

**City of Gig Harbor Planning Commission  
Work Study Session  
January 20, 2011  
Planning and Building Conference Room  
4:00 pm**

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

**STAFF PRESENT:** Staff: Tom Dolan, Peter Katich, and Kim VanZwalenburg from the Department of Ecology.

**CALL TO ORDER:** at 4:00pm

**APPROVAL OF THE MINUTES:**

The approval of the minutes was postponed until the next meeting as they had not been reviewed and edited yet.

**WORK STUDY SESSION**

Discussion was held on the schedule. Mr. Dolan stated that they hoped to conclude the review of Mr. Frisbie's comments and then discuss the proposed Historic Working Waterfront District at the next meeting. He indicated that next Monday afternoon Chairman Atkins, Mr. Dolan and Mr. Katich will be meeting with our City Attorney regarding the comments of Mr. Reynolds. Mr. Katich stated that it may be possible to also discuss the effects of down zoning the property around Donkey Creek either on the 27<sup>th</sup> of January or February 3<sup>rd</sup>. Mr. Dolan stated that the revised cumulative impact analysis report may not be complete until February 10<sup>th</sup> or the 17<sup>th</sup>. He then said that it was looking like March 31<sup>st</sup> might be a possible date for the public hearing. Additionally, he stated that Senior Planner Jennifer Kester was working on mapping and further analyzing the existing development pattern within the master program planning area to determine the future cumulative impacts associated with the city's shoreline averaging and nonconforming structure setback requirements on existing ecological functions. Mr. Dolan stated that he didn't see a need for another meeting until the 24<sup>th</sup> of March if they complete their work on the 17<sup>th</sup> of February. Mr. Atkins said that he leaves town on February 8<sup>th</sup> and gets back on the 1<sup>st</sup> of March. Mr. Coughlin said that the 10<sup>th</sup> and 17<sup>th</sup> of February he won't be in town and also the 10<sup>th</sup> the March. Mr. Coronado and Mr. Pasin said that they did not have any conflicts. Mr. Dolan said he would check with Mr. Fisher and Ms. Guernsey to make sure they can attend the meetings in February.

The Commission then continued their discussion of Mr. Frisbie's comments.

8. Page 3-9, items 3, 4, and 5. Mr. Frisbie believes that the draft shoreline master program recommendations are not supported by the white papers. Mr. Katich went over

the areas where it was supported and recommended no changes. Mr. Coughlin pointed out that they were just recommendations and he thought they should be left as written. Everyone agreed.

9. Page 3-10, Items 1, 2 and 3. Key findings for shoreline use and public access. Mr. Frisbie requested revisions to these findings. After discussion the Commission decided to agree with staff and leave the language as written.

10. Mr. Frisbie wanted “should” changed to “shall” and the Commission decided to leave the language as written.

11. Page 6-11, required setback from the Ordinary High Water Mark (OHWM). Mr. Frisbie requested the city’s rationale for marine setbacks. Mr. Katich noted what WACs address the need for marine setbacks. Mr. Coughlin expressed that it would be helpful to explain the reasons for marine setbacks in terms that property owners would understand. Mr. Katich emphasized that these recommendations are supported by science.

12. Page 6-12 subsection 2.a. City’s armoring approach is not supported by the WAC or white papers, and the existing reference to “registered engineer in the State of Washington” should be revised to “registered engineer.” Mr. Katich indicated that its staff’s position that the science and technical information used as the basis for the city’s draft regulation that promotes soft shoreline stabilization approaches as an incentive for reducing the minimum structure setback requirement from the OHWM is supported by its scientific and technical information. He further noted that based on a discussion with the city’s Building Official, that the reference should be revised to “registered engineer” per Mr. Frisbie’s suggestion. The Commission decided to not revise the shoreline stabilization requirement and to make Mr. Frisbie’s suggested change to “registered engineer.”

13. Page 6-61 and Section 6.5. Entire section needs to be rewritten consistent with the laws noted above. Staff was recommended no change to this section and the Commission agreed.

14. Page 6-73, Section 6.5B. This entire section needs to be rewritten consistent with the laws noted above. The Commission decided to leave the language as written.

15. Page 6-77 & Section 6.9.2.3. This section is not supported by law or the white papers or facts. Mr. Frisbie wanted this section removed. Mr. Katich noted that this was an incentive intended to encourage advanced mitigation for project related impacts. It was decided to leave it as written.

16. Page 7-10, Section 7.1.2 Proposed 12 foot setback for boating facilities. Mr. Frisbie didn’t think the 12 foot setback was supported by fact and wanted a zero setback. Mr. Atkins stated that he didn’t think the language was very clear. Mr. Pasin and Mr. Atkins felt that it should reference that this is a side yard setback. Mr. Katich noted that it

should say side and/or rear. It was decided to leave the regulation as written but clarify the table.

17. Page 7-24 Section 7.4.3.3a Statement is not supported per the discussion regarding armoring above. It was decided to leave the language as written.

18. Page 7-26, Section 7.4.9.3. The requirement for sanitary waste pump outs should be changed to exclude marinas of less than 20 boats/vessels. Mr. Frisbie also suggested the city pump out station at Jerisich Park be kept operational year around. Mr. Pasin said he agreed with Mr. Frisbie's suggestion. Discussion continued on the definition of a pump out. Mr. Katich stated that it needed to be reworded to make the language clearer. Mr. Atkins suggested removing the phrase "and sewage disposal" from 7.4.9.7g. The Commission decided that it should say, "permanent restrooms," but made no change to the existing proposed threshold requirement for pump-outs required to serve marinas.

