

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Conditional Use Permit: Norbe, Benjamin & Rose Stanek

Application Numbers: 897779, 897782, 897783
Parcel Number: 0121264073

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: February 13, 2019, at 6:30 p.m., City of Gig Harbor (southeast entrance), 3510 Grandview Street, Gig Harbor, WA 98335.

Proposal: The applicant proposes the following:

- Construct a 150-foot long single use dock with attached boatlift;
- Construct a new 14-foot by 24-foot boathouse;
- Expand the existing patio; and
- Construct a new set of stairs for shoreline access.

Project Location: 7502 Ford Drive NW, Gig Harbor, WA, in the Rural-Residential Shoreline Environment and Rural 10 (R10) zone classifications in the Gig Harbor Peninsula Community Plan area, within Section 26, T21N, R1E, W.M., in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with all policies, codes, and regulations.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. As of the writing of this report Planning and Public Works (PPW) has not yet concluded its environmental review.

County Contact: Andrew Van Gordon, Associate Planner, andrew.vangordon@piercecountywa.gov
253-798-7113

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=897779>



Project Data

Complete Application Date: October 25, 2018

Initial Project Review Mailed: January 30, 2019

Property Owner/Applicants: Norbe, Benjamin and Rose Stanek
7502 Ford Drive NW
Gig Harbor, WA 98335
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Agent: Halsan EF & P LLC
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Legal and Public Notice

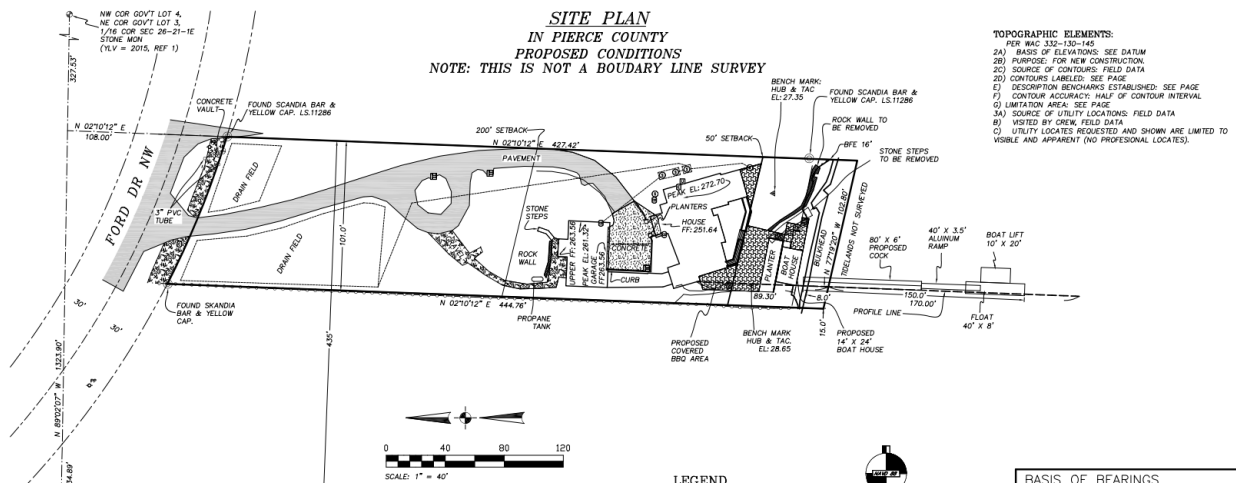
- *November 2, 2018*: Notice of Application, including the Gig Harbor Peninsula Advisory Commission (PAC) meeting date, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *November 14, 2018*: A revised Notice of Application, including the changed PAC meeting date, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *November 9, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *January 30, and 31, 2018*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission public meeting.

