

ORDINANCE NO. 1250

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENT TO THE CITY OF GIG HARBOR COMPREHENSIVE PLAN FOR THE 2012 ANNUAL CYCLE: ADDING POLICIES TO THE TRANSPORTATION ELEMENT TO ENCOURAGE AND ENHANCE PEDESTRIAN AND VEHICULAR CONNECTIONS IN THE DOWNTOWN; 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 February 27, 2012, the City Council evaluated the comprehensive plan amendment applications submitted for the 2012 annual cycle, held a public hearing on such applications, and forwarded the transportation element policies comprehensive plan amendment (PL-COMP-12-0002) to the Planning Commission for further processing in the 2012 Comprehensive Plan annual cycle; and

WHEREAS, Application PL-COMP-12-0001, the Glaser-Grandview St. land use map amendment, was not forwarded to the Planning Commission for further processing after the public hearing was closed on February 27, 2012; and

WHEREAS, on April 18, 2012, the City's SEPA Responsible Official issued a Determination of Non-Significance (DNS) for the comprehensive plan amendment application (PL-COMP-12-0002), pursuant to WAC 197-11-340(2), which was not appealed; and

WHEREAS, the Planning Director 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 April 19, 2012 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held a work study session on September 6, 2012 to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on the Comprehensive Plan amendments on September 20, 2012; and

WHEREAS, after the public hearing on September 20, 2012, the Planning Commission voted to recommend approval of the proposed amendments as documented in the Planning Commission's written recommendations signed by Planning Commission Chair, Harris Atkins, dated September 26, 2012; and

WHEREAS, on October 22, 2012, the Gig Harbor City Council had a public hearing and first reading of an Ordinance amending the Comprehensive Plan as recommended by the Planning Commission; and

WHEREAS, on November 13, 2012, the Gig Harbor City Council had a second reading of an Ordinance amending the Comprehensive Plan as recommended by the Planning Commission;

Now, Therefore,

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

Section 1. Comprehensive Plan Amendments.

A. **Notice.** The City Clerk confirmed that public notice of the public hearing held by the City Council on the following applications 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.** No members of the public testified at the public hearing on October 22, 2012.

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 shall 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.

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. COMP PL-12-0002 – Transportation Element.

Summary: Adding the following policies that encourage and enhance pedestrian and vehicular connections in the downtown area:

Two new policies under **Goal 11.1 CREATE AN EFFECTIVE ROAD AND SIDEWALK NETWORK**

Policy 11.1.10 Enhance walkability in the downtown area through sidewalk widening and improved sidewalk connections.

A. Provide for a pedestrian connection between Harborview Drive and Judson Street. The connection could be designed as a shared vehicular and pedestrian path with emphasis on pedestrian safety.

Policy 11.1.13 Encourage additional pedestrian or shared vehicular and pedestrian connections in the harbor area as development occurs to increase the ease of access and create useful and well-designed public ways.

Findings:

- a) Goal 11.1 of the Comprehensive Plan calls for the City to *create an effective road and sidewalk network*. The addition of the proposed policies to encourage and enhance connections in the downtown area provides more specificity on how that goal could be accomplished.
- b) The Council finds that the proposed policies are consistent with the Growth Management Act, Vision 2040 and the Pierce County Countywide Planning Policies as follows:
 - i. The Transportation Goal of the Growth Management Act is to *Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.* (RCW 36.70A.020(3)). The Council finds that encouraging pedestrian and vehicular connections downtown meets this goal.
 - ii. Vision 2040 calls for improved local street patterns for walking and bicycling in order to enhance communities, connectivity and physical activity. (MPP-T-15)
 - iii. The adopted Countywide Planning Policies support the development of nonmotorized facilities. (Goal 8.5)
- c) 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.
- d) This amendment serves the public interest by adding policies to encourage the development of infrastructure downtown for the citizens and users of Gig Harbor.

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-12-0002 and hereby **amends** the Transportation Element accordingly.

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 13th day of November, 2013.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela S. Belbeck

FILED WITH THE CITY CLERK: 10/17/12
PASSED BY THE CITY COUNCIL: 11/13/12
PUBLISHED: 11/21/12
EFFECTIVE DATE: 11/26/12
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