

AGENDA
GIG HARBOR CITY COUNCIL MEETING
Monday, October 11, 2021 – 5:30 p.m.
Virtual Meeting

This meeting may be accessed through Zoom at <https://zoom.us/j/93216056382> or by calling (253) 215-8782 and entering Meeting ID 932 1605 6382. Please see the City Council Meeting Procedures at the end of this agenda for information on options to make public comment.

CALL TO ORDER/ROLL CALL

PLEDGE OF ALLEGIANCE

LAND ACKNOWLEDGMENT

Before we begin this Council Meeting we would like to recognize that we are gathered on not only the ancestral and traditional lands of the sx̣wəbabč band of the Puyallup Tribe of Indians, but also on the site of one of the largest and longest standing historic villages of the people, the original inhabitants of Gig Harbor.

CHANGES TO THE AGENDA

CONSENT AGENDA

1. City Council Minutes

Documents:

[City Council Minutes - September 27, 2021.pdf](#)

2. Approval of Vouchers

Checks #96260 through #96358, Cashier's Check #1426531 and ACH payments in the amount of \$1,422,260.86.

3. Approval of Payroll

Payment of payroll for the month of August: Checks #8307 through #8312 and direct deposit transactions in the total amount of \$484,814.87.

PRESENTATIONS

1. Welcoming of New Police Officer – Ennis Roberson

2. Indigenous Peoples' Day Proclamation

Documents:

[Indigenous Peoples Day 2021.pdf](#)

3. Restoring Relationships with the Puyallup Tribe

Documents:

[Restoring Relationships.pdf](#)

MAYOR'S REPORT

CITY ADMINISTRATOR'S REPORT

PUBLIC COMMENT ON NON-AGENDA ITEMS

OLD BUSINESS

1. Public Hearing on Ordinance 1467 and Adoption of Findings of Fact

- a) Report: Principal Planner Carl de Simas
- b) Clarifying questions from Council
- c) Public hearing
- d) Council deliberation and action

Documents:

[AGENDA BILL Ordinance 1467.pdf](#)
[Ordinance 1467 Public Comment.pdf](#)

2. Public Hearing on Ordinance 1466 and Adoption of Findings of Fact

- a) Report: Community Development Director Katrina Knutson
- b) Clarifying questions from Council
- c) Public hearing
- d) Council deliberation and action

Documents:

[AGENDA BILL Ordinance 1466.pdf](#)
[Ordinance 1466 Public Comment.pdf](#)

3. Second Reading and Adoption of Ordinance 1468 Accepting North Creek Gig Harbor, LLC Property Donation

- a) Report: Public Works Director Jeff Langhelm
- b) Clarifying questions from Council
- c) Public comment
- d) Council deliberation and action

Documents:

[AGENDA BILL Ordinance 1468.pdf](#)

NEW BUSINESS

1. First Reading of Ordinance 1469 Repealing GHMC 5.14 Bring

Your Own Bag

- a) Report: Interim City Clerk Joshua Stecker
- b) Clarifying questions from Council
- c) Public Comment
- d) Council deliberation and action

Documents:

[AGENDA BILL Ordinance 1469.pdf](#)

COUNCIL REPORTS / COMMENTS

- 1. Planning & Building Committee Meeting of October 4 - Councilmember Himes**
- 2. Parks Commission Meeting of October 6 - Councilmember Abersold**
- 3. Board & Commission Candidate Review Committee Meeting Meeting of October 11 - Councilmember Abersold**

ANNOUNCEMENT OF UPCOMING MEETINGS

- 1. Public Works Committee Meeting - Tuesday, October 12 at 3:00 p.m.**
- 2. City Council Study Session - Monday, October 18 at 2:00 p.m.**
- 3. City Council Study Session - Tuesday, October 19 at 2:00 p.m.**

ADJOURN

CITY COUNCIL MEETING PROCEDURES

The City Council desires to allow a maximum opportunity for public comment.

However, the business of the City must proceed in an orderly, timely manner. The purpose of a Council meeting is to conduct the City's business; it is not a public forum. The Open Public Meetings Act does not require that members of the public be allowed to participate or speak.

Speakers will be allotted 3 minutes per individual, unless revised by the Mayor.

Public comment may be made remotely via Zoom or by phone during designated portions of the meeting. To speak during the meeting, press the Raise Hand button near the bottom of your Zoom window or press *9 on your phone. Please refrain from raising your hand until the Mayor has announced that he has opened the public comment portion of the meeting. Your name or the last three digits of your phone number will be called out when it is your turn to speak. When using your

phone to call in, you may need to press *6 to unmute yourself. All speakers will have up to three minutes to speak.

Instead of speaking live, you may submit comments in writing by email before the meeting. Your comments must be provided to the City Clerk by 3:00 p.m. on the day of the meeting. All written comments must be able to be read in 3 minutes or less to be included in the record and must state "FOR PUBLIC COMMENT" in the subject line of the email. In addition, comments must include the name and address of the person submitting the comments. Email comments to cityclerk@gigharborwa.gov. Written comments will be read during the appropriate agenda item.

All remarks shall be addressed to the Council as a body and not to any specific councilmember. All speakers shall be courteous in their language and deportment and shall not engage in or discuss or comment on personalities or indulge in derogatory remarks or insinuations with regard to any councilmember, the Mayor, or any member of the staff or the public.

MINUTES FOR GIG HARBOR CITY COUNCIL MEETING
Monday, September 27, 2021 – 5:30 p.m.
Virtual Meeting

CALL TO ORDER / ROLL CALL: Mayor Kuhn called the meeting to order at 5:30 p.m. Councilmembers Abersold, Denson, Franich, Himes, Markley, Rodenberg, and Woock were present.

CHANGES TO THE AGENDA: New Business 4 was moved to be considered before New Business 1.

CONSENT AGENDA:

1. City Council Minutes: City Council Meeting Minutes – September 13, 2021
2. Receive & File: Planning and Building Committee Minutes - August 2, 2021;
Planning Commission Minutes - August 19, 2021
3. Residential Lease Agreement for 7601 Soundview Drive
4. Appointments to the Lodging Tax Advisory Committee
5. Professional Services Contract - Prentice Avenue/Fenimore Street Half Street Improvements Design
6. Approval of Vouchers - Check numbers 96144 through 96259 and ACH payments in the amount of \$459,648.42.

MOTION: Move to approve the Consent Agenda (Abersold/Franich).

VOTE: Unanimously approved.

PRESENTATIONS: Public Works Director Jeff Langhelm and Department of Ecology Environmental Engineer Kevin Leung presented the 2020 Wastewater Treatment Plant Outstanding Performance Award to the Wastewater Treatment Plant staff and thanked them for their dedication and hard work.

Dr. Elly Claus-McGahan gave a presentation on adding climate action to comprehensive plans on behalf of Climate Pierce County. Council had several follow-up questions.

Mayor Kuhn read a proclamation recognizing the month of October as Health Care Heroes Month.

MAYOR'S REPORT: Mayor Kuhn reported that the South Sound Housing Affordability Partnership was ready to transition to an Executive Board. He nominated Councilmember Markley for appointment to the board with Council's concurrence.

CITY ADMINISTRATOR'S REPORT: Interim City Administrator Tony Piasecki reported on progress recruiting for key vacancies in the City.

PUBLIC COMMENT ON NON-AGENDA ITEMS: Pete Weymiller commented in support of the climate presentation. Marian Berejikian commented in support of the climate presentation. Thomas Wick commented on public records requests.

OLD BUSINESS:

1. Second Reading and Adoption of Ordinance 1465 Updating GHMC 2.52

Public Records: Interim City Clerk Joshua Stecker gave an overview of the ordinance which is designed to clarify the city's policy for responding to requests for public records.

The Mayor opened the public comment period. Thomas Wick commented on the City's process for responding to requests for records. The Mayor closed the public comment period.

MOTION: Move to approve Ordinance 1465 and repeal Administrative Policy A-16-01. Woock/Abersold

After council deliberation, the motion was amended to read:

MOTION: Move to approve Ordinance 1465 and repeal Administrative Policy A-16-01 and to direct staff to report to Council in six months with status of request response times.

VOTE: Unanimously approved

2. Lease Agreement with Chamber of Commerce: Interim City Administrator Tony Piasecki presented the lease agreement with the Gig Harbor Chamber of Commerce for use of the building located on Judson Street. The Chamber had already signed the lease.

The Mayor opened the public comment period. There was no public comment. The Mayor closed the public comment period.

MOTION: Move to approve and authorize the Mayor to execute a lease with the Gig Harbor Chamber of Commerce for the premises located at 3125 Judson Street. Rodenberg/Himes

VOTE: Unanimously approved

The City Council entered into recess at 6:56 p.m. and reconvened the meeting at 7:03 p.m.

NEW BUSINESS:

1. First Reading and Adoption of Ordinance 1467 Imposing a Six-Month Moratorium upon the Acceptance of New Lodging Level 1 and Short Term Rental Applications:

Principal Planner Carl de Simas introduced the ordinance which would immediate pause acceptance of all applications for short term rental permits and allow the City to review its regulations for short term rentals. A public hearing to consider the ordinance will be held on October 11.

MOTION: Move to approve Ordinance 1467. Himes/Rodenberg

VOTE: Unanimously approved

- 2. First Reading of Ordinance - ROW Land Acquisition NCGH LLC Property Donation at 96th Street:** Public Works Director Jeff Langhelm presented the ordinance which will allow the City to accept the donation of property located adjacent to the Cushman Trail at 96th Street.

The Mayor opened the public comment period. There was no public comment.
The Mayor closed the public comment period.

The ordinance will return for second reading and adoption on October 11.

- 3. Public Works Contract - Lift Station No. 12:** Public Works Director Jeff Langhelm presented the contracts for the rehabilitation of Lift Station #12, noting the unanticipated cost overruns associated with the project.

The Mayor opened the public comment period. There was no public comment.
The Mayor closed the public comment period.

MOTION: Move to authorize the Mayor to execute a Public Works Contract with Stellar J in an amount not to exceed \$3,170,214.40; Authorize the Mayor to execute a Professional Services Contract Amendment #2 for Construction Support Services with Kennedy Jenks in an amount not to exceed \$407,136.00; Authorize the Mayor to execute a Professional Services Contract for Materials Testing with MTC, Inc., in an amount not to exceed \$20,257.00; Authorize the City Engineer to approve additional Public Works contract expenditures up to \$250,000.00. Woock/Markley

VOTE: Unanimously approved

- 4. First Reading and Adoption of Ordinance 1466 Establishing Interim Zoning Controls Amending GHMC Related to ESSHB 1220 Emergency Shelter and Housing:** Community Development Director Katrina Knutson presented the ordinance noting that it is a required action to comply with ESSHB 1220 passed by the legislature in the prior session. A public hearing will be held on the ordinance at the October 11 council meeting.

MOTION: Move to approve Ordinance 1466. Rodenberg/Woock

VOTE: Motion passed 6-1, Abersold opposed

COUNCIL REPORTS / COMMENTS:

Public Works Committee Meeting of September 14: Councilmember Franich reported that the committee discussed the Olympic Drive right turn lane at Metropolitan Market and the water shortage with Washing Water.

Finance & Safety Committee Meeting of September 20: Councilmember Rodenberg reported that the committee discussed the 6-year financial forecast and the possibility of a no-wake buoy.

Intergovernmental Affairs Committee Meeting of September 27: Councilmember Denson reported that the committee received an update from the federal lobbyists and discussed the legislative agenda for the 2022 session.

Councilmember Abersold commented on the need to always allow public comment. Councilmember Rodenberg announced an event to support the Permission to Start Dreaming Foundation later this week.

ADJOURN: The meeting adjourned at 8:41 p.m.

Joshua Stecker
Interim City Clerk

PROCLAMATION OF THE CITY OF GIG HARBOR

Proclaiming October 11, 2021 as “Indigenous Peoples’ Day” in Gig Harbor, Washington

WHEREAS, the City recognizes that the Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the City recognizes and honors the fact that Gig Harbor is built upon the homelands and villages of Indigenous Peoples of this region better known as a band of the Puyallup Tribe called sx̣wəbabč; and

WHEREAS the City recognizes that Native American tribes have made and continue to make invaluable contributions to the diversity, arts, knowledge, labor, technology, science, philosophy, and economy of the state of Washington, and their historical and cultural contributions, particularly those of the sx̣wəbabč band of the Puyallup Tribe, have substantially shaped the character of the City; and

WHEREAS, the City has a responsibility to oppose institutional and systematic bigotry and racism towards Indigenous People in the United States; and

WHEREAS, “Indigenous Peoples’ Day” was first proposed in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, many jurisdictions in the United States celebrate “Indigenous Peoples’ Day,” including the cities of Spokane, adopted in 2016; Olympia, adopted in 2015; Seattle, adopted in 2014; and Tacoma, adopted in 2018; and

WHEREAS, the City and Puyallup Tribe are committed to work in cooperation to build the relationship between the two governments; and

WHEREAS, these actions are a demonstration of the City’s ongoing commitment to strengthening the relationship between the Puyallup Tribe and the City;

NOW, THEREFORE, BE IT PROCLAIMED that October 11, 2021 is

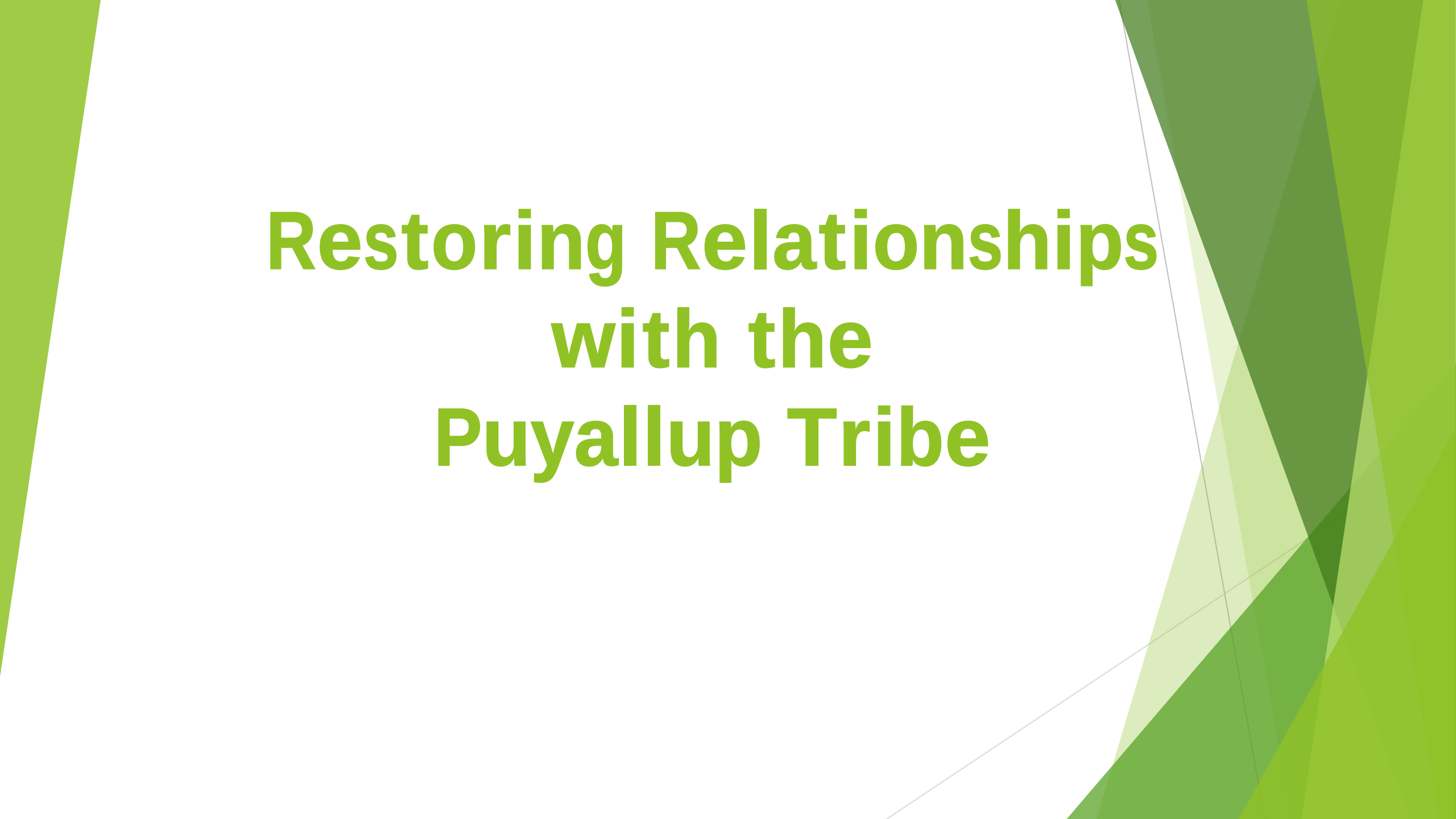
Indigenous Peoples’ Day

in Gig Harbor, Washington.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Gig Harbor to be affixed this 11th day of October, 2021.

Mayor, City of Gig Harbor

Date

The background features abstract, overlapping green geometric shapes, primarily triangles and polygons, in various shades of green, creating a modern and dynamic visual effect.

Restoring Relationships with the Puyallup Tribe

Resolution 1186 (September 28, 2020)

- ▶ Indigenous Peoples' Day – Second Monday in October
- ▶ Native American Heritage Month – Every November
- ▶ Puyallup Tribal Flag to be displayed in Council Chambers during the months of October and November



Puyallup Tribal Council Members

- Bill Sterud, Chairman
- Sylvia Miller, Vice Chair
- Anna Bean
- Annette Bryan
- Fred Dillon
- Monica Miller
- James Rideout







Land acknowledgement to be read at every council meeting in October and November:

Before we begin this Council Meeting we would like to recognize that we are gathered on not only the ancestral and traditional lands of the sḵʷəbabš band of the Puyallup Tribe of Indians, but also on the site of one of the largest and longest standing historic villages of the people, the original inhabitants of Gig Harbor.

Renaming of Austin Park at tx^waalqəṭ Estuary

Resolution 1199 (February 22, 2021)



A Living History: the sɣ̌wəbabš

This area at the mouth of Donkey Creek was once the village site of the sɣ̌wəbabš 'the swift water people,' a band of the Puyallup Tribe of Indians. Gig Harbor was then known as tx̌waałqəł, meaning 'Place Where Game Exists' in their Lushootseed language.

As part of the Puget Salish people of the Pacific Northwest, the sɣ̌wəbabš spoke Southern Lushootseed. They were closely related to both the Nisqually and Puyallup Tribes. It is believed that the Gig Harbor sɣ̌wəbabš village was founded by a group of Puyallup Indians from Commencement Bay. A census conducted by the U.S. Commissioner of Indian Affairs in 1879 listed the "Gig Harbor Band, consisting of 46 Indians, men, women, and children..." as most of the sɣ̌wəbabš were removed to the Puyallup Reservation.

Village houses were built with split cedar planks, with high gabled roofs covered by large cedar shakes. A "longhouse" functioned like a modern apartment building, holding several families in one long room. While no formal partitions existed, families stayed within their own sections, each maintaining their own cooking fires, storage space, and sleeping areas.

Potlatches were social events held to commemorate special occasions, such as successful fishing trips, marriages, naming ceremonies, and deaths. They were a time of feasting, dancing, and drumming and could last for several days. It was traditional for the host of the potlatch to lavish gift upon his guests.

It was not coincidental that villages were located alongside rivers or tributaries. While salmon could be caught year-round, the best harvests were made by placing fish traps across streams when salmon returned to spawn. Fish, clams, and other meats were smoked and dried to keep through the winter. Berries such as huckleberries, strawberries, and blackberries were dried.

The Puyallup and Nisqually women are known for their basketry skills. Baskets made of dried cedar root and other native fibers are made for berry gathering, cooking, and storage. The baskets were often traded with white settlers for additional income or supplies. The men are excellent woodworkers, with canoes being the finest example of their craftsmanship. A dugout canoe is made by burning out a cedar log and then carving out the interior. The canoe is then filled with hot water and heated stones to soften the wood and spread the sides further apart. Crossbars are added to maintain the shape after cooling. Many of these crafts and traditions continue among tribal members today.

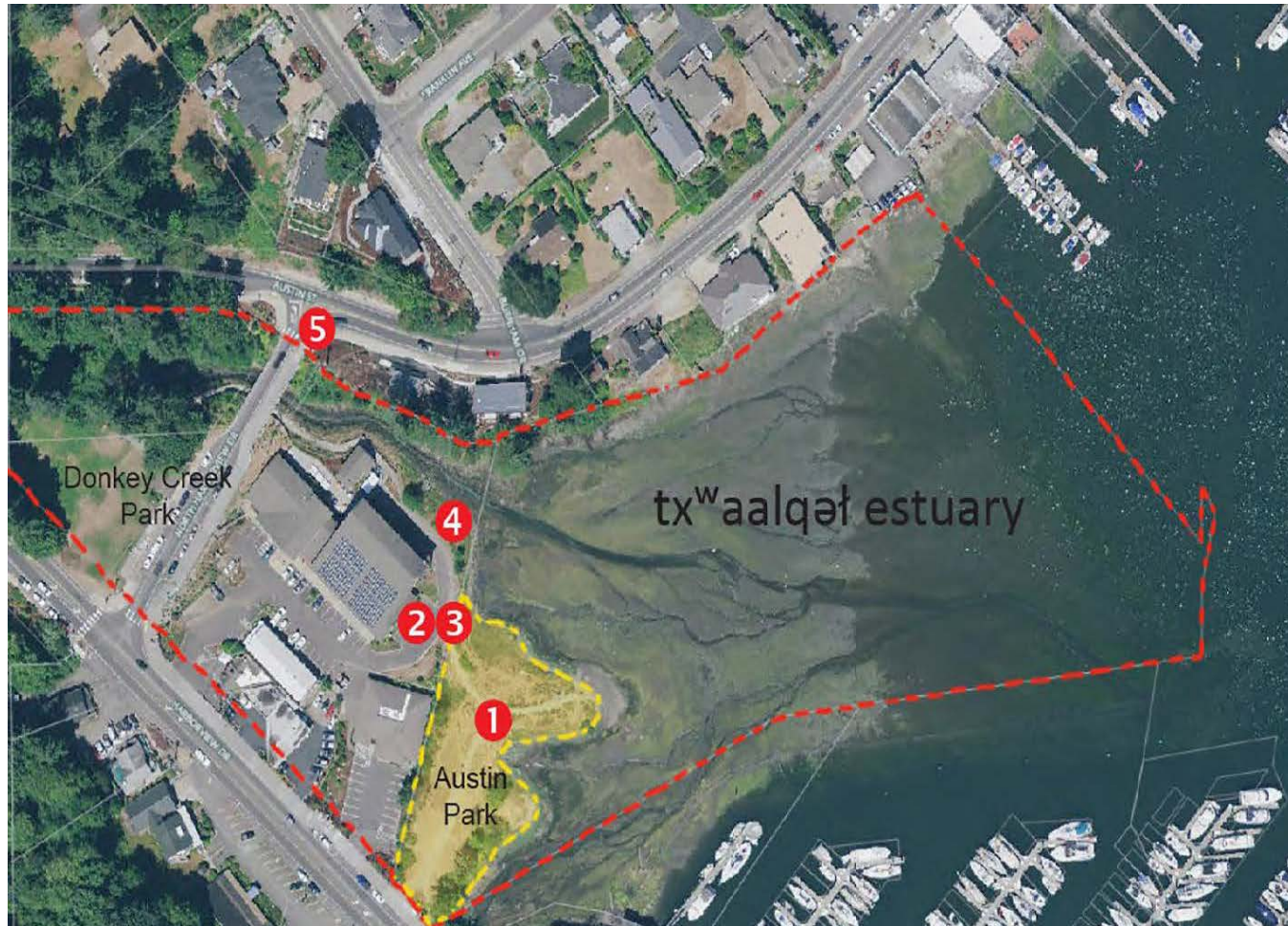
To learn more about the sɣ̌wəbabš and Puyallup people, visit the pylon signs along the tx̌waałqəł Estuary walkway and their website <http://puyallup-tribe.com>

sɣ̌wəbabš 'swift water people' was used to reference Native people at Gig Harbor and Vashon Island - speaking of the swift water that ran between both locations.

