

Initial Project Review

Shoreline Conditional Use Permit: Nguyen Water Access

Application Number: 909354

Parcel Number: 0221303142

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: June 26, 2019, at 6:30 p.m., City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Permit the replacement of the original wooden steps to the top of the bulkhead. The application includes the restoration for the vegetation that was removed during the installation of the new rock bulkhead and the new stone steps to the bulkhead with a native planting plan.

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 revised SEPA checklist was submitted for this application. Planning and Public Works (PPW) has concluded its environmental review. On February 26, 2019, the County concluded its environmental review by issuing a Determination of Nonsignificance (DNS). The DNS had a 14-day appeal period and subsequent 14-day appeal period. No appeal was filed.

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

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=909354>



Project Data

Complete Application Date: April 30, 2019

Initial Project Review Mailed: June 20, 2019

Applicants/Owners: Nguyen Hung Van & Duong, Linh Thuy
10107 51st St. NW
Gig Harbor WA, 98335
hnguyenage@gmail.com

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

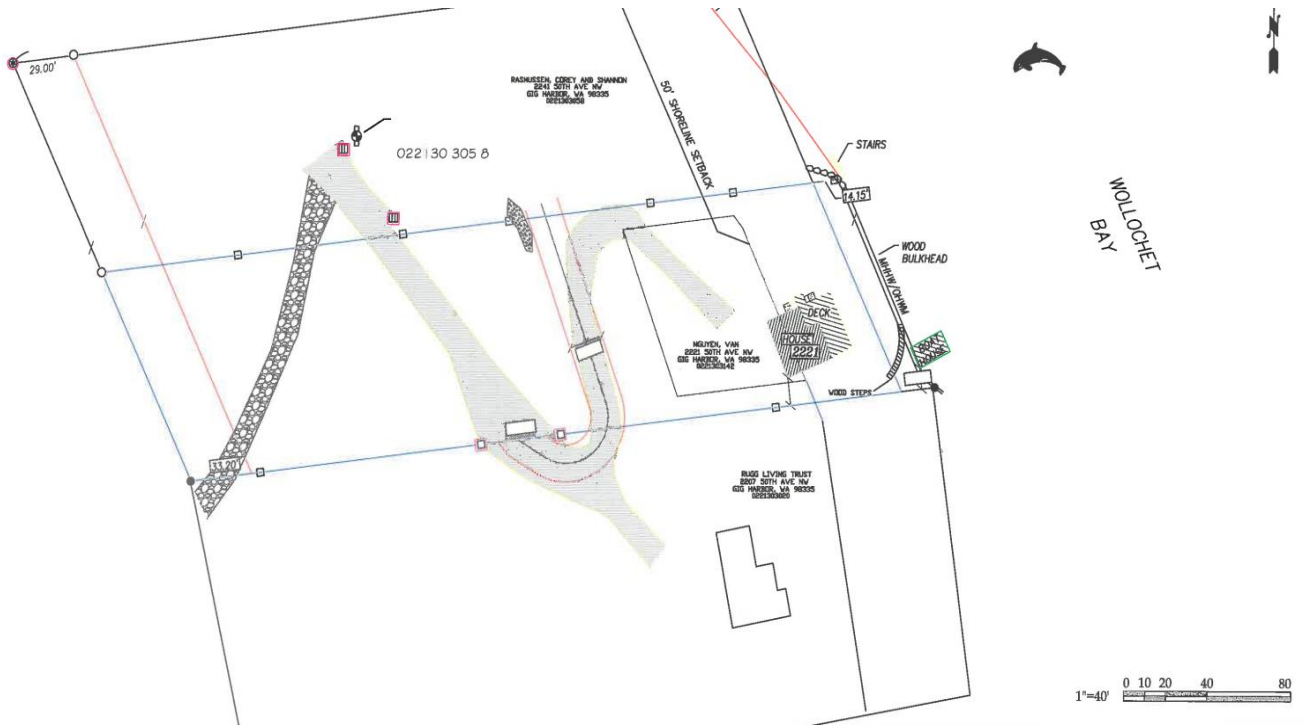
Legal Notice

- *May 9, 2019*: 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.
- *May 22, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *June 12, and 13, 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.

