

Initial Project Review

Shoreline Substantial Development Permit: Peterson/Johnson

Application Numbers: 897707, 897708
Parcel Number: 5635000081

Gig Harbor Peninsula Advisory Commission Public Meeting: Wednesday, March 13, 2019, at 6:30 p.m., at the City of Gig Harbor, 3510 Grandview St., southeast entrance, Gig Harbor, WA.

Proposal: Construct a 152-foot long dock system, which consists of:

- a 4-foot x 94-foot timber framed pier (partially grated);
- a 3-foot x 40-foot aluminum ramp (partially grated);
- an 8-foot x 24-foot float (partially grated); and
- installation of (10) 8 ¾" galvanized steel pier piling(s), and (4) 10 ¾" galvanized steel float piling(s).

The dock system will have a total overwater length of approximately 150 feet from the ordinary high-water mark (OHWM). If approved, the dock system will be accessory to a single-family residence, on a 1.27-acre parcel located, on Henderson Bay.

Location: The site is on the east side of Henderson Bay on public tidelands of Puget Sound, more specifically 2,500 feet east of the Raft Island bridge, within a Rural-Residential Shoreline Environment, Rural 10 (R10) zone classification, and the Gig Harbor Peninsula Community Plan area, located at 7422 - 89th Avenue NW (location of the Proponents' parcel and residence), in Council District #7.

Review Summary: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds the proposal is generally consistent with the Pierce County Comprehensive Plan, Gig Harbor Community Plan, and the Shoreline Master Program Policies and Regulations. Some additional information will need to be provided to ensure consistency with the applicable titles in the Pierce County Code.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. On, October 25, 2018, the County conducted an initial environmental review and will be issuing a Determination of Nonsignificance (DNS).

County Contact: Ray Hoffmann, Planner, 253-798-2788, ray.hoffmann@piercecountywa.gov

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=897707>



Project Data

Complete Application Date: October 25, 2018

Initial Project Review Mailed: March 4, 2019

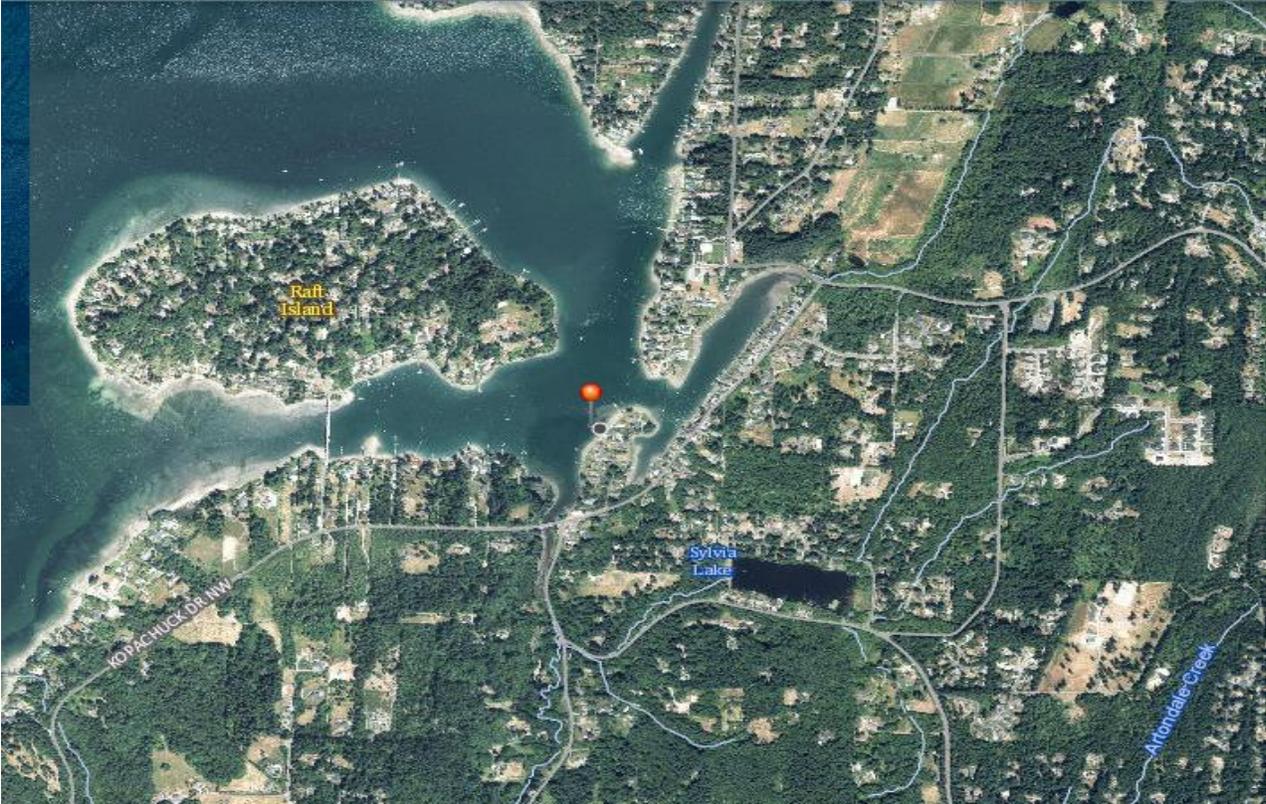
Owners: Mark Peterson and Sharon Johnson
7422 - 89th Avenue NW
Gig Harbor WA 98335
Mpeterson@seanet.com

