



# Initial Project Review

## Shoreline Substantial Development Permit / Shoreline Variance Permit: McLaughlin

**Application Numbers: 897416, 897562, 897418**  
**Parcel Number: 3445000046**

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

**Proposal:** Construct a 150-foot-long dock, install a mooring buoy, and make legal an existing staircase within the shoreline setback that accesses an existing beach platform where the new dock would be located.

**Project Location:** 1128 Hyak Place FI, Fox Island, WA, within the NW 1/4 of the SW 1/4 of Section 6, T20N, R2E, W.M., in Council District #7

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

**Zone Classification:** Rural 10 (R10)

**Community Plan Area:** Gig Harbor

**Shoreline Environment:** Rural Residential (vested)

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

**County Contact:** Dan Buhl, Associate Planner, [dan.buhl@piercescountywa.gov](mailto:dan.buhl@piercescountywa.gov), 253-798-3268

**Pierce County Online Permit Information:**

<https://pals.piercescountywa.gov/palsonline/#/permitSearch/permit/documents?applPermitId=897416>



## Project Data

Complete Application Date: October 22, 2018

Initial Project Review Mailed: March 20, 2019

Property Owners/Applicants: Craig McLaughlin  
1128 Hyak Place FI  
Fox Island, WA 98333  
[Craig99srf@comcast.net](mailto:Craig99srf@comcast.net)

Agent: Marine Floats Corporation  
Attn: Lorrie Chase  
1208 East D Street  
Tacoma, WA 98421  
[lchase@marinefloats.com](mailto:lchase@marinefloats.com)

## Legal and Public Notice

- *November 20, 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 site.
- *March 13 and 14, 2019:* Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper (respectively) advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.
- A Declaration of Posting has not been received stating the property was properly posted.

