

**City of Gig Harbor Planning Commission  
Minutes of Work-Study Session  
Thursday, May 19, 2005  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Harris Atkins, Marilyn Owel, Dick Allen, Theresa Malich, Jill Guernsey, Jim Pasin and Scott Wagner.  
Staff present: Rob White and Diane Gagnon.

**CALL TO ORDER:** 6:05 p.m.

**NEW BUSINESS**

Chairman Dick Allen welcomed the new Planning Commission members Harris Atkins and Marilyn Owel and praised them for volunteering.

**Election of Design Review Board Nominee**

Chairman Dick Allen opened the nominations for an appointment of a Planning Commission representative on the Design Review Board. Mr. Allen asked if everyone had received the memo from City Administrator Mark Hoppen recommending the appointment of Julie Koler as the seventh DRB member or on an ad-hoc basis. Mr. Allen explained that Ms. Koler has extensive experience in Historic Preservation.

Commissioner Pasin volunteered to serve as the Planning Commission representative on the Design Review Board, stating that he had been on the Design Review Board previously and would be willing to serve for a period of one year to provide some continuity while still allowing someone else to serve at the end of one year.

Chairman Allen stated that he felt it was appropriate that someone from the Planning Commission be appointed to the Design Review Board and to ask Ms. Koler to serve as an ad hoc member.

Commissioner Owel expressed appreciation to Commissioner Pasin for volunteering and stated that she felt it was an important interface to maintain between the Planning Commission and the Design Review Board and that it was a good idea to put a limit on it and rotate another member into that position at that time as it was a big commitment to serve on both.

Commissioner Wagner stated that he also supported Commissioner Pasin being appointed and further stated that since Paul Kadzik was no longer on the Planning Commission that transfer of information was lacking. Commissioner Guernsey also voiced her support.

Chairman Allen asked for clarification of the time limit and Commissioner Pasin clarified that he felt that the one year limit would provide some continuity while still allowing someone else to serve after that for a two year term.

**MOTION:** Move to recommend that the City Council appoint Jim Pasin to the Design Review Board for a one year term with the next member serving for a two year term.

Guernsey/Malich – unanimously approved.

Proposed ordinance adopting new Design Review Board procedures (ZONE 05-156) – Interim Planning Manager Rob White gave a brief overview of his staff report pointing out that there were two main changes to the existing design review procedures. The proposed ordinance provides for the opportunity for the applicant to have a pre-application design review meeting with the Design Review Board and also requires that staff mail out a Notice of Application to the Design Review Board. Mr. White stated that these changes would encourage more interaction between the design review board, project applicants and the community.

Chairman Dick Allen asked if the applicant may also ask for a staff pre-application meeting prior to meeting with the Design Review Board and Mr. White replied that applicants are encouraged to do so as large issues may be resolved at this level prior to going to the Design Review Board. Mr. Allen asked if at the pre-application stage the applicant had typically decided whether or not they were going to the Design Review Board and Mr. White replied that applicants typically do not know at this stage whether or not they will be going to the DRB.

Commissioner Owel asked for clarification of what the public noticing requirements are for such a meeting. Community Development Assistant Diane Gagnon answered by saying that there are no public noticing requirements for a pre-application meeting, however, it is Planning Department policy to send out notice of all Design Review Board meetings to property owners within 300' of the project. Commissioner Owel then suggested that it may be helpful to spell out what the public notice requirements are in this section. Commissioner Guernsey agreed that there were no public notice requirements and suggested that striking the word "public" before meeting may help alleviate some confusion. Ms. Guernsey additionally pointed out that it should say "a pre-application meeting" since it is stated earlier in the ordinance that only one will be held. Commissioner Owel suggested that the text read, "Notice of a pre-application meeting is not required, however, at the request of the applicant....". Everyone agreed that this proposed language would clarify the issue.

A question was asked by Commissioner Atkins regarding the section requiring public notice and its applicability. Staff clarified that notice is mailed out to property owners within 300' on site specific proposals, but only at the point that an application is going before the Design Review Board, not at the pre-application stage. He additionally noted that it is always good to notify the public at the earliest stage possible. Commissioner Pasin noted that in his experience on the DRB it seemed that there were some instances that applicants are speculating on a project and sometimes in unnecessary to involve the neighbors at this stage and that also the applicant wishes to have their project remain confidential. Interim Planning Manager Rob White pointed out that anything submitted to the city is public information.

