

**City of Gig Harbor Planning Commission**  
**Work Study Session**  
**June 10th, 2010**  
**Planning/Building Conference Room**  
**4:00 pm**

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

**STAFF PRESENT:** Tom Dolan, Kim Van Zwalenburg for the Department of Ecology and Pete Katich.

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

**APPROVAL OF MINUTES:** Mr. Atkins noted that some of the decisions were not bolded within the minutes and just a reminder that they should be bolded. Page 6 paragraph e fourth sentence, it was pointed out “my” should be “by”. Page 7 discussion of stormwater outfalls, Mr. Coughlin suggested removing “it” and removing “g old l”. On the same page item 3 remove installation/maintenance...it should be “to” preproject configuration. Under the meeting outcomes section number 9 on page 16, Mr. Atkins wasn’t sure that was what the changes were supposed to be. Revise 7.20.2a by changing the second sentence to add a comma after the words multiple uses and to add the word encourage before underground parking. Revise third sentence by inserting a period after the word allowed and delete within the area regulated by the city’s shoreline master program. Revise last sentence to read locate surface parking outside of shoreline jurisdiction whenever possible or otherwise as far from the shoreline as possible. He noted that the sentence was correctly stated in the minutes themselves just needed to change the meeting outcome section. At the top of page 17 we deleted old section f stormwater detention and treatment facilities and that was reflected in the minutes but was not reflected in the meeting outcome section. Ms. Ninen noted that on page 7, 7.21.2 under regulations number 3 revisions should be reflected in the meeting outcomes of item 21 page 17. Page 16 number 13 “in shoreline” should have been removed rather than “areas”. Page 17 the old number 19 revise heading of new e former l should be deleted.

MOTION: Move to approve the minutes of June 3, 2010 with the noted changes. Pasin/Fisher – Motion carried.

Mr. Katich noted that there are three more meetings and then we break for review of the comp plan. Mr. Dolan said that staff will review the schedule during that time and try to assess whether more meetings are needed.

Mr. Atkins noted that there was an issue before the Hearing Examiner regarding shoreline stabilization. He suggested that we look at this as a real life example when we get to the section on shoreline stabilization.

## Chapter 6

Ms. Ninen noted that it might be helpful if there was a statement that says that the policies and regulations in this chapter apply to all shoreline development and uses at the beginning of Chapter 6. Mr. Atkins agreed but thought perhaps it shouldn't say shoreline modifications and uses. Ms. Ninen suggested shoreline development, modification and uses. **It was decided to add the statement "Policies and Regulations in this chapter apply to all proposed shoreline development, medications, and uses." under the chapter heading.**

Ms. Ninen noted that ecology had a comment about flood hazard management and Ms. Van Zwalenburg stated that it was a general question and didn't necessarily need to be answered at this time and she believed that Mr. Katich had answered the question. Mr. Katich went over the areas within the flood hazard areas.

### 6.1 Shoreline Use

Mr. Pasin stated that the goal statement didn't appropriately differentiate between Gig Harbor Bay and outside of Gig Harbor Bay; he felt the goals were different. Mr. Dolan suggested that they add "for shorelines under the jurisdiction of the City of Gig Harbor". Mr. Fisher liked the suggestion. Discussion was held on Purdy and the vision for that area. Mr. Katich said that he felt that the over arching goal should include some kind of qualifier that recognizes the mix that exists and should be allowed to remain. Mr. Atkins agreed however his point was do we want to extend the preservation of that mix out to the Purdy area and Ms. Ninen said that she felt that it should be preserved. Mr. Fisher said that he didn't think you could preserve the mix in Gig Harbor Bay and then not do it somewhere else. Mr. Pasin said that the land use designation supports keeping those uses. Ms. Ninen recommended that it say Gig Harbor Bay, Henderson Bay and Purdy spit. Mr. Dolan recommended that it say Purdy. **It was decided to say 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.**

