

## ORDINANCE NO. 1151

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 LAND USE PLAN FOR THE 2008 ANNUAL CYCLE: AMENDING TEXT AND MAPS RELATED TO SEWER BASIN C14 (COMP 07-0005); AMENDING THE PARKS, RECREATION AND OPEN SPACE PLAN TO ADD THREE ADDITIONAL PROPERTIES FOR AQUISITION (COMP 08-0002); AMENDING THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR .5 ACRES OF PROPERTY LOCATED AT 3720 HARBORVIEW DRIVE STREET FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL MEDIUM (RM) (COMP 08-0003); AMENDING THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR 3 AREAS OF THE CITY TO ELIMINATE EXISTING INCONSISTENCIES BETWEEN THE ADOPTED ZONING OF THE PROPERTIES AND THE COMPREHENSIVE PLAN LAND USE MAP (COMP 08-0004); AMENDING THE WASTEWATER COMPREHENSIVE PLAN ELEMENT TO REVISE SEWER BASIN BOUNDARIES FOR SEWER BASINS C1, C5 AND C8 (COMP 08-0005); AMENDING THE UTILITIES ELEMENT OF THE COMPREHENSIVE PLAN TO ADD A GOAL THAT WOULD ALLOW FOR THE POTENTIAL CREATION AND UTILIZATION OF RECLAIMED WATER (CLASS A) AT THE CITY WASTEWATER TREATMENT PLANT (COMP 08-0006); AMENDMENT OF THE CAPITAL FACILITIES ELEMENT TO UPDATE THE SIX-YEAR AND TWENTY-YEAR IMPROVEMENT PROJECT LISTS, (COMP 08-0007); AMENDING THE TRANSPORTATION ELEMENT OF THE COMPREHENSIVE PLAN TO CORRECT INCONSISTENCIES AND INCORPORATE NEW INFORMATION RESULTING FROM WORK IN PROGRESS (COMP 08-0008); AND DENYING APPLICATION COMP 08-0001 THAT REQUESTED A COMPREHENSIVE PLAN LAND USE MAP AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR 2 ACRES OF PROPERTY LOCATED AT 3700 GRANDVIEW STREET FROM RESIDENTIAL LOW (RL) TO RESIDENTIAL MEDIUM (RM).

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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 April 28, 2008, the City Council evaluated the comprehensive plan amendment applications submitted for the 2008 annual cycle, and held a public hearing on such applications; and

WHEREAS, on May 12, 2008, the City Council forwarded nine comprehensive plan amendment applications to the Planning Commission for further processing in the 2008 Comprehensive Plan annual cycle; and

WHEREAS, on July 18, 2008, 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 Office of Community Development of the City's intent to amend the Comprehensive Plan and forwarded a copy of the proposed amendments on July 23, 2008 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on July 17, 2008, August 7, 2008, August 21, 2008, September 4, 2008 and September 18, 2008; and

WHEREAS, the Planning Commission held public hearings on comprehensive plan amendments on August 7, 2008 and September 4, 2008; and

WHEREAS, on September 18, 2008 the Planning Commission voted to recommend approval of 8 proposed amendments (COMP 07 – 0005, COMP 08-0002, COMP 08-0003, COMP 08-0004, COMP 08-0005, COMP 08-0006, COMP 08-0007, COMP 08-0008) and recommend denial of one proposed amendment (COMP 08-0001) as documented in the Planning Commission's written recommendation signed by Planning Commission Vice-Chair, Harris Atkins, dated October 2, 2008; and

WHEREAS, the Gig Harbor City Council held a public hearing and first reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan on October 13, 2008; and

WHEREAS, the Gig Harbor City Council held a second public hearing and second reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan on October 27, 2008; and

WHEREAS, the Gig Harbor City Council held a third reading of an Ordinance on November 10, 2008; and

WHEREAS, the Gig Harbor City Council also held a public hearing on November 24, 2008 to consider the development agreement associated with COMP 08-0001; 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.** The following persons testified on the applications at the October 13, 2008 public hearing:

(COMP 08-0001) Carl Halsan, Bill Fogerty, Mike Paul, (COMP 08-0003) Richard Swanson, (COMP 08-0004) Ron Ebersode, Carla Martin, Eric Barron, Jeff Meredith, Richard Kemp, Lisa Clark, Marion Hansen, Kirk St. Johns, (COMP 08-0007) John Alexander.

The following persons testified at the second reading of ordinance on October 27, 2008:

(COMP 08-0004) Richard Kemp, Kirk St. Johns, (COMP 08-0001) Carl Halsan, Marty Paul.

