

ORDINANCE NO. 1118

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 2007 ANNUAL CYCLE: AMENDING THE COMMUNITY DESIGN ELEMENT TO ADD GOALS, POLICIES AND A MAP RELATED TO NEIGHBORHOOD DESIGN AREAS AND RESIDENTIAL DEVELOPMENT DESIGN (COMP 07-0002); AMENDING THE TRANSPORTATION ELEMENT TO ADOPT LEVEL OF SERVICE STANDARDS FOR STATE-OWNED FACILITIES; TO CORRECT INTERNAL TRANSPORTATION FUNDING INCONSISTENCIES, AND TO ADD POLICIES TO ACHIEVE CONSISTENCY WITH DESTINATION 2030, VISION 2020 AND PIERCE COUNTY COUNTYWIDE PLANNING POLICIES (COMP 07-0003); AMENDING THE CAPITAL FACILITIES ELEMENT TO UPDATE THE SIX YEAR CAPITAL IMPROVEMENT PROGRAM AND INVENTORY OF EXISTING FACILITIES (COMP 07-0004).

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, 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 September 10, 2007, the City Council evaluated the comprehensive plan amendment applications submitted for the 2007 annual cycle, and held a public hearing on such applications; and

WHEREAS, on September 10, 2007, the City Council forwarded comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004 to

the Planning Commission for further processing in the 2007 Comprehensive Plan annual cycle; and

WHEREAS, on September 24, 2007, the City Council passed Resolution 726 rejecting comprehensive plan amendment applications COMP 07-0005 and COMP 07-0005 for processing during the 2007 Comprehensive Plan annual cycle; and

WHEREAS, on September 26, 2007, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004, 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 amendments on September 26, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on application COMP 07-0002 on June 21, 2007, July 19, 2007, August 2, 2007, August 16, 2007, September 6, 2007, September 20, 2007 and October 18, 2007; and

WHEREAS, the Planning Commission held a public hearing on comprehensive plan amendment application COMP 07-0002 on July 19, 2007 and October 18, 2007; and

WHEREAS, the Planning Commission held a work study session and public hearing on applications COMP 07-0003 and COMP 07-0004 on October 18, 2007; and

WHEREAS, on October 18, 2007, after the public hearing, the Planning Commission recommended approval of comprehensive plan amendment applications COMP 07-0002, COMP 07-0003 and COMP 07-0004 as documented in the Planning Commission's written recommendation signed by Planning Commission Chair, Theresa Malich, on November 1, 2007; 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 November 26, 2007; 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 December 10, 2007; 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 November 26th or at the December 10th, 2007 public hearings.

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 and 19.09.130 is 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.

19.09.130 Considerations for decision to initiate processing.

A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and

B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

E. Applications.

1. COMP 07-0002, Community Design Element.

Summary:

An amendment proposed by the City of Gig Harbor to add a Neighborhood Design section with goals, policies and map and to add a Residential Development Design section with goals and policies to the Community Design Element. Eight neighborhoods are proposed: View Basin, Soundview, Gig Harbor North, Peacock Hill, Rosedale/Hunt, Westside, Bujacich Road/NW Industrial, and Purdy. The full text of the comprehensive plan amendment is attached hereto as Exhibit A.

Findings:

Each finding is lettered in relation to the applicable criterion of approval in Section 1(D) above:

- A. Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The text amendments to the Community Design Element relate to design policies and do not amend allowed intensities and densities of development.
- B. The amendments to the Community Design Element will not affect sewer, water or capital facility level of service standards because the new and amended policies relate to design only, such as architecture, layout and landscaping.
- C. The amendments the Community Design Element will not result in a change to residential capacities for the city or UGA or result in developments not achieving minimum densities because the amended policies affect lot layout and required plat amenities, but not allowed densities.
- D. Not Applicable. The text amendments to the Community Design Element relate to design policies and do not amend allowed densities of development or propose new development.
- E. The Community Design Element of the Comprehensive plan seeks to assure that future development respects and enhances Gig Harbor's built and natural environment (Introduction, 3-1). Goal 2.2 asks that the City to define a pattern of urban development which is recognizable, provides an identity and reflects local values and opportunities. Goal 2.2.1(b) states that the City should emphasize and protect area differences in architecture, visual character and physical features which make each part of the urban form unique and valuable. The amendments to the Community Design Element will further these goals by refining policies for the built form.
- F. Not Applicable. The text amendments to the Community Design Element relate to design policies and do not amend allowed densities of development.
- G. Not Applicable. The amendments to the Community Design Element do not include an amendment to the comprehensive plan land use map.
- H. The amendments to the Community Design Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or surrounding properties. The amendments relate to design policies only.
- I. The Growth Management Act allows City's to include a Community Design Element in its comprehensive plan. The amendment further refines the design goals and policies of the City of Gig Harbor. Pierce County's County Wide Planning Policies do not specifically address neighborhood design or residential development design policies outside of designated centers (the City of Gig Harbor is not a designated center); however, the

creation of design policies and implementing design standards is not prohibited.

