

City of Gig Harbor Planning Commission
Work Study Session
June 3rd, 2010
Community Rooms A & B
4:00 pm

PRESENT: Commissioners – Vice Chair Harris Atkins, Jill Guernsey, Jim Pasin, Bill Coughlin and Ben Coronado: Chairman Joyce Ninen and Michael Fisher were absent.

STAFF PRESENT: Tom Dolan, Kim Van Zwalenburg for the Department of Ecology and Pete Katich.

CALL TO ORDER: at 4:00

APPROVAL OF MINUTES:

Mr. Pasin commented that on page 3 it should say recreational development proposals and on page 4 there is a misspelling of etc. On page 6 in the bold of the first paragraph it should say site clearing and grading. Mr. Atkins said that on page 4 it should say pedestrian, boat access and then at the bottom of page 4 the second paragraph begins the discussion 7.16.1e. Header 7.17.2 regulations and it should say 7.16. Ms. VanZwalenburg commented that on the top of the second page it says shoreline master program cases appealed to superior court, it should say “noting that ecology will issue a decision on the Jefferson county master program later this summer and anticipates that it will be appealed”. She also noted that on page 15 under 7.16 the 20’ setback issue should be noted as a holding pen item.

MOTION: Move to approve the minutes of May 13th, 2010.Coughlin/Guernsey – as amended, motion carried.

Peter Katich said that the commission had asked that staff revise the residential regulations and those have been incorporated into the minutes of May 13th starting on page 14. He asked for the commission’s approval of those rewritten regulations. Mr. Atkins said he felt that they reflected his notes and there were no further comments.

7.17.1 Policies

A. Legitimate restoration needs.

Mr. Coughlin said that he felt that this was more of an overriding goal of the plan and Mr. Atkins said that since we are talking about restoration as a use it was appropriate to state it here. He did express that he didn’t really like the word legitimate. Mr. Katich suggested using the word identified and Ms. Guernsey agreed. Mr. Pasin said that he felt the statement was not specific to a project. Mr. Atkins stated that he also was not sure how the restoration plan will relate but

perhaps that can be discussed later. Mr. Katich said that we are working with two concepts in regard to no net loss. One is mitigation that is done on a project by project basis and once certain standards are met in order to augment the mitigation there is a new concept of a restoration plan which can fill in for gaps or deficiencies and which are done on a voluntary basis by environmental groups, etc. Mr. Katich also noted that the full restoration plan is on the city's website. Mr. Pasin had a concern that if he was doing a project and I'm not disrupting anything can you require me to do restoration. Mr. Katich said no, absolutely not. If you are disturbing one square foot we can require you to mitigate one square foot.

7.17.2 Regulations

Paragraph 1). Mr. Atkins asked if it should say significant negative impacts or just negative impacts. Ms. Guernsey said that she thought saying significant was a slippery slope. Ms. Guernsey suggested it say cleanup methods shall not impact adjacent and existing land uses in the area. Mr. Atkins asked who would determine this and/or enforce this. Mr. Katich explained that in any land use case you can argue before the Hearing Examiner and provide expert testimony as to the impacts. Mr. Coughlin expressed that if the statement was too broad no one would ever be able to perform any restoration. He further explained that basically anytime you enter the waterfront environment you have an impact and suggested just leaving the paragraph as it is. Mr. Coronado felt that it should be left in and asked about the Hearing Examiner process Mr. Katich explained. It was decided to leave it as it is.

2) Mr. Katich explained how conservation easements work. Ms. Guernsey expanded on how they work and that she felt that the paragraph needed to be modified as conservation easements can be between anyone, not necessarily the city or a public agency. She suggested taking out the word perpetuity and say conservation easement, covenant or other restriction that runs with the land. Mr. Katich asked that they add the word recorded before the words conservation easement. Mr. Atkins suggested removing the word conservation. The modified sentence will read, **"Where possible, habitat improvement projects shall be protected through a recorded easement, covenant, or other restriction that runs with the land"**. **Everyone agreed.**

3) Discussion was held on the differences between an ecosystem or landscape approach. Mr. Coughlin suggested saying ecosystem and/or landscape approach. Mr. Dolan stated that he felt that the terms were the same and using and/or made them seem different. **It was decided to put a comma after the word ecosystem.** Mr. Pasin asked about including greenbelts. Ms. Guernsey agreed that greenbelt was not a good word. **Mr. Atkins suggested using the word "means" and adding a comma after shoreline environments and everyone agreed.**

7.18 Shoreline Stabilization

This is an item in the holding pen and will be discussed at a later meeting.

7.19 Signs and Outdoor Advertising

Mr. Dolan noted that the city's sign code is pretty restrictive as it is. He also noted that there will be a proposal before the City Council to allow for portal signs on city owned docks and piers. Mr. Coughlin expressed that signage should be limited and **Mr. Atkins suggested rewording to state "to limit waterfront signage and ensure compatibility with the shoreline environment and allowed uses"**.

7.19.1 Policies

- A. Visual obstruction – no comments
- B. Compatibility – no comments
- C. Interpretive signs – no comments
- D. Gateway signs – no comments
- E. Freestanding signs – **Ms. Guernsey suggested that it say "and avoid blocking scenic views" rather than "to avoid blocking scenic views"**.

