

ORDINANCE NO. 1245

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, CORRECTING ERRORS AND OMISSIONS, AND CLARIFYING PROVISIONS TO AID IN INTERPRETATION AND IMPLEMENTATION OF TITLES 12, 16, 17, 18 AND 19; ALLOWING UP TO 18 INCHES OF A FIREPLACE CHIMNEY IN ALL SETBACKS; AMENDING PORTABLE SIGN REGULATIONS; RENAMING CHAPTER 17.66; REPEALING SECTIONS 17.04.730, 17.04.740, 18.10.080 AND 18.10.090; ADDING NEW SECTIONS 17.89.035, 17.90.035 AND 18.08.193; AND AMENDING SECTIONS 12.02.060, 16.03.001, 16.05.001, 16.06.001, 16.06.003, 16.06.006, 17.04.225, 17.04.890, 17.04.900, 17.04.910, 17.61.020, 17.66.030, 17.78.060, 17.80.030, 17.80.060, 17.80.100, 17.89.030, 17.89.040, 17.90.030, 17.90.040, 17.98.037, 17.98.058, 17.99.340, 18.04.230, 18.08.030, 18.08.034, 18.08.040, 18.08.090, 18.08.150, 18.08.192, 18.08.196, 18.10.060, 19.02.008 AND 19.09.140 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City has documented land use and processing code amendments necessary to correct errors and omissions, reduce the need for interpretations and improve implementation of the regulations by the City; and

WHEREAS, the City desires to correct these errors and omissions and clarify the code to reduce interpretation and improve customer service; and

WHEREAS, the City desires to correct and update references and remove conflicting provisions in Titles 17 and 18; and

WHEREAS, the City desires to have appeals of encroachment permits and legislative SEPA determinations heard by the City's Hearing Examiner rather than the City Council; and

WHEREAS, many of the requirements for a complete application for multiple project permits need to be updated to meet current policies and procedures; and

WHEREAS, under chapter 92, Laws of 2012, the Washington State Legislature provided for limited extensions relating to plat approvals, and the City Council desires to amend sections 16.06.003 and 16.06.006 of the Gig Harbor Municipal Code to comply with the new requirements; and

WHEREAS, the co-location permit process for communication facilities should be streamlined to meet the purpose and general guidelines of Chapter 17.61 Communication Facilities; and

WHEREAS, the City desires to allow up to 18 inches of a fireplace chimney in all setbacks; and

WHEREAS, amended regulations concerning portable signs are intended to clarify that portable signs must relate to the business displaying the signs; and

WHEREAS, because the City no longer has a Community Development Director position, all references to that position in the environment title should be changed to Planning Director; and

WHEREAS, the critical area review applicability section should be updated to include all development and all permit types which lead to development in order to be meet the goals of the Critical Areas chapter (GHMC 18.08) and best available science provisions; and

WHEREAS, the code reference to Washington State Department of Ecology's wetland identification, delineation, rating and analysis report manuals should be updated to meet current Ecology guidance; and

WHEREAS, the City desires to add a formal resolution process for those comprehensive plan amendments applications which are not forwarded to the Planning Commission for further processing after a docket hearing; and

WHEREAS, the proposed amendments were forwarded to the Washington State Department of Commerce on May 18, 2012, pursuant to RCW 36.70A.106, and were granted expedited review on June 6, 2012; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on June 6, 2012; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on June 25, 2012; and

WHEREAS, on July 23, 2012, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 12.02.060 in the Encroachment Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

12.02.060 Appeal.

Any decision of the director of public works or the director's designee, with respect to the issuance, refusal to issue, or revocation or refusal to revoke a permit may be appealed to the ~~city council~~ hearing examiner by

filings a notice of intent to appeal such decision with the city administrator/clerk within 10 days of the date of issuance of the decision being appealed. If an appeal from any such decision is taken, the appellant shall be required to pay a nonrefundable appeal fee in an amount of not less than \$100.00. The appeal shall include a complete statement of the reason or reasons that form the basis of the appeal. The decision of the ~~city council~~ hearing examiner shall be final, binding and conclusive, ~~the decision being solely within the discretion of the legislative body.~~

Section 2. Section 16.03.001 in the Boundary Line Adjustments chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.03.001 Requirements for a complete application.

~~An applicant for a boundary line adjustment shall submit five copies of the following:~~

- A. A map at a scale of not less than one inch equal to 100 feet which depicts the existing property configuration, including all lot line dimensions.
- B. A map which depicts the proposed property configuration, including all lot line dimensions.
- C. A legal description of the existing property configuration and proposed property configuration,
prepared by a licensed professional land surveyor.
- D. Completed application form, as described in GHMC 19.02.002.

Section 3. Section 16.05.001 in the Preliminary Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.05.001 Requirements for a complete application.

- A. Number of copies: 10.
- B. Application Contents. In addition to the requirements for a complete application as set forth in GHMC 19.02.002, an applicant for a preliminary plat shall submit the following:
 1. A map or sketch using a scale of 100 feet to one inch or larger, showing:
 - a. Topographical and other data depicting:
 - i. Boundary lines including bearing and distance;
 - ii. Easements, including location, width and purpose;
 - iii. Streets on and adjacent to the tract, including name and right-of-way width and location; type, width and elevation of surfacing, walks, curbs, gutters, culverts, etc.;
 - iv. Ground elevations on the tract, based on a datum plane approved by the city engineer; for land that slopes less than approximately two percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and all selected points not more than 100 feet apart in all directions; for land that slopes more than