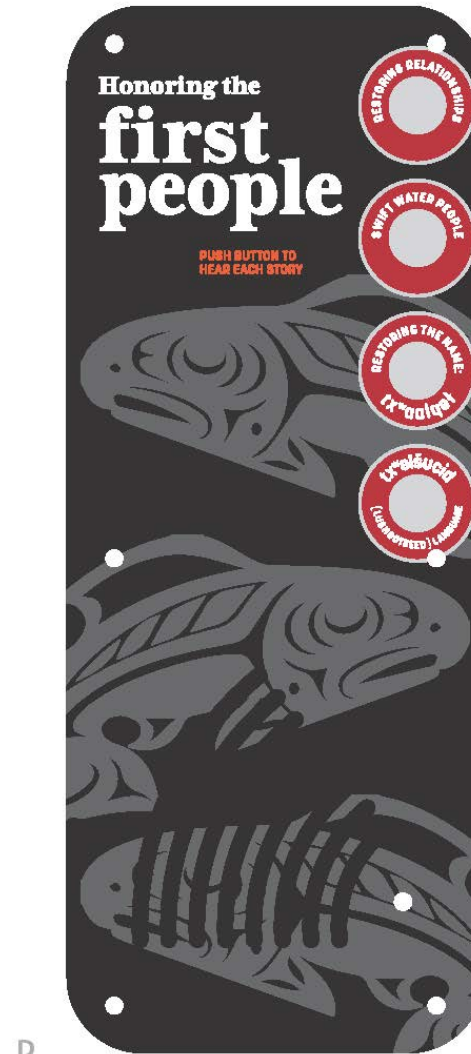
Designation of the tx^waalqəł Estuary

Resolution 1199 - February 22, 2021

Encompasses 7+ Acres



With Resolution 1199 that Council approved, it authorized the Mayor to work with the Puyallup Tribe and other entities that support the tribe to develop and install interpretive signage on City-owned property within the tx^waalqəł Estuary area and to provide educational information on the City's website and other avenues.



D



Solar Powered Voice Box with 4 Buttons.

The City worked with Amber Hayward from the Puyallup Tribal Language Program so the public could hear it in the Lushootseed Language.

- ▶ **Button #1: Restoring Relationships**
- ▶ **Button #2: Swift Water People – sǰ^wəbabš**
- ▶ **Button #3: Restoring the Name – tx^waalqəł**
- ▶ **Button #4: tx^wəlšucid – Lushootseed Language**



► **Button #1:** In 2020 and 2021 the Mayor, Council, Puyallup Tribe, an ad hoc Committee, the Arts and Parks Commissions and a group of citizens began working together to establish an honorary historic area, to recognize the ancestral homelands of the Swift Water People - a band of the Puyallup Tribe, and specifically, their former village along what is now the Gig Harbor waterfront. Establishment of the historic area in this 7+ acre estuary is for educational and awareness purposes. As you enter this estuary you will see the continued history of the tribe, an Honorary Native American 17ft tall wooden sculpture at the water's edge, and photos and drawings of the Puyallup Tribe's ongoing connection to this land.



► Button #2: Swift Water People – sǰʷəbabš

- The **spuyaləpabš**, known today as the Puyallup Tribe of Indians, have lived on this land since the beginning of time. Our relatives that resided here, as well as on Vashon Island, were known as the **sǰʷəbabš**, meaning “Swift Water People.” This referenced the swift waters flowing through the Narrows. Let’s go over the Lushootseed word for the Swift Water People who resided right where you are standing. **sǰʷəbabš**

► Button #3: Restoring the Name: txʷaalqəł

- Thomas Talbot Waterman recorded Lushootseed place names for the local tribes, and his archival materials give the **txʷəlšucid** name **txʷaalqəł** within the Gig Harbor area. **txʷaalqəł** means “place where game exists.” According to a typed manuscript of Puyallup Tribal elder, John ǰut, **txʷaalqəł** was one of three village sites located at Gig Harbor. Let’s go over the word for the Lushootseed place name within Gig Harbor. **txʷaalqəł**

► Button #4: txʷəlšucid – Lushootseed Language

- The Puyallup Tribe’s ancestral language is Lushootseed. Our language was referenced as **txʷəlšucid** by our elders. Linguist Thom Hess coined the term Lushootseed, which was accepted as the general term for the language. There are 11 Federally recognized tribes in the Puget Sound region that speak Lushootseed, spanning as far north as Upper Skagit; as far south as Nisqually; as far east as Snoqualmie; and as far west as Squaxin Island. There are two primary dialects called Northern Lushootseed and Southern Lushootseed. Our language is a part of the Salishan language family that extends across several states and Canada. Today, the Puyallup Tribe has a thriving **txʷəlšucid** Language program where hundreds of speakers use Lushootseed in their daily lives.



Pylon Project









There will be 5 stainless steel $\frac{1}{4}$ " panels 15" x 36" that will be displayed on 5 concrete pylons that originally held up a bridge in this area. These panels are being fabricated right now as we speak and will be installed in November.

- Panel 1: Before Gig Harbor...
- Panel 2: sḥʷəbabš - the swift water people
- Panel 3: The Puyallup Tribe
- Panel 4: After Medicine Creek
- Panel 5: The Daylighting of Donkey Creek

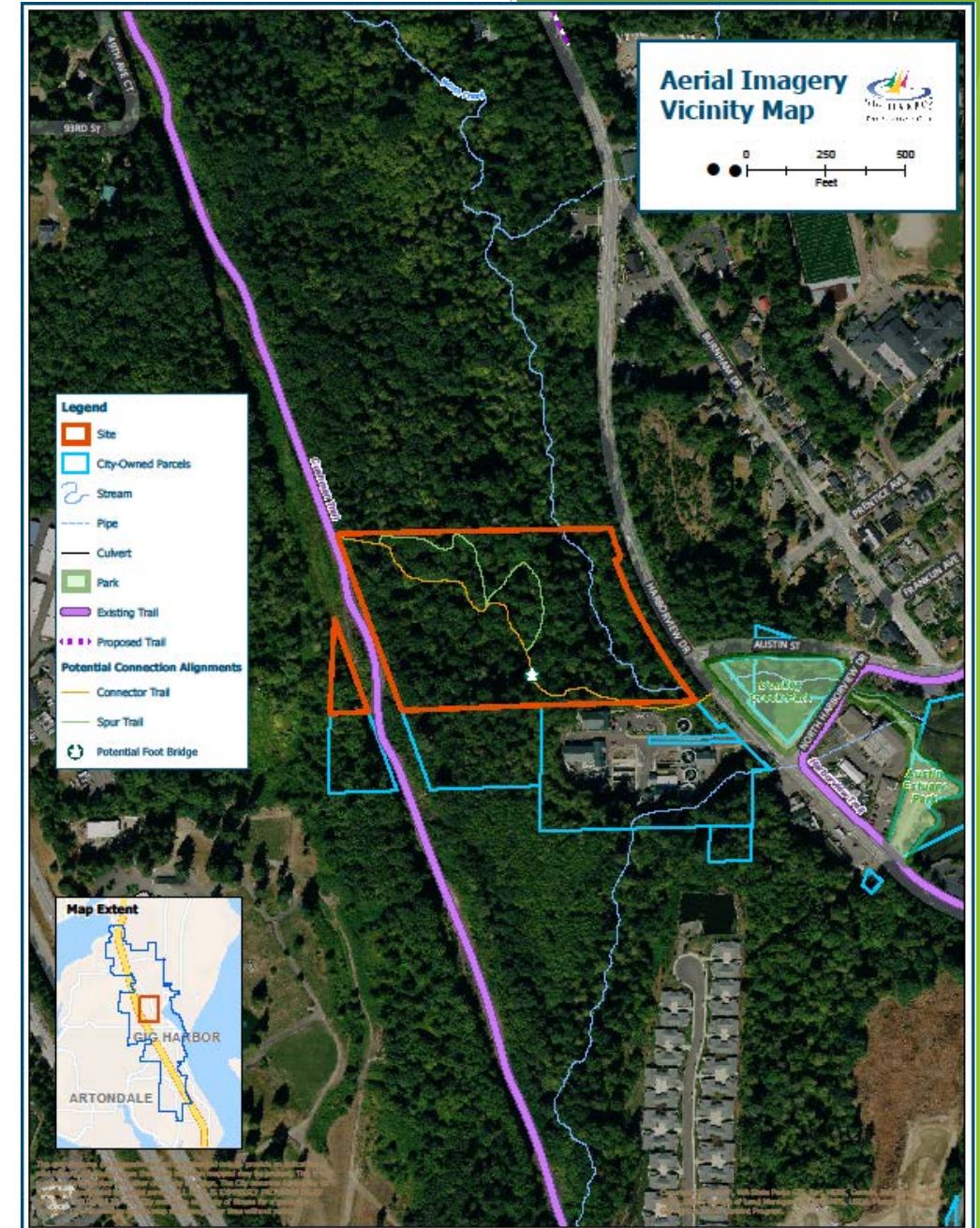
Swift Water Elementary

Puyallup Tribal Community Members, staff and the Tribal Council worked with our school district to help educate them to the importance of the Tribe and the School Board voted to name one of their new elementary schools Swift Water Elementary.



Conservation Futures Land Acquisition

Tribal staff working with Councilmember Denson and Public Works Director Jeff Langhelm helped create a partnership where the Tribe contributed to a hopeful land acquisition by the City of Gig Harbor that will encompass many acres right behind one of the original Tribe's village.





Honoring Project

PROJECT FUNDERS

Gig Harbor Kiwanis Foundation

Puyallup Tribe of Indians

City of Gig Harbor Arts Commission

COMMITTEE MEMBERS

- Gary Williamson – Gig Harbor Elementary School Principal. local resident of 59 Years
- Linda Pitcher, Ph.D, Anthropologist
- Mark Anderson, Cowlitz Tribal member, KING TV Videographer
- Charlee Glock-Jackson, GH Arts Commission Chair, Gig Harbor Life Journalist
- Lita Dawn Ancich-Stanton, former GH Historic Preservation Officer, Fine Artist
- Tina Shoemaker, Kiwanis Club of Gig Harbor
- Nick Markovich, Kiwanis Club of Gig Harbor

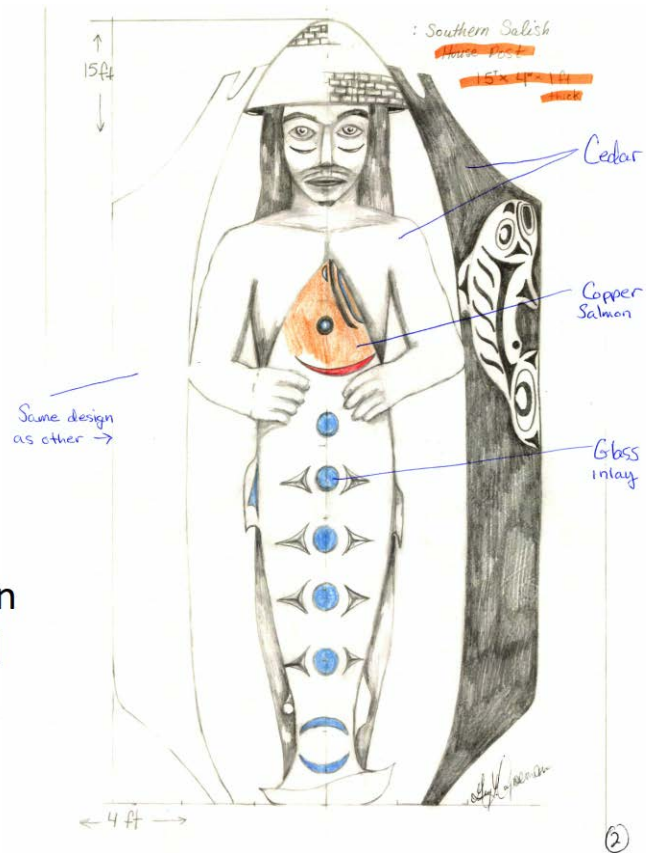
Puyallup Tribe Representatives

BRANDON REYNON (FRONT) AND CONNIE McCLOUD



Our Fisherman Our Guardian

Capoeman
Proposal



Guy Capoeiman, the Artist

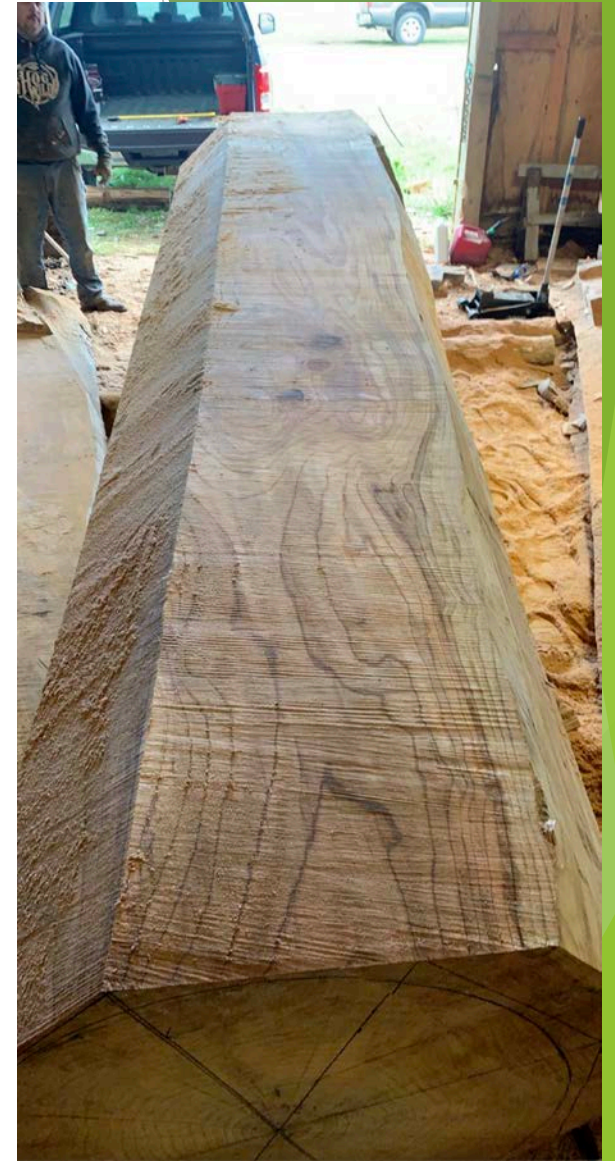
- ▶ Selected from 7 projects submitted by Native American Carvers,
- ▶ 30-Year carving career including apprenticeships with master carvers & designers,
- ▶ Respected teacher, drummer and singer,
- ▶ Tribal Councilmember of the Quinault Indian Nation,
- ▶ Art installations throughout the region – most noted for 32-foot ocean-going canoes.

PUBLIC ART LOCATION



The “Snag”

- ▶ 100 year-old Red Wood
- ▶ Seeds brought to the Shelton area by a homesteader from California



The Work: July 2020



The Work: October 2021



Front



Back



Finished Work in Gig Harbor: April 2021





Explore Gig Harbor

tx^waalqel Estuary consists of 8 acres. Within this estuary is Donkey Creek Park and Austin Park.



tx^waalqel Estuary



Wetland and Stream Buffer Areas - The City of Gig Harbor's Critical Areas Ordinance (GHMC 18.08) regulates protected wetlands and stream buffer areas, portions of which are visible from the park's trails. Native grasses, shrubs and trees are intended to grow naturally, provide protection and support for important wetland and stream functions and are a food and nesting source for wildlife. These areas cannot be impacted by periodic lawn cutting or maintenance such as herbicides and pesticides, which can negatively impact the wetlands and streams they protect.

Legend

- Tribal Welcoming Carving
- Fish Hatchery Incubators
- Educational Sign
- Audio Post
- Bike Rack
- Interpretive Panel
- Restroom

Recognition of the Ancestral Homelands of the sḵʷəbabš Peoples

Resolution 1199 - February 22, 2021

Future Establishment of an honorary historic area along the Gig Harbor waterfront to recognize the ancestral homelands of the sḵʷəbabš band for educational and awareness purposes.

City staff will work with the Puyallup Tribe to establish the area to be called the "Ancestral Homelands of the sḵʷəbabš." This would be an honorary designation for educational and awareness purposes only and would carry with it no regulatory impact.

We'll be working with the History Museum and the Puyallup Tribe when new street names become available to make consideration of new names for streets.

The City will encourage the School District to incorporate some of our ancestral homelands tribal history by working with the Puyallup Tribe.



Business of the City Council City of Gig Harbor, WA

Subject: Public Hearing Regarding Ordinance No. 1467 and Adoption of Findings of Fact

Dept. Origin: Community Development

Proposed Council Action:

- 1) Hold public hearing regarding moratorium as outlined in Ordinance 1467.
- 2) Following public hearing, move to adopt whereas clauses contained within Ordinance 1467 as Findings of Fact in support of adoption of moratorium.
- 3) Direct this matter to Planning Commission.

Prepared by: Carl de Simas, Principal Planner

For Agenda of: October 11, 2021

Exhibit : Ordinance 1467

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

Initial &
Date

✓✓ 10-4-21

AP 10/4/21

Email 10/4/21

NA

10/4/21 KNK

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$0
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INFORMATION/BACKGROUND

On September 27, 2021, the City Council unanimously approved a 6-month moratorium upon receipt of new Lodging Level 1 applications, specifically regarding short term rentals. Pursuant to RCW 36.70A.390, the City Council must conduct a public hearing within 60-days of enacting a moratorium and must also adopt findings of fact in support of the moratorium. Ordinance 1467 provides findings as whereas clauses that are recommended for adoption as findings of fact.

The current moratorium will expire on March 27, 2022. Staff recommends the City Council direct the Planning Commission to evaluate options short term rentals, consider public testimony and provide a formal recommendation no later than the February 28, 2021 Council meeting.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

- 1) Hold Public Hearing regarding moratorium as outlined in Ordinance 1467.
- 2) Following public hearing, move to adopt whereas clauses contained within Ordinance 1467 as Findings of Fact in support of adoption of moratorium.
- 3) Direct this matter to Planning Commission.

ORDINANCE NO. 1467

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, IMPOSING A SIX MONTH MORATORIUM UPON THE RECEIPT OF NEW LODGING, LEVEL 1 AND SHORT TERM RENTAL APPLICATIONS, PROVIDING FOR SEVERABILITY; DECLARING A PUBLIC EMERGENCY; AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, under the authority of RCW 35.A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six-month intervals thereafter; and

WHEREAS, in 2006, the City of Gig Harbor City Council passed Ordinance No. 1046, redefining the definitions for the following lodging uses: boardinghouse, bed and breakfast, hotel/motel and motel/hotel, into lodging levels 1, 2 and 3 categories, with lodging level 1 being the least intense, and add definitions for these categories; and

WHEREAS, short term vacation rentals have become a popular form of lodging in recent years creating increased demand for the use within traditionally single-family neighborhoods; and

WHEREAS, the City's zoning code doesn't directly address short term rentals as a land use, nor provide for any direct regulations; and

WHEREAS, the City of Gig Harbor Community Development Department has found short term vacation rentals to be most consistent with the definition for Lodging, level 1, GHMC 17.04.444; and

WHEREAS, the zoning code allows for Lodging, level 1 as a conditional use in the following zones: R-1, R-2, B-2, C-1, WR, WM, WC; and

WHEREAS, the zoning code allows for Lodging, level 1 as a permitted use in the following zones: R-3, RB-1, RB-2, DB, B-1; and

WHEREAS, market demand has produced an increase in the number of short term vacation rentals offered throughout the City; and

WHEREAS, the City has processed very few permits for short term rentals relative to the number thought to be operating within the City; and

WHEREAS, the City has not had sufficient time to fully evaluate the number of existing short term rentals, the effects they could have on the community, and any necessary mitigating zoning controls; and

WHEREAS, the City of Gig Harbor Planning and Building Committee of the City Council took up the issue at its regularly scheduled meeting of September 7, 2021, voting to move it on to the full City Council for consideration; and

WHEREAS, the Planning and Building Committee of the City Council, at its regularly scheduled meeting of September 7, 2021, directed staff to draft interim zoning controls for short term rentals and place on the next City Council regular meeting agenda; and

WHEREAS, the City Council would like to immediately cease acceptance of permits for Lodging Level 1 on an interim basis to provide City staff and the Planning Commission time to make recommendations to the City Council with respect to short term vacation rentals. The immediate nature of this ordinance is necessary in order to preserve the status quo and to prevent applicants from potentially vesting rights inconsistent with the City's future regulatory framework to be considered and adopted during the period of this moratorium and to ensure the protection of the community's health, safety and well-being while the topic is analyzed and researched further;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. The City hereby imposes a moratorium upon the receipt and processing of new applications for Lodging, level 1 uses.

Section 2. Hearing. The City Clerk is hereby authorized and directed to schedule a public hearing on the moratorium to be held within 60 days of adoption of this ordinance, and to provide notice of said hearing in accordance with applicable standards and procedures. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council shall adopt legislative findings in support of this ordinance and/or otherwise modify the provisions of the moratorium after said hearing.