7.19.2 Regulations

- 1) No comments
- 2) No comments
- 3) No comments
- 4) Discussion was held on the new proposed ordinance to allow for city owned docks to have portal signs. **Mr. Atkins suggested that we mark this item to be looked at after the ordinance is adopted.**
- 5) Ms. Guernsey asked why state this when it is stated in the sign code. These types of signs are not allowed anywhere in the city. **It was decided to remove this item.**

Mr. Pasin asked if the other commissioners were in favor of the portal sign ordinance. Mr. Atkins said he didn't feel that it was needed and it could lead to allowing more of these types of signs. Mr. Coughlin said that he was not in favor of it either. Mr. Coronado agreed that signage that is currently allowed would be sufficient.

7.20 Transportation Facilities

Mr. Coughlin asked for clarification on the differences between driveways and private roads. Ms. Guernsey pointed out the definition. Mr. Coughlin said that it doesn't address common driveways. Mr. Katich said private driveways are not a transportation facility. Mr. Coughlin asked if perhaps they should add a section for private roads. Mr. Atkins said that those things are part of the development requirements and should not be in the shoreline master program. Mr. Dolan pointed out that they will require shoreline permits. Ms. Guernsey wondered if the terms being used here were the same as those being used in city road standards.

A. Arterial roads

Ms. Guernsey asked if this term was consistent and Mr. Dolan said he wasn't sure.

B. Local roads – Mr. Atkins asked if everyone wanted to add the words “public and private” before the word access. Ms. Guernsey suggesting removing the word access so that it reads “Design local roads (public and private) and pedestrian routes to fit into the existing topography”. Mr. Katich pointed out that that the term arterial roads is consistent with the wording in the transportation plan.

C. Trails, pedestrian and bicycle routes. Ms. Guernsey said that she didn't like the title as she didn't think it was consistent. Mr. Coronado agreed that pedestrian isn't mentioned in the text. Mr. Atkins suggested that it just say Trails and everyone agreed. Mr. Katich said that he felt that it was trying to encourage the separation of the bicycle and pedestrian traffic. **He suggested that the title say Pedestrian trails and bicycle routes. Everyone agreed. Mr. Pasin suggested removing the phrase “and should be considered when rights of way are being vacated”. Everyone agreed.**

D. Foot passenger ferry service in Gig Harbor Bay

No comments.

7.20.2 Parking Policies

Mr. Pasin asked about whether underground parking was encouraged and Mr. Dolan said that in the shoreline area underground parking is encouraged. Ms. Guernsey suggested adding the word “encourage” before “underground parking”. Mr. Atkins asked about commercial parking not being allowed along the shoreline and whether marina owners would be allowed to rent out their parking when not in use. Mr. Katich said he did not believe so. **Ms. Guernsey suggested putting a period after the word “allowed” and removing the phrase “within the area regulated by the City’s Shoreline Master Program” which doesn’t need to be said. Everyone agreed. Ms. Guernsey then suggested in the last sentence the word “facilities” be removed and everyone agreed. The last sentence would now read, “Locate surface parking outside of shoreline jurisdiction whenever possible or otherwise as far from the shoreline as possible”.**

B. Aesthetic – **Replace the word facilities and replace with areas.**

C. Parking impacts. **It was decided to remove the word “facilities” and replace it with “areas”.**

Took a five minute recess

7.20.3 Roadway Regulations

- 1) Ms. Guernsey asked if item b wasn't something already required by other city standards. It was decided it didn't hurt to restate it. No other comments.
- 2) Ms. Guernsey pointed out the colon in the first sentence is not needed.
- 3) No comments
- 4) Mr. Katich explained the definition of emergency repair and the process. Mr. Dolan expressed concern that there may be a conflict with what the optimum feasible time is. Everyone thought the way it was written was fine.
- 5) No comments
- 6) Ms. Guernsey said that she wanted to read the RCW to really understand what the intent of this statement was. Mr. Dolan placed the issue on hold for clarification of the RCW.

7.20.4 Parking regulations

- 1) No comment
- 2) No comment
- 3) Should say parking areas
- 4) Should say parking areas and remove "in a shoreline area".

There was a placeholder here regarding underground parking. Mr. Katich agreed to do some research of other shoreline master programs and how they handle underground parking.

7.21 Utilities

7.21.1 Policies

A. Production and processing facilities

Mr. Atkins suggested putting a period after the word "jurisdiction". Ms. VanZwalenburg pointed out that the intent statement didn't seem to match the policies. Ms. Guernsey asked about the footnote referencing the guidelines and Mr. Katich read the appropriate section from the guidelines. It was decided to keep the entire paragraph.

