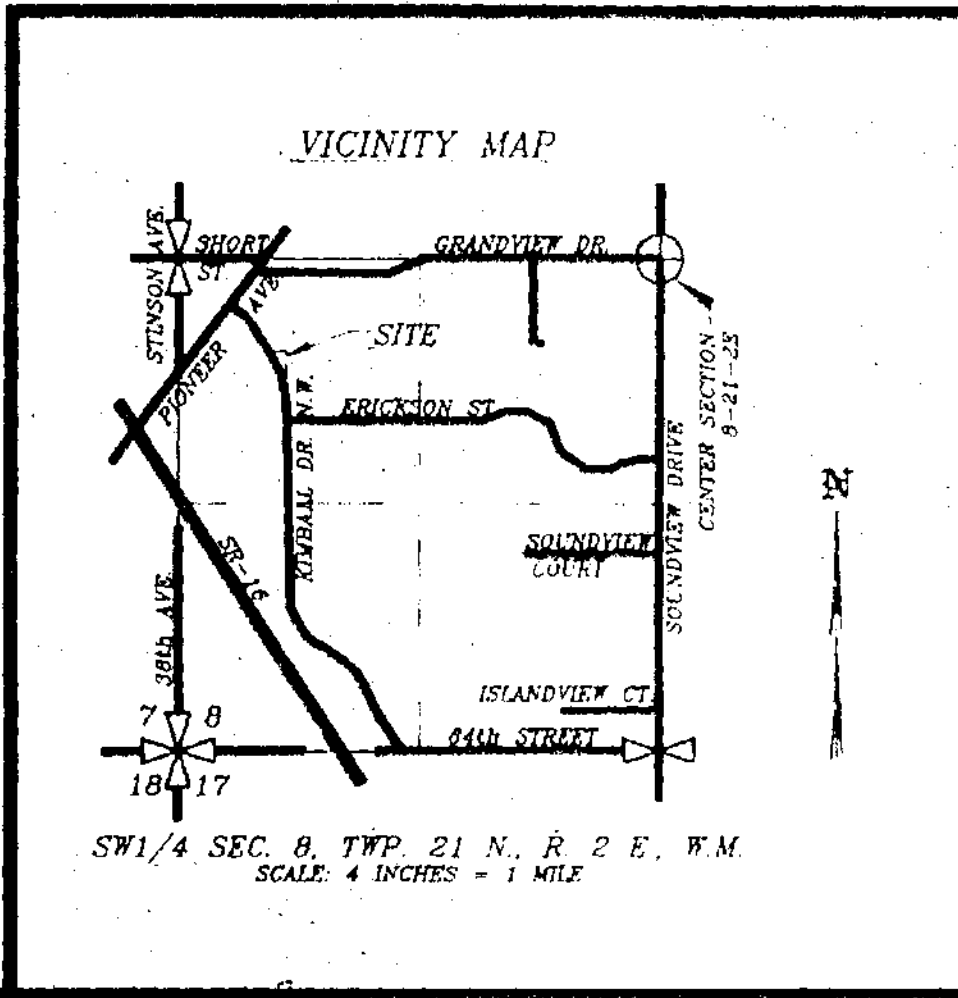
6. UTILITIES:  
1. WATER SUPPLY: (Name of Utility, if applicable)  
a. EXISTING: City of Gig Harbor  
b. PROPOSED: City of Gig Harbor  
2. SEWAGE DISPOSAL: (Name of Utility, if applicable)  
a. EXISTING: City of Gig Harbor  
b. PROPOSED: City of Gig Harbor  
ACCESS: (Name of road or street from which access is or will be gained)  
1. EXISTING ACCESS: Kimball Drive  
2. PROPOSED ACCESS: Driveway

7. PROPERTY LOCATION:  
NORTH SOUTH EAST WEST SIDE OF (Circle One)  
(Road Name): Kimball Drive  
between (road name): Erickson  
and (road name): \_\_\_\_\_  
PROPERTY ADDRESS 6868 Kimball Drive  
SECTION 8 TOWNSHIP 21 RANGE 2  
ASSESSOR'S PARCEL NUMBER \_\_\_\_\_

FULL LEGAL DESCRIPTION OF SUBJECT PROPERTY: (Attach separate sheets if too long) That portion of Lot 3-A in Gig Harbor abandoned military reservation in S-8 T-21 R-2E of the Willamette Meridian lying East of Kimball Drive NW.

8. EXISTING ZONING B-2  
TOTAL SQUARE FOOTAGE OF SITE 9600

- SET IRON BAR & CAP L.S. 10238
- FIRE HYDRANT
- <sub>S</sub> SANITARY MANHOLE
- ▣ CATCH BASIN





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 Council members  
From: Mark Hoppen, City Administrator *MH*  
Subject: Request to vacate Sellers Street  
Date: April 24, 1992

A request to vacate Sellers Street is being made by adjacent property owners, Mr. Jeffrey Drolshagen, Ms. Margaret Robinson, and Mrs. Rhea Cone. Sellers Street is a street located in north Gig Harbor, adjacent at its southernmost point to North Harborview Drive. It has not been used.

The area, which has a square footage of 12,450 sq. feet is estimated by the applicant to possess a market value of \$1,245.

A petition filed with the City Clerk has been signed by all adjacent property owners, meeting the requirement that 2/3 of the abutting property owners file for street vacation before a vacation is granted sufficiency to come before the council for resolution.

RCW 35.79.010 states that when presented by such a sufficient petition the council must fix a time for hearing of the request. Prior to such hearing date the council may elect to have the Planning Commission hear the request. The resolution setting the hearing date must be not less than 20 days nor more than 60 days after passing the resolution to hear the vacation request.

Recommendation: Move to set a hearing date within the statutory time frame. If a Planning Commission hearing is also desired, add this stipulation to the resolution.

CITY OF GIG HARBOR  
RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, TO INITIATE THE PROCEDURE FOR THE VACATION OF THE PORTION OF SELLERS STREET LYING SOUTH OF GOODMAN AVENUE AND NORTH OF NORTH HARBORVIEW DRIVE.

