



**Agenda Planning Commission
Gig Harbor Civic Center
Thursday, April 1st, 2021 5:00 P.M.**

Due to public health concerns, this meeting will be accessible to listen by using the information below:

Link to join Webinar

<https://zoom.us/j/95071511638>

Call-in: (253) 215- 8782 Meeting ID: 950 7151 1638

5:00 p.m. - Call to order, roll call

Approval of Minutes: March 18, 2021 Meeting



Agenda Items

- I. Shoreline Master Program – Public Art Regulation – Study Session 
(Note: Public testimony will not be taken at this meeting. A 30-day joint public comment period with the WA State Dept. of Ecology is tentatively scheduled to begin on April 6, 2021. Public notice of this comment period will be provided in accordance with state regulation. A public hearing will follow and will also be noticed in accordance with state and local regulations.)

Other Business

Next Meeting April 15, 2021

Adjournment



**DRAFT Minutes Planning Commission
Gig Harbor Civic Center
Thursday, March 18th, 2021 5:00 P.M.**

5:03 p.m. - Call to order, roll call John Krawczyk, Robert Soltess, Larry Bradbury, Amanda Bennett, Shannon Grina, Tom Brown and Chair Greg Hoeksema
Carl de Simas – Principal Planner, Michelle Thomas - Planning Technician, Kim Mahoney – Associate Planner, Community Development Director – Katrina Knutson

Approval of Minutes: March 4, 2021 Meeting  Motion Krawczyk /Bennett all in favor minutes approved as written

Agenda Items

- I. **Shoreline Management Plan Update** – Presentation by Carl de Simas & Discussion 
SMP Update and Public Arts Amendment to be run separately. Overview and catch up to status of SMP Update. Flood Hazard construction standards. Periodic review scope and why it is being done. Periodic Review nuts and bolts. Current SMP adopted 2013 should be reviewed every 6 years. Process of SMP review and update.
- II. **Shoreline Master Program Amendment for Public Art**- Presentation by Carl de Simas / Kim Mahoney & Discussion- Project outline, description, purpose for the amendment and process 
- III. **Role of the Planning Commission** – Discussion – Subcommittees of the Planning Commission

Other Business

Extra Meeting Availability April – June 2021- Bennett not available for 04.15, Soltess not available for 04.01. 04.29 available for all members if additional meeting is needed.

Next Meeting April 1, 2021

Adjournment Motion Krawczyk/Bennett All in favor Meeting adjourned at 6:47



Staff Memorandum

TO: Planning Commission

FROM: Carl de Simas, Senior Planner
Planning Division

SUBJECT: Shoreline Master Program Amendment: Public Art
Study Session #1: April 1, 2021

DATE: March 25, 2021

At the upcoming Planning Commission meeting on April 1, 2021, the Planning Commission will be studying proposed amendments to the Shoreline Master Program related to recognizing Public Art as a permitted use in certain Shoreline Environmental Designations.

As discussed at the introduction to this amendment on March 18th, the purpose of this proposal is to permit public art, on publicly owned property, within areas of the City governed by the Shoreline Master Program (SMP). To that end, the City's Public Works Department has applied for an amendment to the SMP that would allow Public Art as a permitted use within the shoreline designation. In order to permit such a use, guidelines and regulations must be incorporated into the SMP stipulating siting requirements while ensuring that ecological functions, and other requirements of the SMP, are not compromised through this allowance. Exhibits 1 and 2, enclosed, represent the initial amendment and support as proposed by Public Works. These are two of the same documents presented to the Commission on March 18th. Exhibit 3 provides a spatial analysis of those publicly owned properties that this amendment, if adopted, would apply to currently.

Planning Staff have reviewed the proposed amendment and have drafted alternative language that incorporates some of what Public Works has proposed; and, also considers some of what the Planning Commission discussed on March 18th. We present that to you here, as Exhibit 4. This exhibit is excerpted from the full chapters of the SMP. At the study session on April 1st, staff will have the full chapters available for review during the discussion for better context. Exhibit 5 is a brief survey of the City's adopted Comprehensive Plan that includes some goals in support of the inclusion of Public Art as a permitted use within the SMP.

