

GIG HARBOR CITY COUNCIL MEETING

OCTOBER 28, 1991

6 pm
EXCO. Session
7:00 p.m., City Hall Council Chambers

AGENDA FOR GIG HARBOR CITY COUNCIL MEETING
OCTOBER 28, 1991

PUBLIC COMMENT/DISCUSSION: - Makovich, Castellano, Stanica

CALL TO ORDER:

APPROVAL OF MINUTES:

CORRESPONDENCE:

1. Safe Streets - Substance Abuse Grant. - Money available
2. Thank you from Bartell Drugs.
3. Puget Sound Regional Council.

OLD BUSINESS:

1. Wetland Management Ordinance - 2nd reading.
2. Amendment to Zoning Ordinance - 2nd reading.
3. Amendment to business license ordinance - 2nd reading.
4. Amendment to Uniform Fire and Building Code (Sprinkler Systems) - 1st reading.

NEW BUSINESS:

1. Reconsideration of Makovich street name.
2. Request for sewer utility service extension - Walt Smith.
3. Hearing Examiner report and recommendation on SDP91-02/
VAR 91-12: Walt Williamson.
4. Request to revise annexation area - ANX91-01: Hoover
Road Annexation.
5. Personnel Policies Resolution.
6. New liquor license application - Bartell Drugs.
7. Bogue Building improvements.

MAYOR'S REPORT:

1. Harbor Basin Protection Plan.

APPROVAL OF BILLS:

Warrants # 7828, #7895 through #7901, #7906 through #7962 in
the amount of \$29,550.23.

EXECUTIVE SESSION:

1. Ellsworth/Thornhill lawsuit.

ADJOURN:

REGULAR GIG HARBOR CITY COUNCIL MEETING OF OCTOBER 14, 1991

PRESENT: All present.

PUBLIC COMMENT/DISCUSSION:

1. Dr. Robert Stuart presented a report from the City Dwellers organization on concerns and items of interest for 1992.

CALL TO ORDER: 7:15 p.m.

CORRESPONDENCE: (Item 3 to be discussed to allow Ms. Whetsell to leave the meeting.)

3. Citizens Against Litter requests for dumpster screening and cigarette receptacles.
Jo Whetsell, representing C.A.L., requested the city install a cigarette receptacle at the corner of Harborview Drive and Pioneer Way and requested that the Stock Market store screen the garbage dumpsters.

PUBLIC HEARINGS:

1. Wetland Management Ordinance - 1st reading.
Planning Director Ray Gilmore presented a summary of the new wetlands ordinance as recommended by the Planning Commission.

There was no public comment.

Councilmember Frisbie had several questions and made suggestions as to the goal of the ordinance.

Corbett Platt, Planning Commission chair, was available to answer questions.

2. Amendment to Zoning Code text - Retirement Homes as conditional use in an R-1 district - 1st reading.
Mr. Gilmore provided council with an overview of the amendment to the zoning code.

MINUTES:

MOTION: To approve the minutes of the meeting of September 23, 1991.
Davis/Hoppen - unanimously approved.

CORRESPONDENCE:

1. Letter of Appreciation from the Department of Transportation.
2. Report from Pierce County Utilities on Solid Waste Management Plan.

OLD BUSINESS:

1. Revised short subdivision ordinance - 2nd reading.
Mr. Gilmore presented the ordinance for passage.

MOTION: To adopt Ordinance #608.
Davis/English - unanimously approved.

NEW BUSINESS: (items 6 & 7 to be discussed first to allow Mr. Bowman to leave the meeting.)

6. Amendment to Uniform Fire and Building Code (Sprinkler Systems) - 1st reading.
Building Official Steve Bowman explained the ordinance requirements.

7. New street names requested.
Mr. Bowman explained the addressing requirements as stated in the city's ordinance and presented the requests for new street names.

MOTION: To accept the name changes, except instead of "Firlock Lane" the street shall be named "Makovich Lane".
Davis/Frisbie - unanimously approved.

1. Amendment to business license ordinance - 1st reading.
City Administrator Mike Wilson explained the changes to the ordinance.
2. Resolution opposing Initiative 559.

MOTION: To approve Resolution #331.
Davis/English - approved by a vote of 4 - 1 with Frisbie opposing.

3. Olympic Drive traffic study.
Public Works Director Ben Yazici presented information on traffic modeling on the Olympic Drive interchange.

MOTION: To approve the expenditure of up to \$9,000 to coordinate short-term solutions to the traffic congestion, in particular a traffic signal coordination.
Frisbie/English - unanimously approved.

Discussion followed on the Pierce County recommended East/West road from Peacock Hill to SR-16.

MOTION: To have the Public Works Director prepare a letter to Pierce County reiterating the city's support for the proposed Alternative #3 East/West Road to be signed by the mayor and all councilmembers.
Davis/Perrow - unanimously approved.

4. Harborview Drive overlay project - contract award.

MOTION: To award the project to Woodworth and Company for \$112,117.50.
Perrow/Davis - unanimously approved.

5. Special occasion liquor license requests from St. Nicholas Church,, Performance Circle, Peninsula Neighborhood Association. New license application - Kinza Teriyaki. License renewal - Bayview Grocery.

No action taken.

DEPARTMENT MANAGERS' REPORTS:

1. Police:
Police Chief Denny Richards provided the police department's statistic report for the month of September.
2. Public Works:
Public Works Director Ben Yazici presented a report on his department's projects.

MAYOR'S REPORT:

1. Framework agreement for adoption of county-wide planning policy.

MOTION: To approve Resolution #332.
Davis/English - unanimously approved.

PAYROLL:

MOTION: To approve payment of warrants #6206 through #6347 in the amount of \$133,384.71.
Davis/English - unanimously approved.

BILLS:

MOTION: To approve payment of warrants #7824 through #7894 in the amount of \$195,338.83.
Frisbie/English - unanimously approved.

EXECUTIVE SESSION:

MOTION: To go into executive session for the purpose of discussing a claim for damages against the city.
Davis/English - unanimously approved.

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

MOTION: To reject the Imperiale claim.
Davis/Frisbie - unanimously approved.

MOTION: To enter into a settlement agreement with Bob Ellsworth and Mike Thornhill regarding the Stanich Dock having the number of parking spaces comply with the city's existing codes and implement other conditions as recommended by staff.
Frisbie/English - approved by a vote of 3 - 2 with Davis and Perrow opposing.

ADJOURN:

MOTION: To adjourn at 11:05 p.m.
Davis/Frisbie - unanimously approved.

Cassette recorder utilized.
Tape 249 Side B 352 - end
Tape 250 Both Sides
Tape 251 Side A 000 - end
Side B 000 -

Safe Streets Campaign
934 Broadway
Tacoma, Washington 98402-4420
(206) 272-6824

RECEIVED

OCT 22 1991

Lyle Quasim
Director

CR. J. HANSDOR

S A F E S T

FOR IMMEDIATE RELEASE

PRESS CONFERENCE

Congressman Norm Dicks
Friday, October 25, 1991
11:00 a.m.
Safe Streets Campaign, 934 Broadway, Tacoma
Announcement of Grant Award

Congressman Norm Dicks will be joined by Andrew Neiditz, Safe Streets Board Chair; Lyle Quasim, Safe Streets Executive Director; and the Safe Streets Prevention Partnership to announce the receipt of a five-year, \$1.7 million prevention grant award from the federal Office of Substance Abuse Prevention, Department of Health and Human Services by the Safe Streets Campaign.

The program, titled "The Safe Streets Prevention Partnership," provides for community coalition building.

This Vision of The Partnership for Tacoma-Pierce County is to connect people from all walks of life to mobilize and redirect resources to prevent substance abuse. The Partnership will make policy recommendations to enhance prevention strategies. A community prevention system owned by and responsive to the needs of the community is the goal. The program will target three

COMBODER

communities: Hilltop, Eastside, and Parkland in the County during
the first of five years.

