

**Work Study Session
Gig Harbor Planning Commission
March 4, 2010
Community Rooms A & B
5:00 pm**

PRESENT:

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

Staff Present: Pete Katich, Diane Gagnon, Jennifer Kester, Tom Dolan

APPROVAL OF MINUTES

Motion: Motion to approve the minutes of Feb 18th, 2010. Guernsey/Pasin – Motion carried.

GENERAL BUSINESS

Chairman Ninen asked to take a few moments to share some information. She thanked Senior Planner Pete Katich for the information on the Shoreline alternative plans as they were very informative. She commented on the use of soft shore methods and that they have been used successfully. She discussed the budget constraints in this process and went over Mr. Katich's background on Shoreline Management and the extensive experience of the consultant. She said that she had attended most of the stakeholder meetings over 18 months and it was a great learning experience and emphasized how large of an undertaking this update is. Ms. Ninen then went over the primary tasks of the Planning Commission in the adoption of the plan and noted the importance of keeping on schedule and reading the material ahead of the meeting. Additionally, she noted that some of the commissioners had received some information from the public on their personal e-mail and that is not appropriate and any comments should be forwarded to the planning staff who will then forward that to the commission. Mr. Pasin had a question about whether they were allowed to meet with members of the public on a topic. Mr. Dolan said that the Planning Department will acknowledge receipt of comments and forward them to the commission.

Mr. Fisher asked about the goals set out and the impact to property owners. He thought it was important that they understand what percent of the property impacted is private and what portion is residential versus commercial so that they can understand the impacts. He stated that he didn't want that topic to be considered digressing to another topic and tabled until later. Ms. Ninen stated that the impacts are always a focus and will probably be discussed as part of the no net loss topic.

Mr. Dolan emphasized that there is a limited amount of time to get this review done. Mr. Coughlin asked what drove that and Mr. Dolan answered that as a result of the contract with the State of Washington they give us money and we have to meet certain requirements. Mr. Katich further went over the regulations and the deadlines. Mr.

Dolan stated that staff had thought that as they went through the chapters of the draft they will run into issues that the commission will have concerns with and staff was hoping that when they get to those issues and have discussed them for five or ten minutes and it is obvious that it needs further discussion, we could put them on a hold list and then when we have completed the rough review we go back to those issues and deal with them in the detail needed. He cautioned the commission on what would happen if the schedule is not met, including the impact on the adoption of the comprehensive plan. He asked if they would like to start the meetings at 4, maybe have one or two where we start at 9 in the morning and go until 6 at night. Mr. Fisher asked if Mr. Dolan could define review, are they to mark it up and Mr. Dolan said yes; however, we cannot get bogged down on one issue. Mr. Fisher stated that he had grave concerns over what he had seen so far and did not want to just rubber stamp the document. Mr. Dolan stated that it may be that the Planning staff takes a different recommendation to the City Council than what the commission recommends. Ms. Ninen said that the stakeholders meetings were very detailed and she felt their job was to look at this plan and see how it fits in our community. Mr. Katich emphasized that he expected them to identify items that may need to be changed and assured the commission that these issues will be fully addressed.

Mr. Katich said that we may have to add a meeting or two in order to resolve certain issues. Ms. Guernsey said that perhaps the frustration with the work schedule is that we need to start with the overriding principles and have the framework laid out for us. Mr. Katich stated that there was a first meeting where that was laid out that not everyone attended and also several open houses were held that they were all invited to. Mr. Katich said some of the topics they will discuss tonight are in the middle but are the heart of the document and perhaps that will become clearer. He went over the details of the schedule and the reasoning behind the order of the review. Mr. Dolan emphasized that this is a cumulative process and missing a meeting will cause some confusion if you don't read the materials and follow up.

Mr. Katich noted that everyone had the schedule and hopefully that will help to understand the process. He noted a change on March 18th where it should say complete review of chapter 7 not chapter 5. It was also pointed out that the draft restoration plan wasn't on the schedule and he proposed that they add that on June 17th. If everyone agreed with that he will revise it and provide them with a new copy at the next meeting, everyone agreed.

