

City of Gig Harbor Planning Commission
Work Study Session
May 13th, 2010
Community Rooms A & B
4:00 pm

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

STAFF PRESENT: Tom Dolan, Kim Van Zwalenburg for the Department of Ecology and Cindy Andrews, Pete Katich arrived late at 5:10 pm.

CALL TO ORDER: at 4:05

APPROVAL OF MINUTES:

MOTION: Move to approve the minutes of May 6th, 2010. Atkins/Coughlin – Motion carried

Planning Director Tom Dolan explained the delayed arrival of Senior Planner Pete Katich, reviewed the agenda for the evening and introduced newly appointed Planning Commission member Ben Coronado.

Mr. Coronado discussed his background in the Gig Harbor, Seattle area and his current studies in Urban Planning at the University of Washington. Board members welcomed Mr. Coronado.

Mr. Dolan updated Commission members on the recent meeting that Mr. Katich, Ms. Kester and Mr. Dolan held with Mr. Coronado updating him on Planning Commission schedule and the Shoreline Master Program. Mr. Dolan anticipates another meeting with staff and Mr. Coronado to provide additional updates and information.

Mr. Pasin complimented Mr. Katich on his presentation of the Shoreline Master Program to the commission members and for keeping commission members on task. Mr. Dolan thanked the commission members and explained the work still ahead for Mr. Katich.

Ms. Ninen also thanked Mr. Katich for the information provided regarding the industrial development and residential and beach access. Ms. Ninen continued to discuss public beach access noting her surprise that other cities discuss beach access in the residential requirements.

Mr. Dolan explained the absence of Commission member Jill Guernsey and discussing the information that she had provided regarding the Whatcom County court challenge of their SMP process. Kim Van Zwalenburg from the Department of Ecology discussed other Shoreline

Master Program cases noting that ecology will issue a decision on the Jefferson County master program later this summer and anticipates that it will be appealed. Commission members discussed differences within vegetation requirements, critical areas, buffers and the precedent setting nature of the case. Ms. Van Zwahlenburg responded discussing county geographic differences, preference within different governmental boards and the overall process. Commission members asked at what point the City Council will be updated and involved. Mr. Dolan outlined for commission members a timeline beginning in the fall of 2010, a joint Planning Commission/City Council meeting will be held for an initial update of the SMP process followed in February with one possible two work work-study sessions between staff and Council and finally a public hearing. Commission members discussed the importance of City Council input. Mr. Dolan agreed. Ms. Ninen asked about the time line for the Consultant. Mr. Dolan explained the consultant would have 45-60 days after Commission members provide their final draft. Mr. Atkins asked when the draft copies would be available to the public. Mr. Dolan replied two weeks prior to the public hearing. Mr. Dolan continued explaining the public notice requirements.

Ms. Ninen asked if commission members had reviewed the recreation section also if commission members would be ready to finish the discussion on pedestrian beach access. Mr. Atkins suggested looking at further at Chapter 6 Public Access. Ms. Ninen asked if he would like this item tabled for a later date. Mr. Atkins replied yes.

Commission members postponed discussion and consideration of 7.14.2 Pedestrian Beach Access Regulations until further review of Chapter 6.4 – Public Access

Ms. Ninen suggested before moving on to 7.15 Recreation commission members review 7.12 Industrial Development on page 7-39. Ms. Ninen discussed the definition of industrial development explaining the lack of reference to Marine usage and the need to correct that in the updated SMP. Mr. Dolan suggested that the discussion be postponed until Mr. Katich was present. Commission members agreed.

7.15 Recreation:

Ms. Ninen suggested the chapter name be changed to **Recreation Uses and Development**. Commission members agreed. Commission members discussed item E. Potential Opportunities, Mr. Fisher asked if an inventory had been done of potential properties. Mr. Dolan explained that the City of Gig Harbor PROS Plan included an inventory of current parks owned by the city. Mr. Fisher asked if there had been pieces identified as potential parks property. Mr. Dolan responded no. Commission members and Mr. Dolan discussed properties in the UGA and the City of Gig Harbor PROS Plan. Commission members discussed goals of the PROS Plan, definitions of Recreation, Use, water related and non related use. Commission members proposed removing the word “creating” and adding the word “promoting” for 7.15.1 Policies: **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.**

7.15.2 Regulations:

Ms. Ninen discussed statement number 3 and her concern with the statement of impervious surfaces as prohibited. Mr. Coronado asked if the GHMC zoning regulations would regulate impervious coverage. Ms. Ninen expressed concern with the generalization of the statement. Commission members asked what department would have authority of regulating impervious surfaces. Mr. Atkins asked if the Parks Commission would have any involvement. Commission members discussed the application of impervious surface regulations to parking lots, lots within 200 feet of shorelines, water oriented uses such as a pier and non-water oriented uses such as a basketball, volleyball court or small pagoda.