Agent: Lori Chase
Marine Floats
1208 East D Street
Tacoma, WA 98421
lchase@marinefloats.com

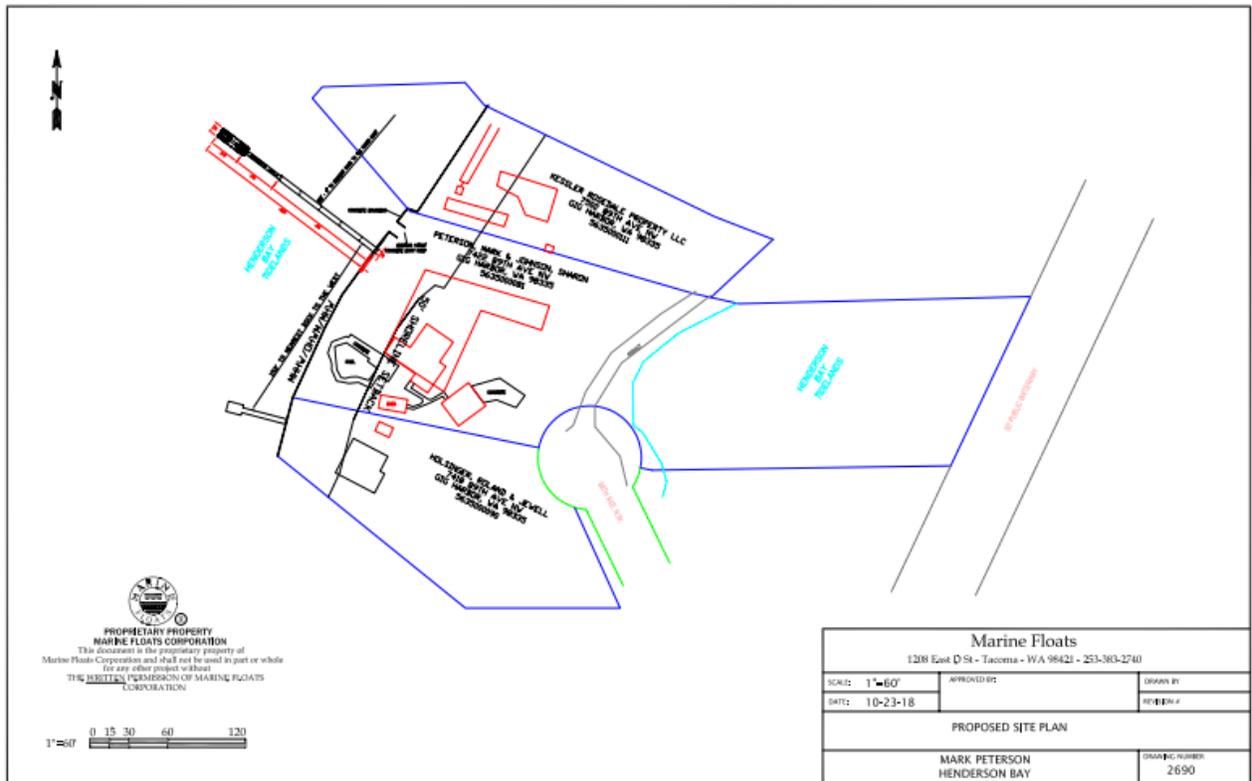
Legal and Public Notice

- *November 8, 2018*: Notice of Application (NOA) and Public Meeting Notice (original and revised), were 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*: Revised NOA and Public Meeting Notice (original and revised), were 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 27, and 28, 2019*; Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

