

**ORDINANCE NO. 1350**

**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 2016 ANNUAL CYCLE: AMENDING THE COMPREHENSIVE PLAN LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR 16.71 ACRES OF PROPERTY LOCATED AT THE 6300 BLOCK OF 112<sup>TH</sup> STREET NW FROM EMPLOYMENT CENTER (EC), COMMERCIAL/BUSINESS (C/B), AND RESIDENTIAL LOW TO RESIDENTIAL MEDIUM (PL-COMP-15-0001); TERMINATING REVIEW OF THE REQUEST TO REMOVE THE MIXED USE LAND USE DESIGNATION OF PROPERTY LOCATED NORTHEAST OF BURNHAM DRIVE FROM APPROXIMATELY THE 9400 BLOCK TO THE 10800 BLOCK (PL-COMP-15-0003); AND APPROVING TEXT AMENDMENT TO THE PARKS, RECREATION AND OPEN SPACE ELEMENT TO UPDATE GOAL 11-10 RELATING TO THE ARTS COMMISSION WORK PROGRAM (PL-COMP-15-0004)**

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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 January 25, 2016, the City Council evaluated the comprehensive plan amendment applications submitted for the 2016 annual cycle, and held a public hearing on such applications; and

WHEREAS, on January 25, 2016, the City Council forwarded three comprehensive plan amendment applications to the Planning Commission for further processing in the 2016 Comprehensive Plan annual cycle; and

WHEREAS, on August 25, 2016, 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), 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 August 25, 2016 pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held work study sessions on to discuss the applications on June, 2, 2016, June 16, 2016, July 7, 2016, July 21, 2016, August 18, 2016, September 1, 2016, and September 15, 2016; and

WHEREAS, the Planning Commission held public hearings on comprehensive plan amendments on July 21, 2016, and September 1, 2016; and

WHEREAS, on September 15, 2016 the Planning Commission voted to recommend approval of two of the three proposed amendments as documented in the Planning Commission's written recommendations signed by Planning Commission Chair, Reid Ekberg, all dated September 29, 2016; and

WHEREAS, on October 24, 2016, the Gig Harbor City Council held a public hearing on all three proposed amendments to the Gig Harbor Comprehensive Plan for the 2016 annual review cycle and directed staff to make amendments to PL-COMP-15-0001 and PL-DEV-15-0002 and return for a public hearing on November 14, 2016; and

WHEREAS, on November 14, 2016, the Gig Harbor City Council held a public hearing on the changes to PL-COMP-15-0001 and PL-DEV-15-0002 included in the 2016 annual review of the Gig Harbor Comprehensive Plan; and

WHEREAS, the Gig Harbor City Council had a first reading of an Ordinance amending the Comprehensive Plan on November 14, 2016; and

WHEREAS, the Gig Harbor City Council had a second reading of an Ordinance implementing the recommendations of the Planning Commission and amending the Comprehensive Plan on November 28, 2016; Now, Therefore,

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

Section 1. 2016 Annual 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 text 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 public hearings:

**Project File no. PL-COMP-15-0001 & PL-DEV-15-0002 – October 24, 2016**

Name: Walt Smith  
Name: Carl Halsen  
Name: Mark Christel  
Name: Lorraine Ralston  
Name: Sarah Sexton  
Name: Gloria Waxman  
Name: Michael Bradley  
Name: Bob Himes  
Name: Ron Gronewald  
Name: Amy Janson  
Name: Nan Koehnke  
Name: Bob Koehnke  
Name: Tom Bageant  
Name: Tama Hollar  
Name: Stephen Hollar  
Name: Cheryl Himes  
Name: Malia Van Komen  
Name: Lee Van Komen  
Name: Harold Waxman  
Name: Dave Kleinman  
Name: Kermit Heggerness  
Name: Laurel Johns Kingsbury  
Name: Jared Auser  
Name: Stephanie Hutchinson

**Project File no. PL-COMP-15-0001 & PL-DEV-15-0002 – November 14, 2016**

Name: Frederick Satkoviak  
Name: Carl Halsen  
Name: Cheryl Himes  
Name: Lorraine Ralston  
Name: Bob Himes  
Name: Nan Koehnke  
Name: Lee Van Komen

**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-15-0001 – Smith Land Use Map Amendment**

**Summary:** A land use designation change from Employment Center (EC), Residential Low (RL) and Commercial Business (C/B) to Residential Medium (RM) of 16.71 acres located at the 6300 block of 112<sup>th</sup> Street NW, currently occupied by a contractor's yard.

