

**City of Gig Harbor Planning Commission  
Minutes of Work-Study Session and Public Hearing  
Thursday, March 3rd, 2005  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Bruce Gair, Dick Allen, Theresa Malich, Scott Wagner and Chairperson Carol Johnson. Commissioner Kathy Franklin was absent.  
Staff present: Steve Osguthorpe and Diane Gagnon.

**CALL TO ORDER:** 6:10 p.m.

**NEW BUSINESS**

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA – Proposed Historic Preservation Draft Ordinance – Adoption of a Certified Local Government (CLG) program for purposes of encouraging historic preservation.

Planning Manager Steve Osguthorpe gave a brief summary of his staff report, explaining to the Planning Commission that there were two ordinances being proposed. One ordinance adopts a new chapter containing standards pertaining to historic preservation and another ordinance amends Chapter 2.21 designating the Design Review Board as the local review board. He further explained that the program was strictly voluntary and would allow owners of historic buildings to take advantage of tax credits for improvements made. He stated that the city would develop a local register and that there would be criteria for eligibility to be on this register. He then explained the need to expand the Design Review Board to seven members and to add some additional requirements for Design Review Board membership.

Commissioner Gair asked about the requirement for residency and Mr. Osguthorpe replied that there is a position for a resident; however, it is not required for membership. He further explained that this will be a technical board with specific requirements.

Planning Manager Osguthorpe then went over the table as illustrated on page 18 of the proposed ordinance.

Commissioner Wagner asked about the process for removal from the register and whether or not the City Council could deny someone. Mr. Osguthorpe answered that the Council could not deny someone removal from the register since it is strictly voluntary.

Commissioner Johnson asked about who ensures that repairs and alterations are made in compliance with the regulations. Mr. Osguthorpe explained that the Design Review Board would ensure compliance and that the DRB may request a property be removed from the register if it is out of compliance. Commissioner Allen pointed out that the ordinance also includes a provision for the DRB to request mitigation if a historical property is destroyed.

Commissioner Gair recommended that the Design Review Board terms be lengthened

to four years to provide a higher level of expertise and knowledge. Mr. Osguthorpe pointed out that there are no term limits and members could serve for as long as they like. Mr. Gair then suggested that specific language be added to clarify that members could serve for as many terms as they wished. All the Planning Commission members agreed with this suggestion.

Discussion followed on the formula for calculating the value of improvements and the tax benefit.

Chairman Johnson pointed out that there was a definition of “district” and recommended removing that since we are not applying this to a specific district. It was agreed that this language should be removed. Additionally Ms. Johnson asked about the language requiring applications be processed by December. She explained that this may create some timing issues and Mr. Osguthorpe agreed to look into where the language came from as it may be a state requirement.

Commissioner Wagner asked about the Americans with Disabilities Act and how that fits in. Planning Manager Steve Osguthorpe answered that there is a Historic Building Code which does provide options for ADA.

A five-minute recess was called at 6:55 pm.

## **PUBLIC HEARING**

Chairman Carol Ann Johnson opened the public hearing at 7:02 pm.

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA – Proposed Historic Preservation Draft Ordinance – Adoption of a Certified Local Government (CLG) program for purposes of encouraging historic preservation.

Chuck Hunter 8829 Franklin, Gig Harbor WA – Mr. Hunter stated that he was in support of this proposal and was happy to know that there were specific building department requirements for historic buildings.

Jeanne Dereby, 9221 Peacock Hill Ave, Gig Harbor WA – Ms. Dereby asked about the requirements to be on the Design Review Board and Planning Manager Steve Osguthorpe read through the requirements and explained the process. She then asked if this was a National Registry and Mr. Osguthorpe further explained that this was a local registry.

Chairman Johnson closed the public hearing at 7:10 pm.

Chairman Johnson opened the second public hearing at 7:11 pm.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA – Proposed text amendments creating waterfront view corridors and limiting building sizes in the height restriction area.

Planning Manager Steve Osguthorpe gave a brief explanation of the process that had brought this proposal to the Planning Commission. He explained that the City Council had proposed this text amendment and that the Planning Commission and Design Review Board had held joint work-study sessions to go over the proposal and had made several recommended changes.