B. Transmission facilities

Mr. Pasin said that he would like a reference to undergrounding utilities where feasible. Mr. Atkins agreed and thought it should say we promote the undergrounding of existing and all new

must be underground. Mr. Coughlin suggested that B and C should be combined. Ms. Guernsey said that she didn't think it mattered whether the right of way was improved and didn't like the phrase whenever feasible. **Everyone agreed that B and C should be combined.** The sentence from C should read "Install utilities underground whenever feasible". Ms. VanZwalenburg noted that the language was from the guidelines. Mr. Atkins stated that there were too many "whenever feasible". Mr. Pasin suggested "outside of the shoreline area and/or underground". **It was decided that B would read, "Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area and/or underground where feasible. If located within the shoreline area, major transmission lines should be incorporated into programs for public access to and along water bodies" and C would be eliminated.**

New C. Development on aquatic lands and tidelands

It was noted that this is language from the guidelines.

D. Views and aesthetics – No comment

E. Stormwater detention and treatment facilities. – Mr. Coughlin pointed out that the city probably won't have any of these along the shoreline. Mr. Katich said that this is probably more of an issue in the UGA. Mr. Pasin said he didn't see how this could be done; it basically forces people to pump water uphill. It was pointed out by Mr. Atkins that this was new requirement and perhaps wasn't needed. Mr. Katich said perhaps only in the UGA. Mr. Atkins suggested that it be deleted. Ms. VanZwalenburg noted that the city has a stormwater manual and any facility will have to meet the shoreline regulations regardless. **It was decided to delete this paragraph.**

E. Shoreline protection – Mr. Pasin pointed out that the second sentence says that banks should be restored to pre-project configuration and asked what if the pre-project configuration does not comply. Mr. Atkins asked that they look at each sentence. **Ms. Guernsey suggested the wording "Locate, design and install new utilities to eliminate the need for extensive shoreline protection measures" and everyone agreed. For the second sentence it was decided that it should read, "Upon completion of utility projects on shorelines, banks should be restored, replanted and maintained until newly planted vegetation is established". The last sentence will remain the same.**

F. Stormwater outfall locations – Mr. Atkins asked why there were no sewer outfall locations mentioned. Mr. Katich said that it could say stormwater and sanitary sewer outfall locations and everyone agreed. Ms. VanZwalenburg said she did not like the phrase that they are water dependent. **It was decided to remove the phrase "are water-dependent but". Ms. Guernsey asked if pipeline should be in the title and it was decided that the title should read "Stormwater and sanitary sewer pipeline outfall locations".**

G. Maintenance of stormwater outfalls – **It was decided that the title should read “Maintenance of stormwater pipeline outfalls” and that pipeline should also be added to the last part of the sentence.** Mr. Katich said that this seems to be an issue that the NPDES permit addresses and not this master program. **Mr. Coughlin suggested removing item g (old i) and everyone agreed.**

7.21.2 Regulations

Mr. Atkins asked what if a primary utility facility and Ms. VanZwalenburg read the section from the guidelines. She stated that most of what the city would deal with are accessory utilities (except for the sewage treatment plant). Mr. Atkins suggested that they not allow them. Ms. Guernsey said that it really should be tied to Policy A. by calling it utility production and processing facilities and there was agreement, so the lead sentence would read, “Shoreline permit applications for installation of utility production and processing facilities shall include the following”. Mr. Dolan pointed out that they would still be subject to all the regulations of a shoreline permit. Mr. Atkins said that it should be stated here in this section that you need a shoreline permit; Ms. VanZwalenburg noted that the requirement for a permit is listed in the matrix. Mr. Katich said that requirement 1 is more specific to this type of permit and 2 through 12 are more part of a standard shoreline permit.

- 2) Remain the same
- 3) **Remove “installation/maintenance” and “to pre-project configuration”.**
- 4) **Should read, “Where utilities must be placed in a shoreline area, scenic views shall not be obstructed.”**
- 5) Remain the same
- 6) **Remove “associated with, by way of example a road improvement project”, everyone agreed.**
- 7) Remove entirely.

Old 8) Ms. VanZwalenburg asked about item c) and whether this was limiting how a stormwater facility would be developed. Mr. Atkins suggested removing the phrase “mimic and resemble natural wetlands”. **Ms. Guernsey suggested just removing “mimic and” and everyone agreed.**

Old 9) **Mr. Katich suggested removing the word “primary” and everyone agreed. Ms. Guernsey point out that b) should end in a semi-colon.**

Old 10) Remain the same

Old 11) Remain the same

Old 12) Stormwater should be one word.

Ms. Guernsey pointed out that we should remain consistent and stormwater has been one word and shorelines rather than shorelines jurisdiction in old item 10.

Mr. Atkins asked about the schedule for addressing the holding pen items and Mr. Katich said that he had scheduled two meetings for working on the holding pen items. Mr. Dolan said that at this point we are one and half meetings behind. Mr. Dolan noted that at the next meeting

there will be a couple of members absent and just wanted to make sure that they were agreeable to meeting without a quorum and everyone agreed.

Motion: Move to adjourn at 7:15 p.m. Coughlin/Guernsey. Motion carried.

