

City of Gig Harbor Planning Commission
Work Study Session
June 24th, 2010
Planning & Building Conference Room
4:00 pm

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

STAFF PRESENT: Jenn Kester and Pete Katich.

CALL TO ORDER: at 4:00

APPROVAL OF MINUTES:

Chair Joyce Ninen noted that the minutes from June 10th had been tabled at the last meeting. She noted that on page 19 there is period missing in 7.6.1.1.e. Move to approve to accept the minutes of 610 as amended Fisher/Coughlin – motion carried.

Minutes of 6/17. Ms. Ninen noted that she had sent Mr. Katich an e-mail that there seemed to be something missing from page 18. Section 6.4.1.e was missing from the summary, the last sentence change own to acquire and delete when appropriate. 6.4.1.g should be delete the word could, add a comma after include but are not limited to and delete /or. She noted that the minutes themselves were correct it was just the summary where it was missing. Mr. Atkins noted a typo on page 6 in the middle of the page item b, inappropriate should be one word. Move to approve with amendments Atkins/Fisher – motion carried.

Ms. Ninen noted that they had left off on page 6-20. Mr. Coughlin asked about the shoreline restoration plan element and when that was going to be addressed as everyone was supposed to review the section and bring their comments. Mr. Katich said that tonight if we finish chapter 6 tonight we could talk about it tonight or come back to it. Mr. Atkins noted that his copy was missing the even pages.

6.6.1

New C Old D Vegetation conservation - No comments

New D old E Vegetation management for views of the water - No comments.

6.6.2 Regulations

1) Mr. Fisher stated that in item 1 where it states what types of trees shall be retained there is no option about what happens if that stops development. Mr. Katich noted that the provision is that no more than 15% shall be cleared and then the dimensions are consistent with our significant vegetation requirements are within the zoning code. He said that if you couldn't meet

the 15% then you would need to apply for a variance. Mr. Fisher felt that it needed to be stated that you could apply for a variance. Mr. Katich noted that this applies to any numeric standard and is stated in the variance section. Mr. Atkins pointed out that we are only talking about the buffers and buffers should not have development within them. Mr. Katich pointed out Chapter 8 and the variance process and we could reference this subsection. Mr. Atkins said that perhaps it should be split into two regulations. Mr. Katich further explained the regulation. **Ms. Kester suggested removing the phrase “during any development activity within the shoreline jurisdiction” so that it is clear that is just about the vegetation conservation area. Everyone agreed. Mr. Coughlin asked what an approved enhancement plan was. Ms. Kester explained that it was something that planning staff would approve and it was decided to change the wording in the last sentence to “approved landscape plan”.**

2) Mr. Coronado asked if there should be some specification of what non-native vegetation. Ms. Kester suggested that invasive may be a more appropriate term than non-native. **Mr. Atkins suggested adding the word “native” in front of “shoreline vegetation” in the first sentence and everyone agreed.**

3) **Mr. Fisher pointed out that “non-native and” should be removed as there are some plants that are non-native that are appropriate along the shoreline as pointed out by Ms. Kester. Everyone agreed.**

4) Mr. Fisher said he had read this section several times and didn't understand how this was possible. Ms. Kester explained that it shouldn't be dedicated to the city but conservation easements are reasonable. Mr. Fisher said he didn't agree with conservation easements and he didn't think it was appropriate. Ms. Kester said that it is often done through SEPA regulations. Mr. Katich further explained that conservation easements assure that even if the property changes hands the buffer is maintained. Mr. Katich explained the process for a variance if the vegetation conservation area results in a non buildable lot. Mr. Coughlin stated that he felt it was a good idea so that people who are purchasing property can see what areas they can't build upon. Mr. Katich stated that some of this paragraph needed to be changed. Ms. Ninen asked for Mr. Katich to come up with some alternative language for this paragraph that more accurately reflected what is appropriate. Mr. Atkins said that he felt an easement was appropriate but did not see the need for a separate tract or that it needed to be dedicated to the city. Mr. Coronado asked if part of this easement could be used for public access. Mr. Fisher said that it was in addition to. Mr. Fisher said that this says this makes this so the owner can't use it and Mr. Katich said that the owner can still use it they just can't destroy the vegetation. Mr. Coughlin said that he was okay with the easement. Mr. Fisher said he would like to get Ms. Guernsey's opinion and Mr. Katich said he could also get the City Attorney's opinion. Mr. Coughlin asked if anyone had looked at other shoreline master programs and Mr. Katich agreed he could do that. Mr. Fisher expressed that he still did not like the use of an easement and didn't think any language was acceptable as he felt it was a taking. **Ms. Ninen stated that we would get an opinion from Ms. Guernsey and get some model language from the City Attorney that more accurately reflects the majority opinion to have it be an easement without a tract or dedication. We will discuss it at the next meeting.**

