

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
February 1, 2007
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Harris Atkins, Joyce Ninen, Dick Allen, Theresa Malich and Jeane Derebey. Commissioner Jill Guernsey was absent. Staff present: Tom Dolan, Jennifer Kester, Cliff Johnson and Diane Gagnon.

CALL TO ORDER: 6:05 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of January 18, 2007 with typographical corrections and a statement added that there was no public present for the public hearing. Ninen/Allen – motion passed unanimously.

NEW BUSINESS

1. Kurt Latimore, The Latimore Company – Presentation and discussion on the upcoming phases of improvement to the design review process.

Kurt Latimore from the Latimore Company gave a presentation on the Design Review Process Improvement Initiative. Mr. Latimore went over what had been done in 2006 to analyze the permitting process in the City of Gig Harbor and his background in this field. He spoke about Design Review setting the pace for the development process and that this initiative was to improve that process. He talked about applicants needing a predictable process and the fear of going to the DRB. He noted that in most areas design standards only apply in certain areas or partially in certain areas and that here in Gig Harbor it is applied city wide. He said that there is additional design effort being placed at the front of the process and applicants are required to provide a high level of detail early on in the process. Mr. Latimore went on to explain specific areas of the process and the two phase plan. He stated that the first phase would be a series of text amendments that fit within the current comprehensive plan and the second phase would entail comprehensive plan amendments to encompass design manual changes that may fall outside of the current comp plan. He then went over the timeframe of the phases with the first phase happening in the spring and then the second phase in the summer and fall. He gave some examples of what kinds of things may fall within the two phases.

Senior Planner Jennifer Kester went over some of the ideas that had been suggested by the DRB. Mr. Latimore went over further details of the schedule and the idea of the upcoming community meetings. He outlined the first series of text amendments that will go forward in the March/April timeframe with the conclusion of the first batch in early summer when phase two would begin. Mr. Pasin asked if there was a specific list of what those text amendments will be and Ms. Kester answered that she was in the process of writing those text amendments which will be sent to the Planning Commission next week in preparation for the meeting of February 15th. She gave some examples. Jeane Derebey asked if there was a printout of the schedule and Ms. Kester said she would make everyone copies.

Mr. Allen asked about what kinds of things would require comprehensive plan amendments and Mr. Latimore explained that the implementation of sub area plans may require a comp plan amendment. Ms. Kester further explained that there may be different goals and policies for the West side or Gig Harbor North. She also explained that a lot of what is in the Design Manual was fashioned around the downtown and maybe that is not appropriate everywhere. She pointed out that the Design Manual was written in 1996 and the West Side and Gig Harbor North were annexed in 1997. Mr. Allen asked where we expected the nucleus of these philosophical changes to happen. Mr. Latimore explained that the center of the effort would be here at the Planning Commission. Ms. Kester added that the DRB would make suggestions as well as staff and the development community. Mr. Pasin suggested that each Planning Commission member collect their ideas individually to give their input on February 15th.

Mr. Atkins asked if the list of other changes that had been developed by the Planning Commission during the matrix process was going to be addressed as well. Ms. Kester said that she would look at that list and see if any of those could possibly fit within this process. Mr. Latimore asked for agreement on the series of work study sessions and stated that he would like them to be joint meetings with the DRB. Ms. Kester added that the meeting on the 15th will be heavily advertised and public input will be encouraged. It was brought up by Mr. Pasin that some thought should be given to how the meeting is conducted. Mr. Allen asked if staff was looking to scrutinize the land use regulations line by line. Ms. Kester said that there are some specific changes being suggested by the DRB; however, the last time we looked at the manual line by line it took over three years and that we would rather take everyone's experiences and look at those and pick the ones that will have the most impact if changed.

Ms. Kester noted that staff and Mr. Latimore will present these ideas to the City Council on February 12th. She then talked about how the upcoming work sessions will be conducted.

Mr. Latimore asked the Planning Commission if they had any initial comments. Discussion was held on setbacks and their appropriateness in different zones. Ms. Ninen asked if the tree issue was going to be in Phase I or Phase II and Ms. Kester answered that it will probably be in Phase II. She explained the current approach for tree retention.

Mr. Allen asked if the DRB had a lot of ideas and Mr. Pasin said that they did have a lot of ideas and Ms. Kester added that it may not be possible to implement all of them.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Proposal by the City Council (ZONE 07-0002) to amend the procedures for processing legislative actions and annexations.

