

ORDINANCE NO. 921

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO GROWTH MANAGEMENT AND PLANNING, MAKING THE FOLLOWING AMENDMENTS TO THE CITY'S COMPREHENSIVE LAND USE PLAN: (1) ADOPTING THE JUNE 2001 CITY OF GIG HARBOR WATER SYSTEM COMPREHENSIVE PLAN AND INCORPORATING IT IN THE UTILITIES ELEMENT; (2) ADOPTING THE 2002 GIG HARBOR TRANSPORTION UPDATE AND INCOPORATING IT IN THE TRANSPORTATION ELEMENT; (3) ADOPTING THE FEBRUARY 2002 WASTEWATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (4) ADOPTING THE MARCH 2001 STORM WATER COMPREHENSIVE PLAN IN THE UTILITIES ELEMENT; (5) CHANGING THE LAND USE DESIGNATIONS ON THE FOLLOWING PARCELS: (A) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .42 ACRES AT 7201 PIONEER WAY; (B) FROM RESIDENTIAL LOW TO RESIDENTIAL MEDIUM FOR .29 ACRES AT 3519 GRANDVIEW STREET; (C) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 20 ACRES AT 9600 - 44TH AVENUE N.W.; (D) FROM MIXED USE TO COMMERCIAL/BUSINESS FOR 14 ACRES AT 10421 BURNHAM DRIVE; AND (6) CORRECTING MAPPING ERRORS IN THE COMPREHENSIVE LAND USE PLAN MAP TO BE CONSISTENT WITH PIERCE COUNTY'S DESIGNATION OF THE CITY'S URBAN GROWTH BOUNDARIES.

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 Act requires that the Comprehensive Plan include a utilities element, consisting of the general location and capacity of all existing and proposed utilities (RCW 36.70A.070); and

WHEREAS, the Act requires that the Comprehensive Plan include a transportation element with all of the sub elements identified in RCW 36.70A.070(6); and

WHEREAS, the City adopted its GMA Comprehensive Plan in 1986, later updated in

1994 (together with transportation and utilities elements); and

WHEREAS, the City is required to consider suggested changes or amendments to the City's Comprehensive Plan (RCW 36.70A.470), but 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 any elements thereto (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City's SEPA Responsible Official has issued a Determination of Non-Significance with regard to the proposed adoption of the elements to amend the City's Comprehensive Plan, as well as the remaining amendments; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Office of Community Development on November 5, 2002, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor Planning Commission held a work study session the comprehensive plan amendments to the Land Use Map and the text on May 3, 2001; and

WHEREAS, the Planning Commission held public hearings on the comprehensive plan amendments to the Land Use Map and the text on May 31, 2001 and June 21, 2001; and

WHEREAS, the Planning Commission held a work study session on the comprehensive plan amendments to the Land Use Map and the text to deliberate and formulate a recommendation to City Council on July 25, 2001 and August 8, 2001; and

WHEREAS, on November 12, 2002 and November 25, 2002, the Gig Harbor City Council held public hearings to consider the comprehensive plan amendments; and

WHEREAS, on December 9, 2002, during the regular City Council meeting, the City Council deliberated and voted on the comprehensive plan amendments; Now, Therefore, THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Water System Plan. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A hereto), by reference, as if the same were fully set forth herein. The City Council hereby adopts the June 2001 Water System Comprehensive Plan (Exhibit A) by reference as part of the utilities element of the City's Comprehensive Plan.

Section 2. Transportation Update. The City Council hereby adopts the 2002 Gig Harbor Transportation Update, (Exhibit B) by reference, as if the same were fully set forth herein. The City Council hereby adopts the 2002 Gig Harbor Transportation Update (Exhibit B) as part of the transportation element of the City's Comprehensive Plan.

Section 3. Storm Water Plan. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the March 2001 City of Gig Harbor Storm Water Comprehensive Plan (Exhibit C) as part of the utilities element of the City's Comprehensive Plan.

Section 4. Wastewater Plan. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D hereto) by reference, as if the same were fully set forth herein. The City Council hereby adopts the February 2002 City of Gig Harbor Wastewater Comprehensive Plan (Exhibit D) as part of the utilities element of the City's Comprehensive Plan.

Section 5. Comprehensive Land Use Map and Plan Text 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 land use map and plan text amendments is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.** The following persons testified on the applications:

1. Paul Citidester – Opposed to application #01-10 and voiced his concern that he and other property owners had not been notified that the city made the recommendation to remove the property in area 10 from the city's UGA when the process began in December 2000.

2. Chuck Howe - Opposed to area 16 in application #01-10 and asked for clarification on the amount of times area 16 had been rejected. He voiced concerns about the density and ingress/egress to this property.

3. Andrea Mitchell – Explained that she owned 30 acres in area 10 (application #01-10) and that she agreed with Paul Citidester about lack of notification of what had happened and how it affects the ability to develop her property, as well as others on her road.

4. Judy Vasconceles – Said she owns duplexes one block from area 8 (application #01-10) and asked how this would affect her property.

5. Clark Davis – Representing the homeowners association for Henderson Bay Heights. The group does not oppose the recommendations for area 4 (application #01-10), but asked for clarification of what parcels will be affected by the change and clarification on the split zoning of one parcel adjacent to the neighborhood.

6. Diane Clifford – The Henderson Bay Heights homeowners' organization spoke with Mr. Davis because of their concerns about that one parcel. She said that the notification was somewhat unclear.

7. Carl Halsan – Representing the property owner for area 4 (application #01-10). He asked for clarification on the notification that went out regarding the employment center designation and showed Council an approved subdivision plan, adding that the property owner didn't want homes in an industrial zoned area. They would like the line to follow the plat boundary line, which won't happen until next summer when the plat is recorded.

8. Paul Cyr – Representing Fred Paulson. Asked for reconsideration for community commercial zoning for area 16 (application #01-10), as was supported by Council last year in the form of a staff recommendation to the Planning Commission. He added that the request failed at the county level.

9. Howard Hawley – Asked about the residential low-density designation in area 11 (application #01-10). He said he was also present to lobby the city for sidewalks on 38th.

10. Nicky Mosier – Asked about annexing to the city and hooking up homes in area 11 (application #01-10) to the city sewer system. Also asked about ownership of streets after an annexation.

11. Marilyn Naylor – Asked if the annexation of her neighborhood (area 11, application #01-10) would happen in 2003.

12. Florence - She asked if she did not want her property to become commercial, (in area 6, application #01-10), what could be done. She said that two of the three property owners do not want the change, and they are concerned that the third party would be able to get the zoning changes.

13. Jim Patton - Gray & Osborne, explained that the Wastewater Comprehensive Plan was written over several years, and is the first phase for these improvements. He said that the next stage is the Facilities Plan, drafted by EarthTech Engineers, which is currently under review by the city. He added that he was not familiar with the provision in their plan to deal with the odor concerns.

14. David Skinner - The Shea Group, explained that there are both long-term and short-term plans to handle the sewer odor. He said that communication with the public could be addressed with Mark Hoppen.

15. Paul Miller – Requested that area 9, application #01-10 be included in the UGA.

16. Ken Uddenburg – Supported applications #01-01 and #01-02.

17. At the meeting of 12/9/02, Paul Kaltinick asked Council to consider a letter he submitted on December 3, 2002, for consideration regarding his application #01-07. After discussion, Council advised Mr. Kaltinick that he had two options; the first would be to have his application denied; the second was for him to withdraw his application. Mr. Kaltinick requested to withdraw his application.

18. Councilmember Marilyn Owel asked that her application #01-011 be withdrawn.

D. Applications.

1. 01-01 Uddenberg Application. (.42 acres at 7201 Pioneer Way, Gig Harbor)
From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Uddenberg application No. 01-01, by reference.

2. 01-02 Uddenberg Application (.29 acres at 3519 Grandview Street, Gig

Harbor) From the present Residential Low designation to a Residential Medium designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Uddenberg application No. 01-02, by reference.

3. **01-05 Burnham Construction, LLC** (20 acres at 9600 44th Avenue NW, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-05, by reference.

4. **01-06 Burnham Construction, LLC** (14 acres at 10421 Burnham Drive, Gig Harbor) From the present Mixed Use designation to an Employment Center designation. After consideration of the materials in the file, staff presentation, the City's comprehensive plan, applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the Burnham Construction, LLC application No. 01-06, by reference.