As a reminder of what was discussed on March 18th, please review the following bulleted list of questions and concerns staff recorded from that evening:

- Defining “art”:
 - Should murals be included in the definition?
 - We should define the term very broadly, recognizing that art means something different to everyone AND that numerous individual structures may be considered one piece of “art” (important for how we consider limiting the number of art pieces per parcel)
- Adding language on art to SMP 7.17 seems to confuse/convolute the process. Seemed to be more support for the clarity of creating SMP 7.22, it would aid in avoiding misinterpretation
- We need to regulate in a manner that enables us to avoid a proliferation of art in the shoreline
 - Regulate size of piece? Size based on percentage of parcel size...does that work on large sites? Regulate number of art pieces (see trouble with this in how we define “art”)?
- Questioned whether a “water-dependent” for public art is appropriate
- Borrow on the mistakes/lessons learned of other jurisdictions who have adopted similar language
- Permitting needs to integrate “intense scrutiny” to ensure a thoughtful contribution to the sensitive and limited waterfront in GH. Process to involve a Committee’s input? Council approval? Etc.
- Should tie the art to the cultural history of Gig Harbor
- Consider regulating the depth of an installation when so close to the OHWM
- Some discomfort with including an exemption
- Questions about why art would lose its value if it were placed outside of the buffer or, at least, further from OHWM

Lastly, Planning Staff has been working closely with Grette and Associates, contract biologist, who has been offering advice and suggestions. They are also working on a survey of other jurisdictions who might have similar regulations for comparative purposes. If we have that survey prior to April 1st, we will share it with the Commission or bring it to the study session for consideration.

Should you have any questions, please contact me at 253-853-7628. Thank you.

Exhibit List:

- Exhibit 1: Applicant Proposed Amendments, dated “RECEIVED” January 21, 2021
- Exhibit 2: Applicant Written Statement, dated “RECEIVED” February 4, 2021
- Exhibit 3: Map: Publicly owned Lands in Shoreline Designation
- Exhibit 4: Staff Recommended Amendments, dated March 25, 2021
- Exhibit 5: Survey of Comprehensive Plan Goals, dated March 25, 2021

Description of proposed amendments to the City's 2013 Shoreline Master Program.

- A. Add a new definition to Chapter 2, page 2-31:

Public Art

"Public art" means an original creation of visual art including but not limited to sculptures, fountains, ceramic tiles, and earthworks created for the purposes of public enjoyment and education as authorized by the City and located on city-owned parcels or city right of way.

- B. Add a new subsection to Section 6.2.3.2, page 6-10, as follows:

7) Public Art associated with water-dependent uses shall be considered a water-dependent use and no vegetation conservation strip shall apply provided the following criteria are met:

- a) The net increase is 1 percent or less of the property's shoreline jurisdiction area or 200 square feet, whichever is less; and
- b) No more than one (1) public art piece is installed on each parcel.

- C. Modify Table 7-1 in Section 7.1.1, page 7-3, as follows:

Shoreline Modification	Shoreline Environment Designations					
	Natural	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater
<u>Public Art</u>	<u>X</u>	<u>P</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>X</u>

- D. Modify Section 7.17, page 7-66, as follows:

7.17 Recreational Uses and Development and Public Art

- E. Modify Section 7.17.1 G, page -67, as follows:

7.17.1 G. Education and Public Art

Recreation facilities and public property should incorporate public education, public art, and interpretive installations regarding shoreline ecological functions and processes, historic and cultural heritage.

- F. Add a new subsection to 7.17.2 as follows:

7.17.2 (11) City Parks shall allow unpaved trails for pedestrian access, benches, public art, and garbage cans.

City of Gig Harbor Comprehensive Plan Amendment

Written Statement for the Shoreline Master Program Amendment Related to Public Art

Responding to Comprehensive Plan Amendment Application:

A. The purpose of the proposed amendment:

The purposes of the proposed amendment is to add a new definition to the City's Shoreline Master Program for Public Art and identify how the SMP addresses Public Art.

B. How the amendment is consistent with the Washington State Growth Management Act:

This amendment is consistent with the Washington state growth management act by appropriately managing and limiting public art in the City's shoreline area despite increased pressures from population growth to develop the shoreline beyond its capacity to adequately protect the environment.

C. How the amendment is consistent with the adopted countywide planning policies:

This amendment is consistent with Pierce county's County wide planning policy HAC-3 by ensuring that changes to the built environment preserve and enhance the region's and the county's unique attributes and each community's distinctive identity in recognition of the economic value of sense of place while supporting Countywide Planning Policy Env-5.3, Env-6, and Env-9 by supporting appropriate buffers and open space for environmentally sensitive areas while providing parks and other community-wide and educational benefits related to culturally and environmentally significant areas.

