

**City of Gig Harbor Planning Commission
Work Study Session
June 17th, 2010
Planning & Building Conference Room
4:00 pm**

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

STAFF PRESENT: Tom Dolan and Pete Katich

CALL TO ORDER: at 4:00

APPROVAL OF MINUTES:

The minutes from June 10th, 2010 were tabled until the next meeting.

Mr. Katich went over the definition of hazardous substances as they had discussed at the last meeting. He stated that none of the citations in the RCW seem to make sense and don't identify the actual hazardous substances. He then looked at other shoreline master programs and none of them have a provision like the one being proposed in this draft so he was recommending that they delete this provision, and retain the water quality section. Mr. Katich stated he had written some language if they did want to retain a provision for hazardous substances. Mr. Fisher said he agreed with the recommendation to delete it. Ms. Ninen pointed out that Ms. VanZwalenburg from the Department of Ecology had stated that this was really about large quantities of hazardous substances. **It was agreed to remove 6.5.2 Number 5 and renumber the remaining regulations.**

Ms. Guernsey noted that 7.20.3 Item 6 has an incorrect RCW reference. It should read RCW 35.79.035; however, the rest of the paragraph will remain in the holding pen for discussion later.

Mr. Fisher asked for an update on what had been decided on 6.1.1 A at the last meeting and Mr. Katich read from the minutes.

6.4 Public Access

Mr. Pasin said that he would like to remove the word "additional" in the goal statement. Mr. Atkins suggested that the sentence read, **"It is the goal of the City of Gig Harbor to preserve and enhance opportunities for physical and visual public access to shorelines"** and **remove the rest of the paragraph since they are conditions which are stated later in the section. Everyone agreed.**

A. Protection of public access – Mr. Pasin emphasized the importance of this section. Mr. Atkins further stated that he felt that they should look at the general goals from the old master program when they are done with Chapter 6.

B. Public, commercial and industrial development – No comments

C. Residential development – **Mr. Pasin suggested that the word “it’s” be added before the word residents and everyone agreed.** Mr. Atkins pointed out that multi-family residential is not allowed in any waterfront zone. Ms. Guernsey noted that in this paragraph it states “multi-unit”. Mr. Katich noted that single family is not regulated. He then read from the guidelines on the subject of multi-family, noting that anything more than single family has to provide public access. Mr. Atkins pointed out inconsistencies in the wording, noting that it says more than four in some sections and four or more in others. Mr. Pasin emphasized the impact this public access requirement can have on property owners. Mr. Coughlin stated that he felt they needed to focus on the definition of what public access was because it looked like it could be just visual access. Ms. Ninen suggested that they change “multi-unit” to “multi-family”. Ms. Guernsey said that if they want to be consistent with the zoning code they need to say “multiple family dwelling” and strike “multi-unit residential development”. Consensus was reached. Should also say more than four parcels because that is consistent with the WAC, and remove the comma. Ms. Guernsey asked what was meant by community open space in this paragraph and suggested it be stricken. Everyone agreed. **The paragraph would now read, “Provide public access as part of new multiple family dwelling development, and new subdivisions of more than four parcels for the enjoyment of its residents and the public, unless access is infeasible due to safety, impacts to shoreline ecology, or legal limitations”. Everyone agreed.**

D. Network of public access in Gig Harbor Bay. Mr. Fisher asked what the first sentence meant and what the network of coordinated public access points are. Mr. Katich explained that it was a result of the stakeholders meetings as a way of providing public access but not requiring it on each site but rather having an in lieu fee. He explained how the state emphasizes the importance of physical access. Mr. Atkins expressed his concern with money in an account and not ever really developing enough access opportunities. Discussion followed on the commissions concern with how the money in a fund would be spent and where it would be spent. Mr. Katich listed the current public access points. Mr. Pasin asked how much the fee would be and would it really make an impact. Ms. Guernsey emphasized the need for a plan for public access. Mr. Coughlin agreed that they needed a vision before focusing on the details. Mr. Katich stated that this definitely needed more study; however there is a time issue. Mr. Atkins felt that we should at least have the goal and develop the plan at a later time. Mr. Fisher pointed out that the next several items were part of this issue as well. Mr. Pasin suggested the wording, “In Gig Harbor Bay a public access network plan should be developed”. Mr. Katich suggested adding the words, “that addresses a coordinated public access system”. Ms. Ninen suggested “In Gig Harbor Bay a public access plan should be developed that coordinates public access”. **Ms. Guernsey noted that the first sentence in the WAC was pretty good. Everyone liked it. It was decided to change the header to say Public Access Plan in Gig**

Harbor Bay and the text would read, “Gig Harbor should plan for an integrated shoreline area public access system that identifies specific public needs and opportunities to provide public access” and would replace the previous D.