The following persons testified at the third reading of ordinance on November 10, 2008:

(COMP 08-0001) Carl Halsan, Bill Fogerty, Mike Paul, (COMP 08-0004) Richard Kemp, Beverly Pearson, Janet Metcalf.

The following persons testified on the applications at the November 24, 2008 public hearing on the development agreement for COMP 08-0001 and the Ordinance for the 2008 Comprehensive Plan Amendments:

(COMP 08-0001) Charles Johnson, Carl Halsan, Mark Hoppen, Jack Tropiano, Guy Hoppen, Bill Fogerty, Mike Paul, Monte Hester, Bill Lynn and Marty Paul.

**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 and 19.09.130 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 meets concurrency requirements for transportation as specified in Chapter 19.10 GHMC;
- B. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect adopted levels of service standards for other public facilities and services such as parks, police, fire, emergency medical services and governmental services;
- C. The proposed amendments will not result in overall residential capacities in the city or UGA that either exceed or fall below the projected need over the 20-year planning horizon; nor will the amendments result in densities that do not achieve development of at least four units per net acre of residentially designated land;
- D. 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:
  - 1. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or
  - 2. 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
  - 3. Needed infrastructure, facilities and services will be funded by the developer under the terms of a developer's agreement associated with this comprehensive plan amendment; or
  - 4. 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
  - 5. 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.

- E. The proposed amendment is consistent with the goals, policies and objectives of the comprehensive plan;
- F. The proposed amendment will not result in probable significant adverse impacts to the transportation network, capital facilities, utilities, parks, and environmental features which cannot be mitigated and will not place uncompensated burdens upon existing or planned services;
- G. In the case of an amendment to the comprehensive plan land use map, that 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 the zoning district locational criteria contained within the comprehensive plan and zoning code;
- H. The proposed amendment will not create a demand to change other land use designations of adjacent or surrounding properties, unless the change in land use designation for other properties is in the long-term interest of the community in general;
- I. 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
- J. The proposed effect of approval of any individual amendment will not have a cumulative adverse effect on the planning area.

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

**1. COMP 07-0005, Wastewater Element.**

Summary: The proposed Comprehensive Plan amendment, requested by Harbor Reach Estates LLC, would amend text and maps related to the Sewer Basin C14 in the Gig Harbor Wastewater Comprehensive Plan.

Findings:

The proposed minor amendment to the Wastewater Comprehensive Plan is consistent with the applicable criteria found in GHMC 19.09.170.

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 the revisions to the Sewer Basin C14 in the Gig Harbor Wastewater Comprehensive Plan as identified in Exhibit A, attached to this Ordinance.

**2. COMP 08-0001, Comprehensive Plan Land Use Map Amendment.**

Summary: The proposed Comprehensive Plan amendment, requested by MP8 LLC and Pioneer & Stinson LLC, would change the land use designation for 2 acres of property located at 3700 Grandview Street from a Residential Low (RL) designation to a Residential Medium (RM) designation.

**Findings:**

- a. When this amendment was originally submitted, the request was to change 4.67 acres from Residential Low to Residential Medium to allow the development of 7 duplexes on the northerly 2.67 acres of the property and the development of one or more mixed use commercial buildings on the southerly 2 acres of the property.
- b. The Planning Commission after several work study sessions and a public hearing voted to recommend denial of the amendment. As stated in the Planning Commission's Notice of Recommendation dated October 2, 2008 the Planning "Commission found that the request was inconsistent with the goals, policies and objectives of the comprehensive plan." In terms of the proposed duplexes, the Commission felt that changing the northerly portion of the site to Residential Medium to allow a rezone to R-2 would be inconsistent with Land Use Element Policy 2.2.2. This policy seeks to define and protect the integrity of small planning areas, particularly residential neighborhoods. The construction of duplexes adjacent to existing single family residences could have an adverse impact upon the single family homes. The commission further felt that duplexes could create a precedent for similar requests further down the hill to the north. The Planning Commission also felt that the proposed mixed use development on the southerly half of the site was inconsistent with the goals, policies and objectives of the Comprehensive Plan. The applicants indicated that if the Land Use Map was changed to designate the site Residential Medium, they intended to rezone the property RB-2. As previously stated, the site is currently zoned RB-1. There are two major differences between RB-1 and RB-2. The RB-2 zone allows multiple family housing and the RB-1 only allows single family. The RB-1 zone has a maximum building size of 5,000 square feet and the RB-2 zone has no maximum size limit. The applicant proposes the construction of one or more structures up to 3 stories in height. The goals and policies of the Community Design Element of the Comprehensive Plan discuss the importance of scale as it relates to the surrounding area. The Commission was concerned that a change to the Land Use Map that led to the rezoning of the site to RB-2 could adversely affect the neighborhood's scale, which for the most part consists of single story and 1 ½ story commercial buildings.

