

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Conditional Use Permit: Bear/Pai Joint-Use Dock, Boathouse, and Living Space within Detached Shop

Application Numbers: 894574, 894575, 894576
Parcel Numbers: 0220071060, 0220071061

Gig Harbor Peninsula Advisory Commission (PAC) Meeting: November 28, 2018, at 6:30 p.m.,
City of Gig Harbor, 3510 Grandview, Southeast Entrance, Gig Harbor, WA 98335

Proposal: Construct a joint-use dock, boathouse, and utilize the second floor of a detached shop for living space.

Project Location: 1309 and 1315 Kamus Way (Fox Island), on the south shoreline of Hale Passage, in the Rural-Residential Shoreline Environment and Rural 10 (R10) zone classification, in the Gig Harbor Peninsula Community Plan area, within the NE ¼ of Section 7, T20N, R2E, W.M. in Council District #7

Review Summary: Staff has reviewed the proposal for compliance with applicable policies and regulations. Staff preliminarily recommends the following:

1. Joint-use dock: Approval subject to the following:
 - The dock is limited to 150 ft. in length unless a better cross-section and/or dive survey is submitted showing the depth of the water at the end of the dock is not adequate, then additional length may be appropriate.
 - It should be clarified if any boatlifts and/or buoys are also proposed.
 - A joint-use dock agreement be recorded to show that the dock may be utilized by both parcels (should the applicants ever sell one of their parcels).
2. Boathouse: Approval subject to the following:
 - Plans need to be submitted as to size, height, whether a bathroom is proposed, etc.
 - It should be clarified if this would be a joint-use boathouse should the applicants ever sell the other parcel.
3. Living space within detached garage: Approval.

Note, effective October 26, 2018, the County adopted new shoreline policies/regulations. This proposal was submitted prior to the effective date. As such, it is vested or grandfathered to the 1970s era policies/regulations.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this proposal. Planning and Public Works (PPW) has not yet concluded its environmental review.

