

ORDINANCE NO. 1197

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, UPDATING PERMIT PROCESSING PROCEDURES TO REDUCE PERMITTING TIMELINES, GAIN EFFICIENCIES, FIX INCONSISTENCIES, INCREASE PUBLIC NOTICE AND IMPROVE CUSTOMER SERVICE; CHANGING SITE PLAN APPROVAL FROM A TYPE III PERMIT TO A TYPE II PERMIT; REQUIRING MAILING OF NOTICES OF APPLICATION AND NOTICE OF DECISIONS TO PROPERTY OWNERS WITHIN 300 FEET OF A THE PROPERTY SUBJECT TO A TYPE II PERMIT; CREATING A PROCESS TO EXPIRE LAPSED, INACTIVE COMPLETE APPLICATIONS; PROVIDING A UNIFORM DURATION OF PERMIT APPROVAL OF THREE YEARS; UPDATING PERMIT PROCESS PROCEDURES TO COMPLY WITH STATE LAW; CREATING A PRELIMINARY PLAT AMENDMENT PROCESS; CREATING A PRELIMINARY AND FINAL SHORT PLAT PROCESS; MAKING AMENDMENTS TO THE DESIGN REVIEW, LAND CLEARING AND LANDSCAPING PERMIT PROCESSES TO IMPLEMENT THE CHANGES TO THE SITE PLAN REVIEW PROCESS; MAKING OTHER HOUSEKEEPING AMENDMENTS; REPEALING SECTIONS 16.04.003, 16.04.005, 16.04.007, 17.04.433, 17.64.060, 17.96.060, 17.96.080, 17.98.080, 19.05.009, 19.06.007; ADDING NEW SECTIONS 16.05.006, 17.20.080, 17.94.055, 17.96.025, 17.96.035, 19.02.006, 19.02.007, 19.02.008, 19.02.009, 19.03.004, 19.06.005 AND 19.06.007; RENAMING CHAPTERS 19.02 AND 19.06; AND AMENDING SECTIONS 15.06.040, 16.04.001, 16.04.002, 16.06.003, 16.06.006, 16.10.040, 17.04.271, 17.15.040, 17.16.050, 17.17.040, 17.21.040, 17.24.040, 17.28.040, 17.30.040, 17.31.040, 17.32.030, 17.36.050, 17.40.060, 17.41.030, 17.45.040, 17.46.050, 17.48.050, 17.50.050, 17.54.030, 17.56.030, 17.59.030, 17.61.020, 17.64.015, 17.64.050, 17.65.050, 17.65.060, 17.66.015, 17.66.040, 17.66.050, 17.67.040, 17.67.080, 17.68.025, 17.78.020, 17.78.110, 17.80.040, 17.80.140, 17.88.010, 17.88.020, 17.89.030, 17.89.040, 17.90.030, 17.90.040, 17.91.040, 17.94.020, 17.94.040, 17.94.050, 17.94.060, 17.96.010, 17.96.020, 17.96.030, 17.96.040, 17.96.050, 17.96.070, 17.97.050, 17.98.030, 17.98.040, 17.98.045, 17.98.050, 17.98.055, 17.98.056, 17.98.058, 17.98.060, 17.98.070, 17.98.090, 17.99.340, 18.04.230, 18.08.206, 18.10.060, 19.01.002, 19.01.003, 19.01.005, 19.01.007, 19.02.001, 19.02.002, 19.02.003, 19.02.004, 19.02.005, 19.03.001, 19.03.003, 19.05.001, 19.05.002, 19.05.008, 19.05.010, 19.06.001, 19.06.003, 19.06.004, 19.06.005, 19.06.006, 19.08.040, 19.09.180, AND 19.10.020 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City has documented numerous zoning, subdivision, environment and permit processing code amendments necessary to improve project permitting process, to gain efficiencies and to bring more consistency to project permitting; and

WHEREAS, the City desires to amend the site plan review approval processes to reduce permit processing timelines, save money for the applicant, increase public noticing and improve customer service by doing the following:

1. Changing site plan review approval from requiring hearings (a Type III permit) to an administrative process (Type I or II permits) with a director's decision.
2. Repealing the two site plan amendment processes and classifying all development requiring site plan review as either major site plan review (Type II) or minor site plan review (Type I).
3. Providing public notice of the of all Type II permit applications by mail (property owner's within 300 feet) in addition to the current practice of posting the site and publishing in the Gateway.
4. Providing public notice of the decisions for all Type II permits by mail to property owners within 300 feet of the subject property; and

WHEREAS, to implement the changes to the site plan review process, Design Review Board recommendations must go to the Planning Director rather than the Hearing Examiner; and

WHEREAS, certain nonresidential uses, such as contractor's yards, car sales and ball fields, are not currently regulated by the site plan process and therefore are not required to meet landscaping, buffering and other zoning requirements; and

WHEREAS, the City desires to require these types of uses to go through the site plan review approval process to ensure compliance with the city's zoning requirements; and

WHEREAS, the City desires to update the wireless communication facilities approval process, landscaping chapter and land clearing chapter to implement the updated site plan review process; and

WHEREAS, the City does not have the ability to close out applications where the applicant has been unresponsive or is not actively pursuing the permit and these inactive applications often have reserved traffic, water and sewer capacity which could be used for other active applications; and

WHEREAS, the City desires to create a process to expire these complete applications which have lapsed and recapture associated reserved water, sewer, and traffic capacity; and

WHEREAS, the existing expiration periods for project permits are inconsistent and are too short for some permit types; and

WHEREAS, the City desires to provide a uniform duration of permit approval timeframe of three years and a uniform expiration and extension process for all land use permits, except those regulated by State law such as plats and shoreline permits; and

WHEREAS, the City needs to update its public notice requirements on project permits to meet State of Washington requirements; and

WHEREAS, many of the requirements for a complete application for multiple project permits need to be updated to meet current staff review needs and practices across the development services departments; and

WHEREAS, the City desires to update its administrative appeal requirements to implement the site plan review process, clarify procedures, and allow for additional parties of record; and

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

WHEREAS, the City desires to establish a process to amend preliminary plats without applying for a new preliminary plat if the amendments are minor in nature; and

WHEREAS, the City desires to clarify the short plat process and provide a deadline for submitting approved short plats for record by implementing a preliminary and final short plat process; and

WHEREAS, under chapter 79, Laws of 2010, the Washington State Legislature provided for a temporary extension 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 temporary extension; and

WHEREAS, a copy of this Ordinance was forwarded to the Washington State Department of Commerce on June 30, 2010, pursuant to RCW 36.70A.106 and was granted expedited review; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on August 18, 2010; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on September 13, 2010; and

WHEREAS, on September 27, 2010, 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 15.06.040 in the City Building Code chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

15.06.040 Exclusions from project permit processing.

Pursuant to RCW 36.70B.140(2), building permits, other construction permits or similar administrative approvals which are categorically exempt from environmental review under the State Environmental Policy Act (Chapter 43.21C RCW) and GHMC Title 18, Environment, or permits/approvals for which environmental review has been completed in connection with other project permits under GHMC Title 19 are excluded from the following procedures:

- A. Notice of application (GHMC 19.02.004);
- B. Except as provided above, optional consolidated project permit review processing (GHMC 19.02.002(B) 19.01.002(B));
- C. Joint public hearings (GHMC 19.01.004).

Section 2. Section 16.04.001 in the Short Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.04.001 Requirements for a complete application.

- A. Number of copies: seven.
- B. A. A proposed short plat must include 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.
- C. B. Application Contents. In addition to the requirements for a complete application set forth in GHMC 19.02.002, an applicant for a short plat shall submit the following:
 1. A sketch or map using a scale of 100 feet to one inch or larger of the entire contiguous tract owned by the applicant which shall show:
 - a. The owners of adjacent land and the names of any adjacent subdivisions;
 - b. Lines marking the boundaries of the proposed lots;
 - c. Approximate locations of existing buildings, structures, utilities, underground storage tanks, and streets and ways or easements for such streets and ways within and adjacent to the tract;
 - d. Legal description of the tract and legal descriptions of all proposed lots;
 - e. Name and address of the owner(s) of the tract.
 2. Certificate giving full and complete description of the lands divided as they appear on the short plat, including a statement that the short subdivision has been made with free consent and in accordance with the desires of the owner(s). If the short plat includes a dedication, the certificate shall also contain the dedication of all streets and other areas to the public and individual(s), religious society or societies or to any

corporation, public or private, as shown on the short plat and a waiver of all claims for damages against any governmental authority which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of the road. The certificate shall be signed and acknowledged before a notary public by all parties having any interest in the lands subdivided.

3. All short plats containing a dedication must be accompanied by a title report confirming that the title of the lands as described and shown on the plat is in the name of the owner signing the certificate. Roads not dedicated to the public must be clearly marked on the face of the plat. Any dedication, donation, or grant as shown on the face of the plat shall be considered to all intents and purposes as a quitclaim deed to the donee(s), grantee(s) for his, her or their use for the purpose intended by the donors or grantors as aforesaid.

Section 3. Section 16.04.002 in the Short Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.04.002 Type of application. Short plat review and approval.

A. A preliminary short plat is a Type II application, and the director shall make the final decision. A final short plat is Type I application. The Preliminary and final short plat applications shall be processed as set forth in GHMC Title 19.

B. Criteria of approval. The director shall approve or conditionally approve a short plat only if the findings and conclusions in GHMC 16.04.004 are met.

C. Preliminary Short Plat Approval. The director shall disapprove or preliminarily approve the short plat, or return the short plat to applicant for modifications within 30 days after the date of filing of a complete application, unless the applicant agrees to an extension of time. Preliminary approval shall be valid for three years from the date that the preliminary approval decision is mailed to the applicant. Within said three year timeframe, the applicant shall file a final short plat with the city.

D. Final Short Plat Approval.

1. Each final short plat filed with the city for record shall be consistent with the preliminary short plat and all conditions of preliminary short plat approval.

2. The director shall disapprove or approve the final short plat, or return the short final plat to applicant for modifications within 30 days after the date of filing of the final short plat unless the applicant agrees to an extension of time.

3. Each final short plat filed with the city for record shall contain or be accompanied by the items listed in GHMC 16.08.003.

4. Each final short plat filed with the city for record shall contain the following certificates. The property owner and the land surveyor shall execute their respective certificates, required by GHMC 16.04.001 and

16.08, prior to the director's final decision. The certificates to be executed by city and county officials and employees shall be executed after the director's final decision, if granted.

- a. Mayor. A signature block and statement for the approval of the short plat.
- b. City Clerk. A signature block and statement that the city clerk finds that there are no delinquent assessments outstanding on the property subject to this short subdivision approval.
- c. City Engineer. A signature block and statement that the short plat complies with the applicable provisions of the city of Gig Harbor public works construction standards.
- d. Short Plat Administrator. A signature block and statement that the short plat complies with the city's development regulations under GHMC Titles 16 and 17.

5. Construction of improvements. A final short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the director in the preliminary approval decision on the short plat.

E. Short Plat Revisions. Revisions to a preliminarily approved short plat shall be processed as a new short plat application.

Section 4. Section 16.04.003, in the Short Plats chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 5. Section 16.04.005, in the Short Plats chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 16.04.007, in the Short Plats chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 7. A new Section 16.05.006 is hereby added to the Preliminary Plats chapter of the Gig Harbor Municipal Code, which shall read as follows:

16.05.006 Revisions to an approved preliminary plat.

Approved preliminary plats may be revised prior to recording of the final plat as follows:

A. Minor revisions to an approved preliminary plat, which do not change the plat boundaries, do not change the conditions of preliminary plat approval, do not alter road alignments or connections, and do not increase the number of lots by more than 5% or 5 lots whichever is less, shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application. The director shall approve an application for minor preliminary plat revision only if all of the following criteria are met:

1. The revision will not be inconsistent or cause the subdivision to be inconsistent with the findings, conclusions, or decision of the hearing examiner or city council;
2. The revision will not cause the subdivision to violate any applicable city policy or regulation;
3. A subdivision may be developed if the intent of its original conditions is not altered.

B. Revisions which are not classified as minor revisions in subsection A above shall be processed as a new preliminary plat application in accordance with the procedures established under GHMC Title 19 for a Type III project permit application.

Section 8. Section 16.06.003 and 16.06.006 in the Final Plats chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

16.06.003 Time frame for submission of final plat.

A final plat meeting all requirements of Chapter 58.17 RCW and this title shall be submitted to the city for approval within ~~five~~seven years of the date of preliminary plat approval; provided, however, that the 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. 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. 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.

16.06.006 Effect of final plat approval.

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~~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 ~~five~~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.

Section 9. Section 16.10.040 in the Mobile/Manufactured Home Park and Subdivision Standards chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.10.040 Type of application.

A. All mobile home parks shall be processed as a Type ~~III-II~~ application and in the same manner as a ~~binding~~ site plan in accordance with the procedures of Chapter 17.96 GHMC.

B. All mobile/manufactured home subdivisions shall be processed in the same manner as subdivisions in this title.

Section 10. Section 17.04.271 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.271 Director.

“Director” means the ~~planning~~ director of the ~~department of community~~ development or his/her designated representative.