D. How the amendment furthers the purpose of the city's comprehensive plan:

This amendment furthers the purpose of the city's comprehensive plan by meeting Goal 10.2 by providing a mixed use along the waterfront to enhance the bay's unique appeal, public enjoyment, and tourism and Goal 10.3 by providing public amenities commensurate with the scale and character of the site.

E. How the amendment is internally consistent with the city's comprehensive plan, as well as other adopted city plans and codes

The amendment is internally consistent with the city's comprehensive plan and the cities shoreline master program by improving public access to the shoreline in critical areas and promoting the general welfare of the community by providing reasonable regulations along Gig Harbor shorelines.

Responding to Criteria in GHMC 19.09.130: Before rendering a decision whether the individual comprehensive plan amendment proposal may be processed during any year, the city council shall consider all relevant facts, including the application materials, as well as the following items

- A. Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the comprehensive plan.

The City's Shoreline Master Program (SMP) as adopted by the City's Comprehensive Plan does not individually allow public art in the shoreline jurisdiction as proposed, which was likely an oversight when developing the SMP.

- B. Whether the assumptions upon which the comprehensive plan is based are no longer valid, or whether new information is available which was not considered during the initial comprehensive plan adoption process or during previous annual amendments.

The proposed SMP amendment finds new information which was not considered during the initial comprehensive plan adoption process or previous annual amendments.

- C. For amendments that have been considered within the last three years, whether there has been a change in circumstances that makes reconsideration of the proposed amendment now appropriate.

n/a

Responding to Criteria in GHMC 19.09.170: The city council shall make written findings regarding each application's consistency or inconsistency with the following criteria:

- A. The proposed amendment will further and be consistent with the goals, policies and objectives of the comprehensive plan.

This amendment furthers the purpose of the city's comprehensive plan by meeting Goal 10.2 by providing a mixed use along the waterfront to enhance the bay's unique appeal, public enjoyment, and tourism and Goal 10.3 by providing public amenities commensurate with the scale and character of the site.

- B. The proposed amendment is consistent with the Growth Management Act, Puget Sound Regional Council multicounty planning policies, the countywide planning policies and other applicable interjurisdictional policies and agreements, and/or other state or local laws.

This amendment is consistent with the Washington state growth management act by appropriately managing and limiting public art in the City's shoreline area despite increased pressures from population growth to develop the shoreline beyond its capacity to adequately protect the environment.

This amendment is consistent with the Puget Sound Regional Council multicounty planning policies by meeting DP-2, DP-33, DP44 and Ec-14 through utilizing existing public areas for the placement of public art. This amendment also meets PSRC MPP goal DP-34 by providing additional cultural resources where the public currently gathers along the shoreline, which is unique to, and popular for, the City of Gig Harbor.

This amendment is consistent with Pierce county's County wide planning policy HAC-3 by ensuring that changes to the built environment preserve and enhance the region's and the county's unique attributes and each community's distinctive identity in recognition of the economic value of sense of place while supporting Countywide Planning Policy Env-5.3, Env-6, and Env-9 by supporting appropriate buffers and open space for environmentally sensitive areas while providing parks and other community-wide and educational benefits related to culturally and environmentally significant areas.

- C. The proposed amendment will not adversely impact the city's ability to provide sewer and water, and will not adversely affect transportation facilities and other public facilities and services such as parks, police, fire, emergency medical services and governmental services.

The proposed amendment will not adversely impact the city's ability to provide adequate public facilities because it does not create additional demands on the City's public infrastructure and facilities. The proposed amendment rather utilizes existing public spaces to provide enhanced public enjoyment and education.

- D. The proposed amendment advances the public interest.

