

**Work Study Session  
Gig Harbor Planning Commission  
April 22, 2010  
Community Rooms A & B  
4:00 pm**

**PRESENT:**

Commission members: Bill Coughlin, Joyce Ninen, Jill Guernsey, Michael Fisher, and Harris Atkins. Jim Pasin was absent

Staff Present: Pete Katich, Diane Gagnon, Tom Dolan and Kim Van Zwalenburg from the Department of Ecology.

**APPROVAL OF MINUTES**

Approval of Minutes from April 15, 2010.

Ms. Ninen noted that on page 4 3<sup>rd</sup> paragraph insert before leaving at 5:45 Ms. Guernsey said.

Mr. Atkins stated that in the meeting outcomes he thought they had said that they wanted to **change the header in 7.4.7 to add the word lifts. Everyone agreed.**

**MOTION:** Move to adopt the minutes of April 15<sup>th</sup> as amended. Atkins/Fisher, motion carried.

Chairman Ninen stated that she and Mr. Atkins had met with staff to try to come with strategies for keeping on the schedule. They had decided to meet until 7:30 p.m. and that when going through a section they would go one item at a time rather than jumping around within a section.

Additionally she asked that the commission members review the restoration plan at home and make comments in writing by June 17<sup>th</sup>. Mr. Katich explained that they will be modifying the restoration plan to include opportunities for off-site mitigation. Commission members will have the new draft restoration plan by June 3<sup>rd</sup> and will need to provide their comments by June 17<sup>th</sup>. Ms. Ninen encouraged everyone to at least start their review now.

Starting on page 7-21.

Mr. Fisher asked if he could get a list of all non-conforming uses that may occur as a result of this new master program. Mr. Katich said that staff could provide that information to the commission. He explained that examining the use impacts would be easier than identifying all the impacts of the development standards. Mr. Fisher reiterated his concern for impacting underdeveloped or undeveloped property. Mr. Katich said that our goal needs to be to not adopt regulations that take away all

potential for a property. Mr. Atkins said that the key here is if the zoning code permitted use remains the same then there is no impact. Ms. Guernsey explained that the shoreline permitted uses function as an additional overlay. Mr. Atkins said that he would rather go through the regulations before examining the impacts, because we may change some of these regulations. Mr. Katich said that the adoption of these regulations must allow for a reasonable use of property but it may reduce a use of a particular piece of property.

Mr. Coughlin asked about the revised schedule and Mr. Dolan said that he would hand out a revised schedule at the end of the meeting. Mr. Katich said he had set a target for getting through the dredging regulations tonight.

Ms. Ninen began on section 7.4.9 number 4. Mr. Katich said that there is a placeholder right before number 4 and the intent of these during the stakeholder review was to identify issues that the commission needed to address. Ms. Ninen noted that they had dealt with this particular placeholder at the last meeting by eliminating the percentage of liveaboards allowed. Ms. Ninen said that she had a concern with number 4, and she wondered why it didn't say what it was supposed to avoid. Ms. Guernsey felt that it was said when you read the sentence further. **Mr. Atkins noted that the comma was just in the wrong place, it should be after the word minimize.**

7.4.9 5a and 5b. Mr. Atkins asked what is upland transportation development in 5b. Mr. Katich said that there is a definition of transportation facility and he read the definition, so he thought they meant upland transportation facility. **Ms. Guernsey suggested that the word development be removed and replaced with facilities and everyone agreed.** Ms. Ninen noted that DOE had made a comment regarding these two statements suggesting that there might be a conflict. Ms. VanZwahlenburg said one was upland uses and one was accessory uses and she wondered what is the difference. Ms. Guernsey said that the upland use could be primary rather than accessory. Mr. Katich wondered if the word primary should be added to 5a, everyone thought it was fine as it was.