#### 6.1.1 Policies

##### A. Preferred uses on Gig Harbor shorelines.

Mr. Pasin said that the last sentence says that provided that existing water oriented uses are not displaced and wanted to point out that he didn't know how you accomplish that. Mr. Fisher said how would you determine if something is displaced. Mr. Dolan said for example: if you have a water dependent use and you tear it down and build a grocery store. Mr. Fisher said how about

the case of ship to shore marine and now it's going to be an advertising business, is it not displaced because they removed themselves? Mr. Katich further clarified that if the use is allowed then it would be allowed and emphasized the need to come up with an approach to retain the unique mix of uses. Mr. Katich stated that we have an intern working on an inventory of the existing uses along the shoreline. Mr. Fisher noted that we are ignoring market forces in this equation and he didn't think that it was right to say that all these spaces downtown have to become water dependent. It was pointed out by Mr. Katich that it is why we are trying to think of a way to maintain the mix and he felt that it will be important to hear from those merchants. Ms. Ninen suggested removing the last sentence. It was decided to remove the sentence, "Nonwater-oriented development may be allowed, provided that existing water oriented uses are not displaced and the future supply of sites for water oriented uses is not compromised. Mr. Dolan asked what ecology's viewpoint would be on Gig Harbor allowing for non water oriented uses. Ms. VanZwalenburg said that she did feel that it needed to be reflected in the master program; however, she didn't think that there would be an entire conversion of the waterfront. Mr. Katich pointed out the language in 7-27 where they had noted that they need to address the uniqueness of the Gig Harbor waterfront. Mr. Pasin said that every time we add a process it costs a small business owner money and then they just leave. Ms. VanZwalenburg stated that then the commission needs to come up with a way of importing your vision into this document. Mr. Pasin said that he felt that the uniqueness wasn't tied to the businesses but was more about the setting. Mr. Atkins talked about how the downtown is more like a large mixed use project. Mr. Katich read excerpts from the existing Comprehensive Plan shoreline element that talks about the mix of uses. **Mr. Atkins suggested, "Non water-oriented development should be allowed provided the development supports the objectives of the Gig Harbor Comprehensive Plan and the Shoreline Master Program" to replace the last sentence of policy 6.1.1 A. Everyone agreed.**

B. Open space, recreation and view corridors on Gig Harbor shorelines. **It was decided to delete the word "subdivision".**

C. Mixed use waterfront in Gig Harbor Bay. Mr. Pasin suggested adding "and Purdy" to the title and into the body of the paragraph. Remove the words "the bay's". Mr. Atkins said he objected to referring to restaurants and stores as tourist uses, it was decided to remove the words "tourist uses". Mr. Dolan suggested that it say, "public access to the water" rather than "bay" and everyone agreed. **So the paragraph will now read, "Retain a mixed use waterfront in Gig Harbor Bay and Purdy including those commercial fishing, boating, marine shops and services, such as restaurants and retail shops and residential uses which provide unique appeal. Continue to develop and enhance the recreation and tourism industry along Gig Harbor Bay and Purdy as an economic asset, in a manner that will enhance the public enjoyment and public access to the water. Everyone agreed.**

D. Restoration of degraded shoreline areas along Gig Harbor shorelines.

Ms. Pasin said he was concerned with the phrase “encourage uses”. Mr. Dolan suggested saying “encourage development”. Mr. Pasin said that he still was unsure how you would do that. Mr. Katich said that it is just a statement to encourage the restoration of the shoreline. Mr. Atkins asked Mr. Pasin how he would rewrite it and he said he wasn’t sure. Mr. Dolan suggested encourage restoration of shoreline areas that are degraded as a result of past activities or events and Mr. Pasin agreed that was good. **It was agreed to rewrite Policy 6.1.1 D. Encourage restoration of shoreline areas that are degraded as a result of past activities or events.** Mr. Pasin asked if that included natural occurrences like a slide and Mr. Katich said that is not the intent of this policy.

E. Protection of rights. Mr. Pasin said he didn’t like that it said rights of others before it says right of private ownership and he wasn’t sure what the rights of others would be. Mr. Dolan asked if uses was the right term. **It was agreed to change the paragraph to say, “Ensure that proposed shoreline development does not unreasonably infringe upon the rights of private ownership or upon the rights of others; that development does not create risk or harm to others (e.g. landslide and erosion hazards to adjacent properties), and that existing water side access to properties is not impacted.**

F. Resource-based uses on Gig Harbor shorelines. **Mr. Katich pointed out that in their review of Chapter 7 the phrase “commercial aquaculture not associated with fish hatchery facilities” was identified as something that did not apply. It was decided to remove that phrase and insert “&” before mining.** Mr. Atkins noted that they had identified agriculture activities as farm stands and farmers markets and he didn’t think that their intent was to exclude those. Ms. VanZwalenburg said that the section was out of state statute and was not meant to exclude those activities. Mr. Katich suggested that they just modify the definition and indicate that it is not meant to exclude those activities. Ms. VanZwalenburg said she would do some research and follow up with what the proper way is to modify a definition.

Ms. Ninen called a five minutes recess.