Linda Gair, 9301 N. Harborview, Gig Harbor WA – Ms. Gair noted that she is a member of the Design Review Board but was speaking as a resident tonight. She stated that she had concerns with items 5 and 6 addressing vegetation and protection of views. She stated that she felt the public had asked for regulation and these items had been removed because they may be too difficult to enforce. Ms. Gair voiced her concern and recommended that new structures should have to indicate the height to which trees are expected to grow.

Rosanne Sackson, 3502 Harborview Dr., Gig Harbor WA – Ms. Sackson stated that she does not live on a property affected by this proposal, however, she lives across the street from the water and she has no view because of the big trees. She reminded the Planning Commission that at all the workshops that were held on building sizes the public said we have to put forth regulations. She stated that there are certain trees that should not be planted and that shrubs should be kept to a certain height.

David Boe, 705 Pacific Ave., Tacoma WA – Mr. Boe distributed a letter that he had written in June 2002 and in 2001 regarding building size limitations. He stated that size is not the issue, but rather scale and character. He further stated that you have to look at each site individually. He posed the question of why is a 30' deep and 100' long building better than a 60' deep building that is taller. Regarding the separation between buildings Mr. Boe asked that the Planning Commission consider perspective. On a shallow site 20' separation may work but on a deep site you're looking through a pin hole. He then stated that overall planning of the harbor is really an urban design issue. He then pointed out that with 3000 square foot building on the WC side and on the other side in RB-2 having a 5000 gross square foot per lot you will end up with greater density on the water side and Gig Harbor will look like a monopoly board. Mr. Boe then spoke to the issue of economic viability. He stated that as buildings become more expensive rents go up, forcing developers to build as cheaply as possible. He felt that this would result in the loss of commercial and retail in the downtown. He further stated that it seemed silly to regulate the building design and then not regulate the trees in the view corridor.

Commissioner Wagner asked Mr. Boe what is overall position was on building size and would he rather see no regulation.

Mr. Boe answered that every site has its own solution and that he felt it should be a requirement in certain areas to go through a public process of review. Additionally he stated that during that process the applicant should be required to provide a three dimensional model.

Wade Perrow, 9119 N Harborview Dr., Gig Harbor WA – Mr. Perrow addressed his comments to Item 4, fences and hedges. He stated that you can't regulate good taste

and no formula is going to protect everyone. Mr. Perrow said that the applicant should be able to go the Design Review Board and noted that a fence on top of a retaining wall is required to be 42" tall which is in conflict with these regulations. He stated that he agreed with Mr. Boe and would hate to see the businesses leave the downtown and noted that many existing buildings which everyone likes do not meet this proposal. Mr. Perrow further stated that everyone should be able to go through an administrative process if they meet the design criteria and not have to go through the Design Review Board.

Commissioner Wagner asked Mr. Perrow if he would be supportive of building size limitations if the Design Review Board had the ability to deviate and Mr. Perrow answered that no he would not as it would be too subjective. He then stated that the process should be turned around and to ask the applicant what they can bring as an enhancement to the city. He stated that we do not need view corridors that look like bowling alleys and pointed out that a 16' tall building still blocks views of a 6' tall person walking down the street.

Commissioner Johnson stated that it is a difficult position trying to respond to the right of the landowner and protect the views of the city. She stated that using site specific planning seems to always give the better deal to the first person and the city is charged with being even handed. She then asked Mr. Perrow how his ideas could be applied and still be fair.

Mr. Perrow stated that he felt the Design Review Board should be given the proper training and be comprised of members with appropriate experience. He stated that sometimes his projects go through the Administrative process and sometimes go through the Design Review Board and that he felt it was a favorable process.

David Boe, 705 Pacific Ave., Tacoma WA – Mr. Boe spoke regarding the subjectivity issue of design review. He stated that if you look at the map of Gig Harbor, each parcel is different and if you really wanted to be fair you'd take these lots and make each parcel the same size. He continued by saying that so many cities want what Gig Harbor has, which is diversity.

Commissioner Gair asked Mr. Boe what is suggestion was for the situation where someone buys 8 lots and puts them together and wants to build the mega mansion and office building. Mr. Boe stated that you make them go through a public process.