5. **01-10 City of Gig Harbor** (Consistency with Pierce County Gig Harbor Peninsula Community Plan). This is an application for changes to be made in the City's Comprehensive Plan to be consistent with the Urban Growth Area as adopted by Pierce County in the Pierce County Gig Harbor Peninsula Community Plan (Pierce County Ordinance No. 2001-44s2), and involves fourteen (14) changes to the City's Comprehensive Plan Map. After consideration of the materials in the file, staff presentation, the City's comprehensive plan,

applicable law, and the public testimony, the City Council voted to approve this application. The City Council hereby adopts the Staff Report 2001 Comprehensive Plan Amendments, as it relates to the City of Gig Harbor application No. 01-10, by reference.

Section 6. Transmittal to State. The City Community Development Director is directed to forward a copy of this Ordinance, together with all of the exhibits, to the Washington State Office of Community Development within ten days of adoption, pursuant to RCW 36.70A.106.

Section 7. 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 8. 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 9th day of December, 2002.

CITY OF GIG HARBOR

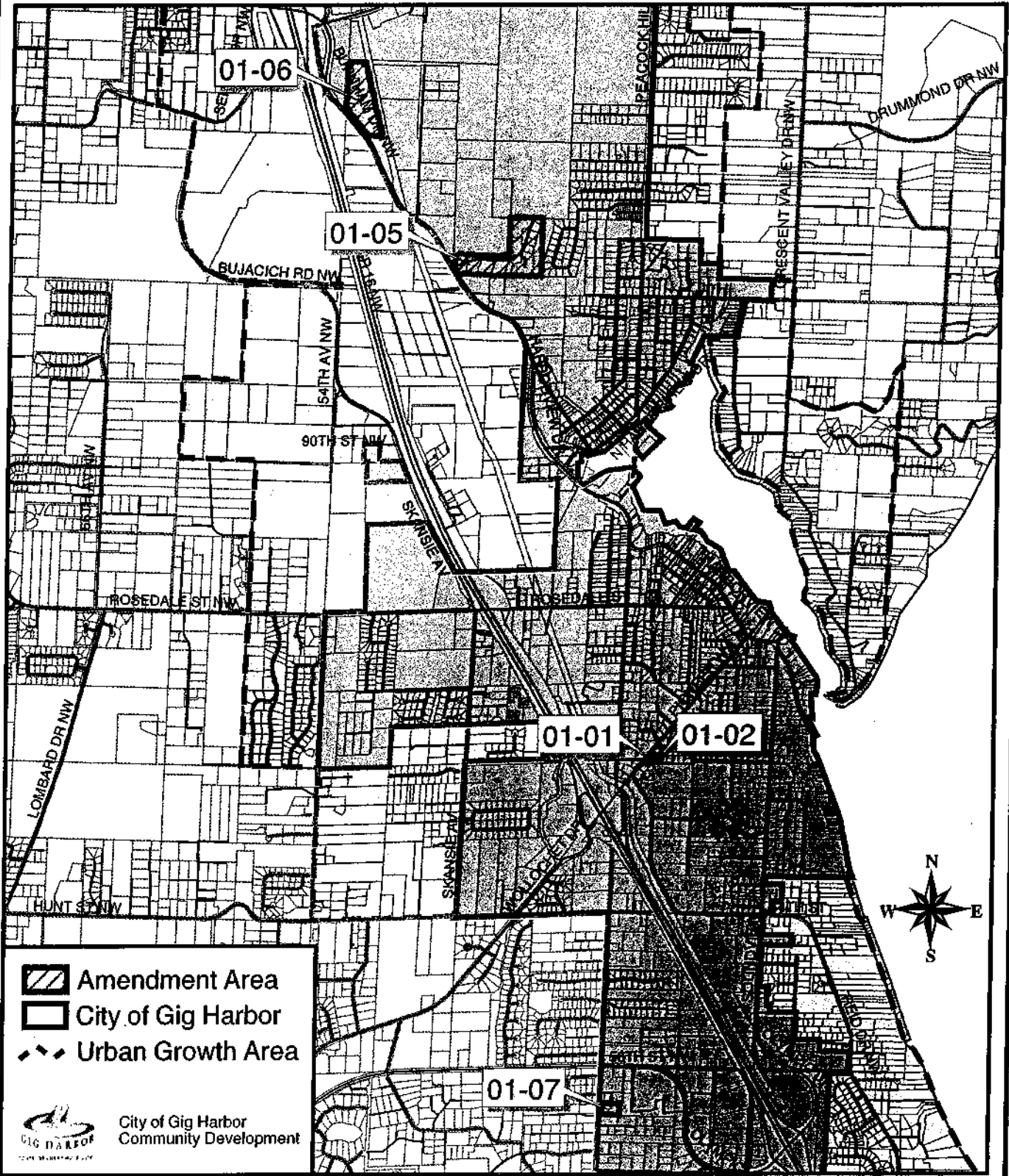

MAYOR PRO TEM, DEREK YOUNG

ATTEST/AUTHENTICATED:

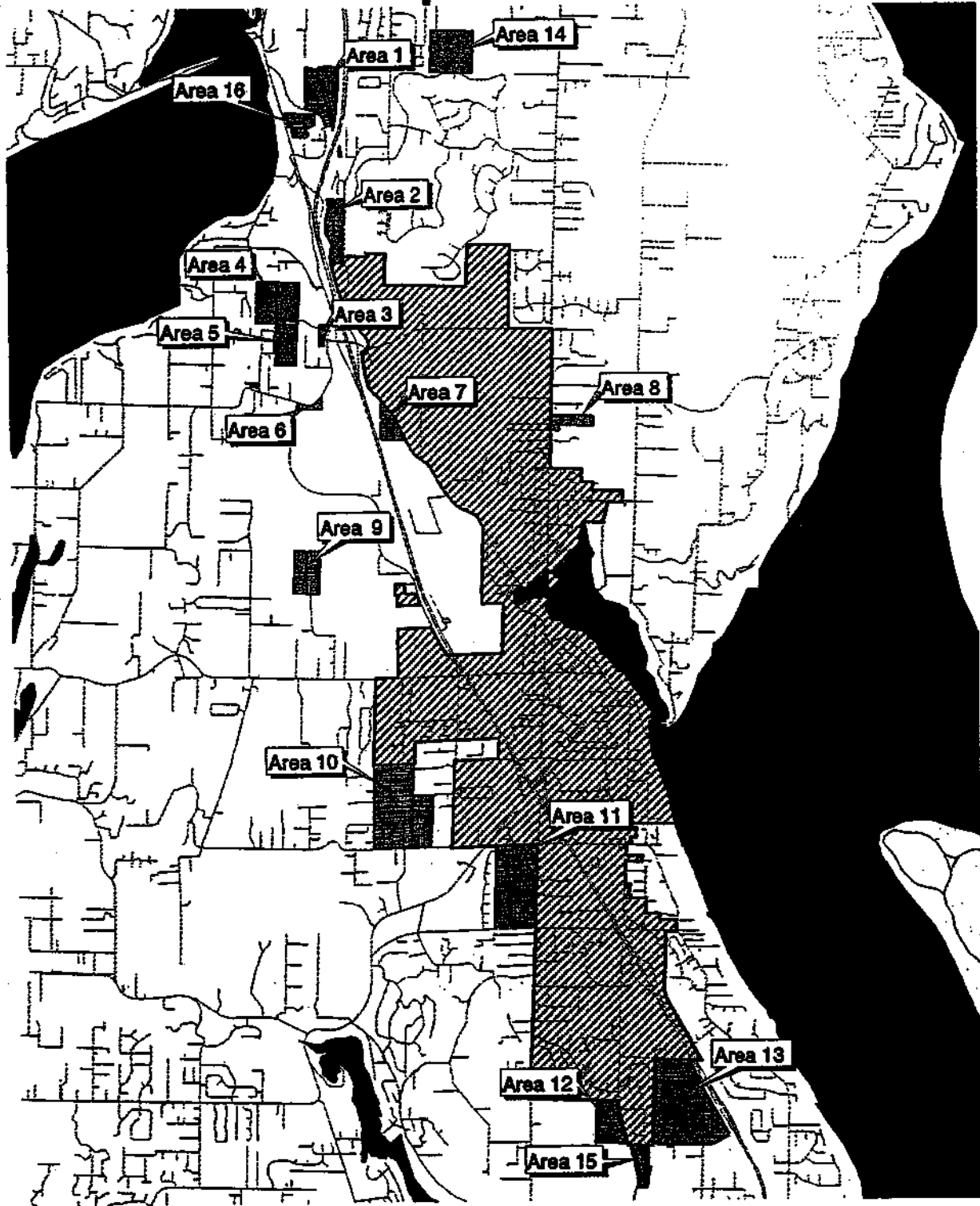
By: 
MOLLY TOWSLEE, CITY CLERK

FILED WITH THE CITY CLERK: 11/6/02
PASSED BY THE CITY COUNCIL: 12/9/02
PUBLISHED: 12/18/02
EFFECTIVE DATE: 12/23/02
ORDINANCE NO. 921