19. Page 7-27, Section 7.4.10 The proposed regulation improperly exempts active commercial fishing vessels from the off street parking requirement of the city's zoning code. The Planning Commission had previously decided that this should be revised to be consistent with the city's existing shoreline master program that provides the parking exemption for the slip occupied by a commercial fishing vessel.

20. Page 7-27, Section 7.4.10 The same parking issue is addressed as noted under item #19 and a request is made to establish a position relative to public access, pump outs, landscaping, armoring, etc. The Commission concluded that these issues have previously been addressed and need no further revision.

21. Page 7-28, Section 7.5 Recommend deletion of draft Section 7.5 Clearing and Grading. Staff recommended no change as it is required to be included in the master program per the WAC guidelines (under Shoreline Vegetation Conservation area requirements) and it is consistent with the city's existing clear and grade ordinance. The Commission agreed.

22. 7.6.1.B Public Access. Mr. Frisbie did not feel this section was consistent with state law. Mr. Pasin disagreed with the language that states you need to provide access to shoreline beaches. Mr. Katich suggested that they just make it consistent with Section 6.5, the city's proposed public access requirements,. It was decided to remove the phrase "to shoreline beaches, docks, walkways, and other facilities including views and vistas" from draft subsection 7.6.1 B.

23. Page 7-30, Section E. Mr. Frisbie indicated that LEED Certification should not be referenced in the SMP. This adds sufficient cost to a project and is worthless to the owner. Mr. Katich noted that this is a policy only; however it can be removed without creating any inconsistency with the WAC guidelines. Mr. Pasin felt that the reference should be removed and that it did not belong in the master program. Mr. Coughlin felt that supporting green development also supports the theory of no net loss. Mr.

Coronado pointed out that item D captured the same idea regarding low impact development. Mr. Katich explained that LEED Certification is a more specific type of response to low impact development than the more general concept addressed under subset D. Everyone agreed that item E should be removed.

24. Page 7-31, Section 7.6.3.3 Public access requirement for non-water oriented development. Mr. Katich noted that the Commission had decided to delete this section and then put portions of it back with revisions and he felt that addressed Mr. Frisbie's comments. The Commission agreed.

25. Page 7-41 Section 7.11.1.B and 7.11.2.1.c. Conversion of historic net sheds into a single family home. Mr. Frisbie indicated he was opposed to any residential use of historic net sheds, but suggested that should the Commission retain the provision there be a contract and performance bond posted to address the use of the property consistent with the code requirement. Mr. Katich noted that staff was in agreement with the idea of having a contractual agreement between the city and the property owner regarding the adaptive re-use of a historic net shed. He further noted that the agreement should be recorded with the Pierce County Auditor to ensure that future owners of the property are fully aware of the requirements that apply to the use of such net sheds. Additionally he noted that there was no requirement for public access for single family homes. It was decided that staff would rewrite the section to include a provision for a contract requirement within the regulations to address use and historic registry requirements, but not to include public access as a requirement.

26. Section 7.20.4.4 Recommend that parking be allowed to the OHWM/bulkhead. Mr. Katich noted that parking is not a preferred use under the WAC guidelines within the area regulated by the city's shoreline master program and he was recommending no change to the proposed regulation. It was decided to leave the language as written with Mr. Pasin not agreeing.

27. Section 7.21.1.E The requirement to locate storm water detention and treatment facilities outside the shoreline jurisdiction should be removed. Mr. Katich noted that this was only a policy and recommended no change. It was decided to leave the language as written.

28. Page 8-4. Add a section below 8.7.1 titled Shoreline Hearings Board and describe its function/use. Mr. Katich noted that staff had no objection to the addition of this section. Mr. Atkins also noted that there should be reference regarding the use of the JARPA form and the state website. Everyone agreed.

29. Page 8-7 Section 8.2.2.3 and 7. The two draft subsections are not consistent with the corresponding state WAC provisions set forth in WAC 173-27-040. Mr. Katich stated that Mr. Frisbie was correct that the two provisions are slightly different. He recommended that it be revised to be consistent with the WAC. Everyone agreed.

30. Page 8-32, Section 8.11.10. Addition of language to subsection 8.11.10.1 that ensures only changes to structures that have valid shoreline permits be allowed under the proposed nonconforming provisions of the draft master program. Mr. Katich noted that currently there is code regarding nonconforming uses and structures, that State of Washington case law was clear that nonconforming rights only accrue to “legally” established uses and structures, that he didn’t believe that additional language was necessary to address this issue but could be added at the Commission’s discretion. It was decided that additional language should be added to the intent statement in Section 8.11.

MOTION: Move to adjourn at 6:32 p.m. Coronado/Coughlin – Motion carried.

**Summary of 1.20.11 Meeting Outcomes:**

1. In response to Robert Frisbie’s comments set forth in his letters dated November 14, 2010 and January 11, 2011, directed staff to revise the November 4, 2010 draft shoreline master program as addressed in pages 1-5 of these meeting minutes.