There are several policies in the Comprehensive Plan that discuss the importance of retaining existing vegetation. The applicants indicated that they would retain existing vegetation as required under the existing zoning regulations. The Planning Commission felt they could not evaluate the retention of existing vegetation in that the plans submitted by the applicant did not provide conceptual building locations, parking or vegetation retention detail.

Criteria 19.09.170 G. requires that in the case of a comp plan land use map amendment, the subject parcel must be physically suitable for the allowed uses in the designation requested, including compatibility with existing and

planned surrounding land uses. Testimony at the Planning Commission's public hearing brought into question whether the proposed land use map amendment would result in a development that would be compatible with the surrounding uses which are predominately single family homes to the north and east. The Planning Commission concluded that the future large multiple story building or buildings would not be compatible with the surrounding land uses.

- c. When the amendment was presented to the City Council at their October 13, 2008 public hearing, the applicants had amended the application to remove the northerly 2.67 acres from the request. They proposed that the application only include the southerly 2 acres of the site. This was the portion of the site that included the mixed use commercial buildings. A revised site plan was submitted that showed the development of a 7 lot single family plat on the northerly 2.67 acres. Further versions of the proposed site plan were submitted at the October 27, November 10 and November 24 Council meetings. In addition, revised Development Agreements were submitted at each of the Council meetings.
- d. Testimony before the City Council expressed concern over the impacts to the surrounding properties due to the larger size of buildings (2.5 stories and 34,000 s.f and 43,000 s.f.) proposed by the applicants in comparison to the existing structures within the area. Concern was also expressed regarding the loss of trees on the site and the lack of specificity of which trees would be retained. Another issue discussed was the precedent this amendment would set for further commercial "creep" down the hill into the View Basin.
- e. After conducting two public hearings, the City Council members expressed several concerns relative to the application at their November 24, 2008 meeting. First, concern was expressed that the application before the Council on November 24 was very different from the application reviewed by the Planning Commission when they were formulating their recommendation to the City Council. Several Council members expressed the belief that the changes proposed by the applicants should have been reviewed by the Planning Commission. The Council also noted that the site is one of the "gateways" into the City and as such, the scale of buildings on the site should be appropriate and compatible with surrounding properties. It was noted by the Council that there is other property available within the City that allows the larger mixed use commercial buildings such as the applicants propose. The Council expressed concern that there hasn't been any change affecting the property that justifies changing the Comprehensive Plan Land Use Map from Residential Low to Residential Medium with a subsequent rezoning of the property to RB-2. It was noted that the RB-1 District is intended to act as a transition between higher intensity commercial development and single family homes and that the existing RB-1 designation fulfills that intent. The Council expressed concern regarding the number of times the development proposal had changed since it was submitted and that the public may not have had the opportunity to comment on the revisions. Finally, it was noted that the limitations on future development of the site as proposed by the applicant

through a development agreement could be in jeopardy if the change to Residential Medium is made and the development agreement expires at the end of 5 years.

**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 denies the change to the land use designation for 2 acres of property located at 3700 Grandview Street from a Residential Low (RL) designation to a Residential Medium (RM) designation as identified in Exhibit B, attached to this Ordinance. The Planning Commission recommended denial of the proposed amendment in that it was their opinion that the request was not consistent with the applicable criteria found in GHMC 19.09.170. Testimony before the City Council has not demonstrated that the Planning Commission's recommendation was incorrect. Based upon the information submitted, the City Council concludes that the application is inconsistent with at least two of the criteria found in 19.09.170. Criteria 19.09.170 E. states that "the proposed amendment must be consistent with the goals, policies and objectives of the comprehensive plan." The requested amendment, in its current form is inconsistent with the goals and policies of the Community Design Element of the Comprehensive Plan, in that the proposed scale of the two mixed use commercial buildings (2.5 stories and 34,000 s.f and 43,000 s.f.) would be substantially larger than surrounding structures. Criteria 19.09.170 G. states that "in the case of an amendment to the comprehensive plan land use map, that 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 the zoning district locational criteria contained within the comprehensive plan and zoning code." While the site might be physically suitable for the mixed use commercial development proposed by the applicants, testimony before the Council established that the amendment, as currently proposed would result in a development that would be incompatible with the surrounding land uses. The burden of proof for demonstrating consistency with the applicable criteria of 19.09.170 is on the applicants proposing amendments to the Comprehensive Plan. The City Council concludes that burden has not been met.