Section 11. Section 17.04.433, in the Definitions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 12. Section 17.15.040 in the Public-Institutional District (PI) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.15.040 Site plan.

~~Before a building permit will be issued in the PI district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 13. Section 17.16.050 in the Single-Family Residential (R-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.050 Site plans.

~~Before a building permit will be issued for a nonresidential use or structure in an R-1 district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 14. Section 17.17.040 in the Planned Community Development Low Density Residential (RLD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.17.040 Performance standards.

* * *

D. Site Plans. ~~The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 15. A new Section 17.20.080 is hereby added to the Medium-Density Residential (R-2) chapter of the Gig Harbor Municipal Code, which shall read as follows:

17.20.080 Site plans.

The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 16. Subsection 17.21.040(B) in the Planned Community Development Medium Density Residential (RMD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

* * *

B. General.

1. Single-family attached dwelling units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

2. Minimum yards (from the property line). Multifamily or multiple units of single-family on one parcel:

- a. Front, 10 feet.
- b. Side, 30 feet.
- c. Rear, 30 feet.

Single-family on individual parcels:

a. Front yard setback	House: 15' Porch: 12' Garage: 15'
b. Rear yard setback	15', except that garages may be within three feet of an alley easement.
c. Side yard setback	5'

3. Maximum Height. The maximum height is 45 feet, except as provided under GHMC 17.99.390(A)(3).

4. Maximum lot area coverage: Sixty-five percent, excluding driveways, private walkways and similar impervious surfaces. Impervious surface coverage of individual parcels may exceed the 65 percent maximum when included within a subdivision; provided, that the overall impervious surface coverage of the subdivision does not exceed 65 percent.

5. Landscaping. Landscaping shall comply with the requirements of Chapters 17.78 and 17.99 GHMC, except that buffer dimensions shall be

reduced to 10 feet when the proposed use is adjacent to a similar use or zone which includes a platted buffer of equal or greater width.

6. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the requirements in the city's public works standards for public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

7. Design. All development shall comply with the standards of Chapter 17.99 GHMC.

8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

9. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 17. Section 17.24.040 in the Multiple-Family Residential (R-3) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.040 Site plans.

~~Before a building permit will be issued in an R-3 district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 18. Section 17.28.040 in the Residential and Business District (RB-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.040 Site plan.

~~Before a building permit will be issued in the RB-1 district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 19. Section 17.30.040 in the Residential and Business District (RB-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.040 Site plans.

~~Prior to the issuance of a building permit in the RB-2 district, the site plan review process specified under this title shall be completed to the satisfaction of the city. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 20. Section 17.31.040 in the Downtown Business District (DB) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.31.040 Site plans.

~~Before a building permit will be issued in a DB district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 21. Section 17.32.030 in the Neighborhood Commercial District (B-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.32.030 Site plans.

~~The procedures site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 22. Section 17.36.050 in the General Business District (B-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.050 Site plans.

~~Before a building permit will be issued, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 23. Section 17.40.060 in the Commercial District (C-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.060 Site plans.

~~Before a building permit will be issued in a C-1 district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 24. Section 17.41.030 in the Planned Community Development Commercial (PCD-C) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.41.030 Performance standards.

* * *

M. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 25. Section 17.45.040 in the Planned Employment District (ED) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.45.040 Performance standards.

* * *

P. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 26. Section 17.46.050 in the Waterfront Residential (WR) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.050 Site plans.

~~Before a building permit will be issued in the waterfront residential district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed, except in the case of a building permit for single-family dwelling or duplex dwelling. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 27. Section 17.48.050 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.050 Site plans.

~~Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 GHMC shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision, except for increased height as per GHMC 17.48.060. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 28. Section 17.50.050 in the Waterfront Commercial (WC) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.50.050 Site plans.

~~Before a building permit will be issued in a waterfront commercial district, the site plan review process specified in Chapter 17.96 GHMC shall be followed. Residential projects containing less than three dwelling units are exempt from this provision. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.~~

Section 29. Section 17.54.030 in the Planned Community Development Business Park District (PCD-BP) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.54.030 Performance standards.

* * *

Q. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 30. Section 17.56.030 in the Planned Community Development Neighborhood District (PCD-NB) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.56.030 Performance standards.

* * *

M. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 31. Subsection 17.59.030(C) in the Planned Community Development Transfer of Density Credits Option chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.59.030 Procedure.

* * *

C. Upon approval of the planning department and the city attorney, the applicant/property owner shall file with the Pierce County auditor a legally sufficient document which effectively accomplishes the following:

1. A covenant on the lands affected by the density credit transfer which contains deed restrictions reflecting the transfer and its resultant conditions to private ownership and future development of the land.

2. A deed for the development rights so affected shall be assigned an assessor's tax parcel number, including a legal description of the real property from which density credits are to be donated from and a legal description of the real property to which such density credits are to be transferred to.

A copy of the executed legal instrument, bearing the Pierce County auditor's file number, shall be provided to the planning department and the city attorney prior to the issuance of any development permit for the affected properties.

Density credit transfers are exempt from the permit processing procedures in GHMC Title 19 and are processed simultaneous with any Type II or III permit application.

Section 32. Subsection 17.61.020(D) in the Communication Facilities chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.61.020 General guidelines and permit requirements.

* * *

D. Permit Processing Requirements.

1. Permit Type.

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

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

d. 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. Broadcast and Relay Towers. Broadcast and relay tower applications shall be processed as a Type II permit. A building permit shall also be required.

2. Elements of a Complete Application. A complete application for the Type II permits described in this chapter shall consist of an original of the following:

a. A site plan, drawn at a scale not less than one inch per 50 feet, showing the boundaries and dimensions of the parcel or site, including any adjacent public streets or easements.

b. An elevation of the proposed facility, including any buildings, existing or proposed, associated with the facility, and which shall include all dimensions of proposed structures.

c. A topographic map, based upon the most recent site survey or information available, at no less than five-foot contour intervals.

d. The required application fee as established pursuant to Chapter 3.40 GHMC.

e. Three copies of the original of the application.

f. A signed statement indicating that (i) the applicant and landowner agree that they will diligently negotiate in good faith to facilitate co-location of additional personal wireless service facilities by other providers on the applicant's structure or within the same site location and

- (ii) the applicant and/or landlord agree to remove the facility within 12 months after abandonment.
- g. Copies of any environmental documents required by any federal agency. These shall include the environmental assessment required by FCC Para. 1.1307, or in the event that a FCC environmental assessment is not required, a statement that describes the specific factors that obviate the requirement for an environmental assessment.
- h. A current map and aerial photograph showing the location of the proposed tower, a map showing the locations and service areas of other wireless service facilities operated by the applicant and those proposed by the applicant that are close enough to impact service within the city.
- i. A statement by the applicant as to whether construction of the tower will accommodate co-location of additional facilities or antennas for future users.

3. A complete application for a conditional use permit shall, in addition to the elements described in subsection (D)(2)(a) of this section include those elements as described in GHMC 17.96.050(B) through (D) and (L).

Section 33. Section 17.64.015 in the Conditional Uses chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.64.015 Complete application.

An application for a conditional use permit is considered complete upon submittal of the information as required under GHMC 17.96.050(B) through (D) and (L), including the written statement of justification for granting the variance pursuant to the requirements of GHMC 17.64.040. This is in addition to the application requirements of GHMC 19.02.002 for a Type III application. ~~Seven copies of all information required shall be submitted along with the processing fee.~~

Section 34. Section 17.64.050 in the Conditional Uses chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.64.050 Duration of approval and ~~Expiration~~.

~~Any conditional use permit granted by the hearing examiner shall expire if not exercised within one year of the date of approval. If a use or activity authorized by such permit is abandoned or discontinued for a continuous period of one year, it may not be reestablished unless authorized in accordance with the provisions of this chapter. A request for extension of the one-year time limit may be considered by the hearing examiner, providing that the request is in writing and is received no less than 30 days prior to the expiration date. No additional extensions shall be granted. An extension shall be valid for a period not to exceed one year. The duration~~

of conditional use permit approvals and permit expiration shall be governed by GHMC Section 19.02.008.

Section 35. Section 17.64.060 in the Conditional Uses chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 36. Subsection 17.65.050(A) in the Special Use Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.65.050 Review criteria.

A. Every applicant for a special use permit shall demonstrate that all of the following criteria have been met:

1. That the type of use for which the special use permit is applied is permitted or conditionally permitted in the applicable zoning district and is consistent with the description and purpose of the zone district in which the property is located;

2. That the granting of the special use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;

3. That the proposed use is properly located in relation to the other land uses in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

4. That the site is of sufficient size to accommodate the proposed use;

5. The special use may not operate more than seven fourteen events during the authorized period calendar year. An event is equal to one 12-hour period per day;

6. A request for more than two special uses fourteen events per calendar year by any given applicant or for any given site shall not be considered as a special use and may only be authorized through the site plan approval process established under Chapter 17.96 GHMC.

* * *

Section 37. Section 17.65.060 in the Special Use Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.65.060 Expiration Duration of approval.

Any special use permit granted by the director is valid for a period of up to 30 consecutive days the events identified in the permit.

Section 38. Section 17.66.015 in the Variances, Interpretations, Appeals chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.66.015 Complete application.

An application for a general variance is considered complete upon submittal of the information as required under GHMC 17.96.050(B) through (D) ~~and (L)~~, including the written statement of justification for granting the variance pursuant to the requirements of GHMC 17.66.030(B). This is in addition to the application requirements of GHMC 19.02.002 for a Type III application. An application for an administrative variance shall contain the information required for a general variance, but shall include a written statement of justification for granting the variance pursuant to the requirements of GHMC 17.66.020(A).

Section 39. Section 17.66.040 in the Variances, Interpretations, Appeals chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.66.040 Time limits. Duration of approval and expiration.

~~Any variance granted by the hearing examiner or planning director shall become null and void if not exercised within one year of the date of approval. Upon written request by a property owner, prior to the date of expiration the director may grant an extension of time up to but not exceeding one year. Any extension of time shall be based upon a finding that there has been no material change of circumstances applicable to the property since the granting of the variance. The duration of variance approval and expiration shall be governed by GHMC Section 19.02.008.~~

Section 40. Section 17.66.050 in the Variances, Interpretations, Appeals chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.66.050 Interpretations and appeals.

A. Interpretations – Planning Director.

1. The planning director shall review and determine any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department, board, council or commission. The planning director's decision shall be in keeping with the spirit and intent of this title and of the comprehensive plan.

2. Recognizing that there may be uses not specifically mentioned in this title either because of advancing technology or any other reason, the planning director may permit such use to be established if it is clearly evident that the use is in conformity with the designated principal uses of the use district in which it is to be located. ~~When there is doubt as to the proper classification of a use, the hearing examiner shall rule on the matter.~~

3. Interpretations shall be processed in accordance with the procedures established under GHMC Title 19 for a Type II project permit application.

B. Appeals from Administrative Decision.

1. Appeals may be taken to the hearing examiner by any person aggrieved or by any officer, department, board, council or commission of the city affected by any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title or any amendment thereto. Such appeals shall be filed in writing, in duplicate and with the hearing examiner within 20 days of the date of the action being appealed.

2. Upon the filing of such an appeal, the hearing examiner shall set the time and place at which the matter will be considered. At least 10 days' notice of such time and place shall be given to the adverse parties of record in the case and to the official whose decision is being appealed. The officer from whom the appeal is being taken shall forthwith transmit to the hearing examiner all of the records pertaining to the decision being appealed, together with such additional written report as he deems pertinent.

3. In exercising the powers granted herein, the hearing examiner may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and, to that end, shall have all the powers of the officer from whom the appeal is being taken, insofar as the decision on the particular issue is concerned.

Section 41. Section 17.67.040 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.040 Complete application.

An application for a performance-based height exception shall contain seven copies of the following information:

A. The title and location of the proposed project, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;

B. A written description addressing the scope of the project, the use of the site, and the nature and height of the proposed structures;

C. Color, type, model and specification of all proposed structures. Include the area of illumination and intensity of lighting in footcandles for athletic field lighting;

D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;

E. Site plans drawn to a scale no smaller than one inch equals 30 feet showing location and size of uses, location of proposed and existing

structures, critical areas and wetlands, buffer areas, proposed areas of disturbance or construction outside of the building and structure footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;

- F. Cross sections of proposed structures and topographic information;
- G. A written statement of justification for granting the exception pursuant to the requirements of GHMC 17.67.060, 17.67.070, and 17.67.075, if applicable;
- ~~H. A listing of the names and addresses of property owners of record within 300 feet of the project property, including preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property;~~
- I. H. All application requirements of GHMC 19.02.002.

Section 42. Section 17.67.080 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.67.080 Time limits. Duration of approval and expiration.

~~Any exception granted by the hearing examiner shall become null and void if not exercised within one year of the date of approval. Upon written request by the property owner, prior to the date of expiration the director may grant an extension of time up to but not exceeding one year. Any extension of time shall be based upon a finding that there has been no material change of circumstances applicable to the structure or property since the granting of the exception. The duration of performance-based height exception approvals and expirations shall be governed by GHMC Section 19.02.008.~~

Section 43. Subsection 17.68.025(B) in the Nonconformities chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.68.025 Nonconforming use and structure review.