Planning Director Tom Dolan explained the proposed ordinance and stated that it was the result of City Council meeting the first of January where they considered an agreement which allowed a zone transition buffer from a commercial property to also be on a residential property. The City Council voiced concern with the proposal that had gone through the hearing examiner process. During the City Council meeting it was discussed that staff would bring an amendment before the Planning Commission to not allow this in the future. The City Council asked if it was necessary for this item to go to the Planning Commission and staff responded that

yes, it was necessary and the City Attorney felt that perhaps it was not necessary and made recommendation to the City Council that there could be direct consideration. Mr. Dolan continued by saying that in looking at the code later, the provisions of 19.01.050 would require Planning Commission review and at that point the City Attorney proposed the ordinance that is before you that would allow the City Council to consider changes to the zoning ordinance without first seeking Planning Commission recommendation. Mr. Dolan pointed out that the ordinance did not require their review and recommendation; however, staff thought that the Planning Commission may have concerns. He continued by saying that the matter is scheduled to go before the council on February 12th.

Ms. Malich pointed out that it said “certain legislative decisions”, which made it unclear what types of decisions and seems to leave it wide open. She stated that the broad scope of this was worrisome to her. Mr. Pasin said that it appeared to be based on events which may date back 9 months or more and the City Council has determined that they wish to manage the process directly rather than through this commission or the DRB. He agreed with Ms. Malich that it begins to put the council in the direct decision making process and can lead to less public input through the DRB or the Planning Commission. Mr. Pasin said he was bothered by that because 8 or 9 years ago there was a similar swing and then moved away from that and this is now swinging back so he was concerned with the reasoning for that and how it affected the Planning Commission and the citizens of the community.

Mr. Atkins said it seems like there are two issues here and that he got the feeling that they are afraid to have public hearings and that he felt they were important. He stated that he felt that the Planning Commission’s role is to consider issues in a different environment rather than in the political environment of the City Council. He said the Planning Commission is able to take a more studious look at the larger picture. He continued by saying that it troubled him that the City Council would take the Planning Commission out of the loop.

Ms. Ninen asked if this was in accordance with the RCW and Mr. Dolan said that the City Attorney had researched it and the RCW does not require Planning Commissions to look at text amendments. Mr. Dolan pointed out that at the council meeting the council didn’t direct the City Attorney to write this ordinance. Ms. Derebey voiced her concern with the ability of the council to be able to give the time or study to a particular problem and stated that she could see other problems arising from hasty decisions being made. She continued by saying she would not want to see this ordinance go on the books, especially with a word like “certain” in it. Ms. Derebey said she wasn’t sure why you would remove annexations from the scope of the Planning Commission and Ms. Kester said that currently the only time annexations come to them is if they are asking for a zoning change as part of the annexation process and this ordinance would make it so that was no longer necessary.

Mr. Atkins agreed that if there is an annexation area identified he didn’t have any problem with bringing property in at their proposed zoning. Ms. Malich pointed out that the Planning Commission spends a lot of time on these issues and really examines the ramifications of them and the City Council is not going to be able to do that. She asked staff how they should communicate their thoughts on this proposal. Mr. Dolan explained that it was brought before them for information; however, they could pass a resolution to the City Council. He suggested that perhaps there is a need for a joint Planning Commission and City Council meeting to discuss

several issues so that the Planning Commission can better understand their intent. He continued by saying that 2007 is going to be extremely busy year. Ms. Malich said that if the council had a specific reason for this then the ordinance should be written as such.

MOTION: Move to adopt a resolution that respectfully requests the council defer this issue until such time as a joint City Council and Planning Commission meeting can be held to discuss the roles and responsibilities of the Planning Commission. Atkins/Derebey – Motion passed unanimously.

Chairman Malich called a five minutes recess at 7:35 p.m.
The meeting was reconvened at 7:40 p.m.

OLD BUSINESS

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Proposal by the City Council (ZONE 06-1386) to amend the definition of gross floor area; create definitions for underground parking, basement, finished grade, and original grade; amend parking requirements to include maximum number of parking spaces for uses; and reconsider the maximum building sizes for WC, WM and WR zones.

It was decided to discuss this issue until 8:00 p.m. and then take a poll for continuation. Mr. Dolan reminded the commission that this issue will be discussed at several meetings and it is not necessary to completely discuss it tonight. Ms. Malich asked what the timeline was. Mr. Dolan said the original request came 13 months ago and there is an interest in having this addressed; however, it is not just one issue, it may be several text amendments. Ms. Kester also explained that significant research will be done on this topic and then she went over what she had proposed and organized for tonight's discussion. Ms. Malich asked if this would be one of the things that might be appropriate to have a joint meeting on. Ms. Kester said that this would definitely be something to discuss at a joint meeting with the City Council. Mr. Dolan said that one of the things that he had heard expressed is a concern with the City Council coming out of executive session and then asking the commission to review an issue with very little background or context to consider.

Mr. Atkins said that he was puzzled by the statement that staff does not think the council expected this to develop into text amendments. Ms. Kester explained that in talking with council and Carol Morris they didn't have a specific text amendment in mind; however, they wanted these issues talked about and then decide if a text amendment was necessary. Ms. Kester informed the commission that Ordinance 1008 had been challenged due to constitutionality because it singles out certain property owners without a specific public purpose being established for differing regulations. She noted that these questions are not just about the waterfront zones, these things will be applied city wide. Ms. Kester then began going through the questions.