3/18/10 Meeting Outcomes:

1. Revise matrix/associated regulations in Chapter 7 of draft SMP to allow dredging as a “permitted” use in low intensity and natural environment designations at the mouth of Gig Harbor Bay to maintain the navigational channel.
2. Per Commissioner Guernsey’s request, boat launch ramp use category set forth in Modification and Use Matrix, Chapter 7, added to the “holding pen.”
3. Remove “prohibited” modifications and uses from Chapter 7, subsection 7.2.1 that are not applicable to city of Gig Harbor shoreline planning area. Only address those modifications and uses that exist or could exist.
4. Revise regulation #1, Chapter 7, subsection 7.3.2 to reflect two separate regulations; note that the current, proposed prohibition on commercial shellfish aquaculture in all shoreline environments could change based on further review of the issue.
5. Revise regulation #5, Chapter 7, subsection 7.3.2 to indicate that it doesn’t apply to spawned-out salmon carcasses.
6. Revise policy J, Chapter 7, subsection 7.4.1 to address “piers and docks” and revise the last sentence of the policy to state, “minimize adverse effects on “ecological functions” rather than nearshore resources.

Additional 3/18/10 Meeting Outcomes-per Approval of Minutes @ 4/1/10 Meeting:

1. Revise Section 7.1 Permitted Use Table “introductory paragraph” by deleting the second and fourth sentences.
2. Revise Subsection 7.4.1, Policy D (water-dependent uses) to state: “Locate, design, and operate boating facilities so that **new development is located in a manner compatible with other lawfully existing** water-dependent uses, such as commercial fishing operations, boatyards, and other publicly accessible over-water facilities, are not adversely impacted.”
3. Revise the “heading” for Subsection 7.4.1, Policy H, to state: “Preferred types of moorage and **boat launch ramps.**”

Summary of 4/1/10 Meeting Outcomes:**

1. Revise Subsection 7.4.1, Policy K (replacement of piling) to state: “**Replace existing piling with non-toxic materials, including but not limited to steel, concrete and**

non-toxic wood. The replacement of piling that support historic structures listed on the city's Register of Historic Places should be exempt from this provision. New piling should be made of non-toxic material approved by applicable state agencies." (Note: The policy is titled "replacement of pilings." Should the heading be revised to "New and replacement of pilings?")

2. Revise Subsection 7.4.1, Policy L (Moorage design elements) to state: "Encourage design elements that increase light penetration to the water below an existing or new boating facility, such as increasing the structure's height **above the water**; modifying orientation and size; **and using** grating as a surface material. No new covered moorage facilities should be allowed on or over the surface waters within the city of Gig Harbor **or its UGA.**"
3. Discussion on Subsection 7.4.2 (Policies for marinas) and 7.4.3 (Policies for commercial fishing moorage) tabled until meeting of 4/15/10 to allow for completion of marina survey.
4. Revise Subsection 7.4.4.1.a & b (Regulations-General) to state:
 - a. **Critical saltwater habitats**
 - b. **Marshes, estuaries and other wetlands**And delete original b & c (both are included in definition for critical saltwater habitats.)
5. Revise Subsection 7.4.5.1.a (Regulations-Mooring Buoys) to state:
 - a). Avoid **critical saltwater** habitat areas; and,
6. Revise Subsection 7.4.5.4 into two regulations 4 & 5 that state:
 - 4. Single-family residences may be allowed no more than one mooring buoy per residential lot and only where existing piers, docks, floats or other moorage facilities do not exist.**
 - 5. Mooring buoys shall be clearly marked and labeled with the owner's name, contact information and permit number(s).**
7. Revise Subsection 7.4.7 (Regulations-Piers, Docks and Floats-Non-Residential), existing regulation #1 to state: **Piers, docks** and floats associated with commercial, industrial, or public recreational developments **are** allowed **only** when ecological impacts are mitigated in accordance with the program, and:
8. Revise Subsection 7.4.7 to make existing regulation #1 the new #2.
9. Revise and re-order Subsection 7.4.7 by moving existing regulation #6 to #1.
10. Revise language in Subsections 7.4.7.4) & 7.4.8.3) (Regulations-Piers, Docks, and Floats Non-Residential and Residential) to be consistent with each other.
11. Separate the last sentence in existing subsection 7.4.7.4 to create a new regulation #5 that states: **To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply: (list a-c)** and renumber existing #5 to be the new #6.
12. Revise Subsection 7.4.8 (Regulations-Piers, Docks, Floats, and Lifts-Accessory to Residential Use) by deleting existing regulation #1).c).
13. Revise Subsection 7.4.8, Regulation #6 to state: "**Covered moorages are prohibited.**" Move and reorder existing regulation #6 to become regulation #1 (Note: the Planning Commission's preference is for all "prohibitions" to be listed as the first regulation under any subsection heading for regulations.