2017 County Aerial Photo

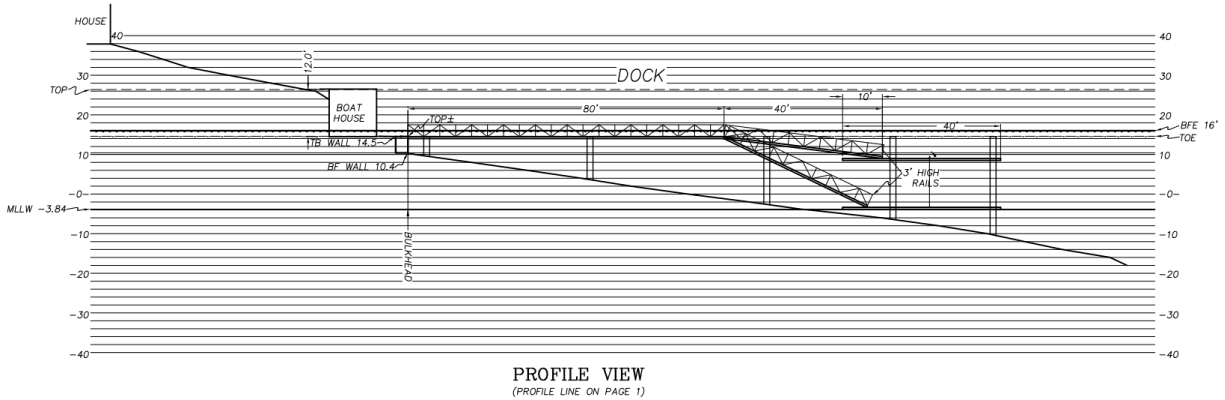


Figure 1: Project will be occurring on the highlighted parcel.

Proposed Site Plan



Proposed Cross Section



Comments from the Public and Agencies

- Comments received on this proposal may be found by accessing the online permit information referenced on page 1.
- No comments have been received from the public.
- Staff has not received comment opposed to the project from agencies. However, the Department of Archaeology and Historic Preservation (DAHP) has identified a need for a Cultural Resource Study to be completed prior to ground disturbing activities. The Nisqually Indian Tribe concurs with the DAHP.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Ford Drive NW	N/A	Rural 10 (R10)
South	Hale Passage	N/A	N/A
West	Detached Single Family Residences	Rural-Residential	R10
East	Detached Single Family Residence	Rural-Residential	R10

Initial Planning and Public Works (PPW) Staff Review for Consistency with Regulations and Policies

Title 19A Appendix E: Gig Harbor Community Plan (June 30, 2016)

Applicable policies include but are not limited to:

- Goal ENV-2.4.1: Analyze the cumulative impacts of shoreline development when evaluating an individual project.
- Goal ENV-2.7.1: Encourage retention of native vegetation and trees immediately adjacent to the waterbody in any required setback.
- Goal ENV - 7.1: Require property owners to conduct a geotechnical evaluation of properties that contain landslide and erosion hazard areas prior to clearing or site development. This geotechnical report shall recommend stormwater runoff options prior to construction of a stormwater system.

Title 19D Other Comprehensive Planning Documents, Chapter 19D.190 Shoreline Master Program for Pierce County (March 4, 1974)

The Shoreline Master Program (SMP) for Pierce County states:

- Piers (d): Piers associated with single-family residences should be discouraged.
- Piers (e): 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.
- Piers (f): Encourage the use of mooring buoys as an alternative to space consuming piers such as those in front of single family residences.
- Piers (n): Priority should be given to the use of community piers and docks in all new major waterfront subdivisions. In general, encouragement should be given to the cooperative use of piers and docks.
- Residential Development (i): Residential development over surface water should be prohibited.

Pierce County Shoreline Management Use Regulations – Title 20

Shoreline Planning has reviewed the proposal for conformance with the requirements of Title 20 - Shoreline Management Use Regulations.

The following is an analysis of how the project complies with various provisions of Chapter 20.

- Substantial Development (20.04.640)
The proposal exceeds the established fair market value for development. It is considered substantial development and exceeds length allowances. The proposal meets requirements by applying for a Substantial Development Permit.
- Rural-Residential Environment (20.10)
Preferred uses within this shoreline environment include single-family residences. General regulations and policies include allowances for medium intensity residential uses to 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.
- Piers and Docks: Intent (20.56.020)
It is the intent of Pierce County to encourage the construction of joint use or community use docks and piers whenever feasible. The neighboring property to the west is improved with a dock approved through application #635299 SD/CP/V19-08 Phillips, Wendy. Staff has requested the applicant provide additional information discussing reasonable alternatives such as joint use or commercial facilities.
- Piers and Docks: Environmental Regulations – Uses Permitted (20.56.030)
The proposal exceeds fair market value and includes a single-use saltwater dock that exceeds the maximum length. A Substantial Development Permit is required for the project. A Substantial Development Permit has been applied for.

