

**City of Gig Harbor Planning Commission
Minutes of Public Hearing
Thursday, July 21, 2005
Gig Harbor Civic Center**

PRESENT: Commissioners Jim Pasin, Jill Guernsey, Harris Atkins, Theresa Malich and Chairperson Dick Allen. Commissioners Scott Wagner and Marilyn Owel were absent. Staff present: Rob White and Jennifer Sitts.

CALL TO ORDER: 7:00 p.m.

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of July 7, 2005.
Malich/Guernsey – unanimously approved

PUBLIC HEARING

1. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Proposed ordinance (ZONE 05-796) specifying that the regulations in the zoning code relating to nonconformities only apply within the area regulated under the City's Shoreline Master Program when the two are consistent, otherwise the Shoreline Master Program controls, adding a new Section 17.68.015.

Chairman Allen read the background information from the staff report and then opened the public hearing on the proposed ordinance at 7:05 pm.

There being no public testimony, Chairman Allen closed the public hearing.

2. **City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Proposed ordinance (ZONE 05-794) eliminating the limitation on the reconstruction of nonconforming shoreline development after damage to the structure, amending Section 4.15(C) of the Shoreline Master Program.

Chairman Allen read the background information from the staff report for the record and opened the public hearing on the proposed ordinance at 7:10.

There being no public comment, Chairman Allen closed the public hearing.

Discussion followed on Section 4.15 of the Shoreline Master Program.

Commissioner Pasin read Section 4.15 for the record and expressed concern with the effective date of buildings constructed after 1975. Chairman Allen pointed out that it also said "or amendments".

Commissioner Guernsey suggested removing the phrase regarding the effective date. A consensus was reached to remove the wording, "prior to the effective date of the act, or amendments thereto".

Discussion followed on the definition of structure

Commissioner Pasin suggested that the word "replacement" be changed to "reconstruction", everyone agreed.

Commissioner Pasin additionally pointed out that currently non-conforming Single Family development may be 100% replaced if restoration is completed within three years and that with the new regulations they would have to apply for extensions to get three years. The Planning Commission acknowledged this change and agreed that it did require single family development to go through some additional regulations, however, was not more restrictive. He then pointed out that in the introduction of the SMP it alludes to the Shoreline Master Program applying to properties within 200' and then refers to properties on the other side of the street. Discussion followed on where the SMP would apply and which buildings would be allowed to be rebuilt.

Associate Planner Jennifer Sitts explained the difference between a non-conforming use and non-conforming structures.

It was suggested by Commissioner Pasin that the language in 17.68.040(C) match the language in the Shoreline Master Program 4.15E.

Planning Manager Rob White pointed out that changing this language may not be within the scope of the proposed changes.

Commissioner Pasin asked about the section 17.68.090 and questioned whether it conflicted with the current proposal. Chairman Allen pointed out that this section was being stricken. Commissioner Pasin pointed out that perhaps it should not be stricken as it requires an owner to provide water access opportunities.

Jennifer Sitts stated that she believed that this was suggested to be repealed because the new language allows an owner to replace a non-conforming structure to it's original dimensions and that would not be possible if you are also requiring them to add an additional water access opportunities.

Consensus was reached that section 17.68.090 should be stricken as proposed. Planning Manager Rob White stated that he would modify the title to include the repeal of section 17.68.090.

Commissioner Atkins asked if there weren't some areas of waterfront districts that were not within the scope of the Shoreline Master Program. Commissioner Pasin read the applicability section of the Shoreline Master Program. It was clarified by staff that all waterfront districts are within the Shoreline jurisdiction and it was agreed that section 17.68.090 be stricken.

MOTION: Move to recommend approval of the proposed ordinance (ZONE 05-794) with the proposed changes.
Malich/Pasin – unanimously approved.

Discussion followed on the 2nd ordinance and possibly changing the language in item F.

Associate Planner Jennifer Sitts pointed out that state law may require the current language in item F and suggested that the staff research this.

Chairman Allen called a 10-minute recess to research the state law.

Jenn Sitts read the section from State Code, pointing out that changing from one non-conforming use to another non-conforming use required obtaining a conditional use permit. She further pointed out that it does say that this is only necessary if there are no local regulations. Ms. Sitts stated that our local regulations are more restrictive and would recommend checking with our City Attorney if it would be appropriate to allow something less restrictive. Commissioner Guernsey suggested replacing the language in item F. be replaced with WAC 173-27-080(6). Consensus was reached to replace the language.

Commissioner Atkins asked for clarification that the commission was in agreement with the language in Item G. Consensus was reached that the language in Item G should remain.

MOTION: Move to recommend approval of the proposed ordinance (ZONE 05-796) with the following changes:

Section 4.15, 1st paragraph. Remove the phrase “to the effective date of the act or the Master Program, or amendments thereto”.

Section 4.15, Item C. Replace the word “replacement” with “reconstruction”.

Section 4.15, Item F. Replace with WAC 173-27-080(6).

Guernsey/Malich – unanimously approved

Planning Manager Rob White gave a brief update on the Waterfront Building Size ordinance.

Senior Planner Jennifer Sitts briefed the Planning Commission on an issue that had been brought to staff on Boundary Line Adjustments and whether they could be approved if it created a lot that was less non-conforming. She asked the Planning Commission if they wanted to initiate a text amendment or did they want the applicant to initiate his own application. Consensus was reached that the party suggesting the amendment should make application.

Commissioner Pasin brought up the issue of Senate Bill 6593 which deals how manufactured homes are regulated. Mr. Pasin suggested that the Planning Commission initiate a text amendment to bring city code into compliance with new laws.

Planning Manager Rob White acknowledged that this was being worked on by the City Attorney and had been added to their agenda.

UPCOMING MEETINGS

August 4, 2005 – Work Study Session at 6:00 pm

MOTION: Move to adjourn at 9:30 pm
Pasin/Guernsey – passed unanimously