City of Gig Harbor Comprehensive Plan Amendments #01-01, #01-02, #01-05, #01-06 and #01-07

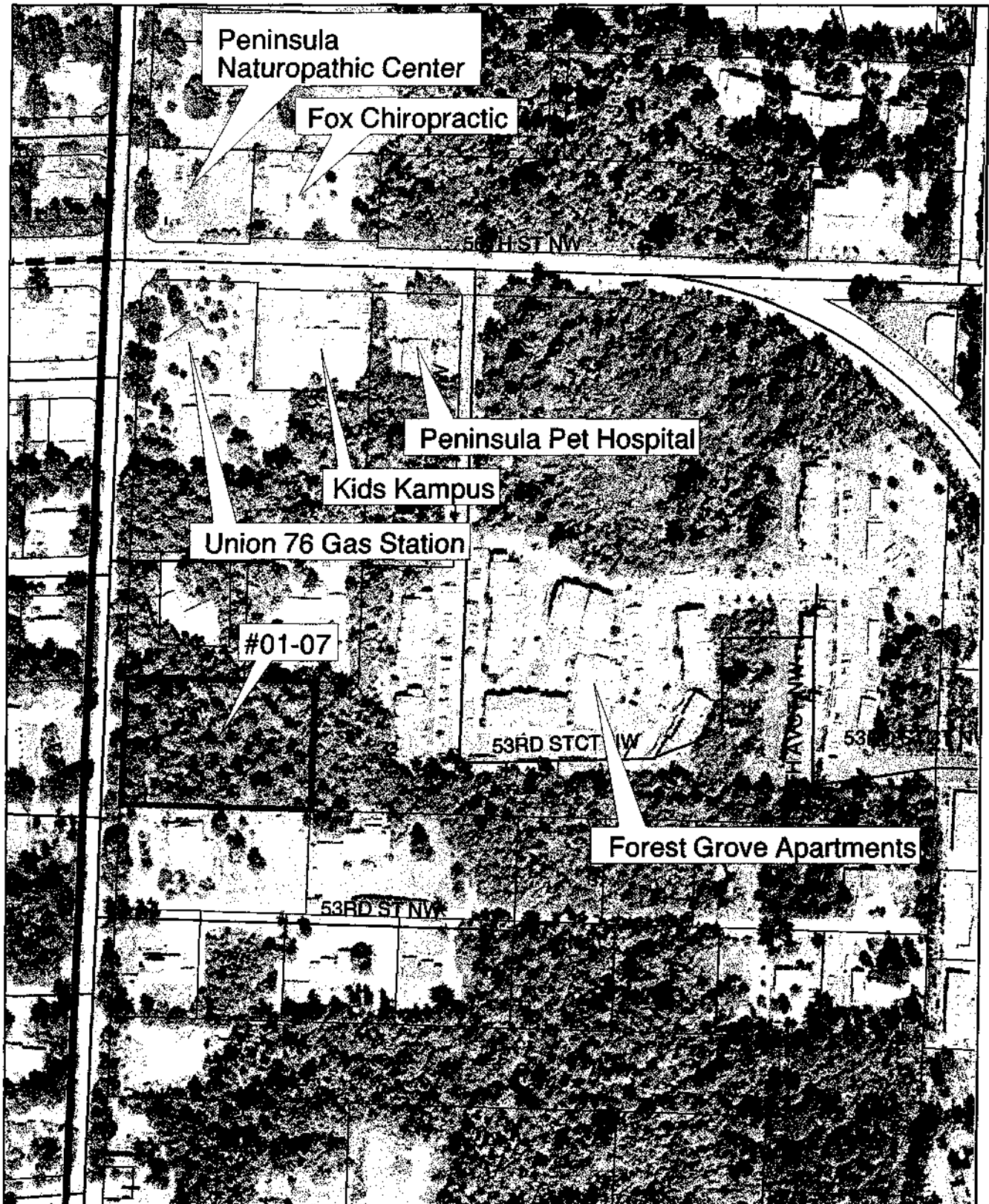


Comprehensive Plan Amendment Map 01-10

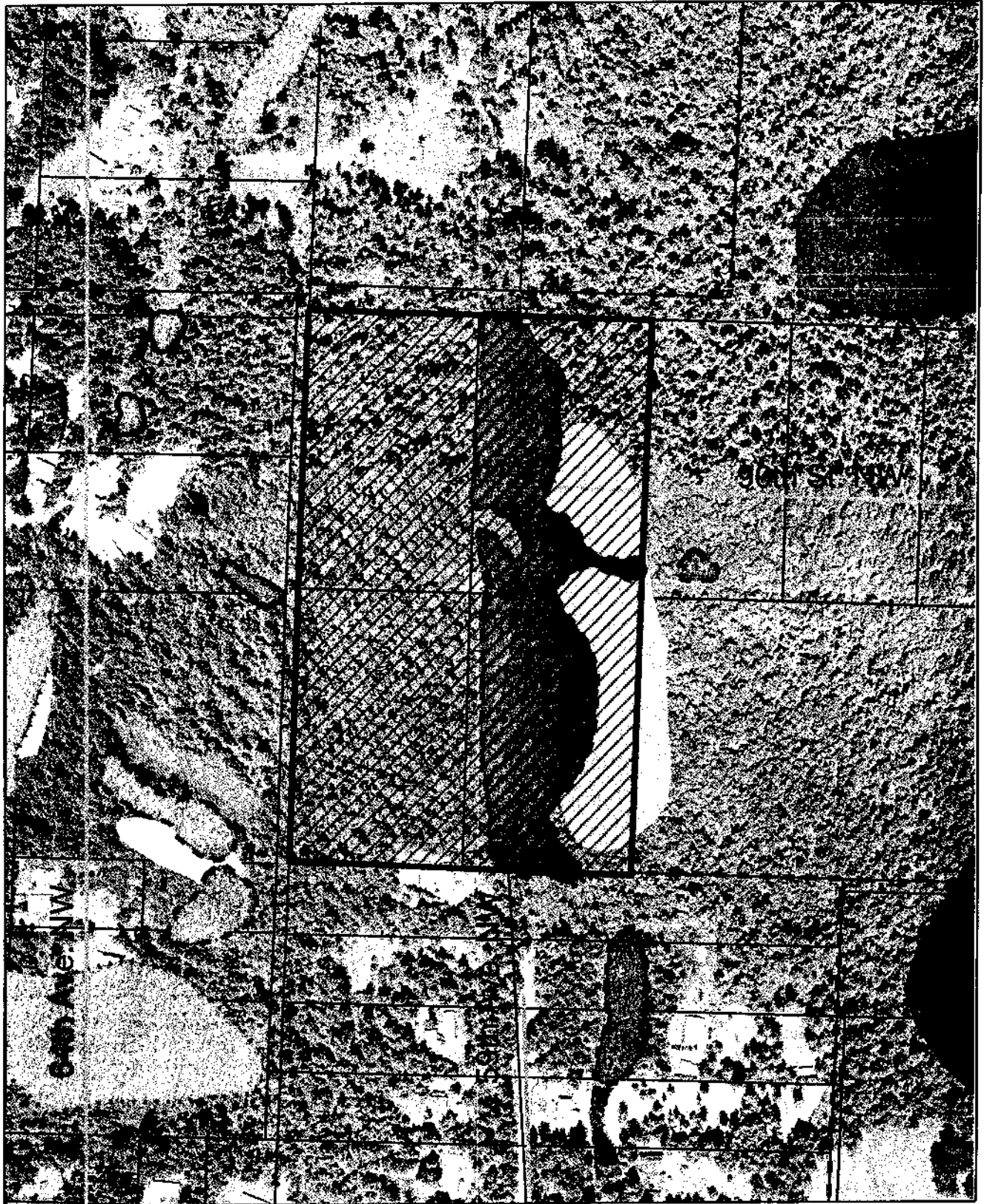


**City of Gig Harbor
Planning Department**

#01-07 Surrounding Uses



01-10 Area #9 Wetlands





"THE MARITIME CITY"