WHEREAS, the City Council desires to initiate the procedure for the vacation of the portion of Sellers Street, originally platted as Oak Street in Gig Harbor, which lies north of the street currently known as North Harborview Drive and originally platted as Front Street, as shown on the plat files on August 20, 1890, denominated as the Town of Artna, Pierce County, Washington.

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

Section 1. A public hearing upon said street vacation shall be held in the council chambers of Gig Harbor City Hall on Monday, June 22, 1992, at 7:00 p.m., at which hearing all persons interested in said street vacation are invited to appear.

Section 2. The City Clerk is directed to post notices of the hearing in three public places and on the street to be vacated and to mail notices to all owners of any property abutting the portion of street to be vacated, pursuant to RCW 35.79.020.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

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

ATTEST:

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

Filed with city clerk: 4/24/92  
Passed by city council:



21st October 1991

City of Gig Harbor  
3105 Judson Street  
Attention: Mayor, Gretchen Wilbert; and City Council Members  
Gig Harbor, Washington 98335

SUBJECT: Petition to Vacate Sellers Street, (formerly Oak Street),  
Between Goodman Street (formerly Chehalis Street), and  
Harborview Street, (formerly Front Street)

Mayor, Gretchen Wilbert and Members of the City Council of Gig Harbor:

I. This petition request that the Council members of the City of Gig Harbor, under the authority vested by Washington State Laws, vacate Sellers Street (formerly Oak Street) between Goodman Street (formerly Chehalis Street) and Harborview Street (formerly Front Street). Oak Street, Chehalis Street and Front Street were the first names given to Sellers, Goodman and Harborview streets in the Town of Artena by a grant from the Artena Land and Improvement Company, in 1890. See Assessor's map and certified copy of 1890 Town of Artena Plat, attached.

II. This petition is prepared, in harmony, by all property owners in title to property abutting the subject property.

Subject Property: Sellers Street formerly a Pierce County road. The portion of Sellers Street that this petition is requesting the City Council vacate lies between block 10 on the north; block 14 on the south; Harborview Street on the east; and Goodman Street on the west as stated in the Plat of the Town of Artena, Pierce County, Washington, according to plat recorded in Book 5 of plats at page 68, in Gig Harbor, Pierce County, Washington State.

Property owners are:

(1) Mrs. Rhea Cone, a single person, owns lots 1 through 8 Block 14, Town of Artena. See Tab A

(2) Ms. Margaret I. Robinson, a single person, owns lots 12 through 14 Block 10, Town of Artena. See Tab B

(3) Mr. Jeff Drolshagen, a married person in title to the following property as separate property, owns lots 15 through 17 Block 10, Town of Ardena. See Tab C

III. Authority to Vacate Sellers Street is RCW 35.79.010. This petition has been filed with the city clerk of Gig Harbor and is signed by all property owners owning property abutting Sellers Street, (subject property) as defined above.

IV. RCW 35.79.030, Hearing--Ordinance of Vacation, applies to this petition in that Gig Harbor City council members may adopt said petition. The undersigned property owners are aware of a requirement to compensate the city for the vacated property. Ms. Brooks Blaine, a real estate appraiser has been hired by the abutting land owners and has prepared a report. See appraisal.

V. Sellers Street, subject property as defined, has not been used for the past one hundred years plus and intersects with a portion of Goodman St., also unused for a century, and a portion thereof has been recently vacated due to a severe slope, ravine. It is suggested that the subject property is a useless part of the city road system and does not contain any public utilities, and the public will be benefitted by its vacation and abandonment. The vacation of the subject property will increase tax revenues, once the subject property is vacated, and shall benefit the public.

VI. It is also asserted that the subject property pursuant to the laws of Washington has been vacated, by operation of law, in accordance with the nonuser statute. The laws of the State of Washington provide in part as follows:

"Any County road, or part thereof, which remains unopen for public use for a period of five (5) years after the order is made or granted for opening it, shall be thereby vacated, and the authority for building it is barred by the lapse of time: provided, that this section shall not apply to any highway, road, street, alley or other public place dedicated in such plat, whether the land included in such plat is within or without the limits of an incorporated city or town, or to any land conveyed by deed to the state or to any county, city or town for highways, roads, alleys, or other public places."  
RCW 36.87.090

The law further provides:

"Under the laws 1889-90, Chapter 19, Section 32 where streets dedicated to public use on a plat of area outside the incorporated city, town or village were used only intermittently by public, and not systematically, for a period from 1890 through 1895, they were vacated in 1895 by operation of law, and the public lost for any easement rights in said

streets." RCW 36.87.090

See copy of 1890 Washington Statute, Tab D

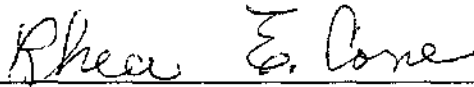
The subject property as defined herein was not so used or improved during said period.

VII. The undersigned property owners request that the portion of Sellers Street as defined situated adjacent to and abutting their property be vacated. Request all correspondence be addressed to Jeff Drolshagen, 3923 56th Street Court N.W., Gig Harbor, Washington 98335.


Enclosures:

Tab A, Mrs. Rhea Cone's property title  
Tab B, Ms. Margaret I. Robinson's property title  
Tab C, Mr. Jeff Drolshagen's property title  
Certified copy of 1890 Town of Artena Plat  
Current Pierce County Assessor's map

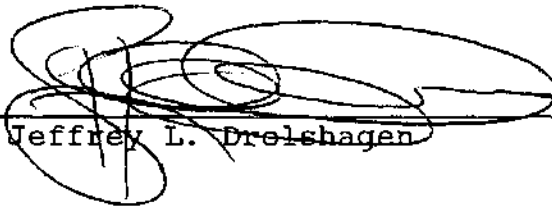
Thanking you,



Mrs. Rhea Cone SS.# 534-50-9193



Ms. Margaret I. Robinson



Mr. Jeffrey L. Drolshagen

State of Washington  
County of Pierce

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

Dated: October 21, 1991

(SEAL OR STAMP)

Margaret O'Brien  
(Signature)

Notary Public  
Title

My appointment expires 11-1-91

ACKNOWLEDGEMENT - INDIVIDUAL  
Form 5998 (Rev. 8-88)

State of Washington  
County of Pierce

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

Dated: October 21, 1991

(SEAL OR STAMP)

Margaret O'Brien  
(Signature)

Notary Public  
Title

My appointment expires 11-1-91

ACKNOWLEDGEMENT - INDIVIDUAL  
Form 5998 (Rev. 8-88)

State of Washington  
County of Pierce

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

Dated: October 24, 1991

(SEAL OR STAMP)

Margaret O'Brien  
(Signature)

Notary Public  
Title

My appointment expires 11-1-91

ACKNOWLEDGEMENT - INDIVIDUAL  
Form 5998 (Rev. 8-88)

CITY OF GIG HARBOR  
RESOLUTION NO. 290

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, TO INITIATE THE PROCEDURE FOR THE VACATION OF THE PORTION OF GOODMAN AVENUE LYING SOUTH OF HALL STREET AND NORTH OF SELLERS STREET.