**MOTION:** Move to recommend amending 17.98.037 paragraph F, to read as

follows: Notice. Notice of a pre-application meeting with the DRB is not required; however, at the request of the applicant, notice will be mailed to the owner of all properties within 300 feet of the subject site. The applicant shall provide preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property.  
Owel/Pasin – unanimously approved.

Commissioner Pasin spoke regarding the section on the mailing of notices of application to the Design Review Board. He stated that he felt that the intent was good, but the true application of it may have some flaws. Additionally he voiced concern with the amount of staff time used in the processing of applications and adding another layer. He stated that if each DRB member is responding to each application then staff time is spent having to incorporate all this information into the staff report. Mr. Pasin then asked if perhaps the city attorney would frown upon this early review as the DRB may have to review it later.

Commissioner Owel asked for clarification of Commissioner Pasin's comments. She asked if he was saying that the Design Review Board should confine their comments to design issues. Mr. Pasin stated that he was saying that the Design Review Board should only comment on those items brought before them and not pick at what the staff is reviewing. Commissioner Owel asked if perhaps his concern could be addressed by putting some limits on their review. Commissioner Pasin stated that he felt that it was best solved by not offering this additional review. Interim Planning Manager Rob White stated that he was not expecting to get input from the DRB on how design issues should be solved but rather just a second layer of administrative review. Commissioner Pasin voiced concern with adding 2-3 weeks to the process when perhaps the staff could have made a more immediate decision. Mr. White stated that this comment period would probably happen concurrently with SEPA review.

Commissioner Guernsey pointed out that under item B. Design Review Board Recommendation, the wording should be changed from "will" to "shall".

Chairman Allen asked if at the pre-application stage the applicant usually knows whether they are going through administrative review or to the Design Review Board and Interim Planning Manager Rob White answered by saying that typically applicants believe their entire project complies administratively and it is only after some review that it is discovered that they need to go to the DRB.

The following suggested corrections were noted by Commissioner Guernsey:

Title, 3<sup>rd</sup> line from the bottom; change to "adopting" rather than "adoption"  
Page 2 Section 1; switch the order of B and D.

It was also suggested by Commissioner Pasin that in old Item B it should state, "DRB pre-application review *is* limited to one meeting."

Last sentence change "conference" to "meeting".

It was asked by Commissioner Malich if the 28 day timeframe will work and Interim Planning Manager Rob White stated that yes it will be tight but staff will make it work.

In the Old Item D, 3<sup>rd</sup> line; insert the word “to” after the word “prior”.

3<sup>rd</sup> page, Item G; non-binding nature of pre-application meeting (should be singular rather than plural)

Item E, remove the word “to” after the word “enable”.

Chairman Allen called a ten-minute recess at 6:50 p.m.

The meeting was called to order at 7:00 p.m.

Chairman Allen opened the public hearing portion of the meeting. At the request of Chairman Allen, Interim Planning Manager Rob White gave a brief history of the proposed ordinance. Mr. White outlined that this ordinance had been drafted by the Design Review Procedures Committee which was comprised of Design Review Board members, City Council members, the then Planning Manager Steve Osguthorpe and the City Attorney Carol Morris.

Chuck Hunter, 8829 Franklin Ave., Gig Harbor WA 98332

Mr. Hunter distributed written comments to the Planning Commission. Mr. Hunter stated that he had been on the Design Review Board during the update of the Design Manual and was also part of the Design Review Procedures Committee. He then stated that he felt that the problem with Design Review as it exists is that applicants come to the board and they have already designed their project and are unwilling to do too much changing. He continued to say that the DRB only looks at the specific items that do not comply and that having a pre-application meeting gives the DRB a chance to look at the whole project. He felt that there should be greater benefits for having a pre-application meeting with the Design Review Board. Additionally he stated that he felt that there was no use in the DRB spending time meeting with someone who was just speculating and that applicants should have a staff review prior to coming to the DRB. Mr. Hunter then addressed the section on public notice, stating that he felt public notice was very important and it alleviated fears when neighbors see the project and can ask questions. He then voiced his concern with the wording in the non-binding clause, stating that he felt it was pretty harsh. Mr. Hunter went on to say that he felt applicants should be able to rely on what they are told at the pre-application meeting. He further stated that the manual is interpreted by the DRB and staff and when people change, their interpretations change. He also felt that as many staff as possible should attend the pre-application meeting.