Ms. Kester answered the question about the open public meetings act, stating that it is okay when individual members want to discuss topics with members of the public as they so choose; however, the planning staff cannot divulge their personal information. She then went over creating a quorum through a string of e-mails and that is why it is important to use staff as the conduit of information to prevent a public meeting from occurring. Because this is a legislative issue you can talk to whomever you want. Ms. Kester went over the portion of the 2010 schedule following the shoreline review when the process improvement zoning code amendments will begin on the 20th of May. She noted that the changes are to make the process easier. She then went over the schedule for the 2010 comprehensive plan amendments. She noted that some of the

meetings may overlap where they will have to discuss shoreline and comp plan issues. Ms. Kester explained the deadlines for the parks recreation and open space element. She then said that after that they will move to the meat of the efficiency amendments where they will be taking a look at modifying the site plan review process and some other changes.

Mr. Pasin stated that he felt that it was important for everyone to keep Planning staff informed when a commissioner cannot attend a meeting. Mr. Dolan said that we have not scheduled a spring joint meeting with the City Council but we anticipate having one in the fall and we will give as much advance notice of that as possible. He added that for the shoreline update, please feel free to come in and talk to Mr. Katich or himself when you have questions or concerns.

Ms. Kester left at 5:50 and reminded everyone to contact her if they had questions about the code changes.

Mr. Katich said at the last meeting there was a significant discussion on shoreline armoring and it was evident that the commission needed more information on what this pertains to. He noted that he had forwarded some publications to the commission on armoring. He went over the documents and the information within. The state shoreline master program guidelines address shoreline modifications and shoreline stabilization approaches, he asked that they look at this section and noted where within our document we had attempted to address this.

He went on to say that also at the last meeting there was a question on the proposed urban conservancy environment. He noted that he had provided the commission with a link to two different websites. He noted that we are within WR1AA 15. He stated that one of them was a very comprehensive study of all streams and creeks. He hoped that this would help them understand how they developed the inventory and characterization. He also noted where the requirement comes from for this information. He explained the urban conservancy designation includes 5 streams and one steep slope. He asked if they had comments on the appropriateness of this designation, noting that it is a new designation and that we will have 5 designations rather than 2. He noted that it is recognized that there are uses allowed for in these areas, it is not a conservancy in the sense that some may be used to. Mr. Pasin said that he felt that the term was misleading. Mr. Katich illustrated the areas at the mouth of the harbor that were designated urban conservancy.

Ms. Ninen noted that the consultant was going to provide a colored map of the environmental designations. Mr. Fisher pointed out a color map within the shoreline inventory. Mr. Katich showed where the shoreline designations were defined. Mr. Fisher noted on the figure 1 map that shows opportunities area and asked if those corresponded to some kind of key and asked if that could be created and Mr. Katich said yes and noted that it was actually figure 11. He noted that the shoreline segments tell you where the opportunity areas are. Pages 52 and 53 and figure 11 is referenced there.

Chapter 5 – At the last meeting the commission had expressed concern with the historic waterfront designations and perhaps there would be confusion with the historic district. Subsequent to the meeting two terms were suggested; Downtown mixed waterfront and Gig Harbor mixed waterfront. He asked their opinions on those or if they had other suggestions. Mr. Katich showed the map of the current historic district overlay and noted that it was quite expansive and then illustrated the waterfront designation and noted the difference in the two areas. Mr. Fisher asked who the audience was and noted that if it was internal that is one thing but if it's the general public then perhaps it should be something different. Mr. Fisher suggested just using downtown Gig Harbor. Mr. Coughlin noted that he didn't think of the Finholm area as downtown. Ms. Guernsey thought downtown waterfront, Mr. Pasin said Gig Harbor waterfront, Mr. Coughlin suggested something like cultural waterfront, and Mr. Fisher liked either downtown or Gig Harbor. Mr. Fisher then said: how about city waterfront, everyone agreed.

Chairman Ninen called a five minute recess at 6:25.

Mr. Katich asked for the commission's concurrence on the environmental designations, their location and names.

Ms. Ninen noted that on the map on page 5-3 marine deep water is not identified. Mr. Katich stated that that has been acknowledged and it will be added to the map and the legend. He explained the jurisdiction of the shoreline master program and the difference between ownership issues and the scope of this process. Ms. Ninen noted that the Department of Ecology's comments are in their binders and she had noted those comments on her draft copy and suggested that perhaps other members might want to do the same.

