

## **ORDINANCE NO. 1303**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REMOVING PROPERTY AT 4120 SUTHERLAND COURT, ASSESSOR'S PARCEL NUMBER 0221061089, FROM THE CITY'S HEIGHT RESTRICTION AREA AND AMENDING THE OFFICIAL HEIGHT RESTRICTION AREA MAP TO BE CONSISTENT THEREWITH**

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WHEREAS, J Scott Construction, requested a Height Restriction Area Map Amendment to exclude the parcel located at 4120 Sutherland Court in Gig Harbor, Washington, Assessor's parcel number 0221061089 from the Height Restricted Area; and

WHEREAS, the subject site is presently included in the City's Height Restricted Area as shown on attached Exhibit "A", the City's Official Height Restriction Area Map; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on September 9, 2005 for a preliminary plat and planned residential development including 12 single family residential lots; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the City reviewed and circulated an Environmental Checklist for this proposal and subsequently issued a SEPA Addendum on August 18, 2014; and

WHEREAS, the proposed amendment is a Type III action as defined in GHMC 19.01.003(B) for amendments to the height restriction area map; and

WHEREAS, A final decision for a Type III application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on September 4, 2014, at which time the Hearing Examiner heard public testimony on the amendment; and

WHEREAS, the Hearing Examiner approved the proposed amendment in his decision dated September 18, 2014; and

WHEREAS, the appeal period expired on October 20, 2014; and

WHEREAS, Amendments to the height restriction area map are required to be processed in the same manner as amendments to the zoning district map as per GHMC 17.62.040, and

WHEREAS, amendments to the zoning district map must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on October 27, 2014; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on October 27, 2014; and

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

Section 1. The real property located at 4120 Sutherland Court in Gig Harbor, Washington, Assessor's parcel number 0221061089 and legally described in Exhibit "B", is hereby removed from the Height Restriction Area Map.

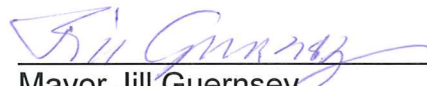
Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Height Restricted Area Map of the City in accordance with the designation established by Section 1.

Section 3. 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 4. 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.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 27th day of October, 2014.

CITY OF GIG HARBOR

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

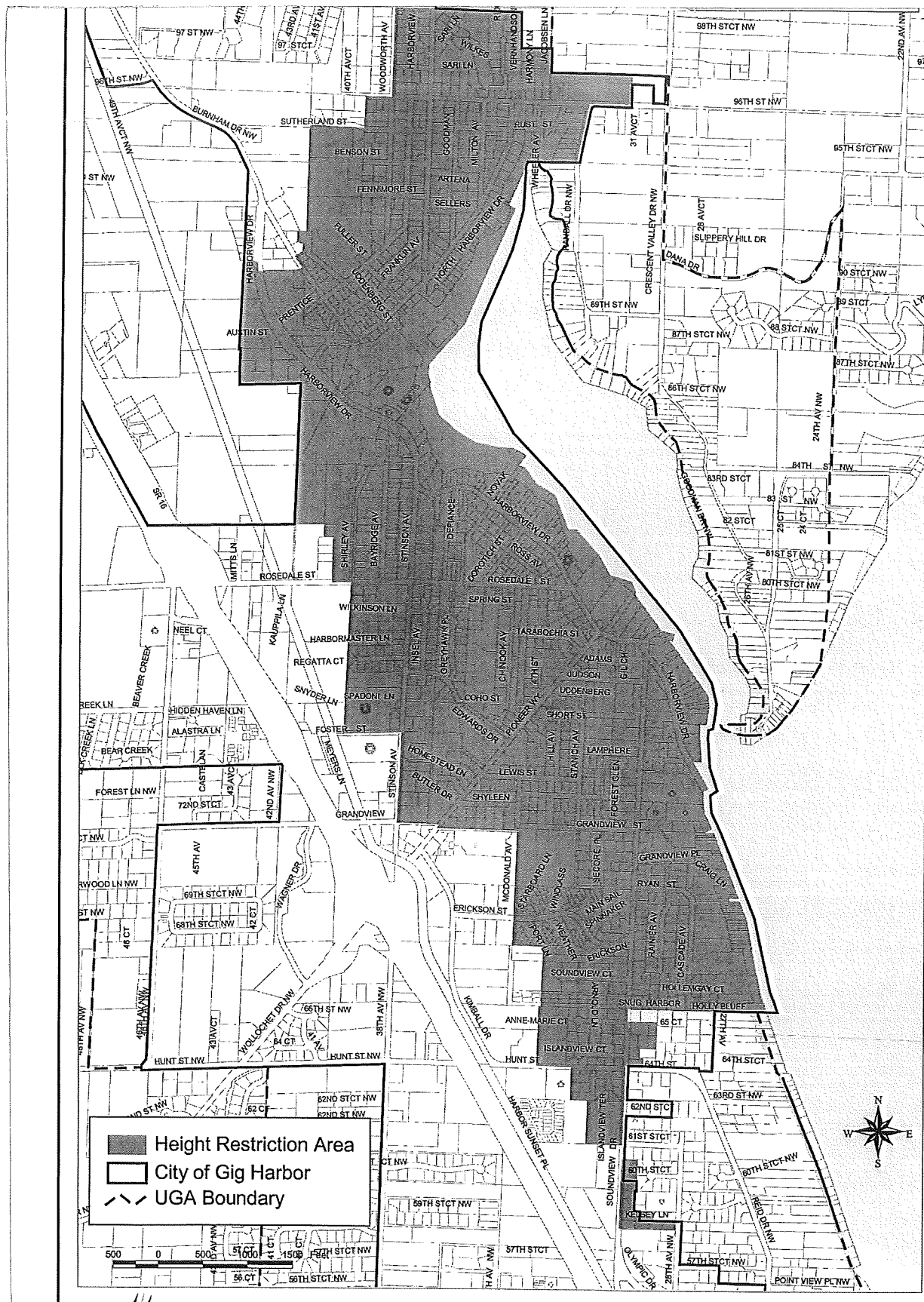
ATTEST/AUTHENTICATED:

