

## **ORDINANCE NO. 864**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, ADOPTING A NEW PROCEDURE FOR OPEN RECORD PUBLIC HEARINGS ON PRELIMINARY PLATS, PRELIMINARY PLANNED UNIT DEVELOPMENTS, AND PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENTS, AMENDING SECTION 19.01.003 OF THE GIG HARBOR MUNICIPAL CODE; AND AMENDING 19.01.002(C) TO CLARIFY THAT NECESSARY CONCURRENT PUBLIC HEARINGS BE HELD WITH BOTH DECISION MAKERS PRESENT.**

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WHEREAS, the City's project permit processing procedures currently provide that the open public record public hearing on preliminary plats, preliminary planned unit developments and preliminary planned residential developments is held by the Hearing Examiner; and

WHEREAS, the City's project permit processing procedures currently provide that the Examiner's decision is final, but may be appealed to the City Council; and

WHEREAS, the City Council desires to change the current permit processing procedure so that the open public record public hearing on these project permit applications is held by the City Council; and

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

WHEREAS, the City Planning Commission held a public hearing to consider this Ordinance on July 26, 2000 and August 2, 2000 and recommended that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000; and

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of January 22<sup>nd</sup> and February 12th; Now, Therefore,

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

Section 1. Section 19.01.002(C) of the Gig Harbor Municipal Code is hereby amended to read as follows:

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 2. Section 19.01.003 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**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
<b>Recommendation made by:</b>	N/A	N/A	N/A	N/A	N/A	Planning Commission
<b>Final decision made by:</b>	Director	Director	Hearing examiner	Hearing examiner	City Council	City Council
<b>Notice of application:</b>	No	No	Yes	Yes	Yes	No
<b>Open record public hearing or open record appeal of a final decision:</b>	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 to make recommendation to Council.
<b>Closed record appeal/ Final decision:</b>	No	No	Only if appealed, then before Council	No	Yes, before Council to render final decision	Yes, or Council could hold its own hearing.
<b>Judicial appeal:</b>	Yes	Yes	Yes	Yes	Yes	Yes

**B. Decisions.**

TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
Permitted uses not requiring site plan review	Short plat	Preliminary plats; plat vacations and alterations	Preliminary Plats	Final plats	Comp. plan amendments
Boundary line adjustments	Sign permits	Site plan/major amendments to site plans	Preliminary PRD/PUD	Final PRD/PUD	Development regulations
Minor amendments to PUD/PRD	Design review	CUP, general variances, sign permit variances, and site specific rezones			Zoning text amendments; area-wide zoning map amendments
Special use permits	Land clearing/grading	Shoreline substantial development, shoreline variance			Annexations
Temporary construction trailers	Revisions to shoreline management permits	PRD/PUD and major amendments to PRD and PUD			
	Administrative variances	Amendment to height restriction area map			
	Administrative interpretations	Mobile/manufactured home park or subdivision			
	Home occupation permit				
	Hardship variance, sign code				
	Modification to landscape plans				
	Minor amendment to PRD or PUD				

**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 Council and approved by the Mayor of the City of Gig Harbor this 12<sup>th</sup> day of February, 2001.

CITY OF GIG HARBOR

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GRETCHEN WILBERT, 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: 1/17/01  
PASSED BY THE CITY COUNCIL: 2/12/01  
PUBLISHED: 2/21/01  
EFFECTIVE DATE: 2/26/01  
ORDINANCE NO. 864

## **SUMMARY OF ORDINANCE NO. 864**

of the City of Gig Harbor, Washington

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On February 12, 2001, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 864, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROJECT PERMIT PROCESSING, ADOPTING A NEW PROCEDURE FOR OPEN RECORD PUBLIC HEARINGS ON PRELIMINARY PLATS, PRELIMINARY PLANNED UNIT DEVELOPMENTS, AND PRELIMINARY PLANNED RESIDENTIAL DEVELOPMENTS, AMENDING SECTION 19.01.003 OF THE GIG HARBOR MUNICIPAL CODE; AND AMENDING 19.01.002(C) TO CLARIFY THAT NECESSARY CONCURRENT PUBLIC HEARINGS BE HELD WITH BOTH DECISION MAKERS PRESENT.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of February 12, 2001.

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MOLLY TOWSLEE, CITY CLERK