* * *

B. Nonconforming review is a Type II Iproject permit application and shall be processed as set forth in GHMC Title 19 with the exception of changes described in GHMC 17.68.035, which shall be processed as a Type III project permit application as set forth in GHMC Title 19.

* * *

Section 44. Section 17.78.020 in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.020 Applicability.

The standards as required by this chapter shall apply to all uses of land which are subject to site plan review, a land clearing permit, to the construction or location of any multifamily structure of three or more attached dwelling units and to any new subdivision plat. GHMC Section 17.78.095 applies to all development in the waterfront view corridor.

Section 45. Subsection 17.78.110(A) in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.110 Performance assurance.

A. Landscaping required pursuant to an approved site plan project permit application shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the property owner submits a performance assurance equal to not less than 110 percent of a contractor's bid and which commits to install the landscaping within one year.

* * *

Section 46. Subsection 17.80.040(C) in the Signs chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.040 Permit procedures.

The following regulations shall apply to all signs.

* * *

C. Permit Processing Requirements. A sign permit shall be processed according to the procedures in GHMC Title 19, and is a Type II permit application.

Section 47. Section 17.80.140 in the Signs chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.140 Design review board approval.

Those sections of this chapter which require a determination by the design review board for a design allowance shall be processed as a design allowance in accordance with GHMC 17.98.035, and not as a design variance the procedures for a design review board recommendation (GHMC 17.99.055).

Section 48. Section 17.88.010 in the Annexations chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.88.010 District designation determination – Comprehensive plan.

Any lands annexed to the city following the enacting of the ordinances codified in this title shall be deemed to be included in the zoning map as being in the R-1 residential district. ~~The filing fee for said annexation shall be the following: R-1 district, \$25.00; other districts, \$50.00.~~ Within 60 days following annexation, the planning commission shall hold a public hearing to determine the best application of this title to the annexed territory. Following the hearing, the commission shall make its recommendation to the city council for the zoning of the area; provided, however, any land which has been or is included in a comprehensive land use plan provided for in the following provision and adopted pursuant to RCW 35.13.177 and 35.13.178 shall be annexed with the zoning district classification as provided for in such comprehensive land use plan.

Section 49. Section 17.88.020 in the Annexations chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.88.020 Request for determination prior to annexation.

Petitioners for annexation may include in the notice of intent to petition for annexation a request for determination of the zoning district classification which will be applied to the property described in said notice of intent to petition for annexation, if the petition for annexation is passed. ~~Such petition shall be accompanied with an amount of \$50.00 for costs involved in determining zoning.~~

Section 50. Subsections 17.89.030(B, E and F) in the Planned Residential Development Zone (PRD) chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.89.030 Permit application procedures.

* * *

B. Duration of Approval and Expiration of Preliminary PRD. Within five years of the date of the preliminary PRD approval, an application shall be submitted for final PRD approval, otherwise, the preliminary PRD approval shall expire. Building construction on the project must commence within 12 months from the date of the final approval; otherwise, preliminary PRD approval becomes null and void. The duration of preliminary PRD approval and expiration shall be governed by GHMC Section 19.02.008.

* * *

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PRD application. ~~The hearing examiner shall be present at the design review board hearings as necessary to ensure coordination of decisionmakers as allowed under GHMC 19.01.002(C).~~

~~F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.~~

Section 51. Section 17.89.040 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.

A. Preliminary PRD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PRD shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, the nature and size in gross floor area of each use and the total amount of land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two-foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas;
7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights-of-way;
8. Utility, drainage and stormwater runoff plans;

9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;

10. A statement explaining how the proposed PRD is consistent with and implements the city of Gig Harbor comprehensive plan, the designation under the comprehensive plan, current zone classification, and desired zone classification;

11. A narrative describing how the proposed PRD provides substantial additional benefit to the citizens of the city of Gig Harbor (the benefit accruing as a result of implementation of the PRD process as opposed to following the development standards of the underlying zone) and how it is proposed the additional amenities and benefits should apply to the percentage of additional density and/or height being requested;

12. A map of the area, with area proposed for rezone outlined in red; and

~~13. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County auditor's office.~~

13. A complete application for design review as required under GHMC 17.98.040.

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. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County auditor's office;~~

~~2. A complete application for design review as required under GHMC 17.98.040.~~

1. A copy of the approved preliminary PRD plans; 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)(5-9); and

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

Section 52. Subsections 17.90.030(B, E and F) in the Planned Unit Development chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.90.030 Permit application procedures.

* * *

B. Duration of Approval and Expiration of Preliminary PUD. ~~Within five years of the date of the preliminary PUD approval, an application shall be submitted for final PUD approval, otherwise, the preliminary PUD approval~~

~~shall expire. Building construction on the project must commence within 12 months from the date of the final approval; otherwise, preliminary PUD approval becomes null and void. The duration of preliminary PUD approval and expiration shall be governed by GHMC Section 19.02.008.~~

* * *

~~E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PUD application. The hearing examiner shall be present at the design review board hearings as necessary to ensure coordination of decisionmakers as allowed under GHMC 19.01.002(C).~~

~~F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PUD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PUD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.~~

Section 53. Section 17.90.040 in the Planned Unit Development chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.040 Contents of a complete preliminary PUD application.

A. Preliminary PUD. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PUD approval shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, the nature and size in gross floor area of each use and the total amount of land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site, as well as adjacent parcels and uses;
5. A topographic map delineating contours, existing and proposed, at two-foot intervals and which locates and classifies existing streams, wetlands, steep slopes and other natural features and/or critical areas;

6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed general location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas;
7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights-of-way;
8. Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
10. A statement explaining how the proposed plan is consistent with and implements the city of Gig Harbor comprehensive plan, the designation under the comprehensive plan, current zone classification, and desired zone classification;
11. A narrative describing how the proposal provides substantial additional benefit to the citizens of the city of Gig Harbor (the benefit accruing as a result of implementation of the PUD process as opposed to following the development standards of the underlying zone), and how it is proposed the additional amenities and benefits should apply to the percentage of additional density or gross floor area, or additional height being requested;
12. A complete application for design review as required by GHMC 17.98.040;
13. A map of the area, with the area proposed for any rezone outlined in red; and
14. ~~Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County auditor's office.~~

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. ~~Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County auditor's office.~~
1. A copy of the approved preliminary PUD plans; and
2. Final PUD plans drawn to a scale no smaller than one inch equals 30 feet showing the items required by GHMC 17.89.040(A)(5-9); and
3. A written statement on how the final PUD complies with the approved preliminary PUD and any conditions of preliminary PUD approval.

Section 54. Subsection 17.91.040(F) in the Mixed Use District Overlay (MUD) Chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

* * *

F. Performance Standards.

1. Minimum yards (from the property line):
 - a. Front, 15 feet.
 - b. Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.
 - c. Rear, 15 feet.
2. Maximum Height. The maximum height of a structure shall not exceed 35 feet.
3. Maximum lot area coverage: Forty-five percent, excluding driveways, private walkways and similar impervious surfaces.
4. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC.
5. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public rights-of-way.
6. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public rights-of-way.
7. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.
8. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
9. Design. Development in the MUD district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Duplex dwellings shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.
10. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.
11. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 55. Section 17.94.020 in the Land Clearing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.94.020 Purposes and permit criteria.

~~These regulations are adopted for the following purposes and the planning director shall consider such purposes as criteria or standards for the issuance of land clearing permits under GHMC 17.94.040: It is the purpose of this chapter:~~

- A. To promote the public health, safety, and general welfare of the citizens of the city;
- B. To preserve and enhance the city's physical and aesthetic character by preventing indiscriminate removal or destruction of trees and ground cover on undeveloped and partially developed property;
- C. To promote land development practices that result in a minimal disturbance to the city's vegetation and soils;
- D. To minimize surface water and ground water runoff and diversion and to prevent erosion and reduce the risk of slides;
- E. To minimize the need for additional storm drainage facilities;
- F. To retain clusters of trees for the abatement of noise and for wind protection;
- G. To promote building and site planning practices that are consistent with the city's natural topographical and vegetational features while at the same time recognizing that certain factors such as condition (e.g., disease, danger of falling, etc.), proximity to existing and proposed structures and improvements, interference with utility services, protection of scenic views, and the realization of a reasonable enjoyment of property may require the removal of certain trees and ground cover;
- H. To reduce siltation and water pollution in the harbor;
- I. To implement the goals and objectives of the Washington State Environmental Policy Act;
- J. To implement and further the city's comprehensive plan;
- K. It is not the intent or purpose of this chapter to prevent the reasonable development of land in the city.

Section 56. Section 17.94.040 in the Land Clearing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.94.040 Permits Applicability.

No person, corporation, or other legal entity shall engage in or cause ~~land clearing removal or destruction of trees or groundcover from, or grade any undeveloped or partially developed land, public or private~~ in the city without having obtained a land clearing permit ~~from the planning director.~~

Section 57. Section 17.94.050 in the Land Clearing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.94.050 Exemptions.

The following shall be exempt from the provisions of this chapter:

- A. Type III project permit applications as defined in GHMC Title 19, site plan review applications pursuant to Chapter 17.96 GHMC, building permit applications and civil permit applications, as now or hereafter amended; provided, that land clearing on such projects shall take place only after approval by the city and shall be in accordance with such approval;
- B. The installation and maintenance of fire hydrants, water meters, and pumping stations, and street furniture by the city or its contractors;
- C. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards;
- D. Removal of diseased, dead or dying trees upon written verification by a qualified arborist or landscape architect or landscape contractor which states that removal of the trees is essential for the protection of life, limb, or property and which statement is filed with the code official;
- E. Selective cutting or removal of trees or ground covers for purposes of general property and utility maintenance, landscaping or gardening; provided, that this exemption shall not apply to any land clearing which eliminates both trees and ground cover from 25 percent of the area of a lot or parcel of land; provided further, that said exemption shall not apply to cutting or removal which includes the use of a bulldozer, skidder, backhoe, or similar mechanical equipment for the purpose of cutting or removing of standing timber and the stacking or loading of trees or timber. This shall not be construed to eliminate the requirement of permits for land clearing for the purpose of developing the property with substantial permanent improvements such as roads, parking, driveways, utilities, or buildings.

Section 58. A new Section 17.94.055 is hereby added to the Land Clearing chapter of the Gig Harbor Municipal Code, which shall read as follows:

17.94.055 Land clearing permit review, approval and duration.

A. Applications for a land clearing permit shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application.

B. Criteria of approval. The director shall approve applications for a land clearing permit only if all of the following criteria are met:

- 1. The land clearing is consistent with the purposes of this chapter outlined in GHMC 17.94.020; and
- 2. The land clearing complies with Chapter 17.78 GHMC Landscaping and Screening; and
- 3. The land clearing complies with Chapter 17.99 GHMC Design Manual.

C. Duration of approval and expiration. Any permit granted hereunder shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended for six months by the planning director. Approved plans shall not be amended without authorization of the planning director. The permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter.

D. Failure to obtain a forest practice application, where applicable, with the stated intent of land conversion as defined in RCW 76.09.020(8) shall be grounds for denial of any and all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the land for a period of six years, in accordance with RCW 76.09.060(3).

Section 59. Section 17.94.060 in the Land Clearing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.94.060 Requirements for a complete application.

~~Land clearing permits are a Type I permit application.~~ A complete application for a land clearing permit shall be submitted on the application form provided by the city, together with information required under GHMC Title 19 for a completed application, and including the following:

- A. A plot plan containing the following information:
 1. Date, north arrow and adequate scales as determined by the planning director;
 2. Prominent physical features of the property including, but not limited to, topography, critical areas and watercourses;
 3. General location, type, range of size, and condition of all trees and ground cover, including the species, size and accurate location of all healthy trees having a trunk diameter of at least six inches as measured 54 inches above grade within the property subject to the application;
 4. Identification ~~by areas~~ of trees and ground cover which are to be removed;
 5. A topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights;
 5. 6. Any existing improvements on the property including, but not limited to: structures, driveways, ponds, and utilities;
 6. 7. Information indicating the method of drainage and erosion control, and restoration of land during and following the clearing operation;
- B. Identification of tree protection techniques;
- B. ~~Any permit granted hereunder shall expire one year from the date of issuance. Upon a showing of good cause, a permit may be extended for six months by the planning director. Approved plans shall not be amended without authorization of the planning director. The permit may be suspended or revoked by the planning director because of incorrect information supplied or any violation of the provisions of this chapter.~~
- C. ~~No work shall commence until a permit notice has been posted by the applicant on the subject site at a conspicuous location. The notice shall remain posted in said location until the project has been completed.~~
- D. ~~Failure to obtain a forest practice application, where applicable, with the stated intent of land conversion as defined in RCW 76.09.020(4) shall be grounds for denial of any and all applications for permits or approvals,~~

~~including building permits and subdivision approvals, relating to nonforestry uses of the land for a period of six years, in accordance with RCW 76.09.060(3)(b).~~

Section 60. Section 17.96.010 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.010 Intent.

This chapter is intended to provide procedures for the review of site plan applications. Site plan review is intended to insure that development projects ~~carried out in given zoning districts~~ are executed in a manner consistent with existing ordinances concerning public utilities, traffic, facilities and services and provide unified site design, access, landscaping, screening, building placement and parking lot layout. The site plan review process is ~~not intended to review and determine the appropriateness of a given use on a given site. It is~~ intended to insure that development of a site will provide the features necessary to protect the health, safety and general welfare of the citizens of the city.