E. Tideland Trails – Mr. Pasin suggested removing the last two words, “when appropriate”. Ms. Guernsey suggested that rather than saying “own” they say “acquire” and everyone agreed. **So the paragraph would read, “Work cooperatively with private property owners, Washington Department of Natural Resources and Pierce County to develop shoreline trail systems on tidelands, consistent with the City’s Parks and Open Space Plan. The City should seek to acquire property or obtain access easements through property on which tideland trails are located”.**

F. Non-motorized boat trails – **Ms. Guernsey noted that the title should be hyphenated. Everyone agreed.**

G. Street-ends – Ms. Guernsey suggested that they add the words “but not limited to”. **So the last sentence would read, “Enhancement of existing street ends include, but are not limited to, directional and informational signage, plantings and benches”.**

H. Commensurate public access – Mr. Pasin stated that the improvements should be in scale and character with adjoining properties. **It was decided to add “and adjoining properties” to the end of the first sentence.**

I. Views and visual access – Mr. Fisher stated that if we are requiring planting at the shoreline do we limit the height. Mr. Dolan stated that we do. Discussion followed on the liability issues. Ms. Guernsey stated that she would like to strike “by public and private entities” in the first sentence and replace “of” with “in” in the last sentence. Mr. Pasin asked about the phrase “from the water” and what was trying to be preserved. Discussion continued on what kinds of vistas and views are important. Mr. Atkins asked what the point of the last sentence was and it was thought that maybe it was providing for an opportunity for off site mitigation. Mr. Atkins suggested that perhaps that statement belonged in a regulation rather than a policy. It was decided to remove the last sentence. **So now the section would read, “Preserve views and vistas to and from the water, to enjoy the aesthetic qualities and character of the Gig Harbor shorelines. Expand opportunities for visual public access to shorelines”.** Everyone agreed.

6.4.2 Regulations – Public Access Required.

1) Mr. Atkins asked about shoreline substantial development permits versus conditional use permits and Mr. Katich explained that they are two different permits and further expanded on the process. Ms. Ninen noted that there were comments from the Department of Ecology that the language should be changed to read “development or uses”. Mr. Atkins said that based upon what Mr. Katich just said it seems like it should remain as it is. Ms. Guernsey suggested that it

should say “and/or conditional uses”. Mr. Atkins suggested that they move “Except as provided in Section 6.4.2 Regulations #2 and #3”. It was suggested that it just say “except as provided below”. **The section would now read, “Shoreline substantial developments and/or conditional uses shall provide public access where any of the following conditions are present except as provided below:”**

a) **Mr. Pasin suggested striking “or nearby” in the last sentence. Everyone agreed.**

b) No comments

c) **It should say “Residential developments involving the creation of more than four (4) lots or the construction of multiple family dwellings”. Everyone agreed.**

d) No comment

2) Ms. Ninen noted that the Department of Ecology had commented on this item. Mr. Katich read the existing language from the master program “an applicant need not provide public access where one or more of the following conditions apply”. Mr. Katich wanted to remove the words “the City determines that”. **The sentence will now read “An applicant need not provide public access where one or more of the following conditions apply:”**

a) No comments

b) No comments

c) Ms. Guernsey noted that this is law. No comments.

d) No comments

e) No comments

3) No comments

a) and b) No comments

4) Mr. Atkins suggested striking b), c) f) and g) because they are more modifications rather than uses. Ms. Guernsey suggested removing “residential” and “or dwelling units” in a). Discussion followed on item d) and whether it should say dwelling units and at what point does a dock because a community dock versus a private dock. Ms. Guernsey asked whether the requirement for public access would occur at the stage of building the dock and or when you build the buildings. Everyone agreed that it was when the buildings are built. It was noted that there are regulations on how big a dock can be. Mr. Fisher pointed out that although the plan encourages the joint use of docks it doesn’t specify the number. Ms. Guernsey pointed out that on page 7-13 item F talks about providing public access and everyone liked that language. It was decided to also eliminate d). **It was then decided that number 4 can be eliminated entirely.**

5) New 4) Mr. Fisher asked Ms. Guernsey what “at a minimum” meant and she said she wasn’t sure but she felt that it needed to be rewritten so that it was clear it needed to be recorded. **It was decided that it should read, “Public access easements and permits subject to conditions regarding public access must be recorded with the auditor. Requirements for public access shall be shown on approved plats”. Mr. Katich suggested that it reference something about “the life of the project”. It was decided that an a) should be added stating “Required public access shall be provided for the life of the project.”**

6) Mr. Pasin suggested deleting it and Ms. Guernsey agreed. **Consensus was reached to delete number 6 and the placeholder.**

Mr. Katich suggested that there be a recommendation to the City Council regarding developing a public access plan along with the recommendation on the shoreline master program. Mr. Pasin suggested having that discussion at the joint meeting.

