

**CITY OF GIG HARBOR
ORDINANCE NO. 981**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A REVISED LAND USE COMPREHENSIVE PLAN, AS REQUIRED BY THE WASHINGTON STATE GROWTH MANAGEMENT ACT, TO ENSURE COMPLIANCE WITH THE ACT AS REQUIRED BY CHAPTER 36.70A; INCORPORATING A NEW AND CONSISTENT FORMATTING FOR GOALS AND POLICIES, MAKING MINOR AMENDMENTS TO UPDATE REFERENCES IN THE PLANTO EXISTING GMA REQUIREMENTS; AMENDING THE LAND USE ELEMENT FOR CONSISTENCY WITH PIERCE COUNTY PLANNING POLICIES AND GROWTH ALLOCATIONS, REVISING DENSITY ALLOCATIONS FOR CONSISTENCY WITH GMA BOARD DECISIONS; ADDING A POLICY TO ADDRESS THE TACOMA NARROWS AIRPORT AS AN ESSENTIAL PUBLIC FACILITY; ADDING POLICIES TO ENCOURAGE LOW IMPACT DEVELOPMENT; AMENDING THE ENVIRONMENTAL ELEMENT TO ADDRESS THE NEW ZONING CODE CHAPTER ON MINERAL RESOURCE LANDS; AMENDING THE HOUSING ELEMENT TO UPDATE THE DESCRIPTIONS AND ANALYSES OF EXISTING HOUSING STOCK, ESTIMATED CAPACITY AND PROJECTED GROWTH; AMENDING THE ESSENTIAL PUBLIC FACILITIES ELEMENT TO IDENTIFY STATE AND COUNTY LISTS FOR SAME; REPLACING THE TRANSPORTATION ELEMENT WITH THE 2002 TRANSPORTATION PLAN UPDATE AND INTEGRATING FUNDING STRATEGIES WITH THE LAND USE ELEMENT; AMENDING THE CAPITAL FACILITIES ELEMENT TO UPDATE EXISTING FACILITY DESCRIPTIONS AND FUTURE NEEDS, ADDRESSING CONSISTENCY OF THE SEWER SERVICE AREA TO THE UGA; AND REPEALING THE NOVEMBER 1994 CITY OF GIG HARBOR COMPREHENSIVE PLAN, AS AMENDED, ADOPTED BY ORDINANCE NO. 686.

WHEREAS, the City of Gig Harbor plans under the Washington State Growth Management Act (chapter 36.70A RCW); and

WHEREAS, the City is required to take action to review and, if needed, revise the comprehensive plan and development regulations to ensure the plan and regulations comply with the requirements of the Growth Management Act (GMA) on or before December 1, 2004 (RCW 36.70A.130 (4)(a)); and

WHEREAS, the City is required to provide public notice of and hold a public hearing on any amendments to the Comprehensive Plan and implementing development regulations (RCW 36.70A.035, RCW 36.70A.130); and

WHEREAS, the City Community Development Director notified the Washington State Office of Community Development of the City's intent to amend the Comprehensive Plan and development regulations on October 21, 2004 pursuant to RCW 36.70A.106; and

WHEREAS, on October 20, 2004, the City's SEPA Responsible Official issued a Determination of Non-Significance with regards to the proposed adoption of a revised Comprehensive Plan, as well as the amendments to Title 17 and Title 18 of the Gig Harbor Municipal Code; and

WHEREAS, no appeals of the issuance of the Determination of Non-Significance were filed; and

WHEREAS, the City anticipated this requirement the review and revision of the Comprehensive Plan and included an objective in the 2004 Annual Budget for the update of the Comprehensive Plan; and

WHEREAS, on April 12, 2004 the City Council approved a consultant services contract with AHBL, Inc. for the services necessary to assist the City in the review and update of the Comprehensive Plan and development regulations; and

WHEREAS, in order to ensure that the review and update of the Comprehensive Plan is completed in a timely fashion consistent with State law it was necessary to establish a timeline and work program; and

WHEREAS, the City Council adopted Resolution No. 629 on September 13, 2004, which was subsequently revised by Resolution No. 631, which established a timeline and work program for the review and revision of the City of Gig Harbor Comprehensive Plan; and