Section 61. Section 17.96.020 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.020 Applicability.

~~Site plan review and approval shall be required prior to issuance of a building permit when provided under this chapter. Site plan review shall be required for the following:~~

~~A. All new nonresidential uses for the location of any building or any multifamily development in which more than two dwelling units would be contained. Planned unit developments and divisions of land into four lots or less are exempted from review.~~

~~B. The expansion of any building or development as defined in GHMC 17.96.020(A) exceeding 20 percent of the existing floor or site area, or any 1,000-square-foot addition or increase in impervious coverage thereto, whichever is the lesser.~~

The provisions of this chapter shall apply to all changes of use, new construction, expansion or alteration of the use of land unless expressly exempted by this chapter. No use shall be established, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan which is in conformance with the requirements set out in this title.

Section 62. A new Section 17.96.025 is hereby added to the Site Plans chapter of the Gig Harbor Municipal Code, which shall read as follows:

17.96.025 Exemptions.

The following are exempt from the site plan review provisions of this chapter:

- A. Single-family and duplex dwellings on lots of record and any appurtenance thereto;
- B. Subdivisions and short plats;
- C. Planned unit developments and planned residential developments;
- D. Modifications to the interior of an existing structure that does not change the use;
- E. Change in use of an existing structure, provided the change in use does not increase the number of required off-street parking spaces and does not require a change of use capacity evaluation as provided for in GHMC 19.10.004;
- F. Normal maintenance and repair of existing improvements, facilities and structures;
- G. Installation and replacement of underground utilities located in public rights-of-way and approved utility easements or corridors;
- H. Utility pump stations, utility boxes and utility vaults;
- I. Removal of underground tanks when the site is restored to the condition prior to removal;
- J. Removal of all buildings and structures on a site together with the discontinuance of use of the land and buildings;
- K. Special uses as provided for in Chapter 17.65 GHMC;
- L. Uses allowed in approved common areas as provided for in GHMC Section 17.99.280;
- M. Land clearing as provided for in Chapter 17.94 GHMC;
- N. Temporary trailers as provided for in GHMC Section 17.01.090.
- O. Sign permits as provided for in Chapter 17.80 GHMC.

Section 63. Section 17.96.030 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.030 Site plans and review.

Any use or development that is subject to the requirements for a site plan review, unless exempt as provided for in GHMC 17.96.025, prior to issuance of building permits shall be classified and processed in accordance with the procedures established under GHMC Title 19 for Type III project permit applications as provided for in this section.

A. Application. An application for site plan approval may be filed by the property owner, lessee of the property with more than a month-to-month tenancy or authorized agent of the property owner. These shall be submitted to the planning director for transmittal to the hearing examiner with analysis and recommendation.

B. Criteria for Approval. The city shall consider approval of the site plans with specific attention to the following:

- 1. Compatibility with the city's comprehensive plan;
- 2. Compatibility with the surrounding buildings' occupancy and use factors; and
- 3. All relevant statutory codes, regulations, ordinances and compliance with the same.

~~The review and decision of the city shall be in accordance with the provisions of Chapter 17.10 GHMC and GHMC Title 19.~~

A. Minor site plan review.

1. Applications for minor site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application. A decision on a minor site plan review application shall be rendered prior to or concurrent with the issuance of any other applicable permit. The following are classified as minor site plan reviews:

- a. Change in use of an existing structure which increases the number of required off-street parking spaces and/or requires a change of use capacity evaluation as provided for in GHMC 19.10.004;
- b. Modifications to the number of off-street parking stalls, amount of impervious surface and height of structures on an existing site or approved site plan provided such modifications do not exceed a 10% increase over the original;
- c. Modifications to the parking lot layout or parking lot landscaping on an existing site or approved site plan;
- d. Modifications to the landscaping, common area, or vegetation retention areas provided the modifications do not adversely affect the basic character and quality of such;
- e. Modifications to the total amount of gross floor area on an existing site or approved site plan which do not exceed a 10 percent increase over the original or 1,000 square feet increase, whichever is less;
- f. Removal of some but not all buildings on a site;
- g. Modification or expansion of existing stormwater facilities;
- h. Modifications to the conditions of approval of a minor site plan review decision.

2. If a minor site plan review includes any use or development classified as a major site plan review in subsection (B) of this section, the entire project shall be processed under the provisions for major site plan review.

B. Major site plan review.

1. Applications for major site plan review shall be processed in accordance with the procedures established under GHMC Title 19 for a Type II project permit application, except as provided for in subsection (B)(3) of this section. The following are classified as major site plan reviews:

- a. Construction of a building or installation of impervious surfaces on a vacant parcel;
- b. Modifications to an existing site or approved site plan which are not classified as a minor site plan review in subsection (A) of this section or are exempt from site plan review under GHMC 17.96.025;
- c. Any development subject to a SEPA threshold determination pursuant to GHMC Chapter 18.04;
- d. Creation of new regional stormwater ponds;

- e. Establishment of a new use or change of use which is not located in an existing building;
- f. Modifications to the conditions of approval of a major site plan review decision.

2. If a SEPA threshold determination for a development requiring major site plan review is appealed, the major site plan review application shall be processed in accordance with the procedures established under GHMC Title 19 for a Type III project permit and the SEPA open record appeal hearing shall be consolidated with the Type III project permit open record hearing.

3. A major site plan review application for a project which has an associated administrative interpretation, as provided for in GHMC 17.66.050, shall be processed as a Type III application as defined in GHMC Title 19.

C. A minor or major site plan review application that is part of a project that requires additional applications with other procedure types may be processed collectively under the highest numbered procedure for any application unless the applicant chooses to have each application processed individually following the permit processing procedures in GHMC 19.01.002(B).

Section 64. A new Section 17.96.035 is hereby added to the Site Plans chapter of the Gig Harbor Municipal Code, which shall read as follows:

17.96.035 Criteria for site plan approval

The director shall approve applications for minor and major site plan review only if all of the following criteria are met:

- A. The site plan is compatible with the surrounding uses; and
- B. The site plan is compliant with all relevant statutory codes, regulations, ordinances.

Section 65. Section 17.96.040 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.040 Preliminary site plan conference.

Prior to applying for site plan review, a developer may present to city staff a preliminary site plan, which shall contain in a rough and approximate manner all of the information required on the site plan application. The purpose of the conference is to enable the developer to obtain the advice of city staff as to the intent, standards and provisions of this chapter with regard to the proposed plan. Information presented for preliminary site plan discussion shall be considered confidential. Refer to GHMC Section 19.02.001 for optional preapplication conference procedures.

Section 66. Section 17.96.050 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.050 Contents of a complete application.

Each application for site plan review shall contain the following information, if applicable to the application:

- A. Environmental Checklist. An complete, signed environmental checklist when required;
- B. General Information. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
- C. Project Description. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces;
- D. Vicinity Map. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;
- E. Topographic Map. A topographic map based upon a site survey delineating contours, existing and proposed, at no less than five-foot intervals and which locates existing ~~streams, marshes~~ critical areas and other natural features;
- F. Site Plan. Site plans drawn to a scale no smaller than one inch equals 50 30 feet showing location and size of uses and structures, buffer areas, proposed areas of disturbance or construction outside of the building footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities. For site plans which cannot fit on a single 24x36 inch sheet at a scale of one inch equals 30 feet, provide one 24x36 inch sheet which shows the entire site plan, in addition to providing tiled site plans at one inch equals 30 feet;
- G. Circulation Plan. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system. If a project would generate more than 10 peak hour trips, a traffic impact study prepared by a qualified transportation planner or professional engineer shall be submitted;
- H. A preliminary drainage and stormwater runoff plan; Public Works Checklist. All applicable items listed on the Public Works land use application intake checklist;
- I. A utility plan;
- J. I. Landscape Plan. A plot plan of all proposed landscaping including the treatment and materials used for open spaces, and the types of plants and screening to be used. A landscape plan meeting the requirements of GHMC 17.78.030;

~~K.J. Typical building elevation and architectural style; Design Review. A complete design review application meeting the applicable requirements of GHMC 17.98.040.~~

~~L. A listing of the names and addresses of property owners of record within 300 feet of the project property, including preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property.~~

Section 67. Section 17.96.060, in the Site Plans chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 68. Section 17.96.070 in the Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.96.070 Duration of approval and expiration.

~~Construction on the project must commence within 24 months from the date of final action by the city; otherwise, the approval of the project becomes null and void. The duration of site plan review approvals and permit expirations shall be governed by GHMC Section 19.02.008.~~

Section 69. Section 17.96.080, in the Site Plans chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 70. Subsection 17.97.050(C)(2) in the Historic Preservation chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.97.050 Review of changes to properties listed on the city's register of historic places.

* * *

C. Review Process.

* * *

2. Review of Permits to Work on a Property Listed on the Register of Historical Properties. The ~~community development~~ director or designee shall report any application for a permit to work on a designated city register property to the DRB. If the activity is not exempt from review, the staff shall notify the applicant of the review requirements. The city shall not issue any permit for work on a designated city register property until a certificate of appropriateness or a waiver is received from the DRB, but shall work with the DRB in providing information on required building and fire code requirements.

* * *

Section 71. Subsection 17.98.030(A) in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.030 Design manual chapter applicability.

A. General Applicability. Chapter 17.99 GHMC, Design Manual, applies to all proposals to subdivide land under the provisions of GHMC Title 16 and to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials (hereafter referred to as outdoor proposals), as described in Chapter 17.99 GHMC, Design Manual. Design review approval is required for all outdoor proposals which require a building permit, ~~clearing and grading permit~~, or which are part of a project or development requiring a site plan, short plat, subdivision, conditional use permit or utility extension agreement.

* * *

Section 72. Section 17.98.040 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.040 Design review application requirements.

A complete design review application shall contain the following information:

A. Site Layout. A plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, critical areas, required buffer areas, required yards, landscape areas, open spaces, common areas or plazas, walkways, retaining wall locations, storm water retention facilities, and parking and vehicle maneuvering areas.

B. Significant Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the property subject to the application.

C. Tree Retention Plan. A landscape plan showing the species, size and location of all significant natural vegetation to be retained on the property.

D. Preliminary Site Section Drawings. Section drawings which illustrate existing and proposed grades.

E. Preliminary Grading Plan. A topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights and include areas of disturbance necessary to construct all retaining walls, structures and impervious surfaces.

F. Preliminary Utilities Plan. A utilities plan showing the location and type of any utilities proposed in critical areas, critical area buffers and natural vegetation retention areas.

G. Paving Materials. A description of proposed pedestrian and vehicular paving materials; include proposed type (asphalt, concrete, pavers, etc.), color, scoring and texture.

H. Elevation Drawings. Complete elevation drawings of all buildings showing dimensions and proposed materials including roofing, siding, windows and trim. Drawings shall include conceptual trim and cornice design, and roof pitch, and solid/void ratio and siding material calculations. If landscaping is proposed to soften or mitigate architectural modulation or details, additional elevation drawings showing proposed landscaping shall be provided.

I. Sign Plan. A sign plan showing the general location, type and size of signage on buildings.

J. Equipment Screening. A description of how all mechanical and utility equipment will be screened.

K. Color and Material Palette. A schematic color and material palette of the building's exterior siding, trim, cornice, windows and roofing. If alternative design review board review is requested, material and color samples shall be provided.

L. Fencing. The location and description of any proposed fencing.

M. Light Fixtures. A cutsheet showing typical parking and building lighting which includes pole height and mounting height. If proposed fixtures are near critical areas or natural vegetation retention areas, shielding shall be shown.

N. Accessories. The location of all outdoor furniture, trash receptacles and accessories.

O. Design Review Board Alternative Design Review. A request for alternative design review by the design review board shall include a written statement addressing the criteria for approval as set forth in GHMC 17.98.055, 17.98.056, 17.98.058 or 17.98.060, as applicable.

Section 73. Section 17.98.045 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.045 Design review process.

A. The applicant shall follow the appropriate review process contained within this chapter based upon the project and whether or not the application or portions thereof strictly conform to the specific requirements of Chapter 17.99 GHMC.

B. An application for design review may be submitted prior to the submission of an underlying project permit application for a development on the same property; however, a complete underlying project permit application shall not be processed without a complete design review application.

C. Administrative Design review, as set forth in GHMC 17.98.050, is a Type II Iapplication and shall be processed as set forth in GHMC Title 19 as supplemented by the procedures set forth in this chapter.

D. A notice of application shall be issued for a complete design review application, as set forth in GHMC Title 19 for a Type III project permit application. Alternative design review is a Type II application and shall be processed as set forth in GHMC Title 19 as supplemented by procedures

set forth in this chapter. The following are classified as alternative design review:

1. Design review board recommendation as set forth in GHMC 17.98.055;
2. Minor adjustments to a DRB review as set forth in GHMC 17.98.056;
3. Administrative review of alternative designs as set forth in GHMC 17.98.058.
4. Exceptions as set forth in GHMC 17.98.060.

