

## **RESOLUTION NO. 928**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PROPOSED COMPREHENSIVE PLAN AMENDMENTS; ADOPTING FINDINGS AND CONCLUSIONS ON ONE COMPREHENSIVE PLAN AMENDMENT APPLICATION (PL-COMP-13-0001) THAT WILL NOT BE PROCESSED IN THE 2013 COMPREHENSIVE PLAN ANNUAL CYCLE.**

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**WHEREAS**, except under limited circumstances not applicable here, the Growth Management Act prevents the processing of comprehensive plan amendments more than once a year; and

**WHEREAS**, the City of Gig Harbor has adopted regulations for the processing of comprehensive plan amendments in chapter 19.09 GHMC; and

**WHEREAS**, under GHMC 19.09.050, all comprehensive plan amendments are considered legislative processes and are not subject to deadlines for issuance of a final decision; and

**WHEREAS**, under GHMC 19.09.130 the City Council evaluates the submitted comprehensive plan amendment applications and determines which applications will be processed further during the annual cycle; and

**WHEREAS**, should the City Council determine not to process an application further during the annual cycle, GHMC 19.09.140 requires the City Council to adopt findings and conclusions on the applications that will not be processed by way of resolution; and

**WHEREAS**, on March 25, 2013, the City Council held a public hearing on the 2013 comprehensive plan amendment docket; and

**WHEREAS**, on April 8, 2013, the City Council evaluated the comprehensive plan amendment applications submitted for the 2013 annual cycle; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:**

**Section 1.** The City Planning Department received a comprehensive plan amendment application (PL-COMP-13-0001) for 11102 Burnham Dr. NW on October 29, 2012. A statement of incomplete application was provided to the applicant on November 5, 2012. Additional required information was submitted to

the City on November 30, 2012. A Determination of Complete Application was issued and mailed to the applicant on December 12, 2012. The application requests that the land use designation for the subject property be changed from residential medium (RM) to a designation of Commercial/Business (CB) to allow the possibility that certain retail uses might be located on the property that are now currently excluded within the Residential Medium RB-2 Zone. A Notice of Public Hearing was mailed to neighboring property owners on March 13<sup>th</sup>, 2013 informing them of the City Council public hearing held on March 25<sup>th</sup>, 2013.

**Section 2.** City Council must consider the criteria in GHMC 19.09.130 in regards to proposed comprehensive plan amendments, as follows:

*19.09.130 Considerations for decision to initiate processing.*

*Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items:*

*A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan; and*

*B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments; and*

*C. For amendments that have been considered within the last three years, whether there has been a change in circumstances that makes reconsideration of the proposed amendment now appropriate. (Ord. 1177 § 1, 2009; Ord. 1075 § 1, 2007).*

In addition to the above criteria, GHMC 19.09.140 requires the City Council to pass a resolution adopting findings and conclusions on applications that will not be further processed in the annual review cycle.

**Section 3. Findings.** After consideration of the materials in the file associated with PL-COMP-13-0001, the City's Comprehensive Plan, historical land use designations, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, City Council hereby makes the following findings:

- A. The properties located to the north of the subject parcel were annexed to the City on March 23, 2009. After annexation, the City processed a comprehensive plan amendment (COMP 09-0004) to change the land use designation from Employment Center (EC) to Commercial/Business (CB) to retain the commercial designation which was deemed compatible with the surrounding area and physically suitable for the property in 2002 through Pierce County's Gig Harbor Peninsula Community planning process, and consistent with the existing use of the properties.
- B. When the City Council approved COMP 09-0004 changing its land use designation from EC to CB, the City Council found that the amendment would not create a demand for land use designation changes in the surrounding area. See Ordinance No. 1181, Section 1.E.3(g).
- C. No other evidence was presented to show a change in circumstances in the area.
- D. No evidence was presented to show the assumptions upon which the comprehensive plan is based are no longer valid.

**Section 4. Conclusions:** The City Council hereby makes the following conclusions:

- A. The legislative act of annexation of property to the north is not a substantial change in the area since adoption of the comprehensive plan that would cause the need for reconsideration of the land use designation.
- B. The change in land use designation of the property to the north is not a substantial change in the area since adoption of the comprehensive plan that would cause the need for reconsideration of the land use designation; because the change restored the land use designation that applied to the property immediately prior to the annexation, which designation was consistent with the existing use of the property.
- C. Assumptions upon which the comprehensive plan is based are still valid. No new information is available for the proposed area.
- D. Because the proposed amendment contained in application PL-COMP-13-0001 does not meet the criteria outlined in GHMC

19.09.130, PL-COMP-13-0001 shall be removed from the docket and will not be further processed in the 2013 Comprehensive Plan amendment cycle.

RESOLVED by the City Council this 22nd day of April, 2013.


APPROVED:

  
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Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM;  
Office of the City Attorney:

BY: \_\_\_\_\_

FILED WITH THE CITY CLERK: 04/17/13  
PASSED BY THE CITY COUNCIL: 04/22/13  
RESOLUTION NO.: 928