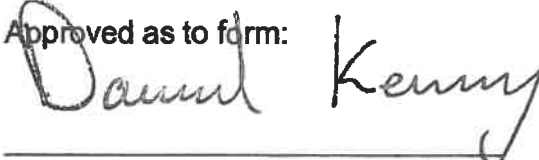
Section 3. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. Declaration of Emergency; Immediate Effective Date; Sunset. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency ordinance necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one, and shall remain effective for six months unless terminated earlier or extended by the City Council.

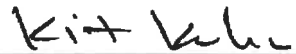
Section 5. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited

to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 27th day of September, 2021.

Approved as to form: 

Daniel Kenny
City Attorney



Kit Kuhn
Mayor

Attest: 

Joshua Stecker
Interim City Clerk

PUBLICATION DATE: 9/30/21
EFFECTIVE DATE: 9/27/21



Via Email and U.S. Mail

October 11, 2021

The Honorable Mayor Kit Kuhn
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

RE: Gig Harbor Chamber of Commerce Opposition to [Ordinance No. 1467](#)

Dear Mayor and City Council,

The Gig Harbor Chamber of Commerce ("Chamber"), on behalf of its nearly 500 members and the more than 2,100 businesses in the greater Gig Harbor area **opposes Ordinance No. 1467 ("Ordinance"), the proposed six-month moratorium extension** on processing of new lodging level 1 and short-term rental applications and urges its rejection as premature, unsubstantiated, and harmful to the local business community and to the City.

The Ordinance, if adopted, unilaterally "imposes a[n additional] moratorium on the receipt and processing of new applications for Lodging, level 1 uses." Yet nowhere does the City substantiate the basis for its proposed moratorium, let alone present evidence that supports such a moratorium, beyond its generic "finding and conclusions" that the ordinance is a "public emergency ordinance necessary for the protection of public health, public safety, public property, and public welfare."

The current moratorium expires on March 27, 2022, nearly six months from now. The Ordinance acknowledges that it has "processed few permits for short term rentals," and seeks to impose a moratorium extension effectively only to have "sufficient time to fully evaluate" the number and effects those rentals might have on the community and zoning controls.

Yet as the City effectively simply seeks even more time for study, its current moratorium already has adversely impacted legitimate rental businesses in Gig Harbor who supplement current commercial lodging enterprises, attract greater tourism, comply with current zoning regulations, and ultimately contribute to City funding through payment of taxes. These legitimate businesses contribute to making the City of Gig Harbor a tourism destination that benefits local businesses *and the City*. The proposed moratorium extension then, is akin to the City cutting its nose to spite its face simply in anticipation of needing more time to complete its analysis.

The Honorable Mayor Kit Kuhn
October 11, 2021
Page 2

Clearly, the delicate balance between maintaining the neighborhood feel within the City of Gig Harbor and allowing short term rental opportunities for families, visiting nurses and visitors who all add to the local economic impact is something the City is taking seriously and is commendable. Nevertheless, a moratorium extension, particularly given the limited number of new applications and time that the City already has to complete its study, should not rise to the level of harming those businesses that make a significant and direct contribution to Gig Harbor. The Chamber strongly urges the City to act on the specific *evidence* presented by those most impacted by the proposed extension, complete its study under the current moratorium, and reject Ordinance No. 1467, accordingly.

Respectfully,

Gig Harbor Chamber of Commerce

Miriam Battson

President/CEO

cc: Gig Harbor City Council

Ordinance 1467, six month moratorium on short term housing

What exactly is the city trying to do by restricting short term housing provided by Airbnb, VRBO, nursing rooms and other entities? Is this to protect

- . affordable housing
- . protect housing supply
- . preserve residential and neighborhood housing
- . nuisance issues
- . tourism issues
- . quality of life issues
- . balance mix of uses
- . economic/taxation issues
- . safety issues
- . level the playing field for our hotels
- . enforcement issues

The reason I ask is because this emergency moratorium came out of the sky. No one was aware there was an issue. Many residents are unaware that there might be an Airbnb or VRBO in their neighborhood.

Now that a short term six moratorium has been approved, I have the following questions:

1. how many operating Airbnb and VRBO are already operating within the city limits?
2. how many are already licensed?
3. how many per district? Downtown, Millville, Finholm, North GH, etc.
4. what type guest base are they advertising to?
5. what are their guest requirements ? Any age restrictions?
6. how long have they been operating and what is their reputation?
7. have there been any complaints regarding their operation or disruption issues?
8. what type life safety procedures have the operators established for their venue?
9. do they have written manuals in place for any potential guest?
10. what effect have they had on tourism and the city economy?
11. what type of accommodations are offered?
12. Complete house or shared home (owner occupancy)?
13. number of days rented per year?
14. how does the city plan to enforce the new requirements?
15. will these new requirements and ordinance apply to BandB (bed & breakfast accommodations)?

Because the city is short staffed, is it going to hire a temporary intern to research the Airbnb, VRBO and nursing room sites to discover the existing facilities currently operating within city limits? Or is the city expecting the residents to notify it that they are operating an Airbnb or VRBO?

Tomi Kent Smith
3414 Harborview Drive
Gig Harbor 98332

Ordinance #1467-Interim Zoning Controls for Short Term Vacation Rentals

- I'm Peter Katich and my wife Liz and I own a home at 3509 Ross Avenue in the Millville Neighborhood of Downtown Gig Harbor. I also have 43-years of experience working in the field of land use planning recently retiring from the city of Gig Harbor in 2020.
- My wife and I have owned our home for 42 years and over those years have seen many changes to our community. I believe that for the most part, those changes have improved the quality of life enjoyed by those who live and visit here.
- However, over the past several years single family homes in the Millville Neighborhood have been legally and illegally converted into bed and breakfast uses, and a short-term vacation rental use is currently operating two parcels to the east of us.
- These changes are slowly eroding the single-family character of our neighborhood and potentially adding nuisances such a noise, traffic and parking problems to our area.
- The city's Comprehensive Plan Land Use Map designates our neighborhood as "Residential Low" intensity and the Plan promotes the protection of such residential areas. The city's R-1 District zoning designation promotes low density single-family development and the preservation of the established character of such areas.
- The proliferation of short-term vacation rentals poses a threat to the character of Gig Harbor's single-family neighbors and a particular threat to the historic Millville Neighborhood with its proximity to the waterfront and the city's downtown area.
- The city's existing regulations governing short-term vacation rentals are lacking in scope and clarity and need to be revised to address the threat that short-term vacation rentals pose to our historic, single-family neighborhood.

- My wife and I strongly support the interim zoning regulations adopted by the Council at its meeting of 9.27.2021 and encourage you, the Planning Commission and staff to develop implementing zoning regulations that properly regulate short-term vacation rentals and implement the policies of the city's Comprehensive Plan as required by the State Growth Management Act.
- Thank you

Peter & Elizabeth Katich
3509 Ross Avenue
Gig Harbor, WA 98332

All,

Attached is a slightly modified letter I sent to Pierce County Council members in May of 2016 regarding a vacation rental policy discussion they were engaged in.

As someone that uses their primary residence as a vacation rental when we're working in Alaska I would like to offer my thoughts on why an outright ban on that vacation rental ability could backfire.

What can we do to retain long-time residents (old-timers in the academic parlance of gentrification), or newer and younger committed community residents within our community?

A moderated vacation rental policy may well help achieve that outcome.

Guy

Oct. 10, 2021

RE: Moratorium on Vacation Rental permits within Gig Harbor

Dear Gig Harbor City Council Members,

This is an updated letter of one I sent to Pierce County Council members in May of 2016 asking them to moderate a call for a blanket ban on vacation rentals.

Council should consider carefully whether an outright ban on a resident's ability to use their primary residence as a vacation rental is wise policy. I hope Council will move forward cautiously during your upcoming policy discussion, and in a manner that assures that all sides of the issue are well understood.

We leave our Gig Harbor waterfront home for 3 to 4 months every summer to commercial fish in Alaska. When we purchased our 1300 square foot house in 1987 we were surrounded by similar sized homes, homes with families that had been here for decades.

In our case property taxes have increased over 10-fold since we purchased our home. Our income has increased a small fraction of that. We used to have a house sitter watch the house, but now offer it as a vacation rental. It is a mechanism that works. The proceeds offset rising taxes thereby assisting are ability to stay in our home and remain in our community.

We keep our neighbors informed, have a conscientious rental manager who manages the property and insist that our home's occupancy is kept low. The rental criteria are designed to have the same or less impact on our property than we have. We are firm in our resolve to not damage our house or disrupt our neighbors.

While I understand, sympathize and support the desire to mitigate or stop the sale of community houses for use as exclusive vacation rentals I believe there exists a middle ground, a vacation rental position that actually enhances long-term residents and informed community members to retain their homes. Vacation rental proceeds, in our case, do just that.

Whether you're a snowbird, fishermen or any local who leaves town for a few months why limit their ability to offset spiraling costs that are out of their control. It might be that a considered vacation-rental middle ground actually preserves a sense of community.

Sincerely,

Guy Hoppen

Guy Hoppen
8402 Goodman Dr. NW
Gig Harbor, WA 98332

253 432 9454

10/11/2021

RE: Gig Harbor Chamber of Commerce Opposition to Ordinance No. 1467

Dear Mayor and City Council,

My name is Megan Bennett 8811 N Harborview Drive Gig Harbor WA 98332

I am respectfully submitting this for Council's purview on the issue of the Emergency Moratorium on Lodging Level 1 applications.

I don't know where the impetus to create a moratorium stem from, but from an average citizens perspective it seems to be elitist and rooted in a "not in my city" attitude.

Short term rentals in Gig Harbor are not cheap seedy hotels. They are high value homes owned by responsible people who are choosing to share the beauty of this town with others, while creating a solution of their own to make mortgage payments and create a future for their own families.

I completely understand the need for defining rules in the process of applying for short term rentals. However, to consider it an "Emergency" is quite an over-step.

The statement was made that "A rush to the bank" would occur if the emergency moratorium were not enacted. However, after some research into exactly how many CUP's were currently under review, we discovered there were *only 3 prior to the 7th of September*.

Our submittal on September 14th with a status of "incomplete". On September 24th 3 were submitted by the Babich's (Approval for 2 was expedited)

I am concerned that the Counsel were misled, leading to the decision to enact a completely unnecessary "emergency" moratorium.

This process should have been moved to review by the City Planning Commission. This would have afforded giving due process and public input to the issue - avoiding such a drastic and controversial measure being taken.

My application process was very arduous. The city website proved difficult to navigate and without clear guidelines. So I wholeheartedly agree, a streamlined process should be devised, however Clerical modifications and UX website design hardly sounds like an emergency.

On August 10th I emailed Katrina Knudson with an attached request for a "Pre-Application conference".

My request was not scheduled or acknowledged. Instead, I received a forwarded response from Jeremy Hammer stating that we would be applying for CUP Lodging Level 2. He attached 2 links, a CUP Checklist and the GHMC Chapter 17.64

I then spent the 3 weeks gathering all the required documents for our "Lodging Level 2" application.

On Tuesday September 7th I had all my documents in order, or so I thought. Sent an email with attached files to the Planning Department.

Michelle Thomas responded with an "Intake appointment" for September 14th. and a request to upload my documents to a drop box for review.

I uploaded all documents on September 10th and waited patiently to hear back. I was told the electronic review would be completed on the 14th and that applicants are typically informed of the status by the end of the day.

I waited until Friday September 17th to reach out to Cindy Andrews and Michelle Thomas regarding the status of my application.

The response was "Status Incomplete". I needed to provide a narrative and a hydraulic report for water and sewer, in spite of the fact that our services are City Water and Sewer.

The narrative was an oversight on my part. I had overlooked a fine print detail in the Checklist. However, I was able to complete that narrative that day.

The Hydraulic Reports have proven to be more difficult, as every Engineer I contacted expressed they typically do not conduct Hydraulic reports unless modifications are to be made. We are on City Water and. Sewer and have no intension of altering or modifying the systems. These details were outlined in our Project Description and Narrative.

When we became aware of the moratorium, we reached out to Michelle Thomas, Cindy Andrews, and Jeremy Hammar to see if this moratorium applies to our application.

We were informed that, In fact our application is "dead in the water" because of the Lodging Level 1 Moratorium.

As previously noted, we were initially directed by staff to apply for a Lodging Level 2 CUP yet we were now told we were under the Lodging Level 1 Moratorium. How had we become a Lodging Level 1 request when all of our paperwork sited Lodging Level 2?

Why were we redefined without an explanation?

Considering that all City Planning Technicians, Associate Planners, and Directors were aware of the impending vote on CUP moratorium as of September 7th, it is obvious that that information would have been very relevant to me. I can't help but feel my application was purposefully delayed.

We will be submitting a Public Records Request for information on email and other relevant correspondence on our application.

My employer, Hayley Nichols bought the building at 8811 N Harborview Drive in 2015 and has used it primarily as a headquarters for her company, a Conference space for local businesses and nonprofits. We rent a suite to a local artist as well as an office space for Devoted Kiss Café.

The plan to convert a single 800 Square Foot suite into a STR would be to the City of Gig Harbor as our guests would be front and center to all the things that make Gig Harbor a beautiful and unique city.

We intended to partner with other local businesses to offer food, recreation, art, and experiences.

We are a registered business, paying substantial taxes to the City of Gig Harbor. In spite of allegations made at the September 7th Planning and Building Committee meeting, the appropriate taxes are

automatically collect for, and remitted, to the city by the major booking sites (VRBO< Airbnb, Vacasa, etc.) Additionally, potential renters are screened and vetted before they can reserve accommodations.

Just like many of the other local STR owners, we are community minded, and want to share all the beauty our city has to offer.

I don't believe anyone would ever choose to rent their property as a "Party place", and the misinformation about public complaints is simply that – misinformation.

In the past two years there have been zero recorded reports to the Gig Harbor Police Department, the Code Enforcement Officer, or the City in general concerning noise or parties in STR's.

I am attaching my timeline of correspondence to this email. I encourage you to review my experience and how laborious and dispiriting the process currently is. This timeline does not include the many phone calls, and messages I left which neither replied to nor acknowledged.

I agree with Council's desire to explore this issue and recommend that it be sent to the Planning Commission for a best practice review.

Sincerely,

Megan Bennett

253.225.2623

Date	Sent	Received	Document Data/Notes	Links
Tuesday August 10, 2021 12:30 PM	To Katrina Knudson AICP Director		MB: Attached Request for pre-application conference with attached and completed request form	
Wednesday August 11, 2021, 9:06 AM		From Jeremy Hammer Associate Planner Cc: Carl Desimas Principal Planner, Michelle Thomas Planning Technician, Katrina Knudsen AICP Director	Response stating our proposed use is "Lodging Level 2" No response or scheduling for requested Pre-Application Conference. This was done on purpose, as the pre-app conference would have enabled us to receive direct support and communication from the city. Though I did not question it at the time. Only taking the links given to me as the protocol I needed to follow to apply for a CUP Level 2	https://www.cityofgigharbor.net/DocumentCenter/View/257/Conditional-Use-Permit-Checklist?bidId= GHMC Chapter 17.64
August 1, 16-20			MB: Gather requested documents per link to "Conditional Use Checklist"	https://www.cityofgigharbor.net/DocumentCenter/View/257/Conditional-Use-Permit-Checklist?bidId= GHMC Chapter 17.64
Monday August 23 rd , 2021 9:20 AM			MB: Project Description narrative sent to HN/AH for review	
Monday August 23 rd 9:30 AM	CALL City of Gig Harbor for assistance in gathering documentation on existing utility concurrency request		MB: Calling the city proved to be an arduous and discouraging process. No one who answered knew the answers to my questions and I was redirected to Voicemails. Of which I never received any callbacks.	Redirected to leave a message with Utility Engineering department

Tuesday August 24, 2021, 2:47 PM	Sent Request for more information regarding sewer and water concurrency documentation To Utilities at Gig Harbor		Waiting	
Thursday August 26, 2021, 10:27 AM		Response from Shelbi Meyer Engineering Technician		Link to Water CRC Application Link to Sewer CRC Application Instructions for Water Capacity Reservation Certification (CRC) Application (PDF) (002).pdf Sewer CRC 8-27-18 Application.pdf Sewer Hydraulic Report Format (PDF).pdf Water CRC Application.pdf Water Hydraulic Report Format (PDF).pdf
August 26- September 1st			MB: Research and Discuss requirements. Obtain Engineering feedback	
Thursday September 2 nd , 2021 10:15 AM	To Shelbi Meyer Engineering Technician		MB: Clarifying process, who I submit documentation to, the need for concurrency reports and fees.	
Friday September 3 rd , 2021 8:26 AM		From Shelby Meyer Engineering CC: Carl De Simas, Michelle Thomas	Referring me to "Planning Department" for further assistance with Application and fees.	
Friday September 3 rd 2021 8:36 AM		From Michelle Thomas Planning Technician	Response to Intake Request	Intake Request Intake Client Assistance Memo Master Planning Application Conditional Use Checklist PlanningIntake@cityofgigharbor.net
September 3-7			Review links and correspondence. Complete CUP paperwork	

Tuesday September 7 th , 2021 11:21 AM	To planningintake @cityofgigharbo r.net		MB: Attached City Application ALL Electronic Intake Request Forms	City Application ALL.pdf Electronic-Intake-Request-Form.pdf
Tuesday September 7 th , 2021, 12:24 PM		planningintake@cityofgigharbor.net Michelle Thomas Planning Technician	Scheduled Intake appointment for Tuesday September 14 th (2020) Misdated	https://cityofgigharbor.app.box.com/f/ee28c2c8ce564d62ae09f3130342db1c
Friday September 10 th 2021			MB: Uploaded PDF files to Box Link	
Friday September 10 th 2021 8:04 AM	To planningintake @cityofgigharbo r.net		Reach out to clarify if this Intake is an appointment we should be present for, as no Zoom link or address was included in Appointment	
Friday September 10 th 2021 8:30 AM		Cindy Andrews Planning Technician	"Intake submittals are reviewed electronically by staff, your attendance is not required. Once the planner has reviewed the submittal materials and determined the Intake to be "Complete" or "Incomplete", the applicant will be informed of the status typically by the end of the day on the day of the intake. If the Intake is complete the applicant will be provided an invoice and instructions for payment, if found incomplete a Determination of Incomplete application including a list of items that were deficient will be provided.	
Tuesday September 14 th , 2021 8:30 AM			INTAKE APPOINTMENT	

Friday September 17 th 9:07 AM	TO Cindy Andrews and Michelle Thomas		MB: Follow Up to See where our Intake Review stands. There was no call or follow up per stated return on process.	
Friday September 17 th , 2021, 10:37 AM		Michelle Thomas	States she will follow up with “assigned reviewers”	
Friday September 17 th , 2021, 3:08 PM		Michelle Thomas CC Cindy Andrews Jeremy Hammer	“The submittal intake from the above referenced project has been reviewed and deemed incomplete. Please review the attached Determination of Incomplete Application and when you are ready to resubmit, we can schedule a new intake.”	2021.09.17 Det Incomplete.pdf
Monday September 20 th 3:33 PM	TO: Michelle Thomas, Cindy Andrews, Jeremy Hammer		Request Clarification on 3 items deemed Incomplete My statement next cell	1. Applicant has not provided a water hydraulic report and sewer hydraulic report as part of the water and sewer concurrency application - this will prove that converting the unit will not change the water/sewer load. I believe I had attached the Water and Sewer Concurrency applications. Do I send these to someone else? If so, can you direct me to whom I can directly Submit these to? 2. Applicant has not provided Conditional Use Permit criteria narrative addressing GHMC 17.64.040 Is this a statement that I create addressing the 4 points outlined? 3. Applicant has not provided a Traffic Impact Analysis documenting the proposed restaurant use vs. the prior bank use to determine traffic impacts, and a Transportation CRC application This won't be a restaurant, and it is not currently a bank. There would be negligible impact as the proposed use would entail no more than 2 guests stay in the upper suite of the building open only Fridays through Sundays. I have looked online researching how to obtain a Traffic Impact Analysis but am unable to find anything helpful. How do I coordinate A transportation CRC Application?

Monday September 20 th , 2021, 3:43 PM		From Jeremy Hammar CC: Michelle Thomas, Cindy Andrews	Addressing item #2 Planning related item. Instructing me to look at GHMC 17.64.040 for direction in completing this item A narrative addressing review criteria	
Monday September 20 th 4:10 PM		From Michelle Thomas CC: Cindy Andrews, Jeremy Hammar	Sent "updated determination" "I apologize I did not realize page 2 was still attached I thought it deleted, only the water/sewer reports and statement are required. The Concurrency applications were received and routed to Engineering for review and they requested a water hydraulic report and sewer hydraulic report <u>as part of the</u> water and sewer concurrency application. On the CRC applications it states on both the following: Project Information A. Number of new dwelling units _____ B. Commercial building area in gross square feet _____ Proposed Water Use (in ERU's, including Irrigation): A preliminary water hydraulic report shall be submitted with this application in accordance with GHMC 19.19.011. The report would be submitted with the applications to the Planning Division. Once you have the reports and the statement please let us know and we can schedule a new intake with a new link. "	2021.09.17 Det Incomplete.pdf
Tuesday September 21,2021 8:45 AM	To Jeremy Hammar		Thanking him for the direct information re Narrative. Let him know I will resubmit when I have concurrency reports figured out.	

