

ORDINANCE NO. 1274

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO DEVELOPMENT PERMIT EXTENSIONS; AUTHORIZING THE PLANNING DIRECTOR TO GRANT A TEMPORARY EXTENSION OF THE EXPIRATION OF CERTAIN DEVELOPMENT RELATED APPROVALS AND PERMITS PREVIOUSLY GRANTED EXTENSIONS IN RESPONSE TO THE LOCAL, REGIONAL AND NATIONAL ECONOMIC RECESSION; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the severe downturn in the local, regional, and national housing and commercial markets, reduced demand for new housing, tightening credit market, and difficulty obtaining the financing for development projects have resulted in a situation where developers are unable to finalize development projects in a timely manner; and

WHEREAS, in order to prevent the expiration of development approvals granted during the economic downturn, extensions of the expiration dates of certain development related approvals are needed; and

WHEREAS, the expiration of a development approval can have significant financial impacts to a developer and also adversely affects the financial institutions and other investors which have provided financing in support of a development proposal; and

WHEREAS, construction related activity is a significant tax generator and provides much needed revenue to local governments to finance public safety and other needed public services; and

WHEREAS, the Gig Harbor Municipal code allows for the extension of the expiration date of development related approvals and permits, but such existing extensions have been shown to be insufficient to accommodate the length and scope of the economic recession; and

WHEREAS, the Gig Harbor City Council finds that it is in the best interest of citizens of Gig Harbor and the local economy to temporarily grant extensions of the expiration dates for certain development related approvals and permits that were previously granted extensions; and

WHEREAS, the in 2009 the City passed Ordinance 1167 which granted extensions of the expiration dates for certain development related approvals and permits until November 30, 2011; and

WHEREAS, due to the length of the economic downturn the Gig Harbor City Council found that an additional two years was warranted and in 2011 the City passed Ordinance No. 1225 which granted extensions of the expiration dates for certain development related approvals and permits until November 30, 2013; and

WHEREAS, six projects were granted extensions under Ordinance No. 1225 and none of those six have been able to submit construction permits due to the slow recovery of the economy; and

WHEREAS, the City Council finds that an additional two years is warranted for those project that were previous granted extension under Ordinance No. 1225 for the reasons set forth in this ordinance; and

WHEREAS, the City's SEPA Responsible Official determined that this Ordinance is categorically exempt from SEPA, pursuant to WAC 197-11-800(19); and

WHEREAS, pursuant to RCW 36.70A.106, the City forwarded a copy of this Ordinance to the Washington State Department of Commerce on October 2, 2013 was granted expedited review on October 21, 2013; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on October 14, 2013; and

WHEREAS, on October 28, 2013, the City Council adopted this Ordinance at second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Findings. The Gig Harbor City Council makes the following findings:

A. That the severe housing and commercial market downturn coupled with the tightening of credit markets significantly impacted the construction industry and posed a threat to the local economy and the general public health, safety and welfare due to reductions in construction-related taxes and revenues and loss of construction related jobs; and

B. That long term affect of these conditions requires actions to be taken to allow for the continued extension of certain existing development related approvals that were previously granted extension; and

C. That such extensions will benefit the local economy by helping to protect the construction industry from the significant financial losses associated

with expired development approvals and permits, including the loss of real estate entitlements, and will better enable the local construction industry to recover as the economy improves.

Section 2. Temporary Extensions.

A. Authority. Based on the above findings, the City Council hereby authorizes the Planning Director to extend the expiration date until November 30, 2015 for permits previously granted extensions under Ordinance 1225.

B. Request for Extension of Development Related Approvals and Permits. A holder of the above-identified development related permits or approvals may submit a written request to the Gig Harbor Planning Director for an extension of the holder's approval or permit no later than five business days prior to expiration of the subject development related approval or permit.

C. Final Decision. Decisions of the Planning Director made pursuant to the provisions of this Ordinance shall be final and not subject to appeal to the Hearing Examiner.

Section 3. No Codification. The provisions of this Ordinance are temporary in nature and shall not be codified.

Section 4. 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. To the extent the provisions of this Ordinance are found to be inconsistent with other provisions of the Gig Harbor Municipal Code, this Ordinance is deemed to control.

Section 5. 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 28th day of October, 2013.

CITY OF GIG HARBOR

  
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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly Towslee  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

August Schleifer

FILED WITH THE CITY CLERK: 10/09/13  
PASSED BY THE CITY COUNCIL: 10/28/13  
PUBLISHED: 10/30/13  
EFFECTIVE DATE: 11/05/13  
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