**3. COMP 08-0002, Parks, Recreation and Open Space Amendment.**

**Summary:** The proposed amendment to the Parks, Recreation and Open Space Plan (PROS) element of the Comprehensive Plan to identify 3 parcels of land that have been acquired in 2008 or that may be acquired in 2009 for park purposes.

**Findings:**

The proposed minor amendment to the Parks, Recreation Plan is consistent with the applicable criteria found in GHMC 19.09.170.

**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 the revisions to the Parks, Recreation and Open Space Plan as identified in Exhibit C, attached to this Ordinance.

#### **4. COMP 08-0003, Comprehensive Plan Land Use Map Amendment.**

Summary: The proposed Comprehensive Plan amendment, requested by Michael Averill of Lighthouse Square LLC, would change the land use designation for one parcel of property (approximately  $\frac{1}{2}$  acre) located at 3720 Harborview Drive, currently occupied by Lighthouse Marine and Speedy Auto Glass, from a Residential Low (RL) designation to a Residential Medium (RM) designation.

Findings:

The proposed amendment to the Comprehensive Plan Land Use Map to change the designation of the property from RL (Residential Low) to RM (Residential Medium) is consistent with the applicable criteria found in GHMC 19.09.170.

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 the requested change to the land use designation for one parcel of property (approximately  $\frac{1}{2}$  acre) located at 3720 Harborview Drive, currently occupied by Lighthouse Marine and Speedy Auto Glass, from a Residential Low (RL) designation to a Residential Medium (RM) designation as identified in Exhibit D, attached to this Ordinance.

#### **5. COMP 08-0004, Comprehensive Plan Land Use Map Amendment.**

Summary: The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor Planning Commission, would correct inconsistencies between the Land Use Map and the Zoning Map. The three amendments include:

1. A land use designation change from Residential Medium (RM) to Residential Low (RL) of approximately 38 acres along the west side of Soundview Drive zoned R-1 (Area 1);
2. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 16.5 acres between Soundview Drive and Harborview Drive near the old ferry landing zoned R-2 and RB-1 (Area 2); and,
3. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 250 acres between Burnham Drive and State Route 16 in the Urban Growth Area with pre-annexation zoning of R-2 (Area 3).

Findings:

- a. In each of the 3 areas included in this amendment, the existing map element of the Comprehensive Plan is inconsistent with the existing zoning of the area.
- b. The Growth Management Act mandates consistency between a jurisdiction's comprehensive plan and zoning ordinance.
- c. In Area 1, the predominate use of the property is for single family homes and the area is zoned R-1 (Single Family). Area 1 is designated by the Comprehensive Plan as Residential Medium. In Area 2, the predominate use is duplex, triplex and multiple family and the area is zoned RB-1 (Residential and Business District) and R-2 (Duplex/Triplex/Fourplex). Area 2 is designated by the Comprehensive Plan as Residential Low. The property affected in Area 3 is currently vacant but a pending annexation has fixed the zoning as R-2.
- d. To be consistent with the existing zoning and land use of the properties, Area 1 would need to be designated Residential Low and Area 2 would need to be designated Residential Medium. Although currently vacant land, Area 3 would need to be designated Residential Medium to be consistent with the designated pre-annexation zoning of R-2.
- e. The testimony of the Area 1 residents was that Area 1 should remain R-1 and designated Residential Low to allow development of Single Family Dwellings only.
- f. The testimony of the Area 2 residents was that Area 2 should remain R-2 and designated Residential Medium to allow for future development of single family homes, duplexes, triplexes and fourplexes. However, the testimony of residents living just south of Area 2 was that the southerly 6 properties within Area 2 should remain designated Residential Low and downzoned to R-1. The principle reason stated for the downzoning was the impact the development of duplexes, triplexes and fourplexes would have on the private street that provides access to the neighborhood. The owners of 3 of the southerly six properties testified that downzoning of their property was not appropriate. They cited the location of their properties between a large condominium development to the north and a nonconforming multiple family structure to the south. They further stated that one of the six properties in question was already developed with a duplex.
- g. The proposed amendments to the Comprehensive Plan Land Use Map are consistent with the applicable criteria found in GHMC 19.09.170.

