

## ORDINANCE NO. 1199

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN FOR THE 2010 ANNUAL CYCLE: ADDING A PARKS RECREATION AND OPEN SPACE ELEMENT WHICH INCLUDES THE GOALS AND POLICIES CONTAINED IN THE 2010 GIG HARBOR PARK PLAN (COMP 10-0001); AMENDING THE CAPITAL FACILITIES ELEMENT TO UPDATE THE SIX-YEAR IMPROVEMENT PROJECT LISTS AND REVISE THE INVENTORY, ANALYSIS AND LEVEL OF SERVICE FOR PARKS, RECREATION AND OPEN SPACE FACILITIES (COMP 10-0002); PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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

WHEREAS, the Act requires the City to adopt a Comprehensive Plan; and

WHEREAS, the City adopted a revised GMA Comprehensive Plan as required by RCW 36.70A.130 (4) in December 2004; and

WHEREAS, the City is required to consider suggested changes to the Comprehensive Plan (RCW 36.70A.470); and

WHEREAS, except under circumstances not applicable here, the City may not amend the Comprehensive Plan more than once a year (RCW 36.70A.130); and

WHEREAS, the City is required to provide public notice and public hearing for any amendments to the Comprehensive Plan and the adoption of any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, on March 22, 2010, the City Council evaluated the comprehensive plan amendment applications submitted for the 2010 annual cycle, held a public hearing on such applications, and forwarded three comprehensive plan amendment applications to the Planning Commission for further processing in the 2010 Comprehensive Plan annual cycle; and

WHEREAS, on July 14, 2010, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for comprehensive plan amendment applications, pursuant to WAC 197-11-340(2), which was not appealed; and

WHEREAS, the Planning Director notified the Washington State Department of Commerce of the City's intent to amend the Comprehensive Plan and forwarded a copy of the proposed amendments on July 14, 2010 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on July 15, 2010, July 29, 2010, August 5, 2010 and August 12, 2010; and

WHEREAS, the Planning Commission held a public hearing on the Comprehensive Plan amendments on August 5, 2010; and

WHEREAS, on August 12, 2010 the Planning Commission voted to recommend approval of two proposed amendments and recommend denial of one proposed amendments as documented in the Planning Commission's written recommendations signed by Planning Commission Chair, Harris Atkins, all dated August 12, 2010; and

WHEREAS, on September 27, 2010, prior to the scheduled public hearing on the Comprehensive Plan amendments at the City Council, the agent for the property owners of application COMP 10-0003, 96<sup>th</sup> Street LLC Land Use Map Amendment, announced to the City Council the withdrawal of that application; and

WHEREAS, with the withdrawal of application COMP 10-0003, the City Council did not conduct a public hearing on or consider the application any further; and

WHEREAS, on September 27, 2010, the Gig Harbor City Council held a public hearing on the two remaining proposed amendments to the Gig Harbor Comprehensive Plan for the 2010 annual review cycle; and

WHEREAS, on September 28, 2010, Carl Halsan, agent for the property owners of the 96<sup>th</sup> Street LLC property submitted a written letter withdrawing application COMP 10-0003; and

WHEREAS, the Gig Harbor City Council had a first reading of an Ordinance implementing the recommendations of the Planning Commission for the two remaining applications and amending the Comprehensive Plan on October 11, 2010; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance implementing the recommendations of the Planning Commission for the two remaining applications and amending the Comprehensive Plan on October 25, 2010;

Now, Therefore,

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

Section 1. Comprehensive Plan Text Amendments.

A. **Notice.** The City Clerk confirmed that public notice of the public hearings held by the City Council on the following applications was provided.

B. **Hearing Procedure.** The City Council's consideration of the comprehensive plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.** No persons testified on the applications at the September 27, 2010 public hearing.