Commissioner Wagner asked if Mr. Hunter had suggestions for benefits for holding a pre-application meeting with DRB. Mr. Hunter suggested a money back guarantee or to allow shorter time frames for approval. Mr. Wagner also asked if Mr. Hunter was suggesting that a staff pre-application should be required before a DRB pre-application was held and Mr. Hunter answer that yes, he felt it was necessary since their could be a

fatal flaw in the project.

Commissioner Pasin asked about the concern with the non-binding nature of a pre-application meeting. He asked if the DRB is only a recommending body how would anything they say be binding, when you have to go to the Hearing Examiner for final approval. Mr. Hunter stated that he still felt that the DRB should be held to making the recommendation they commit to at a pre-application meeting regardless of any new information presented.

Commissioner Guernsey asked what if the developer proposed something and everyone agreed that it complied and then the Design Manual changed and what had been agreed to was no longer allowed. Mr. Hunter felt that it was no different than if a project was designed under one code and then the code changes. Projects in the pipeline should be reviewed under the code allowances at that time and should be able to rely on that. He additionally stated that there should be a limit on the amount of time between pre-application and the actual submittal.

Commissioner Wagner asked if he was suggesting that a pre-application meeting would vest a project. Mr. Hunter stated that if you want to encourage people to come to Design Review there has to be some assurances.

Commissioner Allen asked again if Mr. Hunter had any specific ideas for enticements. Mr. Hunter stated that he thought that time was the biggest issue and that perhaps if someone went to pre-application then they didn't have to waive the 120-day requirement.

Commissioner Atkins asked Mr. Hunter what the DRPC envisioned the format of the output from a pre-application meeting would be. Mr. Hunter stated that he didn't think that there was discussion on that at the DRPC. Interim Planning Manager Rob White stated that at the staff pre-application meetings the applicant is provided with a CD of the meeting and stated that this is probably the way DRB pre-applications would be held. Mr. Wagner cautioned that putting the discussion in writing would be easier to reference than a CD. Commissioner Owel pointed out that transcribing a meeting would be a staff resource issue. She stated that realistically that is a budget decision and should be brought up to the City Council at budget time that the DRB needs more staff support. Mr. Hunter stated that he felt that it would just be a matter of making a bulleted list of what was decided upon and Commissioner Owel answered that that could easily be done by the Chair of the Design Review Board.

Lita Dawn Stanton, 111 Raft Island Blvd., Raft Island

Ms. Stanton stated that she did not think that applicants should have to provide pre-printed labels for the mailing out of notices and felt that this cost should be incurred by the city. Additionally Ms. Stanton stated that she would like to have pre-application meetings be required for projects over a certain size.

Commissioner Wagner asked Ms. Stanton what size limit she would recommend and she replied that she did not know.

In Section 2 Item #3 it states that the preliminary decisions made by the director may be different than the final decision. Ms. Stanton stated that she was not sure what that meant but if it meant that at one meeting an applicant can get approval from the DRB on a category and then at another meeting that can be rescinded she thought this was a problem. She stated that she felt that this created an antagonistic environment and stated that she wasn't sure how this should be solved.

Ms. Stanton went on to say that if the final decision is appealed the ordinance says that the appeal shall be considered in an open record hearing and she was not sure what that meant and wondered what the appeal procedures are and how does that affect the 120 day time period. She noted that all public works standards were removed from the Design Manual and put into the Public Works Standards and then asked what "public project" refers to in the text of the ordinance.

Commissioner Owel asked staff about the interface between planning and public works and whether there is opportunity to comment on projects in the right of way. Interim Planning Manager Rob White replied that the Planning staff does comment on projects within the right of way.

Ms. Stanton additionally stated that perhaps a joint meeting with the Design Review Board and the Planning Commission would have helped the Planning Commission understand how they arrived at what was being proposed here.