## Chapter 6.2 Ecological Protection and Critical Areas

Mr. Atkins said that he was troubled with the organization of the chapter and suggested that when they are through with this chapter maybe they will have a better way of organizing it.

6.2.1 A. Level of protection. Mr. Atkins asked what was meant by a level of and Mr. Katich stated that it is about protecting critical areas within the shoreline the same as in other areas. Ms. VanZwalenburg said that the statue has recently changed she would send the statutory changes to Mr. Katich for the commission. Mr. Pasin asked if this was implying that the existing was inadequate. Ms. Ninen said that she felt that it dealt with protection as opposed to restoration. Mr. Katich agreed it was about protecting existing conditions. Mr. Pasin asked if the existing is terrible do you want to protect terrible and Ms. Ninen said that it was just saying don’t let it get worse. Mr. Katich expanded on the concept of no net loss.

Ms. Ninen said she was having a problem with the word “provided” in the 6.2 goal statement, she wasn’t sure that was the best word. **Mr. Atkins suggested that it say, “It is the goal of the City of Gig Harbor to protect ecological processes and functions existing in the shoreline and near shore area”. Everyone agreed.**

6.2.1 B No net loss - No comments.

6.2.1 C Mitigation measures - No comments.

6.2.1 D Habitat. Mr. Pasin said he didn’t like the word “important”. Ms. Ninen said she didn’t have a problem with the way it was written. Mr. Atkins felt it was redundant. **It was agreed to remove the “important”.**

6.2.1 E Wetlands. Mr. Katich went over the wetlands within the city. No comments.

6.2.1 F Development in environmentally sensitive or hazardous areas. Mr. Pasin asked about the reference to “new lots” and hadn’t they discussed that before. It was determined that it was consistent with what they had discussed before, no further comments.

6.2.1 G Cumulative impacts. Mr. Katich explained what cumulative impacts meant, no further comments.

6.2.2 Regulations – No net loss and Mitigation

1) Mr. Atkins asked what uses are exempt from permit requirements and Mr. Katich went over these uses. He further explained that we will be streamlining our process for shoreline permit exemptions.

2) Ms. Ninen asked if they wanted to move this to item 1 since we were trying to keep prohibited statements at the beginning. Mr. Pasin said that he felt that there needed to be a statement about “unless mitigation is provided”. Mr. Atkins said that by definition if you provide mitigation then there is no net loss. Mr. Pasin said that it was confusing because 2 says it’s prohibited and 3 goes into the mitigation. Mr. Katich said that it seemed that if you make number 2 number 1 then there is a better transition into number 3. **It was agreed to switch numbers 1 and 2.**

3) Mr. Katich said that the first 3 mitigation measures were pretty standard requirements. **Ms. Ninen said the ecology had commented that they want to remove the phrase “where required”. Everyone agreed.**

4) Mr. Atkins felt that number 4 basically said the same as number 3. **It was agreed to remove number 4 as it was redundant.**

5) New 4) Mr. Katich explained some examples of how mitigations can have an adverse impact on other shoreline ecological functions and some possible ways to prevent this.

Old 6 New 5) Mr. Atkins asked about c) where it says “informed by” and stated that it was a strange use of the word. Mr. Katich suggested “based upon” and Mr. Dolan said that was really a different meaning. It was decided to keep it as it was. **Mr. Pasin said there should be a comma after the word including in item c), everyone agreed.** Ms. Ninen had a comment on e) and how these would be tracked. Mr. Dolan explained how it is tracked within the city.

Old 7 New 6) No further comments

Old 8 New 7) No further comments

### 6.2.3 Regulations – Critical Areas

Ms. Ninen asked if they should wait until they had the new regulations. Mr. Katich referred them to Appendix C, stating that most of the time in Gig Harbor these are the regulations that will apply. He read from Appendix C and explained the critical area regulations and their applicability. Ms. Ninen asked if there was an ordinance to reference and Mr. Katich said that this is from the municipal code. He stated that right now there is a process for the Hearing Examiner or the Planning Director to grant relief from the regulations and that responsibility will be shifting to the Department of Ecology. Mr. Katich said that we will have proposed draft setback requirements for critical areas for the meeting with the commission. These have been reviewed by the Department of Ecology. Mr. Atkins clarified that at this point we are just looking at the reference that incorporates the Critical Areas into the plan and Mr. Katich said yes, the setbacks are the only thing that still need to be added along with the shift in the decision making authority. September 1<sup>st</sup> is the first meeting on the Critical Areas regulations. Mr. Pasin asked if it had been accepted that the decision making authority was shifting from local government to the state. Ms. VanZwahlenburg stated that there are several types of permits that are decided at the state level so it is generally accepted. She emphasized that there will still be many decisions made at the local level. Ms. Ninen asked about item 3 and was that a standard provision and Mr. Katich said yes, parcels should not be created that require a shoreline variance.