County Contact: Ty Booth, Planner, ty.booth@piercecountywa.gov, 253-798-3727

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=894574>



Project Data

Complete Application Date: September 12, 2018

Initial Project Review Mailed: November 20, 2018

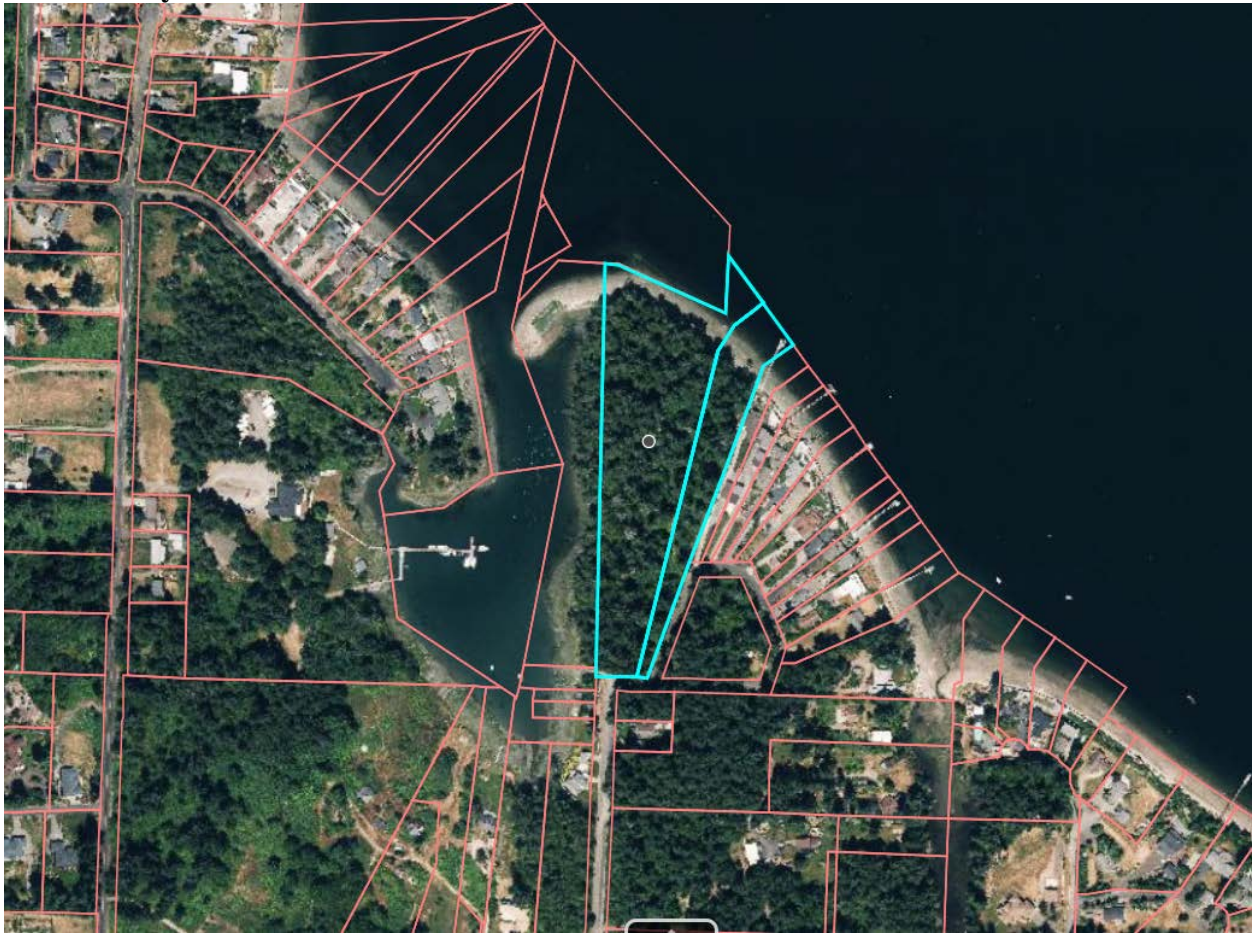
Property Owners/Applicants: Lance Bear and Linda Pai
183 Cedar Lane
Gig Harbor, WA 98335
Lance.bear@yahoo.com

Applicants' Agent: Halsan EF & P LLC
Attn: Carl Halsan
PO Box 1447
Gig Harbor, WA 98335
carlhalsan@gmail.com

Legal and Public Notice

- *October 2-3, 2018:* Notice of Application (including the Peninsula Advisory Commission meeting date, time, location) was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
 - Applicable governmental agencies
- *October 13, 2018:* Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *November 15 and 22, 2018:* Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and Peninsula Gateway advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

