

## ORDINANCE NO. 1167

### 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 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 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 will likely be insufficient to accommodate the length and scope of the economic recession; and

WHEREAS, maintaining the viability of development approvals will also help to ensure that the development industry is in a position to respond more quickly once favorable economic conditions return; 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; 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 Trade and Community Development on July 14, 2009; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 13, 2009; and

WHEREAS, on August 10, 2009, 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 has significantly impacted the construction industry and poses 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 these conditions require actions to be taken to allow for the extension of certain existing development related approvals that would likely expire due to the economic downturn; and

C. That such action 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 of the below-identified development related approvals and permits to November 30, 2011.

1. Preliminary plats approved under chapter 16.05 GHMC.
2. Binding site plans approved under chapter 16.11 GHMC.
3. Conditional use permits approved under chapter 17.64 GHMC.
4. Variances approved under chapter 17.66 GHMC.

5. Performance-based height exceptions approved under chapter 17.67 GHMC.
6. Nonconforming use and structure review approved under chapter 17.68 GHMC.
7. Planned residential developments approved under chapter 17.89 GHMC.
8. Planned unit developments approved under chapter 17.90 GHMC.
9. Site plans approved under chapter 17.96 GHMC.
10. Design review approved under chapter 17.98 GHMC.
11. Reasonable use exceptions approved under chapter 18.08 GHMC.
12. Shoreline substantial development, conditional use and variance permits approved under the City of Gig Harbor Shoreline Master Program.

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. The time period during which a holder of a development related approval or permit may apply for a temporary extension shall sunset on November 30, 2009; provided, however, that any temporary extension granted pursuant to this Ordinance prior to the sunset date shall remain in effect for the duration of the extension.

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 10<sup>th</sup> day of August, 2009.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

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 S. Belbeck

FILED WITH THE CITY CLERK: 07/08/09  
PASSED BY THE CITY COUNCIL: 08/10/09  
PUBLISHED: 08/12/09  
EFFECTIVE DATE: 08/17/09  
ORDINANCE NO: 1167