WHEREAS, the City Council desires to initiate the procedure for the vacation of the portion of Goodman Avenue, originally platted as Chehalis Street in Gig Harbor, which lies south of the street currently known as Hall Avenue and originally platted as Ash Street and north of Sellers Street, originally platted as Oak Street, as shown on the plat files on August 20, 1890, denominated as the Town of Artena, Pierce County, Washington.

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

Section 1. A public hearing upon such street vacation shall be held in the council chambers of Gig Harbor City Hall on Monday, August 27, 1990, at 7:00 p.m., at which hearing all persons interested in said street vacation are invited to appear.

Section 2. The City Clerk is directed to post notices of the hearing in three public places and on the street to be vacated and the mail notices to all owners of any property abutting the portion of street to be vacated, pursuant to RCW 35.79.020.

PASSED this 23rd day of July, 1990.



Robert Frisbie, Mayor Pro-tem

ATTEST:



Michael R. Wilson  
City Administrator/Clerk

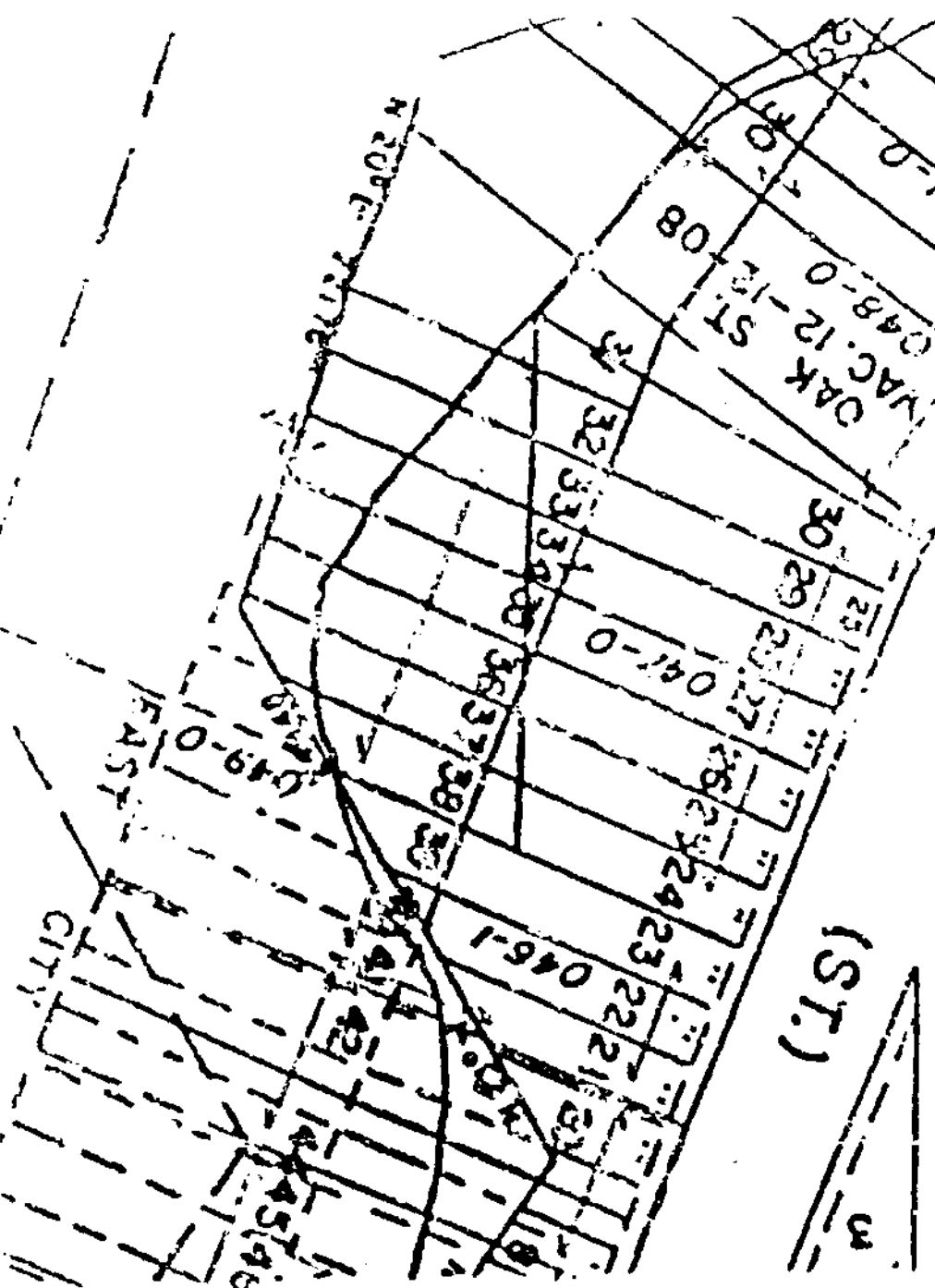
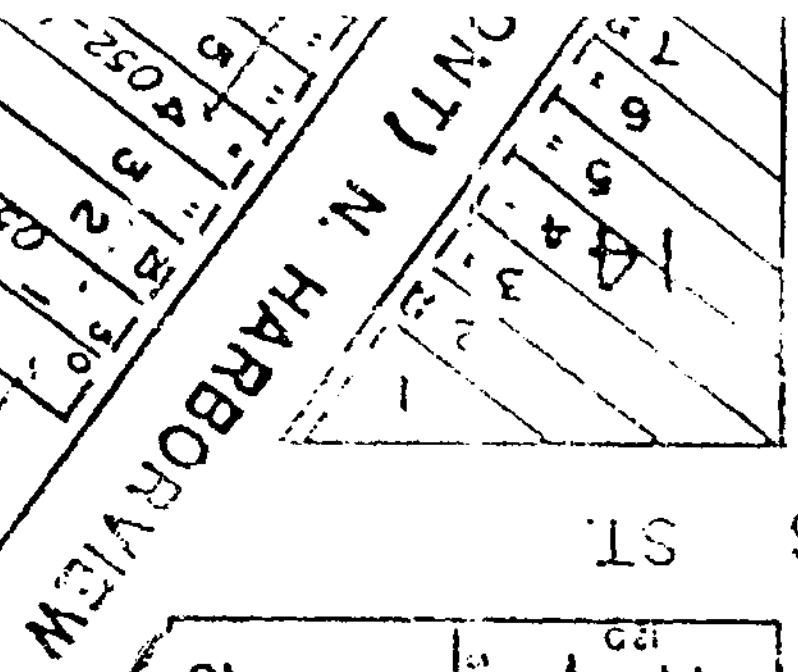
Filed with city clerk: 7/20/90  
Passed by city council: 7/23/90