Thursday September 23 rd , 2021, 9:31	To HN		Narrative Done Frustrated with Hydraulic report request. Engineers say if no modifications are being made, a report shouldn't be needed.	
Monday September 27 th , 2021 6:54 AM		From HN CC Jason and George	Determining need for hydraulic reports	
Tuesday September 28 th , 2021 9:36 AM	TO Michelle Thomas CC Cindy Andrews, Jeremy Hammar, Hayley Nichols		ME: We learned this morning the mayor has enacted an "emergency moratorium" on short term rentals. As we have already started the application process, will this moratorium effect our approval for conditional use? In regard to the 2 items needed to complete our submittals. I have completed the GHMC 17.64.040 narrative. I have corresponded with multiple Geo and Design Engineering firms. Every resource asked me why the Water and Septic Hydraulic report is needed considering we are not modifying the system or increasing the load on either system? Is there an alternative to these reports considering our conditional use as a short-term stay will actually reduce strain to both water and septic? Such as providing As-Builts of existing utilities. I do have a firm from Poulsbo lined up to do the work on these	

			reports, however I do not want to go forward if these reports are irrelevant. Especially if we have hit a block from the mayor's moratorium. I have CC'd my employer and owner of building at 8811 N Harborview Drive. She would like to coordinate a meeting to discuss this moratorium. Is this something we can do Via Teams, Zoom or in-person?	
Tuesday September 28th, 2021 10:52 AM		From Cindy Andrews CC: Michelle Thomas, Jeremy Hammar, Hayley Nichols	Good morning Megan. In regards to the submittal for the BREAKWATER BED and BREAKFAST CUP, PL-CUP-21-0005. The submittal was received at intake on 09 14 2021 and upon the intake review the submittal was deemed "Incomplete" at that time. A Determination of Incomplete application was sent to you on September 17, 2021 that outlined the additional items needed. Currently, the submittal remains in an "incomplete" status as the additional items have not been received by staff for review. At this time due to the enactment of the emergency moratorium by the mayor and the application is still in an "incomplete" status, staff will no longer be able to move forward with the review of the application. Only applications	

			that are in a “Complete” status can move forward with staff review. Please follow up with Jeremy Hammar, Associate Planner at jhammar@gigharborwa.gov with any additional questions.	
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October 11, 2021

The Honorable Mayor Kit Kuhn
City of Gig Harbor
3510 Grandview Street
Gig Harbor, WA 98335

RE: Gig Harbor Chamber of Commerce Opposition to [Ordinance No. 1467](#)

Dear Mayor and City Council,

As a business owner and property owner in Gig Harbor City limits, I am astounded by the fear-based reaction to Katrina Knudson suggesting that short term rental codes be looked at and updated in 2022. The Planning Commission and/or City Council took this recommendation and turned it into an emergency moratorium. What emergency is being addressed? Short term rentals do not constitute a threat to public safety. By enacting a moratorium, you are affecting small business owners, families trying to afford expensive housing, traveling professionals, couples seeking a short getaway, and small businesses that rely on tourist activity.

I want to share with you my situation as I do not think that City Council considered the impact of the moratorium on small business owners such as myself. I have been working through the very cumbersome, expensive, and complicated process to obtain a conditional use permit for my property as a short-term vacation rental. The process has taken several months. My vacation rental is in the Finholm District in my commercial building which also is home to my primary business, Allovus Design Inc. With the pandemic taking all of my employees out of the office, I now have extra space that is not being utilized by my business. Because of the limited parking, the space isn't desirable as an office or service business. Turning this space into a short-term vacation rental has minimal impact on the traffic and parking, brings in new customers to the neighboring businesses such as Devoted Kiss, Finholms Market, Anthony's, Harbor Tours, the kayak and paddle board rental business, and Moros's in the immediate vicinity. Neighboring harbor communities like Bainbridge, Poulsbo, Port Townsend are thriving, lovely, welcoming cities. People go there to experience what they have to offer. You walk down the streets and shop, eat, listen to music, create memories. Short term rentals and moorage allow for this. They are an asset to the community, an asset to local businesses and an asset to the residents when properly managed.

As I have been getting my space ready, I have been working to document the process for obtaining a conditional use permit. The permit process itself is burdensome for the average person which is why there are so many unpermitted vacation rentals in Gig Harbor. Enacting a moratorium is not solving any problems. Creating a streamlined, and simple permit process would allow for better oversight of these short-term rentals. My hope is that the city will seek our input as community stakeholders to help update the code and permit process in regards to short term rentals over the coming weeks, not months. I wholeheartedly support Katrina Knudson's recommendation that the code be updated. I do not think that a moratorium was needed to address this, especially an emergency moratorium which removed the public hearing process prior to the vote.

I would hope in the future that “emergency” moratoriums are given more discussion, research and fact finding before the City Council is asked to vote. I believe that a lot of fear-based assumptions, fringe case scenarios and unsubstantiated claims were presented in order to secure a desired vote from the parties presenting the information. If there had been a public hearing, you would have been able to hear from those that supported your elections and those you represent as well as solutions and ideas. Instead, your decisions were based on a misrepresentation of the situation and only founded in opinions, not facts. I encourage you to look at the impact, facts and recommendations of and those impacted firsthand and propose an alternative to putting this ordinance into effect.

HAYLEY NICHOLS

FOUNDER & PRINCIPAL

ALLOVUS CREATIVE PARTNERSHIPS

8811 N. Harborview Drive – Suite C, Gig Harbor WA 98332

253.222.0274

hayley@allovus.com

allovus.com

To the attention of City Council and Mayor-

The issues of short term rentals should not have been an emergent situation, this was an overreach of power and gross limitation of property rights. I do understand that you need to put some regulations in place (in accordance with WA State constitution) and ask that you please allow this its due diligence to be handled with the city planning department so it can have the time to be fully vetted and transparent.

The emergency nature of this topic is still unclear, and troublesome for our city that our leadership is so reactive when there is no evidence to support an "emergency moratorium."

Thank you for your consideration to give this the proper due process.

Paige Schulte
Mom of 3 kids
Philanthropist
Small business owner

Ordinance 1466 and 1467

Housing issues are a national issue, for Gig Harbor I'd argue the issue is what do we want for our community? Do we want a transient, bedroom community? Do we want to be overwhelmed by individuals that do not wish to make Gig Harbor home, but rather to temporarily use the community and then discard it like the trash so readily found in the gutter and the bay?

The questions before the City today are how to manage short-term rentals and the introduction of housing for the dispossessed.

Part of HB1220 directs GMA jurisdictions to consider policies that encourage affordable housing goals. By allowing and encouraging short-term rentals we will see a continuation of ever-increasing property values as individuals buy single family homes, not as a place to live where their family can become a part of the community, but rather as investments. Home prices will continue to rise, perpetuating the lack of affordable housing.

I'm in no way a supporter of having transitional housing nor emergency shelters here in Gig Harbor, those services are best provided by the larger cities. Inviting the issue and associated problems to Gig Harbor is a mistake. However, the state has passed the buck, making this a problem for smaller municipalities which do not currently have the problems that Seattle, Tacoma and other, larger municipalities have; perhaps Gig Harbor could push back on the state, has this been a consideration? Failing that, we must have a sensible plan to control and regulate shelters here in Gig Harbor.

It seems that many current policies lack enforcement. With that said, and regarding both 1466 and 1467, I ask how the Council proposes to enforce these policies? How will the city manage additional short-term rentals or the proposed transitional housing?

When I first moved into my home, I knew I lived in an area zoned for residential housing. To the south was a multi-family unit with a homeowner and renters residing there. The balance of homes were inhabited by homeowners and their families. In 3 short years that has devolved into a very commercial and transient atmosphere.

Today, my immediate neighbor to the south is seeking an Administrative finding from the city allowing for continued operation as a tri-plex.

The second home to my south is now owned by an individual who leases two short-term apartments (i.e. VRBO, etc.). Permitted?

The third home to the south was sold earlier this year by the former owner's estate and has been converted into a business office, no one actually "lives" there, parking is an issue, vegetation has been ripped out to make room for parking. An inquiry to Code Enforcement resulted in a finding, which is short stated that the owner has obtained the appropriate "Home Occupation" permit and that while a property owner could conceivably abuse or misuse the code therefore creating a nuisance or unnecessary issue for the surrounding neighborhood, the City of Gig Harbor does not have a mechanism for verification.

The fourth home to the south is a long-term rental and appears to have new renters each year. The next home recently sold for \$1.4mm, it is a 4br, 2bth, 3,200sqft home; based on the number of vehicles parked at and around this home there appear to be eight adults living here.

I understand that a homeowner located elsewhere in Gig Harbor recently sought a permit to register their home as a short-term rental. Apparently, this owner purchased the Gig Harbor home as a second, seasonal home. The owner does not live here in Gig Harbor, nor in Washington State.

The Short-Term Rentals FAQ provided on the city website noted there are currently 44 listings on VRBO, Airbnb, Vacasa and Expedia. Earlier today I queried the number of short-term rentals available in Gig Harbor, WA:

Airbnb	99
VRBO	180
Vacasa	19
Expedia	31

I'm sure there are some duplicates, and perhaps a narrowing of the search to the city limits would return a lower number. How many short-term rentals are currently permitted by the city?

I first visited Gig Harbor in 2012, my wife and I thought the city a friendly, safe place. A great place to live. When the opportunity to relocate to Washington presented itself, we jumped at the chance to move to Gig Harbor. We have since become well acquainted with our neighbors, the community, and the city. There has been a lot of debate about the changes taking place here in town, some of those changes are for the better, some not. What do we wish for the city? How will those charged with managing the city enforce the rules meant to allow everyone to enjoy Gig Harbor?

It seems that these two items are inevitable, I ask that the Council implement straight forward policies to manage these issues and those policies be enforced. Regarding Ordinance 1466, I ask that the community be given the chance to review and comment on any proposed housing or shelter. With regard to Ordinance 1467, I ask that the City impose a hard limit on the number of short-term rentals, spreading those permits throughout the city so that no one area is overwhelmed.

Edward Nadler
9401 N Harborview Dr
Gig Harbor

I grew up in downtown Gig Harbor and love living in this town. I'm sad to see the unique character of downtown eroding under the weight of short term rentals. From my family home downtown, I can reach 3 AirBnBs within a 2 minute walk or less.

These properties leave fewer opportunities for homes available to families to live in and raise the next generation. They remove the opportunity for me to know my neighbors. We have a housing shortage in our town and need every opportunity for homes to be made available for residents rather than renters.

I'm happy to see short term rentals for properties that are owner-occupied. That way owners can be like ambassadors for our lovely town, and unused space can be utilized for extra income. But I'm tired of losing my neighborhood to someone's investment portfolio.

Erin Pope

Hello:

I'd like to submit the following documents/written comment in regard to the public hearing on short term rentals in Gig Harbor...

One attached document highlights Vacasa's screening process for at-risk reservations, it's thorough, asset and communal protection being most important. Secondly, I've attached a copy of Vacasa's general rental agreement, which is signed by guests prior to entering the home and strictly enforced. For example, our "good neighbor policy" - failure to comply results in vacancy with no refund.

C. Good Neighbor Policy. Because the Property is a privately owned home, all Occupants must comply with this good neighbor policy. Please treat the Property with the same care you would use with your own residence and leave it in the same condition it was in when you arrived. To prevent theft of or damage to furnishings or your personal property, you agree to close and lock doors and windows when you are not present at the Property and upon check-out. You and other Occupants agree to conduct yourselves throughout your stay in a manner that is respectful of and not disruptive to neighbors, traffic flow, or the community and that will not prompt complaints to Vacasa from police, neighbors, or neighborhood or homeowner associations. Noise audible outside the Property is prohibited between 10 p.m. and 8 a.m. You and other Occupants agree to abide by all applicable parking restrictions and limitations.

--

"Schedule a meeting with me"

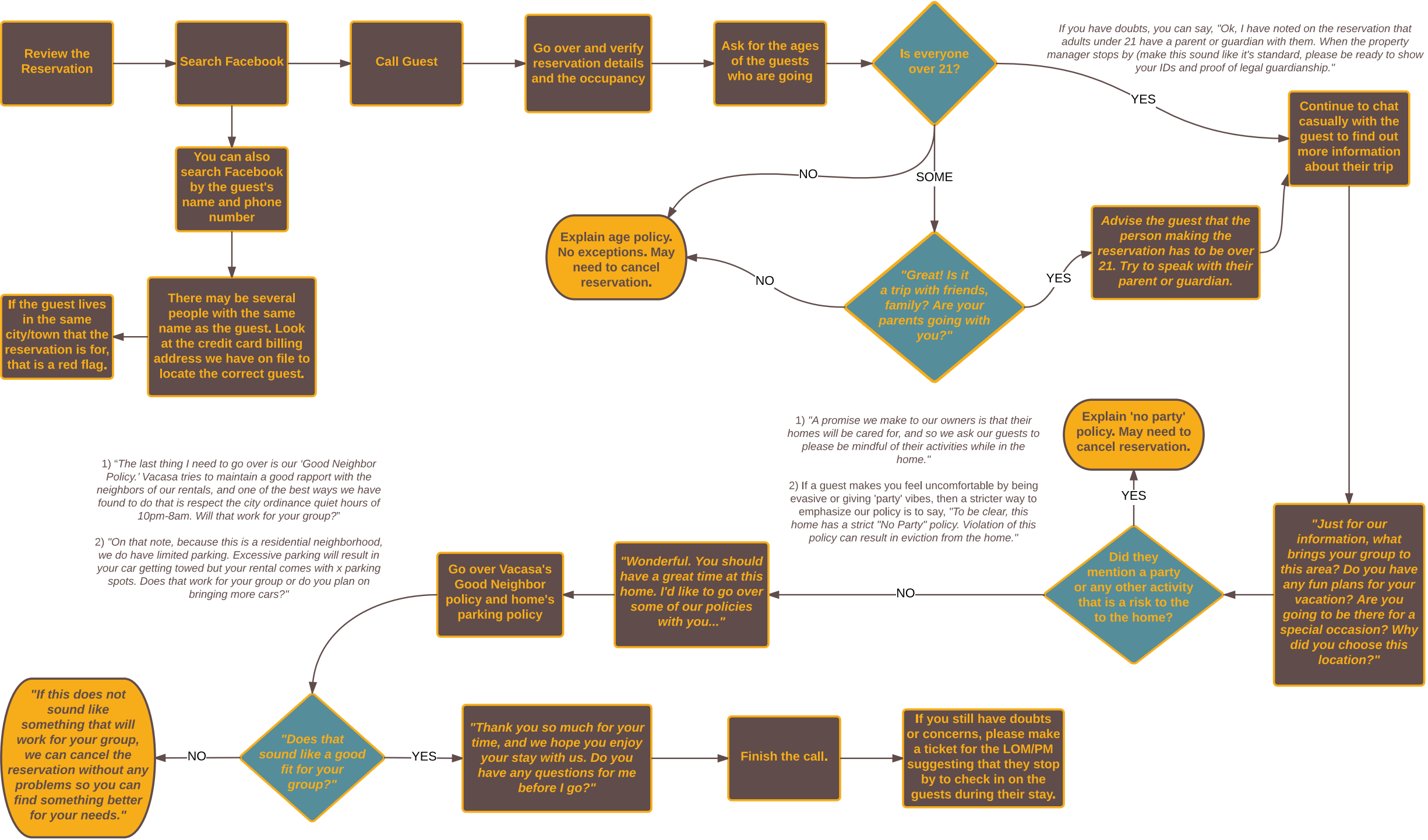
James Karrer | Sales Executive

m: 206.229.7704

vacasa.com

Vacation rental management, elevated.

RISK SCREEN WORKFLOW



This Rental Agreement was updated at 6:47 p.m. Pacific Daylight Time, April 19, 2021.

- Reservations booked before that time, but after 9:34 a.m. Pacific Daylight Time on March 22, 2021, are subject to the prior version of this agreement, available [here](#).
- Reservations booked before 9:34 a.m. Pacific Daylight Time on March 22, 2021, are subject to another prior version of this agreement, available [here](#).

By booking a reservation with Vacasa, you agree to all policies, terms, and conditions below.

Summary of General Rental Policies

A. The property shall not be used by more than the number of adults and children listed in your reservation.

B. All guests shall abide by Vacasa's good neighbor policy and shall not engage in illegal activity. Quiet hours are from 10 p.m. to 8 a.m.

C. Pets are not permitted unless specifically noted in your reservation.

D. Renter must be at least 21 years of age (or the specified minimum age required to rent the property, if different). Guests under the minimum age must be accompanied by a parent or legal guardian.

E. No smoking is permitted anywhere on the premises.

F. No commercial photography or filming is permitted on the property. Tents or other structures may not be erected. Use of charcoal grills is not allowed.

G. Renter is liable for any damage to the property and agrees to accept charges to the card on file should damage occur during occupancy.

H. **Cancellation Policy:** Rental payments (less the booking fee) are fully refundable up until 30 days prior to the reservation.

I. **Travel Insurance:** We recommend that you purchase travel insurance to help protect against financial loss if you must cancel your reservation for a covered reason. Vacasa offers a third-party product, Trip Preserver, which is available for most reservations and includes coverage for trip cancellation or interruption due to listed covered reasons, as well as additional benefits including coverage for losses due to trip delay or medical emergencies while traveling. If you elect to purchase Trip Preserver coverage for your reservation, we encourage you to review your insurance policy wording for all eligibility, benefits, terms, and conditions. For additional information, go to www.trippreserver.com/vacasa.

VACATION RENTAL AGREEMENT

This Vacation Rental Agreement (“**Agreement**”) is for rental of the vacation rental property specified in a confirmed reservation (the “**Property**”). This Agreement is between: (1) Vacasa (“Vacasa,” “**we**,” or “**us**”), acting for itself and for the owner of the Property (“**Owner**”), and (2) the person who is the responsible renter of the Property (collectively “**Renter**” or “**you**”).

By booking your rental of the Property with Vacasa, you acknowledge that you have read and understand, and agree to be bound by, all terms, conditions, and policies in this Agreement, including any Unit-Specific Terms (collectively, the “**Terms**”).

Unit-Specific Terms. Certain jurisdictions, resorts, and specific homes require renters to agree to additional terms and conditions (“**Unit-Specific Terms**”). We will inform you during the reservation process of any Unit-Specific Terms that apply to rental of the Property. If any provision of Unit-Specific Terms differs from the Terms in this Agreement, the provision of the Unit-Specific Terms will control.

Channel Terms. If you are booking through a third-party marketing channel, your booking may be subject to that channel’s own terms and conditions (“**Channel Terms**”). If any provision of applicable Channel Terms differs from the Terms in this Agreement, the provision of the Channel Terms will control.

Meaning of “Vacasa”. Vacasa operates using different legal entities in different geographical regions. As used in this Agreement, the term “**Vacasa**” means the entity specified in the Unit-Specific Terms, if any. If no entity is specified in the Unit-Specific Terms, then:

- If the Property is located in the *United States* or *Mexico*, Vacasa means Vacasa LLC.
- If the Property is located in *Canada*, Vacasa means Vacasa Canada ULC.
- If the Property is located in *Belize*, Vacasa means Vacasa Belize Ltd.
- If the Property is located in Costa Rica, Vacasa means Vacasa del Pacífico Central de Costa Rica Ltda

RENTAL POLICIES AND GENERAL TERMS

A. Minimum Age. The “**Minimum Age**” to rent the Property is the age specified in any Unit-Specific Terms. If no age is specified in the Unit-Specific Terms, the Minimum Age is 21 years of age (or the minimum age required by law in the jurisdiction where the Property is located, if different). You agree to provide us with proof of age upon request. A parent or legal guardian must accompany all guests who are under the Minimum Age for the entire duration of the rental.

B. Responsible Renter. As the Renter, you agree to be an occupant of the Property for the entire duration of the rental. All other occupants will be family members, friends, other responsible adults over the Minimum Age, or accompanied by a parent or legal guardian. You agree to be solely responsible for your actions and the actions of all family members, guests, and invitees (collectively, “**Occupants**”) present at the Property at any time during your stay, and to ensure that all Occupants understand and comply with the Terms.

C. Good Neighbor Policy. Because the Property is a privately owned home, all Occupants must comply with this good neighbor policy. Please treat the Property with the same care you would use with your own residence and leave it in the same condition it was in when you arrived. To prevent theft of or damage to furnishings or your personal property, you agree to close and lock doors and windows when you are not present at the Property and upon check-out. You and other Occupants agree to conduct yourselves throughout your stay in a manner that is respectful of and not disruptive to neighbors, traffic flow, or the community and that will not prompt complaints to Vacasa from police, neighbors, or neighborhood or homeowner associations. Noise audible outside the Property is prohibited between 10 p.m. and 8 a.m. You and other Occupants agree to abide by all applicable parking restrictions and limitations.

D. Maximum Occupancy. The number of people present at the Property may not exceed the maximum posted occupancy unless we have given you advance written permission to hold an event at the Property, in which case the number of people present at the Property may not exceed the maximum number of people authorized by Vacasa.

E. No Smoking. No smoking is permitted at the Property (including porches, decks or outdoor areas) at any time.

F. No Permanent Residence. You agree that your use of the Property is on a temporary and transient basis only; that you may not use the Property as a permanent residence; and that your permanent residence is and will remain elsewhere than at the Property.

G. Animals. No animals or pets of any kind are permitted at the Property except (1) as specifically authorized in your reservation, or (2) *bona fide* service animals that we are required by law to allow. Emotional support animals are not permitted except as authorized pets. You agree that a prohibition on animals is not a guarantee that an animal has not been inside the Property or that the Property is free of animal or pet allergens.

H. Events and Commercial Photography; Structures; Charcoal Grills. Events and commercial photography or filming are prohibited at the Property without our express written permission. (If approved, additional conditions and fees may apply.) No tents or other structures may be erected on the property without our express written permission. The use of charcoal grills is not permitted.

I. Criminal Activity Prohibited. Use of the Property for any criminal activity is prohibited and may result in fines, prosecution, and/or your immediate removal from the Property. This prohibition extends to use of the Property's internet service, if any, for criminal activity, including but not limited to unlawful downloads of copyrighted material, including movies, music, software, or other material. We may cooperate with any investigation of alleged criminal activity that occurred at the Property during your stay.

J. Payment Terms; Fraud. If you are paying by credit card you represent that you are the account holder or an authorized user of the account. If for any reason, Vacasa believes your payment may be refused by the card processor, Vacasa may ask you for a different form of payment. Upon Vacasa's request, you will immediately provide another form of payment and adequate proof that you are the account holder or an authorized user of the account used for payment (such as a government-issued ID that matches the name on the account). Vacasa may cancel your reservation or remove you and all Occupants from the Property immediately if you fail to provide a form of payment that can be validated by Vacasa. We may share your credit card information and other information about you with law enforcement if we suspect fraud.

K. Consequences of Breach; Charges for Damage. Any failure by you or any other Occupants to comply with any of the terms, conditions, or policies above is a breach of this Agreement and may result in a forfeiture of your rights to rent the Property, up to and including immediate removal from the Property without refund and with or without the assistance of law enforcement. Vacasa may terminate this Agreement for breach, and if you are notified of such termination you agree to leave the Property immediately. In addition, you are responsible for, and you authorize us to bill your credit card on file for the full amount of: (1) any damage or loss that occurs at the Property during your stay; (2) a charge of up to \$1,000 for violations of the pet policy, including for bringing more pets or different types of pets than specifically authorized; (3) an additional cleaning fee of up to \$500 (or the actual cost of cleaning services, if greater) for violations of any of the guest policies above (other than the pet policy) or for excessive cleaning required by the acts or omissions of any Occupant during your stay; and (4) any fines issued by police, other government officials or agencies, utility providers, and/or homeowner associations for violation of any law, ordinance, or rule during your stay, and any damages (which may exceed the amount of fines) that result from the violation. If any unauthorized download of copyrighted material via the Property's Internet service occurs during the period of your stay, you agree that we may share your contact information with the internet service provider or any other party we believe, for any reason, has enforcement rights.