Communities and neighborhoods will form local prevention task forces. Coalitions of special interest and major impact are included in the grant focus: minority communities, the Inter-Faith community, and private business labor, and public sectors involved in the workplace. Also, interagency coalitions will be formed to assist high-risk families and gang-involved youth. Youth will be involved through the use of arts as a prevention tool emphasizing "Action Agenda: Youth."

Inquiries should be directed to Priscilla Lisicich at the Safe Streets Office, 272-6824.

10/18/91

BARTELL DRUGS

THE BARTELL DRUG COMPANY

4727 DENVER AVENUE SOUTH

(206)763-2626

SEATTLE, WASHINGTON 98134-2316

October 17, 1991

RECEIVED

OCT 21 1991

CITY OF GIG HARBOR

Ms. Gretchen A. Wilbert
Mayor
City of Gig Harbor
3105 Judson Street
Post Office Box 145
Gig Harbor, WA 98335

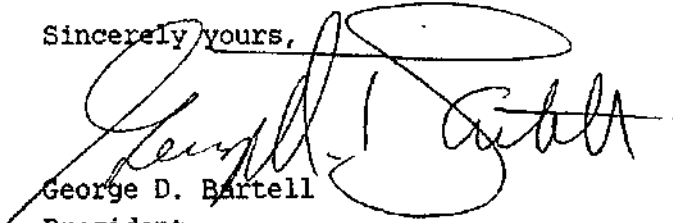
Dear Gretchen:

It was a pleasure to meet you on the occasion of the ribbon cutting of our new store in your city. Thank you for your participation in the ceremony. I think that it went very well.

As I mentioned to you yesterday, I have spent some time driving around the area and it is very beautiful. It is easy to understand why it is such a desirable place to live. Bartell Drugs is proud to be associated with such a fine community.

Best wishes and thanks again for your help.

Sincerely yours,


George D. Bartell
President

drk

Puget Sound Regional Council
216 First Avenue South, Suite 400
Seattle, Washington 98104
Telephone: (206) 464-7090

October 21, 1991

RECEIVED
OCT 23 1991
CITY OF GIG HARBOR

The Honorable Gretchen Wilbert, Mayor
City of Gig Harbor
P. O. Box 145
Gig Harbor, Washington 98335

Dear Mayor Wilbert:

Congratulations! We have done it! After three years of debate and compromise, we have forged a new regional council, the Puget Sound Regional Council (PSRC). Based upon the proposition that city and county governments must collaborate to achieve collective regional goals, the new organization is dedicated to achieving regional cooperation and providing service to its members.

The PSRC is your organization to address multi-county issues of growth and transportation, your organization for economic, demographic and travel data, and your organization for discussion of other regional issues.

Under the new Interlocal Agreement at least one meeting each year of the Board will be held in each county. We intend to devote a part of these meetings to a locally generated agenda. One topic that is of interest to all of us and that would be useful to share is progress by cities and counties in developing county-wide policy plans.

In the coming year, in addition to finalizing the organizational structure of the PSRC, there are a number of multi-county challenges that call for our collaborative action.

- Reauthorized Surface Transportation Act. Proposals by the Administration, House, and Senate point to a much stronger role for local governments working as the Metropolitan Planning Organization (MPO). Under the proposals, the MPOs will have an important role in deciding how increased federal funding is to be spent within each region. The Reauthorization is expected to be enacted either late this year or early next year.
- Process for the designation of "centers." Regional rapid transit planning within the multi-county area is being based on the VISION 2020 concept of high density business and residential centers connected by a rapid transit system. The centers will be designated through a collaborative process based on the leadership of cities and counties with support from the PSRC. As part of their current planning, cities and counties are evaluating the desirability of becoming a particular type of center. PSRC can help ensure that appropriate data and technical information is produced, and available.

Page Two
October 21, 1991

- Multi-county planning policies. The 1991 Growth Management Act (GMA) calls for multi-county planning policies for the counties of King, Pierce and Snohomish, with the option for other counties to participate. Similar to the countywide requirement, counties and cities within the region need to decide on the process for development and adoption of these policies. The PSRC could facilitate that process.
- Regional Transit Project - Determination of Conformity. As the designated Regional Transportation Planning Organization (RTPO) we must make the requisite "determination of conformity" of the Regional Transit Plan with VISION 2020.

In addition, we can assist the Joint Regional Policy Committee members in identifying and understanding policy implications of proposals such as a Regional Transportation Authority which may be introduced in the 1992 Legislative Session. PSRC stands available as a resource for member jurisdictions to study the implication of transportation-related proposals made at local, state and federal settings.

- Puget Sound Air Transportation Plan (Flight Plan). In December of this year the Flight Plan will complete its draft recommendations for passenger air service in this region for the year 2020 and beyond. Final recommendations are scheduled for March of next year, following a round of public hearings throughout the central Puget Sound region. This could directly influence our countywide and multi-county planning policies and 1993 comprehensive plan decisions.

This is a major transportation and siting-related issue; it will test our ability to collaborate on major regional decisions.

- Certification of Transportation Elements of Local Comprehensive Plans. As required by the GMA and our Interlocal Agreement, the PSRC's RTPO duties include certifying that the transportation elements of local comprehensive plans are consistent with the regional transportation plan. In order to be ready when local plans are completed we need to establish the certification process by the end of 1992.

With the formation of the PSRC we have the clear opportunity to work together productively to address these important issues. With your active participation we will be able to make good decisions that benefit the entire central Puget Sound region. For your use a list of the Executive Board members of the Puget Sound Regional Council is attached. We invite your thoughts and comments and look forward to working with you.

Sincerely,



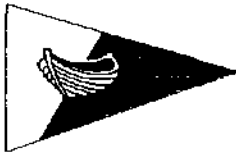
Councilmember Jim Street, City of Seattle
President, Puget Sound Regional Council

EXECUTIVE BOARD MEMBERS
PUGET SOUND REGIONAL COUNCIL
OCTOBER 1, 1991

1. Councilmember Jim Street, President
City of Seattle - 684-8808
2. Councilmember Bill Brubaker, Vice President
Snohomish County - 388-3494
3. Councilmember Paul Barden
King County - 296-7777
4. Mayor Art Conduff
Pierce County Suburban Cities - 922-6633
5. Councilmember Brian Corcoran
Snohomish County - 388-3494
6. Mayor Linn Epperly - 337-3455
Snohomish County Suburban Cities
7. Councilmember Robert Evans
City of Tacoma - 591-5000
8. Mayor Jeanne Hansen
King County Suburban Cities - 888-1555
9. County Executive Tim Hill
King County - 296-4040
10. Commissioner John Horsley
Kitsap County - 876-7146
11. Mayor Pete Kinch
City of Everett - 259-8701
12. Councilmember Paul Kraabel
City of Seattle - 684-8807
13. Councilmember Bruce Laing
King County - 296-3457
14. Mayor Terry Lukens
City of Bellevue - 462-4591
15. Mayor Richard "Mitch" Mitchusson
City of Poulsbo - 223-5259 (Seattle line)
16. Mayor Norm Rice
City of Seattle - 684-4000
17. Mayor Bob Roegner
King County Suburban Cities - 931-3041
18. Councilmember Barbara Skinner
Pierce County - 591-7777/863-0088
19. County Executive Joe Stortini
Pierce County - 591-7477
20. Councilmember Cynthia Sullivan
King County - 296-1002
21. Mayor Karen Vialle
Tacoma - 591-5110


ALTERNATES

1. Councilmember Paul Cyr
Alternate for Pierce County - 591-7777
2. Councilmember Cathy Pearsall-Stipek
Alternate for Pierce County - 591-7777
3. Mayor Leonard Sanderson
Alternate for Pierce County Suburban Cities - 433-7613



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

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

TO: Mayor Wilbert and City Council
FROM:  Ray Gilmore
DATE: October 24, 1991
SUBJ: 2nd Reading -- Wetland Management Ordinance

At the first reading of this ordinance several concerns were expressed. Some of these concerns are size and complexity of the document, the need for the rating system proposed, the vagueness of goals and objectives of the ordinance, and the reliance of having to obtain the services of a wetland specialist.