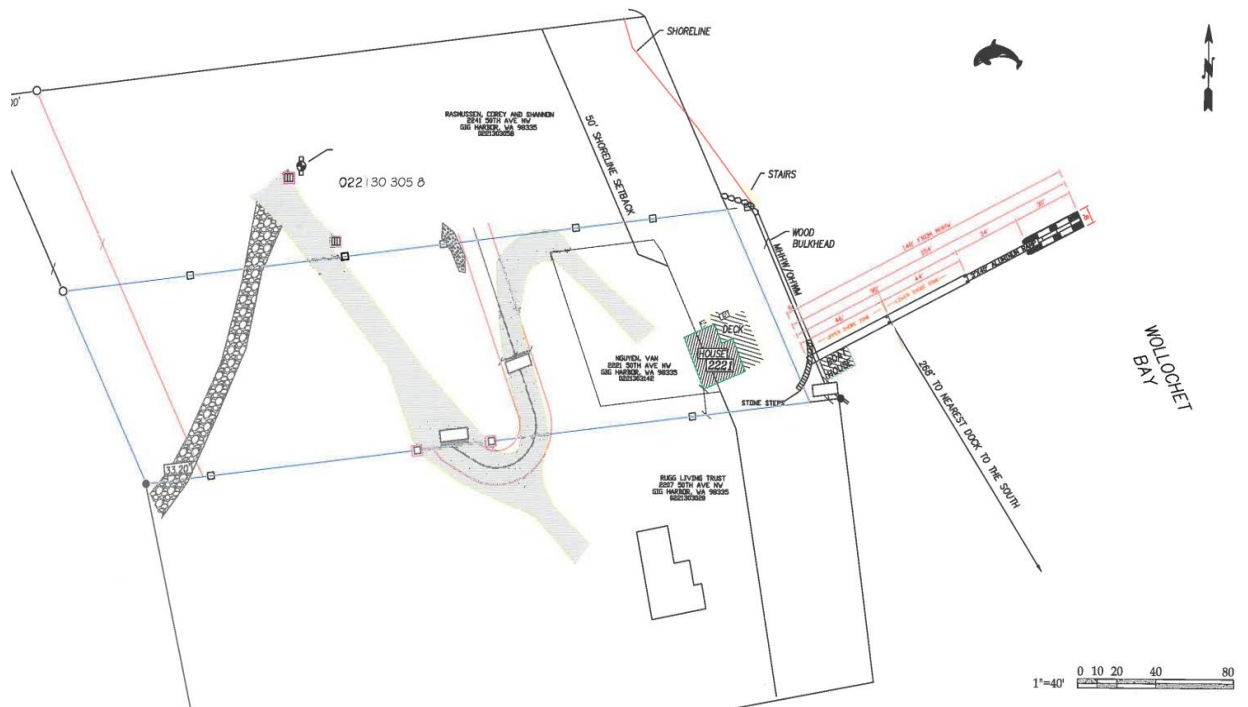
2018 Ortho Photo



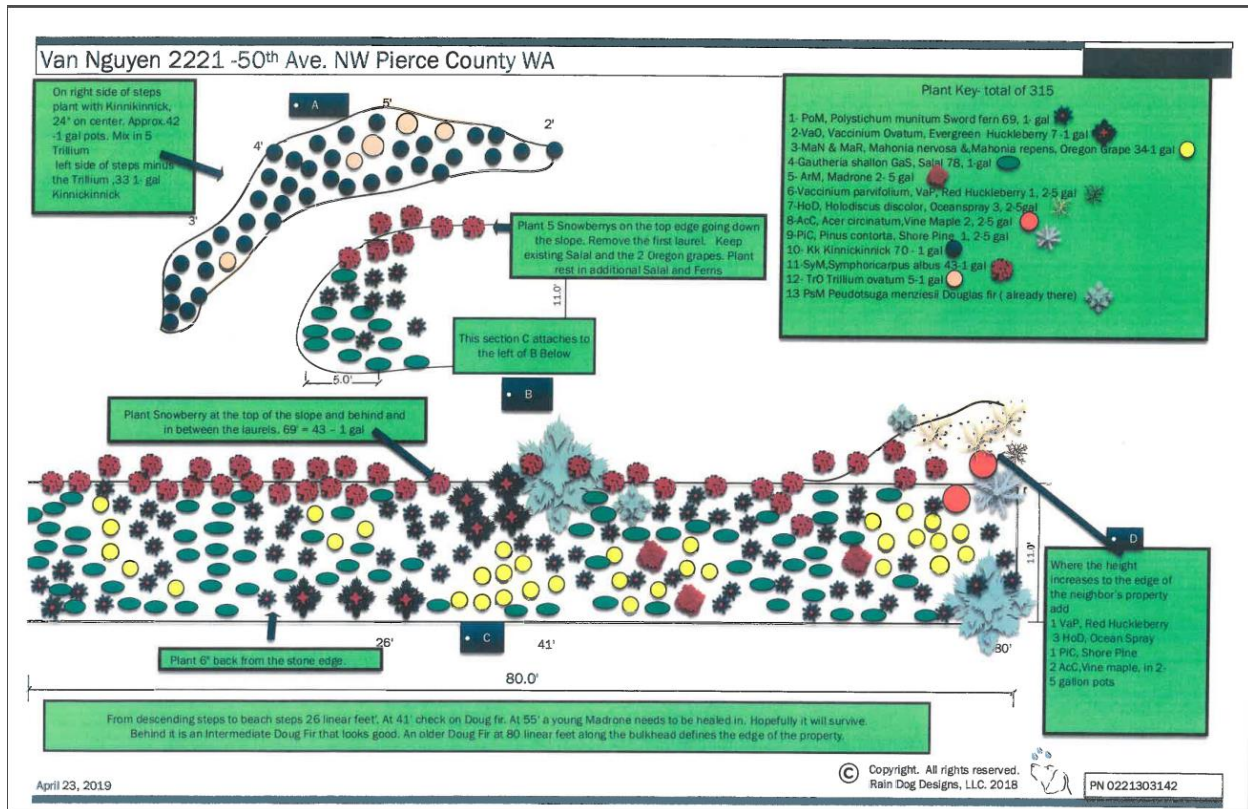
Site Plan



Proposed Site Plan



Proposed Vegetation Planting Plan



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 a 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.

- The Puyallup Tribe has requested that an inadvertent discovery plan be in place before further construction.
- Pierce County Biologist, Dara Kessler, commented that formal fish and wildlife review may be required upon her evaluation of the clearing and step construction that was completed, and a determination as to whether the planting plan required by the reviewing planner adequately mitigates for the impacts to the shoreline.

Public Comments

No public comments were received prior to the June 10, 2019, 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. Vegetation removal should be minimized as much as feasible and retention of significant trees should be required. The area immediately landward of the bulkhead was heavily vegetated with trees and ground cover prior to clearing activities. A vegetation planting plan has been submitted to restore the vegetation above the bulkhead and down the water access stairs. 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.

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

- To promote the best possible pattern of land and water uses.
- To assure that individual uses are placed on sites appropriate to such uses.
- To assure that lands and waters of specific natures are available to uses which need such special types of lands and waters.
- To generally devise a pattern beneficial to the natural and human environments on designated shorelines and adjacent lands.
- To insure continuous sound management in the preservation of unique, fragile, scenic elements, and of non-renewable natural resources.
- Encourage the best management practices for the continued utilization of renewable resources of the shorelines.

Staff Comment: The project includes a vegetation planting plan and permitting of a water access pathway. By replanting the area with native vegetation and trees, impacts to the nearshore environment will be avoided.

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

- 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 Conditional Use criteria.
- Views from surrounding properties will not be unduly impaired.
- Adequate separation will be maintained between the structure and adjacent properties and structures.
- Screening and vegetation will be provided to the extent necessary to insure aesthetic quality.