ADDITIONAL TERMS AND CONDITIONS

L. Cancellation Policy; No Shows. Rental payments are fully refundable (less the amount of Vacasa's booking fee, which is earned on receipt and becomes nonrefundable 24 hours after booking) for cancellations received 30 or more days

before the first night of your reservation. No full or partial refunds will be granted for no-shows or if you cancel less than 30 days before the first night of your reservation, arrive after the first night of your reservation, or depart before the last night of your reservation. Except as expressly provided in this Agreement, no refunds or compensation will be given and Vacasa shall not be liable to you for failure to make the property available for occupancy if the property is unavailable or becomes partially or wholly unusable for any reason outside Vacasa's control, including but not limited to adverse weather conditions, natural disasters, mechanical failures, evacuation orders or other acts of government agencies, or utility outages. Vacasa advises guests to obtain appropriate and comprehensive travel insurance that covers Renter and all Occupants and that includes coverage for personal injury, illness or disease, and property damage or loss.

M. Travel Insurance. Vacasa advises guests to obtain appropriate and comprehensive travel insurance that covers Renter and all Occupants and that includes coverage for personal injury, illness or disease, and property damage or loss, and to help protect against financial loss if you must cancel your reservation for a covered reason. Trip Preserver coverage is subject to separate eligibility requirements, terms, and conditions. If you elect to purchase Trip Preserver coverage for your reservation, you acknowledge that Vacasa will be entitled to 45% of the fee you pay for such coverage. Trip Preserver is not available for rentals outside the United States or for reservations for properties within the United States that are booked by non-U.S. residents.

N. Early Check-In/Late Check-Out. Early check-in or late check-out may be available; additional charges may apply. If you do not vacate by check-out time (or late check-out time as agreed by Vacasa), you authorize us to bill your credit card on file for a late departure fee of up to one night's rental and we may remove all Occupants and their personal property from the Property.

O. Maintenance or Housekeeping Issues; Property Conditions. The Property is provided as is, and we are not responsible for the inoperability or unavailability of any amenities. You agree to contact Vacasa, using the contact information provided in your confirmation email, as soon as you notice any maintenance or housekeeping problem, or any potentially hazardous condition, at the Property, or if any incident occurs at the Property that is related to such a problem or condition. You further agree to give Vacasa a reasonable amount of time to respond to your report and to cooperate with Vacasa's efforts to address the concern or provide a remedy. We will take reasonable and appropriate steps to remedy any reported problem as soon as practicable. We may enter the Property at your invitation to remedy any problem you report, at reasonable times and with reasonable notice to inspect, maintain, or repair the Property, and to address any situation that we reasonably deem an emergency that threatens persons or property. You acknowledge that if the Property has access to amenities that are shared with other properties, such as a shared pool, hot tub, parking lot, or fitness center, that the availability and condition of those amenities is outside Vacasa's control.

P. Choice of Law; Jurisdiction and Venue; Dispute Resolution.

P.1. Choice of Law. Unless otherwise specified in any Unit-Specific Terms or if a different choice of law is required by the law of the jurisdiction in which the Property is located, this Agreement shall be governed by laws of the State of Oregon, U.S.A, without regard to its conflict-of-law provisions.

P.2. Dispute Resolution and Arbitration Agreement: United States. If (a) your claim relates in any way to a reservation for or stay at a Property located in the United States, or (b) you bring any other claim against Vacasa in the United States (to the extent permitted by this Agreement), then you agree to resolve any dispute arising out of or relating in any way to this Agreement as follows:

a. Agreement to Arbitrate. Except as otherwise provided in this section, you and Vacasa mutually agree that any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association ("AAA") in accordance with its Consumer Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof. Payment of filing, administration and arbitrator fees will be governed by the AAA's rules. To begin an arbitration, a party must send a letter to the other party requesting arbitration and describing the claim. If Vacasa requests arbitration, it will send the letter to your most recent email or physical address in Vacasa's records. If you request arbitration, you must send the letter to Vacasa's registered agent in the state in which the Property you reserved or stayed at is located, or if the dispute does not involve a reservation for or stay at a specific property, to Vacasa's registered agent in the state of Oregon.

b. Place of Arbitration. Except as otherwise required by AAA's Consumer Arbitration Rules, the arbitration shall take place in the county in which the Property is located, or in Portland, Oregon, if the dispute does not involve a reservation for or stay at a specific property, or in such other location as you and Vacasa may mutually agree.

c. Exceptions to Arbitration Requirement. As the only exceptions to the parties' agreement to submit all disputes to binding arbitration as provided herein, Vacasa and Renter both retain the right to pursue: (1) in small claims court in the county in which the Property is located (or if the dispute does not involve a reservation for a specific property, the small claims court for Multnomah County, Oregon), any claim that is within that court's jurisdiction, and the parties consent to the personal jurisdiction and venue of such court, and Vacasa further consents to Renter's appearance by telephone or video in lieu of personal appearance, if allowed under applicable court rules; and (2) a suit in any court with jurisdiction to enjoin (whether by temporary, preliminary, or permanent injunctive relief) infringement or other misuse of intellectual property rights.

P.3. Dispute Resolution: Properties Outside the United States.

If your claim relates in any way to a reservation for or stay at a Property located outside of Europe or the United States, you and Vacasa agree to bring any action in the courts of the country in which the Property is located, or in such other location and forum as you and Vacasa may mutually agree.

P.4. Class Action and Jury Trial Waiver. The parties agree that any dispute resolution proceedings will be conducted only on an individual basis and not in a class, consolidated or representative action. If for any reason a claim proceeds in court rather than in arbitration, the parties waive any right to a jury trial.

Q. Acknowledgment & Disclaimer; Limitation of Liability.

Q.1. Acknowledgment & Disclaimer. You acknowledge the Property may have features, amenities, and conditions that are unfamiliar to you and other Occupants you invite to the Property. You further acknowledge that your use of the Property and its amenities may carry inherent risk, including risk of bodily injury, illness or disease, disability, or death. For example, some Properties include natural habitats for wildlife, insects, and pests that may expose you to injury or disease; or docks, stairways, porches, ledges, cliffs, hot tubs, and other unmarked natural or manmade features, amenities, and conditions that carry inherent risk. You agree that, by using the Property or its amenities, you voluntarily and willfully assume those risks and assume full responsibility for the choices you make before, during and after your use of the Property and its amenities. You also acknowledge and agree that you and any other adult Occupants are solely responsible for closely supervising and protecting the health and safety of any and all Occupants that are minors, throughout the duration of your stay.

Q.2. Disclaimer of Warranties. TO THE MAXIMUM EXTENT PERMITTED BY LAW, VACASA AND OWNER EACH EXPRESSLY DISCLAIM ANY WARRANTIES OF SAFETY, FITNESS FOR A PARTICULAR PURPOSE, QUIET ENJOYMENT, AND AS TO THE ADEQUACY OF THE DIRECTIONS AND WARNINGS PROVIDED TO YOU.

Q.3. Limitation of Liability. TO THE MAXIMUM EXTENT PERMITTED BY LAW, IN NO CASE SHALL THE OWNER OF THE PROPERTY OR VACASA, NOR THEIR AFFILIATES, NOR THEIR RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES, AGENTS, OR OWNERS, BE LIABLE FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, SPECIAL, OR EXEMPLARY DAMAGES, OR FOR ANY DAMAGES FOR PERSONAL OR BODILY INJURY, ILLNESS OR DISEASE, EMOTIONAL DISTRESS, OR DAMAGE TO PROPERTY, ARISING OUT OF OR IN CONNECTION WITH YOUR STAY AT THE PROPERTY. THIS LIMITATION APPLIES TO ALL CLAIMS FOR DAMAGES WHETHER BASED ON A THEORY OF WARRANTY, CONTRACT, TORT (INCLUDING ORDINARY NEGLIGENCE), STRICT LIABILITY, OR OTHERWISE, EVEN IF VACASA HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE AND EVEN IF THE LIMITED REMEDY SET FORTH HEREIN IS FOUND TO HAVE FAILED OF ITS ESSENTIAL PURPOSE.

R. Indemnity. You agree to hold harmless and indemnify Vacasa and Owner, and their respective affiliates, for and from all claims for property damage, personal injury, illness or disease, or monetary loss resulting from your actions or omissions, and the actions or omissions of other Occupants, during or relating to your stay.

S. Substitution of Property. On rare occasions, due to ownership changes, properties being removed from rental use, or a need for extensive repairs or maintenance, the Property may not be available for rental on the dates of your reservation. In this

unlikely event, Vacasa reserves the right to substitute a comparable property. If comparable accommodations are not available, you will have the option of (1) selecting from other available properties (in which case you are responsible for, or will receive the benefit of, any difference in cost) or (2) receiving a complete refund of your reservation payment. In the event of a substitution of rental properties, all Terms in this Agreement, plus any Unit-Specific Terms specific to the substituted property, shall apply to your stay in the substituted property.

T. Assignment. Vacasa may assign this Agreement or any of its rights, or delegate any of its duties under this Agreement, at any time without your consent.

October 11, 2021

RE: Gig Harbor City Council Meeting of October 11, 2021

Councilmembers,

I respectfully submit four exhibits for consideration in your deliberations on the recently passed Moratorium on Short Term Rentals (STR's) within the city.

I agree with Council and Staff that the issue should be addressed. My recommendation is to refer it to the Planning Commission. To quote the city's website, *"the primary charge of the Planning Commission is to make legislative recommendations to the City Council on matters related to long-range land use planning including the comprehensive plan amendments, zoning text amendments, and area-wide rezones."*

In the recent past Council has used "direct consideration" to bypass the Planning Commission (PC) on important legislative matters. This subverts the process and robs the Council of the time and expertise available from the PC. It also uses valuable Council time that could be spent on other city matters - especially during this busy budget season.

There have been some misunderstandings on the STR's within the city which I try to address in the attached Exhibits.

Exhibit 1 is an informal survey of the number of STR's within the Gig Harbor Peninsula and the close-in portion of the Key Peninsula. This information was gleaned from the booking sites of Airbnb, VRBO and Vacasa. Hopefully this easily obtained information will negate the need for hiring an outside consultant as discussed at the September 7th Planning and Building Committee meeting. There are most likely 26-30 STR's within the city limits. Most are within the view basin. The number that is permitted should be available through the Planning Department but is most likely in the low single digits. The reasons for this low compliance rate has to do with the ambiguity of our current code as well as the onerous and expensive process involved in trying to comply. This is the main argument for revision of the existing code.

Exhibit 2 is a bullet point presentation of the main STR issues. It discusses the Goals, Benefits, and Considerations associated with STR regulation. It is my personal take on the issues and is by no means all inclusive.

Exhibit 3 is a comparison of STR's vs Long Term Rentals (LTR'S). It is self-explanatory but tries to dispel some of the misconceptions regarding STR's - especially those concerning taxes, traffic, parking, and neighborhood impact.

Exhibit 4 is intended to shed light on the concern that our housing stock will be bought up by investors hoping to cash in on Gig Harbor as a vacation destination. As anyone who owns a business would agree, the most important month-to-month metric is cash flow. Buying a modest size house in the view basin (as most are) and trying to make it pencil out with current rental rates simply is not economically feasible. Although the long-term investment in a Gig Harbor property will appreciate over time the incentive for a reliable monthly income simply is not there. Additionally an increase in the number of STR's within the city would likely apply negative pressure on rates making it less attractive to potential landlords. There is a different consideration for the East Side of the Bay where waterfront amenities command a significantly higher nightly rate. The same is true in the county on Fox Island, Raft Island, Wollochet Bay, and Horsehead Bay.

I look forward to providing testimony before the PC on this issue and am confident that the end result will be beneficial for the city as a whole.

Thank you for your consideration,

Paul L. Kadzik, DDS

EXHIBIT 1

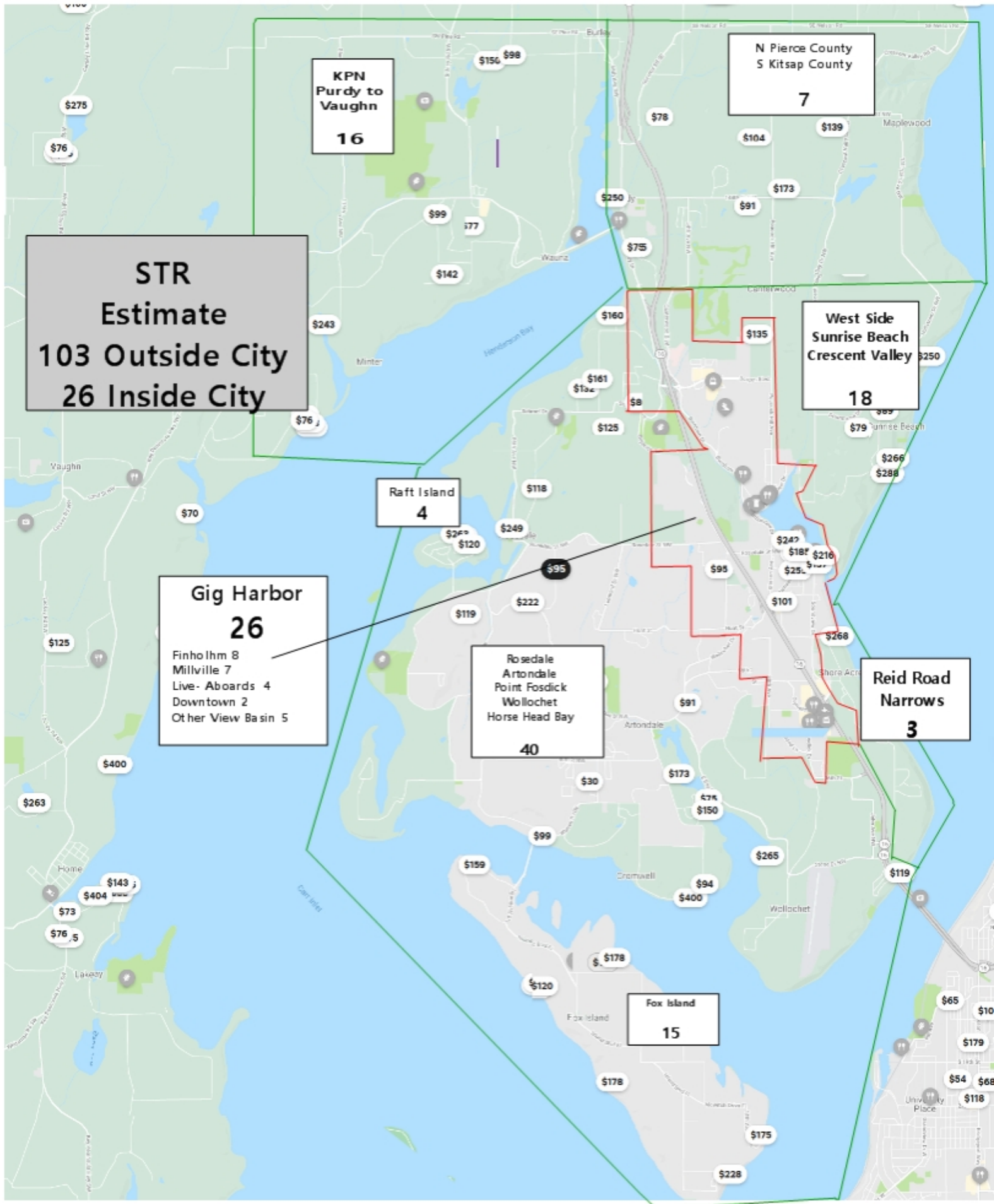


EXHIBIT 2
STR
Short Term Rentals

Gig Harbor has a significant tourism industry which contributes to the viability of its waterfront. We promote ourselves as a family-friendly destination with shops, restaurants, parks, and water activities. We are not a "party" destination.

The residential use of a home does not change because of the length of a stay. In some cases long term rentals can pose a more significant problem. For instance: a problem tenant (excessive noise, poor maintenance, junk vehicles, etc.) with a long term lease, vis-à-vis the difficulty of a formal eviction. Reasonable regulations can govern the use of homes—whether used long-term or short-term, so that everyone can enjoy Gig Harbor - residents and visitors alike.

Excessive restriction or elimination within the city limits could exacerbate traffic and parking issues as visitors come into the city from non-restricted county areas, as opposed to staying in the immediate waterfront areas.

Goals of regulation

- Preservation of single-family values
- Avoidance of commercialization
- Better property stewardship
- Protecting appearance
- Traffic and Parking mitigation
- Nuisance and Noise

Possible Benefits

- Additional income can result in better maintenance of properties
- Aging in place may be facilitated by allowing mitigation of increased property taxes and maintenance costs
- Additional collected taxes (Lodging and Sales)
- Increased downtown economic activity

Considerations for Regulation

- Definitions
- Permitting Process
- Health and Safety Inspection – Building / Fire
- Licenses & Fees
- Lodging Tax
- Signage
- Prohibition of other Commercial Activity
- Number of guests
- Parking
- Noise / Disturbances Guidelines
- Management and Control
- Varying Standards for Types of STR
- Local contact
- Events
- Good Neighbor Guideline

EXHIBIT 3

COMPARISON OF EFFECT ON LOCAL AREA OF SHORT TERM RENTALS (STL) VS. LONG TERM RENTALS (LTR)

STR		LTR	
Length of Stay	By Definition - Less than 30 days Typically 2-3 day weekend / Occasional 4 -7 days / Rarely Longer	Length of Occupancy	By Definition - 30 + days Typically Long-Term Lease (one year)
Types of STR	Attached or Detached ADU (Accessory Dwelling Unit) SFH (Single Family House) Portion of SFH (i.e. Daylight Basement / Single Room)	Types of LTR	Attached or Detached ADU (Accessory Dwelling Unit) SFH (Single Family House) Portion of SFH (i.e.. Daylight Basement / Single Room)
Management	On Premises Owner/Manager Remote	Management	On Premises Owner/Manager Remote
Demographic	Almost exclusively families - often two adults - one or two children	Demographic	Varied - Families / Singles / Retired
Reasons for stay	Vacation to Pacific NW Weekend getaway within driving distance (Staycations) Wedding guests Accompanying child to settle in at local Universities Relocating / Looking for house/ Waiting for Closing on a house. Local residents having work done on home Visiting relatives or friends who live in the area Work related stays	Reason for Occupancy	Semi-Permanent Residence
Parking Impact	One car typically - occasionally two	Parking Impact	Two cars typically
Traffic Impact	Weekends and Mostly Nonpeak-hours Vehicles used infrequently Day trips to Seattle / Mt. Rainier / Olympic Peninsula Often walk to dining / shopping	Traffic Impact	Weekdays during peak-hours Frequent trips - shopping / dining /recreation / medical/school
Neighborhood Impact	Not significant for the typical demographic	Neighborhood Impact	Varies on demographic. Families / Singles / Retired
Maintenance of property	Typically Well Maintained - Professional	Maintenance of property	Varies
School Impact	None School Tax Paid via Property Tax but no students to service	School Impact	Probable
Parks/ Recreation/ Sidewalk Impact	Heavy	Parks/ Recreation/ Sidewalk Impact	Moderate
Tax Impact	Lodging Tax (Collected for City vs. County) Sales Tax - mostly within city from downtown businesses Property Tax - Same	Tax Impact	No Lodging Tax paid Sales Tax (probably shared with other jurisdictions) Property Tax - Same
Impact on Traditional Lodging Facilities	Arguable - Typical STR guests prefer this type of accommodation as opposed to hotel room and if not available would most likely look for it elsewhere in the County)	Impact on Traditional Lodging Facilities	Minimal

EXHIBIT 4

In the Gig Harbor Historic (Downtown & Millville) houses have recently sold for as much as \$2,000,000. The estimated median price is \$1,000,000. If such a property were purchased exclusively for STR income purposes, the monthly cash flow would be expected to be positive.

The average nightly rate in the area (Airbnb search of 19 properties) is approximately \$240.

The average Occupancy Rate varies according to season, however 50% to 66% is a reasonable expectation.

The typical debt burden on a \$1,000,000 investment property would approximate \$4,500 per month.

At 66% occupancy such an investment STR is just breaking even.

Additionally as more STR's come online the competition is likely to depress nightly rates in the long-term, which would unfavorably affect the P&L and Cash Flow making investment in additional STL's less likely.

A simple calculation (not considering compounding) of the lost investment opportunity of the initial cash investment of \$205,000 at 6%/year would be approximately \$1,200 / month - placing an additional burden on the practicality of the investment. There is, of course, the appreciation of the property over time, which would be a positive factor in the investment decision.

STR MONTHLY INCOME POTENTIAL Based on \$240/ night with 50% and 66% Occupancy

Occupancy	50%	66%
Rate Avg/Night	\$ 240	\$ 240
Nights/Mo	15	21
Gross Rev/Mo	\$ 3,600	\$ 5,040
Overhead @ 10%		
Booking Fees, supplies, maint., etc.	\$ (360)	\$ (504)
Net Revenues	\$ 3,240	\$ 4,536
INVESTMENT COST	\$ (4,500)	\$ (4,500)
CASH FLOW	\$ (1,260)	\$ 36
Lost Investment Cost of Initial \$205,000	\$ (1,000)	\$ (1,000)

INVESTMENT COSTS 1M Home Purchase

Purchase Cost	\$ 1,025,000	\$1M House + \$25,000 Setup
20% Down	\$ (205,000)	
Mortgage 4% Int. (Investment Property)	\$ 820,000	
Mortgage + Tax & Ins. / Mo.	\$ 4,500	

HOME SALES IN HISTORIC DISTRICT Source Zillow

Jul 2019	\$ 1,910,000	Jul 2020	\$ 650,000
Aug 2019	\$ 815,000	Sep 2020	\$ 1,975,000
Sep 2019	\$ 1,950,000	Nov 2020	\$ 925,000
Jan 2020	\$ 340,000	Dec 2020	\$ 770,000
Jun 2020	\$ 1,861,000	Feb 2021	\$ 780,000
Jul 2020	\$ 2,000,000	Mar 2021	\$ 1,040,000
Jul 2020	\$ 1,600,000	Aug 2021	\$ 850,000
Jul 2020	\$ 650,000		
AVERAGE HOME PRICE	\$1,247,571		
MEDIAN HOME PRICE	\$ 1,000,000		

To the attention of City Council and Mayor-

The issues of short term rentals should not have been an emergent situation, this was an overreach of power and gross limitation of property rights. I do understand that you need to put some regulations in place (in accordance with WA State constitution) and ask that you please allow this its due diligence to be handled with the city planning department so it can have the time to be fully vetted and transparent.

The emergency nature of this topic is still unclear, and troublesome for our city that our leadership is so reactive when there is no evidence to support an "emergency moratorium."

Thank you for your consideration to give this the proper due process.

