



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

	Initial & Date
Concurred by Mayor:	✓✓ 10-4-21
Approved by City Administrator:	AP 10/4/21
Approved as to form by City Atty:	Email 10/4/21
Approved by Finance Director:	NA
Approved by Department Head:	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.

Kit Kuhn

Kit Kuhn
Mayor

Approved as to form:

Daniel Kenny

Daniel Kenny
City Attorney

Attest:

Joshua Stecker

Joshua Stecker
Interim City Clerk

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