Mr. Pasin observed that in reading he noticed some of the words that are used such as "conservancy" and "approximately" and "may be allowed" and he wondered what the true intent of those words were, for example on page 5-7 where it says the following uses "should" not be allowed. Mr. Katich said that "should" is a term used in policy language rather than regulatory language where you would use the word "shall". He noted that there are parts of this document that are regulatory language. Mr. Coughlin asked if they were being asked to approve the policies of these designations or just the locations and names. Mr. Katich said just the location and names and each designation and their uses and policies would be discussed later. DOE comments were read in regard to these designations, noting that they lacked the aquatic policies. He then went over the aquatic environment and how they are laid out in a band with three different designations and that they will each have their own policies and DOE has advised that this is an appropriate approach. Ms. Guernsey asked about another comment by DOE that one of the policies was diluted. Mr. Katich noted that we should discuss these items when we go over the policy language and would like to get agreement that the names are appropriate and that their locations are appropriate.

Ms. Ninen asked if the low intensity environment was the same title as the county and it was stated that it was. Mr. Fisher went over the location of the low intensity. Mr. Coughlin asked if the people of Purdy were being included and were there any historic

areas. Mr. Katich said that in the eyes of the state anything that is at least 50 years old can be considered historic. He also said that they were notified of all the open houses. Ms. Ninen asked for consensus on the designations and there was general consensus with the exception of changing historic waterfront to city waterfront.

Mr. Katich then went over the permitted conditional and prohibited uses in the shoreline use and modification matrix. Mr. Fisher believed that their review was not complete at the last meeting. Ms. Ninen had an issue with the headings and Mr. Katich stated that he thought that it was one matrix and Ms. Guernsey explained that it was in fact two matrixes, one for modification and one for use. Ms. Ninen suggested that they change the major column heading to say shoreline modifications and then when you get to shoreline uses say shoreline uses and remove row 2 (grey row). Everyone agreed.

Mr. Katich pointed out that when they were having stakeholder meetings there was strong sentiment from the commercial fisherman that while the existing shoreline master program addresses the need to have balanced development and promote commercial fishing activities under that master program we have seen a huge increase in marina development and at the same time a decrease in the commercial fishing activity around net sheds and other water dependent activities associated with commercial fishing. Mr. Katich felt that there were economic factors that drove this more than anything but wanted to address the issue. He noted that he needs to do a survey of the existing marinas and their size and any plans for expansion and the commission should discuss if or how marinas should be regulated. Mr. Pasin said that he didn't agree with further regulating marinas and Mr. Katich said that it was just an issue that some people felt should be discussed. He went over the right of government to regulate property and also the statements within the document of constitutional protected property rights. Mr. Pasin said that he found it offensive for someone to say there can't be slips in this community and yet the city is building more docks. Mr. Katich reminded Mr. Pasin that it was within his power as a Planning Commission member to act upon his opinion. Ms. Guernsey suggested separating the tables into two; one for mods and one for uses and everyone agreed that would be done.

Ms. Ninen asked about boat launch facilities and noted that in DOE's comments they thought the private boat launches should be a category by itself.

Mr. Fisher noted that shoreline stabilization is listed as not permitted in the natural designation and Mr. Dolan said that he had added it to the list of issues to be discussed later. Mr. Fisher cautioned the commission that they should be aware of the kinds of properties that are impacted by this because they could end up having a designation that would render the value of the property to be much less or none and that is why he was bringing it up. Mr. Katich said that is exactly the kind of issue that does need further discussion and Mr. Fisher expressed that he didn't feel that it would have been discussed again and Mr. Dolan said that it was noted and was in the minutes and was why Mr. Katich forwarded you additional information for further discussion. Mr. Katich explained the science behind slope stabilization and that it is not exact and the guidelines are meant to force educated decisions up front in the development of slopes. Ms. Ninen asked if Mr. Fisher wanted to see a list of affected property owners. Mr.

Fisher said that he was just saying that these decisions have a big impact on people's property and he just wanted to emphasize the importance of that. Ms. Ninen suggested that perhaps this issue could be the subject of a special meeting. Mr. Fisher said he had thought about going on the county site and providing aeriels of the areas impacted. Ms. Ninen asked if it was our responsibility to get to that level of detail and noted that this will impact every property owner on the shoreline. Mr. Katich asked if he objected to any regulation that limits the use of property and he answered no. Mr. Katich clarified that Mr. Fisher did recognize that there will be limits to the use of property, and Mr. Fisher answered that yes he believed that there were limits.

