

## Initial Project Review

### Shoreline Substantial Development Permit: Van den Heuvel Dock Project

**Application Numbers: 919668, 919650, 919669**

**Parcel Numbers: 0121214045**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: December 11, 2019, at 6:30 p.m.**, City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

**Proposal:** Remove an existing 854-square foot wood dock with (10) 12-inch creosote piling. Replace with a new dock: 4-foot x 66-foot pier, 3-foot x 40-foot ramp, and 8-foot x 30-foot float with (10) galvanized steel piling. Remove an existing 236-square foot overwater solid wood deck as additional mitigation for the new dock.

**Project Location:** 10809 32<sup>nd</sup> Street Court NW, Gig Harbor, WA 98335, in the Residential Shoreline Environment and Rural 10 (R10) zone classification of the Gig Harbor Peninsula Community Plan area, within Section 21, T21N, R1, 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](mailto:robert.perez@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=919668>



## **Project Data**

Complete Application Date: September 18, 2019

Initial Project Review Mailed: December 4, 2019

Applicants/Owners: Matt Van den Heuvel  
10809 32<sup>nd</sup> Street Court NW  
Gig Harbor, WA 98335  
[Mattyvee21@hotmail.com](mailto:Mattyvee21@hotmail.com)

Agent: Marine Floats Corporation  
Attn: Lorrie Chase  
1208 East D Street  
Tacoma, WA 98512  
[lchase@marinefloats.com](mailto:lchase@marinefloats.com)

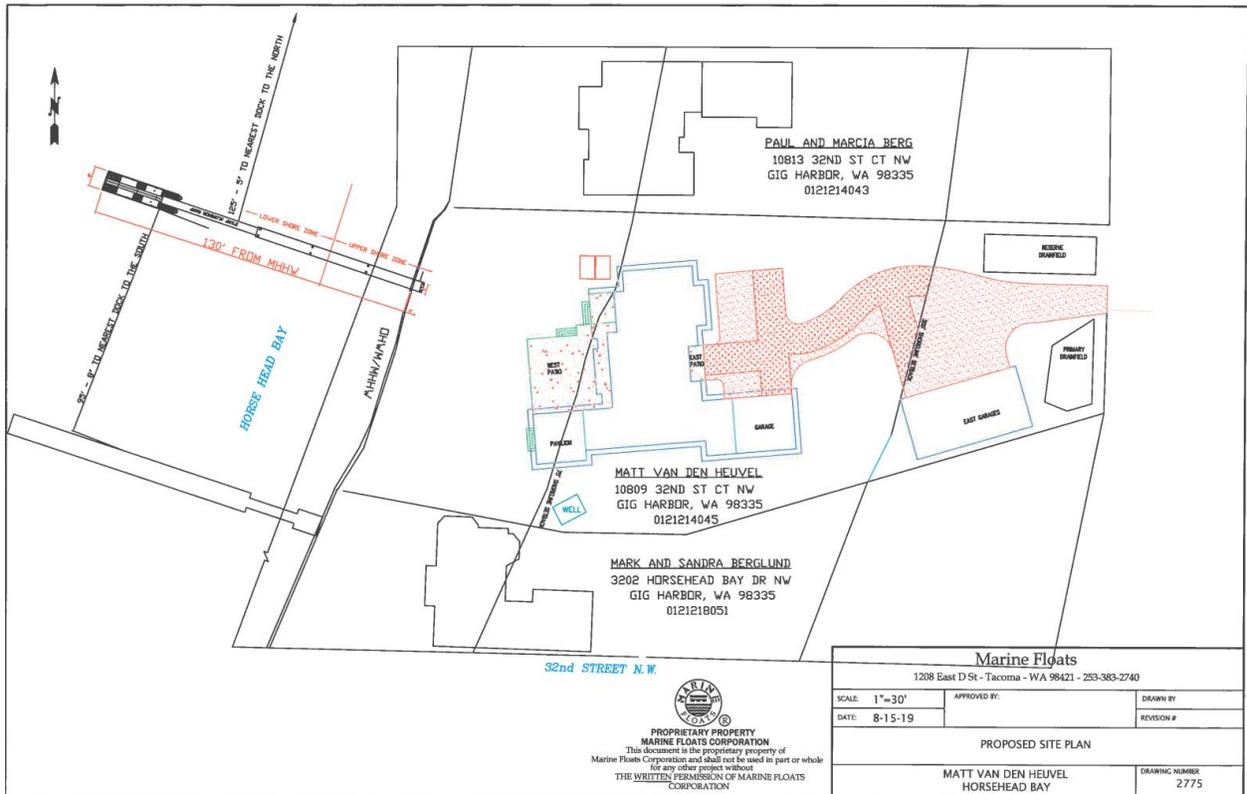
## **Legal Notice**

- *October 7, 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.
- *October 10, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *November 27, and 28, 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.

