

**CITY OF GIG HARBOR
ORDINANCE NO. 982**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, INCREASING THE ALLOWED DENSITIES ALLOWED IN THE R-1, RB-1, WR, WM, AND WC ZONES TO 4 DWELLING UNITS PER ACRE; ADDING A CHAPTER, 17.92, TO THE ZONING CODE RELATING TO NOTICES RECORDED ON PROPERTY ADJACENT TO MINERAL RESOURCE LANDS; AMENDING SECTIONS 17.16.060, 17.28.050, 17.46.040, 17.48.040, AND 17.50.040 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the City of Gig Harbor plans under the Washington State Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the City is required to take action to review and, if needed, revise the comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act (GMA) on or before December 1, 2004 (RCW 36.70A.130 (4)(a)); and

WHEREAS, the City is required to consider critical areas ordinances and utilize best available science in designation and protection critical areas as part of the mandated review (RCW 36.70A.130 (1)(a) & .172); and

WHEREAS, the City adopted a revised comprehensive plan, consistent with the requirements of the Growth Management Act (RCW 36.70A.130 (4)(a)) on December 13, 2004 (Ordinance No. 981); and

WHEREAS, the City is required to provide public notice of and hold a public hearing on any amendments to the Comprehensive Plan and implementing development regulations (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City Community Development Director notified the Washington State Office of Community Development of the City's intent to amend the Comprehensive Plan and development regulations on October 21, 2004 pursuant to RCW 36.70A.106; and

WHEREAS, on October 20, 2004, the City's SEPA Responsible Official issued a Determination of Non-Significance with regards to the proposed adoption of a revised Comprehensive Plan, as well as the amendments to Title 17 and Title 18 of the Gig Harbor Municipal Code; and

WHEREAS, no appeals of the issuance of the Determination of Non-Significance were filed; and

WHEREAS, the City anticipated this requirement the review and revision of the Comprehensive Plan and included an objective in the 2004 Annual Budget for the update of the Comprehensive Plan; and

WHEREAS, on April 12, 2004 the City Council approved a consultant services contract with AHBL, Inc. for the services necessary to assist the City in the review and update of the Comprehensive Plan and development regulations; and

WHEREAS, in order to ensure that the review and update of the Comprehensive Plan is completed in a timely fashion consistent with State law it was necessary to establish a timeline and work program; and

WHEREAS, the City Council adopted Resolution No. 629 on September 13, 2004, which was subsequently revised by Resolution No. 631, which established a timeline and work program for the review and revision of the City of Gig Harbor Comprehensive Plan; and

WHEREAS, the City Planning Commission reviewed the recommendations for the update of the Comprehensive Plan and development regulations as outlined in the scope of work in Resolutions Nos. 629 and 631; and

WHEREAS, the City Planning Commission conducted work-study sessions for the 2004 review and update of the Comprehensive Plan and development regulations on September 16, 2004, October 7, 2004, October 21, 2004 and November 18, 2004; and

WHEREAS, the City Planning Commission held a legally advertised public hearing on the 2004 review and update of the Comprehensive Plan and development regulations on November 4, 2004 and recommended adoption of a revised City of Gig Harbor Comprehensive Plan and certain amendments to Title 17 and Title 18 of the Gig Harbor Municipal Code; and

WHEREAS, the Gig Harbor City Council held a public hearing and first reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan and development regulations on November 22, 2004; and

WHEREAS, the Gig Harbor City Council held a second public hearing and second reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan and development regulations on December 13, 2004; Now, Therefore,

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

Section 1. Development Regulations. Based on the testimony and evidence presented, the City Council decided to exclude the proposed amendments to Title 18 from the draft ordinance. The proposed amendments to Title 18 addressed the City's critical areas regulations, including wetland regulations. The City Council determined that the proposed amendments to Title 18 would be considered during the first quarter of 2005. The City Council hereby adopts the amendments to Title 17 of the Gig Harbor Municipal Code, as set forth in Exhibit A, which are incorporated herein by reference.

