

**ORDINANCE NO. 803**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATED TO THE STATE ENVIRONMENTAL POLICY ACT, CHAPTER 43.21C RCW, ESTABLISHING A MAXIMUM TIME LIMIT FOR THE ISSUANCE OF A FINAL ENVIRONMENTAL IMPACT STATEMENT FOR PROJECT PERMIT APPLICATIONS, PURSUANT TO RCW 36.70B.090, ADDING A NEW SECTION 18.04.145 TO THE GIG HARBOR MUNICIPAL CODE AND AMENDING SECTION 19.05.009 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, changes in state laws have mandated amendments to the City's review, decision-making and appeal processes for project permit applications subject to the State Environmental Policy Act (chapter 43.21C RCW); and,

WHEREAS, RCW 36.70B.090 requires that the City issue a notice of final decision on a project permit application within 120 days after the City notifies the applicant that the application is complete, except in certain limited circumstances; and,

WHEREAS, one period excluded from the 120 day deadline is the time during which an environmental impact statement ("EIS") is being prepared, if the City has adopted an ordinance establishing time periods for completion of the EIS; now, therefore,

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

Section 1. A new section 18.04.145 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code, to read as follows:

**18.04.145 Time For Preparation of EIS.** The time required to prepare an environmental impact statement (EIS) associated with a development application shall be agreed to by the Director and applicant in writing. Unless otherwise agreed to by the applicant, a final environmental impact statement shall be issued by the Director within one (1) year following the issuance of a determination of significance for the proposal, unless the applicant or the applicant's EIS consultant advises that a longer time period is necessary. In that case, the additional time shall be that recommended by the applicant or consultant, not to exceed an additional year.

Section 2. Section 19.05.009 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**19.05.009 Calculation of time periods for issuance of notice of final decision.**

A. In determining the number of days that have elapsed after the ~~local government~~ City has notified the applicant that the application is complete for purposes of calculating the time for issuance of the notice of final decision, the following periods shall be excluded:

1. Any period during which the applicant has been requested by the city to correct plans, perform required studies, or provide additional required information. The period shall be calculated from the date the city notifies the applicant of the need for additional information until the earlier of the date the ~~local government~~ City determines whether the additional information satisfies the request for information or 14 days after the date the information has been provided to the city;

2. If the city determines that the information submitted by the applicant under GHMC 19.045.009 (A)(1) is insufficient, it shall notify the applicant of the deficiencies and the procedures under GHMC 19.045.009(A)(1) shall apply as if a new request for studies had been made;

3. Any period during which an environmental impact statement is being prepared following a determination of significance pursuant of Chapter 43.21C RCW, or if the time periods set forth in GHMC §18.04.145 applies, or if the applicant and the City have agreed, in writing, to a different time period. ~~if the city by ordinance has established time periods for completion of environmental impact statements, or if the local government and the applicant in writing agree to a time period for completion of an environmental impact statement;~~

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B. The time limits established in this title do not apply if a project permit application:

1. Requires an amendment to the comprehensive plan or a development regulation;
2. Requires approval of the siting of an essential public facility as provided in RCW

36.70A.200; or

3. Is substantially revised by the applicant, in which case the time period shall start from the date at which the revised project application is determined to be complete under ~~RCW 36.70A.440~~ GHMC §19.02.003.

Section 3.     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 4.     Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

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MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

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CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK:	September 24, 1998
PASSED BY THE CITY COUNCIL:	October 12, 1998
PUBLISHED:	October 21,1998
EFFECTIVE DATE:	October 26, 1998
ORDINANCE NO. <u>803</u>	

**SUMMARY OF ORDINANCE NO. 803**

of the City of Gig Harbor, Washington

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On the 13<sup>th</sup> day of October, 1998, the City Council of the City of Gig Harbor, passed Ordinance No. 803. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATED TO THE STATE ENVIRONMENTAL POLICY ACT, CHAPTER 43.21C RCW, ESTABLISHING A MAXIMUM TIME LIMIT FOR THE ISSUANCE OF A FINAL ENVIRONMENTAL IMPACT STATEMENT FOR PROJECT PERMIT APPLICATIONS, PURSUANT TO RCW 36.70B.090, ADDING A NEW SECTION 18.04.145 TO THE GIG HARBOR MUNICIPAL CODE AND AMENDING SECTION 19.05.009 OF THE GIG HARBOR MUNICIPAL CODE.

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

DATED this 13th day of October, 1998.

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CITY CLERK, MOLLY TOWSLEE