Bruce Steel, 6610 Sunnybay Rd., Gig Harbor WA – Mr. Steel stated that he had reservations about partitioning off the Millville district. He continued by saying that he felt the City Council had good intentions but that these revisions had the opposite of the desired effect and were creating a wall. He felt that the current Design Manual and Shoreline Master Program achieved the desired goals. He continued by saying that the lots in Millville are pretty much the same size and once you calculate the setbacks you've controlled the size of a building. He then distributed a drawing illustrating the proposed setbacks and agreed with Mr. Boe that you would be looking through a pin hole. He stated that he felt these regulations were the wrong path and would not accomplish the goal.

Commissioner Malich asked what would ensure that a developer would not cover an entire site and Mr. Steal answered that incentives should be created, perhaps additional height or size for providing wider view corridors and open space.

Commissioner Gair stated that the trouble with having the give and take with a public body is that if the Design Review Board has this flexibility there is a worry about being sued.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor WA – Ms. Stanton stated that she agreed with Mr. Boe and Mr. Perrow that each site is different but pointed out that the Design Review Board does not have this flexibility. She stated that at this point in time some kind of regulation needs to be in place before the moratorium is lifted and recommended to the Planning Commission that they write a separate letter addressing these issues.

Chuck Hunter, 8829 Franklin Ave., Gig Harbor WA – Mr. Hunter stated that he felt the opposite of Mr. Boe and Mr. Perrow. He said he saw the need for building size limitations and would like to widen the scope to include the entire view basin. He continued by saying that he felt that the joint committee had made an error in their decision to recommend no change on the C-1 property where the Beach Basket is located as he felt there should be a cap of some kind and recommended that the building size be limited to 32,500. Mr. Hunter then stated that conceptually the idea of the Design Review Board making these decisions sounds great, but they only see what doesn't fit the cookbook approach. He reiterated that the Design Review Board needs more tools in order to impact the way buildings look.

Linda Gair, 9301 N. Harborview Dr., Gig Harbor WA – Ms. Gair stated that the Design Review Board does not have the power to make these decisions and reminded the Planning Commission that years ago developers didn't want the DRB and now they do. She recommended using these regulations as a starting point and proceed with the charette process.

Rosanne Sackson, 3502 Harborview Dr., Gig Harbor WA – Ms. Sackson said that she didn't see the need to reinvent the wheel. She cited other cities that have Design Review that operates differently than here in Gig Harbor. She continued by saying that in Beverly Hills they had an incentive manual. She encouraged the Planning Commission to look at the harbor from the water to get a sense of the scale. Ms. Sackson further stated that she felt that the whole area needed to be addressed, not just the waterfront properties.

Commissioner Malich asked if they had been asked by City Council to specifically address this area and Chairman Johnson answered that yes, the Planning Commission is being asked to give it's recommendation on this specific proposal.

Commissioner Malich expressed that it is very difficult to assemble all these thoughts and put everyone's needs together. She stated that the public wants a small town feel and reminded everyone that something needs to be in place before the moratorium is

lifted.

Bruce Steel, 6610 Sunnybay Rd., Gig Harbor WA – Mr. Steel asked if net sheds were included in the square footage calculations and Planning Manager Steve Osguthorpe explained that the limitations were per structure so net sheds could still be maintained and built. Mr. Steel then suggested exempting net sheds.

Jeanne Dereby, 9221 Peacock Hill Ave, Gig Harbor WA – Ms. Dereby stated that she had recently moved here and stated that in other places she had lived, the review boards decided what can be built.

Chairman Carol Ann Johnson reminded everyone that it is important to make their voice heard at the City Council level also.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor WA – Ms. Stanton spoke about the need for a change in the Design Review process.

Planning Manager Steve Osguthorpe went over the schedule for this item before the City Council and stated that they will take action by April 11, 2005.

Rosanne Sackson, 3502 Harborview Dr., Gig Harbor WA - Ms. Sackson stated that she was at all the building size analysis meetings and encouraged all the Planning Commission and Design Review Board members to attend the City Council meeting and listen to the public.

Lita Dawn Stanton, 111 Raft Island, Gig Harbor WA – Ms. Stanton distributed a letter to the Planning Commission members regarding grandfathering and pointed out that the size limitations for DB and B-2, as discussed by the joint committee, were not included in the staff report.

Planning Manager Osguthorpe stated that if there was an error in the staff report he would correct it.

Chairman Johnson closed the public hearing at 8:40 pm. She then called a 10-minute recess.

Chairman Johnson called the meeting to order at 8:50 pm.