**Conclusions:**

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 the 3 requested changes to amend the Comprehensive Plan Land Use Map. The changes include:

1. A land use designation change from Residential Medium (RM) to Residential Low (RL) of approximately 38 acres along the west side of Soundview Drive zoned R-1 (Area 1);
2. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 16.5 acres between Soundview Drive and Harborview Drive near the old ferry landing zoned R-2 and RB-1 (Area 2); and,
3. A land use designation change from Residential Low (RL) to Residential Medium (RM) of approximately 250 acres between Burnham Drive and State Route 16 in the Urban Growth Area with pre-annexation zoning of R-2 (Area 3).

Consistency between the Comprehensive Plan and the zoning designation of properties is necessary under the Growth Management Act and provides consistent direction to property owners as to the development of property. As such, the change to the Comprehensive Plan Land Use Map for Area 1 to designate the Area as Residential Low would be consistent with the existing R-1 zoning of the area as well as the predominate development of single family homes within the area. The change of the Comprehensive Plan Land Use Map for Area 2 to designate the area Residential Medium would also be consistent with existing R-2 and RB-1 zoning of the properties and the predominate development of the area with duplex/triplex and condominium uses. Leaving the southerly 6 properties in Area 2 designated Residential Low and subsequently downzoning them to R-1 would not be appropriate due to their location between a large condominium development to the north and a nonconforming multiple family structure to the south. Further, the downzoning of these properties would inappropriately create a nonconforming use (duplex) on one of the 6 properties. Finally, the designation of Area 3 to Residential Medium is appropriate to provide consistency with the area's R-2 pre-annexation zoning. Therefore, COMP 08-0004 should be approved as presented. See Attached Exhibit E.

## **6. COMP 08-0005, Wastewater Element.**

Summary: The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor, would amend sewer basin boundaries to reflect actual conditions for Sewer Basins C1, C5 and C8 contained in the Gig Harbor Wastewater Comprehensive Plan.

Findings:

The proposed minor amendment to the Wastewater Comprehensive Plan is consistent with the applicable criteria found in GHMC 19.09.170.

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 the amendments to sewer basin boundaries to reflect actual conditions for Sewer Basins C1, C5 and C8 contained in the Gig Harbor Wastewater Comprehensive Plan as identified in Exhibit F, attached to this Ordinance.

## **7. COMP 08-0006, Utilities Element.**

Summary: The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor, would add a goal to the Utilities Element to allow for the potential creation and utilization of reclaimed (Class A) water at the City's Wastewater Treatment Plant.

### Findings:

The proposed amendment to the Utilities Element of the Comprehensive Plan is consistent with the applicable criteria found in GHMC 19.09.170.

### 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 the amendments to add a goal to the Utilities Element to allow for the potential creation and utilization of reclaimed (Class A) water at the City's Wastewater Treatment Plant as identified in Exhibit G, attached to this Ordinance.

## **8. COMP 08-0007, Capital Facilities Element.**

Summary: The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor, would amend the Capital Facilities Plan to update the stormwater, wastewater, water system, parks, recreations and open space, and transportation improvement projects included in the six-year and twenty-year improvement project lists.

### Findings:

The proposed amendment to the Capital Facilities Element of the Comprehensive Plan is consistent with the applicable criteria found in GHMC 19.09.170.

### 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 the amendments to the Capital Facilities Plan to update the stormwater, wastewater, water system, parks, recreations and open space, and transportation improvement projects included in the six-year and twenty-year improvement project lists as identified in Exhibit H, attached to this Ordinance.

## **9. COMP 08-0008, Transportation Element.**

Summary: The proposed Comprehensive Plan amendment, requested by the City of Gig Harbor, would amend the Transportation Element, correcting inconsistencies and incorporating new information resulting from work in progress to

identify key transportation capacity improvement projects using updated growth and traffic modeling information.

Findings:

The proposed amendment to the Transportation Element of the Comprehensive Plan is consistent with the applicable criteria found in GHMC 19.09.170.

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 the amendments to the Transportation Element, correcting inconsistencies and incorporating new information resulting from work in progress to identify key transportation capacity improvement projects using updated growth and traffic modeling information as identified in Exhibit I, 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 Office of Community Development 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 8<sup>th</sup> day of December, 2008.

CITY OF GIG HARBOR

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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

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City Attorney

FILED WITH THE CITY CLERK: 11/5/08  
PASSED BY THE CITY COUNCIL: 12/8/08  
PUBLISHED: 12/17/08  
EFFECTIVE DATE: 12/17/08  
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