

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session
April 3, 2008
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Harris Atkins, Jeane Derebey and Joyce Ninen. Commissioners Theresa Malich, Jill Guernsey and Dick Allen were absent. Staff present: Jennifer Kester, and Stephanie Pawlawski.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES

In the minutes from March 6th, 2008 Planning Commissioner Joyce Ninen noted one typo on the last page, at the top second paragraph 5th line, says "is doesn't". It was also pointed out that on the previous page it should be Ms. Malich rather than "she".

MOTION: Move to approve minutes of March 6th, 2008 with the changes. Ninen/Derebey – Motion carried.

It was noted that the Commissioners present had been corrected in the minutes for March 20th, 2008. Ms. Derebey noted that on the 4th page 2nd paragraph the sentence beginning Mr. Dolan said, didn't make sense. It was decided to add the word areas. It was also noted on that on line 5 of the same page it should read original retail rather than retails. In the paragraph above number three where it says Mr. Atkins felt that there should be some mechanism for dealing with neighborhood transition issues it was decided to delete the phrase "when there is a problem".

MOTION: Move to approve the minutes of March 20th, 2008 with the changes mentioned. Pasin/Derebey – motion carried

1. Overview of text amendment to be reviewed during the second quarter of 2008.

Senior Planner Jennifer Kester passed out the new information for this quarter for the Planning Commission binders. She pointed out what was being reviewed and the staff reports for each. She went over each of the amendments and the elements of each.

Mr. Pasin asked if the vegetation amendment would receive some input from the Mayor since that was something that was important to him and asked how they were going to get some input from the DRB. Ms. Kester noted that she had asked the DRB for volunteers and there were some members that were interested and are aware of the schedule and that the meetings will begin in May. She also stated that the Mayor has given some input to staff and she could provide that to the Planning Commission.

Ms. Kester stated that the Quadrant development will be an example of our current standards for everyone to compare. She did note; however, that ordinarily there would need to be trees on the frontage of Borgen but they had found laminated root rot in the trees so they had to be removed and planted with another species. Discussion followed on the Harbor Crossing plat and it's greenbelt with Canterwood. Ms. Kester explained that Canterwood had cleared their own buffer and that is why it appears that there is no buffer. Ms. Derebey noted that there is a huge problem with beetles destroying trees.

Ms. Kester went on to say that new for this quarter is the height restriction area criteria amendment, which we will be having a work session on tonight. She noted that they will also be holding a public hearing on the gross floor area changes on April 17th. Ms. Derebey had a question about the RB-1 changes and if they could be split into two work study session. Ms. Kester agreed that it wasn't ready for a hearing but they could plan for an upcoming work study session. She also stated that they will be discussing the area wide rezone from MUD to the Mixed Use zone. Discussion continued on the process for the RB-1 amendments and that some of them may need comprehensive plan amendments as well.

Ms. Kester went on to say that the Planning Commission will have one more meeting before their joint meeting with the City Council on the 21st and that the Design Review Board will have a joint meeting with the City Council on another night. Mr. Pasin noted that the Design Review Board would like to discuss the issue of utilizing the hearing examiner for certain projects. Mr. Atkins stated that he would like to know how the new review process is working. Ms. Ninen asked about the update of the Shoreline Master Program. Ms. Kester said that we are about to begin interviewing consultants and when the consultant is selected they will provide a public participation plan. Ms. Kester explained the process and that the Planning Commission will be making a recommendation to the City Council regarding the Shoreline Master Program. The development of the plan will probably take around a year and a half.

**2. Carl Halsan, Halsan Frey LLC, P.O. Box 1447, Gig Harbor WA 98335 –
ZONE 07-0012 – Height Restriction Area Special Exception**

Ms. Kester stated that this was a private developer proposal to create a new section which would provide a special exception process where someone could apply to be exempt from the provisions of the height restriction area if their development would not affect another properties view. Staff is recommending an alternative amendment to the criteria for removal. She noted that staff has felt that perhaps the criteria is not meeting the chapter but have not had that tested by the Hearing Examiner. Ms. Kester stated that recently the owners of the property where the Shenandoah is stored have asked for a rezone back to R-1 and to be removed from the height restriction area because of the topography. She went on to say that it had gone to hearing and in the criteria it talks about views from the property not views across the property. It was approved by the Hearing Examiner because it met the intent of the chapter.

