

ORDINANCE 1535

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING CHAPTERS 19.01 AND 19.02 OF THE GIG HARBOR MUNICIPAL CODE (GHMC) TO ADDRESS PROJECT PERMIT REVIEW TIMELINES AND REQUIREMENTS; AMENDING CHAPTER 16.05 TO CLARIFY PRELIMINARY PLAT MODIFICATION REQUIREMENTS; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Senate Bill (SB) 5290 amends the Local Project Review Act, Chapter 36.70B RCW, with the intent to increase the timeliness and predictability of local project review; and

WHEREAS, SB 5290 amended RCW 36.70B.080 to establish new permit review timelines for project permit applications submitted to GMA-planning jurisdictions after January 1, 2025; and

WHEREAS, pursuant to RCW 36.70B.140, the city may exclude certain project permits from some provisions of RCW 36.70B including those that the city determines present special circumstances that warrant a review process or time periods for approval which are different from that provided in RCW 36.70B; and

WHEREAS, pursuant to RCW 36.70B.140, the city may exclude the other certain project permits from the provisions of RCW 36.70B which have administrative approvals that are categorically exempt from environmental review under chapter 43.21C RCW, or for which environmental review has been completed in connection with other project permits; and

WHEREAS, the Growth Management Act ("GMA") requires cities to identify and protect critical areas. To ensure critical areas are correctly identified and classified, applicants are required to provide technical reports and studies to correctly identify and classify any critical areas on property to be developed and ensure that all development proposals apply the correct mitigation and protection measures. Reports submitted by applicants require technical review and evaluation by subject matter experts which the city does not have on staff but retains under contracts. While the consultants are under contract with the city, timelines undertake thorough and correction evaluation for the preservation of the critical areas in accordance with city and state laws required diligent technical work; and

WHEREAS, many land use permits require hearings and decisions by an independent hearing body (Hearing Examiner). The hearing examiner schedules a hearing and issues a decision on certain applications; and

WHEREAS, there are circumstances where the submitted application requires corrections and/or additional information and the applicant is delayed in responding

within the provided time period. During the delayed response time staff resources may be reassigned which results in additional time necessary to reacquaint to the project submittal; and

WHEREAS, the city has a clear interest to protect its future city owned infrastructure by ensuring that project review is thorough and complete and not rushed or limited by project review timelines. Rushed technical review of civil construction permits would likely ultimately cost the city's operating funds in the future to fix construction issues that arose because of inadequate review timeframes; and

WHEREAS, implementing inadequate review timelines for utility infrastructure and transportation infrastructure at the time of civil construction permits would present a detriment to public safety; and

WHEREAS, implementing inadequate review timelines for utility infrastructure and transportation infrastructure at time of civil construction permits would present a detriment critical areas; and

WHEREAS, the majority of engineering construction permits are technical in nature than and require technical review of:

a. Transportation: Complex networks of streets, sidewalks, and other pedestrian facilities that often become city owned. The reviews often include complex vertical curves, complex horizontal curves, ADA technical details, access spacing, sight distance, etc. As transportation review is related to vehicles and pedestrians, public safety would be compromised by imposing inadequate review timelines on transportation components of civil construction permits.

b. Wastewater: Complex networks of structures and pipe systems that most often are proposed to be city owned. Review requires review of technical Autocad drawings in both plan view and profile view. Requires detailed review of pipe type, pipe slopes, manhole invert elevations, technical cross sections, review for potential utility conflicts, consistency with the Ecology Sewer Works Design (Orange Book), review of vertical and horizontal elevations for separation from potable water mains, minimum flows, maximum flows, pipe capacity, maximum pipe slope, minimum pipe slope, pipe anchoring, structure analysis, structure sizing, structure type, structure coating type, etc.

c. Potable Water: Pressurized potable water systems with a complex network of pipes, fittings, hydrants, blow off assemblies, air vac systems, and thrust blocks, that all require detailed technical review at civil construction permit review. Requirements for minimum pressure, maximum pressure, system capacity, safety, water quality testing procedures, and fire flow capacity are typical of construction reviews.

d. Stormwater: The city maintains and NPDES Permit through the Department of Ecology. Department of Ecology Stormwater requirements for western Washington are continuously being updated by ecology. Reviews of stormwater design at civil construction permits is the last chance the city confirms that pollutants and non-detained water is polluting critical areas such as wetlands, creeks, streams, or waters of the Salish Sea (Puget Sound). Stormwater reviews are increasingly complex and

technical in nature. The city reviews technical design components for water quality (treatment), detention (flow control), wetland protection, and temporary erosion and sediment control measures. Reducing the timeline for technical stormwater review during the review of construction permits would be detrimental to critical areas which are regulated locally, at state level, and often federally.

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Adoption of Findings of Fact. The Gig Harbor City Council hereby adopts the foregoing recitals and incorporates them herein as findings of fact in support of these amendments.

Section 2. GHMC 19.02.003 Amended. GHMC 19.02.003 (C) is hereby amended as follows:

C. *Determination of Completeness.* Within 28 days after receiving a project permit application, the city shall email, 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.

If an applicant chooses the optional consolidated permit review process set forth in GHMC 19.01.002(B), the determination of completeness shall include all project permits being reviewed through the consolidated permit review process.

