

ORDINANCE NO. 1364

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING INTERIM REGULATIONS RELATING TO HISTORIC PRESERVATION; MAKING FINDINGS OF FACT; ESTABLISHING THE HEARING EXAMINER AS THE HEARING BODY FOR APPEALS OF CERTIFICATES OF APPROPRIATENESS OR WAIVERS OF CERTIFICATE OF APPROPRIATENESS WHEN THE CITY OF GIG HARBOR IS THE APPLICANT OR PROPERTY OWNER; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, GHMC Chapter 17.97, Historic Preservation, provides for a process to evaluate, designate, and protect designated historic and prehistoric resources in the City of Gig Harbor; and grants the Design Review Board the authority to carry out the provisions of this Chapter; and

WHEREAS, applicants proposing to make changes to locally registered properties are required to obtain a Certificate of Appropriateness from the Design Review Board to certify that the changes will not adversely affect the historic characteristic(s) of the property. In cases of whole or partial demolition a Waiver of Certificate of Appropriateness is required; and

WHEREAS, The Design Review Board is the decision-making body for Certificates of Appropriateness and Waivers of Certificate of Appropriateness. The applicant may appeal the Design Review Board's decision to the City Council per GHMC 17.97.070; and

WHEREAS, the City is the property owner for seven of the eight properties on the City's Local Register of Historic Places; and

WHEREAS, two applications for Certificates of Appropriateness are currently being processed. Both of these applications are on City-owned property and the City is the applicant on one of these applications; and

WHEREAS, to address potential Appearance of Fairness Doctrine concerns, the City Council desires to designate the Hearing Examiner as the hearing body for Certificates of Appropriateness or Waivers of Certificate of Appropriateness when the City of Gig Harbor is the applicant or property owner; and

WHEREAS, the City Council may adopt interim regulations for a period of up to six months as long as the City Council holds a public hearing on the proposed regulations within sixty days after passage of the ordinance (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, the City Council held a public hearing on this interim ordinance on May 8th, 2017; and

WHEREAS, the Gig Harbor City Council has determined that an emergency exists which necessitates that this ordinance be enacted as a new interim regulation on an emergency basis in order to preserve the public health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. The recitals set forth above are hereby adopted as the Gig Harbor City Council's findings in support of the interim regulations imposed by this ordinance.

Section 2. Interim Regulations. GHMC Chapter 17.97 Historic Preservation is hereby revised as follows:

- A. Section 17.97.050 of the Gig Harbor Municipal Code is hereby revised to add the following sentence to subsection 17.97.050(C)(6):

When the City of Gig Harbor is the applicant or property owner, a waiver of certificate of appropriateness may be appealed to the Hearing Examiner and not the City Council.

- B. Section 17.97.070 of the Gig Harbor Municipal Code is hereby revised to add the following new footnote to the Appeal row:

¹ The hearing examiner is the hearing body for appeals of certificates of appropriateness or waivers of certificates of appropriateness when the City of Gig Harbor is the applicant or property owner

Section 3. 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 4. Effective Period for Interim Regulations. The interim regulations adopted by this ordinance shall remain in effect for a period of six months, and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to expiration, or unless the same are repealed or superseded by permanent regulations prior to expiration.

Section 5. Declaration of Emergency. The Gig Harbor City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare.

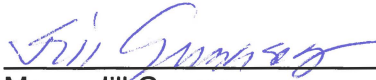
Section 6. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

Section 7. Publication. The City Clerk is directed to publish a summary of this ordinance at the earliest possible publication date.

Section 8. Effective Date. This ordinance shall take effect immediately upon passage by a majority vote plus one of the entire membership of the Council, as required by RCW 35A.12.130.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 8th day of May, 2017.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Shawna Wise, Assistant City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 5/3/17
PASSED BY THE CITY COUNCIL: 5/8/17
PUBLISHED: 5/11/17
EFFECTIVE DATE: 5/8/17
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