

## RESOLUTION 1302

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, APPROVING A REZONE OF A PARCEL CONSISTING OF APPROXIMATELY 0.58 ACRES FROM WATERFRONT MILLVILLE (WM) ZONING DISTRICT TO WATERFRONT COMMERCIAL (WC); PIERCE COUNTY ASSESSOR PARCEL NUMBER 7650000020

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**WHEREAS**, the city received a complete application for the site specific rezone July 24,2023 requesting a rezone of the subject parcel from Waterfront Millville (WM) to Waterfront Commercial (WC) File No. PL-REZ-23-0001; and

**WHEREAS**, the current comprehensive plan land use designation for Pierce County parcel number 7650000020 within the city is Waterfront and the current zoning district for this parcel is Waterfront Millville (WM); and

**WHEREAS**, the existing waterfront comprehensive plan land use designation anticipates a variety of mixed uses along the waterfront which are allowed under the City of Gig Harbor Shoreline Master Program and as more particularly defined under the zoning code; and

**WHEREAS**, the 0.58 acres subject to this rezone are currently being used for a commercial marina; a use which is consistent with Waterfront Commercial District (WC) zoning; and

**WHEREAS**, the WC zoning district is a zoning district which implements the Waterfront land use designation; and

**WHEREAS**, September 7, 2023, Ordinance 1516 was adopted providing interim zoning controls pertaining to site specific rezones and height restriction area variances, amending chapters 17.62, 17.100, and 19.01 of the Gig Harbor Municipal Code (GHMC); and

**WHEREAS**, the proposed rezone is a Type IV action as defined in GHMC 19.01.003(B) for site specific zoning map amendments; and

**WHEREAS**, a final decision for a Type IV application shall be rendered by the city council after a recommendation from the hearing examiner as per GHMC 19.01.003(A); and

**WHEREAS**, the hearing examiner held a public hearing on the site specific rezone on November 7, 2023; and

**WHEREAS**, following the November 7, 2023, public hearing, the hearing examiner provided their recommendation of approval of the proposed rezone from Waterfront Millville (WM) to Waterfront Commercial (WC) subject to one condition;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Gig Harbor:

**Section 1. Criteria.** Zoning map amendments are addressed in Chapter 17.100 of the Gig Harbor Municipal Code. Applications for amendments to the zoning map (which include, but are not limited to, site specific rezones) may only be approved if all of the following criteria are satisfied:

- A. The application for the zoning map amendment must be consistent with and further the goals, policies and objectives of the comprehensive plan and Chapter 17.12.015 GHMC;
- B. The application for the zoning amendment must further or bear a substantial relationship to the public health, safety and general welfare;
- C. No substantial detrimental effect will be caused by the granting of the application for the amendment;
- D. The proponents of the application have the burden of proof in demonstrating that conditions have changed since the original zoning or original designation for the property on the zoning map.

**Section 2. Findings.** The city council considered the recommendation of the hearing examiner, and makes the following findings in relation to the criteria of approval in section 1 above:

- A. The comprehensive plan has designated this area Waterfront. The proposed WC zoning designation would further implement the Waterfront designation by expanding the types of commercial uses allowed on the subject site. Those commercial uses are generally consistent with the more intense use of waterfront areas noted in the intent of the Waterfront designation.

While the site-specific rezone application does not propose development of the site, approval of the site's proposed WC zoning designation creates the potential for permissible future use of land that is consistent with and furthers the goals of Chapter 2, Land Use, set forth in the comprehensive plan.

- B. Safety and public health will be addressed at the time of any proposed development through future development review, design review and environmental review under SEPA of a future project proposal, as applicable. City regulations related to sanitary sewer, stormwater, traffic and water

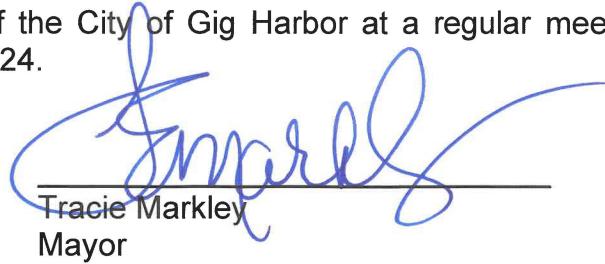
concurrency will be reviewed for consistency with regulatory provisions once permits for land use development are submitted to the city in the future, as will staff's review of the general welfare of the community resulting from any future proposed development.

- C. No substantial detrimental effect would be caused by the granting of this rezone request. The granting of this rezone request amends the zoning designation of the subject site in a manner which will continue to be consistent with the land use designation and surrounding uses. Any potential effect of future development of the site will be considered by staff in the review of permits for the site's development.
- D. In the proponent's narrative regarding the general criteria for approving zoning district map amendments (see Exhibit C of Hearing Examiner Staff Report), they note that the subject site's zoning-related circumstances and conditions changed due to changes in the areas adjacent to the subject parcel. In 2012, the parcel directly southeast of the subject parcel was established as Skansie Brothers Park bringing events and tourists to the property throughout the year. Additionally, the uses and zoning adjacent are generally consistent with those found in the WC zoning district. The intent statement listed in GHMC 17.50.010 reads "It is the intent of the waterfront commercial district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area proximate to the downtown business district. The subject parcel is located adjacent to the Downtown Business (DB) zoning district with Retail and Restaurant uses, while WM zoned properties are predominantly located adjacent to R-1 zoning and single-family residences. The uses found on surrounding properties, and the changing character of the immediate area to a mix of visitor-serving uses support expanding the allowed uses of the subject site with a rezone from WM to WC.

**Section 3.** Approval of the application to amend the city's zoning map. The city council approves the zoning map amendment of Pierce County parcel 7650000020 from Waterfront Millville (WM) to Waterfront Commercial (WC), subject to the following condition:

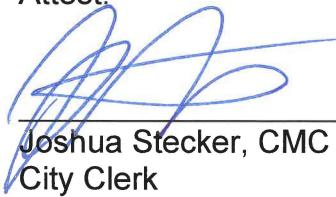
1. The Applicant shall obtain all necessary land use, civil, and building permits from the city prior to commencing any future uses or development of the site.

**ADOPTED** by the City Council of the City of Gig Harbor at a regular meeting thereof, held this 12<sup>th</sup> day of February, 2024.



Tracie Markley  
Mayor

Attest:



Joshua Stecker, CMC  
City Clerk