

## ORDINANCE NO. 1342

### AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REMOVING A 5-ACRE PARCEL OF LAND (ASSESSOR'S PARCEL NUMBER 0221061102) FROM THE CITY'S HEIGHT RESTRICTION AREA AND AMENDING THE OFFICIAL HEIGHT RESTRICTION AREA MAP TO BE CONSISTENT THEREWITH

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WHEREAS, Donkey Creek Holdings requested a Height Restriction Area Map Amendment to exclude the parcel located approximately 270 feet west of the Woodworth Avenue right-of-way at Fennimore Street in Gig Harbor, Washington, Assessor's parcel number 0221061102, from the Height Restriction Area; and

WHEREAS, the subject site is presently included in the City's Height Restriction Area as shown on attached Exhibit "A", the City's Official Height Restriction Area Map; and

WHEREAS, a SEPA threshold Determination of Non-significance was issued on May 26, 2016; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the proposed amendment is a Type III action as defined in GHMC 19.01.003(B) for amendments to the height restriction area map; 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 August 4, 2016, at which time the Hearing Examiner heard public testimony on the proposed amendment; and

WHEREAS, the Hearing Examiner approved the proposed amendment in his decision dated August 29, 2016; and

WHEREAS, the appeal period expired on September 19, 2016; and

WHEREAS, amendments to the height restriction area map are required to be processed in the same manner as amendments to the zoning district map as per GHMC 17.62.040; and

WHEREAS, amendments to the zoning district map must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on September 26, 2016;

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on September 26, 2016; and

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

Section 1. The real property located approximately 270-feet west of the Woodworth Avenue right-of-way at Fennimore Street in Gig Harbor, Washington, Assessor's parcel number 0221061102 and legally described in Exhibit "B", is hereby removed from the Height Restriction Area Map.

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Height Restriction Area Map of the City in accordance with the designation 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 shall take effect five (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 26th day of September, 2016.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
Shawna Wise, Assistant City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
\_\_\_\_\_  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 09/21/16  
PASSED BY THE CITY COUNCIL: 09/26/16  
PUBLISHED: 09/29/16  
EFFECTIVE DATE: 10/04/16  
ORDINANCE NO: 1342

Exhibit "A"