As I related to the Council at that meeting, the proposed interim ordinance is based upon a model ordinance developed by the Department of Ecology. It incorporates several features of the model such as the four-tier rating system and a replacement ratio for wetlands which are eliminated or modified by development. It has been suggested that the ordinance be rewritten by a Council-Commission committee.

Staff does not recommend a re-write of this document at this time. If the Council desires to make substantive changes, it is recommended that the ordinance be adopted at this time and specific amendments be referred to the Planning Commission for review during the next year.

The Planning Commission can rework the ordinance during the first half of 1992 and provide recommendations to the Council by September of 1992. Staff feels that this is a logical solution and does not jeopardize our responsibility under the Growth Management Act to complete our ordinance in a timely manner.

Recommended Changes to Wetland Ordinance

Goals Statement:

The principle goal of this chapter is to avoid impacts to lands where such avoidance is feasible and reasonable. Where such impacts are unavoidable, the standards of this ordinance seek to minimize impacts on wetlands as a result of land development by:

1. Maintaining and enhancing the biological and physical functions and values of wetlands.
2. Maintaining the natural value of wetlands to control flooding and stormwater runoff through the storage and regulation of natural flow.
3. Maintaining the habitat value of wetlands for the many species of fish, wildlife and vegetation which are dependent upon wetlands for their survival.
4. Providing open space and visual relief from intense development within the urban area.
5. Providing opportunities for recreation, scientific study and natural resources education.
6. Providing for reasonable buffers around wetlands in order to stabilize soil, filter suspended solids and excess nutrients, moderate impacts from stormwater runoff, provide a local habitat for wetland plant and animal communities, and to reduce or minimize intrusions from humans and domestic animals.
7. Implement the goals, objectives and policies of the State of Washington Growth Management Act, the State Environmental Policy Act, the City of Gig Harbor Comprehensive Land Use Plan and the City of Gig Harbor Environmental Policy Ordinance.
8. Promote and protect the public's health, safety, welfare and interest in maintaining and protecting wetlands as a valuable natural resource.

9. Protecting private property rights by allowing for a reasonable use of property where wetlands are present.

~~X~~ Definitions:


- JJ. Wetland Specialist -- "Wetland Specialist" is a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, soil science, limnology or an equivalent academic background who also has experience in performing wetland delineations, analysis of wetland functions and values and project impacts, and wetland mitigation and restoration techniques. The person must be familiar with ...(same as remainder of current definition).



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

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

TO: Mayor Wilbert and City Council

FROM:  Ray Gilmore

DATE: October 24, 1991

SUBJ.: 2nd Reading -- Amendment to Zoning Code Text to
Allow Retirement Homes in an R-1 District as
Conditional Uses.

At the first reading of the ordinance, Council expressed its intent to not pass the ordinance, but to permit Hearth Homes the opportunity to reapply for a building permit to complete the project on North Harborview Drive. Council's primary concern was that the original conditions of approval (on the conditional use permit) were not less restrictive than current regulations.

The proposal must comply with the current requirements of the City's Building and Fire Codes. Although the project does not comply with the impervious lot coverage of the current code, the conditional use permit which was initially approved remains valid. Consequently, the project is established as a lawful, non-conforming use under the zoning code.

The project proponent will be required to comply with the requirements of the conditions of approval established by the Hearing Examiner and the Council.

CITY OF GIG HARBOR
ORDINANCE NO.

AN ORDINANCE TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AMENDING SECTION 17.16.030 TO ALLOW RETIREMENT HOMES AS CONDITIONAL USES IN R-1 DISTRICTS AND A NEW SECTION 17.04.705 WHICH SPECIFICALLY DEFINES RETIREMENT HOMES/ASSISTED LIVING FACILITY./

WHEREAS, the Planning Commission considered the request of Master Properties, Inc., to amend the zoning code text to allow retirement homes as a conditional use in R-1 districts; and,

WHEREAS, the request by Master Properties, Inc., is predicated on their desire to complete a retirement home/assisted living facility on North Harborview Drive which was initially approved by the City in 1987, but which has since not been completed and the original building permit for the project expired; and,

WHEREAS, the building permit for the project had expired, the zoning code was revised and did not address retirement homes in the R-1 district; and,

WHEREAS, the Planning Commission finds that, through the conditional use permit process, retirement homes could be sited in an R-1 district, dependent upon the suitability of the site for such a use; and,

WHEREAS, the Planning Commission has recommended approval of the proposed zoning code text amendments as being consistent with the housing goals and objectives of the Comprehensive Plan.

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

Section 1 Section 17.16.030 the Gig Harbor Municipal Code is amended to read as follows:

...

F. Retirement home/assisted living facility.

...

PAGE 2

Section 2 New Section 17.04.705 (Definitions) is hereby adopted as follows:

17.04.705 Retirement home/assisted living facility. A multiple dwelling place of residence for the occupancy of several individuals or couples fifty-five years of age or older in living quarters which feature limited services for ambulatory retired persons. These services are to be limited to basic housekeeping, dietary services and minimal nursing care such as medication administration. Those persons requiring a higher level of care cannot be maintained in such a facility.

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

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

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 10/9/91
Passed by City Council:
Date published:
Date effective:

CITY OF GIG HARBOR

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW SECTION 3.16.031 TO THE GIG HARBOR MUNICIPAL CODE ESTABLISHING CRITERIA FOR ISSUANCE OF A BUSINESS LICENSE.

WHEREAS, Section 3.16.030 of the Gig Harbor Municipal Code currently requires all businesses in the City of Gig Harbor to obtain and annually renew a business license and to pay a fee therefore, and

WHEREAS, the City Council finds that some businesses in the City are operating in violation of provisions of the City code, and

WHEREAS, the City Council finds that the following ordinance is necessary for the preservation of the public health, safety, and general welfare,

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

Section 1. A new Section 3.16.031 is hereby added to the Gig Harbor Municipal Code to read as follows:

3.16.031 Grounds for Issuance. Before issuing or renewing any license required by Section 3.16.030, the City Clerk shall forward the initial application or the renewal application to relevant City departments for review. The City departments shall advise the City Clerk if there are any violations of any provision of the Gig Harbor Municipal Code at the business location and if so shall cite the particular section being violated. The City Clerk shall not issue a business license to the business until all such violations have been corrected.

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

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

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

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 10/10/91
Passed by city council:
Date published:
Date effective:

CITY OF GIG HARBOR

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTERS 15.06 & 15.12 OF THE GIG HARBOR MUNICIPAL CODE "UNIFORM BUILDING CODE" & "UNIFORM FIRE CODE".

WHEREAS, the State Building Code Advisory Council periodically adopts Uniform Building Codes of statewide applicability; and

WHEREAS, the City of Gig Harbor must conform its adoption of Uniform Building and Fire Codes to the rules and regulations of the State Building Code Advisory Council and the City did so by the adoption of Ordinance 597; and

WHEREAS, the Fire Marshall and the Gig Harbor Building Code Advisory Board have completed their analysis of the Uniform Codes and have found that the public health, safety and welfare could be more adequately protected if fire sprinkler systems were required in certain types of multi-family dwelling units within which and for which the Uniform Codes do not require sprinkler systems; and

WHEREAS, the Council finds that the public health, safety and welfare of the public would be served by adopting the Fire Marshal's and Building Code Advisory Board's recommendations; and

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

Section 1. Gig Harbor Municipal Code Chapter 15.06 & 15.12 are hereby amended as incorporated herein.

