

## Gig Harbor Peninsula Advisory Commission (PAC)

### September 11, 2019 Meeting Minutes

*Minutes of the PAC are not verbatim. Recorded copies are available online or upon request.*

#### MEMBERS PRESENT:

Gordon Ballantyne  
Lucinda Wingard  
Patricia Peterson  
Darrell Johnson  
Garth Jackson  
James Peschek  
Peter Clement

#### MEMBERS ABSENT:

Jack Conway (excused)

Chair Ballantyne called the meeting to order at 6:30 pm. A quorum was present.

#### NEW BUSINESS

##### **Conditional Use Permit/Shoreline Substantial Development Permit: Fox Island Chapel/Chapel on Echo Bay Applications 913560, 913558**

Applicant: Fox Island Chapel Preservation Society

Planner: Ty Booth, ty.booth@piercecounitywa.gov

Request: Legalize an unpermitted event center previously utilized as a church. The site is currently used for indoor and outdoor events, such as weddings, family events, art shows, etc. No physical changes to the site are proposed. Located on waterfront with 70 feet of shoreline frontage at 400 6<sup>th</sup> Ave, Fox Island, in the Rural 10 zone classification, Residential Shoreline Environment, Gig Harbor Peninsula Community Plan area, and Council District #7.

*Staff presented the case.*

#### COMMISSION QUESTIONS

- Since 2000, the lack of conditional use permit has not come up? A: Not that staff is aware.
- What about information on frequency of events, types of events, hours of operations, rules or regulations, etc.? A: The application is missing this information and staff will require this to be provided.
- Does County have noise ordinances? A: Yes, and it is enforced by TPCHD.

#### APPLICANT TESTIMONY

Mark Nelson, 2727 *Holly Croft St*, is here representing the Chapel. He heard Mr. Booth state the accessory uses to the old church have become the primary uses, but he disagrees. He really feels that the events held there since day one have always been an important/primary part of the chapel. Noise is very subjective. Neighbors admit to hearing the events but don't complain, as these events at the chapel have been going on for decades. The Chapel did not appeal the nonconforming rights denial decision because they have always tried to be a good neighbor to everyone. A lot of effort was spent trying to compromise with the upset neighbor. Hours of operations have been scaled back in response to

Rick Naham, 265 *Bella Bella Dr*, is the President of the Chapel Society Board. They were happy to purchase the Chapel on behalf of the community so it wouldn't get torn down. All the boards are made up of volunteers. The board members did not know they needed a conditional use permit. Music must be done by 8:30 and guests must be off the property by 9:00 pm. There is a signed contract containing the rules and expectations.

Tom Linnane, 421 6<sup>th</sup> *Ct*, is a Chapel on Echo Bay board member. There are restrictions on time of operations and there is no amplified outdoor music. Weddings are over by 9:00, which is when everyone must be off the property. In response to complaints, the Chapel suspended the concert series. Most weddings have at most 100-120 people. Neighbors have always been notified of when events will be happening. Hosts are on site to make sure rules are followed. Noise on Echo Bay comes from everywhere – it all echoes. There are boats, landscaping activity, etc. The consequences of not having weddings take away the bulk of their revenue and that revenue goes toward other events for the community (author nights, poetry reading, art shows, etc.). Places like the Chapel are too few and far between. So many are destroyed because it's too difficult to keep them up.

## **PUBLIC TESTIMONY**

Linda Little, *590 3<sup>rd</sup> Ave*, doesn't live on same street as the Chapel, but is there a lot working in the gardens. Most of the time, the Chapel is dead quiet, gorgeous, and peaceful. One day while working, an elderly lady wound up at the Chapel and sat down on the beach for a while. She then commented on how beautiful the Chapel and property are. She expressed her gratitude for being able to enjoy the property and the view. That's why this is important to keep – because it remains available to the public.

Stephanie Lile, *Harbor History Museum*, need to consider the long-term effects of losing this historic site, which is on the historic register. When trying to "save" a historic site, the money can run out. The community was able to purchase the site, but in order to keep it running and maintained, there must be revenue. This comes in the form of events, mainly weddings.