## Vicinity Photo



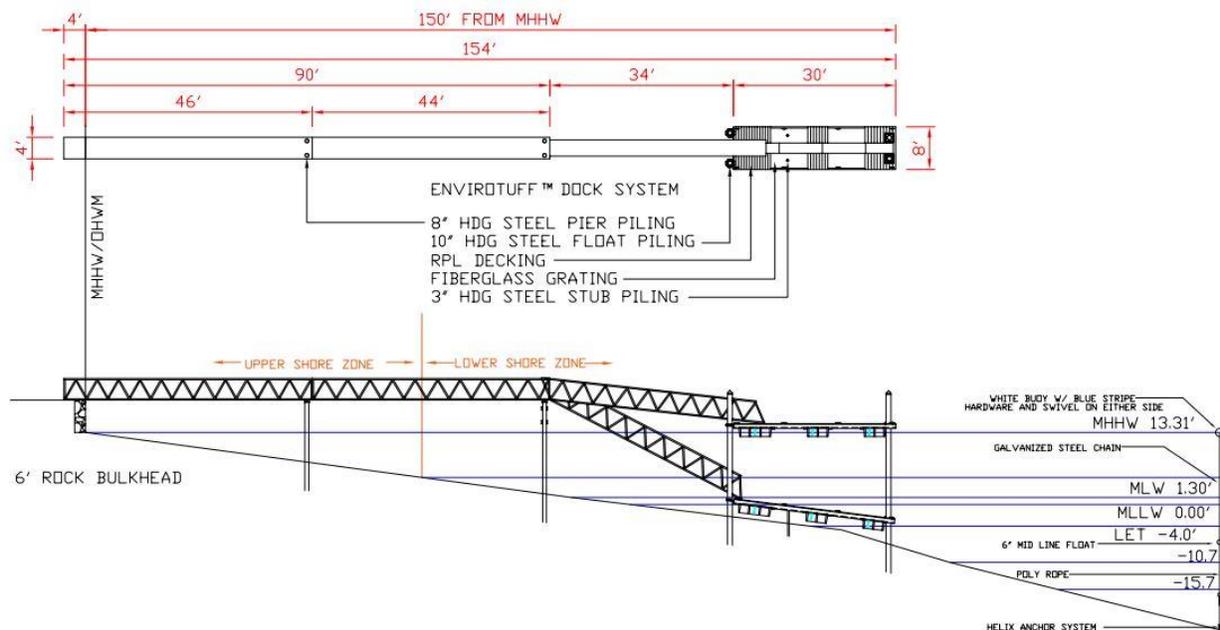
# 2017 Aerial Photo



# Site Plans



## 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.

**Public and Agency Review Comments**

1. Agencies: Various agencies have provided comments with the following of note:
  - A. County Resource Management has approved the proposal stating there is no visible wetlands within the shoreline and the project does not extend in to Federal Emergency Management Agency (FEMA) protected area.
  - B. County Development Engineering has approved the proposal, with conditions, requesting an abbreviated site development plan and states there may be a need for a Flood Boundary Delineation Survey.
  
2. Public: The neighbor to the north commented that they are already part of a joint-use dock with their other neighbor.

**Site Characteristics**

- The property is considered a portion of Lot 3 of Deer Park, a plat, and was subdivided again and is Lot 4 of short plat 8106120243.
- There is an 8-foot x 28-foot solid wood swimming pier offshore of the McLaughlin property.
- The subject parcel, 3445000046, is listed by the County Assessor as 1.47 acre in size and does not include the tidelands.
- The parcel is located on the Hale Passage.
- The lot is 631 feet deep from the ordinary high-water mark to the westernmost point of the property.
- The parcel information for the property on the Assessor’s website shows the original home was built in 1925 but has been remodeled a number of times.
- The property is relatively flat from its entrance at Hyak Place to the home but drops nearly 50 feet from the high-bank shore to the tidelands.

**Surrounding Land Use / Shoreline / Zoning Designation**

	LAND USE	SHORELINE	ZONING
North	Single-family residences	Rural-Residential	Rural 10 (R10)
South	Single-family residences	Rural-Residential	R10
West	Single-family residences	Not Applicable	R10
East	Not Applicable	Hale Passage	Not Applicable

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

**County Comprehensive Plan and Community Plan**

The proposed shoreline substantial development permit and shoreline variance has been reviewed for compliance with the Pierce County Comprehensive Plan and the Gig Harbor Community Plan. There were no major conflicts found.

**Shoreline Management Use Regulations - Title 20**  
**Pierce County Shoreline Master Program (Pierce County Code Title 19D.190 and Title 20)**

Rural-Residential Shoreline Environment 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.

The Rural-Residential Environment permits the following uses outright:

- a. Floating type navigation aids such as channel markers.
- b. Anchor buoys limited to one per lot owner or one per 100 feet of shoreline frontage.
- c. One uncovered float, pier and float, or dock as an accessory use and located on, or in front of the same lot, tract or parcel of land as a single-family dwelling.

B. General Regulations/Policies (PCC, Title 19D.190, page 16 / PCC Chapter 20.10)

- 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.

*Staff Comment: The proposal is to construct a new dock, permit an existing stairway to the existing large angular rock bulkhead accessory to the existing home, and install an anchor buoy. Removal of an existing platform attached to the bulkhead and a wooden swim platform offshore are planned as mitigation.*

**Docks Policies/Regulations**  
**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.

A. Regulations (PCC Chapter 20.56)

- A shoreline substantial development permit is required as the proposal is for a single-use dock that exceeds a length of 50 feet.
- 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 non-degradable 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 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.

*Staff Comment: As the proposed dock exceeds 50 feet in length a Shoreline Substantial Development permit is required. The recommended length for single-use docks with a marine shoreline is a length that reaches a depth of 8 feet as measured at mean lower low water (MLLW), a length that does not exceed 15% of fetch, or 150 feet. The fetch at this location is over 4,800 feet as measured to a point near Point Fosdick, and a depth of 8 feet as measured at MLLW is not reached by the proposed dock. The applicants propose a 152-foot-long dock, 150 feet of which will be over water, meeting the recommended length.*

**Chapter 20.62 Residential Development  
Policies (PCC Title 19D.190, pages 28-29):**

**Regulations (PCC Chapter 20.62)**

Prior to the granting of a Shoreline Substantial Development Permit, the appropriate County reviewing authority shall make a determination that the proposed project is consistent with the policies of the Pierce County Shoreline Master Program and the regulatory standards.