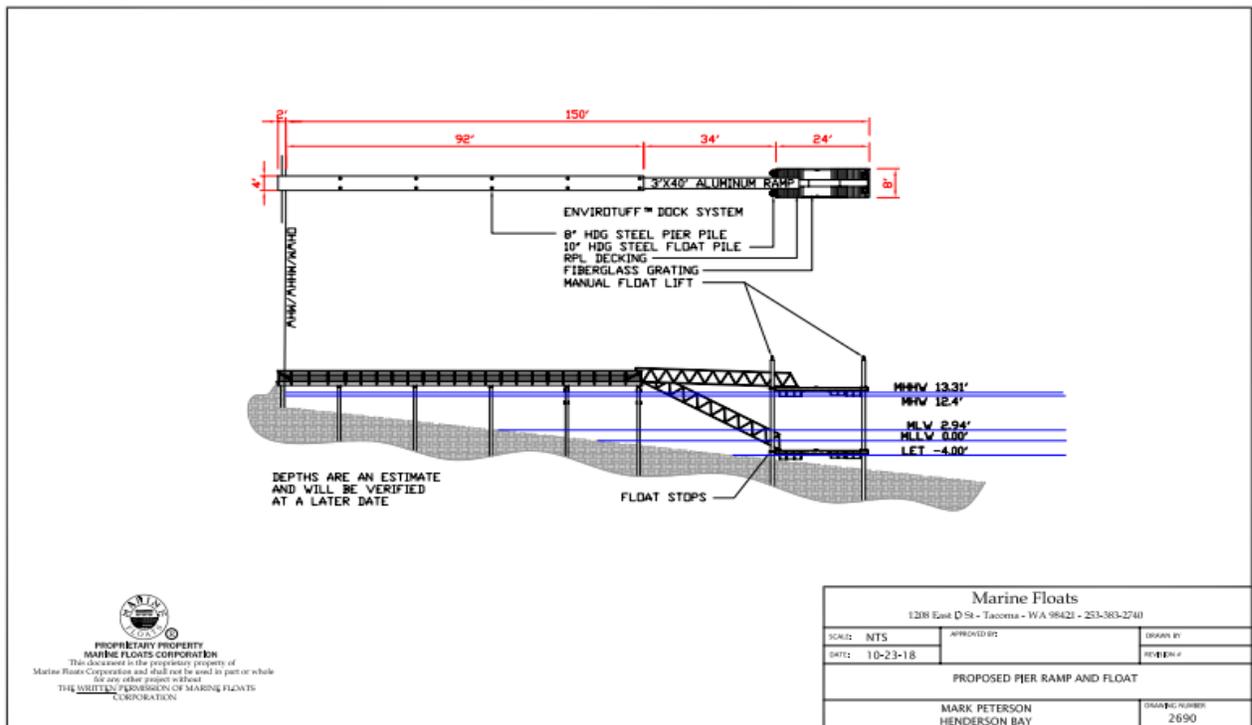
2017 County Aerial Photos



Site Plan



Cross-Section



Site Photo



Site Characteristics

- The applicants' lot is on the east shoreline of Henderson Bay across from Raft Island. This parcel is one of 10 lots that form a small peninsula.
- The tideland in front of the subject lot is relatively shallow.
- The applicants do not own a dock or other float.
- The County Assessor lists the parcel as 1.27-acre in size with approximately 180 feet of shoreline frontage.
- The parcel is improved with a single-family residence, attached garage, concrete bulkhead (with built-in beach access stairs and boat launch area), and an in-ground pool. All of these features date at least back to 1976 or earlier (Department Ecology archive photos).
- The single-family residence is located approximately 50 feet from the bulkhead.
- The fetch at the proposed dock location is approximately 1,150 feet.
- The proposed dock is located near other docks of varying sizes/lengths (the longest of which is 150 feet long located two parcels to the north).
- This area of the Bay is used for private mooring and, to some extent, water recreation (i.e. sailing, jet skiing, water skiing).

