

## **ORDINANCE NO. 989**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS SUPPORTING THE MAINTENANCE OF AN EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT IN THE CITY'S HEIGHT RESTRICTION AREA FOR A PERIOD OF 90 DAYS, AS THE MORATORIUM WAS ORIGINALLY IMPOSED UNDER ORDINANCE 965 AND AS LATER AMENDED UNDER ORDINANCES 968 AND 979, AND AS EXTENDED UNDER ORDINANCE 986.**

---

WHEREAS, on July 12, 2004, the Gig Harbor City Council passed Ordinance No. 965, imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the height restriction area as shown on the official height restriction map; and

WHEREAS, Ordinance No. 965 defined the permit applications that were exempt from the moratorium; and

WHEREAS, on September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium; and

WHEREAS, Ordinance 968 included definitions of the permit applications that were exempt from the moratorium; and

WHEREAS, Ordinance 979 further defined the exempt permit applications, amending Ordinances 965 and 968; and

WHEREAS, the City has made substantial progress in addressing the issues of the moratorium during the time that the moratorium has been in place, including amendments to the City's Design Manual that, in part, (a) impose

additional height limits on non-residential structures within the historic district portion of the view basin, (b) limit the use of tall vegetation in addressing buffering issues in the view basin, and (c) eliminate the allowance for additional height on primary structures in the view basin. Additionally, the City's Community Development Committee has met regularly to determine what additional standards should be imposed to address the concerns expressed by citizens during the public meeting on the building size issue that were not addressed in the Design Manual update, and has directed the staff to complete the drafting of text amendments specified by the Committee; and

WHEREAS, an outline of the Community Development Committee's proposed amendments was presented to the City Council on January 10, 2004; and

WHEREAS, additional time is needed to both allow planning commission and public review of the proposed text amendments and also to allow a 60-day review of the amendments by State agencies pursuant to RCW 36.70A.106; and

WHEREAS, RCW 36.70A.390 allows the City to extend 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; and

WHEREAS, because the moratorium was set to expire on January 12, 2005, the City Council considered the issue whether the moratorium should be extended for an additional 90-day period during its regular Council meeting on January 10, 2005; and

WHEREAS, the Council passed ordinance No. 986 on January 10, 2005 extending the moratorium for an additional 90 days; and

WHEREAS, the City held a public hearing on the moratorium extension on February 14, 2005 pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the City Council desires to enter findings and conclusions in support of the continued maintenance of the moratorium for a period of 90 days after the adoption of the moratorium (which would be on April 11, 2005); Now, Therefore,

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

Section 1. Findings and Conclusions in Support of Moratorium. The City Council finds as follows:

1. The City of Gig Harbor is characterized by views of Gig Harbor bay and the small scale buildings that reflect the historic development of the harbor basin.

2. The City of Gig Harbor's Comprehensive Plan has the stated goal to "Preserve the character of those sites or districts which reflect the style of Gig Harbor's historical development" (Goal 3.13); and

3. The City of Gig Harbor's Comprehensive Plan has the stated objectives to:

a. Develop guidelines which promote compatible development within designated areas. (Objective 3.13.2);

b. Consider standards which encourage building forms consistent with historic designs, (e.g., massing, roof styles and scale," (Objective 3.14.2); and

c. Define and retain "small town" characteristics of historic business districts. (Objective 3.15.1).

4. The City of Gig Harbor's Comprehensive Plan has the stated goal to "Control vegetation to preserve significant views" (Goal 3.18).

5. Large structures recently built in the non-residential zones within the harbor basin have adversely impacted the visual quality of the harbor basin because of their scale in relation to the historic structures that characterize the harbor basin.

6. The City has made substantial progress in addressing the issues of the moratorium during the time that the moratorium has been in place, including amendments to the City's Design Manual that, in part, (a) impose additional height limits on non-residential structures within the historic district portion of the view basin, (b) limit the use of tall vegetation in addressing buffering issues in the view basin, and (c) eliminate the allowance for additional height on primary structures in the view basin. Additionally, the City's Community Development Committee has met regularly to determine what additional standards should be imposed to address the concerns expressed by citizens during the public meeting on the building size issue that were not addressed in the Design Manual update, and has drafted recommendations to the City Council on ways to further address public concerns.

7. The City Council has proposed amendments that are intended to protect views of the water from specified public viewing corridors and to maintain the small scale structures that characterize the City's historic district.

8. Additional time is required to process and adopt the proposed text amendments.

Section 2. Moratorium Maintained. The moratorium adopted under Ordinance 968 on the acceptance of all non-exempt development permit applications for property located in the City's Height Restriction Area shall be maintained for the full period described in Ordinance 986, which is April 12, 2005.

Section 3. Work Plan. During the period of the moratorium the following work plan shall apply:

<u>Deadline</u>	<u>Description</u>
January 24, 2005	Finalization of text amendment ordinance. (Done)
January 27, 2005	SEPA threshold decision on text amendment ordinance. (Done)
January 27, 2005	Transmittal of text amendment ordinance to DCTED. (Done)

March 3, 2005	Public hearing before the Planning Commission on text amendment ordinance
March 17, 2005	Recommendation of Planning Commission to City Council on text amendment ordinance
March 28, 2005	City Council consideration of text amendment ordinance
April 11, 2005	Final Council action on text amendment ordinance

Section 4. Severability. If any section, sentence, clause or phrase of this Ordinance shall be held to be unconstitutional or invalid 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 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 five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this 28th day of February, 2005.

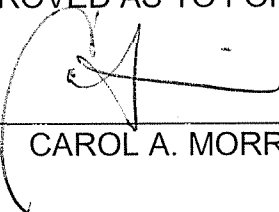
CITY OF GIG HARBOR

  
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By:   
CAROL A. MORRIS, CITY ATTORNEY

FIRST READING: 2/10/05  
DATE PASSED: 2/28/05  
DATE OF PUBLICATION: 3/9/05  
EFFECTIVE DATE: 3/14/05