6.4.3 Regulations – Type and Design of Public Access

1) Ms. Ninen wondered where this had come from and Mr. Atkins said that it was in the old shoreline master program in the section on commercial development.

a) Mr. Atkins noted that this exact language is in the code under waterfront commercial but in the code it is used as an incentive for more lot coverage. Mr. Pasin asked about the last sentence where it doesn’t allow fences. He felt that they should be allowed at a minimum height. Discussion followed on fences and railings. Mr. Dolan suggested limiting the height to 42”. Mr. Atkins read from the design manual requirements on fences. Mr. Dolan suggested that it say **“Fences and railings exceeding 42” in height shall only be permitted when required by the building code”**. **Everyone agreed**

b) Mr. Atkins noted that in the Waterfront Commercial zone the public pathway requirement was 5 feet rather than 6 feet as stated here so perhaps the zoning code needs to be changed. Mr. Dolan said that he would have Senior Planner Jennifer Kester put that item in the amendments she is working on now. Mr. Pasin stated that he had a problem with the pathway option that required you to make the path go down both sides of the property. Mr. Dolan noted that there are three options and no one is required to do that. Consensus was to leave the wording as is.

c) No comment

2) No comments on a, b or c.

3) Mr. Atkins felt that there needed to be some criteria for public access signs. He noted that directional signs in the sign code are limited to four square feet and four feet in height and maybe that was a good size to limit. Mr. Katich explained that there are state provided signs that could be used as a model. Ms. Guernsey asked why have the project proponent maintain the sign. **It was decided to change the second sentence to read, “Signs identifying public access shall be constructed, installed and maintained by the property owner in**

conspicuous locations at public access sites and/or along common routes to public access sites.”

4) Mr. Pasin suggested removing the words “when feasible and appropriate”. **It was decided to just remove “and appropriate”.**

5) No comment

6) No comment

7) No comment

6.6 Vegetation Conservation

Ms. Ninen noted that in the guidelines they address the need for reducing the need for structural shoreline stabilization as the intent of conservation measures and she was wondering if that should be added here. Mr. Coughlin asked about buffers and vegetation conservation. Mr. Katich explained the buffer requirements. Ms. Ninen suggested that the intent to reduce the need for structural shoreline stabilization be added to item D. Mr. Katich noted that some of it is captured in the goal statement and perhaps it should just be expanded. Mr. Atkins agreed. **He suggested adding “reduction in the need for structural stabilization;” after the word “including”. Everyone agreed.**

a) No comment

b) Mr. Pasin felt that this item was in-appropriate and he didn't know who was supposed to provide that. He suggested that it be removed. **It was decided to remove item b) and re-letter the rest.**

c) New b) No comment

It was noted that Ms. Guernsey and Mr. Pasin won't be at the next meeting. Mr. Fisher noted that he will only be in attendance for the first hour of the next meeting.

MOTION: Move to adjourn at 7:30. Pasin/Coughlin. Motion carried.

3/18/10 Meeting Outcomes:

1. Revise matrix/associated regulations in Chapter 7 of draft SMP to allow dredging as a “permitted” use in low intensity and natural environment designations at the mouth of Gig Harbor Bay to maintain the navigational channel.
2. Per Commissioner Guernsey's request, boat launch ramp use category set forth in Modification and Use Matrix, Chapter 7, added to the “holding pen.”

3. Remove "prohibited" modifications and uses from Chapter 7, subsection 7.2.1 that are not applicable to city of Gig Harbor shoreline planning area. Only address those modifications and uses that exist or could exist.
4. Revise regulation #1, Chapter 7, subsection 7.3.2 to reflect two separate regulations; note that the current, proposed prohibition on commercial shellfish aquaculture in all shoreline environments could change based on further review of the issue.
5. Revise regulation #5, Chapter 7, subsection 7.3.2 to indicate that it doesn't apply to spawned-out salmon carcasses.
6. Revise policy J, Chapter 7, subsection 7.4.1 to address "piers and docks" and revise the last sentence of the policy to state, "minimize adverse effects on "ecological functions" rather than nearshore resources.

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

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

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

1. Revise Subsection 7.4.1, Policy K (replacement of piling) to state: "**Replace existing piling with non-toxic materials, including but not limited to steel, concrete and non-toxic wood. The replacement of piling that support historic structures listed on the city's Register of Historic Places should be exempt from this provision. New piling should be made of non-toxic material approved by applicable state agencies.**" (Note: The policy is titled "replacement of pilings." Should the heading be revised to "New and replacement of pilings?")
2. Revise Subsection 7.4.1, Policy L (Moorage design elements) to state: "Encourage design elements that increase light penetration to the water below an existing or new boating facility, such as increasing the structure's height **above the water**; modifying orientation and size; **and using** grating as a surface material. No new covered moorage facilities should be allowed on or over the surface waters within the city of Gig Harbor **or its UGA.**"
3. Discussion on Subsection 7.4.2 (Policies for marinas) and 7.4.3 (Policies for commercial fishing moorage) tabled until meeting of 4/15/10 to allow for completion of marina survey.
4. Revise Subsection 7.4.4.1.a & b (Regulations-General) to state:

- a. **Critical saltwater habitats**
- b. **Marshes, estuaries and other wetlands**

And delete original b & c (both are included in definition for critical saltwater habitats.)