COMMUNITY DEVELOPMENT DEPARTMENT

3510 GRANDVIEW STREET

GIG HARBOR, WASHINGTON 98335

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**STAFF REPORT TO THE CITY COUNCIL
2001 COMPREHENSIVE PLAN AMENDMENTS
NOVEMBER 25, 2002**

I. IDENTIFICATION OF COMPREHENSIVE PLAN AMENDMENTS.

- A. 01-01 Uddenberg Application (.42 acres at 7201 Pioneer Way, Gig Harbor) from Residential Low to Residential Medium;
- B. 01-02 Uddenberg Application (.29 acres at 3519 Grandview, Gig Harbor) from Residential Low to Residential Medium;
- C. 01-05 Burnham Construction, LLC Application (20 acres at 9600 – 44th Avenue N.W., Gig Harbor) from Mixed Use to Employment Center;
- D. 01-06 Burnham Construction, LLC Application (14 acres at 10421 Burnham Drive, Gig Harbor) from Mixed Use to Employment Center;
- E. 01-07 Kaltnic-Baerg Application (1.66 acres at 5429 – 36th Avenue N.W., Gig Harbor) from Residential Low to Residential Medium;
- F. 01-10 Changes to Land Use Plan Map to Correct Urban Growth Area Designations given to property by Pierce County; and
- G. 01-11 Council Member Owel Application, text amendment to Land Use Element, page 14;
- H. Amendment of the Transportation Element of the Comprehensive Land Use Plan to include the 2002 Gig Harbor Transportation Update;
- I. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the March 2001 City of Gig Harbor Storm Water Comprehensive Plan;
- J. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the February 2002 City of Gig Harbor Wastewater Comprehensive Plan; and
- K. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the June 2001 City of Gig Harbor Water System Comprehensive Plan.

II. SEPA REVIEW.

For the comprehensive plan amendments identified in A through G above, the City issued a Determination of Non-Significance on August 29, 2002. On October 16, 2002, the City issued a Mitigated Determination of Non-Significance, which included SEPA review on all of the comprehensive plan amendments listed above. There were no appeals filed.

III. APPLICABLE DEFINITIONS.

A. Residential. The following is the definition for Residential land use designation in the City's Comprehensive Plan:

Provides primarily for residential uses and facilities that would ordinarily be associated with or closely linked to residential uses and neighborhoods. Two density ranges are defined for residential: RL (urban residential low density, 3.0-4.0 dwelling units per acre) and RM (urban residential moderate density, 4.0-12.0 dwelling units per acre).

In residential-medium designations, conditional allowance may be provided for professional offices or businesses which would not significantly impact the character of residential neighborhoods. The intensity of the non-residential use shall be established under the appropriate land use or zoning category of the development regulations and standards.

Use natural buffers or innovative site design as mitigation techniques to minimize operation impacts of non-residential uses and to serve as natural drainage ways.

B. Mixed Use. The following is the definition for the Mixed Use land use designation in the City's Comprehensive Plan:

Mixed Use is an area of commercial/employment, office and multifamily located along principal collector routes which link the downtown area with SR-16. Commercial/employment activity within a Mixed Use area caters to a customer base beyond the immediate surrounding neighborhoods due to its location along the collector routes. The individual commercial/employment activities or developments in these areas are not of a size or character to be considered "major" activity or traffic generating uses. Multi-family and office uses are allowed within the Mixed Use area to provide economic diversity and housing opportunities near transit routes and business activities. The desired allocation of land use within the Mixed Use designation is:

Commercial/Employment	45% maximum
Professional Office	30% maximum
Multifamily	25% minimum

Parcels or developments ten acres or greater in area may use the defined allocation regardless of the underlying zoning code designation of the property. Properties or developments less than ten acres are limited to the uses as defined by the official zoning map of the City. Uses which have been approved by Pierce County prior to the adoption of this plan are considered legitimate conforming uses.

C. Commercial/Business. The following is the definition for Commercial/Business land use designation in the City's Comprehensive Plan:

Provides primarily retail and wholesale facilities, including service and sales. Where appropriate, mixed-use residential with commercial) may be permitted through a planned unit development process. Commercial-business activities consist of the following: Retail sales and services; business and professional offices; mini-warehousing. Commercial areas which border residential designations or uses should use available natural features as boundaries. Natural features should serve as buffers, which may consist of standing timber, streams or drainage swales; a minimum buffer width should be 30 feet; and the density and depth of the buffer should be proportional to the intensity of the use.

D. Employment Center. The following is the definition for the Employment Center land use designation in the City's Comprehensive Plan:

Broadly defines an area that is intended to meet long-term employment needs of the community. Employment centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities. Conditional allowances of commercial facilities which are subordinate to and supportive of employment activities.

IV. INDIVIDUAL APPLICATIONS.

A. **01-01 Uddenberg, from Residential Low to Residential Medium (0.42 acres at 7201 Pioneer Way, Gig Harbor)**

Existing Development: single-family home.

Existing Zoning: Single-Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwelling units per acre.

Existing Neighborhood: The site is bounded by properties designated Residential Low to the north and east. A comprehensive plan amendment has also been submitted by Mr. Uddenberg to change the comprehensive plan land use designation of a property located to the east from Residential Low to Residential Medium (#01-02). Property located to the south is designated Commercial /Business and property located to the west is designated Residential Low. Properties to the north, east and west are developed with existing single-family residences. The Gig Harbor Civic Center is located southeast of the subject site. Properties located to the southwest of the subject site are developed with commercial and professional offices.

Proposed Development: The applicant has indicated his intent to pursue a site-specific rezone of this property to a Residential and Business District (RB-1) zone for the purposes of constructing a professional office building on this site. Professional offices are a permitted use in the RB-1 zone.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan designation is consistent with the Residential and Business District (RB-1) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit a site-specific rezone application to RB-1. In order to re-develop the property with a professional office development, a site-specific rezone would have to be granted. In order for the site-specific rezone to be granted, a finding of consistency with the comprehensive plan must be made. The Residential Medium comprehensive plan designation is consistent with the implementing Residential and Business District (RB-1) zone.

Proposed Density: 3.0 dwelling units per acre (RB-1 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is consistent with the following Comprehensive Plan policies: Given the change in the overall character of the general neighborhood, the proposed change from Residential Low to Residential Medium is consistent with the Comprehensive Plan policy 20. Planning Unit Boundaries (Land Use Chapter, page 15) which calls for defining planning units which are based upon like land uses and activities; delineation of planning unit boundaries using natural features, roads or other physical improvements; the identification of critical transition areas or points of conflict with adjacent or incompatible planning units; and resolution of conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The character of the existing neighborhood is such that fairly intensive uses exist on the intersection of Pioneer and Grandview. The subject property is located at the intersection of these two streets. The applicant has expressed difficulty renting the existing home at market value because of the noise levels and traffic volumes located at this location. Additionally, with the development of the Gig Harbor Civic Center on a southwesterly parcel, there is increased non-residential activity in the neighborhood.

Staff Analysis: The Comprehensive Plan provides that "the intensity of the non-residential use should be compatible with the adjacent residential area." Here, a property owner is asking for a new land use designation that reflects the fact that the neighborhood is no longer primarily single-family residential. Given that the majority of the adjacent land use designations are non-residential, and that there may be some negative impacts of these non-residential uses on the existing single-family residential use (such as increased non-residential activity in the area), the Staff recommends that the Comprehensive Plan land use designation be changed to Residential Medium. The property has become

transitional in nature and is best suited for a Residential Medium designation, which would conditionally allow for professional offices or businesses that would not significantly affect the character of existing residential neighborhoods. The intended site-specific rezone to RB-1 would allow for all uses permitted in the R-1 district; bed and breakfast establishments; professional offices and personal services; publicly owned parks and playgrounds; temporary buildings for and during construction; uses which complement or facilitate permitted uses such as parking facilities or public plazas; pharmacies solely incidental to medical offices; family day care; and adult family homes.

