

## ORDINANCE NO. 1029

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 2.5 ACRES FROM R-1 (SINGLE-FAMILY) ZONING DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT, LOCATED BETWEEN MCDONALD AVENUE AND SOUNDVIEW DRIVE NORTH OF SOUNDVIEW COURT, ASSESSOR'S PARCEL NUMBER 022108315.**

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WHEREAS, Randy Stewart and Barbara Stewart, husband and wife, own the parcel located between McDonald Avenue and Soundview Drive north of Soundview Court in Gig Harbor, Washington, ASSESSOR'S PARCEL NUMBER 022108315; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject parcels is RM (urban residential moderate density), and this designation dates back to the City's 1986 Comprehensive Plan; and

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

WHEREAS, the existing residential medium (RM) comprehensive plan land use designation anticipates medium density residential development; and

WHEREAS, Randy and Barbara Stewart have requested that the property be rezoned from R-1 (single family) to R-2 (Medium Density Residential), which allows medium density residential development; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) for the proposed rezone was issued on November 9, 2005; 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 December 14, 2005, at which time the Hearing Examiner accepted written comments from William Owel, on behalf of the Spinnaker Ridge Community Association and accepted oral comments from Grace Hooper and the applicant, Randy Stewart; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated December 28, 2005; and

WHEREAS, the appeal period expired on January 13, 2006; 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 a copy of this Ordinance to the Washington State Department of Community Development on October 14, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 23, 2006;

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

Section 1. The real property located between McDonald Avenue and Soundview Drive north of Soundview Court, Assessor Parcel #022108315 and as shown on attached Exhibit "A", and legally described as follows:

SOUTH HALF OF NORTH HALF OF NORTH HALF OF LOTS 5A AND 6,  
SECTION 8, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE  
MERIDIAN, SITUATE IN PIERCE COUNTY, WASHINGTON; EXCEPT  
SOUNDVIEW DRIVE

is hereby rezoned from R-1 (single family) to R-2 (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 this section.

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 13th day of February, 2006.

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: 1/18/06  
PASSED BY THE CITY COUNCIL: 2/13/06  
PUBLISHED: 2/22/06  
EFFECTIVE DATE: 2/27/06  
ORDINANCE NO: 1029

**SUMMARY OF ORDINANCE NO. 1029  
of the City of Gig Harbor, Washington**

On February 13, 2006 the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 1029, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR,  
WASHINGTON, REZONING 2.5 ACRES FROM R-1 (SINGLE-  
FAMILY) ZONING DISTRICT TO AN R-2 (MEDIUM DENSITY  
RESIDENTIAL) ZONING DISTRICT, LOCATED BETWEEN  
MCDONALD AVENUE AND SOUNDVIEW DRIVE NORTH OF  
SOUNDVIEW COURT, ASSESSOR'S PARCEL NUMBER  
022108315.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:**

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of February 13, 2006.

BY: MOLLY M. TOWSLEE, CITY CLERK