Page 7-22. 7.4.9 5c. Mr. Katich said that C may need to change after the discussion on buffers and marine setbacks since parking will not be allowed within the buffer setback area. It was decided to add c to the holding pen. No one had issues with d. Moving on to item e Mr. Katich noted the reference to the landscape code. No issues.

Item f, Waste Treatment. Mr. Fisher asked if there is a size requirement for the tank based on the number of slips. Mr. Katich said that he had never seen a size requirement for a pump out. He explained the various kinds of pump outs. Ms. Ninen asked if there are regulations and would there be capacity required along with that. Mr. Katich said he could research it. Mr. Atkins asked if our marinas comply with this and Mr. Katich said some probably do. Mr. Fisher asked where would marina owners go to find out how to meet this regulation. Mr. Katich said that Darrell Winans with our wastewater treatment plant could answer these questions. **It was decided that these regulations should be referenced and identified.**

Item g. Ms. Ninen noted that DOE had made a comment that restrooms are required if liveaboards are in the marina and this would need to state that. Mr. Katich read from the WAC as to what is required to be in master programs. Ms. Van Zwalenburg said that it seems to not be necessary now that we don't have a required number of liveaboards. **It was decided that the XX just needs to be removed.** Ms. VanZwalenburg noted that this is really a water quality best management practices issue. Mr. Katich said that there is no established number of required restrooms based on the number of liveaboards. Ms. Guernsey stated that it makes sense that if you have a marina you have a restroom. Mr. Katich read the section that dealt with liveaboards from the guidelines. **Ms. Guernsey suggested the language, Marinas who have live-aboards shall provide restrooms and sewage disposal facilities in compliance with applicable health regulations and the rest of the paragraph should be stricken. Everyone agreed.**

Item h. Ms. Guernsey suggested that at the end of second sentence, remove the word several. Mr. Katich suggested that the receptacles be at an upland location rather than over water. Mr. Fisher felt that it was better that they were nearer the boat. Mr. Katich said that typically garbage facilities are in the upland to avoid garbage getting in the water. **It was decided to change the word several to upland.**

Item i was deleted at the last meeting. Mr. Atkins suggested that they rethink that. He didn't see the need to remove it. Mr. Katich said you can't enforce it. Ms. Ninen said that isn't it the marina operator's role to enforce these things and Mr. Atkins said yes and they need to post these regulations. Mr. Dolan said that this may be more of a problem for a commercial fishing operation and Mr. Atkins noted that it wasn't in the commercial section. Mr. Atkins noted where it said that marina operators must post certain regulations in the old master program and asked whether they should also create a similar list in the new program. Mr. Katich said that staff could just include all the posting requirements in the new program. **Ms. Ninen suggested taking a, b, c and d and add them to j. Mr. Atkins suggested removing i and replace j with number 12 page 31 from the old master program. Everyone agreed.**

Number 6 a through e. Mr. Fisher asked what does "the city may at it's discretion" mean? Mr. Katich said that if someone wants to expand a marina staff would look at whether it was consistent with the master program, etc and he thought this was an extra layer that was not necessary as they could be required under SEPA. Ms. VanZwalenburg thought that maybe this came out of the marina best management practices and she could check and see. It was decided to put number 6 in the holding pen until we knew why this was here and where it came from.

Mr. Atkins said that in the existing regulations there is a list of things required for a shoreline substantial development permit and wondered if it should be included. Mr. Katich said that it is information worth retaining. Mr. Katich said that it could go here and in the general requirements. **It was decided to add the regulation number 1 a through e from page 29 of the old master program as either 6 or 7 in section 7.4.9.**

Mr. Katich asked if it was the commissions desire to maintain fueling stations as a conditional use and noted that it wasn't in the matrix and the commission said yes, but they would address that when they get to that section.