Ms. Ninen pointed out that the code states that the property itself should have a view rather than dealing with surrounding properties. Ms. Kester said that the applicant had acknowledged that the staff suggestion would work. Mr. Atkins asked why if it is a Type IV application, it went to the Hearing Examiner. Ms. Kester pointed out where it refers you to a Type III application and the table identifies it as a Type III. Planning staff made an interpretation and presented that to the Hearing Examiner. Mr. Atkins expressed that sometimes Hearing Examiners don't really deal well with issues that are subjective, so sometimes these height restriction and view issues are better decided by the City Council.

Ms Kester then went through what the applicant was proposing which was a new exception to the height restriction area. She stated that staff had a concern with just limiting it to properties within the height restriction area as there are properties that have views that are not within the height restriction area. She felt that if they wanted to adopt a special exception it should deal with adjacent properties being impacted rather than just those within the height restriction areas. Mr. Pasin said that if you use a term like adjacent, what happens if you are two lots away. Ms. Kester said we would have to write a definition of what adjacent is. Mr. Pasin asked why we would we want to provide exceptions to the height restriction area and Ms. Derebey agreed. Ms. Ninen said well perhaps that is why staff was suggesting that it be a change to the criteria rather than an exception so that if you are not impacting anyone else's views than perhaps you should be removed. Mr. Atkins agreed. Ms. Kester pointed out which properties were being considered for development that had begun this amendment. Mr. Pasin said that he felt that both properties were examples where they don't necessarily have a view because of the trees and when the trees come down other properties could potentially have a view. Ms. Kester said that whatever criteria we write it will be the burden of the applicant to show that it will not impact other properties views. Mr. Atkins asked what constitutes a view, is it a tiny sliver? Ms. Ninen asked about a possible legal definition of a view and Ms. Kester said she would look into it.

Ms. Kester said that the code does say it has to be a view of Gig Harbor Bay, Puget Sound or the Narrows. Discussion continued on that it should be any amount of a view. Mr. Pasin asked if a view of Gig Harbor Bay mean you need to actually see the body of water and expressed concern with messing with the height restriction area as it has worked pretty well. Ms. Kester stated that she anticipated other people exploring being removed from the height restriction area map since the decision on the Shenandoah property. Mr. Atkins asked for further clarification on the decision. Ms. Kester explained that it didn't restrict views from adjacent properties and met the intent of the comprehensive plan. She talked about the gradient of the land and Mr. Atkins asked why are we worried about the gradient and Ms. Kester said that she and Associate Planner Kristin Moerler had tried to figure it out and she believed it was because of the view potential on sloped land. Mr. Atkins said that he felt that if you say something has potential for a view then perhaps that is enough whether they have a slope or not. She stated that staff felt that Item D was perhaps not really necessary and that Item C was just extra protection. Mr. Atkins said that he felt that the Hearing Examiner was looking for black and white and didn't want to deal with subjectivity. Ms Derebey talked about

what is adjacent properties and what did that mean and suggested that perhaps it should say properties within the line of sight of the subject property. Ms. Kester asked how far the line of sight can go and how would a property owner figure that out. Mr. Atkins said that this particular area defines a right and we are talking about creating a privilege for someone and it is their burden to show that they deserve the privilege. Ms. Kester brought up the issue of what is "potentially possess" a view. What if the current development is one story but if they redevelop and make it two stories, potentially they could have a view. Mr. Pasin brought up the issue of views within the proposed development and possible loss of those views as well. He pointed out that the height restriction area just says that you have to stay within a certain height it doesn't say that you can't block someone's view. Mr. Pasin asked why we would want to let people get out of it. Ms. Ninen said that we are trying to make the criteria be in line with the intent and what Ms. Kester has written really strengthens the criteria. Ms. Ninen asked how the city would handle notifying the property owners within the line of sight. Ms. Kester said that was a good point because we would have to figure out how we could map that. Ms. Ninen said that line of sight was a good concept but would be difficult to manage. Ms. Kester said that this was something to think about since a number would just be arbitrary.

