

## ORDINANCE NO. 1388

**AN ORDINANCE OF THE CITY OF GIG HARBOR,  
WASHINGTON, ADOPTED PURSUANT TO RCW  
35A.63.220 RCW 36.70A.390, AND RCW 90.58.590;  
AMENDING ORDINANCE NO. 1383 AN ORDINANCE  
IMPOSING A SIX MONTH MORATORIUM UPON THE  
RECEIPT AND PROCESSING OF SUBDIVISION  
APPLICATIONS AND APPLICATIONS FOR BUILDING  
PERMITS AND OTHER LAND USE DEVELOPMENT  
APPROVALS ASSOCIATED WITH RESIDENTIAL  
DEVELOPMENT; ADOPTING FINDINGS SUPPORTING  
THE AMENDMENTS; PROVIDING FOR SEVERABILITY,  
AN EFFECTIVE DATE AND FOR SUMMARY  
PUBLICATION BY ORDINANCE TITLE.**

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WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the Gig Harbor City Council approved Ordinance 1383 at its regular meeting of February 12, 2018; and

WHEREAS, Ordinance No. 1383 required that a public hearing be held during the City Council's regular meeting on March 26, 2018 and that pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council may adopt additional legislative findings in support of this ordinance and/or otherwise modify the provisions of the moratorium imposed by Ordinance No. 1383 after said public hearing; and

WHEREAS, following public hearing, including the receipt of written comment, and upon recommendation of the Council's Planning and Building Committee, the City Council has determined it is in the public interest to amend Ordinance No. 1383 to clarify that building permits for residential buildings and other residential land use development approvals identified for construction in vested project applications are not

included with the scope of the moratorium imposed by Section 3 of the ordinance and thus exempted from the moratorium with those residential land use development applications listed in Section 4 of the Ordinance; and

WHEREAS, after public hearing and comment and upon recommendation of the Council's Planning and Building Committee, the City Council believes it in the public interest and in the fair treatment of property owners, to treat applications for site plan review for multi-family, duplex, and single-family development for which complete applications were submitted on or before February 12, 2018 (the effective date of Ordinance No. 1383) the same as vested applicants for preliminary residential subdivisions and short plats so long as complete building permit applications consistent with the site plan approval are submitted during the effective period of the moratorium; and,

WHEREAS, at 2<sup>nd</sup> Reading of Ordinance on May 14, 2018, by a vote of 5-2 the City Council moved to adopt the ordinance;

NOW, THEREFORE,

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

Section 1. Amendments. City Council Ordinance No. 1383, effective February 12, 2018, is hereby amended as follows:

Sub-Section 4(b), providing for exceptions to the moratorium, is amended by the addition of the following paragraphs, in all other respects Sub-Section 4(b) remains the same:

(vii) Building permit applications submitted during the effective period of this moratorium consistent with an approved site plan for multi-family,

duplex, and single-family development for which a complete site plan application was submitted to the City on or before February 12, 2018.

(viii) Building and construction permit applications related to vested land development approvals for projects that are not single-family homes on individual lots of record.

Section 2. Findings. The following findings are made in support of the above amendments:

Based upon public comment the above amendment to Section 4 is appropriate to provide greater clarity to the scope of the moratorium and to provide fairness to those applicants that have invested time and resources in the site plan review process in GHMC Chapter 17.96 with the expectation of applying for building permits upon site plan approval, even though the site plan review application does not vest the application under state vesting statutes.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held 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/Publication. This ordinance shall take effect five (5) days following approval and publication. Publication may be by ordinance title only.

APPROVED by the Gig Harbor Council this 14<sup>th</sup> day of May, 2018.

  
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MAYOR, KIT KUHN

ATTEST/AUTHENTICATED:

  
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CITY CLERK, MOLLY TOWSLEE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
Angela Summerfield

FILED WITH THE CITY CLERK: 04/17/18  
PASSED BY THE CITY COUNCIL: 05/14/18  
PUBLISHED: 05/24/18  
EFFECTIVE DATE: 05/29/18  
ORDINANCE NO.1388

## EXHIBIT A

The following is a list of potential zoning and subdivision code amendment options reviewed by the City Council in study session on February 5, 2018 and given priority designation. The listing is not in order of priority and not intended to be an exclusive list of potential zoning and subdivision code amendment options to be considered by the City Council during the pendency of the moratorium.

- A. Downzone Due to Critical Areas: Areas with large-scale, complex and high rank value critical areas could have minimum densities below 4 dwelling units per net acre. This would be supported through critical area consultant evaluations. This could affect property currently zoned RB-2, RB-1, R-2, and R-1.
- B. Amend Net Buildable Area Calculations: The number of homes required in a plat is based on the minimum density multiplied by the net buildable land. Net buildable land is derived from taking the total acreage and removing roads, tidelands, wetlands, bluffs, and ravine sidewalls. Steep slopes, streams, and critical area buffers could be added to the list of areas removed from total acreage. This would yield less units allowed in a project. This would affect all residential projects in any zone with a density minimum or maximum.
- C. Limit Residential Use in Commercial Zones: The C-1, B-2, and DB zoning districts allow all forms of residential dwellings as a conditional use. There are no requirements for mixed use development; therefore, land in these zones can become residential projects provided the CUP criteria is met. In addition, only the C-1 has a maximum density of 7 dwelling unit per acre. There is no maximum density in those other zones. Furthermore, the City's buildable lands analysis and capital facility planning does not assume residential use in these zones. In addition, the B-1, PCD-C, and WC, allow residential uses outside the CUP process.
- D. Limit Density Bonuses Available through PRD and CUP: Through a PRD, a 30% increase in density can be reached by providing more amenities. In the RB-2 zone, a CUP can be used to achieve a 50% increase in density. These density bonus could be reduced or removed. This would affect R-1, R-2, R-3, RLD, RMD, and RB-2 zones.
- E. Reduce Minimum Densities: The minimum density in most residential zones is 4 dwelling units per acre. The City could consider reducing that minimum even without the presence of critical areas to provide a better transition between existing residential development and new residential developments.
- F. Reduce Maximum Densities: Similar to reducing minimum densities or limiting density bonuses, the Council could consider reducing the maximum allowed density.