

## **ORDINANCE NO. 993**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE DUTIES OF THE DESIGN REVIEW BOARD AND EXPANDING AND REDEFINING THE DESIGN REVIEW BOARD'S ROLE AND QUALIFICATIONS TO SERVE AS THE LOCAL REVIEW BOARD FOR PURPOSES OF HISTORIC PRESERVATION AND AS REQUIRED FOR CERTIFIED LOCAL GOVERNMENT STATUS; AMENDING GHMC SECTION 2.21.010 TO INCREASE DRB MEMBERSHIP TO SEVEN MEMBERS; AMENDING GHMC SECTION 2.21.020 TO REDEFINE THE DRB'S QUALIFICATIONS AND TO EXTEND DRB MEMBER TERMS FROM TWO YEARS TO FOUR YEARS; AMENDING GHMC SECTION 2.21.030 AND SECTION 2.21.040 TO EMPHASIZE HISTORIC PRESERVATION IN THE DRB'S DEFINED RESPONSIBILITIES; AMENDING GHMC SECTION 2.21.050 TO CLARIFY THE DRB'S ROLE AS A RECOMMENDING BODY RATHER THAN A DECISION MAKING BODY**

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WHEREAS, the historical structures, sites and districts in the City of Gig Harbor are an integral part of the heritage, education, economic base and visual quality of the City; and

WHEREAS, the recognition, enhancement, perpetuation and continued use of the City's historic resources will promote civic pride and the prosperity and general welfare of the City's inhabitants, and

WHEREAS, the City of Gig Harbor has adopted Ordinance No. 992 for purposes of establishing a historic preservation program in the City of Gig Harbor and to become eligible for certified local government (CLG) status; and

WHEREAS, the Certified Local Government (CLG) program administered by the Department of the Interior through the State of Washington and the historic preservation ordinance No. 992 adopted by the City of Gig Harbor requires a local review board (LRB) to carry out the duties of the CLG and historic preservation objectives; and

WHEREAS, the City's existing Design Review Board serves some of the same purposes as a local review board and could easily serve the duties of the local review

board with expanded membership and an expanded list of qualifications to serve on the Design Review Board; and

WHEREAS, the City SEPA Responsible Official issued a Determination of Non-significance (DNS) on January 28, 2005 for this Ordinance; and

WHEREAS, on January 28, 2005, a copy of this Ordinance was sent to the Washington State Department of Community Trade and Development; and

WHEREAS, on March 3, 2005, the Planning Commission held a public hearing on this Ordinance and recommended approval to the City Council:

WHEREAS, on March 14, 2005, the City Council considered the Planning Commission's recommendation at a regular City Council meeting; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 2.21.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.21.010 Creation of design review board.**

A design review board (also referred to as DRB) is hereby created. The design review board shall consist of ~~five~~ seven members, ~~one of whom shall be a member of the planning commission.~~ The design review board shall interpret, review and implement design review as provided by the city's adopted design manual in GHMC Chapter 17.99, and also promote an awareness of the City's history and preservation of the City's historic buildings (Ord. 736 § 1, 1996).

Section 2. Section 2.21.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.21.020 Terms, ~~and qualifications~~ and appointment of members.**

A. Members of the design review board shall serve terms of ~~two~~ four years. The terms shall be staggered. Terms expire on July 1st but members of the design review board shall continue to serve until their successors are appointed and qualified. ~~The member appointed from the planning commission shall serve a term of two years, but a vacancy shall occur in the event the person ceases to be a member of the planning commission.~~ The city council shall appoint a new DRB member to fill vacancies that might arise and such appointments shall be to the end of the vacating member's term.

B. ~~The city council shall choose design~~ Design review board members shall have with qualifications, skills or demonstrated interest in ~~one or more of the following six categories: urban design or historic preservation and must be able to demonstrate the ability to read and interpret site plans, elevation drawings, landscape plans, architectural details and other design~~

details and specifications as may be depicted on plans. Members shall be selected by the Council from at least 4 four of the following categories:

1. A licensed architect or professional building designer with demonstrated experience in urban or historic building design. (At least one member shall be selected from this category);
2. A member living in the city resident with demonstrated interest and knowledge of urban design (no more than one member shall be selected from this category);
3. A member from the Gig Harbor planning commission. (No more than one member shall be selected from this category);
4. A member with a professional background relating to urban design, (e.g., a professional artist, an civil engineer, a planner, a building contractor or professional designer) as determined by the city council;
5. A member with demonstrated interest and knowledge of landscaping, horticulture, arboriculture or forestry;
6. One or more members recommended by or associated with one of the following groups: the Gig Harbor Chamber of Commerce; the Peninsula Historical Society; a local neighborhood or homeowner's association. (Ord. 736 § 1, 1996).
6. An individual with a background in identifying, evaluating and protecting historic resources, selected from among the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation or landscape architecture, or related disciplines. (At least two members should be selected from this category) Members in this categories may participate in all applications reviewed by the DRB pursuant to Chapter 17.99 GHMC (Design Manual), but shall participate in applications received pursuant to Chapter 17.97 GHMC (Historic Preservation).

The DRB action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the required categorical positions, as long as there is a quorum, unless DRB action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the City and the State Historic Preservation Officer on behalf of the Mayor, and the State Historic Preservation Officer on behalf of the State.

C. Application for Design Review Board Appointment. Individuals wishing to serve, or to be reappointed to serve, on the Design Review Board shall submit a letter of interest to the City Clerk. The letter of interest shall state which category of Section 2.21.020(B) the individual wishes to serve under, and shall cite personal experience or credentials in that category. The City Council shall consider which individual has the most direct experience in that category and give weight in their decision to experience over general interest.