Summary of 4/15/10 meeting outcomes:

1. It was the consensus of Planning Commission that the marina survey was adequate to address the status of marinas in Gig Harbor Bay and that additional research is not required pending public testimony on the issue at the Commission's public hearing scheduled for the shoreline master program update.
2. Revise subsection 7.4.2.A (Policies for Marinas) to state: "Marinas are water dependent uses and should contribute to public access and enjoyment of the waters of the state." The "heading" for the subsection section should be revised from "Priority for marinas" to "Public Access and Enjoyment."
3. Delete subsection 7.4.2.B (Marina boat storage)
4. Per Jill G, revise "Water-dependent, Water-enjoyment & water-oriented" on page #2-27 to include the word use at the end (example: water-dependent "use") to be consistent with the definition provided for each of the 3 words.
5. Delete subsection 7.4.2 D (Launch Ramps)
6. Revise subsection 7.4.3.A (Policies for commercial fishing moorage) to state: "Commercial fishing is an important water dependent use and facilities that support the commercial fishing industry should be allowed."
7. Revise subsection 7.4.8.7 (Regulations-Piers, Docks, Floats and Lifts-Accessory to Residential use) to state: "Single-user docks/piers/floats shall meet side yard setbacks for residential development (both onshore and offshore); however, a shared dock/pier may be located adjacent to or upon a shared side property line upon the filing of an agreement by the affected property owners."
8. Revise original draft subsection 7.4.8.3) as follows:

"3. To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:

 - a. The width of docks, piers and floats shall be the minimum necessary, and in no case shall be wider than eight (8) feet unless authorized by state resource agencies.
 - b. Materials that will allow light to pass through the deck may be required where the width exceeds 8 feet.
 - c. Grating to allow light passage or reflective panels to increase light refraction into the water shall be used on piers, docks, floats and gangways in nearshore areas."
 - d. Use of non-toxic materials, including but not limited to steel, concrete and non-toxic wood, approved by applicable state agencies.
9. Revise and re-order 7.4.8.9) (prohibition on storage of fuel, oil, etc on residential floats etc.) to become new 7.4.8.3
10. Delete subsection 7.4.9.5.i
11. Revise subsection 7.4.9.3.e to state: "Marina development shall be required to include public access amenities consistent with Section 6.4 (Public Access) of the Program. Public access shall be designed to be environmentally sound, aesthetically compatible with adjacent uses, and safe for users."
12. Revise subsection 7.4.9.3.f to state: "Live-aboard vessels are allowed in marinas provided that adequate facilities and programs to address waste and sanitary disposal are in place. Off-street parking for live aboards shall be provided consistent with the requirements of GHMC 17.72."

Summary of 4/22/10 Meeting Outcomes:

1. Revise subsection 7.4.9.4 by deleting the comma that follows the word “possible” and adding it following the word “minimize.”
2. Revise subsection 7.4.9.5.b by deleting the word “development” and replacing it with the “facilities,” to read: “.....but not limited to, office space, parking, open air storage, waste storage and treatment, stormwater management facilities, utilities and *upland transportation facilities*.”
3. Revise subsection 7.4.9.5.f to reference required type of sewage pump out equipment.
4. Revise subsection 7.4.9.5.g to delete moorage slip and liveaboard thresholds (XX designation). Revise language to state: “Marinas with live-aboards shall provide restrooms and sewage disposal facilities in compliance with applicable health regulations. Delete remaining original draft language.
5. Revise subsection 7.4.9.5.h by changing the word “several” to “upland.”
6. Delete subsection 7.4.9.5. i.
7. Replace subsection 7.4.9.5.j with all of regulation #12 from existing SMP (see page 31 of existing SMP)
8. Revise subsection 7.4.9 by adding regulations 1.A through E from existing SMP (page #29) as either new regulation #6 or #7 depending on whether existing draft 7.4.9.6 is retained in whole or part or deleted in its entirety based on the “holding pen” review noted below.
9. Revise subsection 7.4.10.1 to state: “New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Gig Harbor Municipal Code Title 17.”
10. Delete 7.4.10.2 in its entirety
11. Revise the “heading” for subsection 7.4.3-Policies for Commercial Fishing Moorage by adding the word “Vessel” between the words Fishing and Moorage.
12. Revise 7.4.3.A to state: “Commercial fishing is an important water-dependent use and facilities that support the commercial fishing industry, including moorage, should be allowed.”
13. Revise subsection 7.5.2.5 to state: “Between October 31st and April 1st, clearing may be conducted provided the areas to be cleared are identified when leaf is present.”
14. Revise subsection 7.6.1.A to state: “Give preference to water-dependent commercial uses, then to water-related and water-enjoyment commercial uses in shoreline locations. Non-water oriented commercial uses may be allowed if they are combined with public benefits, such as public access, education and shoreline ecological restoration.”
15. Revise subsection 7.6.2.3 (Regulations-Water-Oriented Use/Development) by deleting 7.6.2.3 in its entirety.
16. Revise subsection 7.6.3.1.a (Regulations-Non-Water-Oriented Use/Development) by adding a semi-colon after the word “right-of-way” and adding the word “or”, and by deleting the words “such that access for water oriented use is precluded.”
17. Revise subsection 7.6.3.1.b to read: “The use is part of a mixed use project that includes water oriented uses and provides significant public benefit with respect to the city’s Shoreline Master Program objectives; or”
18. Revise 7.6.3.1 to state: “Non-water oriented commercial uses are allowed in the shoreline jurisdiction if they meet the following criteria:”

19. Revise subsection 7.6.3.3 to state: “the city may waive or modify the requirement to provide public access and/or restoration when:”
20. Revise subsection 7.6.3.3.a by changing the word “infeasible” to “not feasible.”

