

## ORDINANCE NO. 1393

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AND IMPLEMENTING LIMITATIONS ON RESIDENTIAL DEVELOPMENT AS IDENTIFIED DURING THE RESIDENTIAL MORATORIUM ADOPTED FEBRUARY 12, 2018 PURSUANT TO ORDINANCE NO. 1383 AND AMENDED BY ORDINANCE NO. 1388 BY REMOVING STREAMS AND SPECIFIED CRITICAL AREA BUFFERS FROM NET BUILDABLE AREA CALCULATIONS; REMOVING THE MINIMUM DENSITY REQUIREMENT IN THE R-2, RB-1, WR, WC, AND WM ZONING DISTRICTS; LOWERING THE MAXIMUM DENSITY FROM 4 DWELLING UNITS PER ACRE TO 3 DWELLING UNITS PER ACRE IN THE RB-1, WR, WM, AND WC ZONING DISTRICTS; REQUIRING 15% OF SIGNIFICANT TREES TO BE RETAINED IN SHORT PLATS; REQUIRING 1 GUEST PARKING SPACE FOR EVERY FOUR DWELLING UNITS IN RESIDENTIAL DEVELOPMENTS WITH 10 OR MORE UNITS; AMENDING TITLE 17, ZONING CODE BY AMENDING SECTIONS 17.05.030, 17.05.040; 17.20.040, 17.28.050, 17.46.040, 17.48.040, 17.50.040, 17.72.030, 17.78.020, AND 17.99.240 OF THE GIG HARBOR MUNICIPAL CODE; 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 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; and

WHEREAS, Ordinance No. 1383 required that a public hearing be held during the City Council's regular meeting on March 26, 2018 and the City Council recommended modification to the provisions of the moratorium imposed by Ordinance No. 1383 after said public hearing; and

WHEREAS, on May 14<sup>th</sup>, 2018, the City Council adopted Ordinance No. 1388 amending Ordinance 1383; and

WHEREAS, at its meeting of April 2, 2018, the Council's Planning and Building Committee provided staff with input on issues to be reviewed for possible future amendment, including those addressed herein; and

WHEREAS, staff worked with the Mayor, Council, Planning Commission, members of the Design Review Board and Advisory Committee to identify possible amendments to development codes that could preserve the city's character and vision while allowing it to grow responsibly; and

WHEREAS, the City developed a code amendment strategy to include amendments in three groups based on the level of environmental, Planning Commission, Department of Commerce review, and staff analysis needed. The amendments addressed herein fall in the Group 2 amendments; and

WHEREAS, the Council's Planning and Building Committee held a public outreach meeting on April 30<sup>th</sup>, 2018, to present the moratorium work plan, potential code amendments and amendment groupings to the public, and to seek public comment; and

WHEREAS, the Planning Commission discussed the Group 2 amendments at their meetings of May 3<sup>rd</sup> and June 7<sup>th</sup>, 2018 and provided the Council brief opinions on the proposed amendments; and

WHEREAS, at its meeting of May 7<sup>th</sup>, 2018, the Council's Planning and Building Committee provided staff with input on issues to be reviewed for possible amendment in Group 2, including those addressed herein; and

WHEREAS, on May 9<sup>th</sup>, 2018, the city submitted a 60-day notice to adopt development regulation amendments related to Group 2 amendments to the Department of Commerce pursuant to RCW 36.70A.106, which was acknowledged by Commerce on May 10<sup>th</sup>, 2018; and

WHEREAS, on June 6<sup>th</sup>, 2018, the City Council held a work-study session to further discuss the three groups of moratorium related amendments; and

WHEREAS, on June 11<sup>th</sup>, 2018, the City Council considered the code amendments contained in Group 2 for initiation. The Council narrowed the scope of those amendments and directed staff to prepare for a public hearing and first reading of an ordinance; and

WHEREAS, on June 21<sup>st</sup>, 2018, the city's Responsible Official pursuant to Gig Harbor Municipal Code Chapter 18.04 (Environmental Review) issued a Determination of Nonsignificance (DNS) for the proposed Group 2 amendments with the appeal period ending on July 12<sup>th</sup>, 2018; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 9<sup>th</sup>, 2018; and

WHEREAS, on July 23<sup>rd</sup>, 2018, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 17.05.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.05.030 Calculations.**

When determining the allowed density for any given lot in the city, the net buildable land area of the site is used. Net buildable land area, for the purpose of determining the allowed dwelling units for a site, shall be calculated by subtracting areas where building is prohibited or subject to significant restrictions from the gross lot area. The area remaining after these exclusions from the gross lot area represents the net buildable land area. The following shall be deducted from the gross lot area to determine net buildable land area:

A. Sensitive areas including: Type I, II, III and IV wetlands, streams, ravine sidewalls, and bluffsand all required buffers associated with the sensitive areas listed in this subsection.

