

**City of Gig Harbor Planning Commission  
Minutes of Work-Study Session and Public Hearing  
December 21st, 2006  
Gig Harbor Civic Center**

**PRESENT:** Commissioners Jim Pasin, Jill Guernsey, Joyce Ninen, Harris Atkins, and Jeane Derebey. Commissioners Dick Allen and Theresa Malich were absent. Staff present: Dick Bower, Tom Dolan and Diane Gagnon.

**CALL TO ORDER:** 6:05 p.m.

The Planning Commission nominated Jim Pasin to serve as Chair in the absence of Chairman Dick Allen and Vice Chairman Theresa Malich.

**APPROVAL OF MINUTES:**

**MOTION:** Move to approve the minutes of December 7th, 2006 as written.  
Guernsey/Ninen – motion passed unanimously.

**NEW BUSINESS**

**1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Proposal by the City Council to establish flood plain regulations

Planning Director Tom Dolan gave a brief overview of the proposal and noted that it is scheduled to go to public hearing on January 18<sup>th</sup>. He then introduced the Building Official/Fire Marshal Dick Bower to give a more detailed explanation of the proposal. Mr. Bower gave a historical background on the city's involvement in the national flood insurance program. He explained that it is mandated by FEMA in order to qualify for federal grants and loans. He stated that although the city had a flood plain ordinance on paper, it was not implemented and that the Department of Ecology is requiring that it be implemented. Mr. Bower noted that it will benefit people in the flood plain. He stated that he had taken the model ordinance and inserted Gig Harbor information in order to maintain compliance with the Department of Ecology. Additionally, he explained that the current regulations are in Title 15 and that it is being proposed to be put it into Title 18 in order assure that flood plain issues get addressed up front during the planning process. He illustrated to the Planning Commission the location of the flood plain in the City of Gig Harbor, showing the properties affected on the FIRM panel map. He explained how the regulations would be applied to these properties and stated that for the most part on the properties surveyed to date the area within the flood plain would be approximately where the bulkheads currently lie.

Commissioner Harris Atkins asked how had this applied to the Russell building and Mr. Bower responded that there was a letter submitted by their engineers and it had been surveyed and determined that the building was outside of the flood hazard area. Mr. Dolan asked if there were benchmarks surveyed in along the waterfront to make it easier for surveyors. Mr. Bower said that there were benchmarks and those locations were marked on the flood plain map. Mr. Atkins asked who was responsible for keeping the map up to date and Mr. Bower answered that the City

was responsible for notifying FEMA of needed map amendments. He explained that the maps are not revised that often since typically flood plains do not move much. He also noted that digital mapping is being used.

Commissioner Jeane Derebey asked how this may affect underground garages and Mr. Bower said that underground garages, as long as they don't have utilities, would not be affected. He continued by saying that if they have utilities then they would have to be raised above the flood elevation. Commissioner Joyce Ninen asked if there was a program for the city to do periodic review of the properties within the flood plain, once this is established. Mr. Bower stated that there was not they do not change much over time. Ms. Ninen asked if there were erosion problems and Mr. Bower said that there were not. He also stated that property owners can lower their flood insurance rate by raising their floor level.

Commissioner Guernsey asked about marinas and Mr. Bower said that this ordinance didn't apply to structures over water with the exception of net sheds as they are habitable. Additionally, he noted that net sheds are not eligible for flood insurance; however, they still must comply. He emphasized that the ordinance is a standard ordinance used by the state. Mr. Atkins asked if there will be non-conformities created and Mr. Bower answered that there will not be any more than there are with the current regulations. Mr. Atkins then asked about what kind of workload this would create for the Planning Department and Mr. Dolan answered that it will be minimal as there are not that many properties that will be affected.

Mr. Bower stated that he will be sending certified letters to the six property owners that were identified by the Department of Ecology as needing to have their flood elevations identified. Ms. Derebey asked if there was a consequence for the city if the property owners refuse. Mr. Bower said that they will be referred to DOE who will send them a letter and then if they still do not respond, DOE will send it on to FEMA and then at that point if they have flood insurance it will be cancelled. Mr. Pasin asked what alternatives those six property owners have. Mr. Bower explained that those buildings built after 1981, even though they received a building permit, they were still required to have their flood elevation identified.

Mr. Dolan pointed out that DOE has written a very strong letter requiring that we adopt this ordinance immediately. He stated that if we don't adopt these regulations it will affect everyone's flood insurance. Ms. Guernsey asked about the possibility of the City covering the cost for those six properties to be surveyed. Mr. Bower stated that how this will be applied to the six properties identified has not been determined as of yet.

Ms. Guernsey pointed out in the ordinance where it talked about electrical heating and venting, residential construction, non-residential construction. Mr. Bower explained the difference between the flood plain and the flood way. Mr. Atkins asked who would be notified for the public hearing. Mr. Dolan said that if the Planning Commission preferred, staff could notify the property owners along the waterfront. The Planning Commission agreed that they should be notified. Mr. Bower stated that he would attend the public hearing and Ms. Guernsey suggested that he provide an illustration of the flood plain.

Chairman Jim Pasin called a five minutes recess at 7:00 p.m..

The meeting was called to order at 7:10 p.m..

## **PUBLIC HEARING**

**1. City of Gig Harbor, 3510 Grandview Street, Gig Harbor WA 98335** – Proposal by the City Council to exempt net sheds from the building size limitations (ZONE 06-1455).

