

**GIG HARBOR CITY COUNCIL  
BUILDING SIZE ANALYSIS WORKSESSION  
June 1, 2004 6:00 p.m. – Civic Center Community Rooms**

**PRESENT:**

Councilmembers: Steve Ekberg, Derek Young, Paul Conan, Jim Franich, Bob Dick, John Picinich, and Frank Ruffo. Mayor Wilbert presided over the meeting.

Staff: Mark Hoppen, John Vodopich, Steve Osguthorpe, Molly Towslee and Maureen Whitaker.

Mayor Wilbert opened the work-study session at 6:46, which was held directly after a special meeting for entering into a cost reimbursement agreement with the Department of Ecology. John Vodopich, Community Development Director, explained that this meeting was the first in a series of five work-study sessions intended to review the issue of appropriating building sizes within the City of Gig Harbor. Mr. Vodopich further explained that this first meeting was to address all zones that currently do not have limits with the exception of the downtown business district, the waterfront zones and the view basin. The meetings to follow are scheduled on Monday, June 7, 2004 to discuss the downtown business zone; Monday, June 21, 2004 addressing all waterfront zones; Tuesday, July 6, 2004 addressing all zones within the view basin; and July 19 addressing with all zones that currently have limits. Mr. Vodopich gave a brief overview of the building size handouts and the Building Size Recommendations Comparison chart showing the zones to be discussed:

PI, R-1, PCD-RLD, R-3, RB-2, PCD-C, PCD-BP, and PCD-NB

The Mayor asked the council to speak first. It was proposed by Councilmember Ekberg and agreed by council that for discussion purposes, each zone should be taken one at time.

Mr. Vodopich opened the discussion on the Public Institutional (PI) Zone. This zone was never brought up to the Planning Commission or Pertee Engineering as there was no intent to implement a building size limitation in Public Institutional. He further described its uses as government, wastewater treatment, schools, fire stations, community recreation halls, museums, central public facilities and things of that nature.

Councilmember Dick stated that there are several kinds of uses that are permitted or not permitted under conditions of residential areas that to be built there would require larger size limitations. City Administrator Mark Hoppen explained that the PI zone has schools as a permitted use. He added that currently schools in R-1 and R-2 zones are conditional uses. Mr. Dick asked that if there were any limits in those zones, as schools would have to go through a conditional use process in order to build there and also get a variance from the size limitation. Mr. Vodopich responded in the affirmative to Mr. Dick's question. Mr. Dick further pointed out that then there would need to be a variance from this requirement which effectively precludes a school from going out and

buying something until the city rezones the property. Mr. Hoppen further explained that if the school district buys a significant amount of property, 10-25 acres, this would be subject to a legislative rezone. Mr. Hoppen went on to say that what is being talked about is a conditional use in one regard that goes to the hearing examiner, and the other is a legislative rezone that goes to council for a decision. He asked the council which one did they want. Mr. Dick asked what the status quo was. Mr. Hoppen answered that the status quo in public institutional is no limit.

City Attorney Carol Morris suggested that before the meeting proceeded further, we should start with something about the limitation that council has to observe on council authority. The city council cannot impose building size limitations without a legitimate public purpose to impose building size limitations. She suggested that council look at the reason why the city would want to impose building size limitations in any particular zone. She gave an example that if council is trying to preserve small town character, this has been recognized by the courts as one of the reasons why a city would want to impose building size limitations. Another situation Ms. Morris pointed out was lack of parking along Harborview Drive whereby the city wanted to impose building size limitations to prevent a massive store going in there that would require a lot of parking. She further stated that she did not think that council should be looking at every zone and arbitrarily making decisions. Ms. Morris continued that we should determine why are we regulating and then narrowly tailor that regulation to each particular zone.

The Mayor then began calling on members of the audience to speak.

Scott Wagner – Mr. Wagner expressed his concern about the limitations that could be placed on schools that are smaller than public schools, such as private schools that only need a 3-4 acre site. He stated that one of his concerns was the conditional uses for R1 and R2 type zones, including churches. He also stated that he thought that the Design Manual would keep the bigger buildings to have the smaller size characteristics and feel. He summarized that his largest concern was that city council will legislate something that is going to create the need to rezone property, get a variance or go through these difficult processes, when often times the hearing examiner just is looking at the black and white rules, may think that a particular piece of property is not deserving of a variance and just say to go buy a piece of property in the B1 zone.