E. A design review application that is part of a project that requires additional applications with other procedure types may be processed collectively under the highest numbered procedure for any application unless the applicant chooses to have each application processed individually following the permit processing procedures in GHMC 19.01.002(B).

E. F. The A notice of application for the following types of new development shall be forwarded to all members of the design review board (DRB) pursuant to GHMC 19.02.004:

1. Nonresidential development;
2. Multifamily residential development as defined in GHMC 17.04.290;
3. Subdivisions;
4. Public projects, except for normal maintenance and repair.

Section 74. Section 17.98.050 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.050 Administrative approval.

An applicant may request administrative processing of a design review application or portions thereof if it conforms to the specific requirements of Chapter 17.99 GHMC. The director shall process a request for administrative review as follows:

A. Applications for all projects will be available at the ~~community development planning~~ department and the DRB members may independently review any application outside of their public meeting. Within two weeks after the date of the notice of application, individual DRB members may submit written comments to the director, identifying design elements that they believe do not comply with the specific requirements of the design manual.

B. If the director receives comments from DRB members that certain design elements of an application do not comply with the specific requirements of the design manual, the director shall reevaluate whether the application should be processed administratively or through the design review board process. If the director finds that the application or portion of application should follow the design review board recommendation process because it does not conform to the specific requirements of

design manual, the director shall notify the applicant. The applicant may then choose to amend the application or request review by the design review board.

C. The application shall be reviewed by the director for compliance with the specific requirements of Chapter 17.99 GHMC. The director shall issue a decision approving the application or portions thereof if he/she finds that the application or portions of the application satisfy the specific requirements of Chapter 17.99 GHMC, Design Standards, or deny the application if such codes and standards are not satisfied. The director shall render the decision as set forth in GHMC 17.98.070 and ~~19.05.009~~
19.02.007.

Section 75. Section 17.98.055 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.055 Design review board recommendation.

An applicant may request review by the design review board (DRB) of an application or portions thereof which do not strictly conform to the specific requirements of Chapter 17.99 GHMC, Design Manual. A request for review by the DRB for an alternative design shall be processed as follows:

A. The board may recommend approval of alternative design solutions to specific requirements only if all of the following criteria are met:

1. The alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

2. The alternative design meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

B. The DRB shall not consider or recommend approval of any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review board recommendation process.

C. Design Review Board Meeting. The board shall hold a public meeting on the application or portions thereof at the earliest available DRB meeting after the notice of application and public meeting has been published.

1. The public meeting shall be noticed as follows:

a. Not less than 14 days prior to the meeting date, the planning staff shall send notice of a public meeting to property owners within 300 feet of the subject property and to others who have submitted comments and/or requested notice.

b. Notice of the public meeting shall be posted on the subject property not less than seven days prior to the meeting date. Notice shall be posted in the manner required by GHMC 19.03.001(A)(1).

c. Notice of the public meeting shall be published in the city's official newspaper not less than seven days prior to the meeting date.

d. The notice of the public meeting shall contain all items listed in GHMC 19.03.003(A).

2. The applicant shall have an opportunity to make a presentation on the proposed alternative designs at the public meeting.

3. The public shall be allowed to comment on the application.

4. The DRB shall deliberate on the application and presentation and shall make findings and a recommendation on the application or portions thereof as per GHMC 17.98.070.

5. After the public meeting, the city staff shall draft the board's findings and recommendation on the application or portions thereof.

~~D. Public Hearing. Once the board makes a recommendation on a complete application, an open public hearing before the hearing examiner shall be scheduled for the application, which shall include the board's recommendation, or both the application and the underlying permit application. Notice of the public hearing before the hearing examiner shall be sent as provided in GHMC 19.03.003. Decision. Once the board makes a recommendation on the complete application, the director shall consider the recommendation and make a decision on the design review application. The director shall render the decision as set forth in GHMC 17.98.070 and 19.02.007.~~

Section 76. Section 17.98.056 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.056 Minor adjustments to hearing examiner decisions DRB review.

Minor adjustments to a final, approved ~~hearing examiner~~ decision on a design review board recommendation may be considered by the director prior to building permit issuance.

A. The director may not consider changes to the ~~hearing examiner's original~~ decision involving any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC.

B. The director shall have the authority to approve a minor adjustment if all of the following criteria are met:

1. The minor adjustment does not substantially modify the ~~final hearing examiner original~~ decision; and

2. The minor adjustment does not substantially modify the approved architecture, site layout, natural vegetation retention areas and grading; and

3. The minor adjustment represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

4. The minor adjustment meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

C. The director shall render a decision on a minor adjustment as set forth in GHMC 17.98.070 and ~~19.05.009-19.02.007~~.

D. Notice of the director's decision on the minor adjustment shall be sent to all parties of record for the ~~final hearing examiner~~ original decision and to the design review board members, in addition to those parties required to be noticed by GHMC ~~19.05.008-19.02.007~~.

Section 77. Section 17.98.058 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.

B. The director shall have the authority to approve, or approve with conditions, alternative design solutions to specific requirements only if all of the following criteria are met:

1. The alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

2. The alternative design meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

C. The director shall not approve any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC.

D. The director shall render a decision on an alternative design as set forth in GHMC 17.98.070 and ~~19.05.009-19.02.007~~.

E. Notice of the director's decision shall be sent to property owners within 300 feet of the subject property in addition to those parties required to be noticed by GHMC ~~19.05.008~~ 19.02.007.

Section 78. Section 17.98.060 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.060 Exceptions.

A. Processing. An exception requested under this section shall be processed in conjunction with a design review application, and shall follow the procedures for permit processing by the board as set forth in GHMC 17.98.055. An exception is used in those situations in which an applicant does not provide an alternative design to the requirements of Chapter 17.99 GHMC, Design Manual.

B. The requirements for a complete design exception application are:

1. Submittal of a complete design review application as set forth in GHMC 17.98.040.

2. A written statement describing the requested exception.

3. A written statement justifying the granting of the requested exception pursuant to the criteria of subsection D of this section.

C. Board Action. The board shall issue a recommendation to the ~~hearing examiner~~ director on an exception application.

D. Criteria for Approval. All of the following circumstances must be shown to exist for approval of a design exception:

1. Special conditions and circumstances exist which render a specific requirement of Chapter 17.99 GHMC, Design Manual, unnecessary, given the location and intended use of the proposed development;

2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant;

3. The special conditions and circumstances are not representative of typical retail, professional office or residential type development which may be allowed within the zoning district;

4. The requested exception is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;

5. Architectural changes in the project design as a result of the exception have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the exception have been sufficiently compensated by other site amenities; and

6. The requested exception will not result in a project which is inconsistent with the intent and general scope of the standards of Chapter 17.99 GHMC, Design Manual.

Section 79. Section 17.98.070 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.070 Recommendations, decisions and appeals.

A. The decision rendered by the director or the recommendation by the design review board shall be in writing. The design review board chair shall sign the recommendation to be forwarded to the ~~hearing examiner~~ director.

B. The decision/recommendation shall describe the facts surrounding the application; the applicable provisions of Chapter 17.99 GHMC, Design Manual, triggered by the application; include an analysis of the facts and applicable design manual provisions to the facts; and shall include conclusions supporting the approval, denial or recommendation for approval or denial under Chapter 17.99 GHMC, Design Manual.

C. ~~An administrative design review decision of the director may be appealed as set forth in GHMC Title 19 for a Type II project permit application. A recommendation of the design review board on an application or exception will be acted upon by the hearing examiner in an open record hearing either on the design review application or the underlying project permit application. An alternative design review decision may be appealed as set forth in GHMC Title 19 for a Type II project permit application.~~

Section 80. Section 17.98.080, in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 81. Section 17.98.090 in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.090 Duration of approval and expiration.

~~Construction on projects that receive design approval must commence within 24 months from the date of final design approval; otherwise, the approval of the project becomes null and void. The duration of design review approval and permit expiration shall be governed by GHMC Section 19.02.008.~~

Section 82. Section 17.99.340 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:

A. Choose fence materials carefully (IBE).

Fences shall be constructed of wood, wrought iron, brick, stone or concrete block (CMU). Smooth-faced concrete block must have a veneer finish on the side visible to the public's view. In commercial areas or recreation centers in residential areas, black, dark brown or other dark-toned, vinyl-coated chain link attached to wood posts and rails is permitted. Other materials which have the general appearance and visual

quality of approved fence materials may be approved by the ~~community development~~ director. However, the use of plywood or composition sheeting as a fence material is not permitted.

Section 83. Subsections 18.04.230(B and F) in the Environmental Review (SEPA) chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

18.04.230 Appeals.

* * *

B. Notice of Decision.

1. In the notice of decision issued by the city pursuant to GHMC ~~19.05.009~~ 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.

* * *

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 ~~19.05.009~~ 19.02.007 (or RCW 36.70B.130), ~~or after notice that a decision has been made and is appealable.~~

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.

* * *

Section 84. Section 18.08.206 in the Critical Areas chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.08.206 Reasonable use exceptions.

If the application of this chapter would preclude all reasonable use of a site, development may be permitted, consistent with the general purposes and intent of this chapter. Applications for a reasonable use permit shall be processed in accordance with the procedures established under GHMC Title 19 for a Type III project permit application.

A. Information Required. An application for a reasonable use exception shall be in writing to the department director and shall include the following information:

1. A description and map of the area of the site which is within a critical resource area or within the setbacks or buffers as required under this title;
2. The area of the site which is regulated under the respective setbacks (minimum yards) and maximum impervious coverage of the zoning code (GHMC Title 17);
3. An analysis of the impact that the amount of development proposed would have on the critical area as defined under this title;
4. An analysis of whether any other reasonable use with less impact on the critical area and buffer area, as required, is possible;
5. A design of the project as proposed as a reasonable use so that the development will have the least practicable impact on the critical area;
6. A description and analysis of the modification requested of the minimum requirements of this title to accommodate the proposed development;
7. Such other information as may be required by the department which is reasonable and necessary to evaluate the reasonable use respective to the proposed development.

B. Findings for Approval of Reasonable Use Exception. If an applicant successfully demonstrates that the requirements of this title would deny all reasonable use of a site, development may be permitted. The department director hearing examiner shall make written findings as follows:

1. There is no feasible alternative to the proposed development which has less impact on the critical area;
2. The proposed development does not present a threat to the public health, safety or welfare;
3. Any modification of the requirements of this title shall be the minimum necessary to allow for the reasonable use of the property;
4. The inability of the applicant to derive a reasonable use of the property is not the result of actions by the applicant which resulted in the creation of the undevelopable condition after the effective date of the ordinance codified in this title;

5. The proposal mitigates the impacts to the critical area to the maximum extent practicable, while maintaining the reasonable use of the site;

6. That all other provisions of this chapter apply excepting that which is the minimum necessary to allow for the reasonable use of the site or property. The ~~director~~ hearing examiner may impose any reasonable conditions on the granting of the reasonable use exception, consistent with the minimum requirements of this chapter.

C. ~~Notification of Decision. A decision by the director under this section shall be provided, in writing, to the applicant and all property owners adjacent to or abutting the site. The applicant shall be responsible for providing a current listing of all adjacent property owners along with application for a reasonable use exception. Notice of the decision shall be provided as set forth in GHMC 19.02.007.~~

D. ~~Appeal of Director's Decision. The decision of the director on a reasonable use exception may be appealed in accordance with the procedures established under GHMC Title 19.~~

E. ~~Limits of Applying Reasonable Use Exception. A reasonable use exception shall only be considered in those situations where a reasonable use would be prohibited under this title. An applicant who seeks an exception from the minimum requirements of this title shall request a variance under the provisions of this title.~~

F. ~~Time Limitation. A reasonable use exception shall be valid for a period of two years, unless an extension is granted by the department at least 30 days prior to the expiration date. Any extension granted shall be on a one-time basis and shall be valid for a period not to exceed one year. The time limit is void if the applicant fails to procure the necessary development permit within the time allotted. The department may grant a time extension if:~~

~~1. Unforeseen circumstances or conditions necessitate the extension of the development exception; and~~

~~2. Termination of the development exception would result in unreasonable hardship to the applicant, and the applicant is not responsible for the delay; and~~

~~3. The extension of the development exception will not cause adverse impacts to environmentally sensitive areas.~~

F. Duration of Approval and Expiration. The duration of reasonable use exception approval and permit expiration shall be governed by GHMC Section 19.02.008.

Section 85. Subsection 18.10.060(A) in the Flood Hazard Construction Standards chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

18.10.060 Administration.

A. Establishment of Development Permit – Flood Hazard Permit Required. A flood hazard permit shall be obtained before construction or development begins within any area of special flood hazard established in GHMC 18.10.050. The permit shall be for all structures including manufactured homes, as set forth in GHMC 18.10.040, Definitions, and for all development including fill and other activities, also as set forth in GHMC 18.10.040. However, structures that are excluded from the definition of substantial improvement shall not be subject to the flood hazard permit requirement. The permit shall be exempt from the following project permit processing requirements of GHMC Title 19: GHMC 19.01.002(B), Optional Consolidated Permit Processing; GHMC 19.02.003, Submission and acceptance of application; GHMC 19.02.004, Notice of application; RCW 36.70B.060(5) (single staff report with all decisions made as of the date of the report as to all project permits); RCW 36.70B.060(6) (requirement that there be no more than one open record hearing and one closed record appeal); GHMC 19.05.009-19.02.007(A), Notice of final decision; and GHMC 19.05.009(A) 19.02.007(B) (completion of application review within any applicable deadline).