Planning Director Tom Dolan gave a brief overview of the proposed text amendment for exempting net sheds. He explained that at the September 25<sup>th</sup> City Council meeting the council requested staff to prepare an ordinance that exempts net sheds from the square footage calculations in order to protect them from demolition. He stated that three work study sessions had been conducted with the Planning Commission and highlighted the issues discussed at those work study sessions. Mr. Dolan stated that the Planning Commission was being asked to make a recommendation to the City Council at the conclusion of this meeting or hold another work study session at the next meeting.

Commissioner Jeane Derebey asked if the whereas should have the words “all of” removed and that there be some reference to the original portion of the building in the definition.

Chairman Jim Pasin opened the public hearing at 7:17 p.m.

Bob Frisbie, 9720 Woodworth Avenue, Gig Harbor

Mr. Frisbie noted that he was one of the three people that were party to the appeal of Rainier Yacht Harbor and one of the things that the City Council has not shared is that there is a settlement agreement pending that states that they will bring this proposed ordinance before you. He stated that although this proposal is true he felt it was secondary to the primary reason. He pointed out that on page 25 of the pictorial inventory of net sheds it shows that net sheds have evolved over the years and a considerable number of them have been renovated. He expressed that he felt that the preservation of a net shed can still be accomplished by allowing them to be refurbished. Mr. Frisbie illustrated what Rainier Yacht had applied for in their building permit application and stated that they were proposing a club house with bathrooms. He said that he didn't feel that it met the definition of a historic net shed. He asked that the Planning Commission look at the definition of a historic net shed to make sure everything was covered. He distributed a copy of suggested changes to the ordinance which proposed adding other over water structures and an 1100 sq ft allowance. He stated that this would allow those net sheds constructed prior to 1950 and since you are giving an entitlement to the existing net sheds he was proposing that those net sheds constructed prior to 1950 but that have been removed should be allowed to rebuild their net sheds and limit them to 1100 square feet.

Ms. Derebey asked where he came up with 1100 and he said that he looked at the sizes of various net sheds and used Rainier Yacht Harbor's as an example. Ms. Guernsey said that the Planning Commission had not been a part of the settlement agreement and that she would like his opinion on whether net sheds should be included in the square footage allowable on that lot. Mr. Frisbie said that they were no longer net sheds and that they should be included in the 3500 sq ft limitation if there is not going to be the same entitlement for everyone.

Kae Paterson, 7311 Stinson Avenue, Gig Harbor.

Ms. Paterson stated that she has a friend who purchased a historic house with a net shed and they can't remodel the house because of the 3500 sq ft limitation and that she was surprised by this major disincentive to maintain a net shed. She noted that her friends have solved their problem; however, she felt this issue was larger and that everything should be done to keep our net sheds and promote adaptive reuse. She stated that as proposed she thought the proposed ordinance will work for those that want to keep their net shed but that someone who doesn't care may get rid of the net shed just as a maintenance issue. Ms. Paterson also noted that if people have to jump too many hoops to maintain their historic status they may not keep their net shed.

Chairman Pasin closed the public hearing at 7:35.

Mr. Pasin opened the discussion with the purpose of deciding if the Planning Commission wanted to send this forward to the City Council or bring it back for another work study session.

Ms. Guernsey asked if any comments had been received from net shed owners. Mr. Dolan said that we had not received any comments. Ms. Ninen said that they had spent three meetings discussing this issue and at the last meeting had concluded that having net sheds on the register was the only safeguard and she felt comfortable with that in place. Ms. Guernsey said it troubled her that there was no input from the property owners. She continued by saying that she didn't think that this ordinance accomplished the preservation of net sheds and that she felt it made more sense to not go forward with the ordinance at this time.

**MOTION:** Move to recommend approval of the ordinance as written and forward it to the City Council. Ninen/Atkins -

Mr. Atkins said that he agreed with Ms. Ninen that the commission recognizes that this ordinance is not going to assure preservation of the net sheds; however it is a way to remove a disincentive.

Mr. Dolan asked if the proposed changes as suggested by Commissioner Derebey should be included in the motion.

**RESTATED MOTION:** Move to recommend approval of the ordinance with the changes as suggested by Commissioner Derebey to remove the words "all of " in the whereas statement and change the definition to include a reference to the original portion of the net shed and forward the ordinance to the City Council. Ninen/Atkins -

Ms. Ninen asked if the ordinance should state prior to 1950 rather than over 50 years ago. Mr. Pasin pointed out that the historic preservation ordinance makes reference to buildings over 50 years old and everyone agreed that it should stay consistent. Mr. Dolan noted that in talking to the state preservation board in many instances when buildings are considered historic they might be 48 years old and their recommendation was to use language that required it to be very close to 50 years but could be left up to the local jurisdictions historic preservation board.

There being no further discussion the motion was passed with Commissioners Derebey and Guernsey voting no and Commissioners Pasin, Atkins and Ninen voting yes.

### **OTHER BUSINESS**

Mr. Dolan went over the schedule for the next meeting, stating that January 18<sup>th</sup> will be the flood plain public hearing at 7pm and at 6pm they will have a work study session on another amendment.

Chairman Pasin thanked everyone for their service in 2006 and Mr. Dolan reminded everyone that they would need to nominate new officers at the first meeting of 2007.

### **ADJOURNMENT**

Meeting was adjourned at 7:55 p.m.

CD recorder utilized:  
Disc #1 Track 1  
Disc #2 Track 1