

ORDINANCE NO. 1043

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, CLARIFYING THE PROCEDURE FOR SUBMISSION, ACCEPTANCE, DETERMINATIONS OF COMPLETENESS, REQUESTS FOR ADDITIONAL INFORMATION, LAPsing OF INCOMPLETE APPLICATIONS, PROHIBITING THE "HOLDING" AND CESSATION OF PROCESSING OF ANY APPLICATIONS, EVEN IF THE REQUEST FOR SUCH "HOLDING" IS MADE BY THE APPLICANT.

WHEREAS, the City's procedures for project permit processing are described in title 19 GHMC, and follow the requirements in chapter 36.70B RCW; and

WHEREAS, the City is required to process applications within certain time periods established by state law and City ordinance; and

WHEREAS, the City has adopted a concurrency ordinance that requires a finding that the development or activity described in the project permit application be concurrent with the City's road facilities and water availability; and

WHEREAS, in situations where there is no concurrency on the City's road system, applicants have requested that the City "hold" their applications indefinitely, in the apparent hope that the necessary road facilities will be constructed in the future; and

WHEREAS, such construction of the necessary road facilities may not occur until years in the future; and

WHEREAS, the City cannot "hold" applications indefinitely, providing applicants with the ability to vest rights to development regulations that existed at the time the application was determined complete; and

WHEREAS, to clarify this process, the code will be amended to describe the procedure for handling applications where concurrency is not available; and

WHEREAS, the City's SEPA Responsible Official determined that this ordinance is categorically exempt under WAC 197-11-800(23); and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of April, 24, 2006 and at its regular City Council meeting of May 8, 2006; Now, Therefore,

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

Section 1. Section 19.02.003 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 Part 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.

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 A-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, 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, that 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 A-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 accept it and 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 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 8th day of May, 2006.

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: 4/20/06
PASSED BY THE CITY COUNCIL: 5/8/06
PUBLISHED: 5/17/06
EFFECTIVE DATE: 5/22/06
ORDINANCE NO: 1043