B. Public rights-of-way, streets, private roadways, and private driveways for two dwelling units; except as excluded under GHMC 17.05.040.

C. Tidelands. The area of waterfront lots is considered to be the area landward of the line of the ordinary high water mark, regardless of the extent of ownership, or the area landward of the ordinary high water mark along streams.

Section 2. Section 17.05.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.05.040 Exclusions.**

The following shall not be deducted from the gross lot area when calculating net buildable land area:

- A. Required setbacks;
- B. Vegetation conservation buffers, landscape areas, and screening required by this title and the shoreline master program; and
- C. Alleys; and
- D. Critical area buffers.

Section 3. Subsection 17.20.040(G) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.20.040 Development standards.**

In an R-2 district, the minimum requirements are as follows:

	<b>Single-Family and Duplex Dwellings</b>	<b>Other Residential and Nonresidential</b>
A. Minimum lot area for short plats <sup>1</sup>	7,000 sq. ft./dwelling unit	
B. Minimum lot width <sup>1</sup>	50'	50'
C. Minimum front yard <sup>3,4</sup>	House: 20' Porch: 12'	25'

	Single-Family and Duplex Dwellings	Other Residential and Nonresidential
	Garage: 26'	
D. Minimum side yard <sup>2,3</sup>	8'	7'
E. Minimum rear yard <sup>2,3</sup>	30'	25'
F. Maximum hard surface coverage	60% of the total lot area	
G. Minimum density	<del>4 dwelling units/acre</del> <u>No minimum.</u>	
H. Maximum density	6 dwelling units/acre	

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

<sup>2</sup>Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

<sup>3</sup>Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

<sup>4</sup>Accessory structures to single-family and duplex dwellings shall meet the minimum front yard for a house.

**Section 4.** Section 17.28.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

#### **17.28.050 Minimum development standards.**

In an RB-1 district, the minimum lot requirements are as follows:

	Single-Family Dwellings	Other Residential	Nonresidential
A. Minimum lot area (sq. ft.)	7,200	7,200	15,000
B. Minimum lot width	70'	70'	70'
C. Minimum front yard setback <sup>1,3</sup>	House: 20' Porch: 12' Garage: 26'	20'	20'
D. Minimum rear yard setback <sup>1,2</sup>	30'	25'	15'
E. Minimum side yard setback <sup>1,2</sup>	8'	7'	10'
F. Maximum hard surface coverage	50%	50%	60%
G. Minimum street frontage	20'	20'	50'

	Single-Family Dwellings	Other Residential	Nonresidential
H. <u>Minimum Density</u>	<u>No minimum</u>	<u>No minimum</u>	
I. <u>Maximum Density</u>	4 <u>3</u> dwelling units/acre	<u>43</u> dwelling units/acre	
J. <u>Maximum gross floor area</u>	N/A	N/A	5,000 sq. ft. per structure
K. <u>Separation between structures</u>	20'	20'	20'

<sup>1</sup>If the RB-1 district is located in the historic district defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.

<sup>2</sup>Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

<sup>3</sup>Accessory structures to single-family shall meet the minimum front yard setback for a house.

**K.L.** Any yard abutting a single-family residence shall be required to maintain a 30-foot-wide dense vegetated screen. This requirement does not apply to single-family dwellings in the RB-1 district.

**Section 5.** Section 17.46.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.46.040 Development standards.**

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Duplex Dwelling	Non-residential Dwelling
A. Minimum lot area	7,000 (sq. ft.) <sup>1</sup>	14,000	12,000
B. Minimum lot width		70'	50'
C. Minimum front yard <sup>2</sup>			
D. Minimum side yard <sup>2</sup>			
E. Minimum rear yard <sup>2</sup>			

	Single- Family Dwelling	Duplex residential Dwelling	Non- residential Dwelling
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum hard surface coverage	40%	45%	50%
H. <u>Minimum Density</u>	<u>No Minimum</u>		
I. <u>Maximum Density</u>	4-3 dwelling units per acre		
J. Maximum gross floor area including garages, attached and detached <sup>3</sup>	4,000 square feet per lot	4,000 square feet per lot	4,000 square feet per lot

<sup>1</sup>An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WR district.