Kimberly Kelly Lehman, *974 Kamus Dr*, feels there is less use of the site now. Years ago, there was bible camp all summer. Now only one person is complaining. She stated she can hear glasses clink and conversation from the Yacht club on her property, but she would never ask them to close.

Margaret Archer, *PO Box 1157*, Tacoma, represents Paul and Julie Harding, the abutting owners to the north. Not once did they try to shut down the Chapel, they have just been looking for some control of the situation. They reached out regarding limiting the amplified music and they received one response which was only to provide the contract that is signed with customers. Application is missing a lot of pertinent information. The PAC cannot review this without a complete application and any recommendation made should reflect that. Looking at allowed uses for Cultural and Services, it prohibits outdoor weddings. Her clients don't want to stop the weddings; they are not unreasonable.

Linh Nahum, *265 Bella Bella Dr*, without a Conditional Use permit, there is no more Chapel on Echo Bay and at a time with disconnection and social media, it's important to keep. Nobody wants to see this torn down or turned into a private residence. She moved and eventually came back for the concert series, but now those are gone. The community is coming together because it's so important. The community events keep everyone connected.

Robin Dower, *408 6<sup>th</sup> Ave*, lives right next door to the Chapel. Moved in some time in 2001. She is sad the amplification is required. Fox Island is a community that pitches in and helps each other out and one complaint could change all that.

Phillip Craven, *995 Gway*, the Chapel has operated the same for years and years. It's no secret how this chapel functions, both as a historic site and community event center. If anything, the neighbor complaining should sue their realtor who didn't inform them of the nature of the Chapel. There is a community rec center, no government on the island, no ability to tax on the island. When he and his wife drove over the bridge while looking for their house and saw a sign reading "Smile, you're almost home" and then saw the Chapel, they fell in love with the place. The hearing for his historic registry also had someone from the Chapel society requesting funds to help keep it going.

Jennifer Lord, *357 Island Blvd*, stated all are here because of one new neighbor. Buyers in Washington State have the responsibility to do their due diligence. They should have verified that the property they're buying will fit their needs. Now the Chapel is in jeopardy? They not only need money to run, but now need more to fight the lawsuit. When the Chapel was first in existence, weddings were permitted outright. The Chapel is trying to cut back on weddings to compromise. Some weddings have been canceled now due to publicity, which means they are losing revenue.

*Public testimony closed.*

## **COMMISSION DISCUSSION**

Commissioner Jackson was the case reviewer. This chapel has been functioning as event center for years, but the surroundings have changed. Doesn't see how the Chapel has the obligation to change functions to match those who come and go around it. Reasonable attempts to comply should be expected. If this chapel did continue as a church, a normal church service would probably be louder, considering churches today have amplified worship music, bands, etc. Seems to be more of an adversarial situation. Instead of putting money in attorney's pockets, put that toward sound-proofing, etc.

Commissioner Wingard stated that she values biodiversity and that is the reason she serves on the LUAC and those values are reflected in community plan. The community plan is not only about native biodiversity – it contains goals and policies to make this a livable and attractive community. This community should jealously guard places where the public can have water access. This property is an essential part of the culture of this community and it represents the established character of the surrounding vicinity. Many applications have come before the PAC requesting “grandfathered rights”. This should receive those rights. Noise study is expensive and should not be the burden of the Chapel.

Commissioner Peterson stated the sense of community makes the area a special place to live.

Commissioner Ballantyne feels the County missed the boat on this one. The Chapel’s use doesn’t appear to have changed.

Commissioner Clement used to live on 6<sup>th</sup> Ave and at the time he was a runner and used to walk a lot. Fox Island has been, and still is, a friendly community and there is a lot of value in that.

**Motion made (Jackson/Johnson) to recommend approval as presented with no conditions. Motion passed unanimously.**

#### **OTHER BUSINESS**

The County clerk provided a paper copy of the Gig Harbor Peninsula Community Plan to each commissioner with the task that each commissioner will read and consider possible updates to Chapter 1 Introduction to be considered at a future study session of a regular meeting.

*Motion made to adjourn at 8:31 p.m.*