- Piers and Docks: General Criteria and Guidelines for Reviewing Substantial Development Permits (20.56.040 A)

The granting of a Substantial Development Permit is dependent upon the County reviewing authority's determination that the proposed project is consistent with the policies of the Master Program and with the following criteria:

1. Important navigational routes and marine oriented recreation areas will not be obstructed or impaired.

The fetch is approximately 3,061 feet or .58 miles. At 150 feet overwater perpendicular to the shoreline the proposed length of the dock is approximately 4.9 percent of the fetch.

There is no evidence that the dock will obstruct or impair important navigational routes. With a fetch being approximately .58 miles there is more than enough room for vessels, large and small, to avoid the dock. Marine oriented recreation may have to avoid the dock depending on how close to the shoreline the recreation occurs. However, Staff does not find that this will obstruct or impair important marine oriented recreation areas. Due to the large fetch there is room to avoid the development along with avoiding important navigational routes. Staff has not received comment from marine oriented recreational area users that this will be an issue.

2. Views from surrounding properties will not be unduly impaired.

Development on surrounding properties, like the subject property, are mainly located on property that slopes down from Ford Drive NW to the shoreline. Residences in the neighboring vicinity, while not generally built near Ford Drive NW are built at a higher elevation than the dock. The dock would most likely be able to be seen from neighboring properties but would not unduly impair views as they would be at a lower elevation than the surrounding development.

3. Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired.

Staff finds that those who walk the beach would most likely have to go under the pier. There is only approximately 3 feet between the rear of the dock and the toe of the slope. At Median Lower Low Water there is room on the beach to walk under the dock. At most there is a clearance of 14 feet. Staff has requested that the Ordinary High Water Mark (OHWM) be shown on the plans. As OHWM isn't shown Staff cannot definitively say how the dock would or wouldn't interfere with adjoining property.

4. Public use of the surface waters below ordinary high water shall not be unduly impaired.

Public use of the waters below ordinary high water would be impaired because there would be a need to avoid the dock and buoy. However, uses would still be able to avoid the structure. With a fetch of over a half a mile there is room to go around the dock and stay out of important navigational routes. Staff has not received comment that this would unduly impair the public use of the surface waters below ordinary high water.

5. 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 applicant does not speak to reasonable alternative to a single-use dock. Staff has requested the applicant provide additional information about alternatives.

6. 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 proposal is located on the shoreline.

7. 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.

As spoken to previously in the report the adjacent property to the west is improved with a dock. If one continues west properties are sparsely improved with docks. Staff does not find that the applicants' currently proposed dock is out of character or a greater intensity than what is existing.

- Piers and Docks: General Criteria and Guidelines for Reviewing Substantial Development Permits: Development Guidelines (20.56.040 B)

In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the County's reviewing authority to a site-specific project application for a Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth.

1. All subdivisions containing ten or more lots proposed after the effective date of this amended Chapter which abut the shoreline of any saltwater body or lake, should make provision for a community dock. Individual docks shall not be permitted.

The applicants' property is not part of an applicable subdivision. This requirement is not applicable.

2. 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.

Staff is not aware of a study in existence at the time of application. This requirement is not applicable.

3. All piers and docks shall be constructed and maintained in a safe and sound condition.

The application can be conditioned to meet this requirement.

4. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.

Extreme high tide is not shown.

5. When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.

The application can be conditioned to meet this requirement.

6. Single use piers and docks

- a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at mean lower low water on saltwater shorelines or as measured at ordinary high water in freshwater shorelines, except that the intrusion into the water of any pier or dock should not exceed the lesser of 15 percent of the fetch of 150 feet on saltwater shorelines and 40 feet on freshwater shorelines.

The proposal is located on Hale Passage in the Rural-Residential Environment, a saltwater shoreline. At Mean Lower Low Water the depth of water is approximately 6 feet. The dock has a length of 150 feet overwater which is approximately 4.9 percent of fetch.

- b. Maximum length parallel to shore should not exceed eight feet.

No part of the proposal exceeds 8 feet.

- c. A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.

The dock is placed 15 feet from the side property line as defined in this requirement.

- Residential Development: General Regulations (20.62.030)

- A. Prior to the approval of any residential development and associated roads and utilities pursuant to this Chapter, the appropriate reviewing authority shall be satisfied that:

1. 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.

Staff has requested a geological assessment in the form of geotechnical letter, geotechnical evaluation, or geotechnical report to be prepared and submitted to the Development Engineering Section. As of the writing of this report one has not been provided for review.