Section 2. That Chapter 15.06 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.06.021, reading as follows:

15.06.021. AMENDMENT TO SECTION 1211, UNIFORM BUILDING CODE. Section 1211. A manual and automatic approved fire alarm system shall be installed in apartment houses that are three or more stories in height or two or more stories in height with a basement, or containing more than 15, 5 dwelling units, and in hotels three or more stories in

height or containing 20 or more guest rooms, and every hotel and motel which contains six (6) or more guest rooms, in accordance with the Fire Code.

Exceptions: 1) A fire alarm need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.

2) A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system installed in accordance with U.B.C. standard no. 38-1 and having a local alarm to notify all occupants.

For the purpose of this section, area separation walls shall not define separate buildings.

Section 3. That Chapter 15.06 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.06.022, reading as follows:

15.06.022. AMENDMENT TO SECTION 3802(h) UNIFORM BUILDING CODE. Section 3802(h). Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every ~~apartment house three or more stories in height or containing more than 15 dwelling units, and every hotel three or more stories in height or containing 20 or more guest rooms, building classified as a~~ Group R, Division 1 occupancy which exceeds 5,000 square-feet or exceeds two (2) stories in height (e.g., for the purposes of this section, a structure with two (2) stories and a basement shall be considered as exceeding two stories.) An automatic sprinkler system shall be installed throughout every apartment house which contains five (5) or more dwelling units, and every hotel and motel which contains six (6) or more guest rooms.

Ordinance No.

Page 3

Residential or quick-response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

For the purpose of this Section, area separation walls shall not define separate buildings.

Section 4. That Chapter 15.12 of the official code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.021, reading as follows:

15.12.021 AMENDMENT TO SECTION 14.104(c), UNIFORM FIRE CODE. 15.12.021 Section 14.104(c). A manual and automatic approved fire alarm system shall be installed in apartment houses that are three or more stories in height or two or more stories in height with a basement, or containing more than 15, 5 dwelling units, and in hotels three or more stories in height or containing 20 or more guest rooms, and every hotel and motel which contains six (6) or more guest rooms, in accordance with the Fire Code.

Exceptions: 1) A fire alarm need not be installed in buildings not over two stories in height when all individual dwelling units and contiguous attic and crawl spaces are separated from each other and from public or common areas by at least one-hour fire-resistive occupancy separations and each individual dwelling unit or guest room has an exit direct to a public way, exit court or yard, exterior stairway or exterior exit balcony.

2) A separate fire alarm system need not be installed in buildings which are protected throughout by an approved supervised fire sprinkler system installed in accordance with U.B.C. standard no. 38-1 and having a local alarm to notify all occupants.

Alarm systems for Group R, Division 1 Occupancies having interior corridors serving as a required exit for an occupant load of ten or more shall consist of not less than an approved and listed system-type smoke detector installed within such corridors in accordance with the manufacturers instructions. When activated, such detectors shall initiate an alarm audible throughout the building.

The fire alarm system for Group R, Division 1 Occupancies other than those specified above shall be provided with manual sending stations or equivalent alternate protection in location as required by the chief.

An approved and listed system-type automatic heat detector shall be installed within common areas such as recreational rooms, laundry rooms and furnace rooms of buildings containing Group R, Division 1 Occupancies.

The detectors shall be installed on the ceiling or wall of such rooms in accordance with the manufacturer's installation instructions and, when activated, shall initiate an alarm which is audible throughout the building.

The detectors shall be installed on the ceiling or wall of such rooms in accordance with the manufacturer's installation instructions and, when activated, shall initiate an alarm which is audible throughout the building.

For the purpose of this Section, area separation walls shall not define separate buildings.

Section 5. That Chapter 15.12 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.022, reading as follows:

15.12.022. AMENDMENT TO SECTION 10.306(h) UNIFORM FIRE CODE. Section 10.306(h). Group R, Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units, and every hotel three or more stories in height or containing 20 or more guest rooms, building classified as a Group R, Division 1 occupancy which exceeds 5,000 square-feet or exceeds two (2)

stories in height (e.g., for the purposes of this section, a structure with two (2) stories and a basement shall be considered as exceeding two stories.) An automatic sprinkler system shall be installed throughout every apartment house which contains five (5) or more dwelling units, and every hotel and motel which contains six (6) or more guest rooms. Residential or quick-response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

For the purpose of this Section, area separation walls shall not define separate buildings.

Section 6. That Chapter 15.12 of the Official Code of the City of Gig Harbor is hereby amended by the addition thereto of a new section, to be known and designated as Section 15.12.023, reading as follows:

15.06.023. AMENDMENT TO SECTION 85.104, UNIFORM FIRE CODE. Section 85.104. When any electrical hazards are identified, measures to abate such conditions shall be taken. All identified hazardous electrical conditions in permanent wiring shall be brought to the attention of the authority enforcing the Electrical Code. The Washington State Division of Labor and Industries must provide all necessary electrical inspections within the City of Gig Harbor to identify any electrical hazards as defined by the Washington State Electrical Code. Such inspections must include, but are not limited to, 1) underground work prior to cover; 2) roughing in wiring prior to cover; 3) final prior to occupancy; and, 4) other requested inspections when a hazard has been identified by the Gig Harbor Fire Marshal.

Section 7. Severability Clause. If any section or provision of this Ordinance or the State Building Code or its application to any person or circumstances is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

Ordinance No.
Page 6

Section 8. Whenever any conflict occurs between any section of this Ordinance and the Code referred to in this Ordinance, the Code shall prevail.

Section 9. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

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

Gretchen S. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk:
Passed by city council:
Date published:
Date effective:



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

3105 JUDSON STREET • P.O. BOX 145

GIG HARBOR, WASHINGTON 98335

(206) 851-8136

TO: COUNCILMEMBERS
FROM: MAYOR GRETCHEN WILBERT *GW*
DATE: OCTOBER 24, 1991
RE: #1 ~~055~~ BUSINESS
NEW

Wednesday evening, October 16, during the Council Manager Workshop I left the room to greet late arrivals in the front hall. There I found three members of the Makovich family who had heard there was a consideration before the City Council to use the Makovich name as a street name in a development off Skansie Avenue. I told them the council meeting had already taken place Monday, October 14th and the Council had taken action on naming the street.

The Makovich family asked for:

- 1) Council to reconsider and not use the Makovich name on the chosen street.
- 2) Use the Makovich name in a more appropriate location.
- 3) Research the historic significance before naming a street.

As a result of this chance encounter, Laurie Makovich Young, a lifelong resident of Gig Harbor presently living on Tarabochia Street, has accepted my invitation to be our volunteer research source in the future in bringing a street name recommendation to the council.

Laurie accompanied me to the annual meeting of the Peninsula Historical Society last Wednesday, October 23rd. She found herself relating personally to many of the slides shown that evening.

This experience has given Laurie a desire to chronicle the five generation history of the Makovich family in Gig Harbor.

Laurie indicated to me she would be willing to help lead an effort in addressing historical projects as mentioned in the April questionnaire of the City Dwellers and my Harbor Basin Protection Plan.

At Council's request, her first task could be finding an appropriate name replacement for Firlock. She indicated to me a willingness to do the research and bring a recommendation to Council.

**active
construction
inc.**

RECEIVED

OCT - 9 1991

CITY OF GIG HARBOR

October 8, 1991

Michael Wilson
City Administrator
CITY OF GIG HARBOR
Post Office Box 145
Gig Harbor, WA 98335

Re: GIG HARBOR SEWER EXTENSION NORTH

Dear Mr. Wilson:

I am writing on behalf of Charles Hogan and myself regarding sewer extension (see Exhibit #1) to our property located at 11302 Burnham Drive, N.W.

