

**ORDINANCE NO. 1358**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING 5.92 ACRES FROM R-1 ZONING DISTRICT TO PRD (PLANNED RESIDENTIAL DEVELOPMENT), ADJACENT TO AND NORTH OF THE PLAT OF ESTATES AT GIG HARBOR PHASE I, TAKING ACCESS OFF OF NORTH CREEK LANE DUE WEST OF SKANSIE AVENUE; PIERCE COUNTY ASSESSOR-TREASURER PARCEL NUMBER(S) 0221072059, AND CITY OF GIG HARBOR FILE NO. PL-FPRD-15-0003, AND AMENDING THE OFFICIAL ZONING MAP TO BE CONSISTENT THEREWITH.**

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WHEREAS, Estates II LLC requested Final PRD Approval for Estates at Gig Harbor Phase II located adjacent to and north of the plat of Estates at Gig Harbor Phase I, taking access off of North Creek Lane due west of Skansie Avenue; Pierce County Assessor-Treasurer Parcel Number 0221072059; and

WHEREAS, the land use designation in the Comprehensive Plan for the subject site is Residential Low; and

WHEREAS, the existing zoning district on the Official Zoning Map of the City for the subject site is R-1 (Single-Family Residential); and

WHEREAS, on April 7, 2006, Halsan Frey LLC on behalf of Darrell F. Johnson, property owner, requested Preliminary Planned Residential Development (PRD) approval of 5.92 acres, into 18 single family lots on the subject site; and

WHEREAS, a Boundary Line Adjustment was approved and recorded on January 11, 2008, Auditor Filing Number 200801115007; and

WHEREAS, a SEPA threshold decision for a Mitigated Determination of Nonsignificance was issued on June 27, 2008; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, a Notice of Administrative Decision was issued on July 22, 2008 approving all portions of design review; and

Whereas, the Administrative Decision on design review was not appealed; and

WHEREAS, the preliminary PRD is a Type III-A action as defined in GHMC 19.01.003(B); and

WHEREAS, a final decision for a Type III-A application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the preliminary PRD was held before the Hearing Examiner on August 7, 2008, at which time the Hearing Examiner heard public testimony on the preliminary PRD; and

WHEREAS, the Hearing Examiner approved the Preliminary PRD in her decision dated August 13, 2008; and

WHEREAS, the Hearing Examiner's decision was not appealed; and

WHEREAS, Estates II LLC, was granted ownership of the subject property through a quit claim deed recorded May 12, 2015, Auditor Filing Number 201505120504; and

WHEREAS, an application for final PRD approval was submitted to the City and deemed complete on August 11, 2015; and

WHEREAS, the Final PRD is a Type IV action as defined in GHMC 19.01.003(B); and

WHEREAS, a closed record decision for a Type IV application shall be rendered by the City Council as per GHMC 19.01.003(A); and

WHEREAS, the City Council approved the final plat application under Resolution No. 1069 on February 27, 2017; and

WHEREAS, GHMC 17.89.130 requires that the property subject to the final PRD be designated on the official zoning map as PRD; and

WHEREAS, the change to the official zoning map must be adopted by ordinance as per GHMC 17.89.130; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on February 27, 2017;

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

Section 1. The real property located adjacent to and north of the plat of Estates at Gig Harbor Phase I, taking access off of North Creek Lane due west of Skansie Avenue; Pierce County Assessor-Treasurer Parcel Number 0221072059 and legally described in Exhibit "A", is hereby rezoned from R-1 (Single-Family Residential) to PRD (Planned Residential Development).

Section 2. The Planning Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the designation established by Section 1.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 27<sup>th</sup> day of February, 2017.

CITY OF GIG HARBOR

  
\_\_\_\_\_  
JILL GUERNSEY, MAYOR

ATTEST/AUTHENTICATED:

By:   
\_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
ANGELA G. SUMMERFIELD

FILED WITH THE CITY CLERK: 02/23/17  
PASSED BY THE CITY COUNCIL: 02/27/17  
PUBLISHED: 03/02/17  
EFFECTIVE DATE: 03/07/17  
ORDINANCE NO: 1358

