

City of Gig Harbor Planning Commission
Work Study Session
October 21, 2010
Planning & Building Conference Room
4:00 pm

PRESENT: Michael Fisher, Harris Atkins, Jim Pasin, Bill Coughlin and Ben Coronado. Jill Guernsey was absent.

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

CALL TO ORDER: at 4:00 pm

APPROVAL OF MINUTES: Approval of the minutes of October 14, 2010.

Mr. Pasin noted that on the top of the 2nd page it states that everyone agreed regarding the parking and loading and he wasn't sure everyone agreed. It was decided to leave it as stated.

MOTION: Move to accept the minutes as written. Pasin/Fisher – motion carried

Mr. Katich went over some of the agenda items for tonight's meeting. He distributed a newly written purpose statement for the City Waterfront environmental designation to reflect permitted use changes made to that designation. Mr. Pasin asked about the phrase "served as important focal points"; he suggested that it say something about diverse uses. Mr. Coughlin pointed out that it already says "provides a wide range of services". Mr. Atkins stated that he thought Mr. Katich did a good job capturing what they were trying to convey. Mr. Pasin suggested that the word "locations" be deleted and the word "the" be added to the first sentence in the second paragraph and it was agreed upon. Discussion was held on what it meant for the downtown to be a focal point. Mr. Pasin reiterated his desire to change the second sentence in the first paragraph. Mr. Dolan suggested the sentence read, "The historic City Waterfront areas have long served as an important focal point for the city. This area continues to provide a wide range of services for residents and tourists". It was agreed that the sentence should be changed.

Marine setbacks:

Mr. Katich then went over the proposed approach for marine setbacks. He noted that the new proposed subsection for the marine vegetation conservation strip would be inserted as a new subsection 6.2.3. He then reviewed the new table 6-1 and the exceptions. Mr. Pasin asked if no increase in square footage meant that there was no increase whatsoever and Mr. Katich explained that it only related to the area within the setback. Mr. Pasin suggested that it be more specific and should perhaps say "building footprint square footage". Discussion followed on low bank stabilization. Mr. Katich then continued to go over the incentives. Discussion was held on interrupted buffers and averaging on a corner lot. Mr. Dolan stated that when a corner lot is vacant the average between the required setback and the setback for the structure on the adjacent interior parcel is used for the averaging. **Everyone agreed that a provision for**

buffer averaging for corner lots should be added to the master program. It was also agreed that a provision for “interrupted setbacks (a setback interrupted by a street right-of-way, such as Harborview and North Harborview Drives) be added to the master program.

Mr. Katich went over the minimum setbacks being proposed in the different shoreline designations. It was noted that the “Natural” environmental designation proposed for the sand spit at the entrance to Gig Harbor Bay is owned by the federal government and not subject to strict application of the city’s shoreline master program, Mr. Atkins suggested that they put N/A rather than a setback requirement for this area of the sand spit and everyone agreed. Mr. Fisher asked if the proposed setback requirements only applied to existing non conforming structures and Mr. Dolan said yes. He then pointed out that the words “from top of bluff” should be added to the setback measurements where appropriate and everyone agreed.

A recess was called while the commission moved from the Planning and Building Conference Room into the Community Rooms due to the power outage.

Mr. Atkins suggested that they look at a recent project application and apply the proposed regulations and see how it would affect it. Mr. Katich went over the proposed Sorenson residential remodel and how the regulations would be applied in this case. Discussion followed on variances and their criteria.

Public Access and Beach Access Structures:

Mr. Atkins noted that in the Beach Access Structures requirements it called for a 5 foot walkway and then a 6 foot walkway in the other section. He noted the 6 foot reference on page 6-18 and Mr. Fisher noted it on page 6-17. Mr. Fisher stated that he thought they had changed that to 5 feet and everyone agreed. Additionally, Mr. Atkins noted that there were some areas that just needed cleaning up. Mr. Dolan noted that the consultant has asked that any changes that occur after tonight’s meeting be made through an addendum process. Mr. Katich also noted that the consultant is hoping to get them a clean copy for distribution by Monday November 1st. Mr. Atkins voiced his concern that there are some minor changes that needed to be made before distribution. Mr. Fisher asked what will happen as a result of the meeting with the fishing community on November 4th and Mr. Dolan said that any changes made as a result of that meeting should probably be made after the public hearing in order to hear both sides of every issue.

Shoreline Stabilization:

It was decided to start with the use matrix and then go through the regulations. Mr. Katich went over the criteria for conditional uses. It was noted that it had been asked if this should be separated into hard shore and soft shore categories. Mr. Katich went over the definition of soft shore and noted that there was not a definition of hard shore.

Mr. Fisher asked if a bluff starts to come down is hard shore stabilization allowed and Mr. Katich said that there are provisions for single family homes and certain situations where bulkheads

are allowed when they are necessary for protection of structures. Mr. Atkins suggested that perhaps high winds should be added to the verbiage. He then suggested that a reference to the section on exceptions for hard shore stabilization be added to the table. Mr. Katich advised that the matrix should specifically note where hard armoring should be allowed. Ms. VanZwalenburg noted that soft shore stabilization should be listed as permitted. Mr. Fisher asked about repairing of a bulkhead and the 75% threshold. Mr. Katich stated that it is for purposes of promoting soft armoring techniques. Discussion followed on when a bulkhead becomes a seawall. Mr. Dolan asked if they wanted to provide an allowance for replacing a bulkhead when it's more practical than just repairing it. **It was agreed that the 75% threshold should be removed and an allowance be provided for the total replacement of existing bulkheads.**

The discussion moved to the policies. **It was decided that the last sentence of Policy 7.18.1.A should state: "Alternatives for shoreline stabilization should be based on the following hierarchy of preference using Best Management Practices:" It was also decided that policy 7.18.1.A.3 should be revised to state: "Failing Structures that need replacement may be replaced but not expanded."**

7.18.2. It was discussed whether wind should be added to item 2 a. Mr. Dolan noted that wind is not a shoreline specific issue.