WHEREAS, the City Planning Commission reviewed the recommendations for the update of the Comprehensive Plan and development regulations as outlined in the scope of work in Resolutions Nos. 629 and 631; and

WHEREAS, the City Planning Commission conducted work-study sessions for the 2004 review and update of the Comprehensive Plan and development regulations on September 16, 2004, October 7, 2004, October 21, 2004 and November 18, 2004; and

WHEREAS, the City Planning Commission held a legally advertised public hearing on the 2004 review and update of the Comprehensive Plan on November 4, 2004 and recommended adoption of a revised City of Gig Harbor Comprehensive Plan and certain amendments to Title 17 and Title 18 of the Gig Harbor Municipal Code; and

WHEREAS, the Gig Harbor City Council held a public hearing and first reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan and development regulations on November 22, 2004; and

WHEREAS, the Gig Harbor City Council held a second public hearing and second reading of an Ordinance implementing the recommendations of the Planning Commission amending the Comprehensive Plan and development regulations on December 13, 2004; Now, Therefore,

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

Section 1. Comprehensive Plan Repealed. The City's Comprehensive Land Use Plan, which was Exhibit 1 to Ordinance No. 686, as amended, is hereby repealed.

Section 2. Adoption of a Revised Comprehensive Plan.

A. **Notice.** The City Clerk confirmed that public notice of the public hearing held by the City Council was provided.

B. **Hearing Procedure.** The City Council's consideration of the comprehensive land plan and amendments to the Gig Harbor Municipal Code is a legislative act. The Appearance of Fairness doctrine does not apply.

C. **Testimony.**

The following person's testified/submitted written testimony at the November 22, 2004 public hearing:

James A. Wright, testified and submitted a letter for consideration by the Council regarding the use of Planned Residential Developments; and

The Washington State Department of Ecology submitted a letter dated November 22, 2004 regarding the draft Critical Areas Ordinance via facsimile.

The following person's testified/submitted written testimony at the December 13, 2004 public hearing:

Jim Wright, submitted a letter dated December 8, 2004 regarding densities and diversity of housing;

The Puget Sound Regional Council submitted a letter dated December 8, 2004 regarding the Transportation Element;

The Olympic Property Group submitted a letter dated December 10, 2004 regarding wetland buffer width averaging;

Marilyn Owel submitted a letter dated December 13, 2004 regarding wetland buffer width recommendations;

The Friends of Pierce County submitted a letter dated December 13, 2004 regarding low impact development techniques and wetlands;

Carl Halsan testified that the City likely has very few Category I wetlands;

Teresa Vanderburg, Adolfsen Associates, Inc. referenced her revised memorandum responding to the November 22, 2004 Department of Ecology letter and reiterated the low potential for any Category I wetlands in the City;

John Chadwell, Olympic Property Group referenced the December 10, 2004 letter and commented on wetland buffers width averaging;

Dennis Reynolds, Davis Wright Tremaine submitted a letter written on behalf of four clients regarding the wetland issues;

Chris Wright, Raedeke Associates, Inc. referenced his December 10, 2004 letter attached to the Olympic Property Group correspondence regarding wetland buffer width averaging;

Doug Sorenson testified that his wetland consultant indicated that he has a Category I wetland; and

Scott Waggoner testified regarding the wetland buffer issues.

D. Comprehensive Plan Adopted. The City's December 2004 Comprehensive Land Use Plan, a copy of which is attached hereto as Exhibit A and incorporated herein by reference as if fully set forth herein, is hereby adopted.

Section 3. 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 4. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 5. 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 City Council and approved by the Mayor of the City of Gig Harbor this 13th day of December, 2004.

CITY OF GIG HARBOR



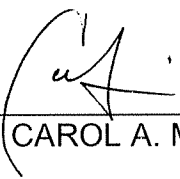
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 11/23/04
PASSED BY THE CITY COUNCIL: 12/13/04
PUBLISHED: 12/22/04
EFFECTIVE DATE: 12/27/04
ORDINANCE NO: 981

Exhibit A

CITY OF GIG HARBOR

COMPREHENSIVE

PLAN

DECEMBER 2004