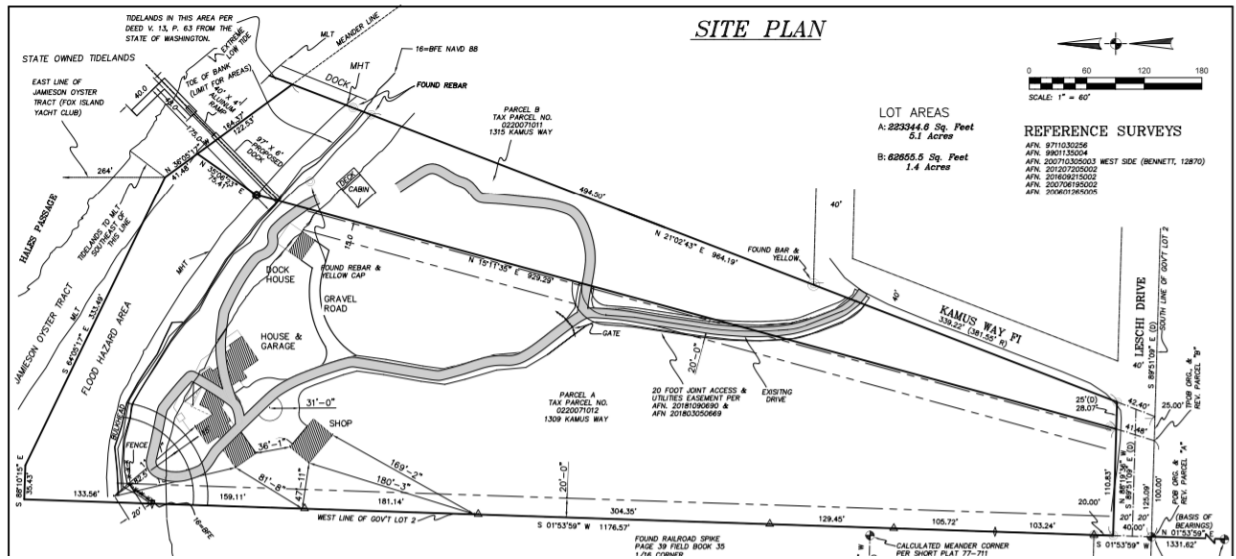
2017 County Photo



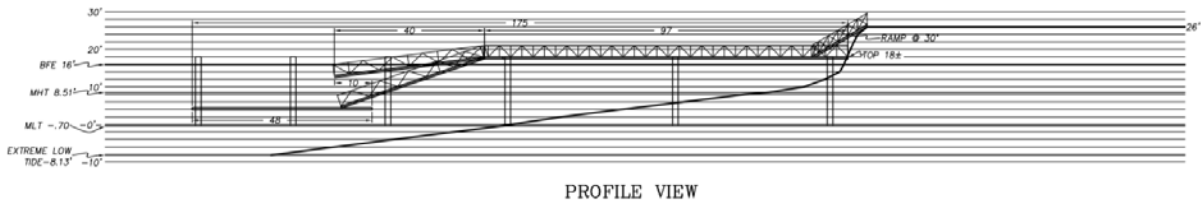
2016 Washington State Coastal Atlas Photo



Site Plan



Cross-Section



Comments from Public

No comments have been received.

Comments from Agencies

Various comments have been received. The following are of note:

- County Resource Management Division: The County Environmental Biologist reviewing this proposal stated that no wetland or fish/wildlife habitat area assessment is required. However, they have requested additional details about the proposal.
- Washington State Department of Archaeology and History Preservation and Nisqually Indian Tribe: Both are recommending a professional archaeological survey of the area.

Staff Comment: Staff is considering whether or not to require the archaeological survey.

Site Characteristics

- The site consists of two abutting waterfront parcels under the same ownership.
- The site is located at the end of a peninsula that is surrounded by water on the north and west sides. However, the extreme west side of the peninsula (including the sandspit) appear to be owned by the Fox Island Yacht Club.

- The acreage of both combined parcels is 6.5 acres. The larger western parcel is 5.1 acres and the smaller eastern parcel is 1.4 acres. It appears the parcels include some tideland ownership.
- The dimensions of the site measure 140 to 525 feet wide (east to west) by about 1,140 feet deep (north to south).
- The topography is flat except for along the shoreline where it has a medium high bank. The bank is partially bulkheaded.
- The parcel is heavily vegetated with trees, but a portion of the site has recently been logged.
 - The smaller parcel has had a cabin (partially within the 50 ft. shoreline setback) but the larger parcel has been vacant up until recently. However, construction is under way on the larger parcel for a residence and detached garage.

Staff Comment: Staff requests information on the amount of timber removed from the site and if a forest practice application (FPA) was necessary.

Surrounding Land Uses and Shoreline / Zoning Designations

	LAND USE	SHORELINE	ZONING
North	Puget Sound	Rural-Residential	Not applicable
South	Kamus Way, Leschi Dr., 13 th Ave, single-family residences, and vacant land	Rural-Residential	Rural 10 (R10)
East	Kamus Way, single-family residences, and vacant land	Rural-Residential	R10
West	Puget Sound, Fox Island Yacht Club, and Pen-Met Park property	Rural-Residential and sandspit is Natural	R10

