

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY OF GIG HARBOR RELATING TO LAND USE AND ZONING, ADOPTING A NEW CHAPTER 19.08 IN THE GIG HARBOR MUNICIPAL CODE, DESCRIBING THE ELEMENTS OF AGREEMENT FOR THE DEVELOPMENT OF PROPERTY WITHIN THE CITY LIMITS AND THE CITY'S URBAN GROWTH AREA BOUNDARIES, THE PROCEDURES FOR REVIEW AND APPROVAL OF SUCH AGREEMENTS, ENFORCEABILITY, FORM AND RECORDATION.

WHEREAS, Chapter 36.70B.170 RCW through 36.70B.200 RCW describe the City's authority to enter into agreements with property owners for the development of property; and

WHEREAS, the city wishes to adopt a uniform procedure for the processing and approval of development agreements in conjunction with other City permits or approvals; and,

WHEREAS, two public hearings were held by the Planning Commission on May 20, 1999 and July 29, 1999 to receive input from the community on proposed amendments to Title 19 intended to address respective to development agreements; and,

WHEREAS, the City sent copies of the proposed amendments to Title 19 to DCTED as per WAC 365-195-620(1) and RCW 36.70A.106; therefore,

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

Section 1. A new chapter 19.08 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**CHAPTER 19.08
DEVELOPMENT AGREEMENTS**

19.08.010	Authority and General Provisions
19.08.020	Development Standards Application
19.08.030	Enforceability
19.08.040	Approval of Development Agreement
19.08.050	Recordation

19.08.010 Authority and General Provisions

A. The City may consider, and enter into, a development agreement with a person having ownership or control of real property within the City limits. The City may consider a development agreement for real-property outside of the city limit but within the urban growth area (UGA) as part of a proposed annexation or a service agreement.

B. A development agreement shall be consistent with the applicable policies and goals of the City of Gig Harbor Comprehensive Plan and applicable development regulations.

19.08.020 General Provisions of Development Agreements

A. As applicable, the development agreement shall specify the following:

1. Project components which defines and details the permitted uses, residential densities, nonresidential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of state law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions and other requirements of Chapter 43.21C RCW;
4. Design standards such as architectural treatment, maximum heights, setbacks, landscaping, drainage and water quality requirements and other development features;
5. Provisions for affordable housing, if applicable;
6. Parks and common open space preservation;
7. Phasing;
8. A build-out or vesting period for applicable standards; and,
9. Any other appropriate development requirement or procedure which is based upon a city policy, rule, regulation or standard.

B. As provided in RCW 36.70B.170, the development agreement shall reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

19.08.030 Enforceability

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement. The agreement may not be subject to an amendment to a zoning

ordinance or development standard or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. The permit approval issued by the City after the execution of the agreement must be consistent with the development agreement.

19.08.040 Approval Procedure of Development Agreement

A development agreement is a Type 5 project permit application and shall be processed in accordance with the procedures established in Title 19 of the GHMC. The Planning Commission's decision on a development agreement is a recommendation to the Gig Harbor City Council. A development agreement shall be approved by resolution or ordinance of the Gig Harbor City Council after a public hearing.

19.08.050 Form of Agreement, Council Approval, Recordation

- A. **Form.** All development agreements shall be in a form provided by the City Attorney's office. The City Attorney shall approve all development agreements for form prior to consideration by the Planning Commission.
- B. **Term.** Development agreements may be approved for a maximum period of five (5) years.
- C. **Recordation.** A development agreement shall be recorded against the real property records of the Pierce County Assessor's Office. During the term of the development agreement, the agreement is binding on the parties and their successors, including any area that is annexed to the city.

Section 2. 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 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR, Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

Commented [COMMENT1]: USE ONE OF THE FOLLOWING THREE EFFECTIVE DATE CLAUSES
Commented [COMMENT2]: LEGISLATIVE WITH SUMMARY
Commented [COMMENT3]: ADMIN. WITH SUMMARY

CITY CLERK, Molly Towslee

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 10/22/99
PASSED BY THE CITY COUNCIL: 11/8/99
PUBLISHED: 11/17/99
EFFECTIVE DATE: 11/22/99
ORDINANCE NO. 829