Maggie Arnold
Gig Harbor Resident



Business of the City Council City of Gig Harbor, WA

Subject: Public Hearing Regarding Ordinance No. 1466 and Adoption of Findings of Fact

Dept. Origin: Community Development

Proposed Council Action:

- 1) Hold public hearing regarding interim zoning controls as outlined in Ordinance 1466.
- 2) Following public hearing, move to adopt whereas clauses contained within Ordinance 1466 as Findings of Fact in support of adoption of the interim zoning controls.
- 3) Direct this matter to Planning Commission.

Prepared by: Katrina Knutson, AICP 
Community Development Director

For Agenda of: October 11, 2021

Exhibit: Ordinance 1466
ESSHB 1220

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

Initial &
Date

 10-4-21

 10/4/21

email 10/4/21

NA

 10/4/21

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$0
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INFORMATION/BACKGROUND

On September 27, 2021, the City Council unanimously passed Ordinance 1466 which enacted interim zoning controls pertaining to transitional housing, permanent supportive housing, emergency shelters and emergency housing. These interim regulations were adopted in response to Engrossed Second Substitute House Bill (ESSHB) 1220, which was passed by the State Legislature on May 12, 2021. Within the bill are requirements for all jurisdictions planning under the Growth Management Act (GMA) to amend their Comprehensive Plans and development regulations pertaining to transitional housing, permanent supportive housing and emergency shelters.

The current interim zoning controls are in effect until March 27, 2022. Staff recommends the City Council direct the Planning Commission to the interim regulations, consider public testimony and provide a formal recommendation no later than the February 28, 2022 Council meeting.

FISCAL CONSIDERATION

N/A

BOARD OR COMMITTEE RECOMMENDATION

N/A

RECOMMENDATION/MOTION

- 1) Hold Public Hearing regarding interim zoning controls as outlined in Ordinance 1466.
- 2) Following public hearing, move to adopt whereas clauses contained within Ordinance 1466 as Findings of Fact in support of adoption of the interim zoning controls.
- 3) Direct this matter to Planning Commission.

ORDINANCE NO. 1466

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING INTERIM ZONING CONTROLS PERTAINING TO PERMANENT SUPPORTIVE HOUSING AND TRANSITIONAL HOUSING FOR A PERIOD OF SIX MONTHS IN RESPONSE TO ESSHB 1220, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under the authority of RCW 35A.63.220 and RCW 36.70A.390, the City may impose interim regulations to be effective for a period of up to six months, and for six-month intervals thereafter; and

WHEREAS, earlier this year, the state legislature enacted Engrossed Second Substitute House Bill (ESSHB) 1220 signed by Governor Inslee on May 12, 2021, became Chapter 254 Laws of 2021, took effect on July 25, 2021, with regulations required by September 30, 2021; and

WHEREAS, Section 3 of ESSHB 1220 mandates that a city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed and shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed; and

WHEREAS, ESSHB 1220 was passed, in part, to address the growing homeless crisis currently facing Washington State; and

WHEREAS, the City of Gig Harbor has no regulations related to the development and operation of transitional housing, permanent supportive housing, emergency housing or emergency shelters needed to protect the community and residents of these units; and

WHEREAS, the City has not had sufficient time to evaluate the needs of transitional housing or permanent supportive housing and develop regulations between the time ESSHB 1220 was signed by the Governor and became law and the effective date; and

WHEREAS, in response to ESSHB 1220, the Gig Harbor City Council would like to make certain changes to its development regulations on an interim basis to provide City staff and the Planning Commission time to make recommendations to the City Council with respect to permanent regulations for transitional and supportive housing;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Gig Harbor Municipal Code Section 17.14.020 "Land use matrix" is hereby amended as shown in Exhibit A.

Section 2. A new Chapter 17.55 "Permanent Supportive Housing and Transitional Housing" is hereby added to the Gig Harbor Municipal Code as follows:

Chapter 17.57 Permanent Supportive Housing and Transitional Housing

17.57.010 Regulations for Permanent Supportive Housing and Transitional Housing.

- A. The maximum allowed number of dwelling units on any property shall not exceed the number of dwelling units that would be allowed under the zoning classification adopted for the property.
- B. The maximum occupancy load of a permanent supportive housing unit and transitional housing unit shall not exceed one person for every 200 square feet of habitable space as established in Table 1004.5 of the 2018 International Building Code.
- C. The maximum occupancy of a bedroom within a permanent supportive housing unit or transitional housing unit shall be minimum of 70 square feet per person. In determining is this occupancy limit, rounding to the nearest whole number shall not be allowed.
- D. All bedrooms within a permanent supportive housing unit or transitional housing unit shall comply with the criteria established in the International Residential Code.
- E. No permanent supportive housing or transitional housing unit may be located within half a mile of another property that contains permanent supportive housing or transitional housing. Compliance with this standard will be based on the date of complete application.
- F. All operators of permanent supportive housing or transitional housing shall utilize the Pierce County Homeless Information Management System.
- G. For the purposes of this chapter, definition for permanent supportive housing shall be consistent with RCW 36.70A.030 and the definition for transitional housing shall be consistent with WAC 458-16-320(e).

Section 3. A new Chapter 17.55 "Emergency Shelters and Emergency Housing" is hereby added to the Gig Harbor Municipal Code as follows:

Chapter 17.55 Emergency Shelters and Emergency Housing

17.55.010 Regulations for Emergency Shelters and Emergency Housing.

- A. The occupancy of an emergency shelter or emergency housing shall be limited to no more than 10 families or forty people, whichever is fewer.
- B. No more than one continuously operating emergency shelter and no more than one continuously operating emergency housing facility shall be in operation at the same time in city limits.

- C. No emergency shelter or emergency housing facility may be located within a half mile of another emergency shelter or emergency housing facility.
- D. No emergency housing facility or emergency shelter shall be located within a half mile of permanent supportive housing or transitional housing units.
- E. For the purposes of this section, the definition of emergency shelter shall be, "A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations."
- F. For the purposes of this section, the definition of emergency housing shall be, "Temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement."
- G. All operators of emergency shelters or emergency housing shall utilize the Pierce County Homeless Information Management System.

Section 4. Hearing. In accordance with the requirements of state law, a public hearing on these interim regulations will be held within 60 days of adoption of interim regulations.

Section 5. Duration of Interim Zoning Control. The interim zoning control adopted herein shall be in effect for a period of 6 months, commencing on the effective date unless the City Council shall adopt appropriate permanent development regulations which replace this interim ordinance, or unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the Gig Harbor City Council.

Section 6. Transmittal to Department of Commerce. Pursuant to RCW 36.70A.106, this ordinance shall be transmitted to the Washington State Department of Commerce, as required by law.

Section 7. Severability. If any section, sentence, clause, or phrase of this ordinance shall be 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 8. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Effective Date. This ordinance shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof,
held this 27th day of September, 2021.

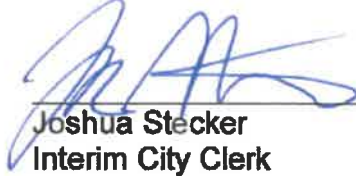
Approved as to form: 

Daniel Kenny
City Attorney



Kit Kuhn
Mayor

Attest:



Joshua Stecker
Interim City Clerk

PUBLICATION DATE: 9/30/21
EFFECTIVE DATE: 10/5/21

EXHIBIT A

17.14.020 Land use matrix.

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁴
Dwelling, single-family	-	P	P	P	P	C	P	P	P ³¹	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	P ³¹	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	P ³¹	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	P ³¹	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	P ³¹	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	P ³¹	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²¹	-	-	-	-	-	P
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
<u>Permanent Supportive Housing³²</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Transitional Housing³²</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	-	<u>C</u>	<u>C</u>	<u>C</u>
<u>Emergency Housing³³</u>	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>
<u>Emergency Shelter³³</u>	-	-	-	-	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	<u>C</u>	-	<u>C</u>
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	C	C	P	-	-	-	-	P	-	-

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁴
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	C	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	C	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	C	C	P	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	-	-	-	C	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	C	-	C ²⁰	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	-	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Electric vehicle charging station ²⁵	P	P ²⁶	P ²⁶	P ²⁶	P ²⁶	P ²⁶	P ²⁶	P	P	P	P	P	P	P	P ²⁶	P ²⁶	P	P	P	P
Rapid charging station ²⁷	P	-	-	-	P ²⁸	P ²⁸	-	P ²⁸	P	P	P	P	P	P	-	-	P	P	P	P ²⁸
Battery exchange station	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁴
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²²	-	-	P	C ²³	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²²	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²²	-	C ²⁹	P	C ²³	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²²	-	C ²⁹	P	C ²³	P	P
Food truck ³⁰	-	-	-	-	-	-	-	P	P	-	P	P	P	P	-	-	P	P	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁴
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²²	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	C	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

- ¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC [17.64.045](#).
- ² Home occupations are subject to Chapter 17.84 GHMC.
- ³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.
- ⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.
- ⁵ Houses of religious worship shall be limited to parcels not greater than five acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

- 13 Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- 14 Residential uses shall be located above a permitted business or commercial use.
- 15 Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- 16 Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- 17 Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- 18 Planned unit developments (PUDs) are conditionally permitted in the ED district.
- 19 Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- 20 Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- 21 Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- 22 See GHMC 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- 23 See GHMC 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- 24 Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).
- 25 Level 1 and Level 2 charging only.
- 26 Electric vehicle charging stations, Level 1 and Level 2 only, are allowed only as accessory to a principal outright permitted or principal permitted conditional use.
- 27 The term "rapid" is used interchangeably with Level 3 and "fast charging."

- 28 Only “electric vehicle charging stations – restricted” as defined in Chapter 17.73 GHMC.
- 29 Only those properties lying adjacent to or southeast of Dorotich Street are allowed to request a conditional use permit for a restaurant 2 or restaurant 3 use. In other areas of WM zone, restaurant 2 and restaurant 3 uses are prohibited. See Chapter 17.48 GHMC for specific performance standards for restaurant uses in the WM zone.
- 30 Food truck permits shall be processed with a special use permit, per Chapter 17.65 GHMC.
- 31 Permitted above and below street-level nonresidential uses.
- 32 Permanent supportive housing and transitional housing shall comply with the standards of GHMC 17.55.
- 33 Emergency shelters and emergency housing shall comply with the standards of GHMC 17.57.

CERTIFICATION OF ENROLLMENT
ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

Chapter 254, Laws of 2021
(partial veto)

67th Legislature
2021 Regular Session

EMERGENCY SHELTERS AND HOUSING—LOCAL PLANNING AND DEVELOPMENT

EFFECTIVE DATE: July 25, 2021

Passed by the House April 14, 2021
Yeas 57 Nays 40

LAURIE JINKINS
**Speaker of the House of
Representatives**

Passed by the Senate April 10, 2021
Yeas 25 Nays 24

DENNY HECK
President of the Senate

Approved May 12, 2021 2:35 PM with
the exception of section 7, which is
vetoed.

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the
House of Representatives of the
State of Washington, do hereby
certify that the attached is
**ENGROSSED SECOND SUBSTITUTE HOUSE
BILL 1220** as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 12, 2021

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 1220

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington

67th Legislature

2021 Regular Session

By House Appropriations (originally sponsored by Representatives Peterson, Macri, Bateman, Ryu, Lekanoff, Fitzgibbon, Kloba, Davis, Lovick, Santos, Ortiz-Self, Simmons, Berg, Hackney, Chopp, Tharinger, and Frame)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to supporting emergency shelters and housing
2 through local planning and development regulations; amending RCW
3 36.70A.020, 36.70A.390, and 36.70A.030; reenacting and amending RCW
4 36.70A.070; adding a new section to chapter 35A.21 RCW; adding a new
5 section to chapter 35.21 RCW; and adding a new section to chapter
6 36.70A RCW.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 36.70A.020 and 2002 c 154 s 1 are each amended to
9 read as follows:

10 The following goals are adopted to guide the development and
11 adoption of comprehensive plans and development regulations of those
12 counties and cities that are required or choose to plan under RCW
13 36.70A.040. The following goals are not listed in order of priority
14 and shall be used exclusively for the purpose of guiding the
15 development of comprehensive plans and development regulations:

16 (1) Urban growth. Encourage development in urban areas where
17 adequate public facilities and services exist or can be provided in
18 an efficient manner.

19 (2) Reduce sprawl. Reduce the inappropriate conversion of
20 undeveloped land into sprawling, low-density development.

1 (3) Transportation. Encourage efficient multimodal transportation
2 systems that are based on regional priorities and coordinated with
3 county and city comprehensive plans.

4 (4) Housing. (~~Encourage the availability of affordable~~) Plan
5 for and accommodate housing affordable to all economic segments of
6 the population of this state, promote a variety of residential
7 densities and housing types, and encourage preservation of existing
8 housing stock.

9 (5) Economic development. Encourage economic development
10 throughout the state that is consistent with adopted comprehensive
11 plans, promote economic opportunity for all citizens of this state,
12 especially for unemployed and for disadvantaged persons, promote the
13 retention and expansion of existing businesses and recruitment of new
14 businesses, recognize regional differences impacting economic
15 development opportunities, and encourage growth in areas experiencing
16 insufficient economic growth, all within the capacities of the
17 state's natural resources, public services, and public facilities.

18 (6) Property rights. Private property shall not be taken for
19 public use without just compensation having been made. The property
20 rights of landowners shall be protected from arbitrary and
21 discriminatory actions.

22 (7) Permits. Applications for both state and local government
23 permits should be processed in a timely and fair manner to ensure
24 predictability.

25 (8) Natural resource industries. Maintain and enhance natural
26 resource-based industries, including productive timber, agricultural,
27 and fisheries industries. Encourage the conservation of productive
28 forestlands and productive agricultural lands, and discourage
29 incompatible uses.

30 (9) Open space and recreation. Retain open space, enhance
31 recreational opportunities, conserve fish and wildlife habitat,
32 increase access to natural resource lands and water, and develop
33 parks and recreation facilities.

34 (10) Environment. Protect the environment and enhance the state's
35 high quality of life, including air and water quality, and the
36 availability of water.

37 (11) Citizen participation and coordination. Encourage the
38 involvement of citizens in the planning process and ensure
39 coordination between communities and jurisdictions to reconcile
40 conflicts.

1 (12) Public facilities and services. Ensure that those public
2 facilities and services necessary to support development shall be
3 adequate to serve the development at the time the development is
4 available for occupancy and use without decreasing current service
5 levels below locally established minimum standards.

6 (13) Historic preservation. Identify and encourage the
7 preservation of lands, sites, and structures, that have historical or
8 archaeological significance.

9 **Sec. 2.** RCW 36.70A.070 and 2017 3rd sp.s. c 18 s 4 and 2017 3rd
10 sp.s. c 16 s 4 are each reenacted and amended to read as follows:

11 The comprehensive plan of a county or city that is required or
12 chooses to plan under RCW 36.70A.040 shall consist of a map or maps,
13 and descriptive text covering objectives, principles, and standards
14 used to develop the comprehensive plan. The plan shall be an
15 internally consistent document and all elements shall be consistent
16 with the future land use map. A comprehensive plan shall be adopted
17 and amended with public participation as provided in RCW 36.70A.140.
18 Each comprehensive plan shall include a plan, scheme, or design for
19 each of the following:

20 (1) A land use element designating the proposed general
21 distribution and general location and extent of the uses of land,
22 where appropriate, for agriculture, timber production, housing,
23 commerce, industry, recreation, open spaces, general aviation
24 airports, public utilities, public facilities, and other land uses.
25 The land use element shall include population densities, building
26 intensities, and estimates of future population growth. The land use
27 element shall provide for protection of the quality and quantity of
28 groundwater used for public water supplies. Wherever possible, the
29 land use element should consider utilizing urban planning approaches
30 that promote physical activity. Where applicable, the land use
31 element shall review drainage, flooding, and stormwater runoff in the
32 area and nearby jurisdictions and provide guidance for corrective
33 actions to mitigate or cleanse those discharges that pollute waters
34 of the state, including Puget Sound or waters entering Puget Sound.

35 (2) A housing element ensuring the vitality and character of
36 established residential neighborhoods that:

37 (a) Includes an inventory and analysis of existing and projected
38 housing needs that identifies the number of housing units necessary

1 to manage projected growth, as provided by the department of
2 commerce, including:

3 (i) Units for moderate, low, very low, and extremely low-income
4 households; and

5 (ii) Emergency housing, emergency shelters, and permanent
6 supportive housing;

7 (b) (~~includes~~) Includes a statement of goals, policies,
8 objectives, and mandatory provisions for the preservation,
9 improvement, and development of housing, including single-family
10 residences, and within an urban growth area boundary, moderate
11 density housing options including but not limited to, duplexes,
12 triplexes, and townhomes;

13 (c) (~~identifies~~) Identifies sufficient capacity of land for
14 housing(~~(r)~~) including, but not limited to, government-assisted
15 housing, housing for (~~low-income families~~) moderate, low, very low,
16 and extremely low-income households, manufactured housing,
17 multifamily housing, (~~and~~) group homes (~~and~~), foster care
18 facilities, emergency housing, emergency shelters, permanent
19 supportive housing, and within an urban growth area boundary,
20 consideration of duplexes, triplexes, and townhomes; (~~and~~)

21 (d) (~~makes~~) Makes adequate provisions for existing and
22 projected needs of all economic segments of the community, including:

23 (i) Incorporating consideration for low, very low, extremely low,
24 and moderate-income households;

25 (ii) Documenting programs and actions needed to achieve housing
26 availability including gaps in local funding, barriers such as
27 development regulations, and other limitations;

28 (iii) Consideration of housing locations in relation to
29 employment location; and

30 (iv) Consideration of the role of accessory dwelling units in
31 meeting housing needs;

32 (e) Identifies local policies and regulations that result in
33 racially disparate impacts, displacement, and exclusion in housing,
34 including:

35 (i) Zoning that may have a discriminatory effect;

36 (ii) Disinvestment; and

37 (iii) Infrastructure availability;

38 (f) Identifies and implements policies and regulations to address
39 and begin to undo racially disparate impacts, displacement, and
40 exclusion in housing caused by local policies, plans, and actions;

1 (g) Identifies areas that may be at higher risk of displacement
2 from market forces that occur with changes to zoning development
3 regulations and capital investments; and

4 (h) Establishes antidisplacement policies, with consideration
5 given to the preservation of historical and cultural communities as
6 well as investments in low, very low, extremely low, and moderate-
7 income housing; equitable development initiatives; inclusionary
8 zoning; community planning requirements; tenant protections; land
9 disposition policies; and consideration of land that may be used for
10 affordable housing.

11 In counties and cities subject to the review and evaluation
12 requirements of RCW 36.70A.215, any revision to the housing element
13 shall include consideration of prior review and evaluation reports
14 and any reasonable measures identified. The housing element should
15 link jurisdictional goals with overall county goals to ensure that
16 the housing element goals are met.

17 (3) A capital facilities plan element consisting of: (a) An
18 inventory of existing capital facilities owned by public entities,
19 showing the locations and capacities of the capital facilities; (b) a
20 forecast of the future needs for such capital facilities; (c) the
21 proposed locations and capacities of expanded or new capital
22 facilities; (d) at least a six-year plan that will finance such
23 capital facilities within projected funding capacities and clearly
24 identifies sources of public money for such purposes; and (e) a
25 requirement to reassess the land use element if probable funding
26 falls short of meeting existing needs and to ensure that the land use
27 element, capital facilities plan element, and financing plan within
28 the capital facilities plan element are coordinated and consistent.
29 Park and recreation facilities shall be included in the capital
30 facilities plan element.

31 (4) A utilities element consisting of the general location,
32 proposed location, and capacity of all existing and proposed
33 utilities, including, but not limited to, electrical lines,
34 telecommunication lines, and natural gas lines.

35 (5) Rural element. Counties shall include a rural element
36 including lands that are not designated for urban growth,
37 agriculture, forest, or mineral resources. The following provisions
38 shall apply to the rural element:

39 (a) Growth management act goals and local circumstances. Because
40 circumstances vary from county to county, in establishing patterns of

1 rural densities and uses, a county may consider local circumstances,
2 but shall develop a written record explaining how the rural element
3 harmonizes the planning goals in RCW 36.70A.020 and meets the
4 requirements of this chapter.

5 (b) Rural development. The rural element shall permit rural
6 development, forestry, and agriculture in rural areas. The rural
7 element shall provide for a variety of rural densities, uses,
8 essential public facilities, and rural governmental services needed
9 to serve the permitted densities and uses. To achieve a variety of
10 rural densities and uses, counties may provide for clustering,
11 density transfer, design guidelines, conservation easements, and
12 other innovative techniques that will accommodate appropriate rural
13 economic advancement, densities, and uses that are not characterized
14 by urban growth and that are consistent with rural character.

15 (c) Measures governing rural development. The rural element shall
16 include measures that apply to rural development and protect the
17 rural character of the area, as established by the county, by:

18 (i) Containing or otherwise controlling rural development;

19 (ii) Assuring visual compatibility of rural development with the
20 surrounding rural area;

21 (iii) Reducing the inappropriate conversion of undeveloped land
22 into sprawling, low-density development in the rural area;

23 (iv) Protecting critical areas, as provided in RCW 36.70A.060,
24 and surface water and groundwater resources; and

25 (v) Protecting against conflicts with the use of agricultural,
26 forest, and mineral resource lands designated under RCW 36.70A.170.

27 (d) Limited areas of more intensive rural development. Subject to
28 the requirements of this subsection and except as otherwise
29 specifically provided in this subsection (5)(d), the rural element
30 may allow for limited areas of more intensive rural development,
31 including necessary public facilities and public services to serve
32 the limited area as follows:

33 (i) Rural development consisting of the infill, development, or
34 redevelopment of existing commercial, industrial, residential, or
35 mixed-use areas, whether characterized as shoreline development,
36 villages, hamlets, rural activity centers, or crossroads
37 developments.

38 (A) A commercial, industrial, residential, shoreline, or mixed-
39 use area are subject to the requirements of (d)(iv) of this

subsection, but are not subject to the requirements of (c)(ii) and (iii) of this subsection.

(B) Any development or redevelopment other than an industrial area or an industrial use within a mixed-use area or an industrial area under this subsection (5)(d)(i) must be principally designed to serve the existing and projected rural population.