Councilmember Dick asked if staff had done anything with the comments submitted by the school district in relationship to schools in residential areas. Mr. Hoppen explained that the schools would like to see maximum flexibility left in the R1 and R2 zones as it currently exists to aggregate property and use it for school district purposes. Mr. Hoppen asked if they are actually better off for it. He then responded that the current situation requires them to get a conditional use permit. Mr. Hoppen said that he not absolutely convinced that this is a better situation for them, then asking the city council to provide a legislative rezone to public institutional. It comes down to a matter of process.

Kit Kuhn - Mr. Kuhn suggested that we start our discussion on the more essential zones first.

Jim Pasin – Mr. Pasin expressed his concerns that placing a PI zone in a residential area does not let the people in these areas know ahead of time that a school or other type of facility could be placed in their neighborhood. He stated that he this was an inappropriate way to approach it.

Councilmember Franich asked Mr. Vodopich how many PI areas in this zone are currently vacant. Mr. Vodopich that most areas are already built.

Mayor Wilbert asked how a community center could be built in this zone.

Councilmember Dick stated that this proposal would mean that all things that have been conditionally granted in residential zones would be prohibited in residential zones, with Mr. Hoppen adding, unless city council rezoned the property to PI. Councilmember Dick also pointed out that this would mean that private schools and churches could not expand at all and that we would not be making any place in the community available for these uses. Mr. Hoppen agreed that this was correct. Mr. Dick further stated that if this were the case, a school or church could not make any planning or buying decisions resulting in these organizations not being able to get permission for such a thing so they couldn't go out and negotiate an appropriate price for something until after they have gone through the rezoning process which would not make it possible to have a private school in a residential zone. Councilmember Conan clarified that churches are not eligible for a PI zone and agreed with Councilmember Dick on the private school issue.

Matt Halvorsen – He asked if this would be create new zones that did not fit into the PI zone.

City Attorney Carol Morris suggested that this discussion be narrowed slightly so that we ask what we are trying to accomplish here. She continued that this will be necessary in the legislative history of this ordinance when it passes. She further asked what evil are we trying to prevent? Ms. Morris stated that first we should decide what it is that we need to address through building size limitations, then ask why is this not already addressed through our current zoning regulations, like height, bulk, scale, design review. Then she added that once we go through this analysis, then we will be able to decide if this is something that we can deal with through the conditional use process. If we can deal with it through the conditional use process, then there is no reason to impose building size limitations. She further stated that building size limitations are unusual and cities normally regulate things like height, bulk, and scale. Building size limitations just to regulate through an arbitrary number sometimes can give a false sense of security because you think that someone can't build a building a larger than a specific size, but in actuality it can appear bigger depending on how it actually is constructed and on the other side of the coin, some buildings that come in under the building size limitation you don't think that they are as large as they are because they have daylight basements. She stressed that we need to ask ourselves, "What is the

problem that we are trying to address with building size limitations” and then ask, “now that we have identified the eagle, how is it that we can’t regulate that through height, bulk, scale and all the other zoning tools that we have?” Councilmember Franich and Ms. Morris discussed bulk and scale in relation to building size limitations and setbacks.

Councilmember Ekberg discussed two ideas that came out of the previous meetings. One was that there is a great desire to protect the view basin area of the city. Secondly, Mr. Ekberg stated that there are zones that go throughout the city. He gave the example of RB-2 in the view basin area that addresses some concerns that arise out of bulk, height and scale that would not necessarily arise in areas outside of the view basin area. He suggested that we may want to look at the areas outside of the view basin and decide whether there is a need for building size limitations at all in these areas and felt that the RB-2 that is downtown should be different.

Councilmember Ruffo agreed with Councilmember Ekberg and questioned why we are looking at all of these other zones. Mr. Hoppen posed the question to council if we needed to change the current zone scheme for R-1, R-2 outside the view basin. Ms. Morris added that if we are going to have a defensible record, we need to identify what the problem is in those areas. Councilmember Dick said that he was not confident that we should impose a size limit and further stated that he did not want to impose a fixed limit in these areas that we are worried about the character of the neighborhood and the linking of different parts of the community so that we feel that we have some continuity on this issue. We went on to state that in the non-view residential R-1, R-2 areas if it means excluding all of the beneficial structures from those facilities, we would be better without it and he did not feel that there was as strong a reason in these areas to do this. Councilmember Conan stated that for the permitted uses, we would only be limiting the size of the family daycares. That would be the only thing that is affected. He further stated that when we get into conditional uses, then we get into schools, houses of worship.