History

1. April 2018.
 - (a) Boundary line adjustment (BLA): A BLA was recorded to adjust the boundary between the two parcels. It is Pierce County Auditor recording #2018-04-18-5001. The BLA moved the property line further southward so that the smaller parcel increased in size by 0.3 acres. The recording changed the parcel numbers. Prior to the BLA they were #0220071011 and #0220071012.
 - (b) Bulkhead replacement: Shoreline exemption and building permit applications were approved/issued to replace a 200 ft. long bulkhead on the larger parcel. The existing bulkhead was constructed of wood and would be replaced with rock.
2. May 16, 2018. Washington State Department of Fish and Wildlife issued a permit for the bulkhead replacement.
3. September 2018.
 - (a) Bulkhead: Bulkhead work completed.
 - (b) Shoreline permits: Applications submitted (the subject of this report).
4. October 2018. Building permits and a site development permit application were issued to construct, on the larger parcel, a single-family residence and detached garage. The residence will be setback 50 ft. from the shoreline and 40 ft. from the west property line.

The detached garage will be located landward of the residence approximately 180 ft. from the shoreline.

Proposal (Additional Details)

1. Dock:
 - It would consist of a 97 ft. long by 6 ft. wide pier, 40 ft. long by 4 ft. wide ramp, 48 ft. long by 8 ft. wide float, and 40 ft. long by 8 ft. wide float “L” float. The “L” would extend to the west.
 - It would be located at the mutual property line of both parcels and extend into a northeast direction into the water.
 - It would be setback more than 10 ft. from the abutting parcel to the east (not owned by the applicants).
 - The dock would appear be located partially on private tidelands owned by the Applicants and on State owned public tidelands.

2. Boathouse:
 - It would be located on the western parcel.
 - It would be setback more than 20 ft. from the eastern parcel.
 - It would locate landward of the shoreline and approximately 25-40 ft. from the dock.
 - No plans or details have been submitted regarding the size, height, if there would be a bathroom, etc.

3. Living Space within Detached Garage:
 - The building plans describe it as a shop.
 - It would be located on the western parcel.
 - A building permit has already been issued.
 - It will be located approximately 180 ft. from the shoreline.
 - It will be two-stories in height. The first floor will be 988 sq. ft. and the second-floor 468 sq. ft. The second floor would be utilized for living space.
 - The building will include a bathroom.

Initial Planning and Public Works Staff Review for Consistency with Policies/Regulations.

Shorelines

1. Washington State Shoreline Management Act:
 - A. Summary: In 1971/72, this Act became effective. The Act, or law, governs the use/development of larger water bodies and lands within 200 feet. The Act required Counties, Cities, and Towns throughout the State to develop plans for use/development of their shorelines. The plans are called Shoreline Master Programs. The plans are based on the Act but tailored to the unique characteristics of each community.
 - B. Code Location:
 - Revised Code of Washington, (RCW), Chapter 90.58
 - Washington Administrative Code (WAC), Chapter 173-27

2. Pierce County Shoreline Master Program:
 - A. Summary: In 1974/75, this program became effective. All shorelines were assigned an

Environment designation. Designations were based on a shoreline's existing physical characteristics. The Environments created, from least to most restrictive, are: Urban, Rural-Residential, Rural, Conservancy and Natural. The Plan also created policies and regulations for what use/development is allowed in each Environment, what type of permit is required (if allowed), and criteria to be utilized in their review.

B. Code Location:

- Pierce County Code (PCC), Title 19D, Chapter 19D.140
- Pierce County Code (PCC), Title 20

Staff Comment: The County Shoreline Master Program has designated this parcel as Rural-Residential. This report contains the policies and regulations applicable to this proposal.

REASONS WHY SHORELINE PERMITS ARE REQUIRED:

1. Shoreline Substantial Development Permit (SD):

A. Summary:

- The entire proposal would exceed the fair market value limit of \$7,047.00. Note: the monetary figures listed in the regulations are outdated. State law has increased the figures to \$7,047.00.
- An SD is required for a joint-use dock.
- Construction of single-family residences and one detached garage does not require approval of a Shoreline Substantial Development Permit. However, other structures commonly accessory to residences do require a Shoreline Substantial Development Permit (such as living space above a detached shop).