<sup>3</sup>Historic net sheds as defined in GHMC 17.04.615 shall be excluded from the maximum gross floor area requirements above.

Section 6. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

#### **17.48.040 Development standards.**

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single- Family Dwelling	Attached Up to 4 Units	Nonresidential
A. Minimum lot area (sq. ft.) <sup>1</sup>	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard <sup>2</sup>			

	Single- Family	Attached Up to 4 Dwelling	Units	Nonresidential
D. Minimum side yard <sup>2</sup>				
E. Minimum rear yard <sup>2</sup>				
F. Minimum yard abutting tidelands	0'	0'	0'	
G. Maximum hard surface coverage	50%	55%	70%	
H. <u>Minimum</u> <u>No Minimum</u> Density				
I. <u>Maximum</u> <u>4-3</u> dwelling units per acre <u>Density</u>				
I. Maximum gross floor area including garages, attached and detached <sup>3</sup>	3,500 square feet per lot	3,500 square feet per lot	3,500 square feet per lot	
J. Separation between structures	20'	20'	20'	

<sup>1</sup>An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WM district.

<sup>3</sup>Historic net sheds as defined in GHMC 17.04.615 shall be excluded from the maximum gross floor area requirements above.

Section 7. Section 17.50.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

### 17.50.040 Development standards.

In a waterfront commercial district, the minimum development requirements are as follows:

Single-Family			
	Dwelling	Attached Up to 4 Units	Nonresidential
A. Minimum lot area (sq. ft.) <sup>1</sup>	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard <sup>2</sup>			
D. Minimum side yard <sup>2</sup>			
E. Minimum rear yard <sup>2</sup>			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum hard surface coverage	50%	55%	70%
H. <u>Minimum Density</u>	<u>No minimum density</u>		
I. <u>Maximum Density</u>	<u>4.3</u> dwelling units per acre		
I.J. Maximum footprint/gross floor area <sup>4,5</sup>	3,000 square feet max. gross floor area per structure	3,000 square feet max. footprint/6,000 square feet gross floor area per structure	3,000 square feet max. footprint/6,000 square feet gross floor area per structure
J.K. Separation between structures <sup>3</sup>	20'	20'	20'

<sup>1</sup>An undersized lot or parcel shall qualify as a building site if such lot is a lot of record at the time this chapter became effective.

<sup>2</sup>The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WC district.

<sup>3</sup>Separation between structures is not required upon lots or parcels within the Finholm Market portion of the WC district which contain multiple structures and/or which abut the DB (downtown business) district.

<sup>4</sup>Historic net sheds as defined in GHMC 17.04.615 shall be excluded from the maximum gross floor area requirements.

<sup>5</sup>For structures existing as of the effective date of the ordinance codified in this section and located in the portion of the WC district which abuts the DB district, additional gross floor area may be added to a structure and the total gross floor area may exceed the maximum allowed; provided, that the additional gross floor area to be added is interior to the building and does not enlarge or expand the existing building footprint. Roof modifications to accommodate the increase in interior gross floor area are allowed provided the roof modifications do not exceed the building height allowed in GHMC 17.99.510. No additional parking spaces are required to accommodate the increase in gross floor area.

K.L. 1. Maximum hard surface coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner; and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with nonresidential uses, as follows:

\* \* \*

Section 8. Section 17.72.030 of the Gig Harbor Municipal Code is hereby amended to add a footnote to the five dwelling use categories, as follows:

**17.72.030 Number of off-street parking spaces.**

The following is the number of off-street parking spaces required for each of the uses identified below:

Use	Required Parking
Dwelling, single-family	Two off-street parking spaces per dwelling unit. <sup>3</sup>
Dwelling, duplex	Two off-street parking spaces per dwelling unit. <sup>3</sup>
Dwelling, triplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms. <sup>3</sup>
Dwelling, fourplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms. <sup>3</sup>
Dwelling, multiple-family	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms. <sup>3</sup>