Section 3. GHMC 19.02.007 Amended. GHMC 19.02.007 (B) is hereby amended as follows:

B. *Time Period for Decision.* The director shall issue a notice of final decision on a project permit application as follows; ~~within 120 days of the issuance of the determination of completeness pursuant to GHMC 19.02.003~~; provided, that the time period for issuance of a notice of final decision on a preliminary plat shall be 90 days; and 30 days each; for a final plats 30 days, and a short plats 30 days.

1. Type I permits shall be issued within 65 days¹ of the determination of completeness pursuant to GHMC 19.02.003.
2. Type II permits and Final PRD/PUD decisions shall be issued within 100 days of the determination of completeness pursuant to GHMC 19.02.003.
3. Type III, Type IIIA and site specific rezone permits shall be issued within 170 days of the determination of completeness pursuant to GHMC 19.02.003.
4. If an application for a Type I, II, III, of IIIA permit requires more than two review cycles, an additional 45 days shall be added to the timeframes listed above for each subsequent review cycle after the 2nd review.

¹ All deadlines for final decisions are based on calendar days

4. 5. In calculating the time period for decision for issuance of the notice of final decision for a Type I, II, III, of IIIA permit, the following periods shall be excluded:
- a. Any period during which the applicant has been requested by the director to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the director notifies the applicant of the need for additional information until the earlier of the date the director determines that the additional information provided satisfies the request for information, or 14 days after the date the additional information is provided to the city;
 - b. If the director determines that the information submitted is insufficient, the applicant shall be informed of the particular insufficiencies and the procedures set forth in this subsection (B)(1) for calculating the exclusion period shall apply;
 - c. Any period during which an environmental impact statement (EIS) is being prepared pursuant to Chapter 43.21C RCW and GHMC Title 18. The time period for preparation of an EIS shall be governed by GHMC 18.04.140(C);
 - d. Any period for consideration and issuance of a decision for administrative appeals of project permits, which shall be not more than 90 days for open record appeals and 60 days for closed record appeals, unless a longer period is agreed to by the director and the applicant;
 - e. Any period during which third-party review is required, including, but not limited to, biological consultation, certified arborist review. The period shall be calculated from the date the project files are transmitted to the third-party reviewer until the analysis has been completed and received by the director;
 - f. Any period for consideration and issuance of a decision and order by the Hearing Examiner. The period shall be calculated from the date of submittal of project staff report and supporting material to the Hearing Examiner to receipt of the final Hearing Examiner decision and order to the director;
 - g. A period equal to the time requested by the applicant for an extension; and
 - e. h. Any extension of time mutually agreed to in writing by the director and the applicant.
6. The time limits established in this subsection B do not apply if a project permit application:
- a. Requires an amendment to the comprehensive plan or a development regulation;
 - b. Requires siting approval of an essential public facility as provided in RCW 36.70A.200; or
 - c. Requires a zoning map amendment; or
 - e. d. Is substantially revised by the applicant, in which case the time period shall start from the date that a determination of completeness for the revised application is issued by the director pursuant to GHMC 19.02.003 and RCW 36.70B.070.

Section 4. GHMC 19.01.007 Amended. GHMC 19.01.007 (A) is hereby amended as follows:

A. Whenever a permit or approval in the Gig Harbor Municipal Code has been designated as a Type I, II, III or IV permit, the procedures in this title shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this title:

1. Landmark/Historic Preservation designations;
2. Street and Alley vacations;
3. Special Use Permits;
4. Encroachment/Street Use Permits;
5. Impact fee decisions; and
6. Concurrency determinations;
7. Annexations;
8. Project permits for interior alterations from site plan review, provided that the interior alterations do not result in the following:
 - a) Additional sleeping quarters or bedrooms;
 - b) Nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c) Increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
 - d) Nothing in this section exempts interior alterations from otherwise applicable building, plumbing, mechanical, or electrical codes.
 - e) For purposes of this section, "interior alterations" include construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint;
9. Civil Construction and Grading permits;
10. Building permits not related to other project permits covered by this Title; and
11. Construction and utility permits not related to other project permits covered by this Title.

Section 5. GHMC 16.05.006 Amended. GHMC 16.05.006 (B) is hereby amended as follows:

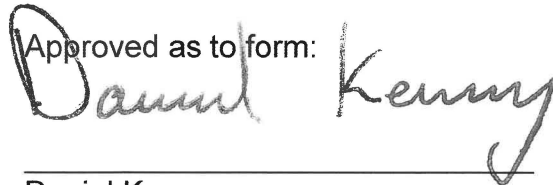
Revisions which are not classified as minor revisions in subsection A of this section shall be processed as a new preliminary plat applications ~~in accordance with the procedures established under GHMC Title 19 for a Type III project permit application.~~

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 of any other section, sentence, clause or phrase of this ordinance.

Section 7. Correction of Errors. The city clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 8. Effective Date. This ordinance shall take effect 5 days after passage and publication as required by law.

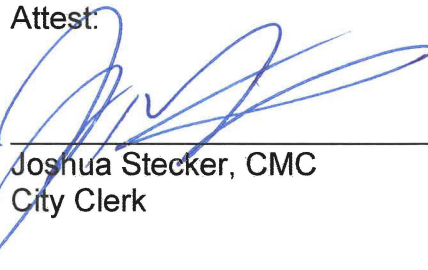
ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 10th day of February, 2025.

Approved as to form:


Daniel Kenny
City Attorney



Mary K. Barber
Mayor

Attest:


Joshua Stecker, CMC
City Clerk