

Initial Project Review

Shoreline Substantial Development Permit: Peterson

Application Numbers: 897719, 897723

Parcel Number: 0121264020

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: April 10, 2019, at 6:30 p.m., City of Gig Harbor, southeast entrance, Community Room A, 3510 Grandview, Gig Harbor, WA 98335.

Proposal: The proposed project is to construct a 152-foot long (150 feet over water) by 8-foot wide single-use dock and to install a mooring buoy 250 feet off shore at a depth of -12 feet as accessory use to a single-family residence, on a 1.30-acre parcel, located on the north shore of Hale Passage.

Project Location: 7518 Ford Drive NW, Gig Harbor, WA, in a Rural Residential Shoreline Environment, Rural 10 (R10) zone classification, and the Gig Harbor Community Plan area, in the SE ¼ of 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 and intends to recommend approval with conditions.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. The SEPA environmental checklist for the proposal is currently being reviewed by other agencies and parties. As of the writing of this report, Planning and Public Works (PPW) has not yet concluded its environmental review.

County Contact: Mojgan K. Carlson, Senior Planner, mojgan.carlson@piercecountywa.gov, 253-798-7234

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=897719>



Project Data

Complete Application Date: October 25, 2018

Initial Project Review Mailed: March 29, 2019

Applicant/Owner: Richard and Jill Peterson
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rpeterson@all-west.com

Agent: Marine Floats
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Legal and Public Notice

- *November 9, 2018*: Notice of Application (NOA) and Public Meeting Notice, 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 subject property.
- *November 19, 2018*: Revised NOA and Public Meeting Notice, including the 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 subject property.
- *November 16, 2018*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *March 27, and 28, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the PAC public meeting.