Pursuant to the Gig Harbor County Council action on February 25, 1991 which granted the Peninsula School District Purdy Campus sewer service, including the areas commonly called Gig Harbor North and Purdy (see Exhibit #2). I believe this action now places our property in alignment with the City sewer extension policy per Resolutions 164 and 173.

Resolution 173 per Sec. 8D requires said property to "comply with the City of Gig Harbor's Comprehensive Land Use Plan and Zoning Regulation". Mr. Hogan and I agree to comply with the City's requirements and wish to be included in the City's urban boundary. As evidence of our willingness to cooperate, if you recall during the Westside annexation negotiation, Mr. Hogan and I were instrumental in convincing the business community to agree to several of the City's and citizen's stipulations, such as monument signs, buffer areas and height restrictions, etc.

As further evidence of our endeavor to be sensitive to community concerns I would suggest you consider some of the properties we have jointly/separately developed, i.e. the old Gig Harbor National Bank site now the Puget Sound Bank at Point Fosdick, Gig Harbor Bag & Save and Active Construction's current location. All these properties provide landscaping and buffer areas.



Michael Wilson
City Administrator
CITY OF GIG HARBOR
October 8, 1991
Page 2

In reviewing the Gig Harbor Ordinance No. 496 adopting the 1986 Comprehensive Plan it appears to include the parcel we are requesting (see Exhibit #3).

Further review of said Gig Harbor Comprehensive Plan illustrates that our parcel coincides with the plan as follows:

1. Transportation - easy access to SR 16 without adversely affecting existing neighborhoods or the City of Gig Harbor.
2. Economics - currently this parcel is providing a base employment of 70 plus employees with annual gross sales of \$10 million.
3. Environment - the existing native soils will allow the property to be developed under current state/county guidelines. Sewer extension service would provide a greater environment acceptability with ultimate benefits to Burley Lagoon and Henderson Bay.
4. Community/Interest - Active Construction's property has always tried to be sensitive to the community's and environment's needs currently providing landscaping the full length of the property (approximately 400 feet) and buffeted with tree screening to the gravel pit area which was established prior to the Gig Harbor Comprehensive Plan.
5. Sewer Service - under the current preliminary plans services could be less than 600 feet to the Woods Hill lift station (see Exhibit #2).
6. Land Use - future use of this property would be compatible to the surrounding neighborhood and city regulations.
7. Storm Drainage - naturally flows northward thus not impacting current city infrastructure. The area we are requesting consideration encompasses a natural drainage basin (see Exhibit #4). I believe this natural area makes more sense than predetermined artificial boundaries.
8. Water System - is available through Harbor Water (see Exhibit #5).

Michael Wilson
City Administrator
CITY OF GIG HARBOR
October 8, 1991
Page 3

I understand we would be required to pay our proportionate cost which would help defray the initial cost to the Peninsula School District. As a former school board president I know our district does not like to spend their moneys on anything but essential school needs.

We are proposing two basic uses for the property in question. The easterly 16 acres adjacent to Burnham Drive would be a proposed business park (see Exhibit #1 - map area highlighted in pink). The balance of the property would be proposed residential.


We believe our proposal is mutually beneficial. The City would derive additional revenues without a substantial increase in cost or traffic congestion. The basic infrastructure is already in place and any additional utilities would be paid for by the property owners.

Mr. Hogan and I have always endeavored to keep our properties within the spirit of the Gig Harbor Comprehensive Plan and would appreciate your reconsideration of our request. Furthermore, we would agree to place a covenant on the property in support of future annexation. We look forward to being serviced by the City and working with the City in any reasonable manner to accomplish this goal.

Please call if you need additional information.

Sincerely,

ACTIVE CONSTRUCTION, INC.


Walter H. Smith


Charles Hogan

WHS/jm
sewerext.10-8

cc: John Armenia - Deputy Superintendent, Peninsula School Dist.
Gretchen Wilbert - Mayor
Sammie Davis - Councilmember
John English - Councilmember
Bob Frisbie - Councilmember
Mark Hoppen - Councilmember
Wade Perrow - Councilmember
Ben Yazici - Public Works Director

R.1.E.		R.2.E.	
16	17	18	19
21	22	23	24
25	26	27	28
31	32	33	34
39	40	41	42
47	48	49	50
55	56	57	58
63	64	65	66
71	72	73	74
79	80	81	82
87	88	89	90
95	96	97	98
103	104	105	106
111	112	113	114
119	120	121	122
127	128	129	130
135	136	137	138
143	144	145	146
151	152	153	154
159	160	161	162
167	168	169	170
175	176	177	178
183	184	185	186
191	192	193	194
199	200	201	202
207	208	209	210
215	216	217	218
223	224	225	226
231	232	233	234
239	240	241	242
247	248	249	250
255	256	257	258
263	264	265	266
271	272	273	274
279	280	281	282
287	288	289	290
295	296	297	298
303	304	305	306
311	312	313	314
319	320	321	322
327	328	329	330
335	336	337	338
343	344	345	346
351	352	353	354
359	360	361	362
367	368	369	370
375	376	377	378
383	384	385	386
391	392	393	394
399	400	401	402
407	408	409	410
415	416	417	418
423	424	425	426
431	432	433	434
439	440	441	442
447	448	449	450
455	456	457	458
463	464	465	466
471	472	473	474
479	480	481	482
487	488	489	490
495	496	497	498
503	504	505	506
511	512	513	514
519	520	521	522
527	528	529	530
535	536	537	538
543	544	545	546
551	552	553	554
559	560	561	562
567	568	569	570
575	576	577	578
583	584	585	586
591	592	593	594
599	600	601	602
607	608	609	610
615	616	617	618
623	624	625	626
631	632	633	634
639	640	641	642
647	648	649	650
655	656	657	658
663	664	665	666
671	672	673	674
679	680	681	682
687	688	689	690
695	696	697	698
703	704	705	706
711	712	713	714
719	720	721	722
727	728	729	730
735	736	737	738
743	744	745	746
751	752	753	754
759	760	761	762
767	768	769	770
775	776	777	778
783	784	785	786
791	792	793	794
799	800	801	802
807	808	809	810
815	816	817	818
823	824	825	826
831	832	833	834
839	840	841	842
847	848	849	850
855	856	857	858
863	864	865	866
871	872	873	874
879	880	881	882
887	888	889	890
895	896	897	898
903	904	905	906
911	912	913	914
919	920	921	922
927	928	929	930
935	936	937	938
943	944	945	946
951	952	953	954
959	960	961	962
967	968	969	970
975	976	977	978
983	984	985	986
991	992	993	994
999	1000	1001	1002

Legend of map symbols used

- Force Main
- Pump Station
- Gravity Sewer
- Existing S.D. Pump Station
- Existing District Sewer Drain
- Proposed Route
- Right of Way
- Easement
- Property Line
- Building Footprint
- Road
- Railroad
- Waterway
- Contour
- Spot Elevation
- Bench Mark
- Survey Station
- Monument
- Iron Pipe
- Concrete
- Brick
- Stone
- Wood
- Asphalt
- Gravel
- Sand
- Silt
- Clay
- Rock
- Snow
- Ice
- Fog
- Rain
- Wind
- Sun
- Moon
- Stars
- Clouds
- Trees
- Shrubs
- Grass
- Water
- Wetland
- Wetland Buffer
- Wetland Core
- Wetland Edge
- Wetland Interior
- Wetland Outlet
- Wetland Inlet
- Wetland Channel
- Wetland Pond
- Wetland Lake
- Wetland Stream
- Wetland River
- Wetland Bay
- Wetland Estuary
- Wetland Ocean
- Wetland Inlet
- Wetland Outlet
- Wetland Channel
- Wetland Pond
- Wetland Lake
- Wetland Stream
- Wetland River
- Wetland Bay
- Wetland Estuary
- Wetland Ocean

SCALE: 1" = 100'

CONTOUR INT. 5' DATUM = M.S.L.

