

ORDINANCE NO. 1297

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, ADDING A NEW ELEMENT TO THE COMPREHENSIVE PLAN TITLED "THE HARBOR"; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 April 8, 2013, the City Council evaluated the comprehensive plan amendment applications submitted for the 2013 annual cycle, held a public hearing on such applications, and forwarded the Harbor Element policies comprehensive plan amendment (PL-COMP-13-0002) to the Planning Commission for further processing in the 2013 Comprehensive Plan annual cycle; and

WHEREAS, the staff 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 24, 2013, pursuant to RCW 36.70A.106; and

WHEREAS, on July 24, 2013 the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for comprehensive plan amendment applications, pursuant to WAC 197-11-340(2); and

WHEREAS, on January 30, 2014 the Planning Commission held an open house and public hearing on the proposed amendments; and

WHEREAS, on March 3, 2014 the City Council and Planning Commission held a joint study session meeting to discuss the proposed amendments; and

WHEREAS, the Planning Commission finalized their recommendation on May 1, 2014; and

WHEREAS, a notice of public hearing was published per GHMC 19.09.110 on May 28, 2014 in the local newspaper; and

WHEREAS, the Gig Harbor City Council had a first reading and Public Hearing of an Ordinance implementing the recommendations for The Harbor Element on June 9, 2014; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance implementing the application and amending the Comprehensive Plan on June 23, 2014;

Now, Therefore,

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

Section 1. Comprehensive Plan Text Amendments.

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

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

C. **Testimony.** Gary Glenn, Downtown Waterfront Alliance.

D. **Criteria for Approval.** The process for Comprehensive Plan amendments (Chapter 19.09) states that the City Council shall consider the criteria found in GHMC 19.09.170 make written findings regarding the applications consistency or inconsistency with the criteria. The criteria found in GHMC 19.09.170 are as follows:

19.09.170 Criteria for approval.

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 inter-jurisdictional 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-13-0002 – The Harbor Element

Summary: A text amendment adding a new element in the Comprehensive Plan to incorporate goals and policies that address the Harbor Vision adopted by City Council in late 2012. This amendment is sponsored by the City of Gig Harbor.

Findings:

- a) The addition of the proposed goals and policies to encourage and enhance the downtown area provides more specificity on how the following goals could be accomplished. The City Council finds that the proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan.
- b) The City Council finds that the proposed amendment is consistent with the Growth Management Act, the countywide planning policies and multi-county planning policies.

- c) The Growth Management Act allows comprehensive plans to include optional elements, which can include subarea plans that are consistent with the comprehensive plan. (RCW 36.70A.080). The City Council finds the Harbor Element is consistent with the remainder of the Comprehensive Plan.
- d) The City Council finds that the proposed policies do not adversely affect the City's transportation facilities. Instead the policies help support improvements to the city's transportation facilities.
- e) The City Council finds that the infrastructure, facilities and services needed are currently in place to meet current land use assumptions for the growth potential of the City.
- f) City Council finds that his amendment serves the public interest by adding policies to encourage the protection and development of The Harbor through the implementation of the Harbor Vision for the citizens and users of Gig Harbor.
- g) Criterion GHMC 19.06.170(e) does not apply to this process.

Conclusion: After consideration of the materials in the file, staff presentation, 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-13-0002**, as identified in **Exhibit A** attached to this Ordinance.


Section 2. Transmittal to State. The Planning Director is directed to forward a copy of this Ordinance, together with all of the 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 23rd day of June 2014.

CITY OF GIG HARBOR



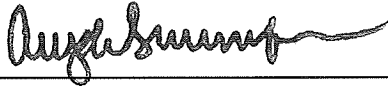
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

A handwritten signature in cursive script, appearing to read "Angela Summerfield", written over a horizontal line.

Angela G. Summerfield

FILED WITH THE CITY CLERK: 06/04/14
PASSED BY THE CITY COUNCIL: 06/23/14
PUBLISHED: 07/02/14
EFFECTIVE DATE: 07/07/14
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