### 6.2.4 Regulations – Cumulative Impacts.

**Mr. Atkins pointed out that number 3 should be moved to number 1 to keep with the philosophy of having prohibited statements first. Everyone agreed.**

### 6.3 Historic, Cultural, Scientific and Educational Resources

Mr. Pasin stated that it seemed to be a really broad goal statement. Mr. Dolan explained that right now our historic preservation efforts are strictly voluntary and maybe the statement should

reflect that. Mr. Pasin said that he also had a problem with “other appropriate authorities”. Ms. Ninen said that maybe it just needs to say to encourage preservation and delete that part that starts identified by. Mr. Katich pointed out that the language is almost exactly out of the guidelines. Mr. Atkins said he would leave it just like it is since it is just a goal. Everyone agreed.

6.3.1 A Resource inventories and registers. No comments.

6.3.1 B Protection of resources. Mr. Atkins wondered why there was a phrase about net sheds just tucked at the end of the paragraph and yet there is a separate paragraph about the over water cabins. It was pointed out that there is whole chapter on net sheds.

6.3.1 C Context sensitive design. Mr. Pasin said that was strange wording and Ms. Ninen agreed. **Mr. Atkins suggested saying compatible design. Everyone agreed.**

6.3.1 D Public access and education opportunities. No comments

6.3.1 E Overwater Nesika Beach cabins. No comments.

6.3.2 Regulations – General.

1) Ms. Ninen asked what in situ meant. Ms. Van Zwahlenburg said it meant “in place”. **It was decided to replace “in situ” with “in place”.** Mr. Pasin pointed out that that meant that we couldn’t have moved the Midway School to the museum site. Mr. Dolan said that he thought that this applied to things in the ground and it also gives an option to recover it.

2) No comments.

6.3.3 Regulations – Procedural Requirements

There is nothing new in this section so there were no comments.

6.4 Public Access

Mr. Pasin said that he felt that this section was important to Mr. Fisher and he would like to have his input on this section. It was decided to defer this section to next week when more people are present. **Mr. Atkins asked that everyone read the current policy on public access prior to the next meeting because it seems to restrict public access further. We will start with 6.4 at the next meeting.**

6.5 Water Quality and Quantity

Mr. Pasin asked about the word “quantity”. Mr. Atkins felt that it pertained to how we provide for stormwater recharge. Ms. Ninen said maybe there is a better way of saying it rather than “enhance the quantity”. Mr. Dolan explained that it could be rain gardens, pervious asphalt or any variety of methods. No further comments.

6.5.1 A. Stormwater management. Mr. Katich explained that the city has a utility element in the comp plan that has been updated to address our new stormwater manual. No comments.

6.5.1 B. Contaminating and polluting activities. **Mr. Pasin suggested removing “use of” since it is already said previously in the paragraph. Everyone agreed.**

6.5.1 C. Water quality basin plan. Mr. Pasin said that it sounded like the objective is to obtain adequate funding. **It was decided to remove the phrase “to secure adequate funding from available sources”.**

6.5.1 D. Landscaping maintenance. No comments.

6.5.1 E. Erosion and runoff. Mr. Pasin asked about the phrase “during both construction and operation”. He suggested ending the sentence after the words “shoreline development”. Ms. Ninen suggested saying “during and after construction”. **It was decided that it would read, “Require effective temporary and permanent erosion control and water runoff treatment methods for all shoreline development during and after construction.**

6.5.1 F. Sanitary sewer. Mr. Dolan said that he wasn’t sure you needed the next two regulations as they are already required. Discussion continued on what areas of the city are on sewers. It was decided to keep this paragraph as it didn’t hurt to state this.