B. Code Locations:

- WAC, Chapter 173-27, Section 173-27-040 (2)(a)
- PCC, Title 20, Chapter 20.76, Sections 20.76.030 A.1. and B.1.
- PCC, Title 20, Chapter 20.56, Section 20.56.030 B.
- PCC, Title 20, Chapter 20.62, Section 20.62.040 A.2.d.

2. Shoreline Conditional Use Permit (CP):

A. Summary: The boathouse would be a water dependent accessory use, within the required 50-foot setback.

B. Code Location: PCC, Title 20, Chapter 20.62, Section 20.62.050 D.2.

SHORELINE PERMIT REVIEW CRITERIA:

1. Rural-Residential Policies/Regulations (applies to the entire proposal):

A. Definition and Purpose. The Rural-Residential Environment is an area of medium intensity land use, that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an area that will serve as a buffer between the highly intensive development of the urban environment and the non-intensive development of rural environment. It is an Environment Designation that will allow medium intensity residential, commercial and agriculture development. The purpose of assigning an area to a Rural-Residential Environment is to allow for a natural transitional area between the sometimes incompatible intensive land uses of urban areas and the agricultural uses, recreational uses, and open space found in the rural environment.

B. General Regulations and Policies

- Existing land use patterns that reflect a suburban environment and also by virtue of existing development do not have the potential for supporting intensive agricultural or recreational activities should be designated as a Rural-Residential Environment if urban expansion is not anticipated.
- Medium intensity residential uses should be encouraged in the Rural-Residential Environment in order to relieve pressure from urbanized areas and provide living area for those wishing to enjoy a less densely developed shoreline.

C. Preferred Uses

- Single family residence.
- Neighborhood commercial uses such as small service establishments.

D. Location of policies/regulations

- PCC, Title 19D, Chapter 19D.190, Page 16
- PCC, Title 20, Chapter 20.10

Staff Comment: Staff finds that the proposal is consistent with the Rural-Residential Shoreline Environment.

2. Dock (applies to only the dock)

A. Policies (PCC Title 19D.190, pages 37-38)

- Piers associated with single-family residences should be discouraged.
- In considering any pier, considerations such as environmental impact, navigational impact, existing pier density, parking availability, and impact on adjacent proximate land ownership should be considered.
- Encourage the use of mooring buoys as an alternative to space consuming piers such as those in front of single-family residences.
- Piers and floating docks should be encouraged to be built perpendicular to the shoreline rather than along it.
- Encourage pier construction to include larger spans on fewer pilings rather than smaller spans and more pilings. Piers in marine waters may provide habitat suitable for predatory fish with consequent detriment to young salmonids.
- When plastics or other non-degradable materials are used in pier construction precautions should be taken to insure their containment.
- The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fisherman will not be created.
- Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift, and where scenic values will not be impaired.
- Areas having a significant near shore fishery should not be used for floating docks.

B. Regulations (PCC Chapter 20.56)

- Important navigational routes or marine oriented recreation areas will not be obstructed or impaired.
- Views from surrounding properties will not be unduly impaired.
- Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired.
- Public use of the surface waters below ordinary high water shall not be unduly impaired.

- A reasonable alternative such as joint-use, commercial or public moorage facilities does not exist or is not likely to exist in the near future.
- The use or uses of any proposed dock, pier or float requires, by common and acceptable practice, a shoreline location in order to function.
- The intensity of the use or uses of any proposed dock, pier and or float shall be compatible with the surrounding environment and land and water uses.
- In areas identified by the Department of Fisheries, Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, piers, docks and floats shall not be allowed unless functionally necessary to the propagation, harvesting, testing or experimentation of said marine or wildlife, unless it can be conclusively established that the dock, pier or float will not be detrimental to the natural habitat.
- All piers and docks shall be constructed and maintained in a safe and sound condition.
- Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.
- When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.
- Joint-use piers and docks: Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at MLLW on saltwater shorelines, except that the intrusion into the water of any pier or dock should not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines.
- Joint-use piers and docks: Maximum length parallel to shore should not exceed 8 feet.
- Joint-use piers and docks: A minimum separation of 10 feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.