(C) Any development or redevelopment in terms of building size, scale, use, or intensity shall be consistent with the character of the existing areas. Development and redevelopment may include changes in use from vacant land or a previously existing use so long as the new use conforms to the requirements of this subsection (5);

(ii) The intensification of development on lots containing, or new development of, small-scale recreational or tourist uses, including commercial facilities to serve those recreational or tourist uses, that rely on a rural location and setting, but that do not include new residential development. A small-scale recreation or tourist use is not required to be principally designed to serve the existing and projected rural population. Public services and public facilities shall be limited to those necessary to serve the recreation or tourist use and shall be provided in a manner that does not permit low-density sprawl;

(iii) The intensification of development on lots containing isolated nonresidential uses or new development of isolated cottage industries and isolated small-scale businesses that are not principally designed to serve the existing and projected rural population and nonresidential uses, but do provide job opportunities for rural residents. Rural counties may allow the expansion of small-scale businesses as long as those small-scale businesses conform with the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+16+))~~) (23). Rural counties may also allow new small-scale businesses to utilize a site previously occupied by an existing business as long as the new small-scale business conforms to the rural character of the area as defined by the local government according to RCW 36.70A.030(~~((+16+))~~) (23). Public services and public facilities shall be limited to those necessary to serve the isolated nonresidential use and shall be provided in a manner that does not permit low-density sprawl;

(iv) A county shall adopt measures to minimize and contain the existing areas or uses of more intensive rural development, as appropriate, authorized under this subsection. Lands included in such

existing areas or uses shall not extend beyond the logical outer boundary of the existing area or use, thereby allowing a new pattern of low-density sprawl. Existing areas are those that are clearly identifiable and contained and where there is a logical boundary delineated predominately by the built environment, but that may also include undeveloped lands if limited as provided in this subsection. The county shall establish the logical outer boundary of an area of more intensive rural development. In establishing the logical outer boundary, the county shall address (A) the need to preserve the character of existing natural neighborhoods and communities, (B) physical boundaries, such as bodies of water, streets and highways, and land forms and contours, (C) the prevention of abnormally irregular boundaries, and (D) the ability to provide public facilities and public services in a manner that does not permit low-density sprawl;

(v) For purposes of (d) of this subsection, an existing area or existing use is one that was in existence:

(A) On July 1, 1990, in a county that was initially required to plan under all of the provisions of this chapter;

(B) On the date the county adopted a resolution under RCW 36.70A.040(2), in a county that is planning under all of the provisions of this chapter under RCW 36.70A.040(2); or

(C) On the date the office of financial management certifies the county's population as provided in RCW 36.70A.040(5), in a county that is planning under all of the provisions of this chapter pursuant to RCW 36.70A.040(5).

(e) Exception. This subsection shall not be interpreted to permit in the rural area a major industrial development or a master planned resort unless otherwise specifically permitted under RCW 36.70A.360 and 36.70A.365.

(6) A transportation element that implements, and is consistent with, the land use element.

(a) The transportation element shall include the following subelements:

(i) Land use assumptions used in estimating travel;

(ii) Estimated traffic impacts to state-owned transportation facilities resulting from land use assumptions to assist the department of transportation in monitoring the performance of state facilities, to plan improvements for the facilities, and to assess

1 the impact of land-use decisions on state-owned transportation
2 facilities;

3 (iii) Facilities and services needs, including:

4 (A) An inventory of air, water, and ground transportation
5 facilities and services, including transit alignments and general
6 aviation airport facilities, to define existing capital facilities
7 and travel levels as a basis for future planning. This inventory must
8 include state-owned transportation facilities within the city or
9 county's jurisdictional boundaries;

10 (B) Level of service standards for all locally owned arterials
11 and transit routes to serve as a gauge to judge performance of the
12 system. These standards should be regionally coordinated;

13 (C) For state-owned transportation facilities, level of service
14 standards for highways, as prescribed in chapters 47.06 and 47.80
15 RCW, to gauge the performance of the system. The purposes of
16 reflecting level of service standards for state highways in the local
17 comprehensive plan are to monitor the performance of the system, to
18 evaluate improvement strategies, and to facilitate coordination
19 between the county's or city's six-year street, road, or transit
20 program and the office of financial management's ten-year investment
21 program. The concurrency requirements of (b) of this subsection do
22 not apply to transportation facilities and services of statewide
23 significance except for counties consisting of islands whose only
24 connection to the mainland are state highways or ferry routes. In
25 these island counties, state highways and ferry route capacity must
26 be a factor in meeting the concurrency requirements in (b) of this
27 subsection;

28 (D) Specific actions and requirements for bringing into
29 compliance locally owned transportation facilities or services that
30 are below an established level of service standard;

31 (E) Forecasts of traffic for at least ten years based on the
32 adopted land use plan to provide information on the location, timing,
33 and capacity needs of future growth;

34 (F) Identification of state and local system needs to meet
35 current and future demands. Identified needs on state-owned
36 transportation facilities must be consistent with the statewide
37 multimodal transportation plan required under chapter 47.06 RCW;

38 (iv) Finance, including:

39 (A) An analysis of funding capability to judge needs against
40 probable funding resources;

1 (B) A multiyear financing plan based on the needs identified in
2 the comprehensive plan, the appropriate parts of which shall serve as
3 the basis for the six-year street, road, or transit program required
4 by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW
5 35.58.2795 for public transportation systems. The multiyear financing
6 plan should be coordinated with the ten-year investment program
7 developed by the office of financial management as required by RCW
8 47.05.030;

9 (C) If probable funding falls short of meeting identified needs,
10 a discussion of how additional funding will be raised, or how land
11 use assumptions will be reassessed to ensure that level of service
12 standards will be met;

13 (v) Intergovernmental coordination efforts, including an
14 assessment of the impacts of the transportation plan and land use
15 assumptions on the transportation systems of adjacent jurisdictions;

16 (vi) Demand-management strategies;

17 (vii) Pedestrian and bicycle component to include collaborative
18 efforts to identify and designate planned improvements for pedestrian
19 and bicycle facilities and corridors that address and encourage
20 enhanced community access and promote healthy lifestyles.

21 (b) After adoption of the comprehensive plan by jurisdictions
22 required to plan or who choose to plan under RCW 36.70A.040, local
23 jurisdictions must adopt and enforce ordinances which prohibit
24 development approval if the development causes the level of service
25 on a locally owned transportation facility to decline below the
26 standards adopted in the transportation element of the comprehensive
27 plan, unless transportation improvements or strategies to accommodate
28 the impacts of development are made concurrent with the development.
29 These strategies may include increased public transportation service,
30 ride-sharing programs, demand management, and other transportation
31 systems management strategies. For the purposes of this subsection
32 (6), "concurrent with the development" means that improvements or
33 strategies are in place at the time of development, or that a
34 financial commitment is in place to complete the improvements or
35 strategies within six years. If the collection of impact fees is
36 delayed under RCW 82.02.050(3), the six-year period required by this
37 subsection (6)(b) must begin after full payment of all impact fees is
38 due to the county or city.

39 (c) The transportation element described in this subsection (6),
40 the six-year plans required by RCW 35.77.010 for cities, RCW

36.81.121 for counties, and RCW 35.58.2795 for public transportation systems, and the ten-year investment program required by RCW 47.05.030 for the state, must be consistent.

(7) An economic development element establishing local goals, policies, objectives, and provisions for economic growth and vitality and a high quality of life. A city that has chosen to be a residential community is exempt from the economic development element requirement of this subsection.

(8) A park and recreation element that implements, and is consistent with, the capital facilities plan element as it relates to park and recreation facilities. The element shall include: (a) Estimates of park and recreation demand for at least a ten-year period; (b) an evaluation of facilities and service needs; and (c) an evaluation of intergovernmental coordination opportunities to provide regional approaches for meeting park and recreational demand.

(9) It is the intent that new or amended elements required after January 1, 2002, be adopted concurrent with the scheduled update provided in RCW 36.70A.130. Requirements to incorporate any such new or amended elements shall be null and void until funds sufficient to cover applicable local government costs are appropriated and distributed by the state at least two years before local government must update comprehensive plans as required in RCW 36.70A.130.

NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.21 RCW to read as follows:

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code

city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

NEW SECTION. **Sec. 4.** A new section is added to chapter 35.21 RCW to read as follows:

A city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii).

Sec. 5. RCW 36.70A.390 and 1992 c 207 s 6 are each amended to read as follows:

A county or city governing body that adopts a moratorium, interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing on the proposed moratorium, interim zoning map, interim zoning ordinance, or interim official control, shall hold a public hearing on the adopted moratorium, interim zoning map, interim zoning ordinance, or interim official control within at least sixty days of its adoption, whether or not the governing body received a recommendation on the matter from the planning commission or department. If the governing body does not adopt findings of fact justifying its action before this hearing, then the governing body shall do so immediately after this public hearing. A moratorium, interim zoning map, interim zoning ordinance, or interim official control adopted under this section may be effective for not longer than six months, but may be effective for up to one year if a work plan is developed for related studies providing for such a longer period. A moratorium, interim zoning map, interim zoning ordinance,

1 or interim official control may be renewed for one or more six-month
2 periods if a subsequent public hearing is held and findings of fact
3 are made prior to each renewal.

4 This section does not apply to the designation of critical areas,
5 agricultural lands, forestlands, and mineral resource lands, under
6 RCW 36.70A.170, and the conservation of these lands and protection of
7 these areas under RCW 36.70A.060, prior to such actions being taken
8 in a comprehensive plan adopted under RCW 36.70A.070 and implementing
9 development regulations adopted under RCW 36.70A.120, if a public
10 hearing is held on such proposed actions. This section does not apply
11 to ordinances or development regulations adopted by a city that
12 prohibit building permit applications for or the construction of
13 transitional housing or permanent supportive housing in any zones in
14 which residential dwelling units or hotels are allowed or prohibit
15 building permit applications for or the construction of indoor
16 emergency shelters and indoor emergency housing in any zones in which
17 hotels are allowed.

18 **Sec. 6.** RCW 36.70A.030 and 2020 c 173 s 4 are each amended to
19 read as follows:

20 Unless the context clearly requires otherwise, the definitions in
21 this section apply throughout this chapter.

22 (1) "Adopt a comprehensive land use plan" means to enact a new
23 comprehensive land use plan or to update an existing comprehensive
24 land use plan.

25 (2) "Affordable housing" means, unless the context clearly
26 indicates otherwise, residential housing whose monthly costs,
27 including utilities other than telephone, do not exceed thirty
28 percent of the monthly income of a household whose income is:

29 (a) For rental housing, sixty percent of the median household
30 income adjusted for household size, for the county where the
31 household is located, as reported by the United States department of
32 housing and urban development; or

33 (b) For owner-occupied housing, eighty percent of the median
34 household income adjusted for household size, for the county where
35 the household is located, as reported by the United States department
36 of housing and urban development.

37 (3) "Agricultural land" means land primarily devoted to the
38 commercial production of horticultural, viticultural, floricultural,
39 dairy, apiary, vegetable, or animal products or of berries, grain,

1 hay, straw, turf, seed, Christmas trees not subject to the excise tax
2 imposed by RCW 84.33.100 through 84.33.140, finfish in upland
3 hatcheries, or livestock, and that has long-term commercial
4 significance for agricultural production.

5 (4) "City" means any city or town, including a code city.

6 (5) "Comprehensive land use plan," "comprehensive plan," or
7 "plan" means a generalized coordinated land use policy statement of
8 the governing body of a county or city that is adopted pursuant to
9 this chapter.

10 (6) "Critical areas" include the following areas and ecosystems:
11 (a) Wetlands; (b) areas with a critical recharging effect on aquifers
12 used for potable water; (c) fish and wildlife habitat conservation
13 areas; (d) frequently flooded areas; and (e) geologically hazardous
14 areas. "Fish and wildlife habitat conservation areas" does not
15 include such artificial features or constructs as irrigation delivery
16 systems, irrigation infrastructure, irrigation canals, or drainage
17 ditches that lie within the boundaries of and are maintained by a
18 port district or an irrigation district or company.

19 (7) "Department" means the department of commerce.

20 (8) "Development regulations" or "regulation" means the controls
21 placed on development or land use activities by a county or city,
22 including, but not limited to, zoning ordinances, critical areas
23 ordinances, shoreline master programs, official controls, planned
24 unit development ordinances, subdivision ordinances, and binding site
25 plan ordinances together with any amendments thereto. A development
26 regulation does not include a decision to approve a project permit
27 application, as defined in RCW 36.70B.020, even though the decision
28 may be expressed in a resolution or ordinance of the legislative body
29 of the county or city.

30 (9) "Emergency housing" means temporary indoor accommodations for
31 individuals or families who are homeless or at imminent risk of
32 becoming homeless that is intended to address the basic health, food,
33 clothing, and personal hygiene needs of individuals or families.
34 Emergency housing may or may not require occupants to enter into a
35 lease or an occupancy agreement.

36 (10) "Emergency shelter" means a facility that provides a
37 temporary shelter for individuals or families who are currently
38 homeless. Emergency shelter may not require occupants to enter into a
39 lease or an occupancy agreement. Emergency shelter facilities may

1 include day and warming centers that do not provide overnight
2 accommodations.

3 (11) "Extremely low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below thirty percent of the median household income adjusted
6 for household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 ~~((+10+))~~ (12) "Forestland" means land primarily devoted to
10 growing trees for long-term commercial timber production on land that
11 can be economically and practically managed for such production,
12 including Christmas trees subject to the excise tax imposed under RCW
13 84.33.100 through 84.33.140, and that has long-term commercial
14 significance. In determining whether forestland is primarily devoted
15 to growing trees for long-term commercial timber production on land
16 that can be economically and practically managed for such production,
17 the following factors shall be considered: (a) The proximity of the
18 land to urban, suburban, and rural settlements; (b) surrounding
19 parcel size and the compatibility and intensity of adjacent and
20 nearby land uses; (c) long-term local economic conditions that affect
21 the ability to manage for timber production; and (d) the availability
22 of public facilities and services conducive to conversion of
23 forestland to other uses.

24 ~~((+11+))~~ (13) "Freight rail dependent uses" means buildings and
25 other infrastructure that are used in the fabrication, processing,
26 storage, and transport of goods where the use is dependent on and
27 makes use of an adjacent short line railroad. Such facilities are
28 both urban and rural development for purposes of this chapter.
29 "Freight rail dependent uses" does not include buildings and other
30 infrastructure that are used in the fabrication, processing, storage,
31 and transport of coal, liquefied natural gas, or "crude oil" as
32 defined in RCW 90.56.010.

33 ~~((+12+))~~ (14) "Geologically hazardous areas" means areas that
34 because of their susceptibility to erosion, sliding, earthquake, or
35 other geological events, are not suited to the siting of commercial,
36 residential, or industrial development consistent with public health
37 or safety concerns.

38 ~~((+13+))~~ (15) "Long-term commercial significance" includes the
39 growing capacity, productivity, and soil composition of the land for
40 long-term commercial production, in consideration with the land's

1 proximity to population areas, and the possibility of more intense
2 uses of the land.

3 ~~((14))~~ (16) "Low-income household" means a single person,
4 family, or unrelated persons living together whose adjusted income is
5 at or below eighty percent of the median household income adjusted
6 for household size, for the county where the household is located, as
7 reported by the United States department of housing and urban
8 development.

9 ~~((15))~~ (17) "Minerals" include gravel, sand, and valuable
10 metallic substances.

11 ~~((16))~~ (18) "Moderate-income household" means a single person,
12 family, or unrelated persons living together whose adjusted income is
13 at or below 120 percent of the median household income adjusted for
14 household size, for the county where the household is located, as
15 reported by the United States department of housing and urban
16 development.

17 (19) "Permanent supportive housing" is subsidized, leased housing
18 with no limit on length of stay that prioritizes people who need
19 comprehensive support services to retain tenancy and utilizes
20 admissions practices designed to use lower barriers to entry than
21 would be typical for other subsidized or unsubsidized rental housing,
22 especially related to rental history, criminal history, and personal
23 behaviors. Permanent supportive housing is paired with on-site or
24 off-site voluntary services designed to support a person living with
25 a complex and disabling behavioral health or physical health
26 condition who was experiencing homelessness or was at imminent risk
27 of homelessness prior to moving into housing to retain their housing
28 and be a successful tenant in a housing arrangement, improve the
29 resident's health status, and connect the resident of the housing
30 with community-based health care, treatment, or employment services.
31 Permanent supportive housing is subject to all of the rights and
32 responsibilities defined in chapter 59.18 RCW.

33 ~~((17))~~ (20) "Public facilities" include streets, roads,
34 highways, sidewalks, street and road lighting systems, traffic
35 signals, domestic water systems, storm and sanitary sewer systems,
36 parks and recreational facilities, and schools.

37 ~~((18))~~ (21) "Public services" include fire protection and
38 suppression, law enforcement, public health, education, recreation,
39 environmental protection, and other governmental services.

1 (~~((19))~~) (22) "Recreational land" means land so designated under
2 RCW 36.70A.1701 and that, immediately prior to this designation, was
3 designated as agricultural land of long-term commercial significance
4 under RCW 36.70A.170. Recreational land must have playing fields and
5 supporting facilities existing before July 1, 2004, for sports played
6 on grass playing fields.

7 (~~((20))~~) (23) "Rural character" refers to the patterns of land
8 use and development established by a county in the rural element of
9 its comprehensive plan:

10 (a) In which open space, the natural landscape, and vegetation
11 predominate over the built environment;

12 (b) That foster traditional rural lifestyles, rural-based
13 economies, and opportunities to both live and work in rural areas;

14 (c) That provide visual landscapes that are traditionally found
15 in rural areas and communities;

16 (d) That are compatible with the use of the land by wildlife and
17 for fish and wildlife habitat;

18 (e) That reduce the inappropriate conversion of undeveloped land
19 into sprawling, low-density development;

20 (f) That generally do not require the extension of urban
21 governmental services; and

22 (g) That are consistent with the protection of natural surface
23 water flows and groundwater and surface water recharge and discharge
24 areas.

25 (~~((21))~~) (24) "Rural development" refers to development outside
26 the urban growth area and outside agricultural, forest, and mineral
27 resource lands designated pursuant to RCW 36.70A.170. Rural
28 development can consist of a variety of uses and residential
29 densities, including clustered residential development, at levels
30 that are consistent with the preservation of rural character and the
31 requirements of the rural element. Rural development does not refer
32 to agriculture or forestry activities that may be conducted in rural
33 areas.

34 (~~((22))~~) (25) "Rural governmental services" or "rural services"
35 include those public services and public facilities historically and
36 typically delivered at an intensity usually found in rural areas, and
37 may include domestic water systems, fire and police protection
38 services, transportation and public transit services, and other
39 public utilities associated with rural development and normally not

1 associated with urban areas. Rural services do not include storm or
2 sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

3 ~~((+23+))~~ (26) "Short line railroad" means those railroad lines
4 designated class II or class III by the United States surface
5 transportation board.

6 ~~((+24+))~~ (27) "Urban governmental services" or "urban services"
7 include those public services and public facilities at an intensity
8 historically and typically provided in cities, specifically including
9 storm and sanitary sewer systems, domestic water systems, street
10 cleaning services, fire and police protection services, public
11 transit services, and other public utilities associated with urban
12 areas and normally not associated with rural areas.

13 ~~((+25+))~~ (28) "Urban growth" refers to growth that makes
14 intensive use of land for the location of buildings, structures, and
15 impermeable surfaces to such a degree as to be incompatible with the
16 primary use of land for the production of food, other agricultural
17 products, or fiber, or the extraction of mineral resources, rural
18 uses, rural development, and natural resource lands designated
19 pursuant to RCW 36.70A.170. A pattern of more intensive rural
20 development, as provided in RCW 36.70A.070(5)(d), is not urban
21 growth. When allowed to spread over wide areas, urban growth
22 typically requires urban governmental services. "Characterized by
23 urban growth" refers to land having urban growth located on it, or to
24 land located in relationship to an area with urban growth on it as to
25 be appropriate for urban growth.

26 ~~((+26+))~~ (29) "Urban growth areas" means those areas designated
27 by a county pursuant to RCW 36.70A.110.

28 ~~((+27+))~~ (30) "Very low-income household" means a single person,
29 family, or unrelated persons living together whose adjusted income is
30 at or below fifty percent of the median household income adjusted for
31 household size, for the county where the household is located, as
32 reported by the United States department of housing and urban
33 development.

34 ~~((+28+))~~ (31) "Wetland" or "wetlands" means areas that are
35 inundated or saturated by surface water or groundwater at a frequency
36 and duration sufficient to support, and that under normal
37 circumstances do support, a prevalence of vegetation typically
38 adapted for life in saturated soil conditions. Wetlands generally
39 include swamps, marshes, bogs, and similar areas. Wetlands do not
40 include those artificial wetlands intentionally created from

1 nonwetland sites, including, but not limited to, irrigation and
2 drainage ditches, grass-lined swales, canals, detention facilities,
3 wastewater treatment facilities, farm ponds, and landscape amenities,
4 or those wetlands created after July 1, 1990, that were
5 unintentionally created as a result of the construction of a road,
6 street, or highway. Wetlands may include those artificial wetlands
7 intentionally created from nonwetland areas created to mitigate
8 conversion of wetlands.

9 ***NEW SECTION.** Sec. 7. A new section is added to chapter 36.70A
10 RCW to read as follows:

11 In addition to ordinances, development regulations, and other
12 official controls adopted or amended, a city or county should
13 consider policies to encourage the construction of accessory dwelling
14 units as a way to meet affordable housing goals. These policies could
15 include, but are not limited to:

16 (1) The city or county may not require the owner of a lot on
17 which there is an accessory dwelling unit to reside in or occupy the
18 accessory dwelling unit or another housing unit on the same lot;

19 (2) The city or county may require the owner not to use the
20 accessory dwelling unit for short-term rentals;

21 (3) The city or county may not count residents of accessory
22 dwelling units against existing limits on the number of unrelated
23 residents on a lot;

24 (4) The city or county may not establish a minimum gross floor
25 area for accessory dwelling units that exceeds the state building
26 code;

27 (5) The city or county must make the same allowances for
28 accessory dwelling units' roof decks, balconies, and porches to
29 encroach on setbacks as are allowed for the principal unit;

30 (6) The city or county must apply abutting lot setbacks to
31 accessory dwelling units on lots abutting zones with lower setback
32 requirements;

33 (7) The city or county must establish an amnesty program to help
34 owners of unpermitted accessory dwelling units to obtain a permit;

35 (8) The city or county must permit accessory dwelling units in
36 structures detached from the principal unit, must allow an accessory
37 dwelling unit on any lot that meets the minimum lot size required for
38 the principal unit, and must allow attached accessory dwelling units
39 on any lot with a principal unit that is nonconforming solely because

1 the lot is smaller than the minimum size, as long as the accessory
2 dwelling unit would not increase nonconformity of the residential use
3 with respect to building height, bulk, or lot coverage;

4 (9) The city or county may not establish a maximum gross floor
5 area requirement for accessory dwelling units that are less than
6 1,000 square feet or 60 percent of the principal unit, whichever is
7 greater, or that exceeds 1,200 square feet;

8 (10) A city or county must allow accessory dwelling units to be
9 converted from existing structures, including but not limited to
10 detached garages, even if they violate current code requirements for
11 setbacks or lot coverage;

12 (11) A city or county may not require public street improvements
13 as a condition of permitting accessory dwelling units; and

14 (12) A city or county may require a new or separate utility
15 connection between an accessory dwelling unit and a utility only when
16 necessary to be consistent with water availability requirements,
17 water system plans, small water system management plans, or
18 established policies adopted by the water or sewer utility provider.
19 If such a connection is necessary, the connection fees and capacity
20 charges must:

21 (a) Be proportionate to the burden of the proposed accessory
22 dwelling unit upon the water or sewer system; and

23 (b) Not exceed the reasonable cost of providing the service.