5) Mr. Fisher wanted to look at some of the other view requirements to see if there were any conflicts. Mr. Katich asked if he was referring to the provision on page 6-12. Mr. Fisher said that he also thought that it was in the design section of the comprehensive plan. Mr. Coughlin wondered if there should be a new policy to drive the regulation. Ms. Kester said there are standards in the design manual. Mr. Katich noted that there was a provision in the guidelines about pruning and the removal of noxious weeds. Mr. Atkins felt that the two sentences regarding the 25% should be removed. He read the section on view corridor landscaping in the zoning code. Mr. Atkins suggested that the maintenance plan be part of the landscape plan and Mr. Katich pointed out that landscape plans are not always required. Ms. Kester said that she felt that they could get rid of the 25% reference go with the language already in the design manual. She read the language from the design manual regarding the trimming of trees (17.99.240.f). **It was decided that the paragraph “Proponents of all new shorelines uses or developments shall use all feasible techniques to maximize retention of existing native shoreline vegetation while allowing for shoreline views. Techniques shall include selective pruning, windowing and other measures that preserve native plant composition and structure. Limbing and crown thinning may be appropriate if sufficient crown is retained to preserve the trees fullness health and function. Tree topping is prohibited”. Consensus was reached.**

6) Ms. Ninen asked if there is any way to enforce this item. Mr. Katich said it is difficult but it is local government’s role to enforce it. Mr. Atkins asked if there was a list of what native vegetation is and Mr. Katich said he would get that for the commission.

6.7 Quality Waterfront Development along Gig Harbor Bay

Mr. Coughlin asked if perhaps this was outside the scope of the shoreline master program and Ms. Ninen said that ecology had commented that they felt the chapter was too general. Ms. Kester stated that we could add to what is already in place in the zoning code. Mr. Katich said that he didn’t see it as a mandatory element of the master program. Mr. Atkins noted that in the previous master program there were some goals that were about the character of development and he did think something needed to be in here. Ms. Ninen noted that it was very specific to Gig Harbor Bay. Mr. Atkins felt that it should be specific to Gig Harbor Bay. Everyone liked the goal statement.

6.7.1 Policies

A. Balance and scale – no comments

B. Amenities – Mr. Coughlin asked if this was the same as public access. **It was decided to change the title to “Public Amenities” as that was more in line with the comprehensive plan. Everyone agreed.**

C. Supporting improvements – No comments.

6.7.2 Regulations

1) – 5) No comments

6) Mr. Atkins felt that this regulation was a little wishy washy. Ms. Kester noted that the new stormwater manual may deal with this. Mr. Atkins suggested removing the phrase “where appropriate”. **Ms. Kester said that she thought it could be removed and the stormwater manual would regulate this. Everyone agreed to remove item 6.**

7) Mr. Coughlin felt that this item was more like a policy statement. Mr. Katich said that he agreed that the statement is really inherent in this whole process. Ms. Kester said she had heard attorneys argue that if this wasn’t a regulation then it wasn’t enforceable. Mr. Coughlin felt that it was really too broad.

8) Mr. Atkins asked about the specific provisions referenced in this section. Mr. Katich said that both 7 and 8 were really just about general goals of the master program. Ms. Ninen said that in Chapter 7 there are probably specific regulations about this and perhaps it’s okay to have it restated. **Mr. Atkins suggested removing “through specific provisions” and everyone agreed.**

Discussion continued on both 7 and 8 and their ability to be used as a regulation. **Mr. Katich read from the guidelines and it was decided to also remove “to avoid impacts, or provide access as applicable” so 8 would end at the word “protected”. It was decided to leave 7 as is.**

9) **Mr. Katich stated that he didn’t think there should be a regulation about interior lighting and everyone agreed to remove the words “Interior and”.**

10) No comments

11) **Decided to remove the last sentence “Fencing or landscape areas may be required to provide a visual screen”.**

6.8 Restoration and Remediation

Ms. Ninen asked if this really addressed the restoration plan and Mr. Katich said that it refers to it but this is different from the restoration plan. Mr. Coughlin suggested that perhaps the goal was too strong because restoration is only encouraged and is voluntary. Ms. Kester stated that she felt you still needed to state your goal whether it’s just voluntary or not. She also stated that if the code is silent on restoration then there is no provision for allowing someone to do it. Everyone agreed the goal was good.