Section 2. Implementing Development Regulations.

A. **Notice.** The City Clerk confirmed that public notice of the public hearing held by the City Council was provided.

B. **Hearing Procedure.** The City Council's consideration of the comprehensive land plan and amendments to the Gig Harbor Municipal Code is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.**

The following person's testified/submitted written testimony at the November 22, 2004 public hearing:

James A. Wright, testified and submitted a letter for consideration by the Council regarding the use of Planned Residential Developments; and

The Washington State Department of Ecology submitted a letter dated November 22, 2004 regarding the draft Critical Areas Ordinance via facsimile.

The following person's testified/submitted written testimony at the December 13, 2004 public hearing:

Jim Wright, submitted a letter dated December 8, 2004 regarding densities and diversity of housing;

The Puget Sound Regional Council submitted a letter dated December 8, 2004 regarding the Transportation Element;

The Olympic Property Group submitted a letter dated December 10, 2004 regarding wetland buffer width averaging;

Marilyn Owel submitted a letter dated December 13, 2004 regarding wetland buffer width recommendations;

The Friends of Pierce County submitted a letter dated December 13, 2004 regarding low impact development techniques and wetlands;

Carl Halsan testified that the City likely has very few Category I wetlands;

Teresa Vanderburg, Adolfson Associates, Inc. referenced her revised memorandum responding to the November 22, 2004 Department of Ecology letter and reiterated the low potential for any Category I wetlands in the City;

John Chadwell, Olympic Property Group referenced the December 10, 2004 letter and commented on wetland buffers width averaging;

Dennis Reynolds, Davis Wright Tremaine submitted a letter written on behalf of four clients regarding the wetland issues;

Chris Wright, Raedeke Associates, Inc. referenced his December 10, 2004 letter attached to the Olympic Property Group correspondence regarding wetland buffer width averaging;

Doug Sorenson testified that his wetland consultant indicated that he has a Category I wetland; and

Scott Waggoner testified regarding the wetland buffer issues.

Section 3. Transmittal to State. The City Community Development Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State Office of Community Development within ten days of adoption, pursuant to RCW 36.70A.106.

Section 4. 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, clause or phrase of this Ordinance.

Section 5. 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 City Council and approved by the Mayor of the City of Gig Harbor this 13th day of December, 2004.

CITY OF GIG HARBOR



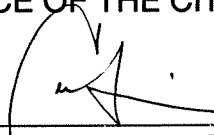
GRETCHEN A. WILBERT, MAYOR

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: 11/17/04
PASSED BY THE CITY COUNCIL: 12/13/04

PUBLISHED: 12/22/04
EFFECTIVE DATE: 12/27/04
ORDINANCE NO: 982

Exhibit A

Chapter 17.16

SINGLE-FAMILY RESIDENTIAL (R-1)

17.16.060 Development standards.

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

A. Minimum lot area per building site for short plats ¹	7,200 sq. ft.
B. Minimum lot width ¹	70'
C. Minimum front yard setback ²	25'
D. Minimum rear yard setback	30'
E. Minimum side yard setback	8'
F. Maximum impervious lot coverage	40%
G. Minimum street frontage	20'
H. Density	4 dwelling units/acre

¹A 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.

²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

(Ord. 710 § 6, 1996; Ord. 573 § 2, 1990. Formerly 17.16.070).