*Staff Comment: The subject site features an existing single-family residence and thus is suited for residential development. The proposal will not increase the property's impervious surfaces in excess of 33 1/3 percent of the gross lot area as no impervious surfaces are being added landward of the existing bulkhead. The existing stairs being permitted will not create a significant hazard to life nor would they require any future public funds, as it will be located landward of the OHWM and on a private property. In addition, the stairs and retaining walls will not interfere with the views of surrounding property owners as long as all conditions of the Staff Report are met.*

**Chapter 20.72 Shoreline Substantial Development Permits, Variances, Conditional Uses, and Expansion of Nonconforming Use Permits**

**20.72.020 Variances.**

It is understood that the regulations may cause unnecessary hardships in particular situations, or that the regulations might be unreasonable in light of new evidence, technology, or other special circumstances, and the goals and policies of the Master Program may not necessarily be served by the strict application of the regulations. The property owner must show that if he complies with the provisions he cannot make any reasonable use of his property.

A Variance will be granted only after the applicant can demonstrate the following:

- A. There are conditions or circumstances involved with the particular project that make strict application of the regulations unnecessary or unreasonable for the applicant's proposal.
- B. That granting the Variance will not violate, abrogate, or ignore the goals, policies, or individual environment purposes spelled out in the Master Program.
- C. That no other applicable regulations will be violated, abrogated, or ignored.
- D. That the public health, safety and welfare will not be adversely affected.
- E. That the specific provision or provisions to be relaxed clearly did not foresee or consider the particular situation the applicant is facing.

*Staff Comment: The stairway from the top of the slope, a water dependent use, stops within a few feet of the established bulkhead. This is allowed; however, a Shoreline Conditional Use is required for the stairway to be properly permitted.*

### **173-27-170 Review criteria for variance permits.**

The purpose of a variance permit is strictly limited to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

173-27-170(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(b), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following:

- (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
- (b) That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicant's own actions;
- (c) That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- (d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;
- (e) That the variance requested is the minimum necessary to afford relief; and
- (f) That the public interest will suffer no substantial detrimental effect.

173-27-170 (4) Granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

173-27-170 (5) Variances from the use regulations of the master program are prohibited.

*Staff Comment: Again, Staff believes the need is for a Conditional Use Permit, not a Shoreline Variance.*

## **Chapter 20.76 General Provisions**

This provision 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 \$2,500. 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 (after this application was submitted) the amount increased to \$7,047.00

*Staff Comment: As the fair market value for the construction of the dock exceeds established threshold, a Shoreline Substantial Development permit is required.*

## **Gig Harbor Peninsula Community Plan**

- Piers and docks should be permitted in the Urban, Rural-Residential, and Rural Shoreline Environments. Piers and docks should generally be prohibited in the Conservancy and Natural shoreline environments.
- 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. Create a system of incentives that will encourage adjacent property owners to share docks. Afford greater flexibility in joint-use facility design in cases that involve shallow water depths or other unusual circumstances.
- Maximum intrusion into water for any pier or dock shall extend only far enough to obtain a depth of 8 feet of water as measured at mean lower low water (MLLW) on saltwater shorelines or as measured at the ordinary high-water mark on freshwater shorelines. In circumstances when 8 feet of water depth cannot be attained because of a shallow bottom profile, the maximum intrusion into the water shall not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines. In circumstances where these standards have been exceeded on abutting properties, it may be appropriate to average the length of the abutting docks if joint-use cannot be obtained.

*Staff Comment: The Community Plan has policies with regards to development proposed within the Gig Harbor Peninsula. Docks are allowed in the Rural-Residential Shoreline Environment, but a joint-use is preferred. Per the submitted cross section the dock will not reach a depth of 8 feet measured at MLLW at their maximum length of 150 feet.*

McLaughlin SDV IPR PAC-DB.docx