

City of Gig Harbor Planning Commission
Work Study Session
October 7, 2010
Planning & Building Conference Room
4:00 pm

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

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

CALL TO ORDER: at 4:00

APPROVAL OF MINUTES: Approval of the minutes of September 30, 2010.

MOTION: Move to approve the minutes of September 30, 2010 as written.
Pasin/Guernsey. Motion carried.

Marine Setbacks:

In response to the commission's request staff had brought some ideas for the marine setbacks. Mr. Atkins emphasized the importance of protecting the character of Gig Harbor while still meeting the state's guidelines. He asked that we finish this discussion at 5:00 when the intern Jennifer will be present to present the information on non conformities.

Mr. Katich stated that staff had brainstormed some approaches that could be utilized to gain some flexibility in setbacks and development and to also minimize the impact on non conforming structures within the City Waterfront shoreline designation. He went over the packet of information he had provided to the commission that illustrated different approaches and examples. Mr. Pasin stated that he felt that most of these ideas were pretty logical and asked if there had been any discussion of public access and Mr. Katich said no, that had not been discussed. Ms. Guernsey clarified that the averaging approach was being proposed for only vacant lots and Mr. Katich agreed. Discussion followed on how the options could be utilized, either together or individually. Ms. Guernsey expressed that she liked the options, she suggested that for diagram two it could also apply to redevelopment and Mr. Pasin and Mr. Fisher agreed.

Ms. VanZwalenburg explained cumulative impact analysis what the state requires the city to include in its analysis. Mr. Atkins pointed out that degradation is difficult to measure. She emphasized the importance of setting a baseline with the inventory. Mr. Fisher suggested that if nothing is changed then there is no net loss. He continued by discussing the fairness of only allowing this in the downtown. Ms. Guernsey stated that she felt that these proposals really helped the no net loss goal and there may be things we can do in other areas but everyone is going to be affected. Discussion continued on the 100' setback in the Urban Conservancy area

and setback averaging. Mr. Katich illustrated where the Urban Conservancy area was located and where the Low Intensity designation begins. The commission examined the aerial photographs looking at where the setback would be within each of the zones. Mr. Katich explained that there was a higher level of habitat in this area dictating the larger setback. Mr. Coughlin suggested that setback averaging could be applied here along with requirements for increased vegetation. Discussion was held on the Urban Conservancy area at the head of the bay and the 11 houses within that area and how the 100' setback would affect them. Mr. Fisher emphasized that there are many small lots that will be affected in the same way and what happens when someone tries to sell them. Mr. Dolan said that houses are bought and sold every day that are non conforming. Mr. Atkins said that the vacant lots on Wheeler would be more affected. Mr. Coughlin suggested that perhaps they could look at the area along Colvos Passage and perhaps come back to this more problematic area. Mr. Dolan said that he was hearing that the commission wanted the options available in all designations but that the issue was whether the setback should be 100' and maybe this area of the Urban Conservancy was different than the rest. Ms. Guernsey agreed. Mr. Pasin said that it seemed like 25' worked. Mr. Katich then went over how the area of the pocket estuary was determined and the area of Urban Conservancy stating that it was science based subjectivity. Mr. Atkins asked what would be lost if we changed the boundaries of the designation. Mr. Coughlin said that doesn't seem to be supported by the science because this is an estuary. Mr. Atkins asked what everyone wanted to do to move this forward. Mr. Pasin said that he felt that the setback needed to be reduced in this designation. Mr. Dolan said that staff could come back at another meeting with more information. Mr. Fisher suggested that perhaps there could be an Urban Conservancy 1, 2 and 3 with differing uses and setbacks. Mr. Dolan pointed out that it would require each property owner to get an assessment of their property in order to determine their level unless you did it in groups rather than parcel by parcel. Ms. Guernsey said that she like the idea of sub areas for the purposes of setbacks because the way it's proposed now someone would have to go through a process to remodel. Mr. Coughlin liked the idea especially in between districts or perhaps with averaging you must do a larger vegetated setback. Mr. Coronado agreed to the approach of doing the sub areas in groups. Mr. Atkins asked that staff come back with some examples and test the approach.

Chairman Atkins called a recess.

