

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
February 16, 2006
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Scott Wagner, Jill Guernsey, Joyce Ninen and Chairperson Dick Allen. Commissioners Harris Atkins and Theresa Malich were absent. Staff present: Jenn Sitts, Rob White and Diane Gagnon.

CALL TO ORDER: 6:00 p.m.

APPROVAL OF MINUTES:

Commissioner Joyce Ninen pointed out that her name was missing from the roll call. Commissioner Jim Pasin pointed out that in the 2nd paragraph of the first page there was an extra “for”.

MOTION: Move to approve the minutes of February 2, 2006 with the stated changes. Guernsey/Ninen – unanimously approved

NEW BUSINESS

1. **City of Gig Harbor, 3510 Grandview St., Gig Harbor WA 98335** – Proposed addition (ZONE 05-1008) of Section 16.03.004 to the Gig Harbor Municipal Code to allow owners of two or more legally nonconforming lots to combine the lots into one even if the resulting lot would not satisfy the boundary line adjustment criteria for area and dimension.

Chairman Dick Allen introduced this item and turned it over to staff to give their staff report.

Senior Planner Jennifer Sitts went over her staff report, explaining that this was a city sponsored amendment that the City Council had requested. She reminded the Planning Commission that this issue had been brought before them last year and they had decided not to pursue it. Ms. Sitts explained the proposed amendment by stating that this would add a nonconforming lot combination process to allow owners of two or more non conforming lots to do a lot combination resulting in a less non-conforming lot. She then displayed an example, using GIS, of two lots one of which was 2288 square feet and one which was 2407 square feet explaining that if they were combined they would only be 4695 square feet and the minimum lot size requirement is 7200 sq ft minimum. She further stated that these were two legal lots that could each be built on but would probably result in odd shaped houses requiring variances. Ms. Sitts noted that encouraging infill development is part of our growth management requirement.

Commissioner Jim Pasin asked if there was a map or count of these types of situations and where they are located within the city. Ms. Sitts answered that she had looked at the downtown residential zones for lots that were adjacent to each other and when combined would still equal another nonconforming lot and had only found one set that was vacant.

Mr. Pasin voiced concern with a situation where someone could accumulate three or four or five of small lots, combine them and then be allowed a larger structure than what might exist in the area particularly in the Historic District. Ms. Sitts pointed out that currently someone could take several parcels and combine them and that this is proposing that when you want to combine lots and can't achieve the 7200 sq ft. minimum, you can still combine them as long as you are bringing the lots closer to compliance.

Commissioner Wagner asked if there was a particular situation that had started this proposal. Ms. Sitts explained that Doug Sorenson had originally approached the City with the idea and showed which three lots were Mr. Sorenson's.

Commissioner Wagner asked what the original intent was for keeping nonconforming lots nonconforming and Ms Sitts answered that she did not believe that it was the intent to keep them nonconforming it was simply to make it more in line with state law. Mr. Wagner then asked why this requirement was part of state law.

Commissioner Guernsey explained that what is currently in the code is common, if you want to combine lots, you have to meet today's codes. She further explained that there had been some recent changes in case law and that this proposal seemed more in line with those recent changes.

It was then asked by Commissioner Wagner if this process would change the building size limitation in any way and Ms. Sitts replied that it would not as any lot created would still have to meet the building size limitations in the waterfront zones.

Mr. Pasin expressed concern with increasing the scale of housing in the historic district and asked if you could build on a 5000 sq ft lot and Ms. Sitts answered that if you have a nonconforming lot of record you can build on it, and don't have to meet the minimum lot size requirement; however, you do have to meet the setbacks.

Chairman Allen stated that he didn't think there was a great hardship happening and asked if someone has two lots that total 4500 sq ft and since a triplex and a fourplex are allowed in this zone, could they put one on such a small lot. Ms. Sitts replied that it wouldn't meet density requirements. Chairman Allen then asked about commercial development and Ms. Sitts pointed out that someone would be able to develop those commercial uses even without combining the lots.

Ms. Sitts then gave an example of the benefits of the proposal, illustrating that two lots could have one parcel number and someone could have built over a property line and then we would not allow them to combine them and fix a potential problem. She also pointed out that it would require less variances and result in more normal scaled buildings.

Mr. Wagner suggested allowing boundary line adjustments as well as lot combinations. Ms. Sitts stated that she would need to take the issue to our legal counsel for review and stated that her only concern was that it may be making one lot less conforming. Mr. Wagner then suggested adding a requirement that you couldn't take a conforming lot and make it nonconforming. Ms. Sitts offered to come back with some proposed language at another work session.

Chairman Allen called a short recess at 6:50 before the 7:00 public hearing.

Chairman Allen called the meeting to order and opened the public hearing at 7:00 pm.

Senior Planner Jennifer Sitts summarized her staff report and read the purpose of the amendment. In conclusion she stated that staff was recommending approval of the proposal.

Commissioner Pasin asked about a portion of the staff analysis relating to the historic core of the city and Ms. Sitts stated that she was trying to point out that there are a lot of nonconforming lots in our historic core.

Mr. Pasin then asked why a minimum lot size of 7200 square feet was imposed when most of the existing lots were 5000 square feet. Both Ms. Sitts and Planning Manager Rob White stated that they were not aware of how that requirement was arrived at.

Commissioner Guernsey pointed out that it seemed that if you restrict someone's ability to combine some of these old lots you get weird size houses in order to make them fit on these small lots. Commissioner Joyce Ninen agreed and stated that this change could actually encourage some smaller housing rather than requiring them to meet the 7200 square feet.

Chairman Dick Allen closed the public hearing at 7:10 p.m.

Commissioner Wagner stated that he was in favor of the proposal but would like to see the same flexibility for boundary line adjustments. Ms. Sitts clarified that the Planning Commission would like language crafted to allow a nonconforming lot to be adjusted to a less nonconforming lot as long as the lot being taken from does not become nonconforming. She then gave an example of how this would be applied.

Commissioner Guernsey stated that she felt these were two separate issues, that were more issues to consider with the boundary line adjustment and she would like to just consider the lot combination issue at this time. Commissioner Wagner agreed.

Ms. Sitts suggested that the Planning Commission forward a recommendation to City Council to deal with the Boundary Line Adjustment issue.

MOTION: Move to accept the staff's recommendation and draft ordinance
Pasin/Guernsey –

Commissioner Ninen pointed out that on page 2 of the ordinance at the very bottom it should say 16.03.004. Ms. Sitts agreed and noted the change.

RESTATED MOTION: Move to accept the staff's recommendation and draft ordinance with the stated change. Pasin/Guernsey – motion passed unanimously.

MOTION: Move to request City Council direct the Planning Commission to look at having staff draft a proposal to modify the Boundary Line Adjustment section to allow nonconforming lots to become less nonconforming.
Wagner/Guernsey – Motion passed unanimously

UPCOMING MEETINGS

March 2nd, 2006 – Work-Study Session and Public Hearing

Planning Manager Rob White asked if the Planning Commission wanted to suggest creating an ordinance that addresses smaller lot sizes. The Planning Commission decided that it should be put on the future changes list to consider smaller minimum lot size standards and widths in residential zones without changing density.

ADJOURNMENT

Move to adjourn at 7:40 p.m.
Wagner/Guernsey – Motion carried

CD recorder utilized:
Disc #1 Tracks 1-2
Disc #2 Track 1