Senior Planner Peter Katich arrived at 5:15 pm.
A short break was taken.

Ms. Ninen updated Mr. Katich on the meeting. Commission members continued discussing the application of impervious surface. Ms. Ninen suggested removing such as playing fields or facilities with extensive impervious surfaces are prohibited. Mr. Pasin disagreed explaining that he feels that removing the statement would limit the property. Mr. Atkins responded stating that the ranges of things that are water oriented are very large. Mr. Pasin would be against restricting any kind of recreation at the water front. Kim Van Zwalenburg explained that the guidelines related to waterfront use. Commission members and staff continued to discuss appropriate use for waterfront property.

7.15.2.4

Mr. Coronado suggested adding to the end of number 4 water enjoyment. Ms. Ninen would like to leave number 4 as is.

7.15.2.5.

Mr. Pasin asked who would be responsible for signage for private property. Mr. Katich replied, property owners. Ms. Ninen expressed the importance of being specific.

7.15.2.9

Ms. Ninen asked discussed recycling. Ms. Van Zwalenburg asked what the city provided currently as far as recycling. Mr. Dolan replied that the city provided a limited opportunity. No changes to 9.

7.15.2.10

Commission members discussed number 10. No changes to 10.

7.15.2.7

Mr. Coronado asked if provision should be made for access the waterfront from the water side, water access, kayaking/ boating. Mr. Katich replied that discussion have been held regarding

defining and directing people to specific areas for shoreline water/land access. Commission members made changes to 7 to read: **Where appropriate, recreational 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.)**

Mr. Katich discussed street vacation limitations under the State Shoreline Management Act and the SMP requirements for shoreline access. Ms. Ninen discussed the existing SMP related to street ends. Mr. Dolan clarifies policy and regulations. Mr. Pasin asked if the reverence to street end should be removed. Mr. Dolan suggested it could be made into a policy and added to C. Commission members suggested a new H under policy. Ms. Ninen suggested that **number 11 in regulations become letter H under policies and replace shall with should. New title for H-Existing Public Right of Way Street Ends.**

7.16 Residential:

Ms. Ninen referred to the memo by Ms. Van Zwalenburg discussing overwater restrictions in waterfront in the zoning matrix.

7.16.1 Policies:

Ms. Ninen began with policy A. Mr. Atkins asked if the second sentence should be a regulation. Ms. Ninen suggested removing the last sentence that reads, **new overwater residences shall not be allowed.** Mr. Dolan stated that in B, existing overwater residential uses there is a conflict. **Ms. Ninen suggested removing existing in the heading of B and call it overwater residential uses and the first sentence reads: New over-water residential development or expansion of existing overwater residences should not be allowed.**

7.16.1 – C Residential design and stabilization structures:

Ms. Ninen asked about C. Mr. Katich explained C. Residential design. No changes made to C.

7.16.1 – D Site Design:

Commission members discussed site design suggested new statement to read: **Site design and the configurations of improvements should incorporate existing topography, critical areas and vegetation to the extent feasible.**

Mr. Katich discussed provision for single family residential structures and normal accessories. Mr. Coronado asked if a hot tub with a roof would be allowed. Kim Van Zwalenburg noted that the Commission will need to clarify what will be allowed in the setback area and what will not stating that not all normal accessories would allow for vegetation etc. Mr. Katich added that you would need to look at access structures as we do permanent structures also look at buffer setbacks. Mr. Dolan further discussed buffers, setbacks and accessory structures in the buffers. Ms. Ninen asked if the language in shoreline open space should be removed. Mr. Fisher agreed it should be removed. Mr. Dolan suggested changes to read: **to locate or**

design structures or development outside required setback or required buffers. Ms. Ninen we want to keep the structures away from the shoreline.

7.16.1 – E Residential structures or development:

READS: locate and design structures or development for residential uses outside required setbacks or required buffers.

7.16.1 – F Protect, Enhance and Restore Shoreline Resources:

Mr. Pasin discussed the second sentence; methods to protect, resource management planning, low impact development. Mr. Katich reviewed the second sentence. Mr. Dolan suggested removing the entire second sentence. Mr. Katich agreed. **Methods may include** has been removed from the second sentence.