SOURCE OF TOPOGRAPHY:
PRINCE GEORGE AERIAL JAN. 1944

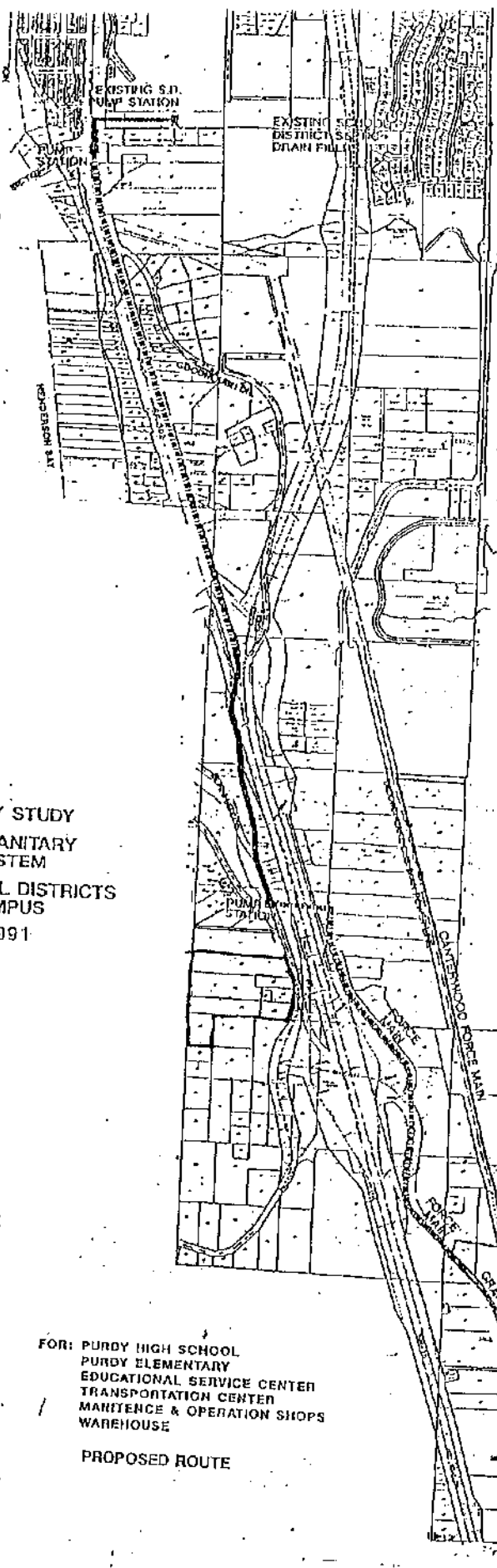
PRELIMINARY STUDY
PROPOSED SANITARY
SEWER SYSTEM
PENINSULA SCHOOL DISTRICTS
PURDY CAMPUS
FEB. 25, 1991