## **OLD BUSINESS**

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA – Proposed text amendments creating waterfront view corridors and limiting building sizes in the height restriction area.

**MOTION:** Move to recommend approval of the proposed ordinance with the recommended changes as reflected in the staff memo of February 24, 2005 with the exception of 4, 5, and 6 which we recommend be reinstated along with a unanimous recommendation to strengthen the Design Review Board.

Gair/Malich –

Chairman Johnson reminded everyone what the role of the Planning Commission was in reviewing this proposal. She noted that items 4, 5, and 6 did not seem to have enough consensus among Planning Commission members.

Planning Manager Steve Osguthorpe suggested that the Planning Commission go through each recommendation of the joint committee and indicate whether it correctly reflected their recommendation. Everyone agreed to this approach and Commissioner Gair withdrew his motion.

1. Eliminate proposed progressive side yard setbacks. The Commission agreed.
2. Elimination of proposed floor area ratio. The Commission agreed, however, wished to state the reason for elimination.
3. Elimination of proposed unobstructed view corridors between structures. The Commission agreed.
4. Elimination of proposed fence and hedge heights in the defined waterfront view corridor. The Commission felt that there was no a sufficient consensus at the time of the joint committee meetings and wished to reinstate the language.
5. Elimination of proposed prohibition of trees in sideyards. The Commission wished to reinstate the language.
6. Elimination of proposed height limits for shrubs and bushes. Commissioner Gair expressed that he felt tough rules should be imposed and the let the Design Review Board and the Hearing Examiner grant variances if needed.

Planning Manager Osguthorpe suggested keeping the current fence height limitations and to include hedges in that regulation. The Planning Commission agreed.

7. Building size limitations by zoning district and area:
  - a. Waterfront Millville and Waterfront Residential – The Commission agreed with the language as written in the staff report.
  - b. Waterfront Commercial abutting the DB district – The Commission agreed with the language as written in the staff report.
  - c. Waterfront Commercial in the Finholm market area on North Harborview Drive – The Commission agreed with the language as written in the staff report with the addition of the phrase “accessible to the street” at the end.
  - d. Waterfront Commercial in the Murphy’s landing area on Harborview Drive – The Commission agreed with the language as written in the staff report.
8. DB district in the Finholm area on North Harborview Drive - The Commission agreed to add the phrase “accessible to the street” and pointed out that the 6000 square foot limitation was missing from this item.
9. B-2 district in the Finholm area on North Harborview Drive - The Commission pointed out that the 6000 square foot limitation was missing from this item.
10. Retain existing standard in the C-1 district at the intersection of Harborview Drive and North Harborview Drive. Commissioner Gair pointed out the Chairman of the Design Review Board, Chuck Hunter had expressed his desire to limit the building size to 32,500 square feet. Commissioner Wagner suggested using the existing B-2 square

foot limitation of 35,000 square feet. The Planning Commission agreed to change item number 10 to a 35,000 square foot limitation per structure in the C-1 area of the Beach Basket.

**MOTION:** Move to recommend approval of the proposed ordinances with the changes made as indicated in the staff memo of February 24<sup>th</sup>, including items 4, 5 and 6 with modifications and correcting items 8, 9 and 10.

Gair/Malich – Motion carried unanimously.

**MOTION:** Move to unanimously recommend that the Design Review Board process be strengthened to allow the board to become a decision making body.

Gair/Wagner – Motion carried unanimously.

2. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA – Proposed Historic Preservation Draft Ordinance – Adoption of a Certified Local Government (CLG) program for purposes of encouraging historic preservation.

Commissioner Wagner suggested adding language to the section on removal of properties from the register to include language that the property shall be removed from the register if the owner requests. The rest of the commission agreed.

Chairman Johnson pointed out that the definition of district needed to be removed and asked that the language on responding within the calendar year be addressed.

**MOTION:** Move to recommend approval of the proposed historic preservation ordinances including the proposed amendments.

Malich/Gair – Motion unanimously carried.

**NEXT REGULAR MEETING:**

March 17, 2005 at 6pm – Cancelled

**ADJOURN:**

**MOTION:** Move to adjourn at 9:35 p.m.

Malich/Wagner – unanimously approved

CD recorder utilized:

Disc #1 Track 1

Disc #2 Track 1

Disc #3 Track 1