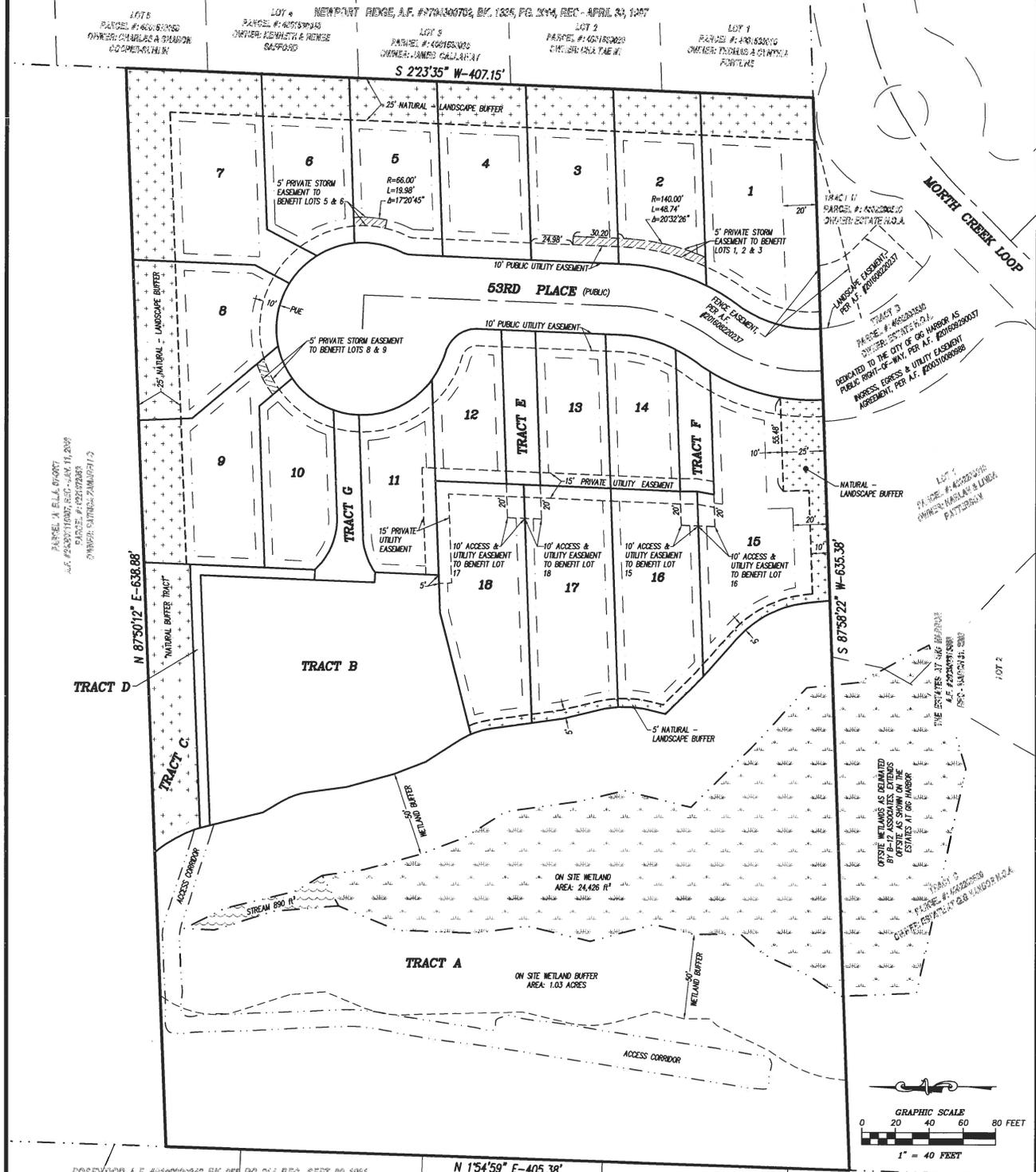
**Exhibit "A"**

**Legal Description**

Section 07 Township 21 Range 02 Quarter 22 PARCEL 'B' OF BLA 2008-01-11-5007 DESC AS SW  
OF NW OF NW EXC N 257 FT OUT OF 2-009 SEG 2007-0072BL 07-10-06BL DC04/03/08SK

# ESTATES AT GIG HARBOR PHASE 2 PLAT & PRD

PART OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 7, TOWNSHIP  
21 NORTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, PIERCE COUNTY, WASHINGTON.



ROSEYDOR, A.F. #1109220363, B.C. 955, P.G. 514, REC. - SEPT. 22, 1951

LOT 36 PARCEL # 271400290 OTHER: SWELLERSBERGER FAMILY TRUST

LOT 37 PARCEL # 272500297 OTHER: PERKINS CURRY

LOT 38 PARCEL # 271400283 OTHER: BARR & PERKINS C211 P.Y.

LOT 39 PARCEL # 272500295 OTHER: LAMBE, SONGBLE &

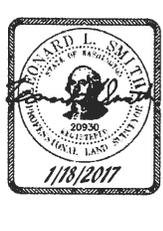
LOT 24 PARCEL # 272500296 OTHER: SLEMBA, GASTLAND

N 154°59' E - 405.38'

**SETBACKS**  
 LOTS 1-15: 15' FRONT YARD SETBACK  
 LOTS 1-15: 5' FROM ALL OTHER PROPERTY LINES & BUFFERS (EXCEPT AS NOTED)  
 LOTS 1 & 15: SHALL HAVE A 20' SETBACK FROM ANY STRUCTURE AND THE PLAT BOUNDARY.  
 LOTS 16-18: 5' FROM ALL PROPERTY LINES & BUFFERS

**EASEMENTS CREATED BY SEPARATE DOCUMENT**

- THIS PLAT IS SUBJECT TO LANDSCAPE EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 201608220237.
- THIS PLAT IS SUBJECT TO FENCE EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 201608220237.



ASSESSOR'S ORIGINAL PARCEL NUMBERS 0221072059	
	Project: 05-525
8512 Canyon road E Suite 102 Puyallup, WA 99371	Drawing No.: 05-525.DWG
Drawn: J. JACOBY	Date: 1/18/2017
Field: N/A	Scale: 1"=40'
Checked: L. SMITH	Zoning:
Page: 5 OF 5	

C:\USERS\JACOBYPACWEST\WORKING\05-525.DWG - 30' BASE DIM' TO SURVEY (05-525) PLAT.DWG