Summary of 5/6/10 Meeting Outcomes:

1. Revise Section 7.6 “section heading” from “Commercial” to “Commercial Uses”.
2. Create definition for “low impact development” to support the use of the term as set forth in subsection 7.6.1.D-Low Impact Development Techniques.
3. Revise subsection 7.6.1.B by adding a reference to, “consistency with the public access requirements set forth in Chapter #6, subsection 6.4.2.”
4. Delete the words “public access and” from 7.6.3.2.b. Revise statement to read, “When not part of a mixed use development, the city shall determine the type and extent of restoration on a case-by-case basis according to the opportunities and constraints provided by the site.”
5. Revise 7.6.3.3 to state, “The City may waive or modify the requirement to provide public access and/or restoration when:”
6. Revise last sentence in subsection 7.6.3.3.a to state, “In such cases, where on-site restoration/enhancement is not feasible, equivalent off-site restoration/enhancement shall be provided consistent with the policies and regulations of this program, including, the requirements of the city’s Shoreline Critical Areas Regulations and the Shoreline Restoration Plan Element.
7. Delete all of 7.6.3.3.b
8. Revise Section 7.7-Commercial Fishing, by “blending” the existing intent/goal statement from the existing smp (Part 3.06, Pg. #19) with proposed draft language in 7.7. Joyce was assigned the task. Her revised language states: “To preserve the commercial fishing fleet as a significant cultural and economic resource, encourage important fleet supporting services and promote development or rehabilitation of facilities consistent with the fleet’s needs, including the retention and redevelopment of waterfront parcels that provide a substantial and direct contribution to the commercial fishing industry.

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures that provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city’s development since its incorporation in 1946. In recent times, the fishing industry has experienced a marked decline due to a variety of social, environmental and economic factors, locally, regionally and globally. Although the fishing fleets in Gig Harbor are small in comparison to the fleet of two decades ago, the value of the remaining fleet is recognized as a very important component of the cultural and community environment. Preservation of the fishing character of the City is a primary consideration in evaluating effects of a shoreline proposal.”

9. Revise subsection 7.8.1.A. (Dredging and Dredge Material Disposal), by revising the second sentence to state, "Maintenance dredging of established navigation channels, such as the entrance to Gig Harbor Bay, and basins, should be restricted to maintaining previously dredged and/or existing authorized location, depth and width."
10. Delete subsection 7.8.2.4.g
11. Reorder subsection 7.8.2 by moving the current #6 to #1 and re-ordering the remaining regulations numerically.
12. Revise 7.8.3.1 to state, "The City may permit disposal of dredge material only when the project proponent demonstrates the activity is consistent with the Program."
13. Revise subsection 7.8.3.4 to state, "When consistent with this Program, disposal of dredged materials in water areas other than PSSDA sites may only be allowed in approved locations for the following reasons:"
14. Revise references in "7.8.3.3 & 4-Dredging Disposal, to reflect the correct name (Dredged Material Management Program (DMMP) for the interagency program that oversees the marine disposal of dredge material (formerly known as PSSDA).
15. Revise 7.10-"heading for Fill" to state, "Fill & Excavation".
16. Revise 7.10 "intent/goal statement" to state: "To avoid fill and excavation activities along the shoreline, except when necessary to accommodate an approved shoreline use or development, or when associated with enhancement or restoration of shoreline habitat and landforms.
17. Revise 7.11.2.1 (regulations-Historic Net Sheds) to state, "Non-water oriented uses are allowed in net sheds when the following criteria is met:"
18. Add lower case "c" to the third/last net shed regulation set forth on page # 7-37 and delete last sentence from regulation.
19. Add new regulation 7.11.2. number 4 that states, "The conversion of a net shed to a non-water oriented use shall require a Shoreline Conditional Use Permit."
20. Revise Section 7.12-Industrial Development, consistent with existing Part 3.09 of the city's current shoreline master program (discouraged on a policy basis and prohibited on a regulatory basis).
21. Revise 7.13.2.1 (In-stream Structures-Regulations) to state, "In-stream structures are only allowed as part of fishery and fish habitat enhancement projects."
22. Review other jurisdictions smps and develop a regulation for Section 7.14 (Pedestrian Beach Access Structures) that implements policy 7.14.1.B (Public access and shared use)
23. Revise 7.14.1.C (Protection of resources and neighboring properties) to state, "Beach access structures should not be permitted until effects on marine shoreline functions and processes, including any significant adverse effects and adjoining lands and properties, are fully evaluated and a mitigation plan submitted." Revise the last sentence of the policy to state, "The City should not permit these structures in areas where there are potential risks to human health and safety or adverse effects on shoreline functions and processes.
24. Revise 7.14.2.b to state, "Structures shall follow the existing topography to the maximum extent possible."

** Note: additional minor “wording” revisions to existing policies and regulations that are not reflected by the meeting minutes are being tracked by staff and will be addressed by the next draft that reflects the Planning Commission’s review and comment.