5. Revise Subsection 7.4.5.1.a (Regulations-Mooring Buoys) to state:
 - a). Avoid **critical saltwater** habitat areas; and,
6. Revise Subsection 7.4.5.4 into two regulations 4 & 5 that state:
 - 4. Single-family residences may be allowed no more than one mooring buoy per residential lot and only where existing piers, docks, floats or other moorage facilities do not exist.**
 - 5. Mooring buoys shall be clearly marked and labeled with the owner’s name, contact information and permit number(s).**
7. Revise Subsection 7.4.7 (Regulations-Piers, Docks and Floats-Non-Residential), existing regulation #1 to state: **Piers, docks** and floats associated with commercial, industrial, or public recreational developments **are** allowed **only** when ecological impacts are mitigated in accordance with the program, and:
8. Revise Subsection 7.4.7 to make existing regulation #1 the new #2.
9. Revise and re-order Subsection 7.4.7 by moving existing regulation #6 to #1.
10. Revise language in Subsections 7.4.7.4) & 7.4.8.3) (Regulations-Piers, Docks, and Floats Non-Residential and Residential) to be consistent with each other.
11. Separate the last sentence in existing subsection 7.4.7.4 to create a new regulation #5 that states: **To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply: (list a-c)** and renumber existing #5 to be the new #6.
12. Revise Subsection 7.4.8 (Regulations-Piers, Docks, Floats, and Lifts-Accessory to Residential Use) by deleting existing regulation #1).c).
13. Revise Subsection 7.4.8, Regulation #6 to state: **“Covered moorages are prohibited.”** Move and reorder existing regulation #6 to become regulation #1 (Note: the Planning Commission’s preference is for all “prohibitions” to be listed as the first regulation under any subsection heading for regulations.

Summary of 4/15/10 meeting outcomes:

1. It was the consensus of Planning Commission that the marina survey was adequate to address the status of marinas in Gig Harbor Bay and that additional research is not required pending public testimony on the issue at the Commission’s public hearing scheduled for the shoreline master program update.
2. Revise subsection 7.4.2.A (Policies for Marinas) to state: “Marinas are water dependent uses and should contribute to public access and enjoyment of the waters of the state.” The “heading” for the subsection section should be revised from “Priority for marinas” to “Public Access and Enjoyment.”
3. Delete subsection 7.4.2.B (Marina boat storage)

4. Per Jill G, revise “Water-dependent, Water-enjoyment & water-oriented” on page #2-27 to include the word use at the end (example: water-dependent “use”) to be consistent with the definition provided for each of the 3 words.
5. Delete subsection 7.4.2 D (Launch Ramps)
6. Revise subsection 7.4.3.A (Policies for commercial fishing moorage) to state: “Commercial fishing is an important water dependent use and facilities that support the commercial fishing industry should be allowed.”
7. Revise subsection 7.4.8.7 (Regulations-Piers, Docks, Floats and Lifts-Accessory to Residential use) to state: “Single-user docks/piers/floats shall meet side yard setbacks for residential development (both onshore and offshore); however, a shared dock/pier may be located adjacent to or upon a shared side property line upon the filing of an agreement by the affected property owners.”
8. Revise original draft subsection 7.4.8.3) as follows:
 - “3. To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
 - a. The width of docks, piers and floats shall be the minimum necessary, and in no case shall be wider than eight (8) feet unless authorized by state resource agencies.
 - b. Materials that will allow light to pass through the deck may be required where the width exceeds 8 feet.
 - c. Grating to allow light passage or reflective panels to increase light refraction into the water shall be used on piers, docks, floats and gangways in nearshore areas.”
 - d. Use of non-toxic materials, including but not limited to steel, concrete and non-toxic wood, approved by applicable state agencies.
9. Revise and re-order 7.4.8.9) (prohibition on storage of fuel, oil, etc on residential floats etc.) to become new 7.4.8.3
10. Delete subsection 7.4.9.5.i
11. Revise subsection 7.4.9.3.e to state: “Marina development shall be required to include public access amenities consistent with Section 6.4 (Public Access) of the Program. Public access shall be designed to be environmentally sound, aesthetically compatible with adjacent uses, and safe for users.”
12. Revise subsection 7.4.9.3.f to state: “Live-aboard vessels are allowed in marinas provided that adequate facilities and programs to address waste and sanitary disposal are in place. Off-street parking for live aboards shall be provided consistent with the requirements of GHMC 17.72.”