2. Adequate methods of erosion control will be utilized during and after project construction.

The proposal shall meet all erosion control requirements. The project can be conditioned to meet this requirement.

3. Disturbance of shoreline vegetation will be minimized.
The property from the residence down to the shoreline has already been developed and disturbed through previous actions. When Staff visited the site, it was fairly devoid of vegetation. The area proposed for development through the current shoreline permits is mainly lawn, some ground cover, a Japanese maple, yucca plants and low bushes.
 4. 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.
The proposal can be conditioned to meet this requirement.
 5. All residential structures shall be landward of the extreme high water mark.
The boathouse and stairs are landward of the bulkhead.
- B. Bulkheading, filling, substantial regrading 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 is concerned with the amount of regrading that will occur as a result of the current proposal. It appears that there are some fairly significant retaining walls that are going to be used to support the upland paver area. Using the rear wall of the boathouse in place of a retaining wall may be acceptable but the continuation of the retaining wall to either side of the boathouse doesn't appear necessary. Additionally, the retaining walls associated with the access stairs and the paver area outside of the entrance to the boathouse don't appear fully necessary. A more direct pathway appears to be possible. Staff has spoken with the agent about the concerns; however, a full response has not been received as of the writing of this report.
- C. In any development project containing five or more residential sites, a commonly owned natural open space area shall be provided and maintained between the shoreline and the first tier of lots adjacent to the shoreline for the benefit, use and enjoyment of all lots within said subdivision and for the purpose of maintaining the natural visual appearance of the waterfront. However, if due to topography or other significant site characteristics, another site would be more appropriately used as open space, and it is determined that linear access is not required, the appropriate reviewing authority may allow an equivalent area to be utilized as open space.
This requirement does not apply to the proposal. The applicants are not requesting a subdivision.
- D. All new platting on rivers of statewide significance shall include a pedestrian easement along the stream bank for the use of the public. Said easement shall be a minimum width on a horizontal plane from ordinary high water as necessary for a practical trail which will not damage stream banks.
This requirement does not apply to the proposal. The applicant is not requesting a subdivision nor is the project located on a river of statewide significance.

- E. All new platting on lakes and marine shorelines shall include pedestrian easements to public waters if the appropriate reviewing authority determines that adequate public access does not presently exist in the area.

This requirement does not apply to the proposal. The applicants are not requesting a subdivision.

- Residential Development: Environmental Regulations – Uses Permitted (20.62.040)

The boathouse, paver areas and the stairway to the shoreline are accessory to a dwelling unit. There is an existing single-family residence on the property. They all require approval through a Shoreline Substantial Development Permit. The applicants have applied for said permit.

- Residential Development: Bulk Regulations (20.62.050)

- A. **Lot Coverage.** Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.

The County calculates the 33-1/3 percent of the gross lot area within 200 feet of the shorelines. The plans indicate that there will be 37 percent impervious surface. Staff has spoken with the agent about this, but as of the writing of this report a revision has not been received.

- B. **Setbacks.** All setbacks, with the exception of the setbacks from the ordinary high water line or lawfully established bulkhead, shall be as required by the Pierce County Zoning code or other county regulations.

The property is within the Rural 10 zone in the Gig Harbor Community Plan area. The boathouse is 15 feet from the side yard property line. The paver area is closer but still 10 feet away. The Rural 10 zone has a 10-foot side yard setback.

- C. **Special Setbacks for Shoreline Sites.** The required setback for buildings and structures from any lot line or lines abutting the ordinary high-water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.

The boathouse, a portion of the paver area, and the stairway are within 50 feet of the ordinary high water mark (OHWM). The boathouse and stairway are considered water dependent and can be reviewed through the following section. There is an allowance to allow the paver area within 50 feet of the OHWM that will be discussed later in the report.

- D. **Exceptions to the Special Setbacks for Shoreline Sites.**

1. The shoreline setback for any proposed building or structures on a vacant lot that has a common property line with one or more lots which is/are developed with a principal use/uses which abut the ordinary high water line shall be as follows:

- a. Not less than the average of the setbacks of the principle uses on the adjacent properties. (In determining the average, a vacant parcel shall be considered a 50-foot setback.) However, no building or structure will be required to be set back more than 50 feet from nor allowed closer than 15 feet to the ordinary high water line or the lawfully established bulkhead.

The property is not vacant. This requirement is not applicable.