approximately two percent, either show contours with an interval of not more than five feet if ground slope is regular and such information is sufficient for planning purposes, or show contours with an interval of not more than two feet if necessary because of irregular land or need for more detailed data for preparing plans and construction drawings;

v. e. Other conditions on adjacent land, including approximate direction and gradient of ground slope, including any embankments or retaining walls; character and location of buildings, railroads, power lines, towers, and other nonresidential land uses or platted land within 300 feet of the subject property. Refer to subdivision plat by name, recording date, volume and page number, and show lot size, and dwelling units;

b. 2. Utilities on and adjacent to the tract, including location, size and invert elevation of sanitary, storm and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights. If water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to, and size of nearest ones, showing invert elevation of sewers;

c. 3. Other conditions on the tract including critical areas and/or their buffers, watercourses, marshes, rock outcrop;

d. 4. Zoning district designations, on and adjacent to the tract;

e. 5. Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract;

f. 6. Vicinity showing location of the tract;

g. 7. Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses;

h. 8. Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings;

i. 9. Minimum building setback lines;

j. 10. Site data, including number of residential lots, typical lot size, and acres in parks, etc.;

k. 11. Plat name, scale, north arrow and date;

l. 12. Typical cross-sections of the proposed grading, roadway and sidewalk;

m. 13. Proposed sanitary, storm water and water systems plan with points of connection, grades and sizes indicated;

2. B. Title and certificates, including a legal description according to official records in the office of the county auditor; pertinent survey data compiled as a result of a survey made by or under the supervision of a land surveyor registered in the state and engaged in land surveying which contains notation stating acreage, scale, north arrow, datum, bench marks, certification of registered civil engineer or surveyor, date of survey;

3. C. Draft of proposed covenants, if any.

Section 4. Subsections 16.06.001(A) and (B) in the Final Plats chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

16.06.001 Requirements for a complete application.

- A. ~~Five~~ Five Copies of construction drawings, if requested.
- B. Work done by city or county in connection with the checking, computing and correcting of the plat, and for plan checking, inspecting, and testing as to all plat improvements including water lines, sanitary sewer lines, storm water retention and drainage systems, streets, curbs, gutters and sidewalks, if requested.

* * *

Section 5. Section 16.06.003 in the Final Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.06.003 Time frame for submission of final plat.¹

- A. For preliminary plats approved on or after January 1, 2008 and through December 31, 2014. A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within seven years of the date of preliminary plat approval.
- B. For preliminary plats approved on or after January 1, 2015. A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within five years of the date of preliminary plat approval.
- C. For preliminary plats approved on or before December 31, 2007. A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within nine years of the date of preliminary plat approval, unless the plat is subject to the requirements adopted under Chapter 90.58 RCW. For plats subject to Chapter 90.58 RCW, subsection A of this section applies.
- D. Extensions. provided, however, that the An applicant may submit an application to the city at least 30 days prior to the expiration of the preliminary plat approval for a one-time extension of one year. Such extensions may be granted by the city only if:
 - A. 1. The applicant agrees to construct the development in conformance with the zoning, design review, subdivision, public works standards and other development regulations in place at the time of the application for an extension; and
 - B. 2. The applicant provides its consent to allow any agency providing a recommendation under RCW 58.17.150 to reconsider and modify its recommendation, and after such reconsideration, each recommendation is unchanged and supports such extension.

Section 6. The code reviser is hereby directed to update the footnote for GHMC 16.06.003 for consistency with ordinance.

Section 7. Section 16.06.006 in the Final Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.06.006 Effect of final plat approval.¹

A. For final plats filed for record with the county auditor on or after January 1, 2008 and through December 31, 2014. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of seven years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of seven years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

B. For final plats filed for record with the county auditor on or after January 1, 2015. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of five years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

C. For final plats filed for record with the county auditor on or before December 31, 2007 and not subject to Chapter 90.58 RCW. Any lots in a final plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of nine years from the date of filing. A subdivision shall be governed by the terms of approval of the final plat, and the statutes, ordinances and regulations in effect at the time of approval under RCW 58.17.150(1) and (3) for a period of nine years after final plat approval unless the city council finds that a change in conditions creates a serious threat to the public health or safety in the subdivision.

D. For final plats subject to Chapter 90.58 RCW and filed for record on or before December 31, 2007, subsection A of this section applies.

Section 8. The code reviser is hereby directed to update the footnote for GHMC 16.06.006 for consistency with ordinance.

Section 9. Section 17.04.225 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.225 Co-location.

“Co-location” means the placement and arrangement of multiple antennas and equipment on an existing single support structure and or existing equipment pad area.

Section 10. Section 17.04.730 in the Definitions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 11. Section 17.04.740 in the Definitions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 12. Section 17.04.890 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.890 Yard, front.

“Front yard” means a yard extending the full length of the front lot line and its depth is measured horizontally at right angles to the front lot line from midpoint of the front lot line to the midpoint of the front building line, except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may encroach up to a maximum of 18 inches into the yard.

Section 13. Section 17.04.900 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.900 Yard, rear.

“Rear yard” means a yard extending the full length of the rear lot line and its depth is measured horizontally at right angles to the rear lot line from midpoint of the rear lot line to midpoint of the rear building line, except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may encroach up to a maximum of 18 inches into the yard.

Section 14. Section 17.04.910 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.910 Yard, side.

“Side yard” means a yard extending from the front yard to the rear yard and its depth is measured horizontally at right angles to the side lot line from the midpoint of the side lot line to the midpoint of the side building line except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may extend up to 18 inches into the yard.

Section 15. Subsections 17.61.020(C) and (D) in the Communications Facilities chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.61.020 General guidelines and permit requirements.

