

Initial Project Review

Shoreline Substantial Development Permit: Nguyen Single Family Dock

Application Numbers: 897712, 897714
Parcel Numbers: 0221303142

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: February 27, 2019, at 6:30 p.m., City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Construct a new single-family residential dock system which consists of: (1) 4-foot by 46-foot aluminum pier (40 feet overwater); (1) 4-foot by 44-foot aluminum pier; (1) 3-foot by 40-foot aluminum ramp; and, (1) 8-foot by 30-foot float. The total project coverage is approximately 720 square feet. The overwater coverage is approximately 696 square feet. Total project length is 154 feet and total overwater length is approximately 148 feet from the ordinary high water mark (existing bulkhead). There will be installation of foam filled secured by (2) galvanized steel pile hoop with rollers, and (2) galvanized steel pile boxes and rollers. There will be (4) pile mounted float stops, and (2) 3” galvanized steel stub pilings installed to stop the floats from grounding.

Project Location: 2221 50th Avenue NW, Gig Harbor, WA 98335, in the Rural Residential Shoreline Environment and Rural 10 (R10) zone classification of the Gig Harbor Peninsula Community Plan area, within Section 30, T21N, R02E, W.M., in Council District #7

Review Summary: The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Gig Harbor Peninsula Community Plan. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval with conditions.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. Planning and Public Works (PPW) has not yet concluded its environmental review. Note: The project is **not** likely to result in any significant adverse environmental impact and a Determination of Nonsignificance (DNS) is likely to be issued.

County Contact: Robert Perez, Planner, 253-798-3093, robert.perez@piercecountywa.gov

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=897712>



Project Data

Complete Application Date: October 25, 2018

Initial Project Review Mailed: February 20, 2019

Applicants/Owners: Nguyen Hung Van & Duong, Linh Thuy
10107 51st Street NW
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hnguyenagc@gmail.com

Agent: Marine Floats Corporation
Attn: Lorrie Chase
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Tacoma, WA 98421
lchase@marinefloats.com

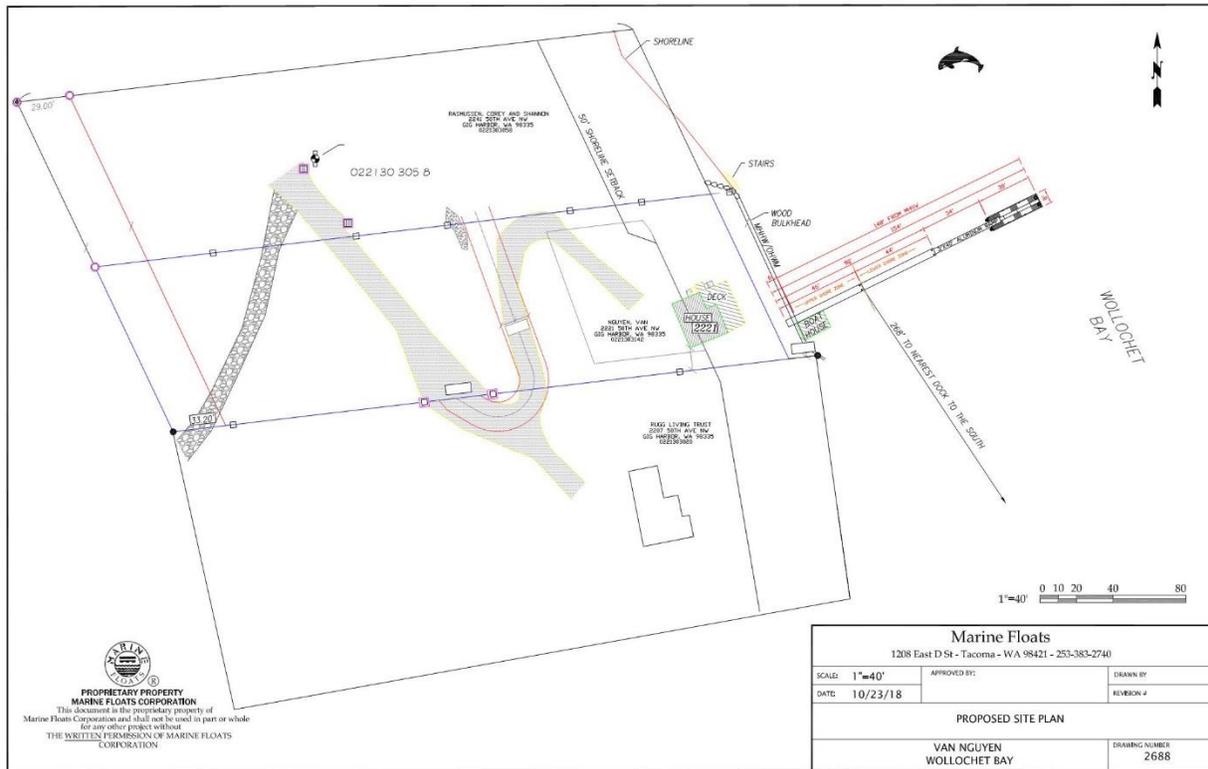
Legal Notice

- *November 9, 2018*: Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *November 16, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *February 13, and 14, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission.

