

ORDINANCE NO. 1084

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REQUIREMENTS FOR THE PROVISION OF PUBLIC NOTICE FOR DESIGN REVIEW BOARD MEETINGS TO ADDRESS SCHEDULING AND OTHER PRACTICAL ISSUES; AMENDING SECTION 17.98.050 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, public meetings held by the design review board are required to be noticed in the same manner as public hearings for land use applications; and,

WHEREAS, in order to meet the noticing requirements of a public hearing, the agenda for design review board meetings must be finalized approximately 4 weeks prior to the meeting date; and

WHEREAS, finalizing the agenda four weeks prior to a meeting discourages applicants from using the design review board review process, as once a project is ready for DRB review it must wait four weeks before the meeting; and

WHEREAS, the four week noticing timeline does not align with the twice a month DRB meeting schedule; therefore, projects which require multiple meetings at the DRB, or have to reschedule a DRB meeting, may have to skip a normally scheduled meeting to allow for noticing requirements; and

WHEREAS, a two week noticing timeline will still allow for notice of property owners within 300 feet, posting the property and advertising in the city's official newspaper and would align with the design review board's twice-monthly schedule and reduce wait times for applicants; and

WHEREAS, reducing the four week advance noticing timeline does not affect the public's ability to be able to prepare for and attend the Design Review Board meetings, and even if any member of the public misses a notice for the Design Review Board, notice will be provided for the Hearing Examiner's open record public hearing at least four weeks in advance; and

WHEREAS, the City's SEPA Responsible Official issued a determination that the adoption of this Ordinance is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on March 16, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 15, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on May 14, 2007; and

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

Section 1. Subsection 17.98.050(C)(5) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.050 Design review and project approval.

* * *

C. Design Review Board Recommendation. A design review application requesting review by the design review board shall be processed as follows:

1. The board shall review an application or that portion of an application which does not strictly conform to the specific requirements of Chapter 17.99 GHMC, Design Manual, under the following criteria:
 - a. Whether the alternative design presented by the application represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and
 - b. Whether the alternative design meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual. The design review board shall not review or make a recommendation on any application or portion of an application that does not satisfy all other applicable codes.
2. The board's processing of an application or portion of an application under this subsection is exempt from project permit processing in GHMC Title 19. If an applicant chooses to submit an application for review by the board, it shall submit a written waiver acknowledging that the application or portion thereof will not be processed under GHMC Title 19, except to the extent described in this subsection B.
3. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the board shall only provide preliminary recommendations on each category. Once the city has received a complete application for all categories listed in GHMC 17.98.040, the board shall issue a final recommendation on those portions of the application submitted for design review board review. This

recommendation may be different from the preliminary recommendation provided on each of the categories listed in GHMC 17.98.040 with regard to each category.

4. A notice of complete application shall be issued on the application once the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection, as set forth in GHMC Title 19 for a Type III project permit application.

5. An application for the board's review of a category listed in GHMC 17.98.040 or a complete application shall proceed as follows:

a. Not less than 14 days prior to the meeting date, tThe 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. The public meeting shall be scheduled to be held in the same manner as a public hearing, as set forth in GHMC 19.03.003. Notice of the public meeting shall be posted on the subject property not less than 7 days prior to the meeting date. The posted notices 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 7 days prior to the meeting date.

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

e. e. The board shall hold a public meeting on the application or the portion of the application.

f. f. After the public meeting, the city staff shall draft the board's preliminary recommendation or recommendation on the application or portion thereof.

g. e. Once the board makes a recommendation on a complete application has received a recommendation from the board, an open public hearing before the hearing examiner shall be scheduled for the application or both the application and the underlying permit application.

h. f. Notice of the public hearing before the hearing examiner shall be sent as provided in GHMC 19.03.003.

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

Section 3. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 14th day of May, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 04/18/07
PASSED BY THE CITY COUNCIL: 05/14/07
PUBLISHED: 05/23/07
EFFECTIVE DATE: 05/28/07
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