

ORDINANCE NO. 1365

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO COMPREHENSIVE PLAN AMENDMENTS; AMENDING CHAPTER 19.09 OF THE GIG HARBOR MUNICIPAL CODE TO REVISE THE PROCEDURAL REQUIREMENTS FOR PROCESSING COMPREHENSIVE PLAN AMENDMENTS; CHANGING THE SUBMISSION DEADLINE OF AMENDMENTS; ADDING A DEFINITION FOR PRIVATE PARTY AND NON-PRIVATE PARTY APPLICATIONS; AMENDING THE CRITERIA FOR ACCEPTANCE AND APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS; MAKING OTHER HOUSEKEEPING AMENDMENTS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in 2007 the City adopted standards that incorporate into a common chapter all procedural requirements for amendments to the City's comprehensive plan; and

WHEREAS, since the most recent amendments to the procedural requirements in 2009 and the processing of applications under those requirements, the City has determined that additional amendments to that process are necessary for efficient operation of government; and

WHEREAS, the City desires to move up the submission deadline for comprehensive plan amendments to June 30, 2017 for the 2018 cycle and, thereafter, the last working day in June, to allow adequate time for Planning Commission and City Council review of the proposed amendments; and

WHEREAS, the City desires to amend the timing and phasing of private-party applications, allowing private-party amendment applications as a biennial process that has final decisions occurring in even years, consistent with Central Puget Sound Growth Management Hearings Board Case No. 98-3-0012 which provides that while RCW 36.70A.130(2) limits consideration of comprehensive plan amendments to no more frequently than once every year, it does not require annual review; and

WHEREAS, the City desires to continue to provide an annual amendment process for city, regional, and state governments and quasi-public entities; and

WHEREAS, such annual process is consistent with Central Puget Sound Growth Management Hearings Board Case No. 98-3-0012 which provides that docketing and consideration of suggested amendments referenced in RCW

36.70A.470 pertains to amendments identified during the project review process; and

WHEREAS, the City desires to add a definition to GHMC 19.09 for private party and non-private party applications; and

WHEREAS, the City desires to amend the criteria for approval of comprehensive plan amendments to include criteria from the Puget Sound Regional Council multicounty planning policies; and

WHEREAS, the proposed standards are consistent with the goals, objectives, and policies of the City's Comprehensive Plan; and

WHEREAS, the City's SEPA Responsible Official has determined that the proposed standards are exempt under SEPA pursuant to WAC 197-11-800(19); and

WHEREAS, a copy of this Ordinance was forwarded to the Washington State Department of Commerce on March 29, 2017, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 10, 2017; and

WHEREAS, on May 8, 2017, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Chapter 19.09 of the Gig Harbor Municipal Code, Amending the Comprehensive Plan, is hereby amended, to read as follows:

19.09.030 Submission deadlines.

Proposed amendments to the comprehensive plan or land use plan map may be submitted at any time. Processing of private-party applications will occur on a biennial basis with final decision scheduled to occur in even years. Applications received by December 18, 2009, will be considered during the 2010 annual review period. Non-private applications will be processed on an annual basis. For the 2011-12 annual review period and beyond, applications shall be received by the last working day in October/June of the year prior, subject to GHMC 19.09.010 and 19.09.020. Applications received after the last working day in October/June will be considered during the next annual review period.

19.09.040 Types of amendments. Definitions.

~~Repealed by Ord. 1177. **Private-Party applications:** Those applications received by interested persons, property owners, and business entities not representing the City of Gig Harbor, county, regional, or state governments and quasi-public agencies.~~

~~**Non-Private Applications:** Those applications received by the city, county, regional or state governments or their representatives and quasi-public agencies, and includes those deficiencies identified during project review as provided for by RCW 36.70A.470.~~

19.09.090 Determination of completeness for proposed amendments.

The planning director shall review all docketed applications and make a determination of completeness within 30 days of receipt of application. (The requirements of RCW 36.70B.080 or GHMC 19.02.003 do not apply to legislative processes.) Applications which are determined to be incomplete as of 45 days after the annual application deadline date identified in GHMC 19.09.030 will not be considered during the current annual review process period and will be considered during the next annual review period after a determination of completeness. It is highly recommended that applicants for amendments to the comprehensive plan contact the planning department and arrange for a preapplication conference prior to submittal of an application for amendment to avoid delays in processing.

19.09.170 Criteria for approval.

The city's comprehensive plan was developed and adopted after significant study and public participation. The goals and policies contained therein shall therefore be granted substantial weight when considering a proposed amendment. The city council shall make written findings regarding each application's consistency or inconsistency with the following criteria:

- A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan; and
- B. The proposed amendment is consistent with the Growth Management Act, Puget Sound Regional Council multicounty planning policies, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws; and
- C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and
- D. The proposed amendment advances the public interest; and

E. For text amendments which propose to increase density or intensity of permitted development and all land use map amendments, the following approval criteria also apply:

1. Adequate infrastructure, facilities and services are available to serve the proposed or potential development expected as a result of this amendment, according to one of the following provisions:
 - a. The city has adequate funds for needed infrastructure, facilities and services to support new development associated with the proposed amendments; or
 - b. The city's projected revenues are sufficient to fund needed infrastructure, facilities and services, and such infrastructure, facilities and services are included in the schedule of capital improvements in the city's capital facilities plan; or
 - c. Needed infrastructure, facilities and services will be funded by the developer under the terms of a development agreement associated with the comprehensive plan amendment; or
 - d. Adequate infrastructure, facilities and services are currently in place to serve expected development as a result of this comprehensive plan amendment based upon an assessment of land use assumptions; or
 - e. Land use assumptions have been reassessed, and required amendments to other sections of the comprehensive plan are being processed in conjunction with this amendment in order to ensure that adopted level of service standards will be met; and
2. For a land use map amendment, the subject parcels being redesignated are physically suitable for the allowed land uses in the designation being requested, including compatibility with existing and planned surrounding land uses; and
3. The proposed amendment will not create a demand to change land use designations of other properties, unless the change in land use designation for other properties is in the long-term interest of the community in general.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 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 Council and approved by the Mayor of the City of Gig Harbor, this 8th day of May, 2017.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Shawna Wise, Assistant City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 5/4/17
PASSED BY THE CITY COUNCIL: 5/8/17
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EFFECTIVE DATE: 5/16/17
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