LEGEND

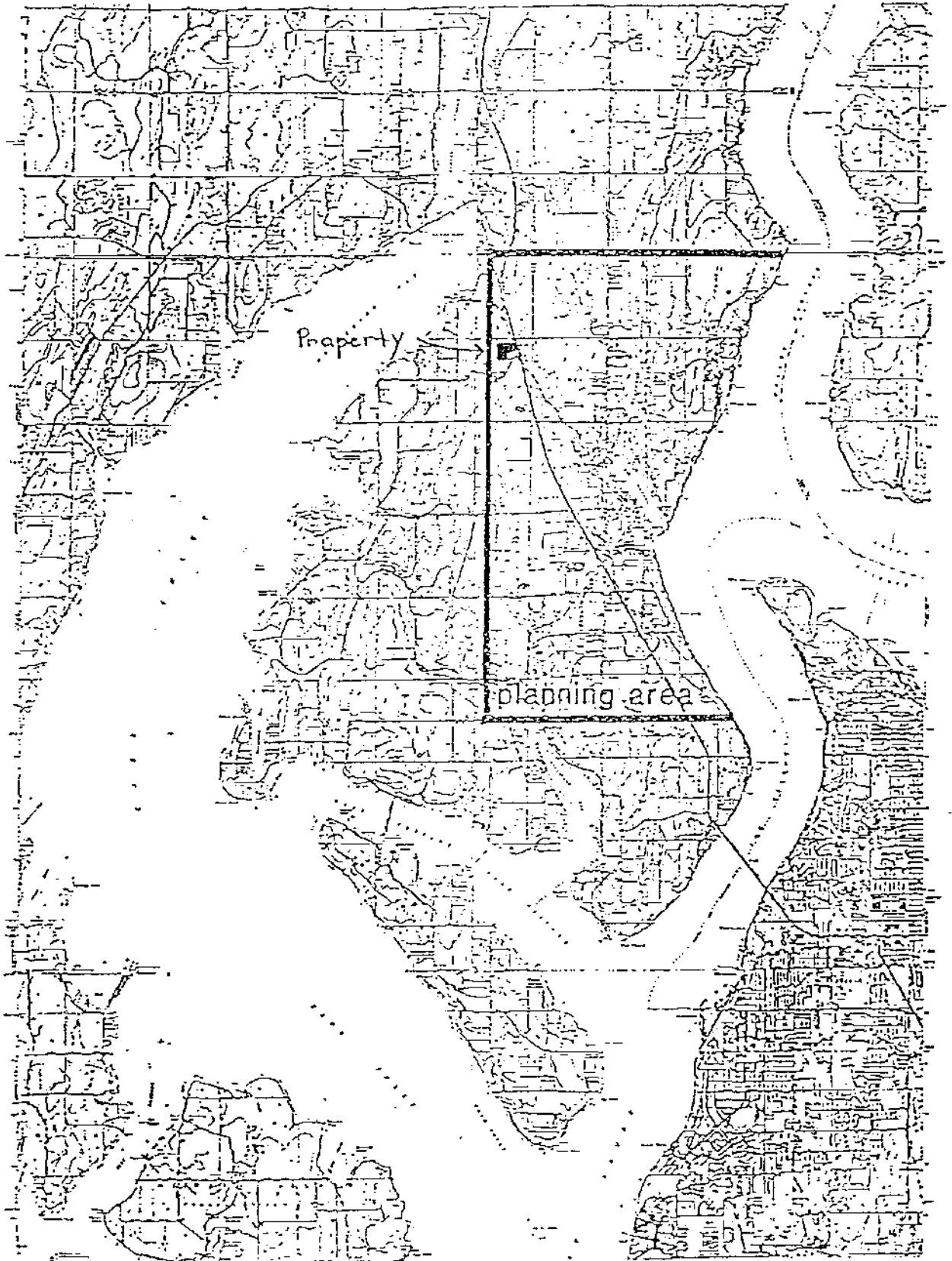
- FORCE MAIN
- PUMP STATION
- GRAVITY SEWER

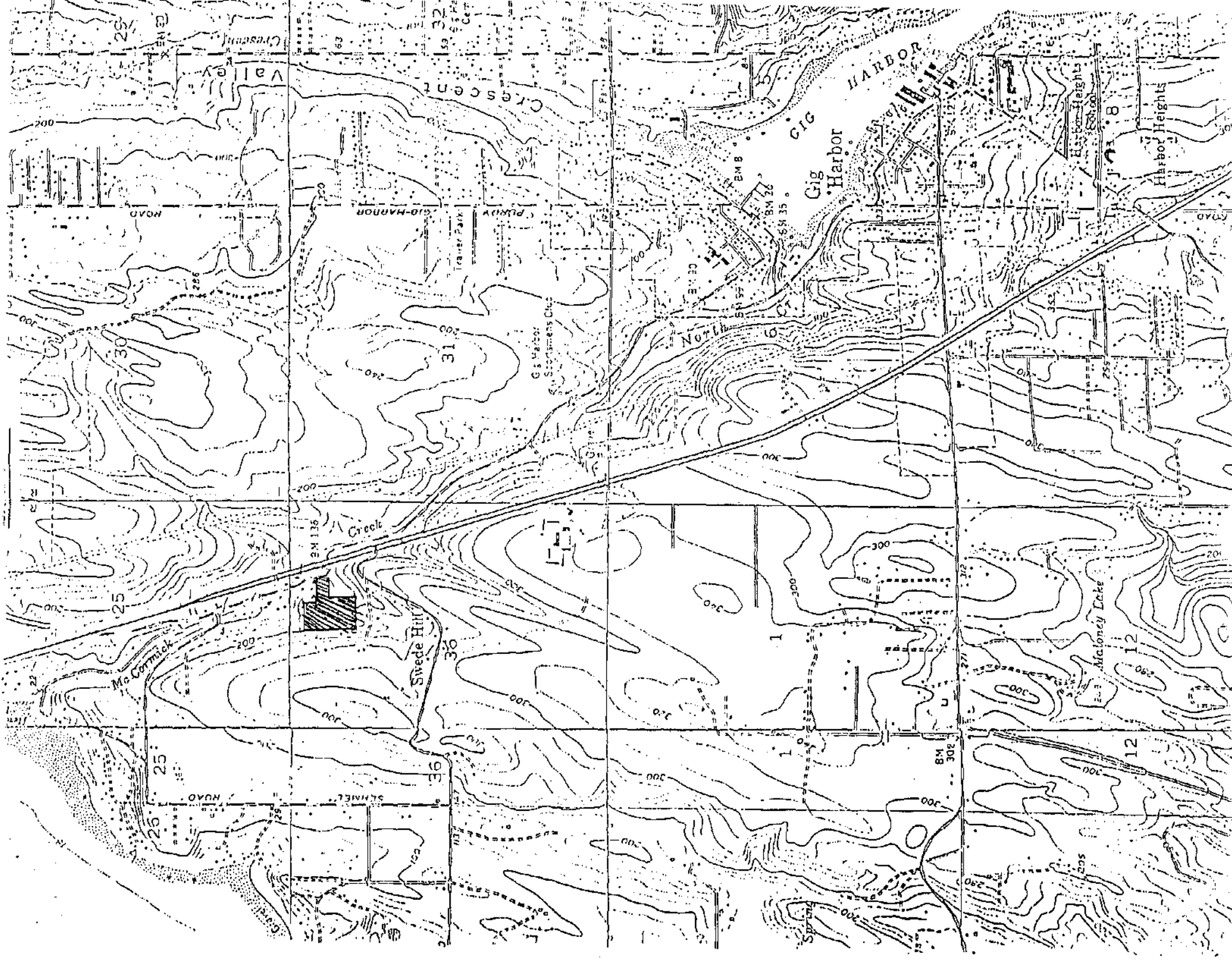
FOR: PURDY HIGH SCHOOL
PURDY ELEMENTARY
EDUCATIONAL SERVICE CENTER
TRANSPORTATION CENTER
MAINTENANCE & OPERATION SHOPS
WAREHOUSE

PROPOSED ROUTE



Graphic 1
Planning Area





HARBOR WATER CO., INC.

P.O. BOX 336
GIG HARBOR, WA 98335
(206) 831-4050 (206) 876-6938

February 5, 1991

EXHIBIT #5

Walt Smith
Active Construction
P.O. Box 191
Gig Harbor, WA 98335

RECEIVED
FEB 07 1991

RE: Horizon West

Dear Mr. Smith,

Preliminary study shows that with complete rebuilding of booster facilities to provide domestic and fire flow and onsite lines and hydrants. Harbor Water could provide the above referenced plat with water. Estimated cost would be as follows:

Off site	\$15,100.00
In site lines and hydrants	\$32,000.00

Above cost does not include IRS tax on contribution in aid of construction, which would increase cost a maximum of 51%.

Harbor Water requires \$1,000.00 (non refundable deposit) to cover required engineering cost. Once this has been received, Harbor will commence the engineering. After engineering is completed, Harbor Water will provide you with a formal contract to service your property, and submit plat to the Dept. of Health and Pierce County Fire Marshal for their review and approval. Once Dept. of Health approvals have been received, a copy of the signed contract will be sent to the Washington Utilities and Transportation Commission for their required approval.

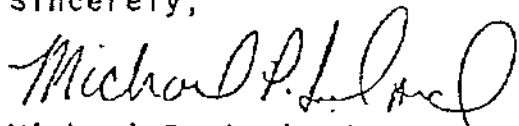
Once all of the approvals are recieved and the necessary funds per our contract have been received, construction will be scheduled.

Approximate time schedule is as follows from the date the \$1,000.00 is received.

Engineering	60 days
D.O.H. & P.C.F.M. approval	30 days
U.T.C. approval	45 days

Construction start date will be 30 days after all approvals and funds received per contract.

Sincerely,



Michael P. Ireland
President

CERTIFICATE OF WATER AVAILABILITY

A. To Be Completed By Applicant

1. Name of Project: Horizon West
 Address of Project: 115th St. N.W. (Big Harbor)
 Parcel Number: 012225-3-008, 018, 019, 020, 056 Vicinity Map Attached: Yes NO
 Type of Project (i.e. preliminary plat, short plat, etc.): Pre Plat

4. The following utility has been selected to provide the service: Utility: Harbor Water State ID# _____
 Reason for Selection: Designated Utility Service Area Harbor Water Co

5. The following utilities have been contacted for service availability:

Utility	Contact Name	Contact Date
<u>Harbor Water Co</u>	<u>Mike Schaubert</u>	_____

6. Estimated water supply needs:

(a) Projected number of customers:

Customer Type	Within 1 Year	Within 5 Years
Residential	<u>216</u>	_____
Multi-Family	_____	_____
Commercial	_____	_____
Industrial	_____	_____

(b) Flow Requirements

Maximum Fire Flow @ 20 psi: 750 gpm
 Estimated Domestic Water: 99 gpm
 Other Requirements: 0 gpm
 Total Water Requirements: 849 gpm

I the undersigned, certify that I, or my appointed representative, have requested the utilities listed above to certify willingness and ability to provide the indicated water service. My selection of the utility to provide service is for the reasons specified on Item 4 above. I have read and understand the information provided by the water utility in this certificate, and I acknowledge that this proposed project may require improvements to the water system which would incur my financial obligation. Prior to final approval for construction of the water system, it is understood that a legal contract between myself and the water utility must be submitted which specifies the terms of water service, operational responsibility, and financial obligation.

Harbor Water
 Signature _____

1-29-91
 Date _____

Par-Tech Engineering
 Name _____

2601 S. 35th St. Suite 200, Tacoma, WA 98409
 Address _____ City _____ State _____ Zip _____

RECEIVED
 FEB 07 1991



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

*Ask for
Continuance*

TO: MAYOR WILBERT AND CITY COUNCIL
FROM: GIL ALVARADO, PLANNING/BUILDING ASSISTANT *GA*
RE: HEARING EXAMINER DECISION -- SDP 91-02/VAR 91-12
(Walter Williamson).
DATE: October 24, 1991

Walter Williamson has requested Shoreline Management Substantial Development permit and Variance approval for the development of 12,672 square feet of boat storage and office space. The site is located at 3117 Harborview Drive. Staff recommended approval of the Shoreline Management Substantial Development permit and Variance application in a report dated May 28, 1991.