**Findings:**

a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. They identified the following goals and policies the proposal furthers and is consistent with:

**2.2.2. Neighborhood Planning Areas**

a) Define and protect the integrity of small planning areas, particularly residential neighborhoods, which have common boundaries, uses and concerns using transition land-use areas and common buffers/open space.

**2.2.3. Generalized Land Use Categories**

Generalized land use categories are identified to serve as a basis for establishing or accommodating the more detailed zoning code designation. The Comprehensive Plan defines eleven generalized land use categories:

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b) Residential Medium

Provides for medium density single and duplex residential. Serves as a buffer between high intensity commercial or higher density residential and lower intensity residential. May include certain specified business, personal and professional services or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use should be compatible with the adjacent residential area. Use natural buffers or innovative site design as mitigation techniques to minimize operational impacts of non-residential uses and to serve as natural drainage ways.

**GOAL 2.3: PROMOTE COMMUNITY DIVERSITY AND DISTINCTION AND INCREASE HOUSING OPPORTUNITIES**

Create and refine district definitions which allows for innovation and performance. Provide a control and review process that permits maximum design flexibility while meeting social and community needs for employment, housing, education and recreation. Provide for a range of residential densities which would accommodate the City's 2030 residential growth target of 10,563 within a broad variety of housing types and tenures.

**GOAL 2.7: EFFECTIVE LAND USE MANAGEMENT**

Establish a planning review document and process which recognizes local needs and which effectively coordinates development efforts between city departments and County/State agencies.

**2.7.1. Planning Unit Boundaries**

- a) Define planning units which are based upon like land uses and activities.
- b) Delineate planning unit boundaries using natural features, roads or other physical improvements.
- c) Identify critical transition areas or points of conflict with adjacent or incompatible planning units.
- d) Resolve conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

**GOAL 6.5: PRESERVE GIG HARBOR AS A PLACE TO LIVE FOR PEOPLE OF ALL OCCUPATIONS, INCOMES AND ABILITIES.**

To ensure adequate provisions of existing and projected housing needs for all economic segments of the community, a variety of housing types, sizes and values should be available. Housing should accommodate for each income group, individuals, single parents, small and large families as well as disabled individuals and seniors. Furthermore special housing accommodations should be allowed and encouraged for general needs.

- 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 was in conflict with. The amendment would assist the City in reducing employment capacity based upon the assessment and request of Puget Sound Regional Council. 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 City Council discussed the Capital Facilities regarding traffic, and sewer. The adopted Levels of Service in the City's Comprehensive Plan show that the nearby traffic infrastructure is currently operating above the adopted level of service. The Council addressed that any impacts stemming from future

development proposals will be mitigated during project review with a detailed traffic analysis study. The analysis of the Land Use Map Amendment shows a reduction in traffic and a minor increase in sewer usage if approved based on existing and proposed land use designations. The existing designations of Employment District, Commercial Business and Residential Low at full build out was identified as having a potential maximum of 218 PM Peak traffic trips as shown in the memo dated 8/9/16 from Emily Appleton. Therefore, the Council added criteria to the Development Agreement to limit any future development to a maximum of 102 PM Peak Trips to constrain future impacts. The Council discussed the feedback from the Chief of Police that the proposal will not adversely affect police services. The Peninsula School District provided an email that stated they had no comments on the requested land use map amendment. The Fire District also made comments that did not identify any adverse impacts that require mitigation or denial of the application request. The subject property is not serviced by city water. The city will fully evaluate the project once a project permit application is submitted committing to a particular use. If through that permitting process, deficiencies in the City's transportation or waste water system will occur mitigation will be required. The Council identifies that the proposal to change the land use will not result in an adverse impact.

