

**City of Gig Harbor Planning Commission  
Work Study Session  
February 3, 2011  
Planning and Building Conference Room  
4:00 pm**

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

**STAFF PRESENT:** Staff: Tom Dolan, Peter Katich, and Kim Van Zwalenburg from the Department of Ecology. Dennis Reynolds was present in the audience.

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

**APPROVAL OF THE MINUTES:**

Mr. Pasin noted that on page three in the next to the last paragraph he had thought that there was an agreement to take some action but he couldn't remember what it was. Everyone thought that the discussions were accurate as written.

MOTION: Move to approve the minutes of January 27<sup>th</sup>, 2011 as written.  
Fisher/Coronado – Motion carried.

**WORK STUDY SESSION**

Discussion began on the comments received from Dennis Reynolds in his letter dated November 17, 2010. Mr. Katich stated that the city's response to the comments would be divided into two parts; one consisting of the comment matrix dated February 3, 2011 that addresses the specific comments set forth on pages 29-44 of the letter, and then an attorney client privileged memorandum from the City Attorney that will address the general issues identified on pages 1-29 of the letter. Mr. Katich noted that the City Attorney's response would be provided to the Commission in advance of its next meeting.

There were no comments on the first page, staff's recommendation was accepted.

3.2.2 – Mr. Pasin asked if they had already addressed item 2 in the staff comments. Mr. Katich said that he recalled that the Commission had asked to clarify the applicability of the 12-foot setback requirement. He noted that it applied to setbacks for boating facilities, and that it would be measured from the side and rear property lines of tideland parcels.

6.1.1 – Mr. Fisher asked what the effect would be on the master program if the view preservation standards were ever changed in the Comprehensive Plan. Mr. Katich stated that regulations trump policy language when there is an inconsistency, but the Growth Management Act required that the Comprehensive Plan and the city's

development regulations, including those set forth in the master program, be internally consistent with each other. Therefore a change to the Comprehensive Plan could trigger the need to align it with the master program. He also noted that staff would make every effort to achieve consistency between the master program, zoning code and Comprehensive Plan.

6.2.2 – Discussion was held on Mr. Reynolds request that the word “measurable” be added in reference to no net loss. Mr. Fisher stated that since they had a really comprehensive inventory it was fairly easy to measure no net loss. Mr. Dolan stated that if you inserted the word measurable then you have to decide how to measure it.

Mr. Coughlin asked if other jurisdictions include their critical area ordinance within their master program and Ms. Van Zwalenburg said yes, that you are required to address critical areas in the updated master program and the master program guidelines specifically allow for the incorporation of existing, Growth Management Act compliant critical area ordinances into updated shoreline master programs (see WAC 173-26-191(2)(b) & WAC 173-26-221(2)(c)).

Mr. Atkins asked Mr. Katich to elaborate on his response to 6.2.4 in the second item where Mr. Reynolds states that the city does not have the authority to require a habitat assessment. Mr. Katich stated that the report requirement is for a property within the shoreline jurisdiction and explained how that is measured. He then illustrated some examples on the board and how the critical area regulations and shoreline regulations apply to a property.

Mr. Pasin inquired regarding where Mr. Katich was recommending that the wording be changed as suggested by Mr. Reynolds in subsection 6.2.4.24. Mr. Katich noted that the statement about the effect on adjacent properties should be about the harm to ecological function. Mr. Atkins pointed out that in the next section staff was recommending just eliminating it. The Commission agreed with the staff recommendation to revise the last sentence and delete the rest of the section.

6.2.5 – Mr. Fisher asked how cumulative impacts would be measured and Mr. Katich answered that the applicant would provide a report. Discussion continued on how cumulative impacts are measured. Mr. Dolan noted that perhaps there should be some exception language included. Mr. Katich said he would do a survey of how other jurisdictions are approaching this in terms of tightening this up.

6.8.1 – Mr. Atkins noted that although the staff response states that this is just a policy the section does say it is required. It was decided to change “require” to “encourage”.

7.1.1 - Discussion was held on 7.1.1 and the requirements that address the placement of fill water ward of the Ordinary High Water Mark (OHWM). The Commission agreed with the staff recommendation for a revision to the language to allow fill water ward of the OHWM for water-dependent uses and public access. Ms. Van Zwalenburg

reminded them that they would need to change the language in subsection 7.10.2 as well.

7.2 – The Commission agreed with staff’s recommendation to remove the purpose statement.

Commissioner Guernsey arrived.

7.4.1 – Mr. Katich noted that he was recommending that Policy D, which addresses compatible between different water-dependent uses, could be revised or deleted without creating an inconsistency with the WAC guidelines. It was decided to delete Policy D. Mr. Katich next addressed Policy E set forth in the same subsection and noted that like Policy D, there is no requirement in the WAC guidelines that requires a policy statement to address the need for boating facilities to avoid impacts on adjacent uses and impacts to visual public access. The Commission decided to delete Policy E.

Discussion was held on pages 9 and 10 of the comment matrix and the Commission agreed with the staff recommendations.

7.4.9.2.c - It was also decided to delete 2.c on page 7-24 of the draft master program that required a marina project to include ecological restoration measures to improve baseline conditions over time.

7.4.9.7.a - Discussion was held on 7.4.9.7.a that limits upland uses at marinas to water-related and water-enjoyment uses. Mr. Katich noted that this provision was a “hold over” from the original working draft master program and was no longer relevant as the Commission had previously revised the draft to allow non-water oriented commercial uses at upland locations within environmental designations that allow commercial use. It was decided to delete the regulation.

7.16.2 – Mr. Katich stated that he agreed that subset 2.a through e should be revised and the Commission also agreed that the entire section should be revised as necessary to provide “exception type” language to strict compliance with the code requirements.

7.18 - Discussion was held on 7.18.2.3 and the changes that had been previously made by the Commission. Mr. Katich said that he would e-mail the Commission the revised language.

7.18.2.a - The Commission discussed the three year time frame addressed by the regulation and how the “significant possibility of damage within three years” would be measured. It was decided to add language from the WAC that says “as a general matter”. The revised regulation would state: “Existing primary structures, including single-family residences are in danger of shoreline erosion caused by currents or waves and not caused by normal sloughing, vegetation removal, or poor drainage, such that as a general matter, there is a significant possibility that such structure will be damaged within three (3) years as a result of shoreline erosion in the absence of such hard

armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions; or”

Mr. Atkins went over the issues to be discussed at the next meeting. Mr. Katich stated that he would be bringing the revised cumulative impact analysis and the new GIS data to the work study session on February 17, 2011. Mr. Atkins noted that on the 17<sup>th</sup> and 24<sup>th</sup> he and Mr. Coughlin would both be out of town so the other four would need to be present for a quorum.

MOTION: Move to adjourn at 5:53 p.m. Pasin/Coughlin – Motion carried.

**Summary of 2.3.11 Meeting Outcomes:**

1. In response to Dennis Reynolds’ comments set forth in his letter dated November 17, 2010, directed staff to revise the November 4, 2010 draft shoreline master program as addressed in pages 2-3 of these meeting minutes.