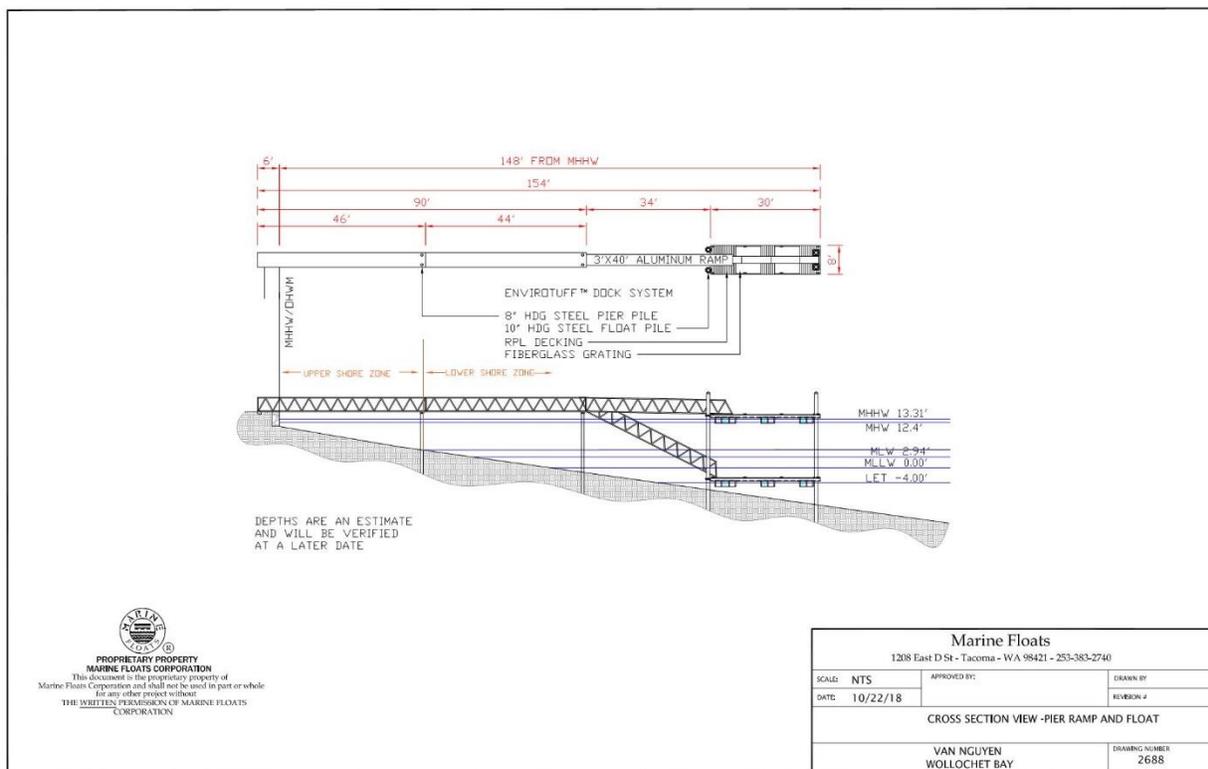
2018 Ortho Photos



Site Plan



Cross Section



Review Responsibility

The following list includes examples of jurisdictional areas for various County departments and divisions typically involved in the review and administration of this proposal:

A. Planning and Public Works (PPW):

- Current Planning verifies compliance with the Pierce County Comprehensive Plan, applicable community plans and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review, and potential environmental impacts.
- Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions, and road standards.
- Cartography reviews road names and addresses.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

B. Gig Harbor Peninsula Advisory Commission (PAC):

The PAC's role in the review process for a land use proposal includes the following:

- Review the proposal for consistency with the goals and policies in the Community Plan.
- Provide a local perspective that includes input from the community and insights of which PPW staff or the Hearing Examiner may not be aware.
- Offer recommendations for project design to fit with the community's vision while remaining consistent with the Community Plan.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the PAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation. The LUAC may recommend the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations.

Review Criteria

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County development regulations and construction and infrastructure regulations;
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- The County Assessor lists parcel 0221303142 as being .78 acre.
- The access to the site is via a driveway off of 50th Avenue Northwest.
- The parcel is located on the west shore of Wollochet Bay.
- The topography of the site slopes toward the shore/bulkhead.
- The parcel is improved with single-family home.
- The parcel is improved with a bulkhead.
- The parcel is heavily vegetated.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence	Rural-Residential	Rural 10 (R10)
South	Single-family residence	Rural-Residential	R10
East	Puget Sound	N/A	N/A
West	Single-family residence	Rural-Residential	R10

Agency Review Comments

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- The Nisqually Indian Tribe commented that they would like to be notified of inadvertent discoveries of archaeological significance.
- The Squaxin Island Tribe commented that they would like to be notified of inadvertent discoveries of archaeological significance.
- The Department of Ecology commented that if excavation occurs lead and arsenic testing should occur, and results sent to Department of Ecology.