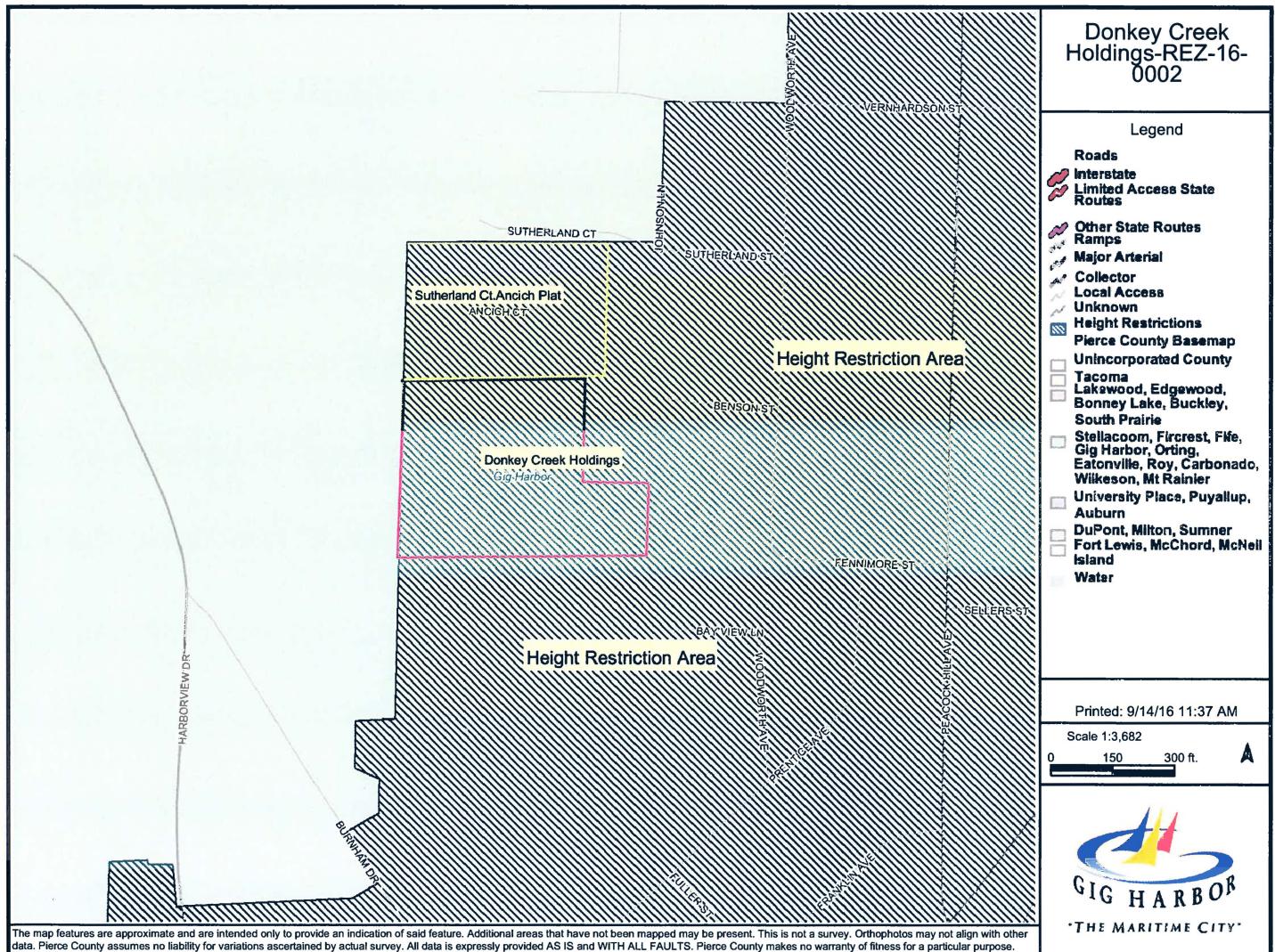
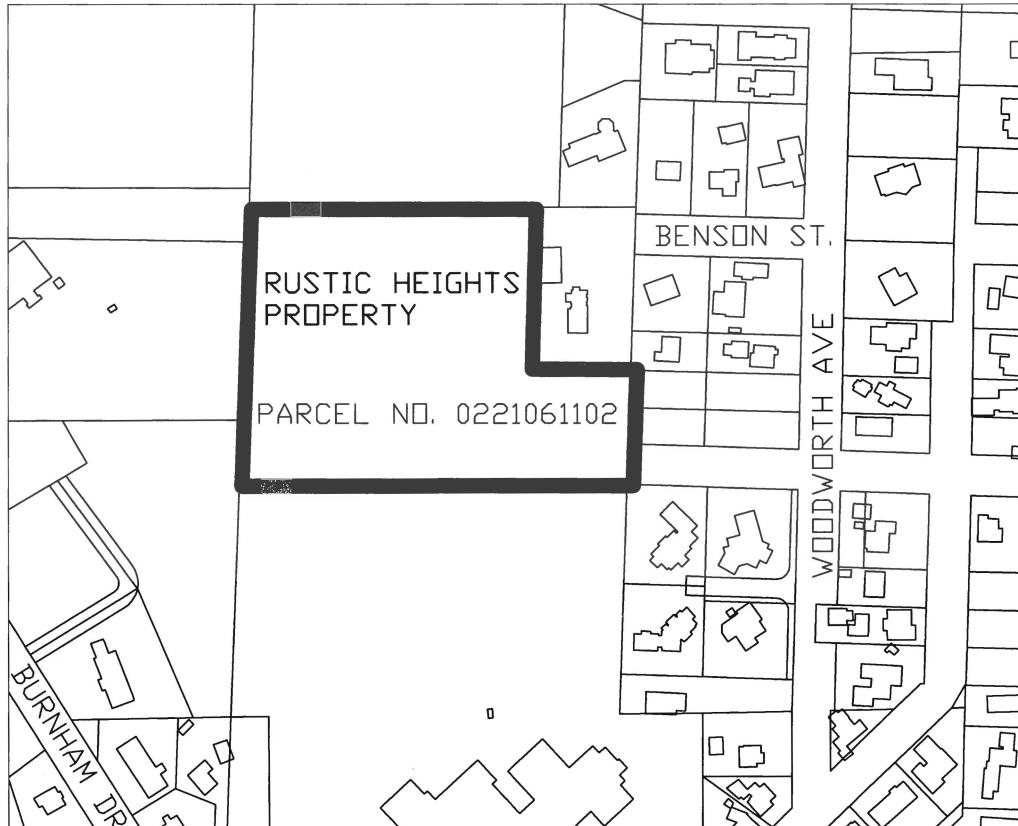