Chapter 17.28

RESIDENTIAL AND BUSINESS DISTRICT (RB-1)

17.28.050 Minimum development standards.

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

	Residential	Non residential
A. Minimum lot area (sq. ft.)	7,200	15,000
B. Minimum lot width	70'	70'
C. Minimum front yard setback	20'	20'
D. Minimum rear yard setback	25'	15'
E. Minimum side yard setback	7'	10'
F. Maximum impervious lot coverage	50%	60%
G. Minimum street frontage	20'	50'
H. Density	4 dwelling units/acre	
I. Maximum gross floor area	N/A	5,000 sq. ft. per lot

Chapter 17.46

WATERFRONT RESIDENTIAL (WR)

17.46.040 Development standards.

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

	Single-Family	Duplex	Non-residential
A. Minimum lot area (sq. ft.) ¹	7,000	14,000	12,000
B. Minimum lot width	70'	50'	50'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	10'	10'	10'
E. Minimum rear yard	25'	25'	25'
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	40%	45%	50%
H. Density ³	4 dwelling units per acre		

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

²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC, Planned residential district.

Chapter 17.48

WATERFRONT MILLVILLE (WM)

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	Non-residential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density ³	4 dwelling units per acre		
I. Maximum gross floor area	N/A	N/A	3,500 sq. ft. per lot

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

²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the planning and public works directors.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC (Planned residential district).

Chapter 17.50

WATERFRONT COMMERCIAL (WC)

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	Non-residential
A. Minimum lot area (sq. ft.) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density	4 dwelling units per acre		

¹An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective.

²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.

Chapter 17.92

Mineral Resource Lands

Sections:

17.92.010 Short title.

17.92.020 Purpose.

17.92.030 Applicability.

17.92.040 Designation of mineral resource lands.

17.92.050 Title notification.

17.92.060 Plat Notification.

17.92.010 Short title.

This chapter shall be known and may be cited as the “mineral resource lands” code of the city.

17.92.020 Purpose.

The purpose of this chapter is:

- A. To promote the health, safety, and welfare of the citizens of the city;
- B. To designate mineral resource lands;
- C. To provide notification to future property owners in the vicinity of mineral resource lands of activities that may be incompatible with residential land use; and
- D. To comply with the Washington State Growth Management Act.

17.92.030 Applicability.

The provisions of this chapter shall apply to new residential development on property of which any portion is within four hundred (400) feet of the boundary of any parcel designated as a mineral resource land.

17.92.040 Designation of mineral resource lands.

Mineral resource lands subject to this chapter include the following:

- A. Any area presently operating under a valid Washington State Department of Natural Resources (DNR) surface mining permit and a valid land use permit from the county or the city.
- B. Any other area shall be classified a mineral resource land when:
 - 1. A surface mining permit is granted by the DNR; and
 - 2. The mining operation is approved by the city for compliance with zoning and the State Environmental Policy Act, Chapter 18.04 GHMC.

17.92.050 Title notification.

The owner of a site, any portion of which is within four hundred (400) feet of the property boundary of a site designated as a mineral resource land, for which an application for development activity is submitted, shall record a title notice with the Pierce County auditor. The notice shall be notarized and shall be recorded prior to approval of any development proposal for the site. Such notification shall be in the form as set forth below:

MINERAL RESOURCE LANDS NOTICE

Parcel Number: _____

Address: _____

Legal Description: _____

Notice: This parcel lies within or near an area of land designated Mineral Resource Lands by the City of Gig Harbor. A variety of commercial mineral extraction

activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. The City of Gig Harbor has established mineral resource extraction as a priority use on existing productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary mineral resource extraction operations.

Signature of owner(s)
(NOTARY ACKNOWLEDGEMENT)

17.92.060 Plat notification.

The owner of a site, any portion of which is within four hundred (400) feet of the property boundary of a site designated as a mineral resource land, on which a short subdivision or subdivision is submitted, shall record a notice on the face of the plat. Such notification shall be in the form as set forth below.

Notice: This property lies within or near an area of land designated Mineral Resource Lands by the City of Gig Harbor. A variety of commercial mineral extraction activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of heavy equipment, chemicals, and spraying which may generate dust, smoke, and noise associated with the extraction of mineral resources. The City of Gig Harbor has established mineral resource extraction as a priority use on existing productive mineral resource lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary mineral resource extraction operations.