

## ORDINANCE NO. 921

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN: (1) ADOPTING THE JUNE 2001 CITY OF GIG HARBOR WATER SYSTEM COMPREHENSIVE PLAN AND INCORPORATING IT IN THE UTILITIES ELEMENT; (2) ADOPTING THE 2002 GIG HARBOR TRANSPORTATION UPDATE AND INCOPORATING IT IN THE TRANSPORTATION ELEMENT; (3) ADOPTING THE FEBRUARY 2002 WASTEWATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (4) ADOPTING THE MARCH 2001 STORM WATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (5) CHANGING THE LAND USE DESIGNATIONS ON THE FOLLOWING PARCELS: (A) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .42 ACRES AT 7201 PIONEER WAY; (B) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .29 ACRES AT 3519 GRANDVIEW STREET; (C) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 20 ACRES AT 9600 – 44<sup>TH</sup> AVENUE N.W.; (D) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 14 ACRES AT 10421 BURNHAM DRIVE; AND (6) CORRECTING MAPPING ERRORS IN THE COMPREHENSIVE LAND USE PLAN MAP TO BE CONSISTENT WITH PIERCE COUNTY'S DESIGNATION OF THE CITY'S URBAN GROWTH BOUNDARIES.

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WHEREAS, the City of Gig Harbor plans under the Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the Act requires the City to adopt a Comprehensive Plan; and

WHEREAS, the Act requires that the Comprehensive Plan include a utilities element, consisting of the general location and capacity of all existing and proposed utilities (RCW 36.70A.070); and

WHEREAS, the Act requires that the Comprehensive Plan include a transportation element with all of the sub elements identified in RCW 36.70A.070(6); and

WHEREAS, the City adopted its GMA Comprehensive Plan in 1986, later updated in

1994 (together with transportation and utilities elements); and

WHEREAS, the City is required to consider suggested changes or amendments to the City's Comprehensive Plan (RCW 36.70A.470), but the City may not amend the Comprehensive Plan more than once a year (RCW 36.70A.130); and

WHEREAS, the City is required to provide public notice and public hearing for any amendments to the Comprehensive Plan and any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City's SEPA Responsible Official has issued a Determination of Non-Significance with regard to the proposed adoption of the elements to amend the City's Comprehensive Plan, as well as the remaining amendments; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Office of Community Development on November 5, 2002, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor Planning Commission held a work study session the comprehensive plan amendments to the Land Use Map and the text on May 3, 2001; and

WHEREAS, the Planning Commission held public hearings on the comprehensive plan amendments to the Land Use Map and the text on May 31, 2001 and June 21, 2001; and

WHEREAS, the Planning Commission held a work study session on the comprehensive plan amendments to the Land Use Map and the text to deliberate and formulate a recommendation to City Council on July 25, 2001 and August 8, 2001; and

WHEREAS, on November 12, 2002 and November 25, 2002, the Gig Harbor City Council held public hearings to consider the comprehensive plan amendments; and

WHEREAS, on December 9, 2002, during the regular City Council meeting, the City Council deliberated and voted on the comprehensive plan amendments; Now, Therefore, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Water System Plan. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A hereto), by reference, as if the same were fully set forth herein. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A) by reference as part of the utilities element of the City's Comprehensive Plan.

Section 2. Transportation Update. The City Council hereby adopts the 2002 Gig Harbor Transportation Update, (Exhibit B) by reference, as if the same were fully set forth herein. The City Council hereby adopts the 2002 Gig Harbor Transportation Update (Exhibit B) as part of the transportation element of the City's Comprehensive Plan.

Section 3. Storm Water Plan. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C) as part of the utilities element of the City's Comprehensive Plan.

Section 4. Wastewater Plan. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D) as part of the utilities element of the City's Comprehensive Plan.

**Section 5. Comprehensive Land Use Map and Plan Text Amendments.**

**A. Notice.** The City Clerk confirmed that public notice of the public hearings held by the City Council on the following applications was provided.

**B. Hearing Procedure.** The City Council's consideration of the comprehensive land use map and plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

**C. Testimony.** The following persons testified on the applications:

1. Paul Citidester – Opposed to application #01-10 and voiced his concern that he and other property owners had not been notified that the city made the recommendation to remove the property in area 10 from the city's UGA when the process began in December 2000.

2. Chuck Howe - Opposed to area 16 in application #01-10 and asked for clarification on the amount of times area 16 had been rejected. He voiced concerns about the density and ingress/egress to this property.

3. Andrea Mitchell – Explained that she owned 30 acres in area 10 (application #01-10) and that she agreed with Paul Citidester about lack of notification of what had happened and how it affects the ability to develop her property, as well as others on her road.

4. Judy Vasconcelos – Said she owns duplexes one block from area 8 (application #01-10) and asked how this would affect her property.

5. Clark Davis – Representing the homeowners association for Henderson Bay Heights. The group does not oppose the recommendations for area 4 (application #01-10), but asked for clarification of what parcels will be affected by the change and clarification on the split zoning of one parcel adjacent to the neighborhood.

6. Diane Clifford – The Henderson Bay Heights homeowners' organization spoke with Mr. Davis because of their concerns about that one parcel. She said that the notification was somewhat unclear.