- d) The City Council identified that at maximum build out, the existing Land Use Designations of Employment District, Commercial Business and Residential Low land use designations have a higher impact to the established single family residential developments that neighbor the site than the proposed designation of Residential Medium does based upon its maximum build out limited by the associated Development Agreement. For build out scenarios considered see the full impact analysis identified in the Emily Appleton memo dated 8/9/16 regarding the project. The associated Development Agreement was submitted with the map amendment to limit future development to residential uses in the R-2 zoning designation, and limit the maximum count of future residential units to 85. The City Council included in the Development Agreement additional requirements for the land owner. These include requiring any proposed development plan be presented to the City's Design Review Board for a Pre-Application meeting prior to submission, and limiting future development not to exceed a traffic trip count of 102 PM Peak trips. The City Council finds that the proposal is less impact to the general public than what is currently allowed under the existing and current designation and thus advances the public interest.
- e) The Commission reviewed all criteria in E.1. and selected 19.170(E)(1)(d):
  - 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

The City Council further finds that based upon the assessment reports and assumptions provided for analysis and review, there is adequate infrastructure, facilities, and services currently in place to serve the expected development as a result of the amendment.

- f) The City Council finds that the Residential Medium Land Use designation best meets the existing surrounding land uses as it serves as a transition from the intense commercial designation along Burnham Drive and the Residential Low designation above the subject site.

The City Council finds that the approval of the amendment will not create a demand for land use designation changes of other properties in the surrounding area. The subject parcels are bound by built and natural site features (slopes, retention ponds, public right of way).

**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-15-0001, as identified in Exhibit A attached to this Ordinance in conjunction with the conditions in the associated Development Agreement under PL-DEV-15-0002, which include the following:

Limitations on Rezone. Within five years of the effective date of the approval of the Comprehensive Plan Amendment, the Developer may submit application to the City for rezone of the project site to R-2. Nothing in this Agreement is intended to guarantee approval of a future rezone, and the City retains its authority to approve or deny any such application for rezone based on criteria in existence at the time of consideration. Along with the rezone application, the Developer may also submit project permit applications for development of the Property to the City. These project permit applications shall be consistent with the City's code in effect at that time, and also include the provisions set forth below.

Dwelling Units. No more than 85 total dwelling units may be constructed on the Property.

Buffering. Developer shall maintain buffers as shown on Exhibit C.

Access. Parcel No. 01-22-25-3072 will be limited to a single access point onto 112<sup>th</sup> Street as shown on Exhibit C.

Traffic. Total development on the Property shall not exceed 102 PM Peak Hour Trips.



Design Review Board. Prior to submission of a development project permit application, the Landowner shall attend a pre-application meeting with the City's Design Review Board at no cost to the Landowner.

## **2. PL-COMP-15-0003 – Mixed Use Land Use Map Designation Change**

**Summary:** A land use designation change to remove the Mixed Use land use designation and replace with appropriate land use designations that align with existing zoning districts.

**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 **terminates further action on** application PL-COMP-15-0003 based upon current funding and development plans of Harbor Hill Drive Extension.

## **3. PL-COMP-15-0004 – Arts Commission Text Amendment**

**Summary:** The City's Arts Commission has proposed amending policy text in the Parks, Recreation and Open Space Element of the Comprehensive Plan to support the Arts Commission work program. Proposed changes are focused around Goal 11-10 of the Element and its associated policies.

**Findings:**

- a) The City Council did not identify any goals or policies of the Comprehensive Plan that the proposed amendment was in conflict with. They identified the requested text amendment meets existing goals and policies.
- 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 was in conflict with.
- c) The City Council identified that the proposed text amendment will not adversely impact the city's ability to provide sewer, water, transportation and other public facilities and services.
- d) The City Council finds that the proposal advances the public interest in relation to public art and the City's Arts Commission work program.
- 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-16-0004, as identified in Exhibit B 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 28th day of November, 2016.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
\_\_\_\_\_  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/09/16  
PASSED BY THE CITY COUNCIL: 11/28/16  
PUBLISHED: 12/01/16  
EFFECTIVE DATE: 12/06/16  
ORDINANCE NO. 1350

