

**City of Gig Harbor Planning Commission
Minutes of Work-Study Session and Public Hearing
January 18, 2007
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Jill Guernsey, Joyce Ninen, Dick Allen, Theresa Malich and Jeane Derebey. Commissioner Harris Atkins was absent. Staff present: Dick Bower, Tom Dolan, Jennifer Kester and Diane Gagnon.

CALL TO ORDER: 6:05 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of December 21st, 2006 with a typographical correction on page 2. Pasin/Ninen – motion passed unanimously.

OTHER BUSINESS

Mayor Hunter introduced the new City Administrator Rob Karlinsey. He went over Mr. Karlinsey's background. Mr. Karlinsey said that it was a privilege to be here in Gig Harbor and that he was hoping to build on the City's accomplishments. He thanked the commission for their service to the community and noted that city staff was there for them. Chairman Allen welcomed Mr. Karlinsey.

ELECTION OF OFFICERS

Commissioner Jill Guernsey nominated Commissioner Theresa Malich as Chair and it was seconded by Jeane Derebey. Nomination carried unanimously.

Commissioner Jim Pasin nominated Harris Atkins as Vice Chair.
Commissioner Theresa Malich nominated Jill Guernsey as Vice Chair

Nomination of Harris Atkins as Vice Chair passed with four voting in favor and one voting for Commissioner Guernsey.

NEW BUSINESS

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Proposal by the City Council to amend the definition of gross floor area; create definitions for underground parking, basement, finished grade, and original grade; amend parking requirements to include maximum number of parking spaces for uses; and reconsider the maximum building sizes for WC, WM and WR zones.

Chairman Theresa Malich turned this item over to staff for their report. Ms. Kester pointed out that they had been given the copy of the minutes from 1/23/06 outlining the decision from the City Council and that she also had included a memo from the City Attorney Carol Morris

outlining some talking points along with some additional attachments. She noted that this was an introductory meeting only and they will be holding more work study sessions on this issue.

Ms. Kester stated that the four elements of the proposed amendment were as follows: reviewing the definition of gross floor area as it pertains to basements and garages underground; creating new definitions for “basement”, “underground”, “finished grade”, and “original grade” and other terms if needed; Amending GHMC 17.72.030 to include maximum number of parking spaces for certain types of use, including but not limited to single-family residential; in contest to the above discussion, re-consider the square footage and maximum footprint limitations for the WM, WC and WR zones.

Mr. Pasin expressed that he was concerned with differences between these issues for single family homes versus commercial uses. Ms. Kester noted that his concerns could be dealt with in the definitions.

Carol Morris stated that at first they needed to address whether or not they should be regulating structures that are underground not with regard to uses. She gave an example of someone who had a basement that was seven stories of underground garage space and stated that they need to establish the legitimate public purpose for regulating something that is totally underground.

Commissioner Dick Allen noted that the other parking spaces still generate activity at the property. Ms. Morris replied that if the commission feels that would be the result, then perhaps they should be regulating the use instead. She said the next thing they needed to consider was whether garages should be included in the square footage limitation and whether or not the uses in these zones can be accommodated with these maximum square footage calculations. The other issues are the definitions of basement, underground, finish grade, and original grade. She continued by saying that they also needed to consider the maximum number of parking spaces allowed for certain uses. She stated that this pertained to low impact development regulations and that they need to examine the footprint limitation since there is a footprint limitation in one zone and not another.

Mr. Pasin asked for Ms. Morris’ opinion on the definitions and other items being on a city wide basis rather than just the three waterfront zones. Ms. Morris said that the definitions would be applied city wide. Mr. Pasin said that he would like the underground parking item looked at from a city wide standpoint. Ms. Morris replied that that was the decision of the Planning Commission.

Mr. Pasin then asked how maximum parking requirements have been defined, regulated and monitored by other jurisdictions and Ms. Morris answered that most cities have not adopted maximum parking limitations as of yet, but due to low impact development standards many cities are beginning to do so. Mr. Pasin said that he felt that single family and multi family was going to be the biggest challenge. Mr. Allen said he was wondering about WM and noted that there were only 3 properties that don’t have a marina attached to them and how would they be regulated. Ms. Kester said that would have to be one of the issues decided and noted that WM is the only zone that regulates marina parking differently.

Planning Director Tom Dolan reminded the Planning Commission that this was a request from the City Council and noted that it had been suggested that a meeting be held with the City Council or the Planning and Building Committee of the City Council to further discuss their intent.

Mr. Allen asked why the maximum parking was being brought up and Carol said it was probably from a lawsuit and Ms. Kester reiterated that it was due to two large single family homes being proposed with lots of parking. Mr. Pasin noted that these were issues that had been encountered by the Design Review Board on several occasions and these definitions are necessary to better address these issues.

Ms. Morris continued explaining that they were looking at is whether an underground structure should be counted in the square footage. She also suggested that they have the uses properly identified in the zones and determine if the allowance of underground structures would intensify the use. Ms. Ninen voiced concern a possible opportunity for illegal activities underground and Ms. Morris noted that it could be true now whether we count it in the square footage limitation or not. Ms. Morris said she would look into whether other jurisdictions had experienced any increase in illegal activity.

Commissioner Jill Guernsey said that she felt that there is a still a public welfare issue with regulating structures and do the same regulations apply when the structure is below ground. She suggested that they start by looking at each of the public safety, health and welfare issues and decide whether they apply to underground structures.

