

**City of Gig Harbor Planning Commission
Work Study Session
December 9, 2010
Planning and Building Conference Room
4:00 pm**

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

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

CALL TO ORDER: at 4:00pm

APPROVAL OF MINUTES:

Motion: Move to approve the minutes for November 18th, 2010 as written. Fisher/Guernsey. Motion carried.

Motion: Move to approve the minutes of December 2nd, 2010 as written. Pasin/Coronado. Motion carried.

WORK STUDY SESSION:

Chairman Atkins suggested that they go through the 7.6.1.A and 7.6.3 prior to going through the comments from the public hearing and everyone agreed.

Discussion followed on the compatibility of the use matrix and the regulations in regard to non water oriented uses in the various designations. Mr. Katich noted that they should be looking at the updated matrix included in the addendum provided at the public hearing. Mr. Atkins stated that since their discussion at the last meeting he had looked at the zoning districts and compared them with the environmental designation and noted that there were three properties (the old Ship to Shore, the auto repair shop and the old Australian Bite) where there was an issue. **He suggested changing the environmental designation on those properties to City Waterfront from Urban Conservancy and everyone agreed.** Mr. Atkins stated that perhaps they should extend City Waterfront to match the zoning designations and that there would need to be changes made to the regulations as well. Mr. Fisher questioned staff regarding the underlying zoning within the easterly portion of the same Urban Conservancy Designation and whether the westerly boundary of the Finholm Area City Waterfront designation needed to be revised to align with the westerly boundary of the WC zoning District. Mr. Katich responded that currently the designation and district don't align and that area should be adjusted as well. The Commission agreed.

It was decided that the policy language really wasn't necessary if they were going to allow whatever the zoning allowed. Mr. Atkins suggested that they add

language to subsection 7.6.2.3 stating that the intensity and type of use is consistent with the City of Gig Harbor Comprehensive Plan and associated development regulations set forth in GHMC. He further noted that existing draft subsection 7.6.2.3 be revised to a new subsection 7.6.2.4. Everyone agreed to add this language as number 3 of this section. He then stated it seemed that they didn't need 7.6.3 anymore and everyone agreed. They then reviewed the heading for subsection 7.6.2 and decided that the words "water oriented use" could be removed from the title. Additionally Mr. Atkins noted that in the matrix on page 7-6 in Urban Conservancy under Commercial Uses the words "and non water oriented" could be removed. Mr. Fisher pointed out that the Purdy Urban Conservancy area needed to be addressed in the same way. It was decided to keep item 1 in 7.6.2 and to keep item 2 but deleting the words "water oriented". Item 3 is also to remain with the additional language noted above and the current number 3 will become number 4.

Mr. Katich suggested that 7.6.3 be removed in its entirety and everyone agreed.

Discussion was held on the matrix page 7-8. Mr. Katich went over the areas where changes had been made to resolve conflicts with the zoning code.

The Commission then discussed the Purdy area and that the map needed to be changed to reflect the change from Urban Conservancy. **Mr. Katich said that he would verify the boundaries and get back to the Commission at the next meeting.**

Chairman Atkins called a five minute recess until 5:30pm.

The Commission then discussed the comments from the public hearing.

Bill Lynn, representing Dee Whittier: Mr. Katich went over Mr. Lynn's comments regarding Section 7.11.2 (Historic Net Shed Regulations); the Whittier net shed and its adaptive reuse. He stated that staff did agree with Mr. Lynn's comments regarding the six month marketing for sale provision and the requirement for public access. Mr. Dolan recommended that they postpone a final decision on this issue until they had heard what Ms. Stanton had to say regarding net sheds at the next work study session on December 16, 2010. **Further discussion was held and it was agreed to delete item 1.a regarding the requirement to advertise the property for sale and remove the words "public access" from item 2.**

The Commission then discussed Dave Morris' comments on the non-conforming use and structure regulations set forth in section 8.11 (Nonconforming Uses and Structures). Mr. Katich reviewed how the city's non-conforming regulations use to be applied and how it had affected Mr. Morris' proposal. He noted that due to a text change to the Nonconforming Use and Structure ordinance, the regulations are calculated differently now so he didn't believe this was an issue anymore. However, he did want to get some clarification from the city attorney on the application of subsections 8.11.8.b and 8.11.8.c (Nonconforming Structures) relative to internal consistency with the

requirements in subsection 6,2,3,2 for the proposed marine vegetation conservation strip standards. Mr. Katich stated that he felt that Mr. Morris' concerns had been addressed.

The comments by Dennis Reynolds on behalf of Stan and Judith Stearns were then discussed. Mr. Katich asked that these issues be discussed at the meeting of January 6, 2011 in order to give time for our City Attorney to look at the various issues raised by Mr. Reynolds.