Mr. Pasin asked why we use the word area in Item B and Ms. Kester said that could be changed to say property. Ms. Kester then asked what the right gradient of slope was for Item C. Mr. Pasin said that he thought that it should remain at 5% and Mr. Atkins agreed. Mr. Atkins then brought up the exclusions and Ms. Kester explained through an illustration. He then asked if the phrase subject site should be changed to property requesting to be removed from height restriction area. Ms. Derebey agreed that subject site could be confusing. Ms. Kester agreed to check on that. Ms. Derebey asked why can't we say 5% or greater in a downhill slope? Mr. Pasin gave an example of a piece of property at the bottom of Soundview that if you were over by the Harbor Inn looking uphill you would be able to see Mt. Rainier across that piece of property at the bottom of Soundview. Ms. Kester said that in that case there is a grade change of at least 5%. Mr. Pasin said that he was still concerned with views within a parcel that is removed from the height restriction area. Ms. Kester said that she did see one loop hole within the language is that if there was an entire group of homeowners like Spinnaker Ridge and they all applied for every single one of their properties to be removed you get a large chunk of area removed from the height restriction area that might affect other properties and that might be where Item C would come into play. Ms. Kester verified that they don't really like the idea of an exception but rather to amend the map. Ms. Kester verified that with these changes they would be ready to go to hearing on this proposal. Mr. Atkins asked if they wanted to change the intent statement. Ms. Ninen asked if the height restriction area was going to be looked at during the view basin segment of the neighborhood design areas. Ms. Kester said that it may result in changes to the map. Ms. Kester also noted that there are no criteria for what to do to be included in the height restriction area. Ms. Derebey asked if it should say that the intent is not to restrict views or potential views. Ms. Ninen stated that she thought that it was a good place to put that statement. Discussion followed on some of the areas pending annexation that may need to be included in the height restriction area. Ms.

Kester said that she was not sure that it was necessary to say potential views. Ms. Derebey said that there are areas that are not in the view basin that may have a view.

Ms. Kester said that she would contact the applicant to see if he was willing to hold a hearing on the staff proposal rather than on both proposals. Ms. Kester said the next meeting will be a public hearing on this item.

3. Identification of any key areas of change to the land use map the Planning Commission wants to work on in this year's cycle.

Ms. Kester stated that the 3rd quarter is for the comprehensive plan amendments and explained the process. She noted that the council will be deciding which of the proposed comp plan amendments are worthy of taking forward. Mr. Atkins said that he had found three areas that he identified as needing change. Ms. Kester said that if they want to put something forward for change she needs to know which areas. Mr. Atkins said that the three areas he had were the Soundview area where it's residential medium and there is a lot of single family residential zoning, and further down Soundview there is an area that is residential low and the zoning is R-2. Ms. Kester stated that there are a couple of things to remember is that all land use map changes have to go through concurrency review and we have no sewer and some areas have traffic issues and she is not sure how it will work when we are doing an up designation in one area and down designating in another area. Mr. Atkins stated that he was worried about how this would affect buildable lands and Ms. Kester said the changes to a lower designation wouldn't necessarily affect buildable lands. In the area where we would be up designating it would create more housing capacity through buildable lands, what may be a concern of the council would be that if it's residential medium someone may want to rezone to RB-2. Ms. Kester explained how concurrency works in relation to zoning. Mr. Atkins asked isn't concurrency based on zoning rather than land use and Ms. Kester that yes, but in the case of up designating it may allow a more intense zone and the council is trying to pay more attention to land use designations to assure that the city has the infrastructure to handle the land use designation. Mr. Pasin asked about the mixed use area that they had discussed and would there need to be a change to the land use map and Ms. Kester did not believe that there would need to be a change to the land use map in order to implement the new MX zone. Mr. Pasin asked about a particular area within the Mixed Use Overlay and Ms. Kester displayed the map and clarified where the land use designations are located.

Ms. Derebey thought they should recommend to the council that they discuss the three areas along Soundview. Everyone agreed and Ms. Kester clarified that they wanted to recommend discussion but not necessarily action at this time.

4. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – ZONE 08-0003 – Appropriateness of RB-1 zoning district locations and allowed uses in the RB-1 zone.

Mr. Atkins asked that everyone submit their thoughts on the RB-1 issue. Ms. Kester said that at the next meeting there will be three public hearings and hopefully at the end of the hearing we could get a recommendation to the City Council. She noted that the hearing starts at 7:00 and asked did they want to have another item during the work study session at 6:00. They agreed that they would discuss the upcoming meeting with the City Council and the RB-1 issue during the 6:00 work study session.

Ms. Ninen shared information she learned from an on-line class she took on the role of a Planning Commissioner. Ms. Kester stated that the city does have a budget for some of these classes if anyone else is interested. She distributed information on an upcoming Short Course on Planning being offered by Bonney Lake. Ms. Derebey asked about a possible lecture on Buildable Lands and Ms. Kester said she had spoken with Dan Cardwell from Pierce County and he had agreed that he could come talk to the Commission. Discussion continued on buildable lands and how they are calculated.

ADJOURNMENT

MOTION: Move to adjourn at 8:45 p.m. Derebey/Atkins – motion carried.