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GOODMAN

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(COLUME

(ST.)



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

April 23, 1992

Mayor Wilbert and Councilmembers  
Gig Harbor City Hall  
Gig Harbor, WA.

Dear Mayor Wilbert and Councilmembers:

At Council's direction, the Planning Commission conducted a public hearing on April 7, 1992, to accept public testimony on proposed changes to the City's future urban growth (study) area. Several comments were received by interested citizens regarding the current boundary and the proposed adjustments. Having considered all of the comments received, the Planning Commission is comfortable with the boundary as recommended, with two exceptions as detailed below.

As you will note from the comments received, there was sentiment expressed to reduce the current and proposed urban area in some areas (the north and Crescent Valley area) and to significantly expand the southern part of the urban area to include all lands south to the Narrows Bridge, including City of Tacoma property. Following much discussion by the Commission members, and with staff assistance, the Commission does not feel it warranted to substantially change that which was recommended by staff.

Including vast amounts of "new" urban area south to the bridge is not considered reasonable due to potential service limitations which could occur, plus the fact that the area has already "been done". Although it is tempting to include the south sector as a means of countering the City of Tacoma's efforts to "potentially annex" 1,100 acres of its property plus the adjacent unincorporated lands, a reactive response is neither justified nor reasonable. This area has developed (and is developing) under Pierce County standards and it is not considered prudent to consider this area for potential expansion in which the City would ultimately inherit substandard roads, no defined or developed storm water systems and a large number of private water districts. In this respect, the City sees its future primarily in undeveloped vacant lands which can (and would) be developed with the provision of City services and under City

standards.

In respect to further reducing the urban growth area in Crescent Valley, the Planning Commission feels that the area as defined on the revised map is reasonable and sufficient. No further reduction is called for.

In addressing the request by the East Gig Harbor Improvement Association to "not split the community", the Commission realizes that a line, once drawn, will always have someone "on the other side." To define the EGIA community as requested would require extending an urban service boundary into an area where providing the service could prove more costly to maintain. The "ridge line" boundary, as designated, is reasonable and sufficient.

In conclusion, the Planning Commission recommends that the urban growth study, as recommended by staff, be adopted with the following revisions:

1. Relocate (reduce) the west boundary between Sehmel Drive on the north and Rosedale Street on the south so that the new boundary runs in a north-south line connecting Bujacich Drive with 58th Street NW. This revised boundary would roughly coincide with the west boundary of the current designated employment/business center and would preserve rural lands to the west. This would also be a logical area to establish open space areas between urban/rural boundaries, as established in the Growth Management Act. One comment was received which requested a reduction of the boundary on Rosedale.
2. Continue the revised west boundary south of Rosedale to include a new area which is developed, but immediately adjacent to the City limit. Septic system failures have occurred in this area and it is likely these subdivisions may be in need of municipal sewer service within the next twenty years. The revised boundary terminates south of these subdivisions and strikes in easterly direction to the current boundary. One comment was received to include this area. From a service perspective, this is reasonable and attainable. From an environmental perspective, the revisions exclude areas which are considered environmentally sensitive and are unlikely to accommodate intensive development.
3. Delete Madrona Links golf course from the urban area by relocating the boundary north of the golf course.



Extend this line in an easterly direction to connect with Puget Sound (approximately on a line that coincides with 43rd Street NW).

A map depicting the proposed revised boundaries is attached. The Planning Commission also requests that Council consider not granting additional utility extension requests into those "new" areas of the revised urban area until such time that a "final" (accepted) urban growth area is adopted/approved by Pierce County by July of 1993, in conformance with the Growth Management Act. The Planning Commission feels that this would minimize the possibility of overextending the urban area and would not jeopardize our commitment to provide services in a reasonable and efficient manner.

Finally, the Planning Commission recognizes that areas which are currently included within the urban area are undeveloped and rural in nature. The Commission does not want its recommendation on the urban growth study area to be construed as a finality on setting urban level densities. At this point in time, there is not sufficient information available to determine what level of service could be provided at an "urban density" and the need for public input at the neighborhood level is most crucial in determining this. The issue of urban density will be discussed in detail as the Planning Commission continues to meet its objectives under the Growth Management Act.

The Planning Commission greatly appreciates the opportunity to review and provide recommendations to the Council on what it considers an extremely important public policy matter.