Page 7-23. Section 7.4.10. Number 1, Ms. Ninen noted that there is a placeholder regarding encouraging commercial fishing over recreation. **Mr. Atkins said that commercial fishing vessels should be exempt from parking requirements in the master program and wanted to clarify that there are not parking requirement in the program and that it should say exempt from the parking requirements of GHMC Title 17. Everyone agreed.**

Mr. Katich said that the placeholder was from the same concern that lead to the marina survey. The stakeholder member who raised the issue was Guy Hoppen and he continues to express concern that there are not regulations and policies in place that promote fishing above marinas and other water dependent types of uses and on a project by project basis sites that could be used for commercial fishing are getting converted. He said that he had explained to him what he had found in his review of marinas and it was generally the consensus of the group that this was occurring as a result of economics. He noted that perhaps we can take testimony on this issue at the public hearing.

Mr. Atkins noted that the current SMP has some regulations here that were not addressed. Ms. Ninen wondered if there was another section where these regulations were located and Mr. Katich agreed and pointed out the commercial fishing section.

Ms. Guernsey asked about the last sentence of number 2 and asked why it was there. Mr. Atkins felt that it meant that if a family had a fishing enterprise they can operate it there but not bring in some outside person to operate a fishing enterprise. Mr. Katich said that this issue was raised by Mr. Hoppen and he lives in unincorporated Pierce County on the East side of Gig Harbor and is not in agreement with DNR on the use of aquatic lands lease as they believe there should be no commercial use even if it is a family operation. It was a desire of the stakeholders to recognize that kind of family situation. Ms. Guernsey said that she felt that the regulations should reference boats rather than operations. She noted that in line 2 it says an associated residential lot and she felt it should say property and asked what does associated with mean. Mr. Atkins stated that the intent is that it is on the same owner's property. Ms. Guernsey said that the intent is if you have a dock you can have your boat there. Mr. Katich said that currently all the net sheds are located in the historic waterfront area with one exception and the residential lot is within the UGA in East Gig Harbor in unincorporated Pierce County.

Mr. Coughlin explained several scenarios and how this would apply. Ms. Ninen said this regulation was meant to keep non family boat owners from mooring on the dock. Mr. Atkins asked why do we need this at all, Ms. Guernsey said why do we care where a commercial fishing vessel is moored if we are trying to encourage it and Mr. Coughlin

agreed. Mr. Katich noted the Tarabochia net shed and it's location noting that it is non conforming. Ms. Guernsey said again why do we care where a commercial fishing vessel is located and Mr. Fisher said that maybe because of the maintenance of the vessel and nets and the associated activity. The moorage of the boat should be anywhere but the operation location should be limited. Mr. Coughlin said that right now we are just talking about moorage. **It was decided to just remove number 2.** Ms. Ninen noted that the original matrix allows for commercial fishing moorage in low intensity. **Mr. Fisher suggested that they add a statement to the policy 7.4.3 for commercial fishing vessel moorage. It was decided to add to item a, "industry, including moorage, should be allowed" and add the word "vessel" in the heading.**

Called a recess at 5:45. Called the meeting to order at 5:50

Page 7-25 Clearing and Grading. Mr. Atkins asked where the allowed dates come from for clearing and grading and Mr. Dolan thought that it was from the stormwater manual. Ms. Guernsey asked about the last sentence in number 5 as she didn't understand it. Mr. Dolan explained that it was about non invasive shoreline vegetation. Mr. Coughlin asked about the word promptly in the first line and how would you establish that and Mr. Dolan explained that it would be a condition of the clearing permit. **Ms. Guernsey suggested that in the last sentence they change the order of the phrases. Starting the sentence with, "Between Oct 31<sup>st</sup> and April 1<sup>st</sup> clearing may be conducted provided the areas to be cleared are identified when leaf is present". Everyone agreed.**

