

ORDINANCE NO. 865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTION 2 OF ORDINANCE NO. 857 TO EXTEND THE MORATORIUM IMPOSED BY THE CITY OF GIG HARBOR UNDER RCW 36.70A.390 ON THE ACCEPTANCE OF APPLICATIONS FOR PLANNED UNIT DEVELOPMENTS UNDER CHAPTER 17.90 GHMC AND PLANNED RESIDENTIAL DEVELOPMENTS UNDER CHAPTER 17.89 GHMC FROM FEBRUARY 16, 2001 UNTIL JUNE 11, 2001, DEFINING THE DEVELOPMENT APPLICATIONS SUBJECT TO THE MORATORIUM AND AFFIRMING THE EMERGENCY NATURE OF THE MORATORIUM IMPOSED ON MAY 8, 2000.

WHEREAS, on May 8, 2000, the City Council passed Ordinance No. 843, adopting an immediate moratorium on the acceptance of certain nonexempt development applications for property in the City; and

WHEREAS, RCW 36.70A.390 requires that the City hold a public hearing on the moratorium within 60 days of its adoption, and that the City Council adopt findings of fact and conclusions to justify the continued imposition of the moratorium; and

WHEREAS, on June 12, 2000, at a regular City Council meeting, the City Council held a public hearing on the moratorium and accepted testimony from all members of the public desiring to be heard; and

WHEREAS, on June 12, 2000, the City Council also deliberated on the issue whether to maintain the moratorium, and voted to continue the moratorium described above; and

WHEREAS, on July 10, 2000, the City Council passed Ordinance No. 846, which adopted findings of fact and conclusions supporting a six-month moratorium, as well as a work plan for the

Planning Commission to follow in the development of amendments to the PUD and PRD chapters;
and

WHEREAS, Ordinance No. stated that the City Council was required to terminate the moratorium through the passage of another ordinance; and

WHEREAS, on November 13, 2000, the City Council voted to continue the moratorium until December 31, 2000; and

WHEREAS, RCW 36.70A.390 and RCW 35A.63.220 provide that a moratorium may be effective for a period of up to one year if a work plan is developed and that a six month moratorium may be renewed for one or more six month periods if a subsequent public hearing is held and findings of fact are made; and

WHEREAS, the Planning Commission developed a recommendation to the City Council in the form of amendments to the PRD and PUD chapters; and

WHEREAS, the City staff made certain changes to the recommendation to clarify procedure, and on November 13, 2000, the City Council voted to send the recommendations formulated by staff back to the Planning Commission for review;

WHEREAS, on November 16, 2000, the Planning Commission considered the staff recommendations, provided their approval of same and directed staff to send the recommendation to the City Council for a public hearing on December 11, 2000; and

WHEREAS, the City Council also scheduled a public hearing for the continuation of the moratorium, to be held on December 11, 2000; and

WHEREAS, on December 11, 2000, the City Council held a public hearing and considered whether to continue the moratorium; and

WHEREAS, on December 11, 2000, the City Council passed Ordinance No. 857 extending the moratorium until February 16, 2001; and

WHEREAS, the City Council has received additional public comment on the proposed planned unit development and planned residential ordinances, and desires to extend the moratorium to the full extent allowed under the law; Now, Therefore,

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

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. **“Exempt Development Permits”** shall include any planned unit development application or planned residential development application which was complete and submitted to the City on the effective date of Ordinance No. 843 or No. 846 or thereafter, or any planned unit development or planned residential development that has already received final approval by the City. In addition, “exempt development permits” include any other land use, subdivision or development approval that is not described as a “non-exempt development permit” in subsection “B” below.

B. **“Non-Exempt Development Permit”** shall include any planned unit development application or planned residential development application which was submitted to the City but was not complete on the effective date of Ordinance No. 843 or No. 846 or thereafter, as well as any planned unit development or planned residential development applications that are submitted to the City after that time.

Section 2. Extension of Moratorium. Section 3 of Ordinance No. 857 is amended to extend the moratorium until June 11, 2001. Under RCW 36.70A.390, the City Council may renew a

moratorium “for one or more six month periods if a subsequent public hearing is held and findings of fact are made prior to each renewal.” On December 11, 2000, the City Council held a public hearing as required by RCW 36.70A.390, but decided to extend the moratorium only to February 16, 2001. The City Council now desires to have additional time to consider the proposed ordinances for the planned unit development and planned residential development chapters in the City’s Zoning Code. Pursuant to RCW 36.70A.390, the City may extend the moratorium until June 11, 2001 without holding another public hearing. Therefore, the City Council hereby continues the moratorium imposed on May 8, 2000, on the acceptance of all non-exempt development permit applications for property within the City, until June 11, 2001. The Council shall make the decision to terminate this moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 3. 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, sentence, clause or phrase of this Ordinance.

Section 4. Declaration of Emergency. The City Council hereby declares that this Ordinance shall take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without a continuation of the moratorium on the City’s acceptance of non-exempt development applications for property, such applications could become vested under regulations subject to imminent change by the City in its development regulation revision process. This Ordinance does not affect any vested rights, nor will it prohibit all development in the City, because those property owners with exempt

applications/permit and previously obtained approvals for development may proceed with processing or development, as the case may be.

Section 5. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 6. Effective Date. This Ordinance shall take effect and be in full force immediately upon passage as set forth above.

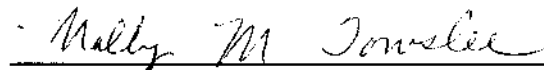
PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 12th day of February, 2001.

CITY OF GIG HARBOR



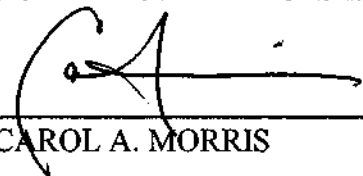
GRETCHEN WILBERT, MAYOR

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: 2/7/01
PASSED BY THE CITY COUNCIL: 2/12/01
PUBLISHED: 2/21/01
EFFECTIVE DATE: 2/26/01
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