2017 Ortho Photo



Site 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 Gig Harbor 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 0121214045 as being .80 acre in size.
- The parcel is located on the eastern shore of Horsehead Bay.
- The access to the site is via a driveway off 32<sup>nd</sup> Street Court NW.
- The topography of the site gently slopes toward the shore/bulkhead.
- The parcel is improved with a single-family residence, dock, and bulkhead.

## Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		SHORELINE	ZONING
North	Single-Family Residence	Residential	Rural 10 (R10)
South	Single-Family Residence	Residential	R10
East	Single-Family Residence	N/A	R10
West	Puget Sound	Aquatic Marine	N/A

### 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.
- Squaxin Island Tribe commented that they would like to be notified of inadvertent discoveries of archaeological significance.
- County Resource Management commented that the applicant is mitigating direct impacts to the estuary habitat by removing the old creosote treated pilings and reducing the area of overwater shading. Requirements under the Hydraulic Project Approval (HPA) will mitigate for any other impacts to the estuary. The applicant must apply for an HPA with the Washington Department of Fish and Wildlife and a copy of the approved HPA must be submitted to the County Biologist.

### 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)

- 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 Gig Harbor Peninsula Community Plan policy states, in part, the maximum intrusion of the dock into the water shall not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines. The proposed dock is 130 feet in length with an approximate fetch of 865 feet, 15 percent of that is 129.75 feet. The proposal is also removing the current dock and replacing it with a new orientation and material. The wood boards are being changed out for fiberglass decking.*

#### 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: This proposal meets the guidelines of the Pierce County Shoreline Master Program Policies. The proposal will include larger spans less piles and a floating dock will be attached to a pier reducing the existing dock from 854 square feet and replacing the dock with a 638-square foot dock system.*

#### Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 18S)

- Establish and manage shoreline uses and development in a manner that mitigates adverse impacts so that the resulting ecological condition is maintained or improved.
- All shoreline uses and development should avoid and minimize adverse impacts on the shoreline environment.
- Preserve and protect existing trees and native vegetation within shorelines to maintain shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development. Where shoreline is inadequate to protect against the impacts of new uses or development, native vegetation should be enhanced.

- Where retention of shoreline vegetation is not feasible, new developments shall include a vegetation management plan.
- Standard buffer for residential shoreline environment designation is 75 feet buffer.
- Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
- Maintain, enhance, and restore shoreline features including vegetation.
- Compatibility with, and impacts to, the following shall be considered: navigation, recreation, public access, public use of the beaches and surface waters, traffic, abutting uses and views.
- The ability of watercraft to navigate past the site should not be blocked unless inherently impossible for the use proposed.
- Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.
- Water dependent uses and public access to shorelines are preferred use in all shoreline environments.
- Locate, design, and operate facilities so that other water-dependent and preferred uses are not adversely affected.
- Discourage facilities that serve only one residence, and encourage facilities serving more than one residence.
- Encourage the removal of unutilized or derelict facilities.
- Facilities shall be stable against the elements and maintained in safe and sound condition.
- Maximum intrusion into the water shall be only so long as to obtain a depth of 8-feet of water as measured at mean lower low water on saltwater shorelines, except that the intrusion into the water of any pier or dock shall not exceed the lesser of 15 percent of the fetch or the maximum allowed length.
- Water access facilities are subject to Chapter 18E.110 PCC, Erosion Hazard Areas.
- Residential properties may be served by one dock (including a pier, ramp and/or float).
- Docks may consist of shapes other than a straight line, such as a "U," "T," or "L," as determined by the appropriate reviewing authority.
- Launching ramps, and covered moorage that is not light penetrable, are prohibited waterward of the ordinary high water mark (OHWM)

*Staff Comment: The dock proposal is consistent with the bulk requirements of Pierce County Code, Title 18S. Also, by reducing the area of the existing dock it demonstrates the minimizing requirements of the Ecological Protection section of 18S. The dock is recognized as a water-dependent use associated with a single-family residence. The proposal also includes removal of an overwater deck for added mitigation. The newer design would also prevent portions of the dock from resting on the substrate since the current dock system is composed of multiple floats with tire stops.*

*Joint use has been discussed with neighboring property owners. Neighboring property owners do not wish to participate in a joint use dock development.*

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