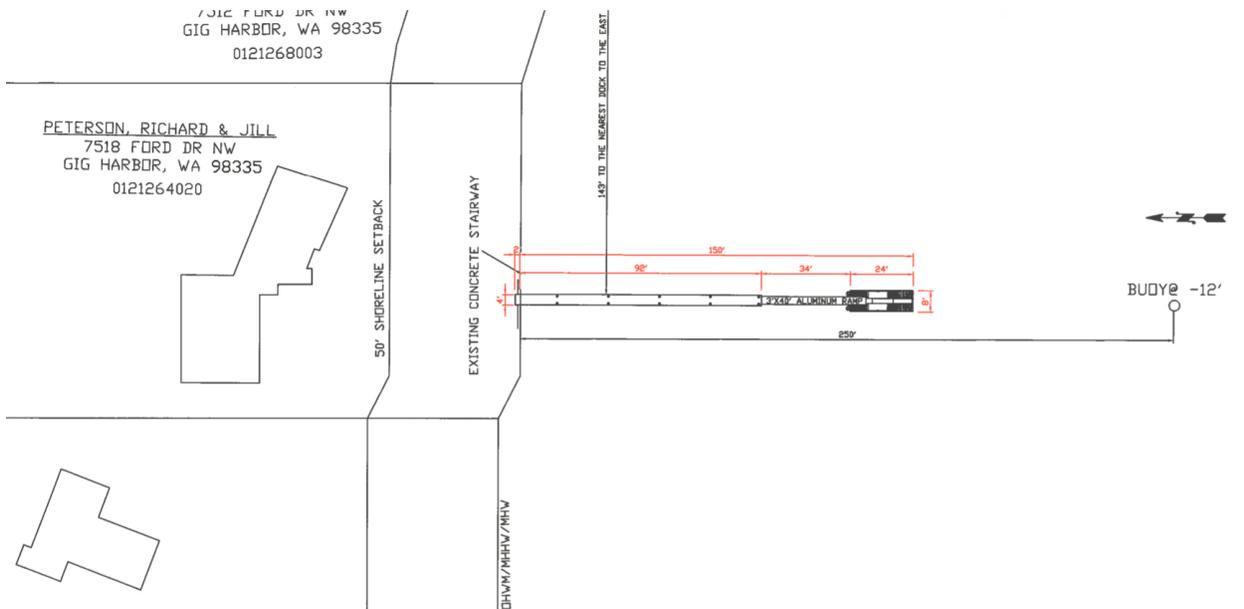
2017 County Aerial Photos



2018 Google Earth



Site Plan



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 Gig Harbor Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- The project site is on the southern portion of an almost rectangular shaped parcel abutting the north shore of Hale Passage.
- The long axis of the parcel is oriented in a north-south direction. The topography of the parcel is generally rolling with steep slopes of approximately 16% towards the water, on the south side of the site.
- The County Assessor lists the parcel as 1.3-acre in size with approximately 113 feet of shoreline frontage.
- Currently, the site is improved with a single-family residence with an attached carport and a cabin. Both the residence and cabin were constructed in 1955 or prior to enactment of the shoreline regulations in 1974.
- A retaining wall is located between the residence and bulkhead, within the required 50-foot shoreline setback.
- Per the County Assessor Treasurer's data, the main residence is 2,464 square feet in size and the cabin is 276 square feet in size (possibly with no kitchen).
- The shoreline of the site is improved with a concrete bulkhead with inset stairs which extends to the beach area, waterward of the bulkhead.
- The fetch in this area of Hale Passage is approximately 3,061 feet wide; however, the fetch measurement to the sandspit is approximately 2,796 feet wide.
- There are other similar size and shaped docks located within a close proximity of the site; however, there is no dock on the immediate adjoining parcel to the west.
- A shorter single-use dock (134 feet x 8 feet) is located on the immediate adjoining parcel to the east of the site which was approved by the County in 2009 under application number 635297.
- Per the County's biologist, there are no wetlands located along the shoreline of the site.
- The access to the site is via a long-paved driveway off Ford Drive NW which abuts the parcel to the north.

Surrounding Land Use / Shoreline / Zoning Designation

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

Comments from the Public and Agencies

The proposed project has been routed to interested departments and agencies for review and comment.

Comments received on this proposal may be found by accessing the online permit information referenced on page 1.

- A comment letter, dated November 29, 2018, was received from the immediate adjoining neighbor to the east requesting a shorter dock with farther distance from their property.
- Staff has not received comment opposed to the project from agencies.
- Nisqually Indian Tribe requests notification of any Inadvertent Discoveries of Archaeological Resources/Human Burials for this project.
- The County Biologist, Scott Sissons, required a fish and wildlife review as well as a need for habitat assessment. A Title Notification is also required by the County Biologist for this project site.

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

Gig Harbor Peninsula Community Plan

The Plan was adopted as part of the County Comprehensive Plan in June 30, 2016, Under Appendix E (Title 19A):

GOAL 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-2.2.1 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-2.4 Base allowable uses along the shoreline on the Comprehensive Plan land use designation and SMP and permit them on a case by case basis.

GH ENV-2.4.1 Analyze the cumulative impacts of shoreline development when evaluating an individual project.

GH ENV-2.4.2 The Hearing Examiner may approve a specific land use through a site plan review process based on the unique characteristics of each site.

Staff Comment: A single-use dock and a buoy are proposed for this site. As noted previously, there are no docks on the immediate adjoining parcel to the west of the subject site; however, the shoreline of the immediate adjoining parcel to the east is improved with a shorter single-use dock (134 feet x 8 feet). This dock was approved by the Pierce County Hearing Examiner on October 22, 2009, under case number SDCPV19-08 (application number 635297).

Policy GH ENV- 2.2.1 encourages retention of native vegetation on the shoreline setback and discourages lawn areas that extend to the edge of the shoreline. Currently, there is no vegetation immediately along the shoreline of the site that would be impacted by this project, if approved.

The proposed dock will not have an impact on the views of the neighboring properties or be out of character with other properties within close vicinity of the site, as there are other similar size docks in the area. It should be noted that a single-use dock is allowed; however, joint-use docks are encouraged. Therefore, the applicant must provide a letter from the immediate neighbors to the east and west indicating their interest or lack of interest in participating on a joint-use dock.

There are no direct policies listed for placement of buoys in the Gig Harbor Community Plan. Historically, state/federal agencies prefer buoys instead of docks since they have less adverse impact on the shoreline environment as they allow vessels to moor into deeper water to prevent them from grounding or scouring the seabed surface. In this case, based on the submitted site plan, the water depth at the end of the dock, as measured at mean lower low water (MLLW), is approximately -4 feet; thus, having a buoy can be beneficial. If approved, the location of the proposed buoy will not have a significant impact on navigation as the fetch is over 3,000 feet wide in this area. Moreover, if approved, the buoy will not lead to alteration of the existing natural character of the shoreline, which currently has other buoys in this area.

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

The Shoreline Master Program provides goals and policies for development on Pierce County shorelines. The proposal is located within the Rural-Residential Shoreline Environment Designation.

Rural Residential Environment

B. General Regulations and Policies

1. Preferred Uses: Single-Family residence

Staff Comment: The site has been used for residential purposes since 1955. A single-family dwelling is a permitted use in the Rural Residential Shoreline Environment and the proposed dock and buoy are considered accessory to the existing single-family residence. If approved, the project will function as a recreational amenity accessory to the existing single-family residence; as such, it can be consistent with the policies of this environment.