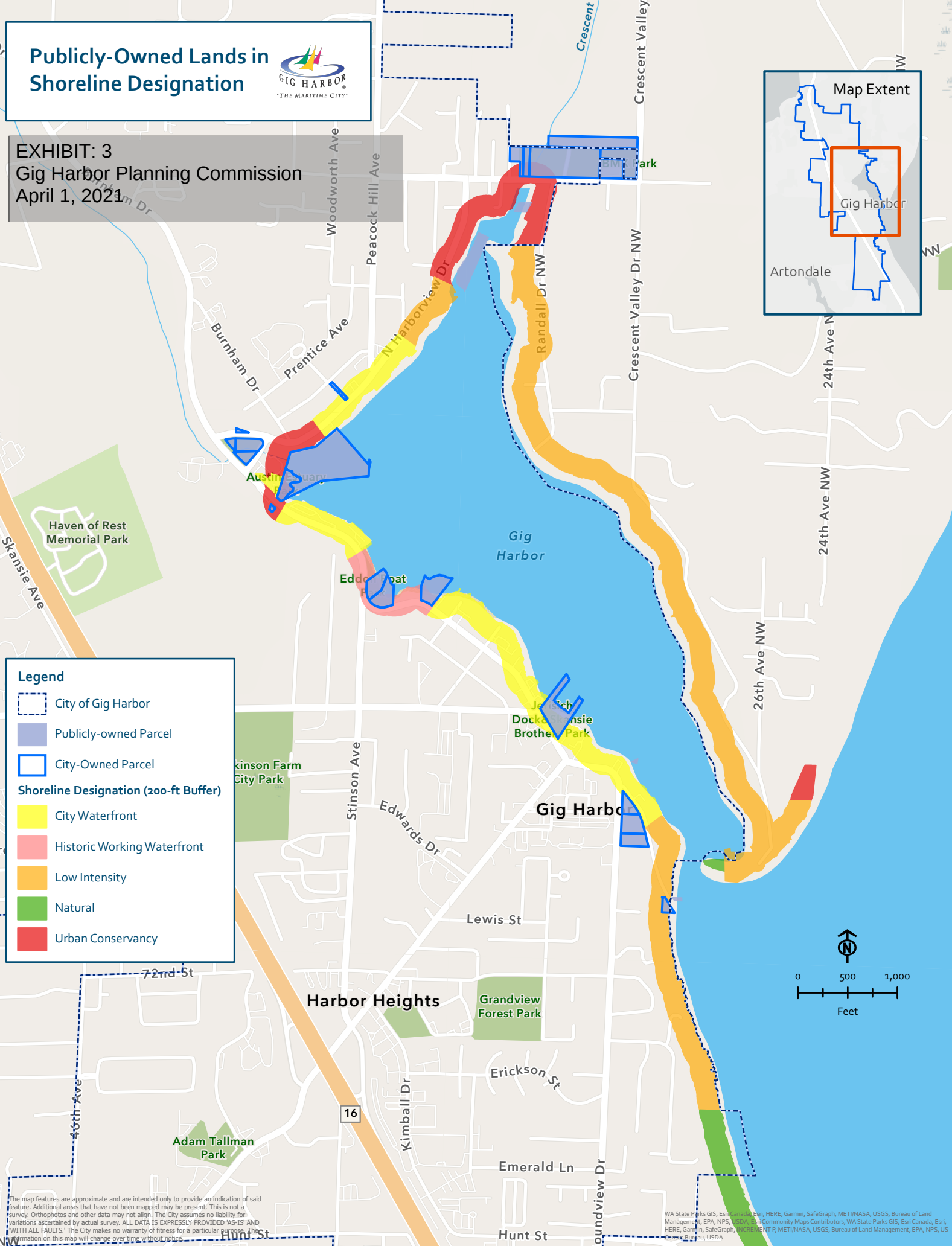
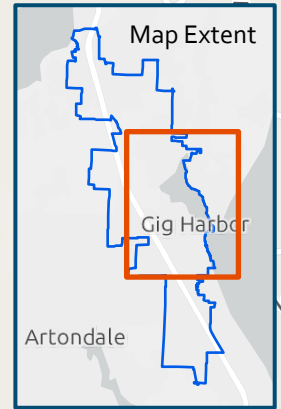
The proposed amendment advances the public interest by

1. Utilizing existing public spaces to provide enhanced public enjoyment and education; and
2. Providing public amenities commensurate with the scale and character of the site; and
3. Supporting appropriate buffers and open space for environmentally sensitive areas.

Publicly-Owned Lands in Shoreline Designation

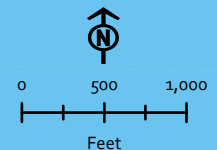


EXHIBIT: 3
Gig Harbor Planning Commission
April 1, 2021



Legend

- City of Gig Harbor
- Publicly-owned Parcel
- City-Owned Parcel
- Shoreline Designation (200-ft Buffer)**
- City Waterfront
- Historic Working Waterfront
- Low Intensity
- Natural
- Urban Conservancy



The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. The City assumes no liability for variations ascertained by actual survey. ALL DATA IS EXPRESSLY PROVIDED 'AS-IS' AND 'WITH ALL FAULTS'. The City makes no warranty of fitness for a particular purpose. This information on this map will change over time without notice.