Sincerely

*Kae Paterson*

---

Kae Paterson, Chair  
City of Gig Harbor Planning Commission

**CITY OF GIG HARBOR  
RESOLUTION No.**

**WHEREAS**, the City Council did in 1987 enter into an urban area agreement with Pierce County (Pierce County Ordinance 87-136) which defines an urban planning area and future annexation area; and,

**WHEREAS**, the City Comprehensive Plan of 1986 also defines an urban planning area for those unincorporated lands potentially affected by or which could potentially affect planning activities of the city; and,

**WHEREAS**, the City redefined the urban planning area and future potential annexation area into one map, by Council action in May of 1990 and further revised in February of 1991; and,

**WHEREAS**, the Growth Management Act requires that Counties required to plan under the act must designate urban planning areas in those areas which are urban in nature, which have urban services or which are capable of providing urban services; and,

**WHEREAS**, the City of Gig Harbor has transmitted to Pierce County a copy of the 1991 Urban Growth Area/Future Potential Annexation map as part of the County's urban growth study area program; and,

**WHEREAS**, the City deems it appropriate to review the current urban area map and make adjustments as necessary to define a reasonable and attainable urban growth area for future planning purposes which would be capable of being provided urban services; and,

**WHEREAS**, the Planning Commission has considered revisions to the urban growth area and based upon testimony presented at a public hearing and a workshop following the hearing has transmitted its recommendations and findings on an urban growth study area to the City Council by letter of April 23, 1992

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

The urban growth area map as revised and attached as "EXHIBIT A" is adopted.

page 2

**PASSED** this 27th day of April, 1992.

Gretchen A. Wilbert, Mayor

**ATTEST:**

Mark E. Hoppen  
City Administrator

Filed with City Clerk: 4/23/92  
Passed by City Council: 4/27/92

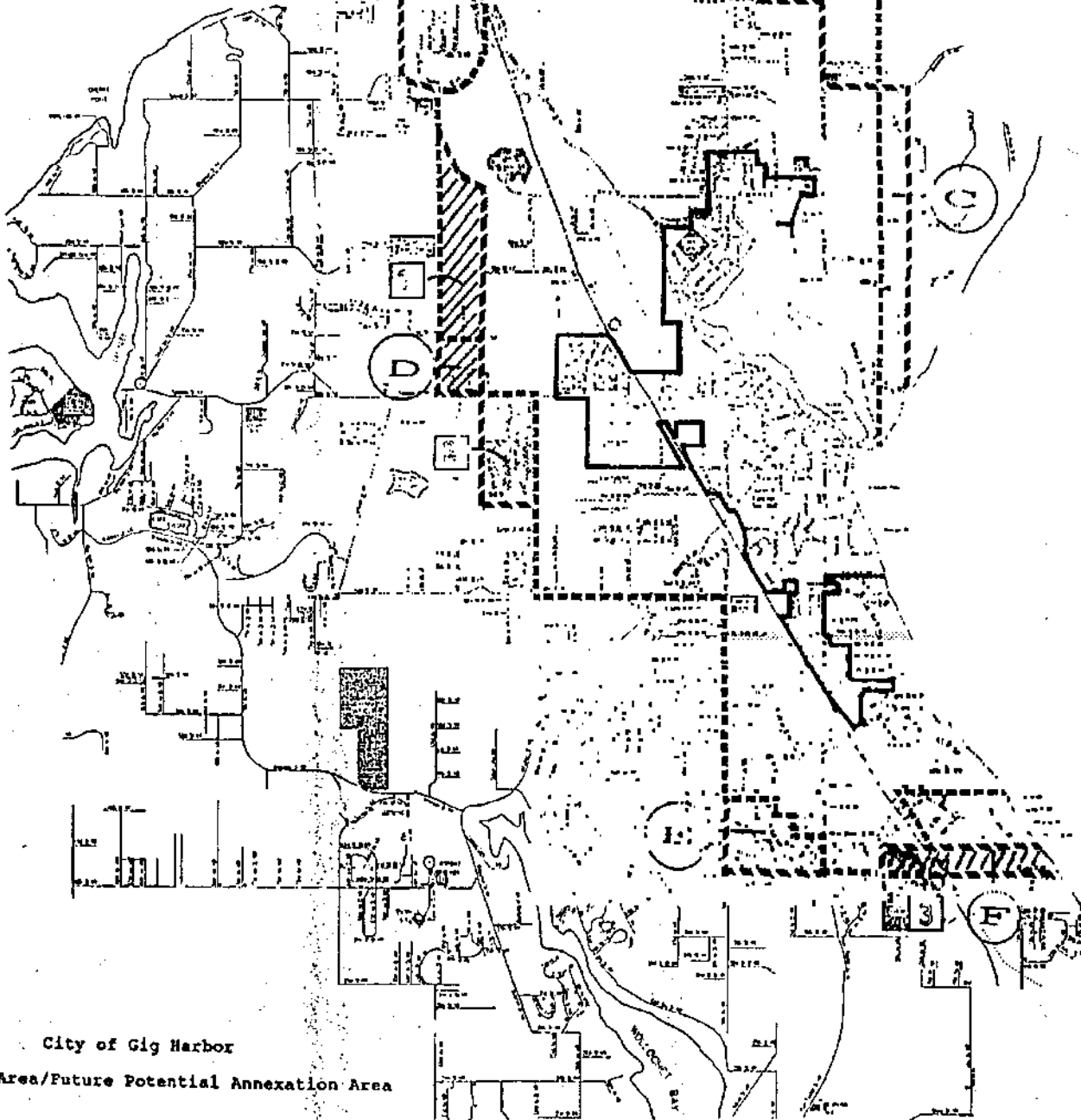
# PLANNING COMMISSION RECOMMENDATION

HENDERSON  
DAVE

**LEGEND**

Urban Area (1990).....

Urban Area (Proposed).....



City of Gig Harbor  
Urban Area/Future Potential Annexation Area



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 Council members  
From: Mark Hoppen, City Administrator *MH*  
Subject: Towns and Cities Representative to the Pierce  
Transit Board  
Date: April 27, 1992

The Council is asked to select one of the four listed nominees to the Pierce Transit Board of Commissioners.

The previous incumbent in this position is Richard Silva, a council member from Bonney Lake.

The term for this at-large position will expire in May, 1995. The Board of Commissioners is asking for the selection of one at-large representative. In the event of a tie vote, we have thirty days to reconsider.

As information, the Pierce Transit Board meets the second and fourth Mondays of each month at 5:00 p.m. at Pierce Transit headquarters, located at 3701 96th Street SW in Tacoma. Board members have committee responsibilities that require additional meeting commitments.





RECEIVED

MAR 30 1992

CITY OF GIG HARBOR

March 27, 1992

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

Dear Mayor Wilbert:

Recently you were sent a letter from Pierce Transit requesting your Council's nomination of a representative to fill the at-large position elected by the ten towns and cities within the Pierce Transit boundary.