* * *

C. General Requirements for Co-location. For new antenna and wireless communications facilities, co-location on existing towers and wireless support structures is preferred. Where co-location has been demonstrated to be impracticable, new towers are most appropriately located as stated in the order of preference in subsection B of this section. Communication facilities being co-located shall comply with all applicable development standards of this chapter.

Co-location on existing support structures is encouraged by ~~fewer standards~~ and a simplified permit procedure. Attachment of antennas to existing nonresidential structures and buildings primarily within business parks, employment districts and commercial districts is preferable to installation of new wireless support structures, broadcast and relay towers or monopoles. The city may request that the applicant perform feasibility studies associated with applications for communications facilities in order to demonstrate that locations on existing structures have been explored as the preferred siting alternative, or that a conditional use permit or a variance from the development standards in this chapter, as requested by the applicant, is necessary in order to provide wireless communications, television, radio or other broadcast services.

If the city requests such a feasibility study of an applicant, the study shall demonstrate:

a. That the applicant has: (i) contacted the owners of structures in excess of 30 feet within a one-quarter mile radius of the proposed site and from which a location standpoint could provide part of a network for transmission of signals; (ii) asked for permission to install the antenna on those structures; and (iii) received a denial of permission to install the antenna on those structures, together with the reason for such denial.

The information submitted by the applicant shall include (i) a map of the area to be served by the tower or antenna; (ii) its relationship to other cell sites in the applicant's network; and (iii) an evaluation of existing buildings taller than 30 feet, within one-quarter mile of the proposed tower or antenna which from a location standpoint could provide part of a network to provide transmission of signals.

In addition to the above, an applicant desiring to locate a new antenna support structure in a residential or waterfront district shall demonstrate that a diligent effort has been made to locate the proposed communications facilities on a government facility, a private institutional structure, or other appropriate existing structures within a non-residential zone, and that due to valid considerations including physical constraints, and economic or technological feasibility, no appropriate location is available.

D. Permit Processing Requirements.

1. Permit Type.

a. Co-location. Co-location shall be processed as a Type I permit.

a. b. Small Satellite Dish Antenna. Small satellite dish antennas shall comply with all International Building Code requirements, and Chapter 15.06 GHMC, but are otherwise exempt from the permit application procedures of GHMC Title 19.

b. c. Large Satellite Dish Antenna. Large satellite dish antennas and other antenna applications shall be processed as a Type I permit. A building permit shall also be required.

c. d. Amateur Radio Towers. Amateur radio tower applications shall be processed as a Type I permit. A building permit shall also be required.

d. e. Wireless Communication Facilities. A conditional use permit shall be required for wireless communication facilities in residential, waterfront district and downtown business districts, which shall be processed as a Type III permit. For all other districts, wireless communication facilities shall be processed as a Type II permit. A building permit shall also be required.

e. f. Broadcast and Relay Towers. Broadcast and relay tower applications shall be processed as a Type I permit. A building permit shall also be required.

Section 16. Chapter 17.66 of the Gig Harbor Municipal Code is hereby renamed to Variances and Interpretations.

Section 17. Section 17.66.030 in the Variances and Interpretations chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.66.030 General variances.

A. A general variance is a Type III application and shall be processed as set forth in GHMC Title 19. The hearing examiner shall have the authority to grant a variance from the requirements of this title, except as identified in GHMC 17.66.020(A), administrative variances, after considering the matter at a public hearing.

B. Before any variance can be granted, the examiner shall make findings of fact setting forth and showing that the following circumstances exist:

1. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district;

2. Special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other land in the same district and that literal interpretation of the provisions of this title would deprive the property owner of rights commonly enjoyed by other properties similarly situated in the same district under the terms of this title;

3. The special conditions and circumstances do not result from the actions of the applicant;

4. Granting of the variance requested will not confer a special privilege that is denied other lands in the same district;
5. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated;
6. The hearing examiner shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land;.
7. ~~The decision of the hearing examiner shall be final. Appeals of the examiner's decision may be made to the city council in accordance with the appeal procedures established under GHMC 17.10.160.~~

Section 18. Subsection 17.78.060(A) in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.060 Requirements for residential landscaping.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area, within three years. One deciduous tree a minimum of two-inch caliper or one six-foot evergreen or three shrubs which should attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped.

2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height. ~~f~~For properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC. ~~T~~, trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.

* * *

Section 19. Subsection 17.80.060(H) in the Sign Code chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.060 General regulations.

* * *

H. Portable Signs. Portable signs shall not exceed six square feet per side and shall not exceed 12 square feet total. Portable signs shall not exceed four feet in height, ~~and not~~ Not more than one ~~such~~ such portable sign may be displayed per business. ~~Portable signs and~~ must be located on the

premises to which they relate, except ~~real estate signs and for those signs allowed under GHMC 17.80.100(F). Any business displaying a portable sign may not advertise a service or product that is not customarily provided at the business displaying the sign, nor may any business utilize the portable sign of another business to advertise a service or product that it provides. Portable signs may be displayed during business hours only. See GHMC 17.80.100(F) for additional regulations on portable signs in Area 2.~~

* * *

Section 20. Subsection 17.80.100(F) in the Sign Code chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.100 Sign standards for Area 2.

The following sign standards shall apply:

* * *

F. Portable Sign. One portable sign per customer building entrance (not to exceed one sign per 30 feet of building frontage) may be permitted subject to the following:

1. Location. Signs shall be located on the premises or directly in front of the sponsoring business at a point ~~not on the right-of-way~~ which is closest to the building entrance. No sign shall obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control sign, bus stop, fire hydrant, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.