6.5.1 G. Reclaimed water. No comments.

6.5.2 Regulations.

Ms. Ninen noted that these regulations seem pretty standard. Mr. Katich stated that item 3 should be modified to reflect the change to the goal statement. **It was decided that the first sentence should be modified to read, “All shoreline uses and activities shall use effective erosion control methods during and after construction”.** Ms. Ninen asked if the list of prohibited materials should be moved to number 1 and Mr. Pasin said he thought it was fine where it was. Mr. Pasin said that he felt in number 5 the statement about hazardous material was very broad. Ms. Ninen said there was a definition of hazardous substances. Mr. Dolan explained how the city currently handles hazardous substances, stating that it was basically about large quantities. Mr. Pasin said that this statement seems to imply that a fuel dock would be prohibited because that is storing fuel within the shoreline jurisdiction. Ms. VanZwalenburg stated that she had commented about this section because of the boatyards and their use of hazardous materials. Mr. Katich suggested that they change the wording that it is only allowed



if all required permits are obtained. In addition he would bring them the WAC that dealt with this issue. Ms. Ninen suggested that Mr. Katich draft some different language with appropriate references. Ms. VanZwalenburg suggested that they make sure they are not hampering an existing use, and limit quantities. **Mr. Katich will draft some new language and send it out to the commission.**

Ms. Ninen noted that Ms. VanZwalenburg had commented on number 7 and that perhaps it should be split into another regulation. Mr. Katich said the last sentence seems to read more like a policy. **Mr. Pasin said it should read, “During construction in the shoreline areas, vehicle refueling or maintenance shall occur outside the shoreline areas.” Everyone agreed.**

Mr. Pasin said that he felt that number 8 needed to allow for pump outs and Mr. Dolan said there is an ordinance that addresses that now so the phrase that says “unless otherwise approved in accordance with City regulations” covers that.

Ms. Ninen noted that we finished 6.5.2. We will start with 6.4 followed by 6.6 at the next meeting.

Ms. Ninen noted that Ms. Guernsey had sent a regulation regarding street vacations and that it was different than the one referenced. Mr. Katich said he would check on the reference. Mr. Katich also went over the parking regulations from other cities.

Mr. Pasin noted that the week of June 22<sup>nd</sup> and July 12<sup>th</sup> he will not be in attendance.

MOTION: Move to adjourn at 7:35 p.m. Pasin/Atkins, 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, 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 31<sup>st</sup> and April 1<sup>st</sup>, 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 PSSDA 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 PSSDA).
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.<sup>1</sup>
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.

---

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



- 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.
  - 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 1<sup>st</sup> sentence after the word “allowed” and delete “within the area regulated by the City’s Shoreline Master Program. Revise 2<sup>nd</sup> sentence to state: “Locate surface parking outside of shoreline jurisdiction whenever possible or otherwise as far from the shoreline as possible.”
10. Revise 1<sup>st</sup> sentence of 17.20.2.B by deleting the word “facilities” and replacing it with the word “areas.”
11. Revise 1<sup>st</sup> 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 6.1.1.B by deleting the word "subdivision."
- 4.a Revise subsection 6.1.1.C so that the heading now reads "Mixed use waterfront in Gig Harbor Bay and Purdy". Change 6.1.1.C paragraph to read: "Retain a mixed use waterfront in Gig Harbor Bay and Purdy, including those commercial fishing, boating, marine shops and services, such as restaurants and retail shops, and residential uses which provide unique appeal. Continue to develop and enhance the recreation and tourism industry along Gig Harbor Bay and Purdy, as an economic asset, in a manner that will enhance the public enjoyment and public access to the water."
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."
- 5.a Revise subsection 6.1.1.E to state: "Ensure that proposed shoreline development does not unreasonably infringe upon the rights of private ownership or upon the rights of others; that development does not create risk or harm to others (e.g. landslide and erosion hazards to adjacent properties), and that existing water-side access to properties is not impacted."- 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."

6. 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."
7. Revise subsection 6.2.1.D by removing the word "important."
8. Revise subsection 6.2.2 (No net loss and Mitigation) by reversing the order of subsection 6.2.2.1 & 2.
9. Revise subsection 6.2.2.3 by deleting the words, "Where required" and starting the sentence with the word "Mitigation."
10. Delete subsection 6.2.2.4 due to its redundancy with subsection 3 above and re-number the subsequent subsections (original #'s 5-8)
11. 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,"
12. 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.
13. Revise 6.3.1.C by revising the "heading" to state: "Compatible design"
- 13.a Revise 6.3.2.1 by changing "in situ" to "in place".
14. Revise subsection 6.5.1.B by removing the words "use of" from the policy statement.
15. Revise subsection 6.5.1.C by removing the phrase, "to secure adequate funding from available sources."
16. Revise subsection 6.5.1.E to state: "Require effective temporary and permanent erosion control and water runoff treatment methods for all shoreline development during and after construction."
17. 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)
18. Revise last sentence of subsection 6.5.2.7 to state: "During construction in the shoreline area, vehicle refueling or maintenance shall occur outside the shoreline areas."

### **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 pen @ 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 Holding Pen issues added 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.