- J. The approval of the changes to the Community Design Element will not have a cumulative adverse effect on the City of Gig Harbor, instead the new policies will allow the City to manage its projected growth while ensuring new developments enhance and are compatible with the existing design characteristics of Gig Harbor. The changes will allow the City to recognize and retain the unique neighborhoods and design characteristics of the harbor and will provide improved policies for new housing developments, in particular tree retention and planting and lot and street layout.

GHMC 19.09.130 A and B: The Community Design Element of the Comprehensive Plan has not been amended since 1994. In 1994, the City had a population of 3,753 and was approximately two (2) square miles in size. In 2007, the City has 6,780 residents and is approximately five (5) square miles in size. Furthermore, an additional 2,500 dwelling units and 2,400 jobs are projected by 2022. The Community Design Element was reviewed and updated to respond to this significant increase in residential and commercial development and growth projected in the City. The new policies will allow the City to manage its projected growth while ensuring new developments enhance and are compatible with the existing design characteristics of Gig Harbor. The changes will allow the City to recognize and retain the unique neighborhoods and design characteristics of the harbor and will provide improved policies for new housing developments, in particular tree retention and planting and lot and street layout.

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 Community Design Element as identified in Exhibit A, attached to this Ordinance.

2. COMP 07-0003, Transportation Element.

Summary:

An amendment to the Transportation Element proposed by the City of Gig Harbor, in response to comments provided by the Puget Sound Regional Council, adopting level of service (LOS) standards for state-owned facilities, correcting internal transportation funding inconsistencies, and adding policies to achieve consistency with Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies. The full text of the comprehensive plan amendment is attached hereto as Exhibit B.

Findings:

Each finding is lettered in relation to the applicable criterion of approval in Section 1(D) above:

- A. Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The amendments to the Transportation Element do not amend allowed intensities or densities of development.
- B. The amendments to the Transportation Element will not impact the City's ability to provide sewer, water and other public facilities and services as the amendments do not relate to increased development or the removal of planned infrastructure improvements. The amendments: (1) Resolve internally inconsistencies with funding sources - Table 6-4 was updated in 2004 but Table 6-2, which contained related information was not; (2) Acknowledges Washington State Department of Transportation's study of a State Route 302 connection to SR 16; (3) Acknowledges WSDOT's and PSRC's adopted LOS standards for SR16 and SR302 and, (4) adds a policy to promote transit and pedestrian oriented transportation and a policy to encourage maintenance of existing transportation systems.
- C. The amendments the Transportation Element do not remove planned infrastructure improvements necessary for planned development; and, therefore, will not result in a change to future residential capacities for the city or UGA or result in developments not achieving minimum densities.
- D. Not Applicable. No new development is proposed through this amendment. The amendment assumes that the existing land use designations, intensities and population and employment allocations do not change.
- E. The amendments to the Transportation Element will revise information that was internally inconsistent with the current Comprehensive Plan. Previous updates to the plan did not consider all related changes to maintain internal consistency. For example, the Table 6-4 was updated in 2004 but Table 6-2, which contained related information, was not. Updating Table 6-2 will resolve internally inconsistencies with funding sources.
- F. The amendments to the Transportation Element will not adversely impact the City's transportation network as the amendments do not relate to increased development or the removal of planned infrastructure improvements. The amendments (1) Resolve internally inconsistencies with funding sources; (2) Acknowledges Washington State Department of Transportation's study of a State Route 302 connection to SR 16; (3) Acknowledges WSDOT's and PSRC's adopted LOS standards for SR16 and SR302 and, (4) adds a policy to promote transit and pedestrian oriented transportation and a policy to encourage maintenance of existing transportation systems over new construction.
- G. Not Applicable. The amendments to the Transportation Element do not include an amendment to the comprehensive plan land use map.
- H. The amendments to the Transportation Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or

surrounding properties in this year's annual cycle. However, the adoption of regional policy themes to; 1-maintain and preserve the existing transportation system, and 2-support transit/pedestrian oriented land use patterns and provide alternatives to single-occupant automobile travel; may result in potential land use changes in future years as the City refines transportation project to meet these policies. Any change to land use designations to meet these policies would be in the best interest of the community as these policies support smart growth and are consistent with regional planning efforts.