Summary of 4/22/10 Meeting Outcomes:

1. Revise subsection 7.4.9.4 by deleting the comma that follows the word “possible” and adding it following the word “minimize.”
2. Revise subsection 7.4.9.5.b by deleting the word “development” and replacing it with the “facilities,” to read: “.....but not limited to, office space, parking, open air storage, waste

storage and treatment, stormwater management facilities, utilities and *upland transportation facilities.*”

3. Revise subsection 7.4.9.5.f to reference required type of sewage pump out equipment.
4. Revise subsection 7.4.9.5.g to delete moorage slip and liveaboard thresholds (XX designation). Revise language to state: “Marinas with live-aboards shall provide restrooms and sewage disposal facilities in compliance with applicable health regulations. Delete remaining original draft language.
5. Revise subsection 7.4.9.5.h by changing the word “several” to “upland.”
6. Delete subsection 7.4.9.5. i.
7. Replace subsection 7.4.9.5.j with all of regulation #12 from existing SMP (see page 31 of existing SMP)
8. Revise subsection 7.4.9 by adding regulations 1.A through E from existing SMP (page #29) as either new regulation #6 or #7 depending on whether existing draft 7.4.9.6 is retained in whole or part or deleted in its entirety based on the “holding pen” review noted below.
9. Revise subsection 7.4.10.1 to state: “New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Gig Harbor Municipal Code Title 17.”
10. Delete 7.4.10.2 in its entirety
11. Revise the “heading” for subsection 7.4.3-Policies for Commercial Fishing Moorage by adding the word “Vessel” between the words Fishing and Moorage.
12. Revise 7.4.3.A to state: “Commercial fishing is an important water-dependent use and facilities that support the commercial fishing industry, including moorage, should be allowed.”
13. Revise subsection 7.5.2.5 to state: “Between October 31st and April 1st, clearing may be conducted provided the areas to be cleared are identified when leaf is present.”
14. Revise subsection 7.6.1.A to state: “Give preference to water-dependent commercial uses, then to water-related and water-enjoyment commercial uses in shoreline locations. Non-water oriented commercial uses may be allowed if they are combined with public benefits, such as public access, education and shoreline ecological restoration.”
15. Revise subsection 7.6.2.3 (Regulations-Water-Oriented Use/Development) by deleting 7.6.2.3 in its entirety.
16. Revise subsection 7.6.3.1.a (Regulations-Non-Water-Oriented Use/Development) by adding a semi-colon after the word “right-of-way” and adding the word “or”, and by deleting the words “such that access for water oriented use is precluded.”
17. Revise subsection 7.6.3.1.b to read: “The use is part of a mixed use project that includes water oriented uses and provides significant public benefit with respect to the city’s Shoreline Master Program objectives; or”
18. Revise 7.6.3.1 to state: “Non-water oriented commercial uses are allowed in the shoreline jurisdiction if they meet the following criteria:”
19. Revise subsection 7.6.3.3 to state: “the city may waive or modify the requirement to provide public access and/or restoration when:”
20. Revise subsection 7.6.3.3.a by changing the word “infeasible” to “not feasible.”

Summary of 5/6/10 Meeting Outcomes:

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

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

9. Revise subsection 7.8.1.A. (Dredging and Dredge Material Disposal), by revising the second sentence to state. "Maintenance dredging of established navigation channels, such as the entrance to Gig Harbor Bay, and basins, should be restricted to maintaining previously dredged and/or existing authorized location, depth and width."
10. Delete subsection 7.8.2.4.g
11. Reorder subsection 7.8.2 by moving the current #6 to #1 and re-ordering the remaining regulations numerically.

12. Revise 7.8.3.1 to state, "The City may permit disposal of dredge material only when the project proponent demonstrates the activity is consistent with the Program."
13. Revise subsection 7.8.3.4 to state, "When consistent with this Program, disposal of dredged materials in water areas other than 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:

7.16.2-Regulations

1. Residential development over water including garages, accessory buildings, boathouses and house boats shall be prohibited unless otherwise specified in this chapter.¹
2. New residential lots shall be allowed. A primary residence shall be allowed on each lot provided none of the following are necessary:
 - a. New hard armoring structural shoreline stabilization;