Kristin Udem's comments were discussed. Mr. Katich stated that her comments were regarding marine setbacks, the vegetation conservation strip, the possibility of connecting to sewer, maintenance of bulkheads and the treaty rights of native tribes. He noted that he had used the city's GIS system to review Ms. Udem's home and property and under the new requirements she could maintain her current setback as well as expand landward. Mr. Katich cautioned that they needed to make sure that the language in the master program stated that. Mr. Dolan clarified that it was the Commission's desire that people be able to rebuild or remodel as long as they were not increasing their encroachment into the setback and everyone agreed.

Mr. Dolan then asked about encroachment into the side yard setbacks and it was agreed that they were just discussing the water side and the side yard setback requirement would remain. Mr. Atkins noted that this could be unfair if someone built a huge house that dominated the neighbors. It was clarified that there could be no increase in the footprint that encroached into the setback. Mr. Dolan noted that Ms. Udem's concern regarding the maintenance of bulkheads had already been addressed. He also stated that staff needs to come up with a definition of what the native vegetative buffer would be in order to avoid further confusion. Mr. Atkins said that he felt that in regard to item D in subsection 6.7.1 (Vegetation Conservation Policies) could be modified along with subsection 6.7.2 and item number 4 (Vegetation Conservation Regulations) that has a statement regarding no more than 15 percent of an area shall be cleared and he felt that should be changed. Mr. Dolan cautioned that we don't want to hurt our cumulative impact analysis.

Mr. Atkins suggested that a city sponsored "demonstration vegetation conservation area" be planted at a city park or city-owned parcel along the waterfront as demonstration project. Everyone generally agreed that such a demonstration project would be beneficial as it would provide a great example for private property owners to follow.

Ms. Guernsey asked about 8.11.8 where it talks about nonconforming lots of record and building to the same or smaller configuration and asked if that needed to be changed to be consistent with page 6-11 where it talks about building square footage and Mr. Dolan said yes they need to be made consistent. Mr. Katich pointed out that under either scenario and whether a structure was unintentionally or intentionally demolished they would be able to rebuild under the marine setback requirements. **Mr. Katich indicated that the Commission's intent to allow that should be clarified in 8.11.8 and a**

reference in the marine setback requirements as well and everyone agreed and added that it should also be clear in Table 6-1. Discussion followed on having the same shoreline designation but on different water bodies that may need different setbacks.

Discussion was then held on the comments received from Melinda Stewart. Her concerns related to nonconforming structures. He felt that the modifications discussed previously would address her concerns. Additionally it was discussed that there are still opportunities for variances in situations where the lot is really shallow as in her case.

Ms. Guernsey suggested that staff bring some clarification language regarding nonconforming structures back to the next meeting and everyone agreed. Mr. Katich clarified that the Commission’s intent was when there was unintentional destruction the sections need to be aligned to allow reconstruction on existing footprint; however if you intentionally destroy the structure then you have to move the structure back and comply with the minimum setback with a variance mechanism being available if necessary and everyone agreed.

Mr. Dolan discussed when the next public hearing could be held and stated that if they wanted to hold a workshop on January 13th and a public hearing on January 20th then they needed to decide that by the next meeting in order to allow for public notice. Mr. Atkins further explained that it seemed that there were many members of the public who attended the hearing just to learn about the master program and that was why he was suggesting a workshop. Mr. Dolan asked if the Commission wanted to be done with all their changes prior to the next public hearing because if that was the case they might want to wait a little while longer. Discussion followed on making sure that the public comments really get addressed fully and how best to do that. **General consensus was that the public hearing will have to wait until a latter point in the review process and that staff would develop a revised schedule that includes the proposed hearing date.**

MOTION: Move to adjourn Fisher/Guernsey.

Summary of 12.9.10 Meeting Outcomes:

1. Revise the westerly portion of the existing Gig Harbor Urban Conservancy Designation at Donkey Creek by removing the three parcels developed with the “Ship to Shore, Auto Repair and Australian Bite Buildings” from the designation and adding them to the City Waterfront Environmental Designation. Also, revise the westerly boundary of the Finholm Area City Waterfront Designation to align with the westerly boundary of the underlying WC Waterfront Commercial Zoning District.
2. Delete from the “heading” of subsection 7.6.2 the words “water-oriented Use”

3. Revise subsection 7.6.2 (Regulations-Water-oriented Use/Development by adding a new subsection 7.6.2.3 that states: “The intensity and type of use is consistent with the Gig Harbor Comprehensive Plan and the associated development regulations set forth in the Gig Harbor Municipal Code.”
4. Move existing subsection 7.6.2.3 to subsection 7.6.2.4 and maintain existing language.
5. Delete in its entirety existing subsection 7.6.3 (Non-water oriented Use/Development).
6. Revise and clarify subsections 8.11.8.b, c, & d as necessary to eliminate inconsistencies between the subsections and the vegetation conservation strip requirements set forth in subsection 6.3.3.2 and Table 6-1.
7. Staff will develop a revised Planning Commission review schedule to address additional work study sessions, a proposed open house and a second public hearing.