**Sec. 7 was vetoed. See message at end of chapter.*

Passed by the House April 14, 2021.

Passed by the Senate April 10, 2021.

Approved by the Governor May 12, 2021, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State May 12, 2021.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 7,
Engrossed Second Substitute House Bill No. 1220 entitled:

"AN ACT Relating to supporting emergency shelters and housing
through local planning and development regulations."

Section 7 of this bill can be read to encourage the siting and
development of accessory dwelling units in areas of the state outside
of urban growth areas. This was a technical oversight that occurred
during the legislative process. As passed, the bill inadvertently
omitted a key reference limiting these policies to urban growth
areas, which was not the intention of the bill's sponsor.

For these reasons I have vetoed Section 7 of Engrossed Second
Substitute House Bill No. 1220.

With the exception of Section 7, Engrossed Second Substitute House Bill No. 1220 is approved."

--- END ---

Ordinance 1466 and 1467

Housing issues are a national issue, for Gig Harbor I'd argue the issue is what do we want for our community? Do we want a transient, bedroom community? Do we want to be overwhelmed by individuals that do not wish to make Gig Harbor home, but rather to temporarily use the community and then discard it like the trash so readily found in the gutter and the bay?

The questions before the City today are how to manage short-term rentals and the introduction of housing for the dispossessed.

Part of HB1220 directs GMA jurisdictions to consider policies that encourage affordable housing goals. By allowing and encouraging short-term rentals we will see a continuation of ever-increasing property values as individuals buy single family homes, not as a place to live where their family can become a part of the community, but rather as investments. Home prices will continue to rise, perpetuating the lack of affordable housing.

I'm in no way a supporter of having transitional housing nor emergency shelters here in Gig Harbor, those services are best provided by the larger cities. Inviting the issue and associated problems to Gig Harbor is a mistake. However, the state has passed the buck, making this a problem for smaller municipalities which do not currently have the problems that Seattle, Tacoma and other, larger municipalities have; perhaps Gig Harbor could push back on the state, has this been a consideration? Failing that, we must have a sensible plan to control and regulate shelters here in Gig Harbor.

It seems that many current policies lack enforcement. With that said, and regarding both 1466 and 1467, I ask how the Council proposes to enforce these policies? How will the city manage additional short-term rentals or the proposed transitional housing?

When I first moved into my home, I knew I lived in an area zoned for residential housing. To the south was a multi-family unit with a homeowner and renters residing there. The balance of homes were inhabited by homeowners and their families. In 3 short years that has devolved into a very commercial and transient atmosphere.

Today, my immediate neighbor to the south is seeking an Administrative finding from the city allowing for continued operation as a tri-plex.

The second home to my south is now owned by an individual who leases two short-term apartments (i.e. VRBO, etc.). Permitted?

The third home to the south was sold earlier this year by the former owner's estate and has been converted into a business office, no one actually "lives" there, parking is an issue, vegetation has been ripped out to make room for parking. An inquiry to Code Enforcement resulted in a finding, which is short stated that the owner has obtained the appropriate "Home Occupation" permit and that while a property owner could conceivably abuse or misuse the code therefore creating a nuisance or unnecessary issue for the surrounding neighborhood, the City of Gig Harbor does not have a mechanism for verification.

The fourth home to the south is a long-term rental and appears to have new renters each year. The next home recently sold for \$1.4mm, it is a 4br, 2bth, 3,200sqft home; based on the number of vehicles parked at and around this home there appear to be eight adults living here.

I understand that a homeowner located elsewhere in Gig Harbor recently sought a permit to register their home as a short-term rental. Apparently, this owner purchased the Gig Harbor home as a second, seasonal home. The owner does not live here in Gig Harbor, nor in Washington State.

The Short-Term Rentals FAQ provided on the city website noted there are currently 44 listings on VRBO, Airbnb, Vacasa and Expedia. Earlier today I queried the number of short-term rentals available in Gig Harbor, WA:

Airbnb	99
VRBO	180
Vacasa	19
Expedia	31

I'm sure there are some duplicates, and perhaps a narrowing of the search to the city limits would return a lower number. How many short-term rentals are currently permitted by the city?

I first visited Gig Harbor in 2012, my wife and I thought the city a friendly, safe place. A great place to live. When the opportunity to relocate to Washington presented itself, we jumped at the chance to move to Gig Harbor. We have since become well acquainted with our neighbors, the community, and the city. There has been a lot of debate about the changes taking place here in town, some of those changes are for the better, some not. What do we wish for the city? How will those charged with managing the city enforce the rules meant to allow everyone to enjoy Gig Harbor?

It seems that these two items are inevitable, I ask that the Council implement straight forward policies to manage these issues and those policies be enforced. Regarding Ordinance 1466, I ask that the community be given the chance to review and comment on any proposed housing or shelter. With regard to Ordinance 1467, I ask that the City impose a hard limit on the number of short-term rentals, spreading those permits throughout the city so that no one area is overwhelmed.

Edward Nadler
9401 N Harborview Dr
Gig Harbor

Dear Mayor Kuhn and Council Members;

Regarding Ordinance 1466, I agree with Councilmember Franich who said, "This is a prime example of us losing local control. This is top-down government telling us what to do." I understand that the ordinance was passed in response to HB 1220. However, I believe that the City Council needs to stand against this type of over-reach by the state legislature. They have no jurisdiction in local zoning laws. If this law is enforceable, the city will have to accept more edicts from the state as to how to govern our city.

The homeless situation is not an emergency nor a crisis. This is an on-going problem that has been with us for decades and is growing because more money is being thrown at the problem. Government money grows bureaucracies. The high paid city employees in Seattle and Tacoma have not been able to solve this problem; none of them has come up with any plans to end homelessness. So our city council should not spend more money on "plans" that have already been tried and failed. Opening certain sites in our city for people to set up tents and vehicles to live in will only attract more people to do the same. Without 24/7 monitoring and policing, these sites turn into slums that threaten the health and safety of all residents near them.

Who will pay the millions of dollars to construct, manage, maintain, monitor, and provide social services to the structures of emergency housing, transitional housing, and permanent supportive housing? Is the city required to come up with the money for this program?

My suggestion to help some of the homeless people is to take the millions of dollars necessary to build such facilities in every city in this state and donate it to the Salvation Army (or other such charities) who have a proven track record of actually helping people. Or give individual property owners a large tax credit for taking into their home an individual or family who are at risk of homelessness. These people need mentors, not just a roof over their heads in order to progress out of homelessness.

Thank you for your service to our city. It's time to think of new ideas and not just rubber stamp the efforts of the large cities in our country.

Sincerely,
Carol Davis
4202 57th St Ct NW
Gig Harbor, Wa

You have not done a good job of getting this out to the residents of GH because everyone I am contacting has not heard of this zoning change. I realize this is the law now in the State of Wa but it is totally misguided for a small city such as ours. We lived many years in So Cal and I can attest to what happens when homeless shelters are set up by government entities who lack the will to enforce and expel most of what will happen. I refer you to the City of Santa Monica and also to the Union Rescue Mission in downtown LA. Yes the homeless will eat there but refuse to live in or abide by the rules which are no drug or alcohol use. Deserving homeless people can be served by private charities. We will be present on the Zoom call Monday because we want to know locations, rules, back up rules, and what measures can be taken if the shelters attract drug use and lawlessness.

Paul and Denise Beckstead 253 358 3964



Business of the City Council City of Gig Harbor, WA

Subject: Second Reading and Adoption of Ordinance 1468 Accepting North Creek Gig Harbor, LLC Property Donation

Proposed Council Action: Adopt Ordinance 1468 accepting the donation of undeveloped property, Parcel #0222313080, and authorizing the Mayor to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City.

Dept. Origin: Public Works

Prepared by: Trent A. Ward, PE
City Engineer

For Agenda of: October 11, 2021

Exhibits: Ordinance

Initial &
Date

Concurred by Mayor:

Approved by City Administrator:

Approved as to form by City Atty:

Approved by Finance Director:

Approved by Department Head:

VY 10-4-21

AP 10/4/21

by email 9/30/21

CD 10/4/21

10/11/21

Expenditure Required	\$0	Amount Budgeted	\$ 0	Appropriation Required	\$ 0
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INFORMATION/BACKGROUND

The owner of the undeveloped, residentially zoned property (approx. 0.28 acres) located at 4889 96th Street (Parcel #0222313080), North Creek Gig Harbor, LLC, c/o Jim Chaffeur, desires to donate said parcel to the City of Gig Harbor.

As part of the City's due diligence process, and prior to further consideration by the City to accept the parcel donation, City Council authorized a Professional Services Contract with Landau Associates, Inc. at the June 28, 2021 Council meeting to perform a phase 1 environmental assessment of the parcel. The assessment was completed in August 2021 and concluded that there were no recognized environmental conditions identified at the subject property. Additionally, staff have reviewed a current title report for the property and found no unacceptable encumbrances upon the property, nor any voluntary liens of record affecting the subject property. And, the City was provided a survey map of the property, prepared by James H. Crabtree, PLS, dated 11/20/2018.

First reading of this ordinance was reviewed by City Council at their September 27, 2021 council meeting, and no updates were requested.

FISCAL CONSIDERATION

Costs associated with the due diligence and acceptance of this parcel donation are not included in the 2021 budget. However, since it is anticipated the donated parcel will likely be used to support the

Cushman Trail, Staff has proposed these costs be paid for out of the ending fund balance from the Parks Development fund (109), and City Council authorized such funding for Landau contract.

Expenditure summary is shown in the table below:

Funding:	
2021 Parks Development Fund (109)	Ending Fund Balance
Project Expenses:	
First American Title Report	(\$826.50)
Professional Services Contract – Landau Assoc, Inc (Ph1 Environmental Site Assessment)	(\$7,555.00)
Anticipated Pierce County fees (recording deed, REETA, etc.)	(\$500.00)
Anticipated Total Expense:	
	\$8,881.50

BOARD OR COMMITTEE RECOMMENDATION

First Reading of this Ordinance was reviewed by City Council at their September 27, 2021 council meeting.

RECOMMENDATION/MOTION

Adopt Ordinance 1468 accepting the donation of undeveloped property, Parcel #0222313080, and authorizing the Mayor to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City.

ORDINANCE NO. 1468

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ACCEPTING THE PROPERTY WITH PARCEL NUMBER 0222313080 FROM NORTH CREEK GIG HARBOR, LLC; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY DOCUMENTS TO LEGALLY TRANSFER INTEREST IN SUCH PROPERTY TO THE CITY OF GIG HARBOR; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, North Creek Gig Harbor, LLC has graciously offered to donate the property located at 4889 96th Street, parcel number 0222313080 to the City of Gig Harbor; and

WHEREAS, RCW 35.21.100 authorizes the City to accept donations by ordinance and to carry out the terms of the donation as long as such terms fall within the scope of the City's delegated powers; and

WHEREAS, the City Council desires to accept the property donation, to authorize the Mayor to execute the necessary documents to legally transfer the donated property to the City, and to express its appreciation to North Creek Gig Harbor, LLC;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Acceptance. The City Council hereby accepts the donated property identified as 4889 96th Street, parcel number 0222313080. The Mayor is hereby authorized to execute all reasonably necessary documents to legally transfer the property from North Creek Gig Harbor, LLC to the City and accept the donation on behalf of the City and to carry out its terms. The City Council expresses its appreciation to North Creek Gig Harbor, LLC__ for its generous donation.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be 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 3. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Effective Date. This ordinance shall take effect five (5) days after publication of a summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 11th day of October, 2021.

Kit Kuhn
Mayor

Approved as to form:

Attest:

Daniel Kenny
City Attorney

Joshua Stecker
Interim City Clerk

PUBLICATION DATE: 10/14/21
EFFECTIVE DATE: 10/19/21



Business of the City Council City of Gig Harbor, WA

Subject: First Reading of Ordinance 1469
Repealing GHMC 5.14 Bring Your Own Bag

Proposed Council Action: None. The Ordinance will return for second reading on October 26.

Dept. Origin: Administration

Prepared by: Joshua Stecker, Interim City Clerk

For Agenda of: October 11, 2021

Attachments: Draft Ordinance 1469
Ordinance 1442

Concurred by Mayor:	Initial & Date <u>KV 10-4-21</u>
Approved by City Administrator:	<u>AP 10/4/21</u>
Approved as to form by City Atty:	Email 10/1
Approved by Finance Director:	N/A
Approved by Department Head:	N/A

Expenditure Required	\$0	Amount Budgeted	\$0	Appropriation Required	\$ 0
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INFORMATION/BACKGROUND

During the 2020 legislative session, the State Legislature adopted a ban on single-use plastic shopping bags that was codified as RCW 70A.530. Due to the COVID-19 pandemic, the implementation of this ban was delayed until October 1, 2021. It is now in full effect.

RCW 70A.530 is very similar in intent and language to the City's Bring Your Own Bag code adopted in December 2018. The state's mandate is more stringent and supersedes the City's mandate in some areas, including:

- The state requires a pass-through charge of 8 cents per paper or thick plastic bag provided. The City does not require a charge for bags provided by the business, but it does restrict businesses from charging more than the actual cost of the bag.
- The state requires re-useable bags to be 20% post-consumer recycled content. The City has no similar requirement. In addition, the State requirement for re-useable plastic bags increases to 40% post-consumer recycled content and a minimum thickness of 4 mils over time.
- The City allows the distribution of used or previously distributed single-use plastic bags. The State does not allow the distribution of used or previously distributed single-use plastic bags.
- Enforcement of the RCW 70A.530 is the responsibility of the Department of Ecology. Anyone will be able to report a business using prohibited bags and Ecology will review complaints and respond by providing the non-compliant business with additional information, resources, and technical assistance. Though Ecology intends to respond whenever possible with assistance in gaining compliance, repeated and continuous non-compliance may result

in up to a \$250 fine. These fines and procedures are inconsistent with GHMC 5.14 and local governments are not involved in the enforcement process.

In addition, the City's Bring Your Own Bag code is suspended for the duration of the COVID-19 pandemic emergency by Ordinance 1442. Ordinance 1469 repeals the section of Ordinance 1442 that refers to GHMC 5.14. City staff have reached out to local businesses to alert them to the fact that this suspension does not apply to the State law and that they will need to comply with State requirements as of October 1.

The City adopted the Single Use Food Serviceware and Litter Reduction code (GHMC 5.15) concurrently with the Bring Your Own Bag code in December 2018. This chapter is also suspended for the duration of the COVID-19 emergency. The suspension will remain in place and this chapter will not be repealed by Ordinance 1469.

FISCAL CONSIDERATION: None.

BOARD OR COMMITTEE RECOMMENDATION: None.

RECOMMENDATION/MOTION: None. The Ordinance will return for second reading on October 26.

ORDINANCE 1469

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CHAPTER 5.14 OF THE GIG HARBOR MUNICIPAL CODE ENTITLED "BRING YOUR OWN BAG;" PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in order to reduce the use of single-use plastic and paper carryout bags in the City, the City Council adopted Ordinance 1399 on December 10, 2019 which codified Chapter 5.14 of the Gig Harbor Municipal Code entitled "Bring Your Own Bag;" and

WHEREAS, during the 2020 legislative session, the Washington State Legislature adopted RCW 70A.530 regulating carryout bags; and

WHEREAS, after delaying implementation due to the COVID-19 pandemic, Governor Inslee directed that the bag ban set forth in RCW 70A.530 would take effect on October 1, 2021; and

WHEREAS, the bag ban set forth in RCW 70A.530 is in some instances more restrictive and rigorous than the City's "Bring You Own Bag" code; and

WHEREAS, the existence of two bag bans with differing restrictions may cause confusion and uncertainty for local businesses endeavoring to comply with these requirements;

NOW THEREFORE, the City Council of the City of Gig Harbor, Washington, do ordain as follows:

Section 1. Chapter 5.14 – Repealed. Chapter 5.14 of the Gig Harbor Municipal Code is hereby repealed.

Section 2. Ordinance 1442 Section 1 – Repealed. Section 1 of Ordinance 1442 is hereby repealed.

Section 3. 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 4. Correction of Errors. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect and be in full force thirty (30) days after passage and publication of an approved summary consisting of the title.

ADOPTED by the Council of the City of Gig Harbor at a regular meeting thereof, held this 25th day of October, 2021.

Kit Kuhn
Mayor

Approved as to form:

Attest:

Daniel Kenny
City Attorney

Joshua Stecker
Interim City Clerk

PUBLICATION DATE: 10/28/21
EFFECTIVE DATE: 11/27/21

ORDINANCE NO. 1442

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, WASHINGTON, SUSPENDING THE PROHIBITION ON SINGLE-USE PLASTIC BAGS IMPOSED UNDER GIG HARBOR MUNICIPAL CODE (GHMC) CHAPTER 5.14 AND THE USE OF EXPANDED POLYSTYRENE (EPS) AND CERTAIN NON-RECYCLABLE FOOD SERVICE PRODUCTS UNDER CHAPTER 5.15 FOR THE DURATION OF THE EMERGENCY DECLARED BY THE MAYOR PLUS 30 DAYS; RATIFYING AND APPROVING THE MAYOR'S ACTIONS IN SUSPENDING CHAPTERS 5.14 AND 5.15 GHMC RETROACTIVE TO MARCH 27, 2020; DECLARING AN EMERGENCY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, Gig Harbor Municipal Code (GHMC) Chapter 5.14 Bring Your Own Bag encourages the use of reusable carryout bags by customers of groceries and other retail establishments and to accomplish this purpose, Chapter 5.14 GHMC prohibits the use of single- use plastic carryout bags; and

WHEREAS, Gig Harbor Municipal Code (GHMC) Chapter 5.15. Single Use Food Serviceware and Litter Reduction is an attempt to reduce the cost of solid waste disposal and to protect the environment and to accomplish this purpose, Chapter 5.15 GHMC prohibits the use of certain expanded polystyrene (EPS) food service products and disposable food Serviceware; and

WHEREAS, in order to slow the spread of the novel coronavirus (COVID-19), some grocery stores and other retailers have curtailed the use of reusable carryout bags by customers in favor of single-use plastic carryout bags; and

WHEREAS, grocery stores, food service industries and other retailers have curtailed the use of certain EPS food service produces and disposable food Serviceware; and

WHEREAS, on March 23, 2020, the Mayor of the City of Gig Harbor issued a Proclamation of Emergency declaring that a state of civil emergency exists in the City of Gig Harbor due to the outbreak of COVID-19; and

WHEREAS, the Mayor's March 23, 2020, proclamation was preceded by emergency proclamations by Governor Inslee and Pierce County Executive Dammeier, and was issued concurrent with an emergency declaration by the President of the United States; and

WHEREAS, on March 27, 2020, Mayor Kuhn issued an additional emergency declaration suspending the provisions of both Chapter 5.14 GHMC requiring the use of reusable, recyclable, or compostable bags and Chapter 5.15 GHMC prohibiting the use of EPS Serviceware; and

WHEREAS, the Gig Harbor City Council concurs with the Mayor that this is a necessary measure in order to slow the spread of COVID-19 that might otherwise occur from retail employees handling reusable bags brought in by customers or the use of alternatives to EPS Serviceware, and that retailers or restaurants should not be penalized for taking necessary measures to slow the spread of COVID-19; and

WHEREAS, the Gig Harbor City Council has decided to take formal action to suspend the provisions of Chapter 5.14 and 5.15 GHMC and to approve and ratify the actions of the Mayor;

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

Section 1. Chapter 5.14 of the Gig Harbor Municipal Code Suspended. The provisions of Chapter 5.14 GHMC are hereby suspended. Grocers and other retail establishments may use single-use plastic carryout bags during the period of suspension.

Section 2. Chapter 5.15 of the Gig Harbor Municipal Code Suspended. The provisions of Chapter 5.15 GHMC are hereby suspended. Many businesses using disposable food containers may use EPS and other non-recyclable plastics.

Section 2. Ratification. To the extent required by law, the Gig Harbor City Council hereby ratifies and approves the emergency proclamation issued by the Mayor on March 27, 2020, suspending the ban on single-use plastic carryout bags and EPS and other non-recyclable plastics. This ratification and approval, and the suspension provided in this ordinance, is retroactive to March 27, 2020, at the time the Mayor issued the emergency proclamation.

Section 3. Duration of Suspension. The suspension provided for in this ordinance shall remain in effect for a period of 30 days after lifting of the emergency proclamation issued by the Mayor on March 23, 2020.

Section 4. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/ clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. Ratification. All actions taken in furtherance of and not inconsistent with this ordinance are ratified and confirmed in all respects.

Section 6. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 7. Declaration of Emergency – Immediate Effective Date. For the reasons set forth in this ordinance and in the emergency proclamations of Mayor Kuhn, Pierce County Executive Dammeier, Governor Inslee, and President Trump, the Gig Harbor City Council finds and declares that a public emergency exists due to the outbreak of COVID-19 that makes this ordinance necessary for the immediate protection of the public health, public safety, public property, and public peace. This ordinance, having been declared an emergency and having received the affirmative votes of at least a majority plus one of the whole membership of the Gig Harbor City Council, is not subject to referendum and shall become effective immediately upon adoption. The City Clerk shall publish this ordinance or a summary thereof in the ordinary course of business.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor
this 13th day of April, 2020.

APPROVED:



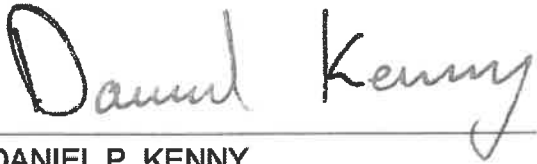
MAYOR KIT KUHN

ATTEST/AUTHENTICATED:



CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

A handwritten signature in dark ink, reading "Daniel Kenny". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

DANIEL P. KENNY

FILED WITH THE CITY CLERK: 04/07/20
PASSED BY THE CITY COUNCIL: 04/13/20
PUBLISHED: 04/23/20
EFFECTIVE DATE: 03/27/20
ORDINANCE NO. 1442