

## **ORDINANCE NO. 1077**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE PROCEDURES FOR PROCESSING PROJECT PERMIT APPLICATIONS AND HANDLING LEGISLATIVE ACTIONS, DELETING THE PLANNING COMMISSION'S PARTICIPATION IN HEARINGS ON ANNEXATIONS AND DESCRIBING A NEW PROCESS BY WHICH CERTAIN LEGISLATIVE DECISIONS MAY BE ACTED UPON BY THE COUNCIL WITHOUT A PLANNING COMMISSION HEARING; AMENDING GIG HARBOR MUNICIPAL CODE SECTION 19.01.005.**

---

WHEREAS, pursuant to RCW 35A.63.060, the City of Gig Harbor's Planning Commission has the responsibility to process comprehensive plan amendments, as incorporated into GHMC Section 19.01.005(A)(3); and

WHEREAS, pursuant to RCW 35A.63.100, the City is required to hold at least one public hearing on a zoning ordinance or zoning ordinance amendment, which may be held before the Planning Commission or any other body designated by the City Council; and

WHEREAS, the Planning Commission holds public hearings on zoning ordinances and amendments as provided in GHMC 19.01.005(A)(1) and (2); and

WHEREAS, state law does not require that the Planning Commission hold any hearings on annexations, and the City Council has traditionally conducted such hearings; and

WHEREAS, there is an error in GHMC Section 19.01.005(A)(4), which provides that the Planning Commission holds hearings on annexations; and

WHEREAS, GHMC Section 19.01.005 is not a "development regulation" as defined in the Growth Management Act ("the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances and binding site plan ordinances, together with any amendments thereto." RCW 36.70A.030(7)); and

WHEREAS, the City Council concludes that this ordinance does not need to be processed as a "development regulation" under GMA or GHMC Section 19.01.005(A)(1); and

WHEREAS, the City's SEPA Responsible Official issued a determination that the adoption of this Ordinance is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of April 9 and April 23, 2007; Now, Therefore,

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

Section 1. Section 19.01.005 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**19.01.005 Legislative Decisions.**

A. Decisions. The following decisions are legislative, and are not subject to the procedures in this title, unless otherwise specified:

1. Zoning code text, development regulations and zoning district amendments;

2. Area-wide rezones to implement ~~new~~ City policies;  
and

3. Adoption of the comprehensive plan and any plan amendments. ~~and~~

~~\_\_\_\_\_ 4. Annexations.~~

B. Planning Commission. The planning commission shall hold a public hearing and make recommendations to the city council on the decisions in Subsection (A)(3) of this section. The planning commission shall also hold public hearings and make recommendations to the city council on the decisions in Subsection (A)(1) and (2), except that the city council may hold a public hearing itself on those decisions set forth in Subsection (A)(1) and (2). The public hearing shall be held in accordance with the requirements of chapter 19.05 GHMC and RCW 36.70A.035 and all other applicable law.

C. City Council. The city council may consider the planning commission's recommendation in a public hearing held in accordance with the requirements of chapter 19.05 GHMC and RCW 36.70A.035 and all other applicable law. If the city council

desires to hold a public hearing on any of the decisions set forth in subsection A(1) and A(2) above, it may do so without forwarding the proposed decision to the planning commission for a hearing.

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. 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 City Council and approved by the Mayor of the City of Gig Harbor this 23<sup>rd</sup> day of April, 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: 04/04/07  
PASSED BY THE CITY COUNCIL: 04/23/07  
PUBLISHED: 05/02/07  
EFFECTIVE DATE: 05/07/07  
ORDINANCE NO: 1077