Non conforming parcels:

Intern Jennifer Franich presented the shoreline use characterization she has been working on for several weeks. She went over a spreadsheet she had distributed and her methodology for the study. She stated that she surveyed all of the shoreline in Gig Harbor and it's Urban Growth Area in order to determine which parcels were a water oriented use. Mr. Katich said that water oriented included water dependent, water related and water enjoyment. Ms. Franich went over the definitions of each. She stated that 29 of the 54 in the downtown are water oriented and 12 are non water oriented the remaining are either vacant or have multiple uses. She noted that 9 of the 16 parcels in the North Gig Harbor area/Finholm District are water oriented and 7 are non water oriented. Additionally 8 of 36 in the Purdy region are water oriented and 6 are non water oriented. The commission went over several of the parcels and clarified their uses. Mr. Fisher

asked about the State's authority over uses and Ms. VanZwalenburg went over the authority of the State Department of Ecology to regulate the uses along shoreline. Mr. Fisher asked if other jurisdictions don't allow non water oriented uses along their shoreline and Mr. Katich said yes, the City of Tacoma has regulated that way since the late '70s. Mr. Atkins directed everyone to the shoreline use matrix and the zoning matrix. He noted that the City Waterfront designation is silent on non water oriented uses and he asked that everyone focus on what they wanted to do with that particular section. Mr. Pasin that he didn't think that you could have economically viable downtown and not allow non water oriented businesses along the shoreline and suggested that they be permitted in the City Waterfront designation. Mr. Katich pointed out that one non-conforming use can change to another non-conforming use through a process with the Hearing Examiner. Mr. Pasin said that tenants aren't going to want to go through a long process. Mr. Atkins suggested that they could allow a non water oriented use that was in a mixed use building that included a water oriented use. Mr. Dolan wondered what the value is in going to the Hearing Examiner when going from one non-conforming use to another. Ms. VanZwalenburg said that state regulations say that you can go from one to the other as long as you are not more non-conforming. Mr. Fisher stated that he felt that there was no scientific reason for not allowing non water oriented uses. Ms. Guernsey said that she felt the issue was did we really want to make all the businesses that have historically been in the downtown non conforming. Mr. Atkins said that directly relates to our vision of the downtown. Mr. Coronado pointed out that the definition of City Waterfront says that it's a mix of uses. Mr. Coughlin said that he had mixed feelings and he didn't want to see the waterfront only be tourist shops. Ms. Guernsey said that she felt that the zoning should dictate the uses because that was a large discussion and decision. Mr. Dolan clarified that their intent was to allow all the uses that are allowed in the zoning code and everyone agreed. Mr. Atkins also stated that they had spent a long time on the zoning code matrix and examining the uses in the downtown and elsewhere in the city. Mr. Coughlin wondered how they would maintain a maritime community without emphasizing water oriented uses and Mr. Atkins agreed he didn't want the downtown to just become a t-shirt community but he felt that the current zoning code acknowledged that. Mr. Fisher went over the economics of a viable retail area. **Consensus was reached to add "and non-water oriented uses" to the matrix in the City Waterfront designation for Commercial Development.**

It was decided to discuss the Purdy area next. Mr. Katich pointed out where the pocket estuary is located. It was noted that they were just talking about the Low Intensity area where the retail uses are located. Ms. Guernsey suggested that they just treat it the same as the downtown and everyone agreed. **It was agreed that the matrix was going to be expanded to add Purdy Commercial and treat it the same as City Waterfront.**

Ms. Guernsey explained the differences between a zoning code conditional use and a shoreline conditional use noting that they were two different processes. Discussion was held on whether the conditional use for expansion of existing non water oriented commercial uses in Low Intensity needed to be there since they had created the Purdy Commercial designation. **Everyone agreed it could be removed.**

Urban Conservancy was discussed next since it was also zoned C-1 and they needed to make sure that they provided for commercial uses in that area. It is the area where the History Museum is located. Mr. Dolan suggested that it just be regulated under the zoning as they decided to do for the waterfront. Mr. Fisher asked if the existing uses would be allowed and Mr. Katich said yes, in general. Mr. Katich noted that the Urban Conservancy also touches the Burley area. **Mr. Dolan said that staff would adjust the matrix to reflect the allowance of commercial uses in the Urban Conservancy area that is zoned C-1 and that they are governed by the zoning code.**

Mr. Pasin stated that he agrees with portions of this document and doesn't agree with other portions and is concerned with his ability to vote for a recommendation one way or another. Mr. Dolan went over the plan for the next meeting stating that they will be going over the holding pen items. He noted that they will need to decide at the next meeting on the date for the public hearing so that proper notice can be given. He stated that currently it is scheduled for November 18th and he would like to give 30 days notice to the public. Mr. Atkins emphasized that it is important that we get through the holding pen items and have a position on each of them. Mr. Katich asked that everyone look at the minutes and documents regarding shoreline armoring prior to the meeting on the 21st. Mr. Dolan then went over the method of public notice that will be provided. Mr. Atkins said he would like to give a list of some of the bigger issues within the notice. Ms. Guernsey suggested that everyone block off November 4th on their calendar just in case another meeting is needed.

MOTION: Move to adjourn. Guernsey/Coronado – Motion carried.