7. Carl Halsan – Representing the property owner for area 4 (application #01-10). He asked for clarification on the notification that went out regarding the employment center designation and showed Council an approved subdivision plan, adding that the property owner didn't want homes in an industrial zoned area. They would like the line to follow the plat boundary line, which won't happen until next summer when the plat is recorded.

8. Paul Cyr – Representing Fred Paulson. Asked for reconsideration for community commercial zoning for area 16 (application #01-10), as was supported by Council last year in the form of a staff recommendation to the Planning Commission. He added that the request failed at the county level.

9. Howard Hawley – Asked about the residential low-density designation in area 11 (application #01-10). He said he was also present to lobby the city for sidewalks on 38<sup>th</sup>.

10. Nicky Mosier – Asked about annexing to the city and hooking up homes in area 11 (application #01-10) to the city sewer system. Also asked about ownership of streets after an annexation.

11. Marilyn Naylor – Asked if the annexation of her neighborhood (area 11, application #01-10) would happen in 2003.

12. Florence - She asked if she did not want her property to become commercial, (in area 6, application #01-10), what could be done. She said that two of the three property owners do not want the change, and they are concerned that the third party would be able to get the zoning changes.

13. Jim Patton - Gray & Osborne, explained that the Wastewater Comprehensive Plan was written over several years, and is the first phase for these improvements. He said that the next stage is the Facilities Plan, drafted by EarthTech Engineers, which is currently under review by the city. He added that he was not familiar with the provision in their plan to deal with the odor concerns.

14. David Skinner - The Shea Group, explained that there are both long-term and short-term plans to handle the sewer odor. He said that communication with the public could be addressed with Mark Hoppen.

15. Paul Miller – Requested that area 9, application #01-10 be included in the UGA.

16. Ken Uddenburg – Supported applications #01-01 and #01-02.

17. At the meeting of 12/9/02, Paul Kaltinick asked Council to consider a letter he submitted on December 3, 2002, for consideration regarding his application #01-07. After discussion, Council advised Mr. Kaltinick that he had two options; the first would be to have his application denied; the second was for him to withdraw his application. Mr. Kaltinick requested to withdraw his application.

18. Councilmember Marilyn Owel asked that her application #01-011 be withdrawn.

#### **D. Applications.**

1. **01-01 Uddenberg Application.** (.42 acres at 7201 Pioneer Way, Gig Harbor) From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates

to the Uddenberg application No. 01-01, by reference.

**2. 01-02 Uddenberg Application** (.29 acres at 3519 Grandview Street, Gig Harbor) From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Uddenberg application No. 01-02, by reference.

**3. 01-05 Burnham Construction, LLC** (20 acres at 9600 44<sup>th</sup> Avenue NW, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-05, by reference.

**4. 01-06 Burnham Construction, LLC** (14 acres at 10421 Burnham Drive, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-06, by reference.

**5. 01-10 City of Gig Harbor** (Consistency with Pierce County Gig Harbor Peninsula Community Plan). This is an application for changes to be made in the City's Comprehensive Plan to be consistent with the Urban Growth Area as adopted by Pierce County in the Pierce County Gig Harbor Peninsula Community Plan (Pierce County Ordinance No.

2001-44s2), and involves fourteen (14) changes to the City's Comprehensive Plan Map. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the City of Gig Harbor application No. 01-10, by reference.

Section 6. Transmittal to State. The City Community Development Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State Office of Community Development within ten days of adoption, pursuant to RCW 36.70A.106.

Section 7. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 8. 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 Council and approved by the Mayor of the City of Gig Harbor this 9th day of December, 2002.

CITY OF GIG HARBOR

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MAYOR PRO TEM, DEREK YOUNG

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/6/02

PASSED BY THE CITY COUNCIL: 12/9/02  
PUBLISHED: 12/18/02  
EFFECTIVE DATE: 12/23/02  
ORDINANCE NO. 921

**SUMMARY OF ORDINANCE NO. 921**  
of the City of Gig Harbor, Washington

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On December 9, 2002, the City Council of the City of Gig Harbor, Washington, approved Ordinance No., the main points of which are summarized by its title as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN: (1) ADOPTING THE JUNE 2001 CITY OF GIG HARBOR WATER SYSTEM COMPREHENSIVE PLAN AND INCORPORATING IT IN THE UTILITIES ELEMENT; (2) ADOPTING THE 2002 GIG HARBOR TRANSPORTATION UPDATE AND INCOPORATING IT IN THE TRANSPORTATION ELEMENT; (3) ADOPTING THE FEBRUARY 2002 WASTEWATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (4) ADOPTING THE MARCH 2001 STORM WATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (5) CHANGING THE LAND USE DESIGNATIONS ON THE FOLLOWING PARCELS: (A) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .42 ACRES AT 7201 PIONEER WAY; (B) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .29 ACRES AT 3519 GRANDVIEW STREET; (C) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 20 ACRES AT 9600 – 44<sup>TH</sup> AVENUE N.W.; (D) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 14 ACRES AT 10421 BURNHAM DRIVE; AND (6) CORRECTING MAPPING ERRORS IN THE COMPREHENSIVE LAND USE PLAN MAP TO BE CONSISTENT WITH PIERCE COUNTY'S DESIGNATION OF THE CITY'S URBAN GROWTH BOUNDARIES.**

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

APPROVED by the City Council at their meeting of December 9, 2002.

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MOLLY TOWSLEE, CITY CLERK