Nominations received as of the March 25, 1992 deadline were:

1. Margaret Drotz, City of Milton
2. Robert Moltke, City of Sumner
3. Richard G. Silva, City of Bonney Lake
4. Marian Wetsch, City of Fife

At the next meeting of your City Council, please select one nominee from those provided. Verification of your selection should be by a certified copy of the council resolution or motion. Please forward your selection and verification to Kathy Fritsch, Pierce Transit Clerk of the Board, on or before 5:00 p.m., May 1, 1992.

If you have any questions, please call Ms. Fritsch at 581-8012.

Sincerely,

Georgia Sabine, Chairman  
Board of Commissioners

:kf

cc: Pierce Transit Board of Commissioners  
Don S. Monroe, Executive Director  
Kathy Fritsch, Clerk of the Board  
Gig Harbor 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 Council members  
From: Mark Hoppen, City Administrator *MHA*  
Subject: Sponsorship of FCC Radio Station  
Date: April 24, 1992

Peninsula Light Company proposes that we sponsor and they support (totally) a travellers information radio station. This sounds like a positive, practical idea. Mr. Rob Orton is the primary driving force behind this interesting public convenience.

Pat Maynard from Peninsula Light should be at the council meeting to help answer some questions.

What Peninsula Light needs from us is sponsorship and authorization to begin the application process. Our commitment at this point would be to support the initiation of the process and to agree to permit Peninsula Light to begin with the application with the understanding that we want to know all the terms before we sign on the dotted line.

Recommendation: Authorize Peninsula Light to initiate an application process for an FCC information radio station, using the City of Gig Harbor as the government sponsor.





# Peninsula Light Company

*A Mutual Corporation*

PO. BOX 78, GIG HARBOR, WA 98335-0078  
13315 GOODNOUGH DR, NW, PURDY  
PHONE (206) 857-5950

April 9, 1992

The Honorable Gretchen Wilbert  
Mayor, City of Gig Harbor

Mr. Mark Hoppen, Administrator  
City of Gig Harbor

P.O. Box 145  
Gig Harbor, WA 98335

RE: City of Gig Harbor's Sponsorship of FCC Travelers Information  
Radio Station

Dear Mayor Wilbert and Mark:

This letter follows conversations between Mark and our Member Services Manager, Pat Maynard.

Our company has been interested in acquiring access to a travelers information radio station (TIS). TIS's are a part of the Federal Communication Commission's (FCC) local government radio service program. These stations are widely used in Washington state as travel advisories. (They are usually radio frequencies 530 or 1610 on the AM dial.)

We have in mind to acquire access to a station for the purpose of broadcasting the status of both planned and unplanned power outages as a service to our customers. As a community service, we thought other local government or non-profit agencies could use the excess air time for their programs. The air time would be compliments of Peninsula Light.

FCC regulations require that the stations be used for non-commercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories, directions, availability of lodging, rest stops and service stations, and descriptions of local points of interest.

However, many other communities use the stations for a variety of local programs not specifically mentioned, but apparently allowed by the FCC. I thought that the school district might use the frequency to broadcast emergency bus routes during the winter; perhaps the city could use it to announce road closures for its own construction work, or street closures for the Gig Harbor parade, etc. Fire departments and emergency services offices might also make use of the frequency.

The Chamber of Commerce, too, might use the air time for non-commercial purposes (descriptions of local points of interest, etc.) Inasmuch as our outage information will certainly not dominate the frequency, a considerable amount of air time would be available for community services twenty-four hours a day.

Only government or quasi-government agencies are permitted to hold licenses for the TIS's. However, delegating the operation of the station to other entities is entirely permissible by the FCC. We have confirmed this through our consultant (Information Station Specialists) and also directly with the FCC Consumer Assistance Branch. The FCC has suggested that the city of Gig Harbor may be the appropriate government agency to hold the license.

We would like the city to consider executing the FCC license application on our behalf and, by agreement, delegating the operation it to Peninsula Light. It would be our intent that the city not incur any costs whatsoever in the licensing or operation of the proposed station; nor, that the city be exposed to any liability for the installation and operation of it.

There isn't any guarantee that the FCC will approve the license application for the purposes we intend; but, so far, the only comment we have received in the licensing process is that we need to affect sponsorship by a government organization.

If the city decides to help us in the application, and if we are successful, an agreement between our organizations regarding the operation of the station, compliance with FCC regulations, etc., would likely be in order.

In addition to helping us improve our member communications with respect to outages, I think the TIS could prove to be an effective tool for other government and public agencies in our area.

We would be pleased to make our consultant available to the city to answer questions, and we would be happy to take care of the necessary paperwork for the application.

Thank you.

Very truly yours,

PENINSULA LIGHT COMPANY



Robert E. Orton  
General Manager

REO/dsv

## FEDERAL COMMUNICATIONS COMMISSION

## RULES AND REGULATIONS

## VOLUME 5 PART 90.17

- A. *Eligibility.* Any territory, possession, state, city, county, town or similar government entity, including a district and an authority, but not including a school district or authority or a park district or authority except as provided for in Part 90.242, is eligible to hold authorization in the Local Government Radio Service to operate radio stations for transmission of communications essential to official activities of the licensee.
- B. *Frequencies available.* The following [partial] table indicates frequencies available for assignment to stations in the Local Government Radio Service, together with the class of station(s) to which they are normally assigned.

Local Government Radio Service Frequency Table

Frequency or band	Class of station(s)	Limitations
Kilohertz:		
530	Base (T.I.S.)	23
1610	Base (T.I.S.)	23

- (23) The frequency is available for use by Travelers' Information Stations in accordance with Part 90.242.

## VOLUME 5 PART 90.242

TRAVELERS' INFORMATION STATIONS

- A. The frequencies 530 kHz and 1610 kHz may be assigned in the Local Government Radio Service for the operation of Travelers' Information Stations subject to the following conditions and limitations:
1. For Travelers' Information Station applications only, eligibility requirements as set forth in 90.17(a) are extended to include park districts and authorities.
- (90.242(a)(1) corrected in Y (79)-1)
2. Each application for a station or system shall be accompanied by:
    1. A statement certifying that the transmitting site of the Travelers' Information Station will be located at least 15.0 km (9.3 miles), measured orthogonally, outside the measured 0.5 mV/meter daytime contour of any AM broadcast station operating on a first adjacent channel (540 kHz or 1600 kHz). If the measured contour is not available, then the calculated 0.5 mV/m field strength contour shall

be acceptable. These contours are available for inspection at the concerned AM broadcast station and FCC offices in Washington, DC.