2. Any water dependent accessory use may be allowed within the 50-foot setback upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the following Conditional Use criteria, and the Conditional Use criteria listed in WAC 173-14-140, and will cause no reasonable adverse effects on the environment and other uses.

The boathouse and stairway are considered water dependent uses. To be approved it shall meet the following requirements.

- a. Views from surrounding properties will not be unduly impaired.

The boathouse is proposed to be set back 8 feet from the existing bulkhead and 15 feet from the nearest side property line. It is proposed to be 12 feet tall. The stairway will be on the east side of the boathouse. Both will most likely be able to be seen from neighboring properties, but, as spoken to earlier in the report, the surrounding residences are mainly built further up the slope from the shoreline. Staff has not received comment that views would be unduly impaired.

- b. Adequate separation will be maintained between the structure and adjacent properties and structures.

As spoken to previously in the report the structures will meet setbacks from adjacent properties. There does not appear to be any concern at this time with the proximity to the other on-site structures.

- c. Screening and/or vegetation will be provided to the extent necessary to insure aesthetic quality.

Staff has requested the applicant identify any proposed screening and/or vegetation that will be provided to insure aesthetic quality or explain why none is needed.

- d. Design and construction materials shall be chosen so as to blend in with the surrounding environment.

Staff has requested additional information regarding the design and construction materials that will be chosen for the boathouse.

- e. No additional harm to the aquatic environment will result from the reduced setback.

Staff has requested a Habitat Assessment Study and questions regarding FEMA "Protected Area" be answered, completed, and provided to the reviewing biologist. As of the writing of this report these items have not been provided.

3. The shoreline setback for lots of record as of April 4, 1975, having a depth of less than 115 feet may be reduced, if appropriate by one foot for each foot that the lot is less than 115 feet deep, but in no case shall such adjustment result in a setback of less than 15 feet.

This requirement is not applicable. The lot is greater than 115 feet in depth.

4. Existing buildings and structures in existence on or before the effective date of this Title may be remodeled or rebuilt in the same location, provided the ground floor lot area of the said building is not increased and further provided that the building or use thereof shall have been and continues to be conforming to these regulations and shall be for the same use.

This requirement is not applicable.

- a. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features, cornices, eaves, sun shades and gutters may project into a required yard a distance not to exceed one and one-half feet.

This requirement is not applicable.

- b. Uncovered porches or decks may project into a required setback, provided that such porches or decks are no higher than four feet from the finished ground level; and further provided that in no case shall they be closer than 5 feet to any lot line nor closer than 15 feet to ordinary high water or the lawfully established bulkhead.

The paver area is considered a deck. Portions of it are within 50 feet of the legally established bulkhead. It is further than 15 feet away from the bulkhead and further than 5 feet from the side property line. However, Staff is unsure what the height is and has requested that measurement.

- Shoreline Substantial Development Permits, Variances, Conditional Uses, and Expansion of Nonconforming Use Permits: Conditional Uses (20.72.030)

Uses considered to be Conditional Uses are those which may be permitted provided all the following criteria are met. This section applies to the boathouse, stairway, and boatlift.

- A. 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.

Access to the shoreline necessitates a shoreline site. The stairway facilitates access to the shoreline. A boathouse is a water dependent use and necessitates a shoreline site. A boatlift is designed to facilitate ease of access to the water without removing a vessel from an overwater location. This requires a shoreline location.

- B. The use will cause no unreasonably adverse effects on the environment or other uses.

Please see previous sections of this report. Staff has requested additional information from the applicant that will provide additional details regarding this requirement.

- C. That water, air, noise and other classes of pollution will not exceed the level customarily found in that particular environment.

Please see previous sections of this report. Staff has requested additional information from the applicant that will provide additional details regarding this requirement.

- D. Design of the site will be compatible with the Master Program.
Please see previous sections of this report. Staff has requested additional information from the applicant that will provide additional details regarding this requirement.
- E. The use will not interfere with public use or public shorelines.
Staff does not see evidence that the boathouse, stairway, or boatlift will interfere with public use or public shorelines.
- Shoreline Substantial Development Permits, Variances, Conditional Uses, and Expansion of Nonconforming Use Permits: Unclassified Uses (20.72.040)
All proposed uses not classified under one or more of the Master Program use activities shall be considered a Conditional Use and will be permitted provided the Conditional Use criteria are met. The boatlift is considered an unclassified use and is reviewed through the Conditional Use criteria.

Norbe SDCP IPR PAC-AVG.docx