

## ORDINANCE NO. 1092

### AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING THE CLEARING OF UNDERDEVELOPED PORTIONS OF APPROVED SITE PLANS ONCE CIVIL PLANS FOR THE DEVELOPMENT OF THAT AREA HAVE BEEN APPROVED; AMENDING SECTION 17.99.240 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, Section 17.99.240(B) of the Design Manual states that no clearing of a portion of a site can occur before a building permit is issued for that portion of the site; and

WHEREAS, the typical development review process requires the review and approval of civil plans, detailing utilities and traffic infrastructure, prior to issuance of building permits; and

WHEREAS, the current limitation to clearing often means an applicant will have approval to install infrastructure, but cannot clear the site because building permits have not yet been issued; and

WHEREAS, site plans with multiple buildings and interconnected utilities must often install all approved infrastructure in order to serve only one of the buildings, even when the building permits for the other buildings have not been issued; and

WHEREAS, an applicant must invest significant time and money into a project in order to receive approved civil plans; therefore, limiting the City's risk of an applicant clearing a site after civil plan approval and not following through with the construction of buildings; and

WHEREAS, the City desires to allow clearing of sites once civil plans have been approved in order to align with typical construction timelines; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on April 23, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on May 16, 2007 pursuant to WAC 197-11-350, which was not appealed; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on May 7, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on June 11, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on June 25, 2007; and

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

Section 1. Section 17.99.240 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.240 Natural site conditions.**

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**B. Retain natural vegetation on underdeveloped portions of sites with approved site plan.**

Clearing of underdeveloped portions of approved site plans ~~is not permitted until building permits shall only be permitted once civil plans for development of those areas have been issued approved.~~

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Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 3. 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 City Council and approved by the Mayor of the City of Gig Harbor this 25th day of June, 2007.

CITY OF GIG HARBOR

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STEVEN K. EKBERG, MAYOR PRO TEM

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 06/06/07  
PASSED BY THE CITY COUNCIL: 06/25/07  
PUBLISHED: 07/04/07  
EFFECTIVE DATE: 07/09/07  
ORDINANCE NO: 1092