- ii. In consideration of possible cross-modulation and inter-modulation interference effects which may result from the operation of a Travelers' Information Station in the vicinity of an AM broadcast station on the second or third adjacent channel, the applicant shall certify that he has considered these possible interference effects and, to the best of his knowledge, does not foresee harmful interference occurring to broadcast stations operating on 550 kHz, 560 kHz, 1580 kHz, or 1590 kHz.
  - iii. A map showing the geographical location of each transmitter site and an estimate of the signal strength at the contour of the desired coverage area. For a cable system, the contour to be shown is the estimated field strength at 60 meters (197 feet) from any point on the cable. For a conventional radiating antenna, the estimated field strength contour at 1.5 km (0.93 mile) shall be shown. A contour comprised of actual on-the-air measurements shall be submitted to the Commission within 60 days after station authorization or completion of station construction, whichever occurs later. A sufficient number of points shall be chosen at the specified distances (extrapolated measurements are acceptable) to adequately show compliance with the field strength limits.
  - iv. For each transmitter site, the transmitter's output power, the type of antenna utilized, its length (for a cable system), its height above ground, distance from transmitter to the antenna and the elevation above sea level at the transmitting site.
3. Travelers' Information Station will be authorized on a secondary basis to stations authorized on a primary basis in the bands 510-535 and 1605-1715 kHz.
  4. A Travelers' Information Station authorization may be suspended, modified, or withdrawn by the Commission without prior notice of right of hearing if necessary to resolve interference conflicts to implement agreements with foreign governments, or in other circumstances warranting such action.
  5. The transmitting site of each Travelers' Information Station shall be restricted to the immediate vicinity of the following specific areas: air, train, and bus transportation terminals, public parks and historical sites, bridges, tunnels, and any intersection of a Federal Interstate Highway with any other Interstate, Federal, State or local highway.

(90.242(a)(5) corrected in V(79)-1)

6. A Travelers' Information Station shall normally be authorized to use a single transmitter. However, a system of stations, with each station in the system employing a separate transmitter, may be authorized for a specified area provided sufficient need is demonstrated by the applicant.
7. Travelers' Information Stations shall transmit only noncommercial voice information pertaining to traffic and road conditions, traffic hazard and travel advisories,

## FCC Rules and Regulations, Volume 5 part 90.242

directions, availability of lodging, rest stops and service stations and descriptions of local points of interest. It is not permissible to identify the commercial name of any business establishment whose service may be available within or outside the coverage area of a Travelers' Information Station. However, to facilitate announcements concerning departures/arrivals and parking areas at air, train and bus terminals, the trade name identification of carriers is permitted.

## B. Technical Standards.

1. The use of 6A3 emission will be authorized; however, A0 emission may be used for purposes of receiver quieting but only for a system of stations employing "leaky" cable antennas.
2. A frequency tolerance of 100 Hz shall be maintained.
3. For a station employing a cable antenna, the following restrictions apply:
  - i. The length of the cable antenna shall not exceed 3.0 km (1.9 miles).
  - ii. Transmitter RF output power shall not exceed 50 watts and shall be adjustable downward to enable the user to comply with the specified field strength limit.
  - iii. The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 60 meters (197 feet) from any part of the station.
4. For a station employing a conventional radiating antenna(s) (ex. vertical monopole, directional array) the following restrictions apply:
  - i. The antenna height above ground level shall not exceed 15.0 meters (49.2 feet).
  - ii. Only vertical polarization of antennas shall be permitted.
  - iii. Transmitter RF output power shall not exceed 10 watts to enable the user to comply with the specified field strength limit.
  - iv. The field strength of the emission on the operating frequency shall not exceed 2 mV/m when measured with a standard field strength meter at a distance of 1.5 km (0.93 miles) from the transmitting antenna system.
5. For co-channel stations operating under different licenses, the following minimum separation distances shall apply:
  - i. 0.50 km (0.31 miles) for the case when both stations are using cable antennas.
  - ii. 7.50 km (4.66 miles) for the case when one station is using a conventional antenna and the other is using a cable antenna.

iii. 15.0 km (9.3 miles) for the case when both stations are using conventional antennas.

6. For a system of co-channel transmitters operating under a single authorization utilizing either cable or conventional antennas, or both, no minimum separation distance is required.
7. An applicant desiring to locate a station that does not comply with the separation requirements of this section shall coordinate with the affected station.
8. Each transmitter in a Travelers' Information Station shall be equipped with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage. At audio frequencies between 3 kHz and 20 kHz this filter shall have an attenuation greater than the attenuation at 1 kHz by at least:

$$60 \log_{10}(f/3) \text{ decibels}$$

where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.



City of Gig Harbor. The "Maritime City."

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: MAYOR AND CITY COUNCIL  
FROM: *RB* STEVE BOWMAN, BUILDING OFFICIAL/FIRE MARSHAL  
RE: ADOPTION OF THE STATE BUILDING CODES  
DATE: APRIL 20, 1992

The Washington State Legislature has delegated the responsibility for revising the State Building Codes to the Building Code Council (BCC). Revisions to the State Building Codes were completed in November of 1991 with an effective date set for July 1, 1992. Attached for your consideration is an ordinance, for adoption by reference, of the BCC revisions. Included are revisions to the Uniform Building, Fire, Plumbing, Mechanical, Barrier Free, and Energy Codes, and the Water Conservation Performance Standards.

Section (3) of the ordinance is a revision to the Uniform Fire Code which would reduce the required roadway access for fire fighting equipment. I have received input from King County, Pierce County and the City of Tacoma to help in the revisions. Per their comments, 20 feet is an acceptable width.

Section (7) of the ordinance is a revision to the Uniform Fire Code which would specify a minimum fire flow standard for marina float hose stations. Fire District No. 5 personnel have indicated that they should have the capability of using two hose stations during a fire. When both are in use they each should have a minimum capacity of 250 gpm at 20 psi. Therefore, 500 gpm at 20 psi during a test at one hose station would assure 250 gpm at 20 psi for two hose stations.