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

3. 2. Allowed Height. Maximum height of portable sidewalk signs shall be three feet. All other size requirements of portable signs described in GHMC 17.80.060(H) shall apply.

4. 3. Right-of-Way Permit. In order to place a portable sign in the public right-of-way, the sign owner must comply with the requirements of this chapter as well as the requirements of Chapter 12.02 GHMC, Encroachment Permits.

* * *

Section 21. Section 17.89.030 in the Planned Residential Development Zone (PRD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.030 Preliminary PRD Permit application procedures.

A. Type of Permit. A preliminary PRD application shall be processed according to the procedures set forth in GHMC Title 19 for Type III-A project permit applications. ~~Final PRD applications shall be processed~~

~~according to the procedures in GHMC Title 19 for Type III-A project permit applications.~~

B. Duration of Approval and Expiration of Preliminary PRD. The duration of preliminary PRD approval and expiration shall be governed by GHMC 19.02.008 and be subject to the timeframes in GHMC 19.02.008(A), unless the preliminary PRD is associated with a preliminary plat; in that case, the underlying preliminary plat approval and expiration shall govern the preliminary PRD.

C. Concurrent Applications. Unless an applicant for ~~preliminary plat approval~~ requests otherwise, a preliminary plat shall be processed simultaneously with a PRD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PRD application be processed prior to the time a preliminary plat application is submitted or without a preliminary plat, the preliminary PRD application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PRD has been submitted to the city.

D. Phasing. If a proposed PRD is to be developed in phases, the entire PRD shall be portrayed in the preliminary PRD application, and each phase shall individually receive final PRD approval within the time periods established in subsection B of this section.

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PRD application.

Section 22. A new section 17.89.035 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.89.035 Final PRD permit application procedures.

A. Type of Permit. A final PRD application shall be processed according to the procedures set forth in GHMC Title 19 for Type IV project permit applications.

B. Duration of Approval and Expiration of Final PRD. An approved final PRD shall not expire. A final PRD may be amended through the process described in GHMC 17.89.120.

C. Concurrent Applications. A final PRD application shall be processed concurrently with a final plat if the preliminary PRD had an associated preliminary plat.

Section 23. Subsection 17.89.040(B) in the Planned Residential Development Zone (PRD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.040 Contents of complete PRD application.

* * *

B. Final PRD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for final PRD approval shall consist of the following information:

1. A copy of the approved preliminary PRD plans, if required by the director; and
2. Final PRD plans drawn to a scale no smaller than one inch equals 30 feet showing the items required by GHMC 17.89.040(A)(5) through (9); and
3. A written statement on how the final PRD complies with the approved preliminary PRD and any conditions of preliminary PRD approval; and
4. A legal description and map of the area subject to the final PRD.

Section 24. Section 17.90.030 in the Planned Unit Development chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.030 Preliminary PUD Permit application procedures.

A. Type of Permit. A preliminary PUD application shall be processed according to the procedures set forth in GHMC Title 19 for Type III-A project permit applications. ~~Final PUD applications shall be processed according to the procedures in GHMC Title 19 for Type IV project permit applications.~~

B. Duration of Approval and Expiration of Preliminary PUD. The duration of preliminary PUD approval and expiration shall be governed by ~~GHMC 19.02.008 and be subject to the timeframes in GHMC 19.02.008(A), unless the preliminary PUD is associated with a preliminary plat or binding site plan; in that case, the underlying preliminary plat or binding site plan approval and expiration shall govern the preliminary PUD.~~

C. Concurrent Applications. Unless an applicant ~~for preliminary plat approval~~ requests otherwise, a preliminary plat or binding site plan shall be processed simultaneously with a PUD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PUD be processed prior to the time a preliminary plat application or binding site plan is submitted or without a preliminary plat or binding site plan, the preliminary PUD application shall not be considered to be vested, i.e., such application shall not be considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PUD has been submitted to the city.

D. Phasing. If a proposed PUD is to be developed in phases, the entire PUD shall be portrayed in the preliminary PUD application, and each phase shall individually receive final PUD approval within the time periods established in subsection B of this section.

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PUD application.

Section 25. A new section 17.90.035 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.035 Final PUD permit application procedures.

A. Type of Permit. A final PUD application shall be processed according to the procedures set forth in GHMC Title 19 for Type IV project permit applications.

B. Duration of Approval and Expiration of Final PUD. An approved final PUD shall not expire. A final PUD may be amended through the process described in GHMC 17.90.120.

C. Concurrent Applications. A final PUD application shall be processed concurrently with a final plat if the preliminary PUD had an associated preliminary plat. A final PUD shall be approved prior to the approval of a binding site plan if the preliminary PUD had an associated binding site plan.

Section 26. Subsection 17.90.040(B) in the Planned Unit Development chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.040 Contents of complete PUD application.

* * *

B. Final PUD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for final PUD approval shall consist of the following information:

1. A copy of the approved preliminary PUD plans, if required by the director; and

2. Final PUD plans drawn to a scale no smaller than one inch equals 30 feet showing the items required by GHMC 17.8990.040(A)(5) through (9);and

3. A written statement on how the final PUD complies with the approved preliminary PUD and any conditions of preliminary PUD approval; and

4. A legal description and map of the area subject to the final PUD.

Section 27. Subsection 17.98.037(F) in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.037 Optional design review preapplication meeting.

* * *

F. Notice. Notice of a preapplication meeting with the DRB is not required; however, at the request of the applicant, notice will be mailed to the owner of all properties within 300 feet of the subject site. ~~The applicant shall provide preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property.~~

* * *

Section 28. Subsection 17.98.058(A) in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.058 Administrative review of alternative designs.