Councilmember Ekberg discussed that schools and churches can create a major impact on the traditional R-1 zone due to traffic impacts.

Scott Wagner – Mr. Wagner discussed his concerns regarding stopping the small-scale development will not serve the community well. He said that he hoped that the city would not impose any building size regulations in the outlying areas, rather keep the focus on the area of concern which is downtown to keep this area scaled appropriately. Mr. Wagner stated that he felt that the current system is working well and will continue to work well in the outlying areas.

Councilmember Ekberg responded to the comments and said that we should separate out the areas that are outside of the view basin, come to the consensus quickly as to whether this can be put off the shelf and be done with, and then focus on the view basin.

Councilmember Franich disagreed with Councilmember Ekberg and stated that what goes on in surrounding areas does impact the whole city and felt that it was important not to put the surrounding areas on the shelf.

Ms. Morris stated that in the areas that do not look like a small town, the city cannot legislate a small town feel. She added that a judge most likely would uphold the building size limitations on Harborview Drive due to the parking problem. She continued that she did not think that a judge would uphold the decision for every single zone in the city that we can impose building size limitations arbitrarily just because we think that it is a good idea. Mr. Franich suggested that we use traffic mitigation to support the limitations. Ms. Morris stated that we must clearly articulate on the record that for the PI zone the city thinks that building size limitations are needed because there too much traffic and the current regulations do not address this issue through traffic concurrency or through the SEPA process. After this is done, then we can go through how we can exactly regulate it.

Chuck Hunter – Mr. Hunter spoke to the possibility of a height overlay R-1 in the view basin that says R-1 in the view basin has different requirements than on the west side for example. Councilmember Ekberg agreed with Mr. Hunter's suggestion. Mr. Hunter had heard that a non-profit owner of a building does not have any size regulations, such as a hospital. There was discussion by council and staff regarding this issue with Steve Osguthorpe stating that B-2 size limits apply only to commercial buildings, therefore something like a hospital or even a professional office building would not fall under the building size limitations.

Jean Derby – Mayor Gretchen asked Ms. Derby if she had anything that she wanted to say. Mr. Derby said that she was still studying both manuals that she had picked up last week in order to familiarize herself with the building size codes. She stated that she thought that the city was trying to maintain the small town character and not create strip malls.

Walt Smith – Mr. Smith asked city council to allow institutions such as schools some flexibility. He discussed the city consultant's viewpoint who stated how many overlays are needed. There is a vast difference between the downtown view corridor and the outlying areas.

Kit Kuhn – Mr. Kuhn said that he thinks that the city should regulate non-profits and gave the example of the Russell building whereby the city thought that it could collect tax revenue, but to find out that the Russell building declared a non-profit status even though they are functioning for profit with some of their smaller businesses who appear to be operating under the Russell's non-profit umbrella. He stated that there should be different zones as most people are worried that someone is going to come in, buy multiple lots, like nine or so, and make a building. He suggested that we should not classify a limit if there is not a problem. He went on to add that for the eleven places that were being discussed, seven of them are not applicable because no one has

complained. Mr. Kuhn suggested that we ignore the seven since there is not a problem and focus on the recommendations for the four where there is a problem.

Councilmember Picinich said that the only zones that are needed to look at were the R-1, R-2, R-3 and RB-2. The rest of the zones do not apply. Mr. Hoppen suggested that council make a decision as to our direction. Mr. Vodopich said that the intent, at the conclusion of the workshops, would be that we have garnered enough consensus that a new ordinance could be drafted. There was discussion by staff and council regarding what zone should have limits.

Linda Gair – Ms. Gair spoke about the PI zone. She commented on the PI and ED zone and stated that we have the possibility of this area becoming what we do not want. She stated that there was a large parcel near the women's prison that because of the zoning designation could turn out to be something that is not desirable. She asked what controls do we have to not have a school next to a wastewater treatment plant. There was discussion by council and staff regarding the economic development zone (ED) which includes light industrial development.

Bruce Gair – Mr. Gair discussed the historical changes within the city government and the projects that were built during these periods. He stated that as the Vice President of the Planning Commission that he and other commissioners tried to do good and often times there were unintended results. He also voiced his concern over trophy homes going in, the Carmelization of the view basin, and the preserving of the WM and WC functions.