Page 7-26 Section 7.6 Commercial. Mr. Atkins said that he had an issue with item a and he felt that it was an attempt to mirror the guidelines but it says water dependent, water related and water enjoyment. Should say "give preference to water dependent commercial then to water dependent and water enjoyment uses in shoreline locations". Removing the comma after water related and removing the word then. Ms. Ninen noted that DOE had made a comment that it should say "may be allowed". Mr. Katich said that this change relates to what is allowed in the matrix. He also noted that the commercial development piece and the non water oriented needs a lot of work in the use matrix and gave several examples. And it was decided to place this within the holding pen. Mr. Katich read the section from the guidelines regarding non water dependent uses on the shoreline and whether they should be allowed. Master programs should prohibit non water dependent uses on the shoreline unless they meet the following guidelines. Ms. VanZwalenburg explained why she suggested may as should gave more of a suggestion of permission. Ms. Guernsey said that she liked the word may but in the second sentence she wondered about the word education and she didn't know about shoreline ecological recreation. Mr. Katich said that educational facilities are defined and read the definition. He felt that it was meant to say educational facilities and Ms. Guernsey felt that was more than what should be in this policy. Ms. Guernsey said that as a policy matter do we want to allow non water oriented uses if they allow for public access. She didn't think education should be listed and she didn't know what the shoreline ecological restoration was. Mr. Fisher said as a practical matter would the retail shops we have downtown be allowed and she said it would

depend on the site. Mr. Fisher said the things to consider are places like Harbor Peddler as those are existing developments and under this they would become a non-conforming use. Mr. Katich said that on page 85 of the guidelines where it says what they must provide to a non water dependent use on the shoreline none of the retailers would meet those. Ms. Guernsey said that maybe we can't meet the state guidelines because we have to do what is Gig Harbor. Mr. Katich said that in the past before these guidelines local jurisdictions adopted requirements to make the project more water dependent by providing public access and that is why the state put this in the guidelines. Mr. Fisher said that the idea that we are going to be directed and pushed to development will have to change and conform with no regard to economics is ridiculous to me. Mr. Coughlin said that he disagreed because we have to provide some public access to the water to keep the desirability of living here. Ms. VanZwalenburg noted that these guidelines have gotten much more specific in regard to non water dependent uses. A master program that allowed non water dependent uses without any of these other requirements would have that piece not approved. She said that she could see allowing for something that would allow for the maintenance of what exists. Mr. Atkins said that if you optimize the properties you can't meet those requirements but you could if you looked at the area as a whole. Ms. Guernsey asked what was meant by the phrase shoreline ecological restoration and Ms. VanZwalenburg gave some examples of removing unnecessary bulkheads, pilings, etc. Ms. Guernsey said that she would like a policy that allowed for an existing business to continue and allow for minor upgrades and remodels if they provided for some amenities. Ms. VanZwalenburg explained what some other jurisdictions had done by addressing some of these issues within the nonconforming use standards. Ms. Ninen said that perhaps in the statement we just make a broader statement. Ms. Guernsey said that she thought public access was enough. Mr. Dolan said that this gives three different ways and education could be something minor. **It was decided to say "if combined with public benefits, such as public access, education and shoreline ecological restoration"**. Mr. Katich pointed out that the original master program is silent to water dependent uses and the zoning code allows for all kinds of things such as offices and retail, as a permitted use along the waterfront.

7.6.1 b Public Access. Nobody had comments on b or c.

d. Low impact development techniques. None

e. Green building development. Ms. Guernsey suggested that "green" be in quotes. Mr. Fisher asked if they were going to require a LEED certification and it was pointed out that it said encourage and this wasn't a regulation.

#### Section 7.6.2 Regulations, Water Oriented Use Development

Mr. Fisher asked why do we need number 2. Mr. Katich said that it was a little overkill because we apply the definitions when reviewing a permit. Mr. Dolan said he liked it being restated from a staff standpoint. Everyone agreed to leave it in.