Summary of 5/13/10 Meeting Outcomes:

1. Revise heading for Section 7.15-Recreation to “Recreation Uses & Development”.
2. Revise goal statement for subsection 7.15.1 (Policies) to state: “To protect and enhance recreational opportunities in the shoreline area by promoting a mixture of passive use facilities that provide enjoyment of the shoreline without impacting sensitive habitat or shoreline ecology.”
3. Revise 7.15.2.7 to state: “Where appropriate, recreation development proposals shall include provisions for non-motorized access to the shoreline from both the uplands and the water (e.g. pedestrian boat access, bike paths, and water access.)
4. Move existing subsection 7.15.2.11 from regulations to 7.15.1 (policies) and create new 7.15.1.H and revise to state: “Existing public rights-of-way generally perpendicular to the shoreline (street-ends) **should** be developed, as feasible, into passive public recreational areas consistent with the Program.”\
5. Revise the heading for subsection 7.16.1.B to state: “Overwater Residential Uses.”
6. Revise first sentence of 7.16.1.B to state: “New overwater residential development or expansion of existing overwater residences should not be allowed.”
7. Revise 7.16.1.D to state: “Site design and the configuration of improvements should incorporate existing topography, critical areas and vegetation to the extent feasible.”
8. Revise the heading for 7.16.1.E to state: “Residential structures or development”.
9. Revise 7.16.1.E to state: “Locate and design structures or development for residential uses outside of required setbacks or required buffers.”
10. Revise 7.16.1.F by removing last sentence.
11. Note: Per the Commission’s direction staff revised subsection 7.16.2-Regulations as follows:

7.16.2-Regulations

1. Residential development over water including garages, accessory buildings, boathouses and house boats shall be prohibited unless otherwise specified in this chapter.¹
2. New residential lots shall be allowed. A primary residence shall be allowed on each lot provided none of the following are necessary:
 - a. New hard armoring structural shoreline stabilization;
 - b. New improvements proposed within the required vegetation conservation area or required critical area buffer;
 - c. Removal of significant vegetation that adversely impacts ecological functions;
 - d. Site work that creates significant erosion or reduction in slope stability; and,
 - e. Site work that creates increased erosion in the new development or to other properties.
3. New residential lots shall also demonstrate the following:
 - a. Adequate sewer, water, access and utilities can be provided at the time of final plat or short plat approval subject to the requirements of Gig Harbor Municipal Code Title 16.
 - b. The intensity and type of development is consistent with the Gig Harbor Comprehensive Plan and the associated development regulations set forth in Gig Harbor Municipal Code Title 17.
 - c. Potential significant adverse environmental impacts can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential impacts to the environment.
 - d. The development is consistent with the development standards required by the underlying zoning designation.
4. Prior to the issuance of a Shoreline Permit Exemption letter, Substantial Development Permit, or Building Permit, the city shall make a determination that the proposed project is consistent with the policies and regulations of the Shoreline Master Program including the following standards:
 - a. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate. Adequate methods of erosion control shall be utilized during and after project construction; and,
 - b. Disturbance of established, native shoreline vegetation will be minimized.
5. New multiple family residential development and subdivisions containing more than four lots shall include public access in conformance with the Public Access Standards set forth in Chapter 6 of the shoreline master program.
6. That natural site areas are maintained, enhanced, and preserved to the greatest extent possible consistent with the provisions of Gig Harbor Municipal Code Chapters 17.94 and 17.99. To this end, the City may limit the extent of grading and

¹ Per the direction of the Planning Commission, proposed draft regulation #1 is the former, original draft regulation #3.

- clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
7. On properties with shoreline frontage, a 20 foot rear yard setback shall be provided by structures from the bulkhead line or where no bulkhead exists, the Ordinary High Water Mark.
 8. Residential structures shall comply with the height requirements of Gig Harbor Municipal Code Title 17. The maximum height above average grade level of any residential structure shall not exceed 35 feet.

Summary of 6/3/10 Meeting Outcomes:

1. Revise 7.17.1.A (Shoreline Habitat and Natural Systems Enhancement Projects-Policies) by replacing the word “legitimate” with the word “identified.”
2. Revise 7.17.2.2 (Shoreline Habitat and Natural Systems Enhancement Projects-Regulations) by revising to state: “Where possible, habitat improvement projects shall be protected through a recorded easement, covenant, or other restriction that runs with the land.”
3. Revise 7.17.2.3 to state: “Habitat improvements shall use an ecosystem, or landscape approach, integrate projects into their surrounding shoreline environments, and include means for species movement and use.”
4. Revise “intent statement” per 7.19 (Signs & Outdoor Advertising) to state: “To limit waterfront signage and ensure compatibility with the shoreline environment and allowed uses.”
5. 7.19.1.E (Policies) revise to state: “Where possible, locate free-standing signs on the landward side of development and avoid blocking scenic views.”
6. Delete subsection 7.19.2.5.a-d in its entirety.
7. Revise “heading of 7.20.1.C to: “Pedestrian trails and bicycle routes”
8. Revise subsection 7.20.1.C by deleting “and should be considered when rights of way are being vacated” from last sentence.
9. Revise 7.20.2.A by changing the second sentence to add a comma after the words “multiple uses” and add the word “encourage” before “underground parking”. Revise the third sentence by inserting a period after the word “allowed” and delete “within the area regulated by the city’s shoreline master program”. Revise the last sentence to read “locate surface parking outside of shoreline jurisdiction whenever possible or otherwise as far from the shoreline as possible”.
10. Revise 1st sentence of 7.20.2.B by deleting the word “facilities” and replacing it with the word “areas.”
11. Revise 1st sentence of 7.20.2.C by deleting the word “facilities” and replacing it with the word “areas.”
12. Revise subsection 7.20.3.2 by removing the “colon” from the first sentence.
13. Revise subsection 7.20.4.3 by adding the word “in shoreline” after the first word in the sentence (“Parking”).