Section 3. Section 2.21.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

### **2.21.030 Purposes.**

The purposes of the design review board are:

A. To assure that outdoor projects and exterior improvements subject to design review conform to the city's design manual; To implement procedures related to the City's Design Manual as described in Chapter 17.98, GHMC.

- B. To protect and enhance Gig Harbor's small town characteristics by assuring that decisions on design reflect the intent of the city's design manual and the design element of the city's comprehensive plan;
- C. To make suggestions on design alternatives which meet the needs of the property or business owner and which are consistent with and meet the intent of the city's design policies;
- D. To make recommendations to the planning commission and city council on policies and ordinances that may affect the city's design and visual character. (Ord. 736 § 1, 1996).
- E. To identify and actively encourage the conservation of the City of Gig Harbor's historic resources by initiating and maintaining a register of historic places and reviewing proposed changes to register properties;
- F. To raise community awareness of the City of Gig harbor's history and historic resources;
- G. To serve as the City's primary resource in matters of historic preservation.
- H. To serve as the City's local review board as defined in WAC 254-20-030(8) and Chapter 17.97 GHMC.

Section 4. Section 2.21.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.21.040 Additional powers and duties.**

In addition to the powers set forth in GHMC 2.21.030, the design review board shall:

- ~~A. Determine if outdoor project designs subject to design review are in compliance with the general requirements of the design manual and shall approve, approve with conditions, or disapprove proposed designs. The design review board shall state specific reasons for disapproval so that the applicant has an opportunity to address those concerns;~~
- ~~B. A.~~ Recommend to the planning commission for adoption standards to be used by the city or design review board in reviewing outdoor proposals within city limits or its areas of contractual jurisdiction;
- ~~C. B.~~ Recommend to the city council the purchase of interests in property for purposes of preserving the city's visual characteristics or implementing the provisions of the city's design manual or the design element of the city's comprehensive plan;
- ~~D. C.~~ Advise the city council on possible incentives to preserve historic structures within the city's historic district;
- ~~E. D.~~ Recommend to the planning commission and the city council zoning boundary changes which are consistent with the city's design manual and the design element of the city's comprehensive plan;
- ~~F. E.~~ Recommend to the planning commission and the city council changes to the Gig Harbor Municipal Code and public works standards which reinforce the purpose of the city's design manual and the design element of the city's comprehensive plan;
- ~~G. F.~~ Provide advice and guidance on request of the property owner or occupant on the restoration, alteration, decoration, landscaping, or maintenance of any structure or site within the city's jurisdiction.
- G. To carry out all activities related to historic preservation as anticipated under the Certified Local Government (CLG) program as provided in Chapter 17.97 GHMC. In carrying out these responsibilities, the DRB shall engage in the following:
  - 1. Conduct and maintain a comprehensive inventory of historic resources within the boundaries of the City of Gig Harbor and known as the City of Gig Harbor Historic Inventory, and publicize and periodically update inventory results.

2. Initiate and maintain the City of Gig Harbor's Register of Historic Places. This official register shall be compiled of buildings, structures, sites, and objects identified by the DRB as having historic significance worthy of recognition and protection by the City and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties.
3. Review nominations to the City of Gig Harbor's Register of Historic Places according to adopted criteria.
4. Review proposals to construct, change, alter, modify, remodel, move, demolish, or significantly affect properties or districts on the register as provided in Section 17.97.050.
5. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resources.
6. Establish liaison support, communication and cooperation with federal, state and other local government entities which will further historic preservation objectives, including public education, within the Gig Harbor area.
7. Review and comment to the Gig Harbor City Council on land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the City of Gig Harbor, Pierce County, other neighboring communities, the state and federal governments, as they relate to historic resources of the City of Gig Harbor.
8. Advise the Gig Harbor City Council on matters pertaining to local history and historic preservation.
9. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops, or similar activities.
10. Officially recognize excellence in the rehabilitation of historic buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
11. Be informed about and provide information to the public and City elected officials on incentives for preservation of historic resources including legislation, regulations and codes that encourage the use and adaptive reuse of historic properties.
12. Review nominations to the State and National Registers of Historic Places.
13. Investigate and report to the Gig Harbor City Council on the use of various federal, state, local or private funding sources available to promote historic resource preservation in the City.
14. Serve as the local review board for Special Valuation as defined in WAC 254-20-030(12) and:
  - a. Make determination concerning the eligibility of historic properties for special valuation;
  - b. Verify that the improvements are consistent with the Washington State Advisory Council's Standards for Rehabilitation and Maintenance;
  - c. Enter into agreements with property owners for the duration of the special valuation period as required under WAC 254-20-070(2) and as specified under GHMC Chapter 17.97;
  - d. Approve or deny applications for special valuation;
  - e. Monitor the property for continued compliance with the agreement and statutory eligibility requirements during the 10 year special valuation period; and
  - f. Adopt bylaw as and/or administrative rules and comply with all other local review board responsibilities identified in Chapter 84.26 RCW.

(Ord. 736 § 1, 1996).

Section 5. Section 2.21.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**2.21.050 Limitations.**

The design review board may ~~approve~~ recommend approval, ~~conditionally approve~~ conditional approval or ~~disapprove~~ disapproval of project designs or design variances pursuant to the standards in the ~~city's design manual~~ in Chapter 17.99 (Design Manual) and Chapter 17.98 GHMC. The DRB shall have no authority to make final decisions on site plans, or to waive, increase or decrease any other code requirements. Site plans shall be reviewed as provided in GHMC Title 19.

(Ord. 736 § 1, 1996).

Section 6. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this 28th day of March, 2005.

CITY OF GIG HARBOR

  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By:   
CAROL A. MORRIS, CITY ATTORNEY

FIRST READING: 3/14/05  
DATE PASSED: 3/28/05  
DATE OF PUBLICATION: 4/6/05  
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