

## ORDINANCE NO. 1400

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN FOR THE 2017-2018 AMENDMENT CYCLE: UPDATING THE INTRODUCTION, LAND USE, ECONOMIC DEVELOPMENT, TRANSPORTATION AND ACTIVE TRANSPORTATION PLAN ELEMENTS IN RELATION TO RESOLUTION NO. 1037; REMOVING THE CURRENT TRANSPORTATION ELEMENT AND REPLACING WITH THE 2018 CONNECT THE GIG TRANSPORTATION ELEMENT; UPDATING THE CAPITAL FACILITIES ELEMENT AND PARKS AND RECREATION ELEMENT TO ENSURE CONSISTENCY WITH THE 2016 ADOPTED PARKS AND RECREATION OPEN SPACE PLAN; UPDATING THE CAPITAL FACILITIES ELEMENT AND WITHIN ADOPTING VIA REFERENCE THE 2018 WATER, WASTEWATER, AND STORMWATER FUNCTIONAL PLAN UPDATES; DIRECTING STAFF TO CONTINUE PROCESSING PL-COMP-17-0004 IN 2019; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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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 City adopted a revised GMA Comprehensive Plan as required by RCW 36.70A.130 (4) in December 2004; and

WHEREAS, the City is required to consider suggested changes to the Comprehensive Plan (RCW 36.70A.470); and

WHEREAS, except under circumstances not applicable here, 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 the adoption of any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, on February 13, 2017, the City Council evaluated one comprehensive plan amendment application submitted for the 2017 annual cycle, and held a public hearing on such applications; and

WHEREAS, on February 13, 2017, the City Council forwarded one comprehensive plan amendment application (PL-COMP-17-0001) to the Planning Commission for further processing in the 2017 comprehensive plan annual cycle; and

WHEREAS, on September 25, 2017 the City Council evaluated the comprehensive plan amendment applications submitted for the 2018 annual cycle, and held a public hearing on such applications; and

WHEREAS, on September 25, 2017, the City Council forwarded two comprehensive plan amendment applications (PL-COMP-17-0003, PL-COMP-17-0004) to the Planning Commission for further processing in the 2018 Comprehensive Plan annual cycle; and

WHEREAS, on July 5, 2018, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the three comprehensive plan amendment applications, pursuant to WAC 197-11-340(2), which was not appealed; and

WHEREAS, the Senior Planner notified the Washington State Department of Commerce of the City's intent to amend the Comprehensive Plan and forwarded a copy of the proposed amendments on July 5, 2018 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on January 18, 2018, February 01, 2018, March 1, 2018, March 15, 2018, April 5, 2018, April 19, 2018, and July 5, 2018; and

WHEREAS, the Planning Commission held a public hearing on the 2017/18 comprehensive plan amendments on July 19, 2018; and

WHEREAS, on August 17, 2018 the Planning Commission voted to recommend approval of two proposed amendments and recommended denial for one proposed land use map amendment as documented in the Planning Commission's written recommendations signed by Planning Commission Chair, Reid Ekberg, all dated September 17, 2018; and

WHEREAS, the Gig Harbor City Council had a joint work study meeting with the Planning Commission on September 17, 2018 and requested staff to make minor edits to the Transportation Element, Active Transportation Plan, Capital Facilities Element; and

WHEREAS, on September 17, 2018 City Council directed staff to present the Planning Commission recommendation of denial for PL-COMP-17-0004 for the City Council Public Hearing and first reading of ordinance; and

WHEREAS, on October 23, 2018 the SEPA Official issued a SEPA Addendum for revisions to the Transportation Element, Active Transportation Plan, and Capital Facilities Element; and

WHEREAS, on November 13, 2018, the Gig Harbor City Council held a public hearing and first reading of ordinance on all three proposed amendments to the Gig Harbor Comprehensive Plan for the 2017-18 review cycle; and

WHEREAS, the Gig Harbor City Council held first reading of an Ordinance implementing the recommendations of the Planning Commission and amending the Comprehensive Plan on November 13, 2018; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance on November 26, 2018; Now, Therefore,

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

Section 1. 2017/18 Comprehensive Plan 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 plan amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.** The following persons verbally testified on the applications at the November 13, 2018 public hearing:

Name & Project File no. John Johnson 17-0003

Name & Project File no. John Evans 17-0004

Name & Project File no. Lee Van Komen 17-0004

Name & Project File no. Cheryl Ebsworth 17-0004

D. **Criteria for Approval.** The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the Planning Commission's recommendations and after considering the criteria found in GHMC 19.09.170 make written findings regarding each application's consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 are as follows:

**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, 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.

**E. Applications. The City Council hereby enters the following findings and conclusions for each application:**

**1. PL-COMP-17-0001 – 2017 Comprehensive Plan Amendments**

Summary: A proposed text amendment package addressing housekeeping amendments to:

- Parks, Recreation and Open Space Element; Introduction; Housing and Economic Development Elements.

- Text amendments relating to the Transportation, Capital Facilities and Land Use Elements in response to Resolution No. 1037.
- Additional minor amendments as may be identified as the Engineering and Planning Department work through the 2017/2018 Transportation Planning.

Findings:

- a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment conflicted with. They identified the following goals and policies the proposal furthers and is consistent with:
- b) The City Council did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment conflicted with. The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies. The approval of the amendment will not have a cumulative adverse effect on the City.
- c) The Council finds that the proposal to change the Introduction, Land Use, Housing, Economic Development, Transportation, Parks and Recreation elements will not result in an adverse impact.
- d) The City Council finds that the proposal advances the public interest.
- e) This criterion does not apply to the text amendment.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **approves** application PL-COMP-17-0001, as identified in Exhibit A attached to this Ordinance.