Planning Commission Recommendation: The Planning Commission recommended that the application be approved, subject to the property owner entering into a development agreement with the City to ensure that adequate buffer areas were provided for the adjoining residential areas. The Planning Commission also recommended a textual amendment to address transitional areas such as these. The Planning Commission recommended the inclusion of the following language in the Land Use Chapter of the Comprehensive Plan, Section 20. Planning Unit Boundaries, page 15:

- Transition areas between established residential neighborhoods and commercial development should be carefully evaluated prior to amending planning unit boundaries (land use designations). Consideration will be given to ensuring compatibility of uses, adequacy of buffering existing residential uses, and provisions for appropriate design, scale, and landscaping.
- Transition areas are intended to serve as a buffer between high intensity commercial and lower density residential uses. Implementing regulations and restrictions will serve to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, which are compatible with single-family residential development. To this extent, nonresidential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.
- The intent of the aforementioned items is to minimize encroachment of commercial development into established residential neighborhoods through the use of development agreements. As such, site-specific applications for amending planning unit boundaries (land use designations) shall be considered on an individual case-by-case basis.

The Comprehensive Plan provides: “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.” The City Attorney has noted that this additional language as proposed cannot be considered in the analysis of the Uddenberg amendment application because it is not currently included in the City’s Comprehensive Plan. The Planning Commission’s recommended additional language to address transitional areas will need to be reviewed and processed as a comprehensive plan amendment during a future Comprehensive Plan Amendment cycle.

Staff Recommendation to Council: Staff recommends that the Council adopt this Comprehensive Plan Amendment, without the requirement for a development agreement.

If the Council adopts Comprehensive Plan amendment application No. 01-02, the only property that would possibly benefit from a development agreement requiring a buffer would be the property to the west. At this time, the subject property is developed with a single-family residential home. No buffer is needed between an existing single family home and another existing single-family home. Development agreements must be limited in time. If the City executes a development agreement with Mr. Uddenberg requiring the installation of a buffer, and the term of the agreement passes before Mr. Uddenberg demolishes the existing house and proposes a re-development of the site, the development agreement will accomplish nothing.

If there is no development agreement, the comprehensive plan amendment is approved and the property owner demolishes the existing single-family home on the site, he will have to apply for new development permits in order to develop the property. If the property owner does not apply for a site-specific rezone, and decides to develop the property as residential consistent with the existing zoning, there probably will not be a need for a buffer (because there will not be a need to buffer residential uses from residential uses). If the property owner applies for a site-specific rezone, the City can consider whether the site-specific rezone should include a condition requiring "natural buffers or innovative site design as mitigation techniques to minimize the operational impacts of non-residential uses." If the project includes "innovative site design," no development agreement or natural buffer is required by the comprehensive plan.

B. 01-02 Uddenberg, from Residential Low to Residential Medium (0.29 acres at 3519 Grandview)

Existing Development: single-family home.

Existing Zoning: Single-Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwelling units per acre.

Existing Neighborhood: The site is bounded by properties designated Residential Low to the north and east. A comprehensive plan amendment has also been submitted by Mr. Uddenberg to change the comprehensive plan land use designation of a property located to the west from Residential Low to Residential Medium (#01-01). Property located to the south is designated Commercial /Business and property located to the west is designated Residential Low. Properties to the north, east and west are developed with existing single-family residences. The Gig Harbor Civic Center is located southeast of the subject site. Properties located to the southwest of the subject site are developed with commercial and professional offices.

Proposed Development: The applicant has indicated his intent to pursue a site-specific rezone of this property to a Residential and Business District (RB-1) zone for the purposes of constructing a professional office building on this site. Professional offices are a permitted use in the RB-1 zone.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan designation is consistent with the Residential and Business District (RB-1) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit a site-specific rezone application to

RB-1. In order to re-develop the property with a professional office development, a site-specific rezone would have to be granted. In order for the site-specific rezone to be granted, a finding of consistency with the comprehensive plan must be made. The Residential Medium comprehensive plan designation is consistent with the implementing Residential and Business District (RB-1) zone.

Proposed Density: 3.0 dwelling units per acre (RB-1 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is consistent with the following Comprehensive Plan policies: Given the change in the overall character of the general neighborhood, the proposed change from Residential Low to Residential Medium is consistent with the Comprehensive Plan policy 20. Planning Unit Boundaries (Land Use Chapter, page 15) which calls for defining planning units which are based upon like land uses and activities; delineation of planning unit boundaries using natural features, roads or other physical improvements; the identification of critical transition areas or points of conflict with adjacent or incompatible planning units; and resolution of conflict or compatibility issues through a neighborhood planning process and employ transitional uses for consideration in future development reviews.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The character of the existing neighborhood is such that fairly intensive uses exist on the intersection of Pioneer and Grandview. The subject property is located in close proximity of the intersection these two streets. The applicant has expressed difficulty renting the existing home at market value because of the noise levels and traffic volumes located at this location. Additionally, with the development of the Gig Harbor Civic Center on a southwesterly parcel, there is increased non-residential activity in the neighborhood.

Staff Analysis: The Comprehensive Plan provides that "the intensity of the non-residential use should be compatible with the adjacent residential area." Here, a property owner is asking for a new land use designation that reflects the fact that the neighborhood is no longer primarily single-family residential. Given that the majority of the adjacent land use designations are non-residential, and that there may be some negative impacts of these non-residential uses on the existing single-family residential use (such as increased non-residential activity in the area), the Staff recommends that the Comprehensive Plan land use designation be changed to Residential Medium. The property has become transitional in nature and is best suited for a Residential Medium designation, which would conditionally allow for professional offices or businesses that would not significantly affect the character of existing residential neighborhoods.

Planning Commission Recommendation: The Planning Commission recommended that the application be approved, subject to the property owner entering into a development agreement with the City to ensure that adequate buffer areas were provided for the adjoining residential areas. The Planning Commission also recommended a textual amendment to address transitional areas such as these. The Planning Commission recommended the inclusion of the following language in the Land Use Chapter of the Comprehensive Plan, Section 20. Planning Unit Boundaries, page15:

- Transition areas between established residential neighborhoods and commercial development should be carefully evaluated prior to amending planning unit boundaries (land use designations). Consideration will be given to ensuring compatibility of uses, adequacy of buffering existing residential uses, and provisions for appropriate design, scale, and landscaping.
- Transition areas are intended to serve as a buffer between high intensity commercial and lower density residential uses. Implementing regulations and restrictions will serve to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, which are compatible with single-family residential development. To this extent, nonresidential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.
- The intent of the aforementioned items is to minimize encroachment of commercial development into established residential neighborhoods through the use of development agreements. As such, site-specific applications for amending planning unit boundaries (land use designations) shall be considered on an individual case-by-case basis.

The Comprehensive Plan provides: “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.” The City Attorney has noted that this additional language as proposed cannot be considered in the analysis of the Uddenberg amendment application because it is not currently included in the City’s Comprehensive Plan. The Planning Commission’s recommended additional language to address transitional areas will need to be reviewed and processed as a comprehensive plan amendment during a future Comprehensive Plan Amendment cycle.

Staff Recommendation to Council: Staff recommends that the Council adopt this Comprehensive Plan Amendment, without the requirement for a development agreement. If the Council adopts Comprehensive Plan amendment application No. 01-01, the only property that would possibly benefit from a development agreement requiring a buffer would be the property to the west. At this time, the subject property is developed with a single-family residential home. No buffer is needed between an existing single family home and another existing single-family home. Development agreements must be limited in time. If the City executes a development agreement with Mr. Uddenberg requiring the installation of a buffer, and the term of the agreement passes before Mr.

Uddenberg demolishes the existing house and proposes a re-development of the site, the development agreement will accomplish nothing.

If there is no development agreement, the comprehensive plan amendment is approved and the property owner demolishes the existing single-family home on the site, he will have to apply for new development permits in order to develop the property. If the property owner does not apply for a site-specific rezone, and decides to develop the property as residential consistent with the existing zoning, there probably will not be a need for a buffer (because there will not be a need to buffer residential uses from residential uses). If the property owner applies for a site-specific rezone, the City can consider whether the site-specific rezone should include a condition requiring "natural buffers or innovative site design as mitigation techniques to minimize the operational impacts of non-residential uses." If the project includes "innovative site design," no development agreement or natural buffer is required by the comprehensive plan.

C. 01-05 Burnham Construction, LLC from Mixed Use to Employment Center (20 acres at 9600 – 44th Avenue N.W)

Existing development: Northharbor Business Campus, which includes a mix of tenants with a variety of uses such as Tolt Technologies (manufacturing, processing, shipping/receiving, office and warehouse) and NuHealth (manufacturing, processing, shipping/receiving, office and warehouse). The existing development contains eleven lots on the 20-acre site. Three of the eleven lots have been built upon. The remaining nine vacant lots total approximately 6.2 acres.