The Hearing Examiner conducted a public hearing on this proposal June 19, 1991 and, in his reports of July 5 and August 29, 1991, approved the Shoreline Management Substantial Development permit and Variance application with conditions. A copy of the Examiner's findings, conclusions and recommendations is attached.

Attachments

CITY OF GIG HARBOR
RESOLUTION No.

WHEREAS, Walter Williamson, has requested a Shoreline Management Substantial Development permit and variance approval for the demolition and reconstruction of 12,672 square feet of boat storage and office space located at 3117 Harborview Drive; and,

WHEREAS, the Gig Harbor City Council has adopted Ordinance #489 which establishes guidelines for the reviewing of Shoreline Management Substantial Development permits and variances and other land use issues; and,

WHEREAS, the Planning Department for the City of Gig Harbor has recommended conditional approval of the project, in a staff report dated May 28, 1991; and,

WHEREAS, the City of Gig Harbor Hearing Examiner conducted a public hearing on the application on June 19, 1991 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 in his reports dated July 5 and August 29, 1991; and,

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 reports dated July 5 and August 29, 1991 are hereby adopted and the application for Shoreline Management Substantial Development permit and variance is granted subject to the following findings and conclusions:

- 1) A storm water drainage plan shall be submitted to the Public Works Department for review and approval. The storm drainage plan shall also include details providing for temporary erosion control during site preparation and construction. Storm drainage improvements, as required by the Public Works Department, shall be installed prior to occupancy of the building.
- 2) The proposal shall conform to the Gig Harbor Fire Code as recommended in the City Fire Marshal's report in Exhibit A.
- 3) The designated off-street parking spaces shall be striped and clearly visible.
- 4) The proposed structure shall not exceed the sixteen foot height limit as established under the district standards.
- 5) Construction on the project shall begin within twenty-four (24) months from the date of final council action in compliance with Section 17.96.070. Failure to start construction within the allotted time period shall render approvals null and void.
- 6) The applicant shall be prepared to furnish a bond or an assignment of funds to assure completion of improvements that are required by the City but remain incomplete after occupancy of the expanded facility is allowed. The amount of the bond or assigned funds is to equal 110% of a reputable contractor's bid for completion of the requirements. The bond or assignment of funds shall be valid for a period of two years from the date of construction. This requirement does not supercede the requirements for the posting of a construction and maintenance bond to comply with the Gig Harbor Municipal Code.
- 7) A side yard variance of five feet is granted and

Resolution No.
Page 3

the shoreline substantial development permit is approved subject to the conditions cited in my July 5, 1991 decision.

PASSED this 14th day of October, 1991.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with City Clerk: 10/10/91
Passed by City Council: 10/14/91

RECEIVED

JUL 0 8 91

CITY OF GIG HARBOR
HEARING EXAMINER PRO-TEM
FINDINGS CONCLUSIONS AND DECISION

APPLICANT: Walter Williamson

CASE NO.: SDP 91-02/VAR 91-12

APPLICATION: Shoreline substantial development permit to demolish and re-construct 12,672 square feet of boat storage and office space.

Variance to allow the proposed construction to encroach ten feet within the side yard setback, where the zoning code requires a ten foot side yard setback.

SUMMARY OF RECOMMENDATION AND DECISION:

Planning Staff Recommendation:

Shoreline substantial development (SDP 91-02) Approval
Variance (VAR 91-12) Approval

Hearing Examiner Pro-tem Decision:

Shoreline substantial development (SDP 91-02) Approval
Variance (VAR 91-12) Denial

PUBLIC HEARING:

After reviewing the official file which included the Planning Staff Advisory Report and two letters; and after visiting the site, the Hearing Examiner Pro-tem conducted a public hearing on the application. The hearing on the application was opened at 5:35 pm, June 19, 1991, in the Council Chambers, at 3105 Judson Street, Gig Harbor, Washington, and closed at 5:47 pm. 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 DECISION:

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

I. FINDINGS:

- A. The information contained on pages 1 through 6 and paragraph 4 on page 7 of the Planning Staff's Advisory Report (Hearing Examiner Exhibit A) is found by the Hearing Examiner to be supported by the evidence presented during the hearing and by this reference is adopted as a portion of the Hearing Examiner's findings of fact. A copy of said report is available in the Planning Department.
- B. The Applicant testified that an omission had occurred in the application in that the Applicant wants to include a residential unit in the proposed development. The Hearing Examiner Pro-tem indicated that the subject hearing would remain open administratively for two days to allow the Applicant to consult with the Planning Staff as to the conformance with the City's codes for the proposed residential use.
- C. Mr. Alvarado of the Planning Staff submitted evidence that residential use in the WC zone is permitted as a conditional use.
- D. Mr. Alvarado of the Planning Staff testified that the height measurement origin for the maximum height allowable for the proposed replacement structure will be measured from the top of the concrete retaining wall at the southwestern end of the existing building.
- E. Section 17.78.080 Parking Lot Landscaping and Screening; Paragraph A. Perimeter Landscaping indicates the purpose of this landscaping requirement which is "to soften the visual effects or separate one parking area from another, or other uses".
- F. The parking on the site of the proposed application is not visible from the perimeter of the site except for the access driveway which is the case for parking lots meeting the screening requirements of the code.
- G. The existing structure to be replaced does not conform to the ten foot side yard setback requirement stipulated in Section 17.50.040 item 6.
- H. The site does not conform to the site coverage stipulated in Section 17.50.040 item 8.
- I. Chapter 17.68 Nonconformities, Section 17.68.010 Intent states in part "This Chapter 17.68 is intended to permit these nonconformities to continue until they are removed but not to encourage their perpetuation."
- J. The existing structure shown on Exhibit C is thirteen feet, two inches (13'-2") wider than the proposed structure.

II. CONCLUSIONS:

- A. Conclusions 1), 6), 7), and 8) of Part III set forth on pages 7 and 8 of the Planning Staff's Advisory Report (Hearing Examiner Exhibit A) accurately sets forth a portion of the conclusions of the Hearing Examiner's conclusions. By this reference the Planning Staff's evaluation and report is adopted as a portion of the Hearing Examiner's conclusions. A copy of said report is available in the Planning Department.
- B. The variance request does not conform to variance criteria 2, 4, 5, or 6. of paragraph B of Section 17.66.030.
- C. The reduced width of the proposed structure compared with the existing structure allows for the required side yard setback without encroaching into the site further than the existing structure encroaches.
- D. Complying with the side yard setback for the proposed structure will reduce the site coverage nonconforming condition.
- E. Granting the requested side yard variance would impose a constraint on the property to the northwest if that property were redeveloped for uses permitted by the WC zone.
- F. Installation of screening planting would not function to screen the proposed parking as intended by the zoning code and would serve no useful purpose.

III. DECISION:

Based upon the foregoing findings of fact and conclusions, the requested variance is denied and the requested shoreline substantial development permit is approved subject to the following conditions:

1. A storm water drainage plan shall be submitted to the Public Works Department for review and approval. The storm drainage plan shall also include details providing for temporary erosion control during site preparation and construction. Storm drainage improvements, as required by the Public Works Department, shall be installed prior to occupancy of the building.
2. The proposal shall conform to the City of Gig Harbor Fire Code as recommended in the City Fire Marshal's report in Exhibit A.
3. The designated off-street parking spaces shall be striped and clearly visible.
4. The proposed structure shall not exceed the sixteen foot height limit as established under the district standards.
5. Construction on the project must begin within twenty-four (24) months from the date of final council action in compliance with Section 17.96.070. Failure to start construction within the allotted time period shall render approval(s) null and void.