WA State Parks GIS, Esri/Canada, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, USDA, Esri/Community Maps Contributors, WA State Parks GIS, Esri/Canada, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA

March 25, 2021

EXHIBIT: 4
Gig Harbor Planning Commission
April 1, 2021

PL-COMP-21-0003

Shoreline Master Program Amendment: Public Art

Staff Recommended Amendments

1. Add a new definition for Public Art:

Chapter 2 Definitions

Public Art

“Public Art” means original works of visual art that have been created with the specific intent to be displayed in public spaces for community enjoyment and education. These include but are not limited to sculptures, statues, interpretive displays, murals, and memorials intended to reflect the City’s historical and/or cultural significance to the community.

2. Add a new subsection to allow public art within the Vegetated Conservation Strip:

6.2.4 Regulations – Vegetation Conservation Strip

- 9) Public art consistent with Section 7.22 of this Program may be located in the required vegetation conservation strip or critical area buffer. The area required for installation of the public art shall be applied to the maximum 15% clearing allowed for the marine vegetation conservation strip or critical area buffer as set forth in Subsection 6.2.4.4 above.

3. Add Public Art as a permitted use in wetland buffers areas:

6.2.5.13 Wetlands – Permitted Uses in Buffer Areas

- 1) The following activities are permitted within the wetland buffer; provided, that no other location is feasible; the location of such facilities will not degrade the functions and values of the wetland; any impacts are mitigated through the requirements of Section 6.2.5:
 - b) Public art, pervious trails and associated viewing platforms; provided, that in the case of Category I wetlands, the minimum distance from the wetland edge is not less than 75 percent of the Category I, II, and III buffer width established in Section 6.2.5.10. A decrease in the required buffer width through buffer width averaging or other means does not

indicate a corresponding decreased distance from a Category I wetland edge for trails and viewing platforms.

4. Add Public Art to the permitted use table:

7.1.1 Permitted Use Tables

Shoreline Modification	Shoreline Environment Designations					
	Natural²	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater²
<u>Public Art (Section 7.22)⁷</u>	<u>X</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>

¹ Any method involving vehicles upon the shoreline, whether for access or harvest, shall be prohibited within the Natural Environment

² Hydraulic harvest utilizing water jets should use low-pressure jets with an inside tip diameter of 5/8 inch or less. The jets shall be hand held and under the control of the operator and nozzle pressure should be limited to 100 psi, measured at the pump.

³ Refer to subsection 7.12.2 for limitations on commercial development within the Urban Conservancy and Low Intensity SED's

⁴ See section 7.16 for additional requirements that apply to historic net sheds

⁵ Uses not specifically permitted or conditionally permitted are prohibited.

⁶ See subsection 7.19.2.5 for allowable signs in the Marine Deepwater SED

⁷Public art is permissible only on City-owned parcels.

5. Add new Section 7.22 Public Art:

7.22 Public Art

It is the goal of the City of Gig Harbor to encourage the public enjoyment and education of memorialized historic, cultural, and archeological significance to Gig Harbor's heritage by allowing the installation of public art on city-owned parcels within certain shoreline environment designations.

7.22.1 Policies

A. Visual obstruction

Design and locate public art in such a manner that it minimizes visual obstruction of the shoreline and marine waters.

B. Location

Give preference to public art located on or near the shoreline to facilitate the public's ability to reach and enjoy the water's edge and to view the water and the shoreline. Where appropriate, public art should be dispersed along the shoreline to support the public's recreational or beach access and aesthetic enjoyment of the shoreline.

C. No net loss

Installation of public art should ensure no net loss to shoreline ecological functions and processes.

D. Materials

Public art should select materials based on long-term durability, ease of maintenance, compatibility with local shore features and habitat, and aesthetic values.

E. Coordination

Coordinate proposals for the installation of public art with affected property owners and with the City of Gig Harbor Arts Commission to ensure it is consistent with the goals of this section and the overall goals of this Program.

F. Consistency with other plans

Public art shall be planned, designed, and implemented consistent with the goals established in the City's Comprehensive Plan and Parks, Recreation and Open Space Plan, as applicable.