Existing zoning: Residential and Business (RB-2) with a Mixed Use Overlay (MUD)

Existing Neighborhood: The site is bounded by property designated Single Family Residential (R-1) with a Mixed Use Overlay (MUD) and Planned Community Development Low Density Residential (PCD-RLD) on the north; by Residential and Business (RB-2) with Mixed Use Overlay (MUD) to the south; Residential and Business (RB-2) and Single-Family Residential (R-1) both with the Mixed Use Overlay District (MUD) on the west; and Single-Family Residential (R-1) on the east.

Proposed Development: No change in uses or existing development proposed.

However, a site-specific rezone to an Employment District (ED) zone would be necessary to fully implement the change in Comprehensive Plan land use designation.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Employment Center comprehensive plan designation is consistent with the Employment District (ED) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit an application for a rezone to ED for the property. This will allow the applicant to develop the remaining 6.2 acres of undeveloped property with the uses set forth in Gig Harbor Municipal Code section 15.45.020.

Proposed Land Use Designation's Effect on City Water: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Sewer: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Streets: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation is Consistent with the Following Comprehensive Plan policies: Given the types of uses existing on the site, the proposed change from Mixed Use to Employment Center is consistent with the Comprehensive Plan policy 9. Generalized Land Uses Categories which indicates that Employment Centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation: The approval and partial construction of the Northharbor Business Campus was completed prior to annexation of the property, following the adoption of the City's 1994 Comprehensive Plan. This request is to correct a mapping inconsistency created by the annexation of the property in that the City's 1994 Comprehensive Plan designated the site as Mixed Use and did not reflect existing development that had already begun to occur on-site.

Staff Recommendation: The existing uses on the property are more in keeping with those described in the Employment Center designation, rather than the Mixed Use designation. For example, there are wholesale distribution facilities, manufacturing and assembly facilities, and warehousing/storage facilities existing on-site, all of which are uses allowed in the Employment Center land use designation.

In contrast, the existing uses on the property are not consistent with the Mixed Use land use designation because there is no commercial/employment; professional offices, nor any multifamily development on-site. The Mixed Use designation requires a 25% minimum multifamily use, and allows a maximum of 45% commercial/employment and 30% of professional office uses.

Planning Commission Recommendation: The Planning Commission recommended approval of this request, in light of the existing development on the property.

Staff Recommendation to Council: Staff recommends that the Council approve the land use designation amendment, given the consistency of the existing development on the property with the types of uses allowed in the Employment Center designation.

D. 01-06 Burnham Construction, LLC from Mixed Use to Employment Center (14 acres at 10421 Burnham Drive)

Existing development: The existing development on-site at the Burnham Drive Commercial Park includes a mix of tenants with a variety of uses such as IES Incorporated (Warehousing, Shipping/Receiving), Swissray Medical (Manufacturing, Warehousing, Shipping/Receiving), Construction NW (Office, Storage), Environmental Chemical Solutions (Wholesale Sales, Shipping/Receiving), ServPro (Office, Storage) A/D Electric (Office, Warehousing, Shipping/Receiving), Hawk International

In contrast, the existing uses on the property are not consistent with the Mixed Use land use designation because there is no commercial/employment or any multifamily development on-site. The Mixed Use designation requires a 25% minimum multifamily use, and allows a maximum of 45% commercial/employment and 30% of professional office uses.

Planning Commission Recommendation: The Planning Commission recommended approval of this request, in light of the existing development on the property.

Staff Recommendation to Council: Staff recommends that the Council approve the land use designation amendment, given the consistency of the existing development on the property with the types of uses allowed in the Employment Center designation.

E. 01-07 Kaltnic-Baerg from Residential Low to Residential Medium (1.66 acres at 5429 36th Avenue N.W.)

Existing Development: Vacant.

Existing Zoning: Single Family Residential (R-1).

Existing Density: 3.0 to 4.0 dwellings per acre.

Existing Neighborhood: The adjacent parcels of property are zoned as follows: north (Single Family Residential R-1); south (Single Family Residential R-1); east (Residential and Business RB-2); and west (Reserve 5, unincorporated Pierce County outside of the City of Gig Harbor Urban Growth Area (UGA), allows 1 dwelling unit per 5 acres). Existing single-family residential uses are located to the north, south and west. An existing apartment complex is located to the east of the site.

Proposed Development: The applicant's has indicated their intent to pursue a site-specific rezone of this property to a moderate density zone for the purposes of constructing town homes and flats on this site.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Residential Medium comprehensive plan amendment is consistent with the Medium-Density Residential (R-2) zone, allowing the uses described in Gig Harbor Municipal Code section 17.20.020. It is likely that if the comprehensive plan amendment is granted, the applicant will submit an application for a rezone to R-2 for the property. The Residential and Business District (RB-1) zone, allowing the uses described in Gig Harbor Municipal Code section 17.28.020 is also consistent with the Residential Medium comprehensive plan designation.

Proposed Density: 6.0 to 7.8 dwelling units per acre (R-2 Zone).

Proposed Comprehensive Land Use Designation's Effect on City Water: Adequate water supply exists for the proposed change in land use designation.

Proposed Comprehensive Land Use Designation's Effect on City Sewer: Adequate sewer capacity exists for the proposed change in land use designation. However, according to the SEPA DNS (Determination of Non-Significance) issued on August 29, 2002 by the City's SEPA Responsible Official, sewer infrastructure currently does not extend to 38th Avenue N.W. (the street on which the subject site fronts), according to the City's Public Works records. Future extension of sewer infrastructure along 38th Avenue

(Warehousing, Shipping/Receiving), and Wade Perrow Construction (Office, Storage). The property has been fully built out.

Existing Zoning: Residential and Business (RB-2) with a Mixed Use Overlay (MUD)

Existing Neighborhood: The site is bounded by property designated Planned Community Development Business Park (PCD-BP) on the north; by Medium Density Residential (R-2) to the south; Single-Family Residential (R-1) with the Mixed Use Overlay District (MUD) on the east; and Residential and Business (RB-2) with the Mixed Use Overlay (MUD) to the west.

Proposed Development: No change in uses or existing development proposed.

However, a site-specific rezone to an Employment District (ED) zone would be necessary to fully implement the change in Comprehensive Plan land use designation.

Proposed Zoning: A site-specific rezone application has not been submitted at this time, but the requested Employment Center comprehensive plan designation is consistent with the Employment District (ED) zone. It is likely that if the comprehensive plan amendment is granted, the applicant will submit an application for a rezone to ED for the property. This will allow the applicant to re-develop the property with the uses set forth in Gig Harbor Municipal Code section 15.45.020.

Proposed Land Use Designation's Effect on City Water: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Sewer: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation's Effect on City Streets: None, no change in use or intensity of use is proposed.

Proposed Land Use Designation is Consistent with the Following Comprehensive Plan policies: Given the types of uses existing on the site, the proposed change from Mixed Use to Employment Center is consistent with the Comprehensive Plan policy 9.

Generalized Land Uses Categories which indicates that Employment Centers consist of the following: wholesale distribution facilities; manufacturing and assembly; warehousing/storage; business offices/business complexes; medical facilities/hospitals; telecommunication services; transportation services and facilities.

Rationale for Applicant's Request to Change Comprehensive Land Use Designation:

The approval and partial construction of the Burnham Drive Commercial Park was completed prior to annexation of the property, following the adoption of the City's 1994 Comprehensive Plan. This request is to correct a mapping inconsistency created by the annexation of the property in that the City's 1994 Comprehensive Plan designated the site as Mixed Use and did not reflect existing development that had already begun to occur on-site.

Staff Recommendation: The existing uses on the property are more in keeping with those described in the Employment Center designation, rather than the Mixed Use designation. For example, there are wholesale distribution facilities, manufacturing and assembly facilities, and warehousing/storage facilities existing on-site, all of which are uses allowed in the Employment Center land use designation.

N.W. is identified on the six-year sewer capital improvement program as a development funded improvement.

Proposed Comprehensive Land Use Designation's Effect on City Streets:

Undetermined, traffic impacts will be assessed and appropriate mitigation measures, if any, will be imposed at time of development application. The applicant has indicated that based on data from the ITE Trip Generation Manual, the a.m. and p.m. peak hour would add one additional trip to the adjacent street system. Any additional transportation impacts that could result from the proposed development will be addressed at the time land use or building permit applications are submitted to the City. The City's SEPA analysis reviewed the traffic impacts of this proposal and more in-depth analysis will be performed at the time another application is submitted for the property, including a site-specific rezone application.