Staff Comment: The issue of whether a dock should be allowed is not the issue. The issue appears to be whether the dimensions of the proposed dock are appropriate. With that said, docks that are shared by more than one parcel are encouraged and, therefore, sometimes provided flexibility in their dimensions so as to provide an incentive for sharing docks (so as to reduce the proliferation of single-use docks). However, in this case, both parcels are owned by the same party. Therefore, while it technically would be a joint-use dock in reality it would be a single-use dock. As such, it would not appear appropriate to allow a dock longer than 150 ft. and definitely not with an "L" unless a better cross-section or dive survey is submitted showing the additional length is necessary.

However, fetch is not an issue as the distance to Pt. Fosdick is just over 1 mile.

The application should also clarify if any boatlifts or buoys are also proposed or if the applicants have any currently.

3. Residential Development (applies to the boathouse and living space within detached garage):
 - A. Policies (PCC, Title 19D, Chapter 19D.140, Page 28)
 - Adequate distances between shorelines and structural developments should be maintained in order to protect water quality, maintain dynamic systems, prevent dangerous geological stresses, and insure aesthetic quality.
 - Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

B. Regulations (PCC, Title 20, Chapter 20.62, Section 20.62.030)

- 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 will be utilized during and after project construction.
- Disturbance of shoreline vegetation will be minimized.
- Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
- All residential structures shall be landward of the extreme high water mark.
- Bulkheading, filling, substantial regarding, or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.

Staff Comment: Both the requests for a boathouse and converting the second story of the shop to living space appear to be reasonable requests. However, the size, height, appearance, etc. of the boathouse should be clarified. Further, it appears there is a road proposed landward of the residence and boathouse. The amount of clearing, vegetation removal, and impervious surfaces along the shoreline should be clarified.

4. Shoreline Conditional Use Permit (applies to the boathouse):

A. County Residential Criteria (PCC, Title 20, Chapter 20.62, Section 20.62.050 D.2.)

- Views from surrounding properties will not be unduly impaired.
- Adequate separation will be maintained between the structure and adjacent properties and structures.
- Screening and/or vegetation will be provided to the extent necessary to insure aesthetic quality.
- Design and construction materials shall be chosen so as to blend with the surrounding environment.
- No additional harm to the aquatic environment will result from the reduced setback.

B. County General Criteria (PCC, Title 20, Chapter 20.72, Section 20.72.030)

- That there is some necessity for a shoreline site for the proposed use or that the particular site applied for is essential for this use.
- The use will cause no unreasonably adverse effects on the environment or other uses.
- That water, air, noise, and other classes of pollution will not exceed the level customarily found in that particular environment.
- Design of the site will be compatible with the Master Program.
- The use will not interfere with public use or public shorelines.

C. State Criteria (WAC, Chapter 173-27, Section 173-27-160)

- That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program.
- That the proposed use will not interfere with normal public use of the shorelines.
- That the proposed use of the site and design of the project is compatible with other permitted uses within the area.
- The use will cause no unreasonable adverse effects on the environment in which it is

- located.
- That the public interest suffers no substantial detrimental effect.
 - In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Staff Comment: The boathouse is necessary to support recreational use of the water. It would be located on land and not interfere with use of the water. It would be centrally located on the parcel and not interfere with use of abutting parcels. Further, it would not block views. It would be visible from the water. However, it would be compatible with and not impact other uses in the area.

Gig Harbor Peninsula Community Plan (Pierce County Code (PCC), Title 19B)

Staff Comment: There are any number of policies from the Gig Harbor Community Plan that could apply to this proposal but would result in an extensively long report. However, the site should be designed to minimize grading along the shoreline and preserve vegetation.

Bear Pai SDCP IPR PAC-TB.docx