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

- b. New improvements proposed within the required vegetation conservation area or required critical area buffer;
 - c. Removal of significant vegetation that adversely impacts ecological functions;
 - d. Site work that creates significant erosion or reduction in slope stability; and,
 - e. Site work that creates increased erosion in the new development or to other properties.
3. New residential lots shall also demonstrate the following:
 - a. Adequate sewer, water, access and utilities can be provided at the time of final plat or short plat approval subject to the requirements of Gig Harbor Municipal Code Title 16.
 - b. The intensity and type of development is consistent with the Gig Harbor Comprehensive Plan and the associated development regulations set forth in Gig Harbor Municipal Code Title 17.
 - c. Potential significant adverse environmental impacts can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to development and potential impacts to the environment.
 - d. The development is consistent with the development standards required by the underlying zoning designation.
 4. Prior to the issuance of a Shoreline Permit Exemption letter, Substantial Development Permit, or Building Permit, the city shall make a determination that the proposed project is consistent with the policies and regulations of the Shoreline Master Program including the following standards:
 - a. The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate. Adequate methods of erosion control shall be utilized during and after project construction; and,
 - b. Disturbance of established, native shoreline vegetation will be minimized.
 5. New multiple family residential development and subdivisions containing more than four lots shall include public access in conformance with the Public Access Standards set forth in Chapter 6 of the shoreline master program.
 6. That natural site areas are maintained, enhanced, and preserved to the greatest extent possible consistent with the provisions of Gig Harbor Municipal Code Chapters 17.94 and 17.99. To this end, the City may limit the extent of grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
 7. On properties with shoreline frontage, a 20 foot rear yard setback shall be provided by structures from the bulkhead line or where no bulkhead exists, the Ordinary High Water Mark.
 8. Residential structures shall comply with the height requirements of Gig Harbor Municipal Code Title 17. The maximum height above average grade level of any residential structure shall not exceed 35 feet.

Summary of 6/3/10 Meeting Outcomes:

1. Revise 7.17.1.A (Shoreline Habitat and Natural Systems Enhancement Projects-Policies) by replacing the word "legitimate" with the word "identified."
2. Revise 7.17.2.2 (Shoreline Habitat and Natural Systems Enhancement Projects-Regulations) by revising to state: "Where possible, habitat improvement projects shall be protected through a recorded easement, covenant, or other restriction that runs with the land."
3. Revise 7.17.2.3 to state: "Habitat improvements shall use an ecosystem, or landscape approach, integrate projects into their surrounding shoreline environments, and include means for species movement and use."
4. Revise "intent statement" per 7.19 (Signs & Outdoor Advertising) to state: "To limit waterfront signage and ensure compatibility with the shoreline environment and allowed uses."
5. 7.19.1.E (Policies) revise to state: "Where possible, locate free-standing signs on the landward side of development and avoid blocking scenic views."
6. Delete subsection 7.19.2.5.a-d in its entirety.
7. Revise "heading of 7.20.1.C to: "Pedestrian trails and bicycle routes"
8. Revise subsection 7.20.1.C by deleting "and should be considered when rights of way are being vacated" from last sentence.
9. Revise 7.20.2.A by ending the 1st sentence after the word "allowed" and delete "within the area regulated by the City's Shoreline Master Program. Revise 2nd sentence to state: "Locate surface parking outside of shoreline jurisdiction whenever possible or otherwise as far from the shoreline as possible."
10. Revise 1st sentence of 17.20.2.B by deleting the word "facilities" and replacing it with the word "areas."
11. Revise 1st sentence of 17.20.2.C by deleting the word "facilities" and replacing it with the word "areas."
12. Revise subsection 17.20.3.2 by removing the "colon" from the first sentence.
13. Revise subsection 17.20.4.3 by adding the word "areas" after the first word in the sentence ("Parking").
14. Revise subsection 17.20.4.4 by adding the word "areas" after the first word "Parking" and by deleting the words "in a shoreline area" from the sentence.
15. Revise subsections 17.21.1.B & C by combining the two policies to state under subsection B the following: "Locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area and/or underground where feasible. If located within the shoreline area, major transmission lines should be incorporated into programs for public access to and along water bodies."
16. Re-order subsection letters from new "C" (former "D") through new "G" (former "I").
17. Revise new subsection 17.21.1.E (former G) to state: Locate, design and install new utilities to eliminate the need for extensive shoreline protection measures." Revise second sentence to state: "Upon completion of utility projects on shorelines, banks

should be restored, replanted and maintained until newly planted vegetation is established.” Note: the last sentence in this subsection remains the same.