Application is Inconsistent with the following Comprehensive Plan policies: The Comprehensive Plan indicates that higher densities (8.0 to 12.0 units per acre) should be encouraged in developments which provide substantial open space or buffer areas within the development; have natural site characteristics suitable for higher intensity residential development; and would not significantly impact established single-family residential neighborhoods (Policy 13. Residential Densities, page 12).

Rationale for Applicant's Request to Change Comprehensive Land Use Plan

Designation: The applicant has indicated that development options have been evaluated and that the request in change in land use designation from Residential Low to Residential Medium is to allow for future development of the site. The applicant indicates that the change in designation is supported by the Comprehensive Plan goal of identifying and retaining those parcels with the fewest environmental constraints for high density and/or affordable housing development. (Comprehensive Plan, Housing, 1. (e), Page 53).

Staff Analysis: The site in question is bound by single-family residential uses to the north, south and west. The City has previously utilized the Residential Medium designation and corresponding zoning as a buffer between more intense uses and residential neighborhoods. The application of a Residential Medium designation in this location would not be appropriate given the existing residential uses located to the north, south, and west.

Planning Commission Recommendation: The Planning Commission recommended denial of this application and expressed concerns about the inappropriateness of locating medium density residential in an area characterized by existing single-family development.

Staff Recommendation to Council: Staff recommends that Council deny this Comprehensive Plan Amendment given the proximity of established single-family residential development; inconsistencies with adopted Comprehensive Plan policies; and that the City has typically utilized the Residential Medium designation and corresponding zoning as a buffer between more intense uses and residential neighborhoods which has not been demonstrated to be the case in this instance.

F. 01-10 Gig Harbor/Pierce County Gig Harbor Peninsula Community Plan.

Description of Amendment: On March 12, 2002, Pierce County adopted the Gig Harbor Peninsula Community Plan as a component of the Pierce County Comprehensive Plan (Pierce County Ordinance No. 2001-44s2). During the development of the Community Plan, City staff worked closely with Pierce County staff to ensure consistency between the County's Plan and the City's Comprehensive Plan for the Urban Growth Area (UGA). As part of the review internal inconsistencies have been identified between the City Zoning Map and Comprehensive Plan Land Use Map. Additionally, areas have been identified that are heavily constrained by wetland systems and others that involve apparent mapping errors. This action by Pierce County amended the Urban Growth Area boundary for the City. The following is a listing of those changes that were made to the UGA:

1. Change Residential Low comprehensive plan designation to Employment Center comprehensive plan designation. This area is developed with the County road shop, Purdy Topsoil & Gravel and the Peninsula Light shop. It is currently designated as Residential Low and zoned R-1. The Comprehensive Plan designation and zoning is not reflective of the actual land uses in this area. This change would apply to the area shown on Area 1 Map, which includes parcel #'s 0122241048, 0122241018, 0122241002, 0122243084, 0122244086, 0122244062, 0122244017, and 0122244072.
2. Change Residential Low Comprehensive Plan designation to Residential Medium. This area is zoned as R-2. The current Comprehensive Plan designation is not reflective of the actual zoning of the land. This change would apply to the area shown on Area 2 Map, which includes parcel #'s 0122251020, 0122255006, 0122255005, 0122255004, 0122255001, 0122255003, 0122255002, 0122255032, 0122251032, and 0122254062.
3. Change Commercial/Business Comprehensive Pan designation to Residential Medium in the area shown on Area 3 Map. This area is designated as Commercial/Business in the Comprehensive Plan and zoned as Employment District and RB-2. The change would apply to parcel # 01222361065.
4. Expand Employment Center designation that covers the east portion of parcel # 0122253020 to include the entire parcel. (The west portion of the parcel is currently designated Residential Low). This change would avoid the problem of split-zoned parcels (which was an apparent mapping error). Also, expand Employment Center designation and UGA boundary to include parcel #'s 0122253008 & 0122253019. (See Area 4 Map). These parcels are designated within the City's UGA by Pierce County. This change would resolve the inconsistency between the City and County maps.
5. Delete from UGA the area shown on Area 5 Map, which includes the following parcels:
Parcel #'s 3000610220, 300061001, 03000610250, 3000610260, 3000610950, 3000610230, 3000610020, 3000610270, 3000610240, 3000610280,

3000610290, 3000610030, 3000610050, 3000610040, 3000610060,
3000610300, 3000610200, 3000610190, 3000610210, 3000610070,
3000610180, 3000610310, 3000610080, 3000610170, 3000610320,
3000610150, 3000610140, 3000610160, 3000610090, 3000610330,
3000610110, 3000610120, 3000610130, 3000610100, 3000610340,
3000610470, 3000610350, 3000610410, 3000610390, 3000610460,
3000610400, 3000610160, 3000610090, 3000610330, 3000610110,
3000610120, 3000610130, 3000610100, 3000610340,
3000610470, 3000610350, 3000610410, 3000610390, 3000610460,
3000610400, 3000610420, 3000610370, 3000610450, 3000610430,
3000610440, 3000610360, 3000610960, 3000610380.

The existing UGA boundary splits the Henderson Bay Estates and several parcels located to the South. This correction would create a more logical boundary in light of the existing pattern of land subdivisions (See Area 5 Map).

6. Change Residential Low Comprehensive Plan designation to Employment Center on parcel #'s 0122361006, 0122361008, 0122361009 & 0122361013 (See Area 6 Map).
7. Change Residential Low Comprehensive Plan designation to Residential Medium. This area is zoned as RB-2 (Residential Business). The proposed Comprehensive Plan change would correct the inconsistency between the Comprehensive Plan and Zoning map. This change would apply to parcel #'s 0222312008, 0222313022 & 0222313009 (see Area 7 Map).
8. Change Residential Low Comprehensive Plan designation to Residential Medium. The area is developed with duplexes and is zoned R-2. The proposed change would eliminate the inconsistency between the Comprehensive Plan and zoning designations. The change would apply to parcel #'s 4348000051, 0222327024, 4348000011, 0222327009, and 0222327010 (See Area 8 Map).
9. Delete from the UGA parcel #'s 0121011020, 0121011019, 0121011021 & 0121011022. The area is heavily constrained by wetland systems and is not suitable for urban levels of development. (See Area 9 Map).
10. Delete from the UGA parcel #'s 4348000051, 0222327024, 4348000011, 0222327009, and 0222327010. The area is heavily constrained by wetland systems and is not suitable for urban levels of development (See Area 10 Map).
11. Expand UGA to include the following list of parcels and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 11 Map). The area is developed at urban levels and is experiencing on-site septic system failures and would appropriately be within the UGA.

Parcel #'s 0221181067, 0221181074, 0221185031, 0221185030, 0221185029,
0221185028, 0221185022, 0221185023, 0221181013, 0221185039,
0221185040, 0221181015, 0221185041, 0221185009, 0221185008,
0221181065, 0221185019, 0221185020, 0221185021, 0221185012,
0221185013, 0221185035, 0221185038, 0221185036, 0221185037,
6913000210, 6913000230, 6913000220, 6913000200, 6913000190,

6913000140, 6913000150, 6913000170, 6913000180, 6913000160, 6913000130, 6913000010, 6913000020, 6913000240, 6913000040, 6913000030, 6913000050, 6913000120, 6913000100, 6913000060, 6913000090, 6913000070, 6913000080, 6913000110, 9263000010, 9263000090, 9263000050, 9263000060, 9263000070, 0221181043, 9263000080, 9263000040, 9263000030, 9263000020, 4000450440, 4000450400, 9263000130, 9263000150, 9263000140, 9263000170, 9263000160, 9263000111, 9263000180, 9263000120, 0221181055, 9263000101, 4000450410, 4000450030, 4000450020, 4000450040, 4000450050, 4000450060, 4000450070, 4000450080, 4000450090, 4000450100, 4000450010, 4000450120, 4000450110, 4000450130, 4000450430, 4000450450, 4000450140, 4000450380, 4000450340, 4000450370, 4000450360, 4000450350, 4000450390, 4000450240, 4000450250, 4000450230, 4000450420, 4000450330, 4000450150, 4000450260, 4000450220, 0221185003, 4000450320, 0221185034, 0221185033, 4000450160, 0221185032, 4000450310, 4000450270, 4000450170, 4000450210, 0221185024, 0221185025, 0221185026, 0221185014, 0221185027, 4000450300, 4000450280, 4000450180, 4000450290, 4000450200, 4000450190, 7133000010, 7133000020, 7133000030, 7133000040, 7133000050, 7133000060, 7133000070, 7133000080, 7133000090, 7133000100, 7133000210, 7133000190, 7133000180, 7133000170, 7133000160, 7133000150, 7133000140, 7133000130, 7133000120, 7133000110, and 7133000200.