7.16.2 Regulations:

Mr. Dolan reminded Commission members that **item number 3 has become item number 1. Shall not be permitted is changed to prohibited and changed to item no 1 – New Item 1 – Residential development over water including garages, accessory buildings and boathouses shall be prohibited unless otherwise specified in this chapter.**

7.16.2 (1) Regulations:

Ms. Ninen discussed page 7-49 under number one pointing out statements that she felt had been too negative and would like to see changed. Mr. Fisher discussed the statement, primary residence can be built. Commission members discussed the creation of new lots related to bulkhead repairs and repairs to armoring structures. Commission members discussed the guidelines and definitions of new lots and subdivisions. Ms. Van Zwalenburg felt that the guidelines addressed the creation of new lots. Commission members ask Mr. Dolan and Mr. Katich to word smith the language and present it the Commission members.

7.16.2 B Adequate sewer.

Commission members discussed septic systems and where they may be allowed. No changes suggested for B.

7.16.2 C.

Mr. Coronado asked if development is subject to zoning and design review. Mr. Katich replied yes.

No changes to C.

7.16.2 D. – No changes to D.

7.16.2 E. No changes to D.

7.16.2. 2(a)

Commission members discussed 2(a), and Mr. Katich explained how 2(a) would be addressed through the permitting process. Ms. Ninen asked if 2(a) were necessary. Mr. Katich agreed it could be handled through the critical areas ordinance. Commission members agreed to remove: - **is not located in areas having significant hazard to life and property and likely or require future public funds to protect and rehabilitate and add in its place** – and in its place add **conforms to the critical area regulations of this program**. Ms. Ninen asked if adequate methods of erosion control should be kept in. Mr. Dolan replied yes also adding that item B should be kept.

7.16.2. 3 (now the new number 1) **shall not be permitted has been changed to prohibited.**

Mr. Katich suggested a new heading for number 2. Commission members decide new heading: **New Residential Lots**. The old number 2 will be the new 3 and the new 3 reads **All Residential lots**.

7.16.2.4: No changes

7.16.5: Mr. Coronado asked for clarification of the residential development.

Mr. Katich further clarified item 5. Mr. Pasin asked how you would require maintenance and enhancement. Mr. Fisher asked what you would require of a home owner. Mr. Dolan suggested changing maintenance to retention. Mr. Fisher asked if the statement were useful. Ms. Ninen suggested require that the developer maintain and enhance. Mr. Pasin asked for how long. Mr. Dolan suggested that it could state the intent of the chapter is to refer and follow the requirements of GHMC Chapter 17.94 (Land Clearing). Ms. Ninen felt the statement should be more specific. Mr. Katich explained that the relationship between zoning and shoreline is very easy to figure out and has been addressed in the design manual – just putting in a reference is acceptable. Statement reads: **Site clearing and grading shall be conducted consistent the GHMC title 17 and the requirements of section 7.5 clearing and grading.**

7.16.6. Mr. Katich noted item 6 is a placeholder item only.

7.16.7.

Mr. Katich discussed item 7. Ms. Ninen felt that the height should be subject to the zoning regulations of GHMC Title 17. Mr. Katich agreed. Changes to read: **The maximum height of any residential structure shall be consistent with the existing zoning of the property and in no case exceed 35 feet**. Mr. Katich suggested that the discussion continue with overwater structures. Mr. Katich explained that the WAC definition for height addresses overwater structures and the uplands and that the city often struggles to adapt its method for determining height to overwater structures. Commission members agreed to leave the language as is.

Ms. Ninen stated that currently floating homes were allowed in the SMP noting that they are not addressed in the new SMP, addressed in the new number 1 on page 53 as stating that boat house are prohibited. Ms. Ninen suggested that it be included in the new number one to state both house boats and boat houses be prohibited. Mr. Dolan agreed and suggested that the Commission address both boat houses and house boats as prohibited uses.

Ms. Ninen returned to description of industrial – discussing the difference in the new draft SMP and the old SMP. Ms. Ninen asks Mr. Katich to work on the language for consistence with the zoning code. Ms. Ninen states that she would like to use the old SMP concept in the new SMP. Mr. Katich discussed the consultant's intent to not include it in the draft SMP. Mr. Atkins notes the potential for confusion. Ms. Ninen restates to say Marine Industrial. Mr. Atkins adds, and possible other forms of industrial are prohibited.

Mr. Dolan discussed the next meeting of June 3rd when commission members will begin on page 7-51 shoreline habitat and natural systems enhancement projects 7.17.

MOTION: Move to adjourn at 7:25 pm Pasin / Atkins.

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 PSDDA 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 PSDDA).
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:

7.17.2-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:

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

- 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 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.

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)

Note: No issues were added to the “holding pen” at the 5/13/10 meeting.