The following policies from the Shoreline Master Program are applicable to the proposal:

- 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: The applicants want to install a buoy 250 feet off shore and construct a single-use dock on the shoreline of this site.

Per the submitted site plan, an approximately 92-foot long portion of the proposed 152-foot single-use dock (150 feet over water) is considered a pier. County regulations prefer floating docks over piers; however, state/federal agencies prefer piers. It should be noted that there are many other docks (single and joint), with similar length piers located in this area of Hale Passage.

From the proposed location, the project does not create substantial impacts to navigation or recreation of the area. Limiting the length of the pier/ramp/float to 150 feet and less than 15% of the fetch will help to minimize impact to recreation of the area.

Shading from piers has been shown to impact habitat for some fish species. The proposed pier/ramp/float surface will be grated to allow for light passage, therefore reducing the impact for some fish species habitat.

Based on the submitted site plan, the dock will be constructed perpendicular to the shore and, as such, the length parallel to shore will be limited to the maximum allowable width of 8 feet. The proposed dock will include seven spans and will be supported by ten 8” galvanized steel pile on the pier and four 10” galvanized steel pile on the float portion of the dock for a total of 14 steel pile, which is the minimum necessary for stability of the structure. In addition, the proposed dock meets the guideline of a 10-foot setback or separation from the abutting parcels. Based on the submitted site plan, the proposed dock, if approved, will be 143 feet from the nearest dock located to the immediate adjoining parcel to east of the subject site.

Pierce County Development Regulations

Current Planning reviewed the proposal for conformance with the requirements of Title 18A – Pierce County Development Regulations-Zoning, Title 18D – Pierce County Development Regulations – Environmental, Title 18E – Pierce County Critical Areas, and Title 20 – Pierce County Shoreline Use Regulations.

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

The Shoreline Management Regulations contains the regulations that implement the Shoreline Master Program.

- Construction of the proposed project exceeds the established fair market value (\$7,047.00) for development and, therefore, the proposed construction shall be considered a substantial development for the purpose of this Title.

- PCC 20.56.030A.1.b and PCC 20.62.040.A.1.c.(4) states in part that anchor buoys (one per lot owner or one per 100 feet of shoreline frontage) will be exempt from obtaining a Shoreline Substantial Development Permit; however, per WAC 17.27.040(1)(d), in this case, the proposed buoy will not be exempt from obtaining a Shoreline Substantial Development Permit.
- A saltwater dock exceeding 50 feet in length, and buoy, requires a Shoreline Substantial Development Permit 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 proposed project is accessory to a waterfront single-family residence, which is located on the north shore of Hale Passage. The proposed dock is over 50 feet in length and, as such, will need approval of an SD application. As mentioned previously, the proposed structure is for construction of a single-use dock and not a joint-use dock as is encouraged by the County code.

The proposed dock will be 5% of the fetch and 150 feet long (the portion over water). The project, if approved, will not unduly impair views from other surrounding properties as there are similar size docks within close vicinity of the site. The pier/ramp/float design and the size of the structure are all consistent with the character of other over-water structures in this area of Hale Passage.

The dock from the proposed location will not 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 143 feet from the closest dock to the east and over 10 feet from the closest property to the west. The dock to the east is a shorter single-use dock which was approved by the Pierce County Hearing Examiner on October 22, 2009, under case No, SDCPV19-08. It should be noted the applicant purchased this property in October 2016 and was not a party to the existing dock located to the east of the subject site

Overall, the dock meets all requirements for fetch, length, piling vertical clearance, and setbacks. Moreover, the depth of water at the end of the dock will be less than 8 feet (-4 feet) as measured at MLLW.

The proposed dock would be designed and engineered appropriately, and it is the responsibility of the property owners to maintain the structure in a safe and sound condition. In addition, if approved, a condition of approval will require that all plastics or other nondegradable materials, which are used in pier construction, must be contained.

Per the submitted site plan, the proposed buoy will be located waterward of the bulkhead and in front of the applicants' property. Staff is not concerned with the proposed location of the buoy at 250 feet offshore, at the depth of -12 feet, as the fetch in this area is over 3,000 feet wide.

Note:

Currently, there is a violation on-site that is not integrated with the proposed dock (retaining wall less than 15 feet from the bulkhead), and within the required 50-foot shoreline setback, this will require approval of a Shoreline Variance application. Based on current County policy, the applicants are encouraged but not required to address this issue as part of the proposal.

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