* * *

Section 86. Subsection 19.01.002(C) in the Types of Project Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.01.002 Determination of proper procedure type.

* * *

C. Decisionmaker(s). Applications processed in accordance with subsection B of this section which have the same procedure number, but are assigned to different hearing bodies, shall be heard collectively by the highest decisionmaker; the city council being the highest body, followed by the hearing examiner or planning commission, as applicable, and then the director. Joint public hearings with other agencies shall be processed according to GHMC 19.01.004. ~~Concurrent public hearings held with the design review board and any other decisionmaker shall proceed with both decisionmakers present.~~

Section 87. Section 19.01.003 in the Types of Project Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.01.003 Project permit application framework.

A. Action Type.

PROCEDURE FOR PROJECT PERMIT APPLICATIONS (TYPE I – IV)						LEGISLATIVE
	TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
Recommendation made by:	N/A	N/A	N/A	N/A	N/A	Planning commission
Final decision made by:	Director	Director	Hearing examiner	Hearing examiner	City council	City council
Notice of application:	No	No <u>Yes</u>	Yes	Yes	Yes	No
Open record public hearing or open record appeal of a final decision:	No	Only if appealed, open record hearing before hearing examiner	Yes, before hearing examiner to render final decision	Yes, before hearing examiner to render final decision	No	Yes, before planning commission which makes recommendation to council
Closed record appeal/final decision:	No	No	No, only if site-specific rezone appealed, then before council	No	Yes, before council to render final decision	Yes, or council could hold its own hearing
Judicial appeal:	Yes	Yes	Yes	Yes	Yes	Yes

B. Decisions.

TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
<u>Permitted uses</u> not requiring site plan review <u>Final short plat</u>	<u>Preliminary</u> Short plat	Plat vacations and alterations	<u>Preliminary</u> <u>plats/ major</u> <u>preliminary</u> <u>plat</u> revisions	Final plats	Comprehensive plan amendments
<u>Boundary line</u> adjustments <u>Minor site plan</u> <u>review</u>	<u>Sign permits</u> <u>Major site plan</u> <u>review</u>	<u>Site plan/major</u> <u>amendments to</u> <u>site plans</u> <u>Conditional use</u> <u>permit</u>	Preliminary PRD/PUD	Final PRD/PUD	Development regulations amendments
Minor amendments to PUD/PRD	<u>Alternative</u> design review ¹	CUP, <u>g General</u> variances, sign permit variances, and site-specific	<u>Major</u> <u>amendment</u> <u>to PRD</u>		Zoning text amendments; area-wide zoning map

TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
		rezones			amendments
Special use permits	<u>Land clearing/grading</u> <u>Binding site plan</u>	Shoreline substantial development, shoreline variance, <u>shoreline conditional use</u> ²			Annexations
Temporary construction trailers	Revisions to shoreline management ² permits	Major amendments to <u>PRD</u> and PUD			
<u>Sign permits</u>	Administrative variances	Amendment to height restriction area map			
<u>Administrative design review</u> ¹	Administrative interpretations	Mobile/ manufactured home park or subdivision			
<u>Land clearing</u>	<u>Home occupation permit</u>	Performance-based height exception			
<u>Home occupation permit</u>	<u>Hardship variance, sign code</u>	Changes from one nonconforming use to another			
<u>Alternative landscape plan</u>	<u>Modification to landscape plans</u>	<u>Site-specific rezone</u>			
<u>Nonconforming review</u>	<u>Minor amendment to PRD or PUD</u>	<u>Critical area variances</u>			
<u>Minor preliminary plat revisions</u>	<u>Nonconforming review</u>	<u>Critical area reasonable use exceptions</u>			
<u>Boundary line adjustment</u>					

¹ In addition to the procedures in this title, applications for design review shall follow the procedures set forth in Chapter 17.98 GHMC.

² Refer to the Gig Harbor Shoreline Master Program for shoreline exemption procedures.

Section 88. Section 19.01.005 in the Types of Project Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.01.005 Legislative decisions.

- A. Decisions. The following decisions are legislative, and are not subject to the procedures in this title, unless otherwise specified:
 1. Zoning code text, and development regulations ~~and zoning~~ district amendments;
 2. Area-wide rezones to implement city policies;
 3. Adoption of the comprehensive plan and any plan amendments.
- B. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the city council on the decisions in subsection (A)(3) of this section. The planning commission shall also hold public hearings and make recommendations to the city council on the decisions in subsections (A)(1) and (2) of this section, except that the city council may hold a public hearing itself on those decisions set forth in subsections (A)(1) and (2) of this section. The public hearing shall be held in accordance with the requirements of Chapter 19.05 GHMC and RCW 36.70A.035 and all other applicable law.
- C. City Council. The city council may consider the planning commission's recommendation in a public hearing held in accordance with the requirements of Chapter 19.05 GHMC and RCW 36.70A.035 and all other applicable law. If the city council desires to hold a public hearing on any of the decisions set forth in subsections (A)(1) and (2) of this section, it may do so without forwarding the proposed decision to the planning commission for a hearing.
- D. Public Notice. Notice of the public hearing or public meeting shall be provided to the public as set forth in GHMC 19.03.003(B)(4).
- E. Implementation. City council decision shall be by ordinance or resolution and shall become effective on the effective date of the ordinance or resolution.

Section 89. Subsection 19.01.007(B) in the Types of Project Permits chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.01.007 Exemptions from project permit application processing.

* * *

- B. Pursuant RCW 36.70B.140(2), building permits, boundary line adjustments or other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (Chapter 43.21C RCW and the city's SEPA/environmental policy ordinance, Chapter 18.04 GHMC), or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the following procedures:

1. Notice of application (GHMC 19.02.004) unless an open record hearing is allowed on the project permit decision;
2. Except as provided in RCW 36.70B.140, optional consolidated project permit review processing (GHMC 19.01.002(B));
3. Joint public hearings (GHMC 19.01.004);
4. Single report stating all of the decisions and recommendations made as of the date of the report that do not require an open public record hearing (GHMC 19.05.002(C));
5. Notice of decision (GHMC 19.05.008 19.02.007(A)).

Section 90. Chapter 19.02 is hereby renamed to TYPE I – IV PROJECT PERMIT PROCESSING.

Section 91. Section 19.02.001 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.02.001 Optional preapplication conference.

- A. Prior to filing applications for project permit ~~Type III actions requiring a preliminary plat or site plan review and Type IV actions applications~~, the applicant may request a preapplication conference. The purpose of the preapplication conference is to acquaint the applicant with the requirements of the Gig Harbor Municipal Code.
- B. The conference shall be held within 28 days of the request.
- C. Five or more working days following the conference, the director shall provide the applicant with:
 1. A form which lists the requirements for a completed application;
 2. A general summary of the procedures to be used to process the application;
 3. The references to the relevant code provisions or development standards which may apply to approval of the application; ~~;~~
 4. The city's design guidelines.
- D. Neither the discussions at the conference nor the information provided on the form sent by the director to the applicant under GHMC 19.02.001(C) shall bind the director in any manner or prevent the director's future application or enforcement of all applicable codes, ordinances and regulations.
- E. ~~Preapplication conferences for all other types of applications are optional, and requests for conferences will be considered on a time-available basis by the director.~~

Section 92. Section 19.02.002 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows

19.02.002 Project permit application.

Applications for project permits shall be submitted on forms provided by the director. An application shall consist of all materials required by the

applicable development regulations, and shall include the following general information:

- A. A completed project permit application form;
- B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all owners of the affected property;
- C. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- D. The applicable fee;
- E. Evidence of adequate water supply as required by RCW 19.27.097 or a copy of an application for city of Gig Harbor water concurrency determination, ~~submitted to the city public works director~~; and
- F. Evidence of sewer availability or an application for a city of Gig Harbor sewer concurrency determination.

Section 93. Section 19.02.003 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.02.003 Submission and acceptance of application.

A. Submission of Project Permit Application and Associated Concurrency Application. Every project permit application must be accompanied by a concurrency application (under Chapter 19.10 GHMC), unless the development described in the application is exempt under Article I of Chapter 19.10 GHMC. The planning department shall immediately forward the concurrency application to the public works/engineering department for processing. The planning department shall then determine whether or not the project permit application is complete, following the procedures in this section.

B. The public works/engineering department shall notify the planning department within 28 days after initial receipt of the applications whether the concurrency application is complete or incomplete. The planning department shall not make a finding that the project permit application is complete under this section unless and until notified by the public works/engineering department that the concurrency application is complete.

C. Determination of Completeness. Within 28 days after receiving a project permit application, the city shall mail or personally deliver to the applicant a determination which states either:

1. That the application is complete; or
2. That the application is incomplete and what is necessary to make the application complete.

If an applicant chooses the optional consolidated permit review process set forth in GHMC 19.01.002(B), the determination of completeness shall include all project permits being reviewed through the consolidated permit review process.

D. Identification of Other Agencies with Jurisdiction. To the extent known by the city, other agencies with jurisdiction over the project shall be identified in the determination of completeness.

E. Additional Information. A project permit application is complete for the purposes of this section when it meets the submission requirements of GHMC 19.02.002, the submission requirements of the applicable development regulations, and when the public works/engineering department has determined that a complete concurrency application has been submitted. The determination of completeness shall be made when the application is sufficiently complete for review, even though additional information may be required or project modifications may be undertaken subsequently. The director's determination of completeness shall not preclude the director's ability to request additional information or studies whenever new information is required, or substantial changes are made to the proposed project.

F. Incomplete Applications.

1. Whenever the applicant receives a determination from the city that an application is not complete for either a project permit or concurrency application, the applicant shall have 90 days to submit the necessary information. Within 14 days after an applicant has submitted the requested additional information, the director shall make a determination of completeness and notify the applicant in the manner provided in subsection C of this section.

2. If the applicant does not submit the additional information requested within the 90-day period, for either the project permit or concurrency application, the director shall make findings and issue a decision, according to the Type I procedure described in GHMC 19.10.003 19.01.003, that the application has lapsed for lack of information necessary to complete the review. The decision shall state that no further action will be taken on the applications, and that if the applicant does not make arrangements to pick up the application materials from the planning and/or public works/engineering departments within 30 days from the date of the decision, the application materials will be destroyed.

3. When the director determines that an application has lapsed because the applicant has failed to submit required information within the necessary time period, the applicant may request a refund of the application fee remaining after the city's determination of completeness.

G. Director's Failure to Provide Determination of Completeness. A project permit application shall be deemed complete under this section if the director does not provide a written determination to the applicant that the application is incomplete as provided in subsection C of this section. This subsection G shall not apply to a concurrency application.

H. Date of Acceptance of Application. Project permit and concurrency applications shall not be officially accepted until complete. When an application is found complete, the director shall note the date of acceptance for continued processing.

~~I. After acceptance, the city shall begin processing the applications. Under no circumstances shall the city place any applications on "hold" to be processed at some later date, even if the request for the "hold" is made by the applicant, and regardless of the requested length of the "holding" period.~~

Section 94. Section 19.02.004 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.02.004 Notice of application.

A. Generally. A notice of application shall be provided to all city departments and agencies with jurisdiction of all Type II, III and IV project permit applications. In addition, a notice of application for all (1) nonresidential development, (2) multifamily residential development as defined in GHMC 17.04.290, (3) subdivisions, and (4) public projects, except for normal maintenance and repair, shall be sent to all members of the design review board as set forth in GHMC 17.98.045(E).

B. Issuance of Notice of Application.

1. Within 14 days after the city has made a determination of completeness pursuant to GHMC 19.02.003, the director shall issue a notice of application.

2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least 15 days prior to the open record hearing.

C. Contents. The notice of application shall include:

1. The date of submission of the initial application, the date of the notice of completion and acceptance of the application, and the date of the notice of application;

2. A description of the proposed project and a list of all the project permits requested in the application and, if applicable, a list of any studies requested under RCW 36.70B.070 or 36.70B.090;

3. A description of other required permits not included in the application, to the extent known by the city;

4. A description of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. A statement setting forth:

(a) t a. The time for the public comment period, which shall be not less than 14 nor more than 30 days following the date of notice of application. The public comment period for a notice of application of a permit under the purview of the city's shoreline master program (SMP) shall be not less than 30 days following the date of notice of application;

(b) t b. The right of any person to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision on the application; and

~~(c) a c.~~ Any appeal rights;

6. The date, time, place and type of hearing, if a hearing has been scheduled when the date of notice of application is issued;

7. If made at the time of notice of application, A-a summary of the preliminary determination of consistency required by GHMC 19.04.001, ~~if one has been made at the time of notice, and a statement of preliminary determination~~ of those development regulations that will be used for project mitigation ~~and as~~ provided in Chapter 19.04 GHMC;

8. Any other information determined appropriate by the director such as the director's threshold determination, if complete at the time of issuance of the notice of application.

D. Public Comment on the Notice of Application. All public comments received on the notice of application must be received in the department of planning by 5:00 p.m. on the last day of the comment period.