An applicant may request review by the director of an application or portions thereof which do not strictly conform to the specific requirements of Chapter 17.99 GHMC, Design Manual, for certain underlying project permit applications.

A. Only the following underlying project permit applications are eligible for administrative review of an alternative design:

1. Single-family (detached only) and duplex dwelling building permit applications for remodel or new construction on lots of record, and their accessory structures;
2. ~~Tenant improvement applications~~ Tenant-specific alterations.

* * *

Section 29. Subsection 17.99.340(C) in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.340 Fences.

The following standards are applicable to all uses and development:

* * *

C. Limit height of fences (IBE).

Fences are limited to a height of three feet along front yards (four feet for open rail fences) and six feet in rear and side yards; provided, that clear vision is retained for adjacent driveways and intersections (see clear vision provisions in the city's public works standards).

Section 30. Section 18.04.230 in the Environmental Review (SEPA) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.04.230 Appeals.

The city establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-110-680:

A. Appealable Decisions.

1. Only the following decisions may be administratively appealed under this chapter:

- a. Final threshold determination;
- b. Mitigation or failure to mitigate in the SEPA decision;
- c. Final EIS; and

d. Project denials.

2. If the city does not provide for a hearing or appeal on the underlying action/permit, then the SEPA administrative appeal on the decisions listed in subsection (A)(1) of this section shall be the only hearing and appeal allowed on the underlying action/permit.

B. Notice of Decision.

1. In the notice of decision issued by the city pursuant to GHMC 19.02.007 and for every decision for which an appeal is available in this section, the SEPA responsible official shall give official notice of the date and place for commencing an appeal. The notice shall include:

a. Notice that the SEPA issues must be appealed within the time limit set by statute or ordinance for appealing the underlying governmental action;

b. The time limit for commencing the appeal of the underlying governmental action and SEPA issues, and the statute or ordinance establishing the time limit;

c. Where the appeal may be filed.

2. Written notice shall be provided to the applicant, all parties to any administrative appeal and all persons who have requested notice of decisions concerning the project. Such notice may be appended to the permit, the decision documents, the SEPA compliance documents or may be printed separately.

C. Timing of Appeal. The appeal shall take place prior to the city's final decision on a proposed action. However, the SEPA appeal hearing may be consolidated with any other hearing on the underlying permit or action.

D. Number of Appeals. Only one administrative appeal to the city is allowed of the decisions listed in GHMC 18.04.170(A).

E. Consolidated Appeals. If the underlying action/permit requires a hearing, any SEPA appeal shall be consolidated with the hearing or appeal of the underlying action/permit into one simultaneous hearing, with the exception of the following:

1. An appeal of a determination of significance (DS);

2. An appeal of a procedural determination made by the city when the city is a project proponent, or is funding a project, and chooses to conduct its review under SEPA, including any appeals of its procedural determinations, prior to submitting an application for a project permit. Subsequent appeals of substantive determinations by an agency with jurisdiction over the proposed project shall be allowed under the SEPA appeal procedures of the agency with jurisdiction;

3. An appeal of a procedural determination made by the city on a nonproject action; and

4. An appeal to the city council under RCW 43.21C.060.

F. Timing of Appeal.

1. SEPA Decision Issues at the Same Time as Underlying Action.

An appeal of a SEPA decision that issued at the same time as the

decision on a project action shall be filed within 14 days after issuance of a notice of decision under GHMC 19.02.007 (or RCW 36.70B.130).

2. SEPA Decision Allows Public Comment. For a DNS or MDNS for which public comment is required (under this chapter), the appeal period shall be extended for an additional seven days.

3. SEPA Threshold Decision Issues Prior to Decision on Underlying Action. An appeal of a threshold decision issued prior to a decision on a project action shall be filed within 14 days after notice that the decision has been made and is appealable.

G. Consideration of SEPA Responsible Official's Decision. Procedural determinations made by the SEPA responsible official shall be entitled to substantial weight by the hearing examiner ~~or city council~~ in an appeal.

H. Administrative Record. An administrative record of the appeal must be provided, and the record shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and

3. A taped or written transcript. (The city may require that the appellant provide an electronic transcript.)

I. Exhaustion of Administrative Remedies. The city's administrative appeal procedure must be used before anyone may initiate judicial review of any SEPA issue for which the city allows an appeal in this section.

J. Content of Appeal. Every appeal must be in writing, and must include the following:

1. The applicable appeal fee, as established by resolution of the city council;

2. Appellant's name, address and phone number;

3. A statement describing the appellant's standing, or why the appellant believes that he or she is aggrieved by the decision appealed from;

4. Identification of the application and decision which is the subject of the appeal;

5. Appellant's statement of grounds for appeal and the facts upon which the appeal is based with specific references to the facts in the record;

6. The specific relief sought;

7. A statement that the appellant has read the appeal and believes the content to be true, followed by the appellant's signature.

K. Timeliness of Appeals. On receipt of a written notice of appeal, the SEPA responsible official shall forward the appeal to the hearing examiner ~~or city council (whichever is the hearing officer/body on the appeal)~~, who shall determine whether the appeal is timely prior to the scheduling of any appeal hearing or consolidated open record hearing on an underlying project permit. A written decision will issue if the appeal is untimely and the appeal will not proceed.

L. Hearing Examiner Appeals.

1. Jurisdiction. ~~All administrative appeals relating to project permit applications or any type of quasi-judicial or ministerial development applications that are not appealable to the city council (pursuant to GHMC 19.01.003) shall be heard by the hearing examiner. The hearing examiner shall hear all administrative appeals of appealable decisions.~~

2. Hearing. The hearing examiner shall hold an open record public hearing on the appeal, as provided in Chapter 19.05 ~~19.06~~ GHMC.