\* \* \*

1. If the facility or home is used exclusively for the housing of the elderly, disabled or handicapped, the decisionmaker may allow a portion of the area required for off-street parking to be reserved as a landscaped area if the decisionmaker finds that the required off-street parking is not immediately required and is in the best interest of the neighborhood.
2. See GHMC 17.48.070 for additional requirements for parking and loading facilities in the WM district.
3. Guest parking shall be provided for all residential developments with 10 or more dwelling units or lots as follows:
  - a. The minimum number of spaces shall be one (1) guest parking space for every four (4) dwelling units, with fractions rounded to the next highest number.
  - b. Guest Parking may be located:
    - i. in a parking lot accessed by a public roadway, but not located more than five hundred feet (500') from the dwelling(s) it is intended to serve, and/or
    - ii. in a central location within the subdivision as practical and may also serve as parking for active or passive outdoor amenities, and/or

- iii. provided as on-street parking, and/or
- iv. in a location deemed appropriate by the Planning Director.
- c. Unless the parking is located on dedicated public right of way, the guest parking spaces shall be owned and maintained by the homeowner's association.
- d. Off-street parking must comply with the off-street parking design standards pursuant to GHMC 17.72.020.

Section 9. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.78.020 Applicability.**

The standards as required by this chapter shall apply to all uses of land which are subject to site plan review, a land clearing permit, and to any subdivision plat. GHMC 17.78.092 applies to all projects that require retention of existing vegetation. GHMC 17.78.095 applies to all development in the area described by that section. Additionally, the requirements of Shoreline Master Program subsection 6.2.4, Regulations – Vegetation Conservation Strip, shall apply to all property within the jurisdiction of the city's shoreline master program.

Section 10. Section 17.99.240 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.240 Natural site conditions.**

Site development should be designed to reflect the natural conditions of the site, including topography and existing vegetation. The following standards will help to achieve this, and are applicable to all development.

\* \* \*

**D. Incorporate approximately 25 percent of significant trees into the project or approximately 15 percent for short plats.**

On nonresidential, multifamily sites, and residential subdivisions at least 25 percent of significant trees shall be incorporated into required landscaping and retained indefinitely. In short plats at least 15 percent of significant trees shall be retained indefinitely. The 25-percent calculation shall be based upon significant trees currently on the site and which have been cleared from the site within the past five years. All significant trees on site shall be identified and shown on a tree survey. In conjunction with the 25 percent retention requirement, the following options may be applied to other landscaping requirements of this chapter.

\* \* \*

Section 11. Findings. In support of the amendments approved in this Ordinance, the City Council adopts the findings attached hereto as Exhibit A and incorporated herein.

Section 12. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 13. 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 Council and approved by the Mayor of the City of Gig Harbor, this 23<sup>rd</sup> day of July, 2018.

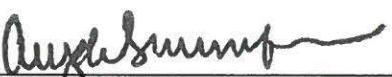
CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Angela G. Summerfield, City Attorney

FILED WITH THE CITY CLERK: 06/29/18  
PASSED BY THE CITY COUNCIL: 07/23/18  
PUBLISHED: 07/26/18  
EFFECTIVE DATE: 07/31/18  
ORDINANCE NO: 1393

## EXHIBIT A

### Findings of fact and consistency with planning policies

#### Findings of Fact

- The city's population has risen by 30% in the last five years.
- The most recent Pierce County Buildable Lands Report in 2014 shows that Gig Harbor has enough capacity to achieve its adopted 2030 housing target of 1,960 units under current zoning. The analyses show the City has capacity to accommodate an excess of 1,781 dwelling units over and above its adopted housing target.
- There are approximately 1,200 vested residential units currently in the permitting pipeline. Given that number, the City only needs to permit 264 more units in the next 11 years to meet its Buildable Lands 2030 housing target.
- The City adopted the moratorium and is adopting these code amendments to (1) correct a potential imbalance between housing and jobs before it occurs, (2) ward off the potential strain on its resources, and (3) maintain the character and aesthetic of the community while meeting the Small Cities growth target set by the Puget Sound Regional Council's Vision 2040 and reserving development capacity for the future.
- The Vision 2040 Regional Growth Strategy seeks to focus a major share of employment and housing growth in Metropolitan Cities and Core Cities. The centers in these cities, the regional growth centers, are to be connected and served by fast and frequent high-capacity transit service. These centers are located in either Metropolitan Cities or Core Cities. Regional growth centers are areas of higher-intensity development and contain a mix of land uses and services.
- Gig Harbor is not a designated Regional Growth Center, Metropolitan City or Core City. Gig Harbor is a designated Small City. The Small City category is expected to reduce its share of regional growth now and into the future. Future growth is directed to Metropolitan and Core Cities which are expected to accommodate 58% of future growth. All 46 regional small cities together are expected to accommodate less than 10% of future growth.
- The Pierce County Countywide Planning Policies (CPP) states the following:

The Regional Growth Strategy set forth in VISION 2040 provides guidance for the distribution of future population and employment growth through the year 2040 within the Central Puget Sound Region. This strategy in combination with the Office of Financial Management's population forecasts provide a framework for establishing growth targets consistent with the requirements of the Growth Management Act. ...

Achievement of the future envisioned by VISION 2040 will be challenging. **Jurisdictions in some regional geographies will likely be planning for growth targets that are above or below the policy direction set by the Regional Growth Strategy** because they are on a front- or back-loaded growth trajectory toward 2040. **In other regional geographies, recent growth has been at such significant odds with the policy direction set by the Regional Growth Strategy** (such as recent growth in

unincorporated urban Pierce County from 2000 to 2007 has already accounted for more than half of the 40-year growth allocation), **that the 2040 goal will likely be exceeded. In such cases, jurisdictions are asked to set growth targets as close to VISION 2040 as reasonably possible in an effort to “bend the trend” of future growth to more closely conform to the Regional Growth Strategy. If a jurisdiction’s adopted target is lower or higher than expected from a straight-line application of the Regional Growth Strategy, certification by the Puget Sound Regional Council (PSRC) will be based on the actions and measures taken or proposed to be put in place to bend the trend, not just on an assessment of the adopted targets.** (Emphasis added.)

- Gig Harbor has been mandated by both Vision 2040 and our CPP to reduce the amount of growth in the City to meet our growth targets. As noted above, using the City’s current zoning, the Pierce County Buildable Land Report (2014) shows Gig Harbor has the capacity to exceed its housing target. In fact, the analyses show the City has capacity to accommodate an excess of 1,781 dwelling units over and above its adopted housing target of 1,960 units. Also, City staff estimates there are approximately 1,200 vested residential units currently in the permitting pipeline. Given that number, the City only needs to permit 264 more units in the next 11 years to meet its Buildable Lands 2030 housing target. If we are to meet Vision 2040 and the CPP, we must reduce our housing capacity now in order to bend the trend.
- The GMA requires cities to plan for and accommodate urban densities but does not require each individual zoning district within a City to achieve urban densities.
- The City first initiated a minimum residential density with respect to the former GMHB ‘bright line’ for urban development of 4 du/acre<sup>1</sup>.<sup>2</sup> Recent court cases have invalidated that approach as arbitrary and an overreach of judicial jurisdiction. However, the Western Washington Growth Management Hearings Board discussed and applied the 4 dwelling units per acre rule in a Whatcom County case. The Board stated:

“[t]he principle of 4 dwelling units per acre for urban growth is not to be seen as an inflexible requirement but as a general rule of thumb. Where there are reasons to deviate from it, the County’s record should show what they are<sup>3</sup>.”

- Prior to Vision 2040, jurisdictions were encouraged to accept their fair share of regional growth or more. The Housing Allocation was seen as a floor under which jurisdictions could not fall. The adoption of Vision 2040 shifted the growth focus from a more distributed approach to a more concentrated approach. Population allocations outside of designated regional growth centers are now seen as ceilings to limit growth in areas with less ability to provide urban services at concentrated urban densities<sup>4</sup>. Within cities that are outside of regional growth centers, Vision 2040 promotes town centers and activity nodes.

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<sup>1</sup> See *Bremerton v. Kitsap County*, Central Puget Sound Growth Management Hearings Board, Case No. 95-3-0039c (Final Decision and Order, October 6, 1995).

<sup>2</sup> The apparent “bright line” rule of 4 dwelling units per acre was overturned by the State Supreme Court in *Viking Properties v. Holm*, 144 Wn.2d 112, 129 (August 2005). In that case, the Court held the growth boards did not have the authority to adopt a “bright line” minimum urban density of four dwelling units per acre.

<sup>3</sup> *Futurewise v. Whatcom County and Gold Star Resorts, Inc.*, Western Washington Growth Management Hearings Board, Case 05-2-0013 (Final Decision and Order, September 2005).