The first question is regardless of use is there a legitimate public purpose to regulate a structure that is entirely underground. If yes, what is that public purpose? If no, what standards need to be changed to reflect that? She read the purpose of the zoning code. She stated that she knew that there was concern expressed at the last meeting about structural and emergency issues. She reminded the commission that if underground structures were exempt from building size

limitations they still have to comply with building, fire, storm water, public works, and engineering codes. Mr. Pasin said that answering this question yes allows us to have various types of underground structures that would provide services and may help us maintain views that are being lost. Ms. Kester asked what the legitimate public purpose was in regulating them and stated that it seemed they were saying underground structures should be allowed but the question was should we limit uses underground. Mr. Allen said he thought there was no question it would generate more activity and in a residential area we don't want that activity. He stated that people will lose the quiet enjoyment of their property.

Ms. Malich said there is a difference between WM and WC so if you allow large underground garages then it just intensifies the use. Ms. Kester asked about other zones in the city. Ms. Malich said that in intense use areas there should definitely be underground parking allowed. Mr. Pasin said that there could be other underground structures perhaps a two car garage underground rather than one on the street.

Mr. Atkins asked if there was a public benefit in regulating structures above ground. Ms. Kester said that courts have decided that there is because of the impact on views and open space. Ms. Ninen said she thought that the question was should underground structures be included in the gross floor area calculation and that you limit a non residential development by having that underground structure included in the gross floor area calculation. Ms. Kester added to her question "through gross floor area calculations" and asked if it was important to regulate something you can't see as far as gross square footage goes. Ms. Malich said that in that pure statement no.

Ms. Kester said that her third question was if structures are exempt from gross floor area calculations was the commission concerned with the intensity of use on site. She stated that she heard the commission saying yes. Mr. Pasin said that underground parking does not necessarily increase the intensity of the use it may provide the amenity of not having cars along the street and other issues that become public nuisance. He also pointed out that one of the benefits is that you may very well be able to decrease the amount of impervious coverage. He added that the hospital is a prime example if they could have underground parking we would not have parking sprawled across five acres and it would not increase the intensity of the use of that property one bit. Mr. Allen said that what he saw happening in a residential area was that people will not park in them. Mr. Pasin answered that people do that now and you can't regulate that. Ms. Kester reiterated that what she heard was that underground structures don't need a gross floor area limitation if it's a residential use and the garage is for that residential use only. Ms. Derebey said that it should be limited in size to be appropriate to go along with the 3500 square foot limitation. Ms. Kester suggested a maximum parking stall size. Mr. Pasin pointed out that what we have today and what we had 15 years ago was very different and that for a family of four you have four vehicles, a boat, a trailer and other such things, so to say if it's a 3500 sq ft house you can only have a certain size garage you are not getting anything because they'll just end up putting their car on the street.

Ms. Kester suggested that perhaps they needed to look at the uses allowed in the zones and that it may be that there are uses that are not compatible with surrounding zones. Mr. Pasin said that he thought we had to look at it on a city wide basis and not let a couple of zones that rightfully have some concerns be the focal point. Mr. Allen pointed out that we had just discussed creating a

bull's eye approach to have differing regulations for different areas of the city. Ms. Kester explained that definitions apply city wide and yet there are building size limits in several zones. She stated that previously the Planning Commission had said that it should only apply in the waterfront zones, and then the council changed it.

Ms. Kester asked what types of material they would like for their next meeting. Ms. Derebey asked for information on regulations in similar cities. She also noted that Carol Morris was going to provide information on who was doing maximum parking.

Ms. Kester summarized that what she had heard was that there was not a public purpose for regulating underground structures if we address the issue of use in specific zones. Mr. Allen said he felt they needed to acknowledge that by not regulating them it would be generating more activity. Ms. Kester said that it seemed that in some zones there is concern with intensity of use. Mr. Pasin asked if there was some historical purpose to retain the WM and WC zoning boundaries as they are defined today. Mr. Allen said that WM came in 1991 and it was designed because all of the properties support upland and marina development. He stated that he felt that it's worked really well and it's a unique area. Mr. Pasin asked if maybe they should consider meshing the two. Ms. Malich said that there is R1 right across the street so she couldn't see meshing them. Mr. Pasin clarified that he was just trying to get input on maybe there should be more WM meshed into WC.

Ms. Kester said that they will probably not see a packet ahead of the next meeting and she asked that they get their ideas ready and solicit ideas from friends and neighbors.

ADJOURNMENT

MOTION: Move to adjourn at 8:35 p.m. Derebey/Atkins – Motion passed.

CD recorder utilized:
Disc #1 Track 1
Disc #2 Track 1
Disc #3 Track 1