Public Comments

No public comments were received prior to the March 15, 2018, comment deadline.

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

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

GH ENV-2 Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.

GH ENV-2.1 Consider implementing low impact development tools. These include reducing the amount of impervious surfaces on each site, minimizing soil disturbance and erosion, disconnecting constructed drainage courses, and utilizing micro-detention facilities on each lot, (provided such facilities would not contribute to landslide hazards or slope failures) where feasible, rather than one facility at the end of a conveyance system.

GH ENV-2.2 Require a tree canopy and native vegetation buffer plan for new development in all shoreline environments.

GH ENV-2.2.1 Discourage lawn areas that extend to the edge of slopes, bluffs, or beaches. Encourage retention of native vegetation immediately adjacent to the waterbody in any required setback.

GH ENV-2.2.2 Require protection for trees, including snags, located along the shoreline.

GH ENV-2.4.4 Generally prohibit new construction or any expansion of an existing structure over the water (e.g., boathouses shall be located landward of the ordinary high-water mark.)

GH ENV-2.7 Prioritize vegetation and tree preservation in shoreline locations that are identified on the Open Space Corridors Map.

GH ENV-3.4 To help control surface water runoff, discourage vegetation removal during construction and site development activity.

Staff Comment: The Gig Harbor Community Plan prioritizes vegetation retention and tree preservation in shoreline locations. The area immediately landward of the bulkhead is heavily vegetated with trees and ground cover. Staff recognizes that preservation of native vegetation and wildlife habitat is a priority of the Community Plan. Vegetation removal should be minimized as much as feasible and retention of significant trees should be required. The proposal, as submitted, does not specify any area of vegetation retention or a tree canopy buffer. However, the previously issued Shoreline Exemption to a Substantial Development for repair and maintenance of an existing bulkhead carries a condition of vegetation retention within 50 feet of the shoreline. This condition should be extended to the construction of the dock system as well. This proposal is consistent with the Gig Harbor Community Plan in relation to the strong prioritization for vegetation protections and discouragement of lawns in the shoreline environment.

The addition of this single-family dock is not expected to have an impact on the views of the neighboring properties given the presence of other docks on developed properties to the south and should impact navigation of the shoreline minimally due to the existence of a small point just to the north. Within approximately a quarter mile to the north and south there is 6 other docks on the western side of Wollochet Bay.

Pierce County Shoreline Master Program Policies (Pierce County Code, Title 19D.190)

- 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.

Staff Comment: Regulations prefer joint-use docks over single-use docks. The project proposed is a Single-Family Dock System with an overwater length of 148 feet. The proposed construction methods are consistent with the Shoreline Master Program. To address environmental concerns the dock system will utilize open area construction to minimize the loss of light. Navigation impacts and pier density appear to be impacted minimally with this proposal. Marine Floats proposes to utilize best environmental construction practices.

Should the County approve the dock, additional approvals are necessary from State and Federal agencies. Among other issues, these approvals will consider the number of pilings, amount of grating, and proper containment for flotation material. Overall, the proposal meets all requirements and is straightforward.

Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 20)

- Construction of the proposed project exceeds established fair market value (\$6,416.00) for development and, therefore, the proposed construction shall be considered a substantial development for the purpose of this Title.
- A saltwater dock exceeding 50 feet in length, and buoy, requires a Shoreline Substantial Development Permit (SD) in the Rural Residential Shoreline Environment.
- 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.
- Single-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 mean lower low water (MLLW) 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 or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines.
- Single-use piers and docks: Maximum length parallel to shore should not exceed eight feet.

- Single-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 pier/ramp/float design and size are consistent with the character of other over-water structures in Wollochet Bay. The dock from the proposed location will not unduly affect ingress-egress or the use and enjoyment of the water or beach on the adjoining properties. Based on the submitted site plan, the proposed dock is 268 feet from the closest dock to the south and over 1,000 feet from the closest dock to the north. The proposed dock is roughly ten feet shorter than the dock to the south.

The nearest commercial moorage is the Wollochet Yacht Harbor located approximately .5 miles away along the shoreline. And the nearest public boat launch is approximately one mile away along the shoreline. Wollochet Bay Outstation could be a feasible alternative to the single-family dock system but currently some of the facilities are damaged including the Junior Sailing Dock and bulkhead. And the public ramp is farther than one mile when travel by street is considered. Travel time to the public facility can be further increased during high use months.

Overall, the dock meets all requirements for fetch, length, piling vertical clearance, and setbacks. The depth of water at the end of the dock will be less than 8 feet (approximately -4.8 feet) as measured at MLLW. The fetch is approximately 2300 feet, the length of the dock system is 148 feet overwater.

Note: The proposed dock can be conditioned to meet all requirements for approval of an SD application.

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