Rosanne Sachson, 3502 Harborview Dr., Gig Harbor WA 98332

Ms. Sachson stated she didn't realize that the discussion was going to be so detailed but that she wanted to point out some observations. She noted that there had been a picture of the new convention center in the Tacoma News Tribune and she noted that it did not show what currently exists and it brought to mind the importance of considering the surroundings. Ms. Sachson voiced her opinion that the discussions and comments at a pre-application are not etched in stone. She then stated that in the Seattle Times there was an article about a new Home Depot in New York that was not orange and emphasized the importance of maintaining our standards.

Chairman Allen closed the public hearing at 7:58 p.m.

**MOTION:** Move to recommend approval of the proposed ordinance with the previously mentioned corrections. Guernsey/Owel –

Commissioner Guernsey stated that she felt that the idea behind having a pre-application conference was good as it encouraged better communication and could work out issues prior to spending development dollars. She did, however, not see the need to offer any more incentives and/or promises for holding a pre-application as they may decide to not to even apply. Additionally she stated that in regard to the non-binding nature of a pre-application, there are very specific laws regarding vesting and felt that it was a disservice to the citizens of the city if we were held to promises made before an application was even filed. Ms. Guernsey also stated that she did not feel

that pre-applications should be mandatory, not only for the privacy of the applicant but also due to its non-binding nature.

Commissioner Owel clarified that there are applications that do not require Design Review. Mr. White stated that remodels to only the interior of a building or a shoreline permit, but that there really were not that many projects that would not require Design Review.

Commissioner Wagner voiced his concern with changes in the membership of the Design Review Board after holding a pre-application. Commissioner Owel stated that for someone to try to change discussions held at a previous meeting that they were not present at would be out of order and should not be allowed. Commissioner Atkins pointed out that some of these problems could be avoided by documenting the discussions. He additionally pointed out that if pre-applications were non-binding then open discussions without documentation seemed appropriate.

Commissioner Pasin suggested that perhaps the proposal should be sent back to the Design Review Board for their consideration, if they felt they did not have adequate input. Commissioner Malich pointed out that the ordinance was created by representative of the Design Review Board on the Design Review Procedures Committee.

Interim Planning Manager Rob White verified that there were members of the Design Review Board on the Design Review Procedures Committee while stating that if the Planning Commission desired to send it back to the Design Review Board that can be done. Commissioner Owel reminded the commission that the City Council can send it back to the DRB if they desire. Community Development Assistant Diane Gagnon assured the Planning Commission that the entire Design Review Board had been sent the proposed ordinance so that they had opportunity to comment. Commissioner Wagner stated that he was uncomfortable passing an ordinance when two of the members of the DRPC who are here commenting are not satisfied with it.

**RE-STATED MOTION:** Move to recommend adoption of the proposed ordinance adopting Design Review Procedures, with the following changes:

- Title page instead of adoption, adopting
- Section 1 subsection b would d and d would be b
- In old subsection b add word is and then change conference to meeting
- Old subsection D, second sentence, insert word to after prior
- Subsection E, second sentence, remove second “to”
- Subsection F, remove word public, change wording to say Notice of a pre-application meeting with the DRB is not required, however at the request of the applicant notice will be mailed
- Subsection G, change to pre-application meeting (singular)
- Section 2, subsection B, change word will to shall.

Guernsey/Owel - 5 in favor, 1 against – motion carried.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of April 21, 2005  
Malich/Guernsey – unanimously approved

**NEXT REGULAR MEETING:**

June 2, 2005 at 3:30 pm – Work Study Session on the Land Use Matrix

Interim Planning Manager Rob White announced to the Planning Commission that the city had received a Merit Award from the American Planning Association for the Design Manual and then gave a brief update on the current projects being reviewed by the Planning staff.

Commissioner Malich asked about a letter that she and Chairman Allen had received from a citizen proposing a change to the Waterfront Millville zone and whether the Planning Commission was required to act on it without an application. Mr. White answered that the Planning Commission could instruct the staff to initiate a change or the citizen could initiate the change. Commissioner Wagner suggested that the citizen go through the process of initiating a change and Mr. White answered that he would let them know that they needed to do to request a zoning code text amendment.

**ADJOURN:**

**MOTION:** Move to adjourn at 8:40 p.m.  
Wagner/Owel – unanimously approved

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