Comments may be mailed, personally delivered or sent by facsimile; provided, that mailed comments received after the comment period has expired will not be accepted. Comments should be as specific as possible.

E. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required, or an open record appeal hearing is allowed on the project permit decision.

Section 95. Section 19.02.005 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.02.005 Referral and review of project permit applications.

Within 10 days of accepting a complete application, the director shall:

A. Transmit a copy of the application, or appropriate parts of the application, to each affected government agency and city department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 days to comment on the application. The agency or city department is presumed to have no comments if comments are not received within the 15-day period. The director shall grant an extension of time only if the application involves unusual circumstances. ~~Extensions shall be for a maximum of three working days.~~

B. Provide for notice and hearing as set forth in Chapter 19.03 GHMC for Type III procedures.

Section 96. A new Section 19.02.006 is hereby added to the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.02.006 Expiration of Complete Applications

A. Whenever an applicant receives a determination from the city that additional information is needed to review a complete application or that

revisions are necessary to reach code compliance, the applicant shall have 90 days to submit the necessary information or revisions, or request a decision on the application. If the applicant responds in writing and indicates that more than 90 days is required to provide the additional information or revisions, the director may accept a reasonable timeline for submittal of all information requested or revisions.

B. If the applicant does not submit the information requested or revisions within the 90-day period, request a decision on the application or provide a submittal timeline acceptable to the director, the director shall send a certified letter to the applicant requesting the applicant to submit the information or revisions within 30 days or as otherwise determined by the director.

C. If the applicant does not submit the information requested or revisions within the 30-day period, the director shall make findings and issue a decision, according to the Type I procedure described in GHMC 19.01.003, that the application has expired for lack of information necessary to complete the review. The decision shall state that no further action will be taken on the expired application and that if the applicant does not make arrangements to pick up the application materials within 30 days from the date of the decision, the application materials may be destroyed.

D. Any associated project permit applications, concurrency applications or concurrency reservation certificates shall also expire if the underlying project permit application expires.

E. When the director determines that an application has expired, the applicant may request a refund of the application fee remaining as provided for the city's fee schedule.

F. Expiration of an application does not preclude the applicant from submitting new, complete project permit and concurrency applications which are substantially similar to the expired application.

Section 97. A new Section 19.02.007 is hereby added to the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.02.007 Project permit decisions.

A. Notice of Decision. A notice of decision on a project permit application shall be provided to the applicant, to any person who submitted comments on the application or requested a copy of the decision, and to the Pierce County Assessor-Treasurer.

B. Time period for decision. The director shall issue a notice of final decision on a project permit application within 120 days of the issuance of the determination of completeness pursuant to GHMC 19.02.003; provided, that the time period for issuance of a notice of final decision on a preliminary plat shall be 90 days, for a final plat 30 days, and a short plat 30 days.

1. In calculating the time period for decision for issuance of the notice of final decision, the following periods shall be excluded:
 - a. Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines that the additional information provided satisfies the request for information, or 14 days after the date the additional information is provided to the city;
 - b. If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in subsection (B)(1) of this section for calculating the exclusion period shall apply;
 - c. Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and GHMC Title 18. The time period for preparation of an EIS shall be governed by GHMC 18.04.140(C);
 - d. Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the director and the applicant;
 - e. Any extension of time mutually agreed to in writing by the director and the applicant.
2. The time limits established in subsection B of this section do not apply if a project permit application:
 - a. Requires an amendment to the comprehensive plan or a development regulation;
 - b. Requires siting approval of an essential public facility as provided in RCW 36.70A.200; or
 - c. Is substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director pursuant to GHMC 19.02.003 and RCW 36.70B.070.

C. Contents. The notice of decision shall include:

1. A list of all project permits included in the decision, including all permits being reviewed through the consolidated permit review process;
2. A date and description of the decision;
3. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW);
4. The procedures for administrative appeal, if any;
5. A statement that the affected property owners may request a change in property tax valuation notwithstanding any program of revaluation by contacting the Pierce County Assessor-Treasurer;
6. The duration of permit approval and a statement summarizing the permit expiration and extension procedures provided in GHMC 19.02.008;

7. A statement that the complete project permit file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place the file is available and the name and telephone number of the city representative to contact about reviewing the file;

8. The notice of decision can be a copy of the project permit decision provided the decision includes the contents required by this subsection.

D. Public notice of the final decision for Type II permits shall be pursuant to GHMC 19.03.004.

Section 98. A new Section 19.02.008 is hereby added to the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.02.008 Duration of permit approval and expiration of permits.

A. Duration of permit approval. A land use permit shall expire three (3) years from the date a permit is approved, except as specified in subsection C of this section.

B. When a project includes more than one land use permit, the expiration date of the land use permit with the longest permit approval duration shall govern all land use permits included in a project, except final plats, short plats and Type V decisions.

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 RCW 58.17;

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

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

D. Commencement of permit approval duration. The approval duration for a permit shall commence on the date of the land use permit decision; provided that in the event the decision is appealed, the effective date shall be the date of decision on appeal. The approval duration for a shoreline permit shall commence on the effective date of the permit as defined in WAC 173-27-090.

E. Expiration.

1. All land use permits become null and void and expire at the end of the permit approval period if, on the date the permit expires, a complete application for subsequent building permit or civil permit has not been submitted.

2. A complete application for subsequent building or civil permit will extend the validity of said land use permit as long as the building or civil permit is active.

3. For land use permits which do not require a building or civil permit, the land use permit does not expire if the use allowed by the project permit has been legally established prior to the expiration date of the project permit.

4. Once a use or development has been legally established, the land use permit will remain valid as long as the use and development is in compliance with the terms of the land use permit.

5. Conditional Use Permits. If a use or activity authorized by a conditional use permit is abandoned or discontinued for a continuous period of two years, the conditional use permit shall expire and the use or activity may not be reestablished unless authorized by a new conditional use permit.

F. Extensions. Upon written request by the property owner, prior to the date of land use permit expiration, the director may grant an extension of time up to but not exceeding one (1) year. Any extensions of time shall be based upon a finding that the land use permit is compliant with all applicable codes at the time of the extension request and there has been no material change of circumstances applicable to the property since project permit approval. The director shall not grant more than one (1) permit extension.

G. For the purposes of this section, land use permit is defined as any permit issued under Title 16, 17 or 18 of the Gig Harbor Municipal Code.

Section 99. A new Section 19.02.009 is hereby added to the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.02.009 Resubmission of application.

Any project permit application that is denied shall not be resubmitted or accepted by the director for reconsideration for a period of 12 months from the date of the last action by the city on the application or request unless, in the opinion of the director, there has been a significant change in the application or a significant change in conditions related to the impacts of the proposed project.

Section 100. Section 19.03.001 in the Public Notice chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.03.001 Public notice of application.

A. In addition to the notice of application for ~~Type III and Type IV~~ project permits required by GHMC 19.02.004, the director shall also provide public notice of Type II, Type III and Type IV site-specific project permit applications by posting the property, or by publication in the city's official

newspaper, and mailing. Public notice of non-site-specific project permit applications shall be by publication in the city's official newspaper. Public notice shall be provided within the timelines provided for in GHMC 19.02.004(B).

1. Posting A. Posted Notice. Posting of the property for site specific proposals shall consist of one or more notice boards as follows:

1. The posted notice shall contain at least the project location, description, type of permit(s) required, comment period dates, and a location where the complete application and notice of application may be reviewed.

a. 2. A single notice board shall be placed by the applicant:

i.a. At the midpoint of the street fronting the site or as otherwise directed by the director for maximum visibility;

ii.b. Five feet inside the street property line, except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street without approval of the director;

iii.c. So that the top of the notice board is between five to six feet above grade; and

iv.d. Where it is completely visible to pedestrians.

b.3. Additional notice boards may be required when:

i.a. The site does not abut a public road;

ii.b. A large site abuts more than one public road; or

iii.c. The director determines that additional notice boards are necessary to provide adequate public notice.

e.4. Notice boards shall be: maintained in good condition by the applicant during the department review period.

i. Maintained in good condition by the applicant during the notice period;

ii. In place at least 30 days prior to the date of any hearing, and at least 15 days prior to the end of any required comment period;

iii. Removed within 15 days after the end of the notice period.

d.5. Removal of the notice board prior to the end of the notice department review period shall be cause for discontinuance of the department review until the notice board is replaced and remains in place for the specified time period.

e.6. An affidavit of posting shall be submitted to the director by the applicant at least 10 days prior to the hearing or final comment date. If an affidavit is not filed as required, any scheduled hearing or date by which the public may comment on the application shall be postponed until there is compliance with the notice requirement.

f.7. Notice boards shall be constructed and installed in accordance with specifications promulgated by the director.

2.B. Published Notice. Notice shall be published in the city's official newspaper or in a newspaper of general circulation, and shall contain at least the project location, description, type of permit(s) required, comment

period dates, and a location where the complete application and notice of application may be reviewed.

C. Mailed Notice. Mailed notice for site specific proposals shall consist of the following:

1. The contents for the mailed notice shall be consistent with GHMC 19.02.004(C).
2. Notice shall be mailed to all property owners within 300 feet of the subject property;
3. For Type III Preliminary Plat Actions, mailed notice shall also include the following:
 - a. Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of any city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities;
 - b. Notice of the filing of a preliminary plat of a proposed subdivision adjoining the boundaries of Pierce County shall be given to the appropriate county officials;
 - c. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation.

3. Shoreline Master Program (SMP) Permits.

a. Methods of Providing SMP Notice. Notice of the application of a permit under the purview of the city's shoreline master program (SMP) shall be given by one or more of the following methods:

- i. Mailing of the notice to real property owners as shown by the records of the county assessor within 300 feet of the boundary of the property upon which the proposed project is to be built;
- ii. Posting of the notice in a conspicuous manner, as determined by the director, on the property upon which the project is to be constructed; or
- iii. Any other manner deemed appropriate by the director to accomplish the objectives of reasonable notice to adjacent landowners and the public.

b. Content of SMP Notice. SMP notices shall include:

i. A statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application, may submit comments, or requests for the decision, to the director within 30 days of the last date that notice is published pursuant to this subsection;

ii.b. A statement that any person may submit oral or written comments at the hearing;

iii.c. An explanation of the manner in which the public may obtain a copy of the city's decision on the application no later than two days after its issuance.

~~c. Public Comment Period. The public comment period shall be 20 days.~~

~~d. The director shall mail or otherwise deliver a copy of the decision to each person who submits comments or a written request for the decisions.~~

Section 101. Section 19.03.003 in the Public Notice chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.03.003 Notice of public hearing.

A. Content of Notice of Public Hearing for All Applications. The notice of a public hearing required by this chapter shall contain:

1. The name and address of the applicant and the applicant's representative;
2. A description of the subject property reasonably sufficient to inform the public of its location, including but not limited to a vicinity location or written description, a map or postal address, and a subdivision lot and block designation, but need not include a legal description;
3. The date, time and place of the hearing;
4. The nature of the proposed use or development;
5. A statement that all interested persons may appear and provide testimony;
6. The sections of the code that are pertinent to the hearing procedure;

7. A statement of any threshold determination made under SEPA (Chapter 43.21C RCW).

7. 8. A statement explaining when information may be examined, and when and how written comments addressing findings required for a decision by the hearing body may be admitted;

8. 9. The name of a city representative to contact and the telephone number where additional information may be obtained;

9. 10. A statement that a copy of the application, all documents and evidence relied upon by the applicant, and applicable criteria are available for inspection at no cost and that copies will be provided at the requestor's cost; and

10. 11. A statement explaining that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and that copies will be provided at the requestor's cost.

B. Mailed Notice. Mailed notice of the public hearing shall be provided as follows:

1. Type I, Type II, and Type IV Actions. No public notice is required because no public hearing is held, except for an appeal of a Type II action.

2. Type III Actions and appeal of Type II actions. The notice of the public hearing shall be mailed to:

- a. The applicant;

b. All owners of property within 300 feet of the subject property for site-specific proposals;

c. Any person who submits written or oral comments on an application;

d. For a plat alteration or a plat vacation pursuant to Chapter 16.07 GHMC, notice shall be as provided in RCW 58.17.080 and 58.17.090;

e. For appeal of Type II actions, all parties who received a copy of the notice of decision.

3. Type III Preliminary Plat Actions. In addition to the notice provided for Type III actions above, notice for public hearings on preliminary plats and proposed subdivisions shall also include the following:

a. ~~Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of any city or town, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities;~~

b. ~~Notice of the filing of a preliminary plat of a proposed subdivision adjoining the boundaries of Pierce County shall be given to the appropriate county officials;~~

c. ~~Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation;~~

d. Special notice of the hearing shall be given to adjacent landowners by any method deemed reasonable by the director. Adjacent landowners are owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under RCW 58.17.909090(1)(b) shall be given to owners of real property located with 300 feet from any portion of the boundaries of the adjacent parcels owned by the owner of the real property to be subdivided.

4. ~~Type V Actions. For Type V legislative actions, the city shall publish notice as described in subsection A of this section in the city's official newspaper.~~

5. 4. General Procedure for Mailed Notice of Public Hearing.

a. The records of the Pierce County assessor's office shall be used for determining the property owner of record. Addresses for a mailed notice required by this code shall be obtained from the applicable county's real property tax records. The director shall cause to be issued a sworn certificate of mailing transmittal to all persons entitled to notice under this chapter. The director may provide notice to persons other than those required to receive notice under the code.

b. All mailed public notices shall be deemed to have been received on the next business day following the day that the notice is deposited in the mail.