EXHIBIT "B"  
RUSTIC HEIGHTS PROPERTY



1"=300'

JOB NO. 2140442.30  
9/02/16  
Rustic Heights Property

q: \2014\2140442\30\_pln\cad\parcel depiction\_cp.dwg



2215 N 30th St,  
Tacoma, WA 98403  
253.383.2422 TEL

THIS EXHIBIT HAS BEEN PREPARED TO ASSIST IN THE INTERPRETATION  
OF THE ACCOMPANYING LEGAL DESCRIPTION. IF THERE IS A CONFLICT  
BETWEEN THE WRITTEN LEGAL DESCRIPTION AND THIS SKETCH, THE  
LEGAL DESCRIPTION SHALL PREVAIL.

Exhibit "B"  
RUSTIC HEIGHTS PROPERTY  
LEGAL DESCRIPTION

The land in the County of Pierce, State of Washington, described as follows:

BEGINNING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M.; THENCE NORTH 143 FEET TO THE SOUTH LINE OF THE PROPERTY CONVEYED TO LILLIAN J. GOODMAN, A SINGLE WOMAN, BY INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 512692; THENCE WEST ALONG SAID SOUTH LINE AND SAID SOUTH LINE EXTENDED WEST 608 FEET; THENCE SOUTH 143 FEET TO A POINT WHICH IS WEST OF THE POINT OF BEGINNING; THENCE EAST 608 FEET TO POINT OF

BEGINNING. TOGETHER WITH THE

FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M.; THENCE WEST 608 FEET; THENCE NORTH 429.2 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; THENCE SOUTH 286.2 FEET TO INTERSECT THE SOUTH LINE EXTENDED WEST OF THAT PROPERTY CONVEYED TO LILLIAN J. GOODMAN, BY DEED RECORDED UNDER AUDITOR'S FILE NO. 512692; THENCE EAST ALONG SAID LINE EXTENDED WEST 304 FEET TO THE WEST LINE OF SAID LILLIAN J. GOODMAN'S PROPERTY; THENCE NORTH ALONG SAID WEST LINE, 286.2 FEET TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST 304 FEET TO POINT OF BEGINNING.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT A POINT 712 FEET WEST AND 712 FEET SOUTH OF THE NORTHEAST CORNER OF SECTION 6, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE W.M.; RUN THENCE WEST 304 FEET; THENCE SOUTH 286 FEET; THENCE EAST 304 FEET; THENCE NORTH 286 FEET TO THE POINT OF BEGINNING.

EXCEPT THE NORTH 250.00 FEET OF THE EAST 164.35 FEET THEREOF.

(ALSO KNOWN AS REVISED PARCEL A OF DECLARATION OF BOUNDARY LINE  
REVISION RECORDED UNDER RECORDING NO. 9209030068)

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.