6.8.1 Policies

A. Restoration actions - Mr. Atkins said that perhaps a policy should be added to provide incentives. Ms. Ninen suggested perhaps a sentence could be added to item A. Discussion was held on restoration methods and possible incentives. Mr. Katich said he could provide a list of the zoning code changes that need to be made so that the commission could think about how to add incentives. It was noted that some of the incentives would require the Department of

Ecology to buy off if they dealt with shoreline regulations. Additional uses and reductions in required parking were discussed as a way offering an incentive. It was decided to add “Employ objectives and” to the beginning of item A.

B. Regional coordination – Mr. Katich went over how the city interacts with other agencies regarding restoration. It was suggested that a possible incentive could be that if you do restoration you get priority processing. Mr. Katich suggested also that shoreline permits that include restoration could not have to go to the Hearing Examiner. Mr. Atkins suggested that they think of incentives that a personal result oriented such as increased fishing in the harbor. Mr. Coughlin expressed how Gig Harbor could be a model for going from extracting from the environment to restoration. Mr. Katich stated how this topic could be discussed at the joint work study session with the City Council.

Mr. Atkins suggested that the goal be changed to more reflect that this is a community effort. It was suggested to remove the words “City of” in the first sentence of the goal. Ms. Kester suggested some wording to add more of a reference to community. It was decided that the goal would now read, “It is the goal of Gig Harbor to improve the overall shoreline ecological conditions by restoring ecological functions and processes through development incentives and community involvement”.

B. Regional coordination – **Decided to remove “the city of” and to add “and restoring” after the word “preserving”.**

C. City led projects – No comments

D. Integration with public projects – No comments

E. Integration with mitigation requirements. **Mr. Atkins suggesting adding “Appendix B” following “Shoreline Restoration Plan”. Everyone agreed.**

F. Education and outreach – **It was decided to reword the sentence to read, “Educate the community and encourage public involvement in the restoration of the shoreline by creating and leveraging programs, such as the NPDES Phase II stormwater requirements.”** It was noted that staff may need to change the end of the sentence depending upon what the stormwater program is really called.

G. General remediation actions – **It was decided to reword the first sentence to “Encourage remediation actions as part of redevelopment proposals”.**

H. Hazardous substance remediation – Mr. Katich noted that there are other state programs in place that deal with this issue so this was really not necessary. He explained the different state agencies and what they require. It was decided to leave the item as is with no changes.

6.8.2 Regulations

1) Ms. Ninen noted that the first sentence was poorly worded. **It was decided to change “used” to “implemented”.** **Mr. Katich noted that environmental remediation was not in**

the matrix. It was agreed to add to the matrix “environmental remediation” after the word “projects” and to add “restoration and” before enhancement in the matrix.

2) Mr. Coughlin wondered if this regulation was too onerous. **Mr. Katich suggested removing “County” and everyone agreed.** Mr. Atkins suggested that it would be helpful to have a flow chart for the restoration process so that we can come up with ways to reduce it.

3) Mr. Katich suggested that this be put in the holding pen because this is just the beginning of an idea for incentives.

Mr. Katich went over the next items to be reviewed and the meeting schedule. He asked if they would like to go to Chapter 8 next, go back to Chapter 1 or get into the restoration plan. Ms. Ninen thought perhaps all the commission members were not prepared to review the restoration plan. Mr. Katich asked if it was time to go back to the use matrix and everyone agreed that was a good idea. He wanted to clarify what the commission would like to review after the use matrix. It was decided that they should review Chapter 1, then Chapters 3 and 4, leaving Chapter 2 to the last. Ms. Ninen noted that everyone should bring their comments on the restoration plan. Ms. Ninen then asked about in stream structures being a use or a modification. She asked if everyone agreed it was a modification and consensus was reached.

Ms. Kester briefed the commission on the upcoming comprehensive plan meeting schedule. She went over the proposed amendments. She also noted that the meetings will continue to begin at 4:00 p.m.

Move to adjourn at 7:36 p.m. Atkins/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;
 - 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.

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

- 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.”
6. 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.”
7. 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. 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. 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. Revise subsection 6.4.2.1.a by deleting the words “or nearby” from the last sentence.
11. 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. 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. Delete subsection 6.4.2.4 in its entirety.
14. 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. 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. 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. Revise subsection 6.4.3.4 by ending the sentence after the word "feasible" and deleting the last two words "and appropriate."
18. Revise Section 6.6 (Vegetation Conservation) Goal Statement by adding the words "reduction in the need for structural stabilization" after the word "including."
19. 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.