3. Date for Issuance of Decision. The hearing examiner shall issue a decision on the appeal within the time period set forth in GHMC 19.05.008, unless a longer period is agreed to in writing by the applicant and hearing examiner.

4. Appeals of Hearing Examiner's Decision. The hearing examiner's decision on the timeliness of an appeal within his/her jurisdiction and any other appeals allowed under this subsection within his/her jurisdiction shall be the final decision of the city. The hearing examiner's decision shall state that any appeal of the final decision shall be filed in Pierce County superior court (pursuant to Chapter 36.70C RCW), Growth Management Hearings Board, or the shorelines hearings board, as applicable.

5. Notice of Appeal. Notice of the appeal hearing shall be mailed to the appellant at least 10 days prior to the hearing. For SEPA project actions associated with a Type III project permit, a notice of a potential appeal hearing may be consolidated with the notice of public hearing required by GHMC 19.03.003. For SEPA nonproject actions, notice of the appeal hearing shall be published in the city's official newspaper at least 10 days prior to the hearing.

M. City Council Appeals.

1. Jurisdiction. ~~The city council shall hear all administrative appeals relating to legislative actions and applications. In addition, the city council shall hear appeals relating to any other applications that are appealable to the city council (pursuant to GHMC 19.01.003).~~

2. Hearing. ~~For all legislative actions and applications, the city council shall hold an open record hearing (Chapter 19.05 GHMC). For any appeals relating to applications appealable to the city council (pursuant to GHMC 19.01.003), the city council shall hold a closed record hearing (Chapter 19.06 GHMC).~~

3. Record on Appeal. ~~There are no restrictions on the evidence and testimony received by the council for an appeal relating to legislative actions and applications. For any other type of appeal, the city council shall follow the requirements of Chapter 19.06 GHMC for closed record appeals.~~

4. Appeals of City Council's Decision. ~~The city council's decision on the timeliness of an appeal within its jurisdiction and any other appeals allowed under this subsection within its jurisdiction shall be the final decision of the city. The city council's decision shall state that any appeal of the final decision may be filed in Pierce County superior court within 21 days of issuance or the Growth Management Hearings Board.~~

N. M. Judicial Appeals.

1. When SEPA applies to a decision, any judicial appeal of that decision potentially involves both those issues pertaining to SEPA and those which do not. This section and RCW 43.21C.075 establish the time limits for raising SEPA issues, but existing statutes of limitation control the appeal of non-SEPA issues.

2. Appeals of the city's final decision shall be filed in superior court, but appellants must follow RCW 43.21C.075(6)(c), which provides that "judicial review under chapter 43.21C RCW shall without exception be of the governmental action together with its accompanying environmental determinations," which contemplates a single lawsuit.

Section 31. Subsection 18.08.030(D) in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.030 Definitions.

For purposes of this chapter, the following definitions shall apply:

* * *

D. "Department" means the city planning department of community development.

"Designated wetland" means those lands identified through the classification process established by this chapter.

"Development" means alteration (see definition for alteration).

"Director" means the planning director or his/her designee.

"DRASTIC" means a model developed by the National Water Well Association and Environmental Protection Agency and which is used to measure aquifer susceptibility to contamination.

* * *

Section 32. Section 18.08.034 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.034 Applicability.

A. Critical Area Review. All development proposals in critical areas and their buffers, whether on public or private property, shall comply with the requirements of this chapter. The community development director or his/her designee shall utilize the procedures and rules established in the city of Gig Harbor environmental policy ordinance, Chapter 18.04 GHMC, Environmental Review (SEPA), and the applicable provisions of GHMC Title 16, 17 and 19 to implement the provisions of this chapter. Critical area review shall be required for all development and any of the following permits: Development proposals include any development project which would require any of the following:

1. Building permit for any construction;

2. Clearing and grading permit as provided for in Chapter 14.40 GHMC;

3. Any shoreline management permit or exemption as authorized under Chapter 90.58 RCW;

4. Site plan review as provided for in Chapter 17.96 GHMC;

5. Subdivision, short subdivision or planned unit development;

6. Zoning variance or conditional use permit; -

7. Land clearing as provided for in Chapter 17.94 GHMC.

B. Special Studies Required. When an applicant submits an application for any development proposal, the application shall indicate whether any critical area is located on the site. The ~~community development~~ director or designee shall visit the site, and in conjunction with the review of the information provided by the applicant and any other suitable information, shall make a determination as to whether or not sufficient information is available to evaluate the proposal. If it is determined that the information presented is not sufficient to adequately evaluate a proposal, the ~~planning~~ director shall notify the applicant that additional studies as specified herein shall be provided.

C. Appeals. A decision of the ~~community development~~ director to approve, conditionally approve or deny a permit, or any official interpretation in the administration of this chapter may be appealed in accordance with the procedures established under GHMC Title 19.

Section 33. Section 18.08.040 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.040 Wetlands – Classification guidelines/ratings.

A. Wetland rating and classification shall be established based upon the completion of a delineation report prepared by a qualified wetland specialist to determine boundary, size, function and value. Guidelines for preparing a wetland delineation report are defined in GHMC 18.08.090 and the ~~Department of Ecology Wetland Identification and Delineation Manual (1997), which is consistent with the 1987 Federal Manual used by the U.S. Army Corps of Engineers~~ currently approved federal manual and applicable regional supplements.

B. Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology wetland rating system found in the most recent version of the Washington State Wetland Rating System for Western Washington, ~~revised April 2004 (Ecology Publication No. 04-06-025)~~. These documents contain the definitions and methods for determining if the criteria below are met.

1. Wetland Rating Categories.

a. Category I. Category I wetlands are those wetlands of exceptional resource value based on their functional value and diversity. Category I wetlands are:

- i. Undisturbed estuarine wetlands larger than one acre;
- ii. Wetlands designated by Washington Natural Heritage Program as high quality;
- iii. Bogs;
- iv. Mature and old-growth forested wetlands larger than one acre;
- v. Wetlands in coastal lagoons;
- vi. Wetlands that perform high functions (wetlands scoring 70 points or more on the Ecology wetland rating form).

b. Category II. Category II wetlands are those wetlands of significant resource value based on their functional value and diversity. Category II wetlands are:

- i. Estuarine wetlands smaller than one acre or disturbed estuarine wetlands larger than one acre; or
- ii. Wetlands scoring between 51 and 69 points on the Ecology wetland rating form.

c. Category III. Category III wetlands are those wetlands of important resource value based on their functional value and diversity. Category III wetlands are wetlands with a moderate to low level of functions (wetlands scoring 30 to 50 points on the wetland rating form).

d. Category IV. Category IV wetlands are those wetlands with the lowest level of functions scoring less than 30 points on the Ecology wetland rating form. Hydrologically isolated Category IV wetlands less than 1,000 square feet are exempt as per GHMC 18.08.202(H).

Section 34. Subsection 18.08.090(B) in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.090 Wetlands – Analysis report requirements.

* * *

B. The wetland analysis report shall be prepared in accordance with the methods outlined in the Ecology ~~1997 Wetland Identification and Delineation Manual Publication #10-06-002 Wetlands and CAO updates – Guidance for Small Cities (Western Washington)~~ or, if updated, a more recent version and submitted to the department for review for any proposals that are within 300 feet of a wetland.

* * *

Section 35. Section 18.08.150 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.150 Wetlands – Mitigation plan submittal requirements.

A. Following submittal of any proposed alterations to wetland and buffer areas, the applicant shall submit to the department a wetland mitigation plan substantially in the following form:

1. A. Conceptual Phase. A conceptual wetland mitigation plan shall be submitted to the department. In cases in which environmental review is required, a threshold determination may not be made prior to department review of the conceptual wetland mitigation plan. The conceptual wetland mitigation plan shall include:

a. 1. General goals of the wetland mitigation plan, including an overall goal of no net loss of wetland function and acreage, and to strive for a net resource gain in wetlands over present conditions;

b. 2. A review of literature or experience to date in restoring or creating the type of wetland proposed;

c. 3. Approximate site topography following construction;

d. 4. Location of proposed wetland compensation area;

e. 5. General hydrologic patterns on the site following construction;

f. 6. Nature of compensation, including wetland types (in-kind and out-of-kind), general plant selection and justification, approximate project sequencing and schedule, and approximate size of the new wetland buffer;

g. 7. A conceptual maintenance plan;

h. 8. Conceptual monitoring and contingency plan.

2. B. Detailed Phase. Following approval of the conceptual wetland mitigation plan by the department, a detailed wetland mitigation plan shall be submitted to the department. The detailed wetland mitigation plan shall contain, at a minimum, the following components, and shall be consistent with the standards in GHMC 18.08.160 and 18.08.180:

a. 1. Text and map of the existing condition of the proposed compensation area, including:

i. a. Existing vegetation community analysis;

ii. b. Hydrological analysis, including topography, of existing surface and significant subsurface flows into and out of the area in question;

iii. c. Soils analysis providing both Soil Conservation Service mapping and data provided by on-site verified determinations;

iv. d. Detailed description of flora and fauna existing on the site;

v. e. Description of existing site conditions in relation to historic conditions for those sites which have been recently altered or degraded;

b. 2. Text and map of the proposed alterations to the compensation area, including:

i. a. Relationship of the project to the watershed and existing water bodies;

ii. b. Topography of site using one-foot contour intervals;

iii. c. Water level data, including depth and duration of seasonally high water table;

iv. d. Water flow patterns;

v. e. Grading, filling and excavation, including a description of imported soils;

vi. f. Irrigation requirements, if any;

vii. g. Water pollution mitigation measures during construction;

viii. h. Aerial coverage of planted areas to open water areas (if any open water is to be present);

ix. i. Appropriate buffers;

The wetland mitigation plan shall include detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome. The wetland mitigation plan shall provide for elevations which are appropriate for the desired habitat type(s) and which provide sufficient tidal prism and circulation data;

e. 3. As part of the wetland mitigation plan, a landscaping plan shall be designed by a registered landscape architect or contractor working with a qualified wetland specialist, describing what will be planted where and when. The landscape plan shall include the following:

i. a. Soils and substrate characteristics;

ii. b. Specification of substrate stockpiling techniques;

iii. c. Planting instructions, including species, stock type and size, density or spacing of plants, and water and nutrient requirement;

iv. d. Specification of where plant materials will be procured.

Documentation shall be provided which guarantees plant materials are to be procured from licensed regional nurseries, or from wetlands on-site which are part of the wetland mitigation plan;

d. 4. A schedule shall be provided showing dates for beginning and completing the mitigation project, including a sequence of construction activities;

e. 5. A monitoring and maintenance plan, consistent with GHMC 18.08.180. The plan shall include all the following:

i. a. Specification of procedures for monitoring and site maintenance;

ii. b. A schedule for submitting monitoring reports to the department;

f. 6. A contingency plan, consistent with GHMC 18.08.180;

g. 7. A detailed budget for implementation of the wetland mitigation plan, including monitoring, maintenance and contingency phases;

h. 8. A guarantee that the work will be performed as planned and approved, consistent with GHMC 18.08.180;

i. 9. The wetland mitigation plan shall be signed by the qualified wetland specialist to indicate that the plan is according to specifications determined by the qualified wetland specialist. A signed original wetland mitigation plan shall be submitted to the department.