Mr. Pasin noted that on page 7.2 there were items (i.e. marinas, joint and shared moorage facilities and individual moorage facilities) that he felt were uses not modifications and Mr. Katich agreed and said he would ask the consultant why they were classified under mods. Ms. Guernsey noted how they went through each of the uses and zones when doing the zoning code matrix. She suggested going through both matrixes horizontally rather than vertically. Everyone agreed

Chapter 7 (Shoreline Use & Modification Matrix) - Breakwaters jetties groins and weirs. Mr. Katich went over the 5 Shoreline Environment Designations: natural, urban conservancy, low intensity, city waterfront, marine deep water and the permitted, conditional or prohibited use of each. Mr. Pasin asked why a conditional use permit would be required in marine deep water and Mr. Katich explained the cumulative effects of several requests. Mr. Pasin suggested that perhaps it should be not permitted. Ms. Guernsey noted a situation where they put a groin entirely under the water to prevent a river from flooding a subdivision. Mr. Katich read the definition of a groin, a barrier structure from the shore to the water to interrupt sediment. It was decided to leave it as a conditional use. Mr. Pasin then asked about whether there are situations where groins are helpful. Mr. Katich noted that they are typically prohibited everywhere and where there are stormwater outfalls causing erosion typically they are extended to deeper water.

Discussion was held on the Austin Estuary Park, the creek and how the sediment moves and would dredging be necessary there. Mr. Katich explained the maintenance dredging that has and will be occurring there. He noted that dredging would be necessary in Gig Harbor Bay for a marina but would not be possible in Henderson Bay. Discussion followed on which area Murphy's landing was located in and Mr. Katich noted that some of it might be in Urban Conservancy but he didn't think it was because that it had been a consideration in order to allow continued maintenance dredging.

Mr. Pasin asked why have dredging be conditional. Ms. Guernsey suggested adding the words "of previously dredged areas" in dredging and low intensity. It is conditional in order to recognize that Donkey Creek and Crescent Creek flow into that part of the harbor and any additional dredging may impact those creeks. Mr. Fisher asked if there were ever a need to dredge at the entrance to the harbor and wanted to note that for further investigation to assure that it could be dredged.

It was decided to leave dredging as conditional and fix the wording.

Ms. Ninen asked about a September 9th, 2009 memo referenced in DOE's memo page 7 and Mr. Katich said he would track down those comments.

Dune modifications, Mr. Katich noted that there are none on our shoreline and asked should it be removed. He then read the definition of a dune modification, noting that here is no definition of a dune. Mr. Katich said he would check with the consultant and ask why not remove it.

The next 2 modifications (Marinas/Joint Use/Shared Moorage & Individual moorage facilities etc), will be removed from modifications matrix and put into the uses matrix.

Ms. Ninen asked if the modifications and uses matrixes could be alphabetized making things easier to find.

Structural flood hazard reduction – it was asked if this is only for rivers. Mr. Katich noted that the only portion of the creeks that are regulated is where there is tidal action. He stated he would ask the consultant if they can remove this modification as well.

Shoreline stabilization will be discussed later; however, Mr. Pasin said that he wanted to note that there are many kinds of shoreline stabilization above and beyond what is listed here.

Pedestrian beach access structures, Ms. Ninen pointed out the comment from DOE as to why they would even be considered in the natural environment. Ms. Guernsey asked if an example could be noted in the table. Mr. Pasin asked what is joint use shared access and Mr. Katich said that it is more than one party using it, noting that the idea is that there will be less of them if people share. Ms. Guernsey asked if there would be requirements for them to be placed on the property line or could a property not be on the shoreline and share and Mr. Katich said no, each property has to be within the shoreline jurisdiction. Mr. Dolan asked if both single and joint were permitted would the state have a problem and Mr. Katich said yes. He referred everyone to the policies and definitions related to joint beach access. Ms. Ninen said everyone needs to review that information and continue this discussion at our next meeting.

Mr. Dolan asked if the next meeting could start at 4 PM. Everyone agreed to start at 4 PM. Ms. Guernsey asked for a color copy of the proposed shoreline environmental designations.

ADJOURNMENT

Motion: Move to adjourn at 7:55 p.m. Coughlin/Pasin – Motion carried