

**ORDINANCE NO. 1102**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 19.32 ACRES OF RLD (PLANNED COMMUNITY DEVELOPMENT LOW DENSITY RESIDENTIAL) ZONING DISTRICT TO RMD (PLANNED COMMUNITY DEVELOPMENT MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT, LOCATED AT 4000 BORGEN BOULEVARD IN GIG HARBOR, WASHINGTON, ASSESSOR'S PARCEL NUMBER 0222303002 AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH**

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WHEREAS, Gig Harbor Estates L.L.C., requested a rezone for the parcel located at 4000 Borgen Boulevard in Gig Harbor, Washington, Assessor's parcel number 0222303002; and

WHEREAS, the land use designations in the Comprehensive Plan of the subject site at 4000 Borgen Boulevard is PCD-RMD (Planned Community Development Medium Density Residential), which is a result of the 2005 Comprehensive Plan amendments; and

WHEREAS, RCW 36.70A.130(1)(b) requires consistency between comprehensive plans and development regulations; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is RLD (Planned Community Development Low Density Residential); and

WHEREAS, Gig Harbor Estates L.L.C. requested to rezone 19.32 acres of RLD zoning on the subject parcel to RMD zoning to be consistent with the Comprehensive Land Use Map; and

WHEREAS, a SEPA threshold determination of Determination of Significance and Adoption of Existing Environmental Document (Adoption/DS) was issued on March 21, 2007 adopting the City of Gig Harbor, 2005 Comprehensive Plan Amendments, Final Supplemental EIS; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the proposed rezone is a Type III action as defined in GHMC 19.01.003(B) for site-specific rezones; and

WHEREAS, A final decision for a Type III application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on May 16, 2007, at which time the Hearing Examiner heard public testimony on the rezone; and

WHEREAS, the Hearing Examiner approved the proposed rezone in her decision dated May 29, 2007; and

WHEREAS, the appeal period expired on June 12, 2007; and

WHEREAS, an appeal that was filed on June 12, 2007 was withdrawn on July 10, 2007; and

WHEREAS, no other appeals of the decision were filed; and

WHEREAS, rezones must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on March 21, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on September 10, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on September 10, 2007; and

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

Section 1. The real property located at 4000 Borgen Boulevard in Gig Harbor, Washington, Assessor's parcel number 0222303002 and as shown on attached Exhibit "A", and legally defined as follows:

The East half of the Southeast Quarter of the Southwest Quarter of Section 30, Township 22 North, Range 2 East of the Willamette Meridian; except Borgen Boulevard deeded to the City of Gig Harbor through AFN 2000-07-13-0671; is hereby rezoned from RLD (Planned Community Development Low Density Residential) to RMD (Planned Community Development Medium Density Residential).

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by Section 1.

Section 3. 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 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall

take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 10<sup>th</sup> day of September, 2007.

CITY OF GIG HARBOR

\_\_\_\_\_  
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 09/05/07  
PASSED BY THE CITY COUNCIL: 09/10/07  
PUBLISHED: 10/3/07  
EFFECTIVE DATE: 10/8/07  
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