C. Procedure for Posted or Published Notice of Public Hearing.

1. Posted notice of the public hearing is required for all Type III and IV project permit applications. The posted notice shall be posted as required by GHMC 19.03.001(A)(1).

2. Published notice is required for all Type III, IV and V procedures and appeals of Type II actions. Notice shall be published in the city's official newspaper.

D. Time and Cost of Notice of Public Hearing.

1. For all Type III procedures and appeals of Type II actions,

Notice shall be mailed, posted and first published not less than 10 nor more than 30 days prior to the hearing date. Posted notices shall be removed by the applicant within 15 days following the public hearing.

2. For Type V procedures, published notice shall occur prior to the public hearing.

2.3. All costs associated with the public notice shall be borne by the applicant.

Section 102. A new Section 19.03.004 is hereby added to the Public Notice chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.03.004 Public notice of decision.

In addition to the provisions in GHMC 19.02.007, the director shall provide a notice of the decision on a Type II site-specific project permit applications to the public by mailing the notice of decision, consistent with GHMC 19.02.007(C), to all owners of property within 300 feet of the subject property.

Section 103. Section 19.05.001 in the Open Record Public Hearings chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.05.001 General.

Public hearings on all Type II, III, III-A and V project permit applications shall be conducted in accordance with this chapter. Public hearings conducted by the city hearing examiner shall also be subject to the hearing examiner's rules.

Section 104. Section 19.05.002 in the Open Record Public Hearings chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.05.002 Responsibility of director for hearing.

The director shall:

- A. Schedule project applications for review and public hearing;
- B. Provide the required notice;

C. Prepare the staff report on the application, which shall be a single report which sets forth all of the decisions made on the proposal as of the date of the report, including recommendations on project permits in the consolidated permit process that do not require an open record predecision hearing. The report shall also describe any mitigation required or proposed under the city's development regulations or SEPA authority. If the threshold determination, other than a determination of significance, has not been issued previously by the city the report shall include or append this determination. ~~With Type I or II project permit applications, this report may be the permit;~~

D. Prepare the notice of decision, if required by the hearing body, and mail a copy of the notice of decision to those entitled by this chapter Title to receive the decision.

Section 105. Section 19.05.008 in the Open Record Public Hearings chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.05.008 Decision.

A. Following the hearing procedure described in GHMC 19.05.007, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse or, with the written consent of the applicant, which shall include a waiver of the statutory prohibition against two open record hearings, remand the decision for additional information.

B. The hearing body's written decision shall issue within 10 working days after close of record of the hearing and within 90 days of the opening of the hearing, unless a longer period is agreed to by the parties.

~~C. The city shall provide a notice of decision that also includes a statement of any threshold determination made under SEPA (Chapter 43.21C RCW) and the procedures for administrative appeal, if any. For Type II, III and IV project permits, the notice of decision on the issued permit shall contain the requirements set forth in GHMC 19.05.002(C).~~

~~D. The notice of decision shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application.~~

~~E. C. Notice of the decision shall be provided to the public as set forth in GHMC 19.03.003 (B)(2)(a) and (B)(2)(c) 19.02.007.~~

~~F. D. If the city is unable to issue its final decision on a project permit application within the time limits provided for in this section, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.~~

Section 106. Section 19.05.009, in the Open Record Public Hearings chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 107. Subsection 19.05.010(I) in the Open Record Public Hearings chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.05.010 Reconsideration of decision.

* * *

I. Notice of Final Decision on Reconsideration. The director shall issue a notice of final decision on reconsideration in the manner set forth and to the persons identified in GHMC 19.05.009 19.02.007.

* * *

Section 108. Chapter 19.06 is hereby renamed to OPEN AND CLOSED RECORD APPEALS; CLOSED RECORD DECISIONS.

Section 109. Section 19.06.001 in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.06.001 Appeals of decisions Right of appeal.

The right of appeal for all project permit applications and Type V land use decisions shall be as described in the matrix set forth in GHMC 19.01.003.

Section 110. Section 19.06.003 in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.06.003 Standing to initiate an administrative appeal.

A. Limited to Parties of Record. Only parties of record may file an administrative appeal.

B. Definition. The term “parties of record,” for the purposes of this chapter, shall mean:

1. The applicant;

2. Any person who testified at the open record public hearing on the application;

3. Any person who submitted written comments concerning the application ~~at the open record public hearing~~ (excluding persons who have only signed petitions or mechanically produced form letters); and/or

4. The Gig Harbor city council;

5. Property owners within 300 feet of the property subject to the project permit; and/or

6. Any person who can demonstrate he/she is aggrieved by the decision.

Section 111. Section 19.06.004 in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.06.004 Appeals of recommendations and decisions.

A. Permit Decisions or Recommendations. Appeals of a ~~hearing body's recommendation or decision or recommendation and project permit application~~ shall be governed by the following:

1. A. Standing. Only parties of record have standing to appeal the ~~hearing body's~~ decision.
2. B. Time to File. An appeal must be filed within ~~10 working 14 days of the issuance of the hearing body's written decision after the issuance of the notice of decision.~~ Appeals shall be delivered to the director by mail, by personal delivery or by fax before 5:00 p.m. on the last business day of the appeal period. Appeals received by mail after 5:00 p.m. on the last day of the appeal period will not be accepted, no matter when such appeals were mailed or postmarked.

3. C. Computation of Time. For the purposes of computing the time for filing an appeal, the day the ~~hearing body's~~ decision is issued shall not be counted. If the last day of the appeal is a Saturday, Sunday, or holiday designated by RCW 1.16.050 or by a city ordinance, then the appeal must be filed on the next business day.

4. D. Content of Appeal. Appeals shall be in writing, be accompanied by the required appeal fee, and contain the following information:

- a. 1. Appellant's name, address and phone number;
- b. 2. A statement describing appellant's standing to appeal;
- c. 3. Identification of the application which is the subject of the appeal;
- d. 4. 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;
- e. 5. The specific relief sought;
- f. 6. A statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

5. E. Effect. The timely filing of an appeal shall stay the hearing body's decision until such time as the appeal is concluded or withdrawn.

F. Burden of Proof. The appellant shall bear the burden to demonstrate that substantial evidence does not exist in the administrative record to support the decision of the hearing body/officer.

G. Standard of Review. The appeal body/officer shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body/officer. The appeal body/officer may affirm, modify or reverse the decision of the hearing body/officer. Reasonable determinations by the body or officer that made the decision shall be accorded substantial weight.

H. Remand. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in GHMC 19.02.007, as allowed by RCW 36.70B.080(3), the appeal body/officer may remand the decision to the hearing body for additional information.

~~6. Notice of Appeal. The director shall provide mailed notice of the appeal to all parties of record as defined in GHMC 19.06.003.~~

Section 112. Section 19.06.006 in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby renumbered to 19.06.008 and amended, to read as follows:

19.06.006 19.06.008 Judicial appeals.

The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Pierce County ~~s~~Superior ~~c~~Court. Such petition must be filed within 21 days after issuance of the decision, as provided in Chapter 36.70C RCW.

Section 113. Section 19.06.005 in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby renumbered to 19.06.006 and amended, to read as follows:

19.06.005 19.06.006 Procedure for closed record decision/appeal.

A. Closed record appeals shall be on the record established at the open record hearing before the hearing body/officer whose decision is appealed, which shall include the written decision of the hearing body/officer, a transcript or tape recording of the proceedings, and copies of any exhibits admitted into the record.

B. No new testimony or other evidence will be accepted by the appeal body/officer except: (1) new information that was unknown to the parties at the time of the hearing which could not reasonably have been discovered by the parties and is necessary for a just resolution of the appeal; and (2) relevant information that, in the opinion of the appeal body/officer, was improperly excluded by the hearing body/officer. Appellants who believe that information was improperly excluded must specifically request, in writing prior to the closed record appeal hearing, that the information be made part of the record. The request shall describe the information excluded, its relevance to the issues appealed, the reason(s) that the information was excluded by the hearing body/officer, and why the hearing body/officer erred in excluding the information. No reference to excluded information shall be made in any presentation to the appeal body/officer on the merits, written or oral, until the appeal body/officer has determined that the information should be admitted.

C. Parties to the appeal may present written and/or oral arguments to the appeal body/officer. Argument shall describe the particular errors committed by the hearing body/officer, with specific references to the administrative record. ~~The appellant shall bear the burden to demonstrate~~

~~that substantial evidence does not exist in the administrative record to support the decision of the hearing body/officer.~~

D. The hearing shall commence with a presentation by the director, or the director's designee, of the general background of the proposed development and the issues in dispute. After the director's presentation, the appellant(s) shall first present oral argument, and then the other parties of record shall make their arguments. The appeal body/officer may question any party concerning disputed issues, but shall not request information not in the administrative record.

~~E. The appeal body/officer shall determine whether there is substantial evidence in the administrative record to support the decision of the hearing body/officer. The appeal body/officer may affirm, modify or reverse the decision of the hearing body/officer. Upon written agreement by the applicant to waive the requirement for a decision within the time periods set forth in RCW 36.70B.080, as allowed by RCW 36.70B.080(3), the appeal body/officer may remand the decision to the hearing body for additional information.~~

~~F. Open Record Appeal Hearings. An open record appeal hearing shall be conducted in the manner set forth in Chapter 19.05 GHMC.~~

Section 114. A new Section 19.06.005 is hereby added to the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.06.005 Procedure for open record appeal hearing.

A. An open record appeal hearing shall be conducted in the manner set forth in Chapter 19.05 GHMC. The provisions of this chapter shall prevail in the event of conflict with Chapter 19.05 GHMC.

B. Public Notice. Public notice of the open record appeal hearing shall be mailed and published pursuant to GHMC 19.03.003.

C. An open record appeal hearing on a site plan review decision pursuant to Chapter 17.96 GHMC shall be heard by the hearing examiner de novo.

Section 115. Section 19.06.007, in the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 116. A new Section 19.06.007 is hereby added to the Open and Closed Record Appeals; Closed Record Decisions chapter of the Gig Harbor Municipal Code, which shall read as follows:

19.06.007 Closed record decisions.

If the City Council determines that the applicable criteria have been met for a Type IV permit, the City Council shall approve the permit by resolution.

Section 117. Subsection 19.08.040(D) in the Development Agreements chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.08.040 Processing procedure for development agreements.

* * *

D. Public Notice. All public meetings and public hearings on a development agreement shall be noticed as follows:

1. Not less than 10 days prior to the public hearing date, a notice of the public hearing shall be sent to property owners within 300 feet of the property subject to the development agreement and to others who have submitted comments and/or requested notice.

2. Notice of the public hearing shall be posted on the property subject to the development agreement not less than 10 days prior to the hearing date. Notice shall be posted in the manner required by GHMC 19.03.001(A)(1).

3. Notice of the public meeting shall be published in the city's official newspaper not less than 10 days prior to the meeting date.

4. The notice of the public hearing shall contain all items listed in GHMC 19.03.003(A).

5. All costs associated with the public notice shall be borne by the applicant.

Section 118. Section 19.09.180 in the Amending the Comprehensive Plan chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.09.180 Adoption and rejection.

The city council's decision to adopt or reject the proposed comprehensive plan amendments shall be adopted by ordinance. The city council's decision to reject the proposed comprehensive plan amendments shall be by resolution.

Section 119. Subsection 19.10.020(A) in the Concurrency Management chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.10.020 Expiration and extensions of time.

A. Expiration. If a certificate of occupancy has not been requested prior to the expiration of the underlying permit or termination of the associated development agreement, the director shall convert the reserved capacity to available capacity for the use of other developments. The act of requesting a certificate of occupancy before expiration of the CRC shall only convert the reserved capacity to used capacity if the building inspector finds that the project actually conforms with applicable codes. If a complete underlying project permit application is expired as provided for in GHMC 19.02.006, the director shall convert any reserved capacity allocated to the underlying project permit to available capacity for the use by other developments.

* * *

Section 120. Existing Site Plan Applications. Site plan applications which were deemed complete prior to the effective date of this ordinance may be processed under the provisions of this ordinance if the applicable noticing requirements of this ordinance have been met.

Section 121. Retroactive Application and Sunset Clause. The provisions of Section 8 amending GHMC 16.06.003 and 16.06.006 shall be effective retroactively to June 10, 2010 and shall continue through December 31, 2014. Unless otherwise provided, effective January 1, 2015, the time frame in Section 16.06.003 for submission of a final plat for approval and the period in Section 16.06.006 for valid land use shall be five years.

Section 122. 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 123. Effective Date. Section 120 of the Ordinance shall take effect within 5 days after publication of a summary of this Ordinance. The remaining provisions of this Ordinance shall take effect and be in full force on January 1, 2011.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 27th day of September, 2010.

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: 09/08/10

PASSED BY THE CITY COUNCIL: 09/27/10

PUBLISHED: 10/06/10

EFFECTIVE DATE: Section 120: 10/11/10 The remainder: 01/01/11

ORDINANCE NO: 1197