3. C. Following the approval of the detailed wetland mitigation plan by the department, the plan shall be signed and notarized by the applicant

and ~~community development~~ director, and recorded with the Pierce County auditor.

4. D. Approval of the detailed wetland mitigation plan shall occur prior to the issuance of building permits or other development permits. No development activity shall occur on the site prior to approval. Required mitigation may also be required prior to issuance of permits or prior to commencing development activity. Timing of required mitigation shall be determined on a case-by-case basis.

Section 36. Section 18.08.192 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.192 Landslide and erosion hazard areas.

Areas which are identified as landslide or erosion hazard areas shall be subject to the requirements established in this section.

A. Regulation. Applications for regulated activities proposed within designated landslide and erosion hazard areas shall be accompanied by a geotechnical report prepared by a geologist or geotechnical engineer licensed as a civil engineer with the state. If it is satisfactorily demonstrated to the ~~community development~~ director that a landslide or erosion hazard potential does not exist on the site, the requirements of this section may be waived.

B. Geotechnical Report Requirements. A geotechnical report required under this section shall include, at a minimum, the following information:

1. Topographic data at a minimum scale of 1:240 (1 inch equals 20 feet). Slope ranges shall be clearly delineated in increments of 15 percent to 25 percent, 25 percent to 40 percent and greater than 40 percent;

2. Subsurface data, including boring logs and exploratory methods, soil and rock stratigraphy, ground water levels and any seasonal variations of ground water levels;

3. Site history, including description of prior grading and clearing, soil instability or slope failure.

If a geotechnical report has been prepared and accepted by the ~~community development~~ director within the previous two years for a specific site and the proposed land use development and site conditions have not changed, the report may be utilized without the requirement for a new report.

C. Development Standards. Upon submission of a satisfactory geotechnical report or assessment, site development may be authorized by the director subject to the following:

1. Buffers shall comply with the requirements of GHMC 18.08.190(A);

2. Approved erosion control measures are in place prior to, or simultaneous with, site clearing or excavation;

3. Such other conditions as deemed appropriate by the administrator to ensure compliance with the provisions of this chapter.

Section 37. A new section 18.08.193 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

18.08.193 Mudslide hazard.

The director shall require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslide hazards; a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must be adequately protected against mudslide damage and not aggravate the existing hazard.

Section 38. Section 18.08.196 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.196 Flood hazard areas.

Areas which are prone to flooding and which are identified in the Federal Emergency Management Administration flood insurance rate maps for the city of Gig Harbor (September 2, 1981) shall be subject to the requirements of this section.

A. Regulation. All development within flood hazard areas shall be subject to the requirements of the city of Gig Harbor flood hazard construction standards (Chapter 15.04 18.10 GHMC).

Section 39. Subsections 18.10.060(B) and (C) in the Flood Hazard Construction Standards chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

18.10.060 Administration.

* * *

B. Application for Flood Hazard Permit. Application for a flood hazard permit shall be made on forms furnished by the ~~community development planning~~ director. A complete flood hazard permit shall include the following:

1. Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate (FEMA Form 81-31) with Section B completed by the local official;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet floodproofing criteria in GHMC 18.10.070;

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

C. Designation of the Local Administrator. The ~~community development planning~~ director or his/her designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

* * *

Section 40. Section 18.10.080 in the Flood Hazard Construction Standards chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 41. Section 18.10.090 in the Flood Hazard Construction Standards chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 42. Subsection 19.02.008(C) in the Type I-IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

* * *

C. The duration of approval, expiration and extension of the following land use permits shall not be governed by this section, except that subsection B of this section shall apply:

1. Shoreline permits shall be governed by the city of Gig Harbor shoreline master program and WAC 173-27-090;

2. Subdivisions, short plats, binding site plans and boundary line adjustments shall be governed by GHMC Title 16 and Chapter 58.17 RCW;

3. Land use permits governed by a development agreement shall be pursuant to the development agreement;

4. Special use permits, land clearing permits, planned residential developments, planned unit development and temporary trailer permits shall be governed by the provisions in the specific zoning code chapter regulating those permits.

* * *

Section 43. Section 19.09.140 in the Amending the Comprehensive Plan chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.09.140 Selecting the applications for further processing during annual review.

The council shall consider each application separately under the criteria set forth in GHMC 19.09.130, and shall decide which applications will be processed during the current annual amendment process, and

which will not be processed. ~~Any proposed amendment selected by the city council for further processing shall be processed as provided in this chapter. The processing of any proposed amendment not selected by the city council shall be terminated and the proposed amendment removed from the docket, unless otherwise directed by city council. The Council's findings and conclusions on the applications that will not be processed shall be incorporated into a resolution. No findings and conclusions are required for those applications that are forwarded for further processing as provided in this chapter.~~

Section 44. Retroactive Application. The provisions of Sections 5 and 7 amending GHMC 16.06.003 and 16.06.006 shall be effective retroactively to June 7, 2012.

Section 45. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 46. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of July, 2012.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 06/20/12
PASSED BY THE CITY COUNCIL: 07/23/12
PUBLISHED: 08/01/12
EFFECTIVE DATE: 08/06/12
ORDINANCE NO: 1245