Surrounding Land Use / Shoreline / Zoning Designation

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

Public and Agency Review Comments

1. Public. One letter has been written by an adjacent neighbor declining the possibility of a joint use dock.
2. Agencies: Various governmental agencies have provided comments. The following is of note:
 - Washington State Department of Natural Resources (DNR): A letter from DNR has not yet been submitted. Since the dock is proposed on public tidelands managed by DNR, an approval letter from them will be required prior to being scheduled for the Hearing Examiner. The DNR may have additional recommendations for the project.
 - County Development Engineering Division: Has no concerns with the project as proposed.
 - County Resource Management Division: Has required that the applicant apply for formal Wetland and Fish and Wildlife review. The applicant will also need to comply with applicable State and Federal agency requirements.

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

Pierce County Shoreline Master Program (Pierce County Code, Chapter 19D.190 and Title 20)

1. Rural-Residential Shoreline Environment (PCC, Title 19D.190, page 18 / PCC Chapter 20.10)
 - 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.
 - General Regulations and Policies. The following general regulations and policies should apply to all shoreline areas classified in a Rural-Residential Environment:
 - 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.
 - Preferred Uses
 - Single family residence.
 - Neighborhood commercial uses such as small service establishments.

Staff Comment: The proposal is consistent with the Rural-Residential Shoreline Environment. There is not a section of the policy document specific to the float section of the dock; however, there is a section specific to piers. For those, there are policies discussing that consideration should be given to size/intensity relative to adjacent uses, navigation impacts, existing pier density, impact on adjacent ownership, encouraging the use of buoys as opposed to docks (associated with single-family residences), containment of flotation material, impacts to scenic values, impacts to recreational boaters, and cooperative use of facilities.

The proposal adds to the pattern of overwater features (permitted and unpermitted) on this portion of Henderson Bay that are acting to limit the public's ability to enjoy water dependent uses. The applicants wish to have the same convenience as other similar docks in the near vicinity.

County policies prefer joint-use facilities over single-use and, often, a float is preferred over a dock. The applicant had inquired with adjacent neighbors about a joint-use dock but was found to be unfeasible and/or unwilling. The proposed dock will be the minimum height necessary to protect views and will be constructed of modern ecologically friendly materials. The dock will be partially grated for sunlight passage to near shore habitat.

Should the dock be approved, approvals are also necessary from State and Federal agencies.

2. Why the shoreline permits are required.

A. Shoreline Substantial Development Permit.

- Section 20.76.020 of the County Shoreline Regulations and Section 173-27-040(2)(a) of the Washington Administrative Code (WAC) states that a Shoreline Substantial Development Permit shall be obtained for any development or use which exceeds a cost or fair market value of \$6,416.00. This dollar value is not actually listed in most printed versions of the codes. However, it has increased to this amount over the years per the same section of the WAC referenced above. Note, on September 2, 2017 (before this application was submitted) the amount increased to \$7,047.00.
- Section 20.56.030 D. requires a Shoreline Substantial Development Permit for single-use docks exceeding a length of 50 feet.

3. Docks Policies/Regulations

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.
- 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, 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.
- Single-use piers and docks: Maximum length parallel to shore should not exceed 8 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 applicants provided justification why joint-use is not feasible with one of the adjacent neighbors and is waiting to hear from the other adjacent neighbor.

It appears from the application materials that the dock meets the above-mentioned policies and regulatory requirements. The dock appears to have at least 10 feet of side yard setback from both the north and south property lines. The overwater dock length is under 15 percent of the fetch at approximately 13 percent (150-foot dock length / 1,150 fetch = 13%) and is anticipated to be no longer than needed to attain 8 feet of water depth. A dive study has not been completed at this time due to State Department of Fish and Wildlife timing restrictions. The dive study will also be needed for completion of the required habitat assessment.

Gig Harbor Peninsula Community Plan (Title 19A, Chapter 19A.10, Chapter 14, Appendix E, GH Env 2.4)

- Permit piers and docks in the High Intensity, Residential, and Conservancy shoreline environments. Piers and docks should generally be prohibited in the Natural Shoreline Environment.
- Encourage environmentally friendly dock design (e.g., grated dock surfaces that allow light to pass through instead of traditional dock construction methods).
- Require the joint- use of piers and docks whenever possible.

Staff Comment: These same general policies were already discussed in this report under the Shoreline Master Program section. The Gig Harbor Peninsula Community Plan policy goals include that uses along the shoreline should be allowable on a case by case basis, and review should analyze the cumulative impacts of shoreline development when evaluating an individual project. In this instance, although adding another fixed dock system adds more cumulative impact to the bay, there is still plenty of fetch for navigation and safe use for pleasure craft.

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