18. Revise “heading” of new subsection 17.21.1.F (former H) to state: “Stormwater and sanitary sewer pipeline outfall locations”, and remove the words “are water-dependent but” from the policy statement under the same.
19. Revise “heading” of new subsection 17.21.1.G (former I) to state: “Maintenance of stormwater pipeline outfalls”. Also, add the word “pipeline” after the word “stormwater” in the policy statement.
20. Revise subsection 7.21.2.1-Regulations to state: “Shoreline permit applications for installation of utility production and processing facilities shall include the following:”
21. Revise subsection 7.21.2.3 by removing the words “installation/maintenance” and “pre-project configuration”.
22. Revise subsection 7.21.2.4 to state: “Where utilities must be placed in a shoreline area, scenic views shall not be obstructed.”
23. Revise subsection 7.21.2.6 by removing “associated with, by way of example a road improvement project.”
24. Delete all of subsection 7.21.2.7
25. Revise subsection 7.21.2.7.c (former 8.c) by removing words “mimic and” from sentence.
26. Revise subsection 7.21.2.8 (former 9) by removing the word “Primary” and starting the sentence with the word “Conveyance.”
27. Revise subsection 7.21.2.8.b by adding a “semi-colon” at the end of the requirement.
28. Revise subsection 7.21.2.9 (former 10) by removing the word “jurisdiction” that follows the word “shorelines” in the sentence.

Summary of 6/10/10 Meeting Outcomes:

1. Revise Chapter 6 “heading” to include the statement: “The following Goals, Policies and regulations apply to all shoreline development, modifications and uses:”
2. Revise Section 6.1 Goal Statement to state: “It is the goal of the City of Gig Harbor to give preference to water-dependent and other water-oriented uses for shorelines within the jurisdiction of the City of Gig Harbor while preserving the unique mix of waterfront uses in Gig Harbor Bay and Purdy.”
3. Revise last sentence of subsection 6.1.1.A to state: “Non-water-oriented development should be allowed provided the development supports the objectives of the Gig Harbor Comprehensive Plan and the Shoreline Master Program.”
4. Revise subsection 6.11.B by deleting the word “subdivision.”
5. Revise subsection 6.1.1.D to state: “Encourage restoration of shoreline areas that are degraded as a result of past activities or events.”
6. Revise subsection 6.1.1.F by removing the words, “and commercial aquaculture not associated with fish hatchery facilities.” The subsection will now state: “Prohibit those

resource-based uses and industries that are inappropriate for the City's shoreline, including agriculture, forest management practices and mining."

7. Revise Goal Statement in Section 6.2 to state: "It is the goal of the City of Gig Harbor to protect ecological processes and functions existing in the shoreline and near shore area."
8. Revise subsection 6.2.1.D by removing the word "important."
9. Revise subsection 6.2.2 (No net loss and Mitigation) by reversing the order of subsection 6.2.2.1 & 2.
10. Revise subsection 6.2.2.3 by deleting the words, "Where required" and starting the sentence with the word "Mitigation."
11. Delete subsection 6.2.2.4 due to its redundancy with subsection 3 above and re-number the subsequent subsections (original #'s 5-8)
12. Revise the old subsection 6.2.2.6.C (new 6.2.2.5.C) by inserting commas after the words "including, but not limited to,"
13. Revise subsection 6.2.4 by "re-ordering subsection 6.2.4.3 and making it the new 6.2.4.1. The original 6.2.4.1 becomes the new 6.2.4.2 and the subsequent subsections are re-numbered according to their order.
14. Revise 6.3.1.C by revising the "heading" to state: "Compatible design"
15. Revise subsection 6.5.1.B by removing the words "use of" from the policy statement.
16. Revise subsection 6.5.1.C by removing the phrase, "to secure adequate funding from available sources."
17. Revise subsection 6.5.1.E to state: "Require effective temporary and permanent erosion control and water runoff treatment methods during and after construction."
18. Revise 6.5.2.5 to address storage of hazardous and/or toxic materials (note: staff will provide revised language to Commission that addresses this issue)
19. Revise last sentence of subsection 6.5.2.7 to state: "During construction in the shoreline area, vehicle refueling or maintenance shall be done outside the shoreline jurisdiction where possible."

Summary of 6/17/10 Meeting Outcomes:

1. Delete subsection 6.5.2.5 (Water Quality & Quantity Regulations) and renumber subsequent subsets to reflect new numbering
2. Revise subsection 7.20.3.6 (Roadway Regulations) by revising the citation from RCW 36.87.130 to 35.79.035
3. Revise Section 6.4 (Public Access) Goal statement to state: "It is the goal of the City of Gig Harbor to preserve and enhance opportunities for physical and visual public access to shorelines."
4. Revise subsection 6.4.1.C to state: "Provide public access as part of new multiple family dwelling development, and new subdivisions of more than four parcels for the

enjoyment of its residents and the public, unless access is infeasible due to safety, impacts to shoreline ecology or legal limitations.”

5. Revise “header” in subsection 6.4.1.D to state: “Public Access Plan in Gig Harbor Bay”. Revise subsequent text to state, “Gig Harbor should plan for an integrated shoreline area public access system that identifies public needs and opportunities to provide public access.”