D. **Criteria for Approval.** The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the Planning Commission's recommendations and after considering the criteria found in GHMC 19.09.170 make written findings regarding each application's consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 are as follows:

#### **19.09.170 Criteria for approval.**

A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan; and

B. The proposed amendment is consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and

C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and

D. The proposed amendment advances the public interest; and

E. For text amendments which propose to increase density or intensity of permitted development and all land use map amendments, the following approval criteria also apply:

1. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:

a. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or

b. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or

c. Needed infrastructure, facilities and services will be funded by the developer under the terms of a development agreement associated with the comprehensive plan amendment; or

d. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or

e. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in

conjunction with this amendment in order to ensure that adopted level of service standards will be met; and

2. For a land use map amendment, the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses; and

3. The proposed amendment will not create a demand to change land use designations of other properties, unless the change in land use designation for other properties is in the long-term interest of the community in general.

**E. Applications. The City Council hereby enters the following findings and conclusions for each application:**

**1. COMP 09-0001 – Parks, Recreation and Open Space Element**

Summary: A text amendment to insert goals and policies into the Comprehensive Plan related to parks, recreation and open space. The goals and policies match those contained in the Gig Harbor 2010 Park Plan adopted in June 2010. This amendment is sponsored by the City of Gig Harbor.

Findings:

- a) Historically, the City has had a Parks, Recreation and Open Space Element in the Comprehensive Plan. This element was removed in 2009 because the 2001 Park Plan, which had been adopted by reference, had expired and a new 2010 Park Plan was being developed.
- b) The Council finds that the insertion of the goals and policies of the adopted 2010 Park Plan into the Parks, Recreation and Open Space Element is consistent with the approved 2009 comprehensive plan amendment which put the following language in the Parks, Recreation and Open Space Element.  
*"This chapter is reserved for the parks, recreation and open space plan. The City has removed the expired 2001 plan and is working on a replacement plan for adoption in the 2010 Comprehensive Plan Amendment Cycle."*
- c) The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies.
- d) The City Council finds that any impacts the proposed policies and goals will have on City infrastructure were adequately assessed through the public process which adopted the 2010 Park Plan. Given the adoption of the 2010 Park Plan, the City has already determined that no adverse impacts will occur.
- e) Given the substantial amount of public comment and process in the development of the 2010 Park Plan through the Parks Commission and the adoption of the 2010 Park Plan by the City Council in June 2010, the City Council finds that proposed amendment advances the public interest.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony,

the City Council hereby **approves** application COMP 10-0001, as identified in Exhibit A attached to this Ordinance.

## **2. COMP 10-0002 – Capital Facilities Plan**

Summary: A text amendment to make annual changes to the City's wastewater, water and transportation improvements plan. In addition, the parks, recreation and open space inventory, analysis and project list is being updated to reflect the 2010 Park Plan. This amendment is sponsored by the City of Gig Harbor.

Findings:

- a) The City's Comprehensive Plan seeks to keep pace with the population and commercial growth through the funding of capital improvements that manage and allow for the projected growth. The City Council finds that the amendments to the wastewater, water, parks and transportation project lists and parks level of service analysis in the Capital Facilities Plan will allow the City to better address the planning area's needs by identifying capital projects and associated funding strategies.
- b) The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies.
- c) The City Council finds that the amendments are necessary so as not to create significant adverse impacts to the City's infrastructure. Updating the transportation, water, parks and open space project lists in the capital facilities plan allows the City to plan for and provide the necessary infrastructure to serve the development projected by the Comprehensive Plan.
- d) The City Council finds that this amendment serves the public interest by creating a plan to provide the infrastructure needed to meet agreed upon levels of service for citizens and ratepayers and to provide for the growth potential of the City.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **approves** application COMP 10-0002, as identified in Exhibit B attached to this Ordinance.

Section 2. Transmittal to State. The Planning Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State Commerce Department within ten days of adoption, pursuant to RCW 36.70A.106.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 25th day of October, 2010.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela S. Belbeck

FILED WITH THE CITY CLERK: 10/06/10  
PASSED BY THE CITY COUNCIL: 10/25/10  
PUBLISHED: 11/03/10  
EFFECTIVE DATE: 11/08/10  
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