## **2. PL-COMP-17-0003 – Water, Wastewater, Storm System Functional Plan Updates.**

Summary: A text amendment package addressing updates to the Water, Wastewater, Storm System functional utility plan update. Chapter 13 of the City's Comprehensive Plan will require text and map amendments to establish consistency with the new functional plan updates.

Findings:

- a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment conflicted with. They identified the following goals and policies the proposal furthers and is consistent with:
- b) The City Council did not identify any policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment conflicted with. The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies. The approval of the amendment will not have a cumulative adverse effect on the City.
- c) The Council finds that the proposal to change the Introduction, Land Use, Housing, Economic Development, Transportation, Parks and Recreation elements will not result in an adverse impact.



- d) The City Council finds that the proposal advances the public interest.
- e) This criterion does not apply to the text amendment.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **approves** application PL-COMP-17-0003, as identified in Exhibit B attached to this Ordinance.

### **3. PL-COMP-17-0004 – Henderson Burnham LLC Land Use Map Amendment**

Summary: A proposed land use map amendment for approximately 8.17 acres located on Woodhill Drive and Burnham Drive requesting a land use map amendment from the current Residential Low (RL) to Residential High Transition (RHT), in conjunction with an associated development agreement (PL-DEV-AGREE-17-0001) that proposes to limit the proposed uses to residential, limits future zoning designation to RB-2 and shift density from adjacent sites totaling 40 acres to the 8.17 acres increasing to 90 units on the subject site, in order to ensure no increase in capacity for that total area.

#### Findings:

- a) The City Council identified the following goals or policies of the Comprehensive Plan that the proposed amendment conflicts with. They identified the requested land use map amendment does not meet existing goals and policies.
  - Policy 4.10.7. RESPECT EXISTING TOPOGRAPHY AND MINIMIZE VISUAL IMPACTS OF SITE GRADING. Existing topography should be maintained while still providing usable yards and open space. Retaining walls, when necessary, should be terraced and enhanced and/or screened to minimize their visual impact.
  - Policy 5.1.12 WETLANDS: Preserve, protect, and/or restore wetlands associated with the City's shorelines to achieve no net loss of wetland area and wetland functions.
  - Policy 5.3.1 BEST TO LEAST ALLOCATION POLICIES: As much as possible, allocate high density urban development onto lands which are optimally suitable and capable of supporting urban uses, and/or which pose fewest environmental risks. To the extent necessary, allocate urban uses away from lands or soils which have severe environmental hazards.
- b) The City Council identified the following policies in the Growth Management Act, the countywide planning policies or multi-county planning policies that the proposed amendment is inconsistent with:
  - URBAN LANDS GOALS AND POLICIES  
GOAL: The region, countywide planning bodies, and local jurisdictions will work together to set population and employment growth targets consistent with the regional vision. (VISION 2040 page 47)

- ENV-5.1 The County, and each municipality in the County, shall consider the following regarding natural resources: give priority to protection of environmentally sensitive lands. (2014 Countywide Planning Policies, page 49).
  - UGA 5.6.1 Urban Growth within UGA boundaries is located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development. (2014 Countywide Planning Policies, page 92).
  - BL-7. The County and municipalities shall use the results of the consistency evaluation to determine inconsistencies between observed and planned densities and ensure suitable land to accommodate future population and employment needs. In addressing the inconsistencies, the County and municipalities shall identify reasonable measures, other than adjusting urban growth areas, that may be taken to comply with the requirements of RCW 36.70A.215. Each respective jurisdiction shall be responsible for taking action as necessary to rectify the inconsistency as determined by that jurisdiction. (2014 Countywide Planning Policies, page 27).
- c) The City Council identified that the proposed land use map amendment will adversely impact the city's ability to provide sewer, water, transportation and other public facilities and services such as parks, police, fire, emergency medical services and governmental services; and
  - d) The City Council finds that the proposal does not advance the public interest.
  - e) The City Council reviewed all criteria in E.1. and selected 19.170(E)(1)(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.
  - f) On November 13, 2018, the City Council was presented an amendment to application PL-COMP-17-0004 by a City Councilmember and Apex Engineering, the project representative. The City Council expressed concerns regarding proper noticing and procedural inconsistencies. The City Council expressed that the proposed amendment could better meet the City's Comprehensive Plan.

Conclusion: After consideration of the materials in the file, staff presentation, the Planning Commission recommendation, the City's Comprehensive Plan, criteria for approval found in Chapter 19.09 GHMC, applicable law, and public testimony, the City Council hereby **directs staff to continue processing** application PL-COMP-17-0004 in 2019, for the purposes of considering the proposed amendment.

Section 2. Transmittal to State. The Planning Director is directed to forward a copy of this Ordinance, together with all exhibits, to the Washington State Commerce Department within ten days of adoption, pursuant to RCW 36.70A.106.

Section 3. 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 4. 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 26<sup>th</sup> day of November 2018.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Kit Kuhn

ATTEST/AUTHENTICATED:

  
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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Angela Summerfield

FILED WITH THE CITY CLERK: 11/07/18  
PASSED BY THE CITY COUNCIL: 11/26/18  
PUBLISHED: 12/06/18  
EFFECTIVE DATE: 12/11/18  
ORDINANCE NO. 1400