12. Expand UGA to include the parcels in the following list and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 12 Map). The County-adopted UGA boundary in this area is different than that which is depicted on the 1994 City Comprehensive land Use Map. The proposed change would correct this inconstancy.

Parcel #'s 4001400170, 4001400160, 4001400150, 4001400140, 4001400120, 4001400130, 4001400110, 4001400180, 4001400210, 4001400220, 4001400100, 4001400500, 4001400200, 4001400190, 4001400230, 4001400240, 4001400090, 4001400250, 4001400490, 4001400080, 4001400430, 4001400260, 4001400420, 4001400070, 4001400440, 4001400270, 4001400060, 4001400410, 4001400450, 4001400280, 4001400510, 4001400400, 4001400460, 4001400050, 4001400470, 4001400390, 4001400290, 4001400040, 4001400380, 4001400480, 4001400370, 4001400360, 4001400030, 4001400300, 4001400020, 4001400520, 4001400310, 4001400320, 4001400350, 4001400340, 4001400330, and 4001400010.

13. Expand UGA to include parcel #'s 0221213057, 0221204032, 0221213055, 0221213054 and designate said parcels as Residential Low on the City's Comprehensive Plan map. (See Area 13 Map).
14. Include in the City's UGA parcel #0222192002 and designate as Residential Low. (See Area 14 Map). This property was placed within the City's UGA by Pierce County in 1997 (Amendment U-4, Canterwood Division 12) but has not been

formally included on the City Land Use Map. The change would correct the inconsistency between the City's and the County's UGA maps.

15. Include in the City's UGA parcel #0221204023 and give a Comprehensive Plan land use designation of Residential Low. (See Area 15 Map). Mr. Jay W. Watland, owner of the property, requested this change. The proposal requests a change to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve the request for a change to the Pierce County comprehensive plan.
16. Change Comprehensive Plan designation from Residential Low to Commercial/Business. Mr. Paul Cyr is requesting the change in behalf of the property owner, Fred Paulson. The change is proposed in anticipation of the County approving a change from the County's existing Moderate Single Family (MSF) designation to Community Center (CC). The change would include parcel #'s 0122243001, 01222430009 & 0122243045. (See Area 16 Map). The proposal requests a change to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve the request for a change to the Pierce County comprehensive plan.

Staff Analysis: The City's Comprehensive Plan Land Use Map is inconsistent with the adopted Pierce County designation of the Urban Growth Area. The City is required to conform its map to the UGA designation made by Pierce County; these amendments are merely to make the necessary changes to the City's Comprehensive Land Use map as already amended by Pierce County. Pierce County did not approve proposals 15 and 16 listed above.

Planning Commission Recommendation: The Planning Commission recommended approval of the correction of the inconsistencies 1 through 14 as listed above.

The Planning Commission recommended denial of requests 15 and 16 as listed above agreeing with Pierce County's action.

Staff Recommendation to Council: Staff recommends that Council approve changes 1 through 14 as listed above. The proposals described in 15 and 16 are requests for changes to the Pierce County comprehensive plan, for property located in Pierce County. The City has no jurisdiction to approve requests for changes to the Pierce County comprehensive plan.

G. 01-11 Council Member Owel - Text Amendment.

Description of Amendment: Gig Harbor Council Member Owel has proposed a text amendment to the Land Use Element, Page 14, second bullet, Goal #17, Critical Areas, Open Space /Preservation Areas. Specifically, the following addition has been proposed:

Restrict or limit development or construction within open space/preservation areas but provide a wide variety of special incentives

and performance standards to allow increased usage or density on suitable property, which may contain these limitations. Require Low Impact Development (LID) guidelines and standards on properties that contain critical areas, designated open space, or those areas identified as environmentally sensitive or most susceptible to impacts from surface water runoff.

Staff Recommendation: When this application was being considered by the Planning Commission, Staff recommended approval of the Council Member Owel Comprehensive Plan Text Amendment #01-11 together with a further recommendation that funds be allocated in the 2002 Department of Planning & Building Services Budget specifically for the purposes of researching and developing Low Impact Development guidelines and necessary Municipal Code amendments for the City of Gig Harbor.

Planning Commission Recommendation: The Planning Commission recommended approval of this request.

Staff Analysis: The City Attorney has reviewed this application and provided the following analysis:

An amendment has been proposed to the City's Comprehensive Plan, requiring that the City adopt Low Impact Development guidelines "on properties that contain critical areas, designated open spaces, or those areas identified as environmentally sensitive or most susceptible to impacts from surface water runoff." There are no proposed Low Impact Development guidelines to accompany this proposed amendment.

The timing of the City's adoption of comprehensive plan amendments is governed by RCW 36.70A.130, which prohibits the City from adopting comprehensive plan amendments more than once a year (with certain listed exceptions). However, that statute also provides that "all proposals shall be considered by the governing body concurrently so that the cumulative effect of the various proposals can be ascertained." RCW 36.70A.130(2)(b). There are a number of new decisions from the Growth Boards interpreting this language, and the Boards have now ruled that proposals requiring both development regulation and comprehensive plan amendments require concurrent consideration to maintain consistency (under the Growth Management Act, specifically, RCW 36.70A.040). See, McVittie v. Snohomish County, (McVittie V), CPSGMHB 00-3-0016, FDO (April 12, 2001), at 7, note 3. Therefore, the City Council should not adopt the proposed text amendment at this time. Low Impact guidelines and standards should first be developed and presented with this text amendment for concurrent consideration.

If the comprehensive plan amendment were adopted now, it also could not be enforced, because there are no accompanying Low Impact Development guidelines or standards. However, it could cause some confusion, given that consistency with the comprehensive plan is a criterion for approval of a number

of applications. If the City adopts the comprehensive plan amendment now, and there are no Low Impact Development guidelines, an applicant will not be able to demonstrate consistency with the comprehensive plan as to this criterion.

Staff Recommendation to Council: In light of the analysis by the City Attorney, staff recommends that Council deny this Comprehensive Plan Amendment. Low Impact Development (LID) guidelines and standards should first be developed and presented with this text amendment for concurrent consideration during a future Comprehensive Plan Amendment cycle.

H. **Amendment of the Transportation Element of the Comprehensive Land Use Plan to include the March 2002 Gig Harbor Transportation Plan Update.**

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a transportation element that implements, and is consistent with, the land use element.. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a transportation element). The City has recently engaged a consulting firm to aid in the formation of an update to the adopted Transportation Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the March 2002 Gig Harbor Transportation Plan Update by reference and further adopt the March 2002 Gig Harbor Transportation Plan Update as part of the transportation element of the City's Comprehensive Plan.

I. **Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the March 2001 City of Gig Harbor Storm Water Comprehensive Plan.**

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Storm Water Master Plan in November 1987 and has recently engaged a consulting firm to aid in the formation of an update to the adopted Storm Water Master Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan by reference and further adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.

J. **Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the February 2002 City of Gig Harbor Wastewater Comprehensive Plan.**

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general

location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Comprehensive Sewer Plan in December 1993 (Resolution No. 402) and has recently engaged a consulting firm to aid in the formation of an update to the adopted Comprehensive Sewer Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the February 2002 City of Gig Harbor Waste Water Comprehensive Plan by reference and further adopt the February 2002 City of Gig Harbor Waste Water Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.

K. Amendment of the Utilities Element of the Comprehensive Land Use Plan to include the June 2001 City of Gig Harbor Water System Comprehensive Plan.

Description of Amendment: The Washington State Growth Management Act (GMA) requires that the Comprehensive Plan include a utilities element consisting of the general location, proposed location, and capacity of all existing and proposed utilities. The City adopted its GMA Comprehensive Plan in 1986, later updated in 1994 (together with a utilities element). The City last adopted a Comprehensive Water System Plan in December 1993 (Resolution No. 401) and has recently engaged a consulting firm to aid in the formation of an update to the adopted Comprehensive Water System Plan.

Staff Recommendation to Council: Staff recommends that the Council adopt the March 2001 City of Gig Harbor Storm Water Comprehensive Plan by reference and further adopt the June 2001 City of Gig Harbor Water System Comprehensive Plan as part of the utilities element of the City's Comprehensive Plan.