- Design and construction materials shall be chosen so as to blend with the surrounding environment.
- No additional harm to the aquatic environment will result from the reduced setback.

Staff Comment: During the construction of the bulkhead a set of wooden stairs were removed and replaced with stone steps. A Shoreline Conditional Use permit is required for the proposal. Views from surrounding properties will not be unduly impaired by this proposal, the water access pathway is inset into the slope above the bulkhead. There is no conflict with setbacks between structures associated with this proposal. A vegetation planting plan is being proposed which will help in restoring the nearshore environment and provide screening from the water. The design and construction materials utilize stone material that is the same as the bulkhead. No additional harm will result from the reduced setback required for the water access pathway.

Washington Administrative Code (WAC) 173-27-160 Conditional Use criteria.

- Uses which are classified or set forth in the applicable master program as conditional uses may be authorized provided that the applicant demonstrates all of the following:
- That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;

- That the proposed use will not interfere with the normal public use of public shorelines;
- That the proposed use of the site and 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;
- That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
- That the public interest suffers no substantial detrimental effect; and
- Consideration shall be given to the cumulative impact of additional requests for like actions in the area.

Staff Comment: The use of access to the water is consistent with the master program, and this use will not interfere with normal public use or public shorelines. This proposal is consistent with surrounding uses and compatible with authorized uses within the area, like the neighboring bulkhead and dock. The proposed use will also cause no significant adverse effect to the shoreline environment by allowing access to the top of the bulkhead and proposed dock system.

Once the clearing impacts are addressed, the determination can be made that additional request for similar actions are unlikely to result in cumulative impacts within the nearshore environments.

Note: This proposal is associated with 897712 and 897714 a Shoreline Substantial Development and Environmental Checklist already reviewed by the PAC. All permits will go before the Hearing Examiner together at the same time.

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