Councilmember Dick asked if anyone had commentary on the RB-2 zone that is outside the view basin. He further asked what we should be concerned about. Councilmember Ekberg answered Mr. Dick and stated that the RB-2 in the view basin is different than the RB-2 somewhere else. Councilmembers Dick and Ekberg discussed the recommendations.

Jake Bujacich – Mr. Bujacich stated that the limitations would place unreasonable restrictions on property owners. He further stated that we need a good reason to put limitations in a given area, especially those areas outside of the downtown area. He suggested that we should look at a lot more than the building size such as the traffic impacts, set backs, green belts and all the other hoops that are currently in place. Councilmember Picinich agreed with Mr. Bujacich and stated that he did not think that we needed to limit the building size. He suggested that we should be looking at RB-2, R-2 and asked if we want to limit the building size to 3,500 square feet. He asked the council if we wanted to set the limits that are outside of the view basin. He stated that he did not think that we did because we have the height, bulk and all of the other things that we are looking at. He further brought up the RB-2 zone and asked if we want to limit this zone to 12,000. He went down the list and asked about the R-3, non-residential and asked if we want to start limiting the building size to 5,000. He summarized that he felt that the only thing that we should be looking at is the first column of the Building Size Recommendations Comparison chart which is the Existing

Building Size Square Footage Limitation and make a recommendation that we adopt this column. He also stated that we have enough that we can go by and have enough criteria to set traffic impacts and other things and said that we are not talking about the view basin now. He suggested that when we come to the overlay section then we can talk about building size. Scott Wagner agreed with Councilmember Picinich and stated that building size does not take care of traffic impacts and concurrency. Mr. Wagner asked Councilmember Franich why does this benefit us to put three or four twelve thousand foot buildings on the bowling lane site which will result in the bowling lanes not being built or a gymnasium or senior housing which will hurt the community in the long run. Councilmember Franich stated that Mr. Wagner had a lot more faith in concurrency and traffic mitigation than he does because he did not see it working very well. Mr. Wagner stated that concurrency should have been implemented as far back as 1960, but in his opinion, it is working now. Councilmember Franich explained that there were no problems until the Russell building went in and maybe we now need some building regulations to protect what we have. He still felt that without limits, until something really ugly happens, it will be too late.

Dick Poulsen – Mr. Poulsen stated that he used to be a citizen of the city but moved out partially because of the traffic problems. He explained that he felt that the city has the cart before the horse. He further stated that building size is an important element because larger buildings make larger demands. Until we know that we can manage growth at the rate it is going, we would be better to be conservative. He asked what the plan is for traffic mitigation.

Councilmember Picinich stated that he wanted to go back to the original point of the meeting and felt that enough had been talked about concerning regulations. He stated that he felt that we had enough regulations currently to control these particular areas. He stated that we have discussed too many issues that have taken us away from the purpose of this meeting which was to take care of eleven situations and only four that we need to be looked at and make a decision if we want to limit or not to limit. Mr. Hoppen asked if the existing descriptions in yellow were the status quo prior to the Planning Commission and the Perteet recommendations and largely a consensus of the people in the room. He asked council to give a “thumbs up” if they felt that this consensus is true. He added that it appeared that the first column is the consensus of the group.

Councilmember Conan explained that if we look at permitted uses, we would not be regulating anything except family daycares and if we get into conditional use process, we then get into schools, houses of worship and maybe some public utilities. Mr. Vodopich added that this was an exercise that John Hoffman went through with the Perteet exercise, which was looking at the zoning code and recommendations saying what are we really affecting.

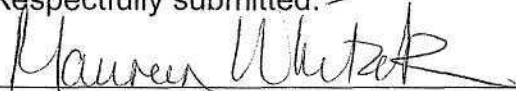
Councilmember Ruffo said that he thought that everyone was thinking, Councilmembers included, how can another Russell building be kept from occurring.

He added that when we get to the area of the basin, then it would be appropriate to discuss limitations.

**MOTION:** Councilmember Picinich made a motion that the city adopt the existing building size square footage limitations that are presently in use as far as the zones shown in yellow in column number one on the Building Size Recommendations Comparison Chart.  
Picinich / Ruffo – unanimously approved.

There were no further comments and the worksession ended at 8:04 p.m.

Respectfully submitted: -



Maureen Whitaker, Assistant City Clerk