7.18.4 Discussion was held on evaluating the need for structural shoreline stabilization.

7.18.5 Ms. VanZwalenburg pointed out that number two was in conflict with the pedestrian access structures section. She stated that she would prefer that they be landward. Mr. Katich suggested that it say "recessed into a bulkhead" in order to make the language more clear. Mr. Pasin asked if the location of the bulkhead was relevant and discussion was held on when a bulkhead becomes a retaining wall. **It was decided to change the regulation to state, "Stairs or other permitted pedestrian access structures may be recessed into a bulkhead but shall not extend waterward of the OHWM."** Mr. Katich went over mitigation sequencing. **He noted that it was further outlined in 6.2.2.3 and it was decided to reference that section rather than the WAC.**

Discussion followed on the importance of adjoining bulkheads being flush with one another. Mr. Atkins suggested that it be changed to say "comply with best management practices" rather than "tie in flush" and everyone agreed.

7.18.6 Jetties, breakwaters and groins. Mr. Katich stated that most master programs prohibit these structures and that the current master program prohibits jetties and breakwaters but groins are a conditional use. He then went over the definition of a groin. Discussion followed on the proposed groin at Murphy's Landing to prevent the need for further dredging. **Mr. Atkins suggested that groins be a conditional use within Gig Harbor Bay and everyone agreed. It was also decided that groins should be conditional in Marine Deepwater.** Ms. VanZwalenburg noted that the text doesn't say anything about weirs. It was noted that they are only present in streams and rivers and we don't have any of those.

Mr. Katich went over the schedule for the next meeting. Mr. Dolan suggested that they move things around and have the fishermen come to the next meeting in order to have more time for review and Mr. Katich said he could try to arrange that. Mr. Katich also noted that he had received comments from DNR that we cannot allow for the adaptive reuse of overwater net sheds to a non water dependent use if the structure is on state aquatic lands because it conflicts with the Washington State Constitution Article 15. He went on to say that the article says that state aquatic lands are to be used for landings, wharves, streets and other conveniences of navigation and commerce. He said that there is a list of net sheds that have identified and it appears to be approximately half of them are located on or partially on state owned aquatic lands. Based on that, the Commission will need to revise the net shed provisions to address those located on state owned aquatic lands. Mr. Dolan said he would see if he could reschedule the meeting with the fishing community to next week; otherwise there would be no meeting next week.

The meeting was adjourned by unanimous consent.

Summary of 10/21/10 Meeting Outcomes:

1. Revise draft City Waterfront “purpose” statement to reflect Planning Commission requested revisions.
2. Add buffer averaging provision to draft subsection 6.2.3.5 for corner lots (average of setback provided by principal structure on interior side abutting lot code required setback). Develop diagram to reflect approach consist with existing figures 6-1 & 6-2.
3. Add new “interrupted setback provision to draft subsection 6.2.3 (6.2.3.6?) Note: new provision must be aligned with existing critical area ordinance requirement for interrupted buffers (see GHMC 18.08.100.I, page 18-24).
4. Revise subsection 6.2.3-Table 6-1 by adding “N/A” to the requirements for the Gig Harbor Spit Natural Environment (in recognition of federal ownership)
5. Add “or top of bluff” to end of last column in Table 6-1 that addresses minimum nonconforming structure setback from OHWM.
6. Add “from top of bluff” to the Minimum Nonconforming Structure Setback or top of bluff” column for the following water bodies: Tacoma Narrows South (20 feet from top of bluff); Colvos Passage (20 feet from top bluff); Tacoma Narrows (20 feet from top of bluff).
7. Revise subsection 6.2.3.3.a.ii to state: “No increase in building footprint square footage within the minimum structure setback from OHWM occurs.”
8. Revise subsection 6.5.3.1.b (Regulations-Type and Design of Public Access) to address five foot wide public pathway rather than 6 foot wide pathway.
9. Revise subsection 6.5.3.2.a & b to address five foot wide pathways, not six foot wide.

10. Develop definition for “hard shore stabilization” (one currently exists for “soft shore stabilization”)
11. Add footnote to modification matrix (chapter 7) for shoreline stabilization category that provides reference to smp subsection 7.18.2.2 (Regulations-New or Replaced Bulkheads or Expansion of Existing Bulkheads)
12. Revise subsection 7.18.2.3 to allow 100% replacement of existing bulkheads within 5 year period subject to consistency with Best Management Practices.
13. Add the new “Purdy Commercial” environmental designation to the use matrix (and all other applicable sections of the draft master program)
14. Revise last sentence of subsection 7.18.1.A to state: “Alternatives for shoreline stabilization should be based on the following hierarchy of preference using Best Management Practices:”
15. Revise subsection 7.18.1.A.3 to state: “Failing structures that need replacement may be replaced but not expanded.”
16. Revise subsection 7.18.5.2 (Regulations-Construction Standards for Shoreline Stabilization structures) to state: “Stairs or other permitted pedestrian access structures may be recessed into a bulkhead but shall not extend waterward of the OHWM.”
17. Revise subsection 7.18.5.4.a to reference subsection 6.2.2.3, rather than WAC 173-26-201(2).
18. Revise subsection 7.18.6 (Regulations-Jetties, Breakwaters, Groin Systems) to allow groins as a conditional use; prohibit jetties and breakwaters. Revise modification matrix to address in same manner.