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

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 10/21/14  
PASSED BY THE CITY COUNCIL: 10/27/14  
PUBLISHED: 11/05/14  
EFFECTIVE DATE: 11/10/14  
ORDINANCE NO: 1303



## PROJECT LEGAL DESCRIPTION

THE SOUTH HALF OF THE NORTH 10 ACRES OF THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M., NOT INCLUDED IN WOODWORTH'S ADDITION TO GIG HARBOR CITY, AS PER PLAT RECORDED IN VOLUME 5 OF PLATS, PAGE 66, RECORDS OF PIERCE COUNTY, IN GIG HARBOR, PIERCE COUNTY, WASHINGTON.

EXCEPT THE EAST 123 FEET THEREOF;

AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED PARCELS:

BEGINNING AT A POINT 712 FEET WEST AND 712 FEET SOUTH OF THE NORTHEAST CORNER OF SAID SECTION 6;

RUNNING THENCE WEST 304 FEET;

THENCE SOUTH 286 FEET;

THENCE EAST 304 FEET;

THENCE NORTH 286 FEET TO THE PLACE OF BEGINNING.

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 6;

THENCE WEST 608 FEET;

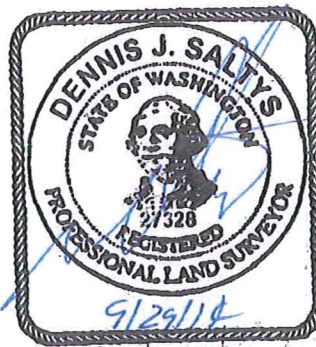
THENCE NORTH 429.2 FEET;

THENCE EAST 304 FEET;

THENCE SOUTH 286 FEET;

THENCE EAST 608 FEET;

THENCE SOUTH 143 FEET TO THE POINT OF BEGINNING.



Project: Sutherland Court (Haub)  
Job No. 11450  
September 29, 2014

DJS/kma  
11450L.002.doc  
11450exh01-site.dwg

$1^{\circ}=100'$ 

WESTBROOK GLEN  
AFN 9511290330

**SUTHERLAND COURT**

N89°45'09"W 488.62'

25

26

UNPLATTED

UNPLATTED

**500°09'59"W 356.11'**

356 11' W 60.00.00N

SHORT PLAT  
2001-05-03-5003

**PROJECT SITE**

S89°45'09"E 489.67'

UNPLATTED

UNPLATTED

File:P:\11000s\11450\survey\11450exh01--site.dwg Date/Time:9/29/2014 11:01 AM KIM ANDERSON

SCALE:

HORIZONTAL 1"=100' VERTICAL N/A



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(425)251-6222  
(425)251-8782 FAX

CIVIL ENGINEERING, LAND  
PLANNING, SURVEYING,  
ENVIRONMENTAL SERVICES

**For:**

**SUTHERLAND COURT**

**Title:**

## HEIGHT RESTRICTION AMENDMENT

JOB NUMBER

11450

11450L.002.doc

**SHEET**

1 of 1

**DESIGNED**

**DRAWN** KMA

CHECKED DJS

APPROVED DJS

DATE 9/29/14