- I. The amendments to the Transportation Element are consistent with the Growth Management Act, the countywide planning policies and other applicable interjurisdictional policies and agreements in that the amendments would acknowledge Washington State Department of Transportation and Puget Sound Regional Council level of service standards, add policy themes contained in Destination 2030, Vision 2020 and Pierce County Countywide Planning Policies, and correct internal transportation funding inconsistencies.
- J. The amendments the Transportation Element will not have a cumulative adverse effect on the City because the individual amendments deal with (1) correcting internal inconsistencies, the cumulative effect of which is a more consistent Comprehensive plan, a desired condition as it increases compliance with GMA requirements, and (2) incorporating goals/policies to increase consistency with regional planning documents, the cumulative effect of which is more regionally consistent plans, a desired condition as it increases compliance with GMA requirements.

GHMC 19.09.130 A and B: The amendments to the Transportation Element are in response to comments from Robert E. Jones, Transportation Planning manager, WSDOT, Olympic Region on November 7, 2007 and Yorik Stevens-Wajda, Growth Management Planning, Puget Sound Regional Council on August 22, 2005. This year is the first opportunity the City has had to respond to these comments. The amendments will ensure consistency with current and ongoing regional transportation planning efforts.

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 Transportation Element as identified in Exhibit B, attached to this Ordinance.

3. COMP 07-0004, Capital Facilities Element.

Summary:

An amendment to the Capital Facilities Element to: 1) update the six year capital improvement program including revisions and additions to the City's list of stormwater, water system, wastewater, parks and open space projects; 2) update the

inventory of City wastewater and water system facilities to reflect conditions as of 2007; 3) update the list of facility plans completed; and 4) update the level of service standards to reference current and approved facility plans. The full text of the comprehensive plan amendment is attached hereto as Exhibit C.

Findings:

Each finding is lettered in relation to the applicable criterion of approval in Section 1(D) above:

- A. Not Applicable. Per GHMC 19.10.005, a transportation capacity evaluation is required for any comprehensive plan amendment which, if approved, would increase the intensity or density of permitted development. The amendments to the Capital Facilities Element update the six year capital improvements program and update the description of current capital facility conditions and do not amend allowed intensities and densities of development.
- B. The amendments to the Capital Facilities Element will improve the City's ability to provide sewer, water and other public facilities and services by keeping the City's infrastructure improvements on pace with the City's projected population and commercial growth.
- C. The amendments to the Capital Facilities Element will not result in a change to residential capacities for the city or UGA or result in developments not achieving minimum densities. The amendments will ensure that adequate facilities can be constructed to provide for the projected 20-year residential need.
- D. Not Applicable. No specific development is expected by this amendment that would require additional infrastructure. The amendments to the six year capital improvement program will allow the City to adequately provide for the development expected as a result of the City's population and employment allocations and land use designations. The amendments will account for infrastructure needs to serve only the existing land use designations and planned intensities.
- E. 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 amendment to the Capital Facilities Element will allow the city to better address the planning area's transportation, sewer, park, storm water, wastewater and open space needs through adequate capital facility planning and funding.
- F. The amendments will not result in adverse impacts to the City's services and facilities, because the updates to the six year capital improvement plan will allow the City to provide the necessary infrastructure to serve the development projected by the Comprehensive Plan. Without this update, new development could create adverse impacts to the infrastructure systems because the City would not have planned for projected growth as required by the Growth Management Act.
- G. Not Applicable. The amendments to the Capital Facilities Element do not include an amendment to the comprehensive plan land use map.

- H. The amendments to the Capital Facilities Element do not include an amendment to the comprehensive plan land use map and, therefore, will not create a demand to change land use designations of adjacent or surrounding properties. The amendments account for only those infrastructure needs necessary to serve the existing land use designations and planned intensities.
 - I. The amendments to the Capital Facilities Element are consistent to Growth Management Act and Pierce County countywide planning policies because the amendments will allow the City to improve infrastructure, and therefore, allow for the projected growth within the City and UGA boundary.
 - J. The approval of the changes to the Capital Facilities Element will not have a cumulative adverse effect on the City of Gig Harbor, instead the updated six year capital improvement program will allow the City to plan for, fund and build the infrastructure improvements necessary for the projected growth within the City in a predictable manner.
- GHMC 19.09.130 A and B: The Capital Facilities Plan six year improvement program had its last comprehensive update in 2004. Since that time many of the projects list have been completed. For other projects, the City has refined the scope, costs and schedule for completion thereby necessitating revisions. Finally, since 2004, new projects have been identified that are needed to respond to current growth patterns and demands.

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 Capital Facilities Element as identified in Exhibit C, attached to this Ordinance.

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

Section 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 10th day of December, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By:

MOLLY TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/21/07
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