Other revisions are editorial to remove references to previous code editions which are no longer City or State codes.

The Gig Harbor Building Code Advisory Board recommended approval of the proposed ordinance during their meeting on March 26, 1992. The City Attorney is reviewing this draft of the adopting ordinance and will be submitting comments for consideration prior to the second reading.

**RECOMMENDATIONS:**

The Mayor and City Council adopt the 1991 Uniform Building Code revisions as proposed by the Washington State Building Code Council and as recommended by the Gig Harbor Building Code Advisory Board after the second reading of the ordinance and inclusion of any required revisions.

**FOR COUNCIL INFORMATION:**

Complete copies of the Uniform Codes and their revisions are available for review in the Gig Harbor Community Development Department.





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3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

**CITY OF GIG HARBOR**

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

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING  
THE WASHINGTON STATE BUILDING CODE.**

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

Section 1. The State Building Code, as follows, is adopted  
by reference:

A. Section # 15.06.015, of the City of Gig Harbor  
Municipal Code, is hereby adopted as follows:

Section # 15.06.015 The Uniform Building Code,  
1991 Edition including Appendix Chapters 32 and  
70, Uniform Building Code Standards, 1991 Edition,  
the Uniform Code for the Abatement of Dangerous  
Buildings, 1991 Edition, published by the  
International Conference of Building Officials and  
as amended by the Washington State building code  
council on November 8, 1991 and published as WAC  
51-20 & 21 (amendments include the state  
barrier-free; ADA and HUD regs.) are adopted for  
use within the City of Gig Harbor;

B. Section # 15.12.015, of the City of Gig Harbor  
Municipal Code, is hereby adopted as follows:

Section # 15.12.015 The Uniform Fire Code, 1991  
Edition including Appendix Chapters I-A, II-C, II-E,  
III-C, V-A, and VI-A, and the Uniform Fire Code  
Standards published by the International Conference of  
Building Officials and the Western Fire Chiefs  
Association as amended by the Washington State Building  
Code Council and published as WAC 51-24 & 25 are  
adopted for use within the City of Gig Harbor;

C. Section # 15.10.010, of the City of Gig Harbor  
Municipal Code, is hereby adopted as follows:

Section # 15.10.010 The Uniform Mechanical Code, 1991  
Edition, including Chapter 22, Fuel Gas Piping,  
Appendix B, published by the International Conference

of Building Officials and the International Association of Plumbing and Mechanical Officials as adopted by the Washington State Building Code Council and published as WAC 51-22 is adopted for use within the City of Gig Harbor;

D. Section # 15.08.015, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.08.015 The Uniform Plumbing Code, 1991 Edition including Appendix Chapters A, B, C, D, and H, and the Uniform Plumbing Code Standards published by the International Association of Plumbing and Mechanical Officials as amended by the Washington State Building Code Council and published as WAC 51-26 & 27 (amendments include the Washington State Water Conservation Performance Standards) are adopted for use within the City of Gig Harbor;

E. Section # 15.32.010, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.32.010 The Washington State Energy Code as amended by the Washington State Building Code Council and published as WAC 51-11 is adopted for use within the City of Gig Harbor; and,

F. Section # 15.32.005, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.06.005 The Washington State Ventilation and Indoor Air Quality Code as amended by the Washington State Building Code Council and published as WAC 51-13 is adopted for use within the City of Gig Harbor; and,

G. In case of conflict among the codes enumerated subsections A, B, C, D, E and F of this section, the first named code shall govern over those following.

Section 2. Section 15.06.060 of the City of Gig Harbor Municipal Code, Ord. # 490, passed by the Gig Harbor City Council in 1986, is hereby amended as follows:

15.06.060 Expiration. Subsection (d) of Section 303 of the Uniform Building Code, ~~1985~~ edition, is amended to read as follows: . . . .

Section 3. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection

10.207(e) of the Uniform Fire Code-10.204(a)

Dimensions.

(e) Width. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

The minimum cleared vehicular roadway, driveway, or street, width shall be twelve (12) feet from shoulder to shoulder for one single family residence, fifteen (15) feet from shoulder to shoulder for one way traffic in other developments, and twenty-four (24) feet minimum driving surface for all two-way traffic.

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

Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

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

Section 4. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.207(g) of the Uniform Fire Code-10.204(c)

Section 5. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.208(b) of the Uniform Fire Code-10.301(a) & (b)

Section 6. Section 15.12.060 of the City of Gig Harbor Municipal Code, Ord. # 493, passed by the Gig Harbor City Council on 9/8/86, is hereby amended as follows:

15.12.060 New Sections to the Uniform Fire Code, 1985 Edition are hereby added as follows: ...Subsection 10.301(c) of the Uniform Fire Code-10.401

Section 7. Section # 15.12.095, of the City of Gig Harbor Municipal Code, is hereby adopted as follows:

Section # 15.12.095 A new Sub-Section to Appendix II-C, 5. (a) of the Uniform Fire Code is hereby adopted as follows:

4. The minimum fire flow at each hose station shall be 500 gpm at 20 psi.

Exception: A fire flow analysis in conformance to the 1974 ISO Guide or an NFPA approved method of analysis maybe submitted to the Fire Marshal for approval.

Section 8. The following Sections and Chapters of the City of Gig Harbor Municipal Code, are hereby repealed:

Chapter 15.05, Ord. # 597 & 602, passed by the Gig Harbor City Council November, 1991; (1988 Washington State Building Codes)

Section # 15.06.050, Ord. # 490, passed by the Gig Harbor City Council in 1986; (1985 Uniform Building Code Violations)

Section # 15.08.035, Ord. # 491, passed by the Gig Harbor City Council in 1986; (Plumbing Permit Fees)

Section # 15.12.100, Ord. # 493 passed by the Gig Harbor City Council in 1986; (NFPA Standards)

Chapter # 15.16, Ord. # 75, passed by the Gig Harbor City Council in 1964; (Fire Zone)

Section # 15.32.010, Ord. # 563, passed by the Gig Harbor City Council on August 28, 1989; (Energy Code)

Section 9. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 10. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.