Ms. Malich asked if the square footage limitation fits within the scale of these areas. Mr. Allen said that he felt that if someone is contemplating going below ground with a garage facility it is because he has run out of space above ground, therefore, they are intensifying their use above what the space can accommodate and increasing the activity.

It was pointed out by Ms. Malich that on the first page of the ordinance it says the intent is to maintain the mass and scale of the existing pattern of development. Ms. Kester said that the question is if someone has two stalls totally underground does that affect the scale and size of structures on the waterfront. Ms. Morris pointed out that when it was determined what was out there they looked at the homes that exist, so exempt basements that are totally underground would not affect the scale. She also noted that the square footage limitations may make it so that the uses allowed in these zones can't operate so should these uses be allowed in these zones or should the limitation be changed. Ms. Kester said that some local architects may be able to come in and address these issues. Ms. Guernsey asked if there was any reason other than the square footage limitation that causes the council to want to look at this as it seems to be something we keep having to re-examine. Ms. Morris stated that the Planning Commission needed to decide whether underground structures should be included or not and if not, then a reason needs to be developed.

Mr. Dolan asked if the commission would like to discuss this item at the next meeting or would they more time to do some research. Mr. Pasin said that he thought they should continue the discussion at the next meeting and everyone agreed.

Chairman Malich called a five minute recess at 7:00 pm. The meeting was reconvened at 7:05.

PUBLIC HEARING

1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335 – Proposal by the City Council to establish flood plain regulations

Chairman Theresa Malich opened the public hearing at 7:06 pm.

Planning Director Tom Dolan briefly went over the staff report on the flood plain regulations as suggested by the Department of Ecology and pointed out that there was a representative from DOE present. He noted that notice of this hearing was sent to 318 property owners along the waterfront and was also published in the Peninsula Gateway. Mr. Dolan stated that if these required amendments are not adopted some waterfront property owners could have their flood insurance cancelled. He added that FEMA and DOE are requiring flood plain certificates for six properties. Mr. Dolan said a couple of people had been in to ask questions and one had gotten a copy of the ordinance. He stated that it was possible for the commission to take action on this proposed ordinance this evening.

Building Official/Fire Marshal Dick Bower pointed out that the city does have had a flood plain ordinance in the code at this time; however, what we are trying to do is assure that our ordinance stays consistent with state requirements so that our citizens can maintain their flood insurance. He then introduced Kevin Farrell from the Department of Ecology.

Mr. Farrell stated that he was a Flood Plain Management Specialist from the Southwest Regional Office who had conducted a community assistance visit which is basically an audit on the flood plain regulations and that as part of that they always review the flood plain ordinance. He stated that they are the state coordinating agency and work closely with FEMA. He went on to say that they came across numerous issues that were non-compliant in Gig Harbor and provided the model ordinance. Mr. Farrell noted that this is a voluntary program; however, federally guaranteed flood insurance is available if participating in the program and if a city is not participating then flood insurance can be obtained but at expensive rates and has ramifications on federally guaranteed loans. He stated that the City of Gig Harbor has a limited flood plain and is basically along the water.

Mr. Bower explained the difference types of flood plains and the information in the handouts provided. He went over how they are calculated how that determines your base flood elevation.

Ms. Malich asked if we have ever had a flood along the waterfront. Mr. Bower answered that it has happened with an extra high tide combined with wind. He added that he felt the biggest hazard was at Donkey Creek and cited what had happened with the Hennington Place Condos bulkhead failure.

Commissioner Guernsey asked about the six properties and what action the city will take against them. Mr. Bower said that they had been sent letters requiring them to provide flood certificates and explained that they would have had to do this anyway, it's just that it had not been asked for before. He added that city staff will work them to achieve compliance and pointed out that it

first needs to be determined if there is a problem as it may be that some of them are not within the flood plain. He said reminders will be sent out and the city will work with DOE and FEMA to get this resolved. He further explained that the six property owners will have to have a surveyor come out and shoot elevations in order to receive a flood certificate and then determine at that time if they are within the flood plain.

Mr. Farrell noted that this law has been in place for many years and that DOE had asked for flood certificates on these six properties and the city didn't have them on file. He said that if there is no response from the property owners from the letter sent out by the city then DOE will send out letters to those property owners. He noted that DOE will report back to FEMA on the compliance and/or non compliance.

Since there was no public present, Chairman Malich closed the public hearing at 7:30 pm.

Ms. Guernsey asked what had happened in the past when the local jurisdiction has needed to have property owners obtain flood plain certificates and asked what happens if they don't comply. He said he would have to discuss that with FEMA and that if they are within the flood plain and if the structure is not elevated to the level it should have been then their insurance rate will be higher. Ms. Guernsey said that she felt that the property owners were being put in a difficult position because of a slip up by the city. Commissioner Derebey asked if the property owner did not comply would it jeopardize the city's participation in the FEMA program and Mr. Farrell said that it may and that FEMA may ask that the city impose their laws. He noted that several cities have been suspended for non compliance. Mr. Pasin noted that over 300 notices were sent out and there had been no public comments received.

MOTION: Move to recommend approval and forward the ordinance to city council.
Pasin/Guernsey – Motion passed unanimously.

Ms. Derebey asked if perhaps there could be more properties and Mr. Farrell said that there could be more as they typically take a representation of the flood plain. Mr. Bower stated that the Building Division is requiring flood elevation certificates for new buildings on the waterfront.

ADJOURNMENT

Meeting was adjourned at 7:40 p.m.

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