

**City of Gig Harbor Planning Commission
Work Study Session
Planning/Building Conference Room
April 7, 2011
4:00 pm**

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

STAFF PRESENT: Staff: Peter Katich and Tom Dolan.

CALL TO ORDER: at 4:00pm

APPROVAL OF MINUTES

MOTION: Move to approve the minutes of March 24, 2011 as written. Fisher/Guernsey – Motion carried.

MOTION: Move to approve the minutes of March 31, 2011 with a correction to the number of participants at the meeting to 40. Coronado/Guernsey – Motion carried.

WORK STUDY SESSION

Chair Atkins requested that the Commission discuss their schedule and what needed to be accomplished next. Mr. Katich responded that the next step would be to have a formal Planning Commission approved draft for City Council review and for submittal to the Department of Ecology for its review. The Commission reviewed the remaining outstanding issues that need to be resolved before finalizing the draft. There were seven items still to be resolved before making a recommendation to the City Council.

Those issues include requested shoreline environmental designation revisions for the Stearns property within the East Gig Harbor UGA and for the Colvos Passage area in the Gig Harbor UGA; requested revisions to the proposed marine setback and vegetation conservation strip requirements per the testimony of Robert and Melinda Stewart; revision of the proposed vegetation conservation strip landscape requirements; Robert Frisbies' comment letter and his issues regarding the city's use of scientific and technical information to support the SMP update and the potential threat to net sheds posed by future Tsunami's; and the comments of the State of Washington Department of Natural Resources that address the city's proposed net shed regulations. (Note: The issues contained in the letter from Dennis D. Reynolds, Dennis D. Reynolds Law Office, dated March 31, 2011 have been forwarded to the City Attorney for advice prior to consideration by then Commission.)

The discussion also addressed the possible implications of changes in the state regulations that address the adoption schedule for local jurisdiction shoreline master

programs and whether the city should consider not proceeding with its update process if the state is going to suspend or delay the process due to budgetary issues. The Commission decided that it was an issue for City Council discussion and not within their purview.

The Commission then began its review of oral comments from March 31, 2011 public hearing and written public comments on March 17, 2011 draft master program. Mr. Katich went over the status of staff's response to the comments. He provided the Planning Commission with a copy of the Pentac Report that had been addressed in comments provided by Mr. Halsan and stated that the city's consultant is reviewing and analyzing the comments, and staff will have more information at the next meeting on April 14th. He noted that he had only provided the pertinent portions of the Pentac Report.

Mr. Katich then reviewed Pierce County's proposed shoreline regulations and the updated information he had received. He then went over the County's proposed shoreline environmental designations within the UGA.

Mr. Katich reviewed the Pentac Report and information on the differences in the designations. Discussion followed on the habitat value scores in "assessment units". Mr. Fisher noted that the standards for the scores seemed to be different and Mr. Katich said that the consultant would have to analyze these and report back at the next meeting.

Mr. Frisbie's comments were discussed next. Mr. Frisbie requested that the Commission ask DOE to defend the science and technical papers that support the city's smp update process at their sole cost. Mr. Katich noted that if DOE approves our master program and it gets appealed they will be defending it with us; however not solely at their cost. Mr. Frisbie also raised issue with the proposed net shed regulations. He had a concern with people living in the net sheds and the threat posed to those people by a possible, future tsunami. The Commission made no changes to the current draft based on Mr. Frisbie's comments.

The next comment letter was from a group of property owners along Colvos Passage. They have requested that the current Urban Conservancy Shoreline Environmental Designation be revised to a Low Intensity designation. Mr. Katich noted that this issue will be addressed by the consultants at the next meeting.

Mr. Swayne had submitted a comment letter. It was noted that Mr. Swayne was not supportive of adopting a new shoreline master program. Mr. Fisher noted that he had spoke with Mr. Swayne after the meeting and told him that this was a state mandated effort. The Commission made no changes to the current draft based on Mr. Swain's comments.

Mr. Katich noted that he had received a comment letter from the State Department of Natural Resources (DNR) and they were requesting that additional language be

included for the city's proposed Historic Net Shed regulations that apply to those net sheds located on state owned aquatic lands. Ms. Guernsey noted that the WAC applies to these property owners whether we add the language or not, it's just giving them a heads up. Mr. Fisher stated that he didn't agree with the portion of the proposed language that says these requirements apply to properties only partially on state owned lands. **Everyone agreed it should say "the conversion of a net shed on state owned aquatic lands". Mr. Pasin noted that it also needed to say "prior to any development", the word "to" had been left out.**

Discussion was then held on the Stuart comments regarding their cabins on the shoreline. They are asking for the ability to rebuild both cabins. Mr. Katich said that his interpretation of the regulations was that they could rebuild the cabins. Discussion followed on what they would be allowed to do under existing regulations and the new proposed regulations. Ms. Guernsey noted that there are several structures that have a zero setback that will be non-conforming and may require a shoreline variance in the future.

Chairman Atkins called a 5-minute recess.

Discussion continued on the Stuart comments and whether this was a larger issue. Mr. Pasin said he would like to look at a way to allow them to rebuild without a variance and Mr. Fisher agreed. Mr. Coronado agreed that getting a variance was too big of a hurdle. Ms. Guernsey stated that she felt that this was precisely the situation where a variance was appropriate. She felt that this may be a problem with DOE because it's basically allowing a zero setback. Mr. Dolan stated that he didn't see how they could go back and make a change of this magnitude at this time as it would require revising the cumulative impact analysis report. He agreed that this was a perfect instance for a variance. Ms. Guernsey stated that she would like to think about this a little longer and wondered if it was two parcels. Mr. Dolan suggested that they could develop a regulation that required small nonconforming lots have to provide a study proving that redevelopment didn't result in a loss of ecological function. Mr. Katich also suggested that Mr. Atkins idea of redistributing the setback could be an additional option.

a. Review of revised vegetation conservation strip requirements-Section 6.7.2

Mr. Katich discussed Barbara Pearsons comments and her concern for plants being planted that would block views and invasive species removal. He noted that he was in the process of developing a proposal for the vegetation conservation strip requirements that would be less dense. Mr. Pasin expressed his concern with inventing something rather than just keeping it natural. Mr. Fisher noted that when there is a bulkhead present this vegetation strip does not really accomplish anything and that there may need to be two different scenarios developed. Mr. Atkins stated that he had look at Kirkland's SMP which has been approved and he read their vegetation requirements. Mr. Katich noted that Kirkland is on a freshwater system rather than a marine system. Mr. Fisher emphasized the need to make this something people will want to do. Mr. Katich suggested they look at Mr. Dolan's proposal that had some lawn area provided

for and then perhaps use the ratio of trees and shrubs similar to Kirkland. Mr. Atkins stated that he didn't like the idea of having a band of vegetation and felt that it should be more broken up. Mr. Fisher asked if there was a list of approved Shoreline Master Programs on the Department of Ecology website and Mr. Katich said yes there was. Mr. Katich said he would e-mail them some examples and we can build something at the next meeting. He noted that he didn't believe that the depth of the strip could be modified as their entire analysis was based on that. Further discussion was held on how the vegetation could be planted.

Mr. Atkins went over what they had accomplished at this meeting and the action items for the next meeting.

MOTION: Move to adjourn at 6:37 p.m. Pasin/Fisher – motion carried.

Summary of 4.7.11 Meeting Outcomes:

1. The Commission directed staff to include the revisions to Section 7.11-Historic Net Sheds, requested by the DNR as modified per their review of the request (see page 3 of meeting minutes, first paragraph).