~~5-6.~~ 6.4.1.E Revise the paragraph would read, “Work cooperatively with private property owners, Washington Department of Natural Resources and Pierce County to develop shoreline trail systems on tidelands, consistent with the City’s Parks and Open Space Plan. The City should seek to acquire property or obtain access easements through property on which tideland trails are located”.

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7. Revise “header” for subsection 6.4.1.F to include a hyphen between the words Non & motorized (Non-motorized). The new header will read “Non-motorized boat trails.”

~~6-8.~~ Revise the last sentence to read, “Enhancement of existing street ends include, but are not limited to, directional and informational signage, plantings and benches”.

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~~7-9.~~ Revise subsection 6.4.1.H by adding the words “and adjoining properties” to the end of the first sentence which will state: “Require public access improvements commensurate with the scale and character of the development and adjoining development.” Retain remaining language in subsection.

~~8-10.~~ Revise subsection 6.4.1.I to state: “Preserve views and vistas to and from the water, to enjoy the aesthetic qualities and character of Gig Harbor shorelines. Expand opportunities for visual public access to shorelines.”

~~9-11.~~ Revise subsection 6.4.2.1 (Regulations) to state: “Shoreline substantial developments and/or conditional uses shall provide public access where any of the following conditions are present except as provided below;”

~~10-12.~~ Revise subsection 6.4.2.1.a by deleting the words “or nearby” from the last sentence.

~~11-13.~~ Revise subsection 6.4.2.1.c to state: “Residential developments involving the creation of more than four (4) lots or the construction of multiple-family dwellings.

~~12-14.~~ Revise subsection 6.4.2.2 to state: “An applicant need not provide public access where one or more of the following conditions apply.”

~~13-15.~~ Delete subsection 6.4.2.4 in its entirety.

~~14-16.~~ Revise subsection 6.4.2.5 to state: “Public access easements and permits subject to conditions regarding public access must be record with the Auditor. Requirements for public access shall be shown on approved plats. Required public access shall be provided for the life of the project.”

~~15-17.~~ Revise last sentence of subsection 6.4.3.1.a to state: “Fences and railings exceeding 42 inches in height shall only be permitted when required by the building code.”

~~16-18.~~ Revise the second sentence in subsection 6.4.3.3 to state: “Signs identifying public access shall be constructed, installed and maintained by the property owner in

conspicuous locations at public access sites and/or along common routes to public access sites.”

~~17-19.~~ Revise subsection 6.4.3.4 by ending the sentence after the word “feasible” and deleting the last two words “and appropriate.”

~~18-20.~~ Revise Section 6.6 (Vegetation Conservation) Goal Statement by adding the words “reduction in the need for structural stabilization” after the word “including.”

~~19-21.~~ Delete 6.6.1.B and renumber subsequent subsets.

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 the “Holding Pen” at the 4/15/10 meeting

6. Parking for marinas (located away from water’s edge)-review at same time as proposed setbacks & buffer discussion-(4/22/10 meeting)
7. Subsection 7.4.9-Regulations-Marinas-subsection 7.4.9.6.a-e. Relevance of additional required technical studies-Kim will check “Marina Best Management Practices” to determine if they are the source of the requirements.-(4/22/10 meeting)
8. Section 7.6-Commercial-review all draft requirements for water oriented and non-water oriented development-(5/6/10 meeting)
9. Subsection 7.6.3.2.a-(80% restoration requirement for vegetation conservation area)-(5/6/10 meeting)
10. Subsection 7.6.3.4-(20 foot rear yard setback from bulkhead line or OHWM)-(5/6/10 meeting)
11. Subsection 7.10.1.B-Shoreline Stabilization policy (related to discussion on item #1 above)-(5/6/10 meeting)
12. Subsection 7.10.2.3-fill related to shoreline stabilization (related to discussion on item #1 above)-(5/6/10 meeting)
13. Review of subsection 7.14.2-Regulations (Pedestrian Beach Access Structures) deferred until review of Section 6.4 (Public Access)-5/13/10 meeting
14. Subsection 7.16.2.6 (revised (see above) 6.16.2.7)-20 foot rear yard setback from OHWM-5/13/10 meeting
15. Subsection 7.19.2.4-“Portal Signs” (Regulations-Signs & Outdoor Advertising)-6/3/10 meeting
16. “Clarify” intent of 17.20.3.6-(Roadway regulations & street vacations)-6/3/10 meeting

17. Section 7.18-Shoreline Stabilization-6/3/10 meeting (previously included under 7.10.1.B above).

Note: No issues were added to the "Holding Pen" at the 6/10/10 meeting. Discussion of Section 6.4 (Public Access) was deferred to meeting of 6/17/10 so other Commissioners could participate in the discussion.

Note: No issues were added to the "Holding Pen" at the 6/17/10 meeting.