

## ORDINANCE NO. 1311

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING REGULATIONS; ADOPTING INTERIM ZONING REGULATIONS TO ALLOW FOR THE INSTALLATION OF COMMUNITY SOLAR WITHIN THE CITY OF GIG HARBOR; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Gig Harbor is authorized to impose moratoria and interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

**WHEREAS**, the Harbor History Museum and Peninsula Light desire to install a community solar demonstration project within the City of Gig Harbor; and

**WHEREAS**, the community solar project will demonstrate a commitment to community education and environmental stewardship by the City, Peninsula Light and Harbor History Museum; and

**WHEREAS**, community solar contributes to the Harbor History Museum's educational mission; and

**WHEREAS**, the original Peninsula Light substation was sited at the existing location of the Harbor History Museum; and

**WHEREAS**, solar electric is a proven, cost effective resource that is underutilized on the Gig Harbor Peninsula; and

**WHEREAS**, given that the C-1 zoning district along Harborview Drive is the most intense commercial zoning in the view basin and the area serves as the northwest entrance to downtown Gig Harbor, the City Council feels that a community solar installation is appropriate for the area; and

**WHEREAS**, grant funding has been acquired by Peninsula Light and is contingent upon project completion by mid-2015; and

**WHEREAS**, installation of the panels would require exemption from design review and height standards for the project to be complete by mid-2015; and

**WHEREAS**, the City deems it premature to adopt permanent regulations prior to experiencing how the process for community solar works; and

**WHEREAS**, the Gig Harbor City Council has determined that the adoption of interim zoning regulations is necessary for community solar, to allow the use on existing developed areas in the C-1 zoning district along Harborview Drive; and

**WHEREAS**, interim land use controls may be effective for up to six months pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

**WHEREAS**, the Gig Harbor SEPA Responsible Official issued a Determination of Nonsignificance for the text amendment proposal on April 1, 2015; and

**WHEREAS**, the Gig Harbor City Council considered the ordinance at first reading and public hearing on April 13, 2015; and

**WHEREAS**, on April 27, 2015, the City Council held a 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 City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

**Section 2. Purpose.** The purpose of this interim zoning ordinance is to enact minimum zoning regulations for community solar demonstration project to ensure the opportunity to utilize funding available.

**Section 3. Definitions.**

- A. "Community Solar" means a fully operational solar electric collection system, sited in a highly visible area, established in coordination with Peninsula Light Company and the Bonneville Environmental Foundation.

**Section 4. Interim Zoning Regulations.**

- A. Zoning Districts. Community Solar is allowed in the C-1 zoning district parcels abutting the waterfront.
- B. Exemptions. Community Solar projects are exempt from height and performance standards in GHMC 17.40.100 and 17.50.060 and design review standards found in GHMC chapters 17.98 and 17.99.

**Section 5. Duration of Interim Zoning Regulations.** The interim regulations adopted by this ordinance shall remain in effect for six months from the effective date of this ordinance and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.


**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. 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 8. 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 27<sup>th</sup> day of April, 2015.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:

Office of the City Attorney

  
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Angela G. Summerfield

FILED WITH THE CITY CLERK: 04/08/15  
PASSED BY THE CITY COUNCIL: 04/27/15  
PUBLISHED: 04/29/15  
EFFECTIVE DATE: 05/04/15  
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