Number 3. Ms. Guernsey asked what was meant by waterfront in this context. Everyone agreed it was confusing. **Everyone agreed to remove number three entirely.**

7.6.3 Non Water Oriented Use Development. Ms. Guernsey stated we hashed out the policy but what do we want. Mr. Atkins said that this is really tied to the vision for the downtown business area, do we want it to evolve into something else. Ms. Guernsey said she would like to see more shops and adding public access is a good thing. Mr. Dolan stated that this does not prohibit them. He asked Mr. Fisher if his real concern was building new buildings or was it towards existing buildings such as the Harbor Peddler. He noted that as of right now it's a non conforming use and there are certain things that are limited but the use can continue. The only way it would be affected if it became conforming then it loses it's non-conforming use rights. Mr. Fisher said that as an example there are shops that if they wanted to remodel they could be denied and Mr. Dolan explained that you can remodel up to 50% of the value. Mr. Katich went to the non-conforming use section of the shoreline master program and the zoning code and read them. He then explained the non-conforming structure review requirements.

Ms. Guernsey said that the basic question is do we want non water oriented uses as limited as the guidelines suggest. Ms. Ninen cautioned that they needed to assure that we get our master program approved by the state. Ms. Guernsey suggested that they talk about new development first. She didn't want to blindly follow the guidelines. Mr. Atkins said that the two issues should be separated new and existing development. Mr. Coughlin said that Port Townsend is similar to us and they are done and it would be interesting to see how they addressed this issue and Ms. VanZwalenburg also suggested Coupeville as another option. Mr. Katich said that he would make copies of the appropriate section and e-mail it to everyone. Mr. Coughlin cautioned that we could end up with offices all along the waterfront if we are not careful. Ms. Ninen pointed out that the Dock Street development in Tacoma would all be non-conforming now. Ms. VanZwalenburg said that it has not been determined as of yet. Mr. Coughlin pointed out how our downtown has a mix of residential and retail.

7.6.3 1a – Ms. Guernsey asked Ms. VanZwalenburg where that came from and she thought that perhaps that came from someone else's master program. Mr. Dolan pointed out that it's in the guidelines and was an explanation of situations where a water dependent use is not possible. **It was decided that a semi-colon be put after right of way and remove "such that access for water oriented use is precluded" and add "or".**

b. Why not use the same wording in the guidelines page 85 item i. Ms. Guernsey pointed out that there should be a public benefit. **It was decided to say, the use is part of a mixed use project that includes water oriented uses and provides a significant public benefit with respect to the city's shoreline master program objectives.**

It was noted that this section was about new development and perhaps that should be added. It was decided to go back over this section for existing when done reviewing this section.

c. Ms. Guernsey asked why is this a requirement. Mr. Atkins said he wasn't sure he understood it. Ms. VanZwalenburg said that it's for places like Puyallup where you are not going to have water dependent kinds of activities. Mr. Atkins said wouldn't that apply to Gig Harbor as well. **It was noted that in number one it should be changed prohibited to allow and unless to if. Everyone agreed.**

d. Agreed it's fine.

2. a. Mr. Katich explained that this is an additional set of regs that should mesh with the landscape code.

**3. Ms. Guernsey suggested adding "waive or modify". Everyone agreed. Also change to "not feasible" rather than infeasible.**

Mr. Fisher asked to go back to 2a. Mr. Katich explained the city's current critical areas ordinance and how this applied and that all of Gig Harbor Bay is considered critical fish and wildlife habitat area and would require a buffer. Mr. Dolan emphasized that this draft has been developed to try to meet state regulations but that doesn't mean that it fits this city.

It was decided to pick up this issue at the next meeting as buffer restoration was a big issue.

Ms. Guernsey will not be here on May 6<sup>th</sup>. Mr. Dolan went over the changes to the schedule. He emphasized the need to have a quorum at the meetings where we discuss the comp plan amendments. He also noted that there will be some efficiency amendments that will go for direct consideration to the City Council.

The meeting was adjourned at 7:45 p.m. Atkins/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 31<sup>st</sup> and April 1<sup>st</sup>, 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.”

\*\* 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.

**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