<sup>4</sup> See Vision 2040 MPP-DP-2, MPP-DP-3; MPP-DP-5; MPP-DP-11, MPP-DP-34, MPP-DP-35 to 38, MPP-DP-50, MPP-DP-54, MPP-DP-56, MPP-H-1 and MPP-Ec-16; CPP CU-1, Ec-1 and CPP Centers of Local Importance (CoLI); and GH Comprehensive Plan Goals 2.1, 2.2, 2.3 and Policies 2.1.1, 2.1.2, 2.1.3, 2.1.5, 2.1.7, 2.2.1, 2.3.4, and 4.7.2.

- Changes to the current residential densities within the lower density residential zones will achieve a more balanced growth pattern while still meeting the City's regional and state obligations. These code amendments do not affect the higher density residential zones which will maintain existing residential densities.

### **Consistency with Planning Policies:**

The City of Gig Harbor finds the amendments included in this ordinance are consistent with the following multicounty, countywide, and City of Gig Harbor adopted goals and policies.

### **VISION 2040 Multicounty Planning Policies:**

**MPP-En-12:** Preserve and restore native vegetation to protect habitat, especially where it contributes to the overall ecological function and where invasive species are a significant threat to native ecosystems.

**MPP-DP-33:** Identify, protect and enhance those elements and characteristics that give the central Puget Sound region its identity, especially the natural visual resources and positive urban form elements.

**MPP-DP-34:** Preserve significant regional historic, visual and cultural resources including public views, landmarks, archaeological sites, historic and cultural landscapes, and areas of special character.

**MPP-Ec-16:** Utilize urban design strategies and approaches to ensure that changes to the built environment preserve and enhance the region's unique attributes and each community's distinctive identity in recognition of the economic value of sense of place.

### **Pierce County Countywide Planning Policies:**

**CU-1.** The County, and each municipality in the County, will develop high quality, compact communities that:

- 1.1 impart a sense of place;
- 1.2 preserve local character;
- 1.3 provide for mixed uses and choices in housing types; and
- 1.4 encourage walking, bicycling, and transit use.

**Ec-1.** The County, and each municipality in the County, will work to achieve a prospering and sustainable regional economy by supporting business and job creation, investing in all people, sustaining environmental quality, and creating great central places, diverse communities, and high quality of life. This will involve assuring consistency between economic development policies and adopted comprehensive plans by:

- 1.2 providing within the areas designated for urban development, sufficient land to accommodate projected development;

**Env-16.** The County, and each municipality in the County, should protect and enhance the natural ecosystems through comprehensive plan policies and development regulations that reflect natural constraints and protect sensitive features.

**16.3 Preserve and restore native vegetation to protect habitat, especially where it contributes to the overall ecological function and where invasive species are a significant threat to native ecosystems.**

**City of Gig Harbor Comprehensive Plan:**

**2.2.1. Urban Form**

- a) Create a recognizable urban pattern which distinguishes between urban and rural and which establishes a harmonious relationship between the natural and the built environment.
- b) Emphasize and protect area differences in architecture, visual character and physical features which make each part of the urban form unique and valuable.

**2.3.4. Residential Densities**

- c) Implement a zoning plan which allocates residential development based upon a maximum density as opposed to a minimum lot size in order to encourage optimum design techniques suitable to the land and its natural features.
- d) Establish a maximum parcel size per dwelling unit for the city and its urban area to promote more efficient utilization of land and economization of public services.

**4.9.1. Design standards should recognize existing neighborhood characteristics.**

**4.9.2 Design standards should enhance and be compatible with existing neighborhood characteristics.**

**4.10.1. Incorporate existing vegetation into new residential developments.**

Roads, lot layout and building sites in new residential developments should be designed to preserve high quality existing vegetation by clustering open space and native trees in order to protect not only the trees, but the micro-climates which support them.

**4.10.2. Preserve existing trees on single-family lots in lower-density residential developments.** High quality native trees and understory should be retained where feasible.

**4.11.3 Provide an appropriate number of visitor parking spaces in residential developments based on the intensity of the development.**

**4.23.2. Allow trees to be a part of the view.**

Panoramic views, when they occur, are not necessarily void of trees, even in the foreground.

- a) Limited numbers of trees should not be considered an obstruction to a view.
- b) Recognize that every tree impacts someone's view to one degree or another.
- c) Recognize that removal of trees to provide a view alters the view that everyone hopes to get.