7.22.2 Regulations

- 1) Public art shall be limited to a maximum impervious lot coverage of 200 square feet or 1% of the lot size, whichever is less. Public art shall otherwise conform dimensionally to the requirements of Table 7-3, Bulk Dimensional Standards Matrix, and Table 6-1, Vegetation Conservation Strip Setbacks for Marine Shorelines, as applicable. Public art is prohibited waterward of the Ordinary High-Water Mark.
- 2) Proposals for the installment of public art that involve any clearing, grading, or impervious surface shall include a landscape plan. Native, self-sustaining vegetation shall be used as often as practicable. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of selected viewpoints and shall be subject to Section 6.2.4 (Vegetation Conservation) of this Program.
- 3) Public art shall incorporate appropriate mitigation to minimize light and noise impacts on adjoining land uses, as applicable.

- 4) Public art may include associated amenities, including, but not limited to: impervious paths, benches, interpretive signs, etc.
- 5) Public art shall be subject to Section 6.2.2 (No Net Loss and Mitigation) of this Program.

March 25, 2021

EXHIBIT: 5
Gig Harbor Planning Commission
April 1, 2021

PL-COMP-21-0003

Shoreline Master Program Amendment: Public Art

City of Gig Harbor Comprehensive Plan (Adopted 2018): Survey of Goals Supporting Public Art in the Shoreline Jurisdiction

The Harbor Element

City Properties & Parks

GOAL 3.5: Establish and manage a well-balanced system of public properties along the waterfront of The Harbor to meet the needs and desires of the community.

3.5.2. Develop existing publicly owned shoreline properties to provide additional public access where appropriate. Create a mixture of active and passive recreational uses that do not intrude on the natural features of the shoreline or the residential neighborhoods.

3.5.4. Maintain that publicly owned parks are available for public use and uses that provide the greatest public benefit of citizens and visitors alike.

Cultural Heritage

GOAL 3.9: Support and enhance recognition of the cultural heritage of The Harbor.

3.9.2. Identify, preserve, enhance, and promote the evolution of Gig Harbor's multicultural heritage, human history of the City and its neighborhoods, traditions, and cultural features including historic sites, buildings, artworks, objects, views, and monuments.

3.9.3. Identify and incorporate significant historic and cultural lands, sites, artifacts, and facilities into the public waterfront.

3.9.4. Support the development of collaborative educational programs that focus on The Harbor's cultural heritage.

3.9.5. Support the efforts of organizations which provide cultural programs and activities to the public.

3.9.7. Support and promote the signage of landmarks to educate the public on Gig Harbor's culture and history.

PROS Element

Gig Harbor's Vision: To develop a quintessential system of parks, trails and open spaces that enhance the City's history, environmental features, and sense of place to encourage both active and passive forms of recreation popular on the peninsula.

RECREATIONAL PROGRAMS

GOAL 11.8: COORDINATE WITH AND ENCOURAGE THE EFFORTS OF OTHER AGENCIES AND NON-PROFIT RECREATIONAL PROVIDERS TO ASSURE THAT THE RECREATIONAL NEEDS OF THE GIG HARBOR RESIDENTS ARE MET.

11.8.3. Assist historical and cultural societies to develop and display artifacts, reports, and exhibits; and conduct lectures, classes, and other programs that document and develop awareness of Gig Harbor's heritage.

HISTORIC RESOURCES

GOAL 11.9: DEVELOP A HIGH QUALITY, DIVERSIFIED PARK SYSTEM THAT PRESERVES SIGNIFICANT HISTORIC OPPORTUNITY AREAS AND FEATURES.

11.9.1. Identify, preserve, and enhance Gig Harbor's multicultural heritage, human history of the City and its neighborhoods, traditions, and cultural features including historic sites, buildings, artworks, objects, views, and monuments.

GOAL 11.10: CELEBRATE THE CREATIVE SPIRIT OF OUR COMMUNITY AND ENCOURAGE FINE AND PERFORMING ARTS PARTNERSHIPS AND PROGRAMS THAT REFLECT THE COMMUNITY'S VISION AND CULTURE.

11.10.1. Identify public visual, written and performing art opportunities that highlight the cultural and historical connections within our community through local history, environmental systems, cultural traditions, and visual symbols.

11.10.2. Enhance the reputation of Gig Harbor as a livable and creative community by encouraging artists of all types to display and perform their work and supporting opportunities

for creative expression.

11.10.3. Use public art to create visible landmarks and artistic points of reference to reinforce Gig Harbor's identity, unique culture and character.

11.10.4. Acquire works of art through a variety of methods including commissioned works, temporary works, direct purchases, and community projects.