14. Revise subsection 7.20.4.4 by adding the word “areas” after the first word “Parking” and by deleting the words “in a shoreline area” from the sentence.
15. Revise subsections 7.21.1.B & C by combining the two policies to state under subsection B the following: “Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area and/or underground where feasible. If located within the shoreline area, major transmission lines should be incorporated into programs for public access to and along water bodies.”
16. Re-order subsection letters from new “C” (former “D”) through new “G” (former “I”).
17. Delete subsection 7.21.1 F Stormwater detention and treatment facilities
18. Revise new subsection 7.21.1.E (former G) to state: Locate, design and install new utilities to eliminate the need for extensive shoreline protection measures.” Revise second sentence to state: “Upon completion of utility projects on shorelines, banks should be restored, replanted and maintained until newly planted vegetation is established.” Note: the last sentence in this subsection remains the same.
19. Revise “heading” of new subsection 7.21.1.F (former H) to state: “Stormwater and sanitary sewer pipeline outfall locations”, and remove the words “are water-dependent but” from the policy statement under the same.
20. Revise “heading” of new subsection 7.21.1.G (former I) to state: “Maintenance of stormwater pipeline outfalls”. Also, add the word “pipeline” after the word “stormwater” in the policy statement.
21. Revise subsection 7.21.2.1-Regulations to state: “Shoreline permit applications for installation of utility production and processing facilities shall include the following:”
22. Revise subsection 7.21.2.3 by removing the words “installation/maintenance” and “pre-project configuration”.
23. Revise subsection 7.21.2.4 to state: “Where utilities must be placed in a shoreline area, scenic views shall not be obstructed.”
24. Revise subsection 7.21.2.6 by removing “associated with, by way of example a road improvement project.”
25. Delete all of subsection 7.21.2.7
26. Revise subsection 7.21.2.7.c (former 8.c) by removing words “mimic and” from sentence.
27. Revise subsection 7.21.2.8 (former 9) by removing the word “Primary” and starting the sentence with the word “Conveyance.”
28. Revise subsection 7.21.2.8.b by adding a “semi-colon” at the end of the requirement.
29. Revise subsection 7.21.2.9 (former 10) by removing the word “jurisdiction” that follows the word “shorelines” in the sentence.

Holding Pen Status:

1. Shoreline Stabilization-Modification/Use Matrix, Chapter 7, Pg. 7-3 (3/4/10 meeting)
2. Moorage-Chapter 7 (3/18/10 meeting)

3. Private/Public Boat Launch Ramps (3/18/10 meeting)
4. Aquaculture in Henderson Bay/Burley Lagoon, Modification/Use Matrix, Chapter 7, & subsection 7.3.2, regulations 3, 4 & 5 (3/18/10 meeting)
5. Low Intensity Designation for Purdy Commercial Area-determine correct designation-(4/1/10 meeting)

Note: No issues added to pen @ 4/15/10 meeting

6. Parking for marinas (located away from water's edge)-review at same time as proposed setbacks & buffer discussion-(4/22/10 meeting)
7. Subsection 7.4.9-Regulations-Marinas-subsection 7.4.9.6.a-e. Relevance of additional required technical studies-Kim will check "Marina Best Management Practices" to determine if they are the source of the requirements.-(4/22/10 meeting)
8. Section 7.6-Commercial-review all draft requirements for water oriented and non-water oriented development-(5/6/10 meeting)
9. Subsection 7.6.3.2.a-(80% restoration requirement for vegetation conservation area)-(5/6/10 meeting)
10. Subsection 7.6.3.4-(20 foot rear yard setback from bulkhead line or OHWM)-(5/6/10 meeting)
11. Subsection 7.10.1.B-Shoreline Stabilization policy (related to discussion on item #1 above)-(5/6/10 meeting)
12. Subsection 7.10.2.3-fill related to shoreline stabilization (related to discussion on item #1 above)-(5/6/10 meeting)
13. Review of subsection 7.14.2-Regulations (Pedestrian Beach Access Structures) deferred until review of Section 6.4 (Public Access)-5/13/10 meeting
14. Subsection 7.16.2.6 (revised (see above) 6.16.2.7)-20 foot rear yard setback from OHWM-5/13/10 meeting
15. Subsection 7.19.2.4-"Portal Signs" (Regulations-Signs & Outdoor Advertising)-6/3/10 meeting
16. "Clarify" intent of 7.20.3.6-(Roadway regulations & street vacations)-6/3/10 meeting
17. Section 7.18-Shoreline Stabilization-6/3/10 meeting (previously included under 7.10.1.B above).