

## **ORDINANCE NO. 1101**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO COMPREHENSIVE PLANNING, DELETING THE REQUIREMENT FOR OBTAINING A CONCURRENCY CERTIFICATE AS A CONDITION FOR SUBMISSION OF A COMPREHENSIVE PLAN AMENDMENT; REPEALING GIG HARBOR MUNICIPAL CODE SECTION 19.09.100, AS ADOPTED IN ORDINANCE NO. 1075.**

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WHEREAS, the City requires capacity evaluations for rezones or comprehensive plan amendments requesting an increase in the extent or density of development (GHMC Section 19.10.005); and

WHEREAS, in GHMC Section 19.10.005, a capacity evaluation is required as part of certain rezones and comprehensive plan amendments, and the results of this capacity evaluation is included in the staff report to be considered by the City decisionmakers in their determination of the appropriateness of the comprehensive plan or zoning amendment; and

WHEREAS, on April 9, 2007, the City Council passed Ordinance 1075, which establishes a procedure for consideration of comprehensive plan amendments; and

WHEREAS, this procedure includes the requirement in Section 19.09.100 that "comprehensive plan amendment applications shall not be processed until issuance of a certificate of concurrency under chapter 19.10 GHMC;" and

WHEREAS, GHMC Section 19.09.100 is inconsistent with the requirement in the concurrency ordinance cited above (GHMC Section 19.10.005); and

WHEREAS, the deadline for submission of comprehensive plan amendments is August 15, 2007; and

WHEREAS, the Council should consider adoption of this ordinance on the night of its introduction under GHMC Section 1.08.020(B), given that consideration of this ordinance under the normal procedures may preclude the submission of some comprehensive plan amendment applications; and

WHEREAS, the City's SEPA Responsible Official issued a threshold determination of non-significance for this Ordinance on August 9, 2007;; and

WHEREAS, the City Council held a public hearing and considered this Ordinance during its regular City Council meeting of August 13, 2007; Now, Therefore,

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

Section 1. Section 19.09.100 of the Gig Harbor Municipal Code, as last amended by Ordinance No. 1075 is hereby repealed.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 3. Effective Date – Passage on Day of Introduction. This Ordinance shall be considered under the procedures for adoption on the day of introduction, upon the affirmative vote of a majority plus one of the whole membership of the Council, pursuant to GHMC Section 1.08.020(B). If passed according to this procedure, the 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 City Council and approved by the Mayor of the City of Gig Harbor this 13th day of August, 2007.

CITY OF GIG HARBOR

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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: 08/10/07  
PASSED BY THE CITY COUNCIL: 08/13/07  
PUBLISHED: 08/22/07  
EFFECTIVE DATE: 08/27/07  
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