

1. 6:30 P.M. 2018-02-21 KPAC Agenda

Documents:

2 21 18 KPAC Agenda.pdf

2018-02-21 Initial Project Report Appl #876518 Brink/Harrison

Documents:

Brink-Harrison IPR KPAC-DB.pdf

**MEETING AGENDA
KEY PENINSULA ADVISORY COMMISSION
6:30 P.M., Wednesday, February 21, 2018**

**KEY PENINSULA CIVIC CENTER
VFW ROOM
17010 S. VAUGHN RD, VAUGHN**

PUBLIC MEETING

**Shoreline Substantial Development Permit/Conditional Use Permit:
Application [876518](#) / 876519**

Applicant: Terry Brink / Dale & Judith Harrison
Planner: Dan Buhl, dbuhl1@co.pierce.wa.us
Request: Applicant seeks to add a pair of 20-foot by 12-foot floating boat lifts to the end of an existing 115-foot-long permitted joint use dock, within the Rural 10 zone classification and Key Peninsula Community Plan area, located at 10016 & 10020 Bayview Road KPN, Gig Harbor, WA, in Council District #7.

Adoption of Minutes (October 18, 2017) - Action

Election of Officers – Action

Discussion of proposed LUAC Code Amendments

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Conditional Use Permit / Environmental Review: Brink/Harrison

Application Numbers: 876518, 876519, 876521
Parcel Number: 0022347009

Key Peninsula Advisory Commission (KPAC) Public Meeting Date: February 21, 2018, at 6:30 p.m., Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA.

Proposal: Attach two 20-foot x 12-foot floating boatlifts, one on each side, to the float at the end of an existing 115-foot long joint-use dock. The boatlifts will not extend past the end of the current dock.

Project Location: 10016 and 10020 Bayview Road KP N, Gig Harbor, WA, within the SE 1/4 of the SW 1/4 of Section 34, T22N, R1W, W.M., in Council District #7.

Review Summary: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on the initial project review, the proposal appears to be generally consistent with the applicable codes and regulations (Pierce County Comprehensive Plan, Key Peninsula Community Plan, and Pierce County Development Regulations) and staff will be recommending approval of the proposal, subject to conditions.

State Environmental Policy Act (SEPA): Based in association with the construction of the entire project, a SEPA checklist was submitted for this application. Planning Staff will prepare an environmental determination. Note: The department has reviewed the proposed action and determined that it is **not** likely to result in any significant adverse environmental impact and that a Determination of Nonsignificance is likely to be issued.

County Contact: Dan Buhl, Associate Planner, (253)798-3268, dan.buhl@co.pierce.wa.us

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=876518>



Project Data

Application Complete: December 7, 2017

IPR Mailed Date: February 14, 2018

Owners: Terry Brink, Attorney at Law
1201 Pacific Avenue, Suite 2100
Tacoma, WA 98402

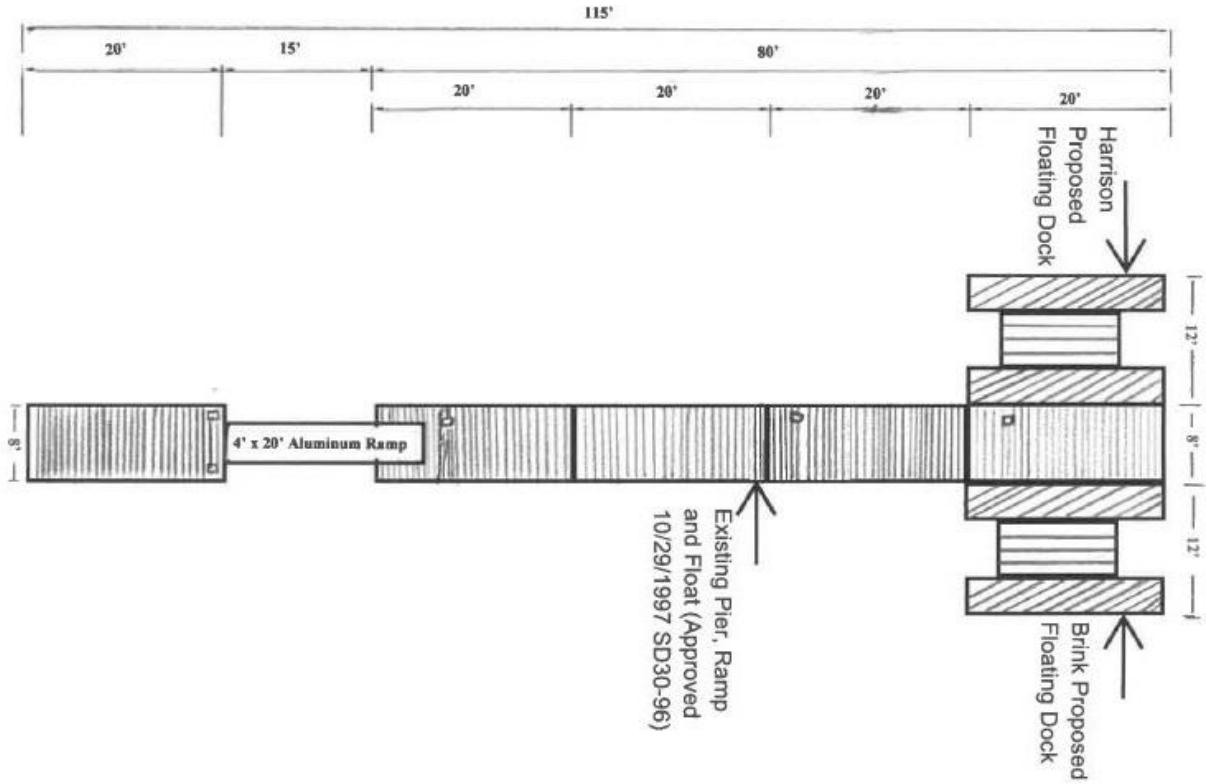
Dale and Judith Harrison
PO Box 385
Gig Harbor, WA 98335

Applicant: Brink Law Firm
1201 Pacific Avenue, Suite 2100
Tacoma, WA 98402

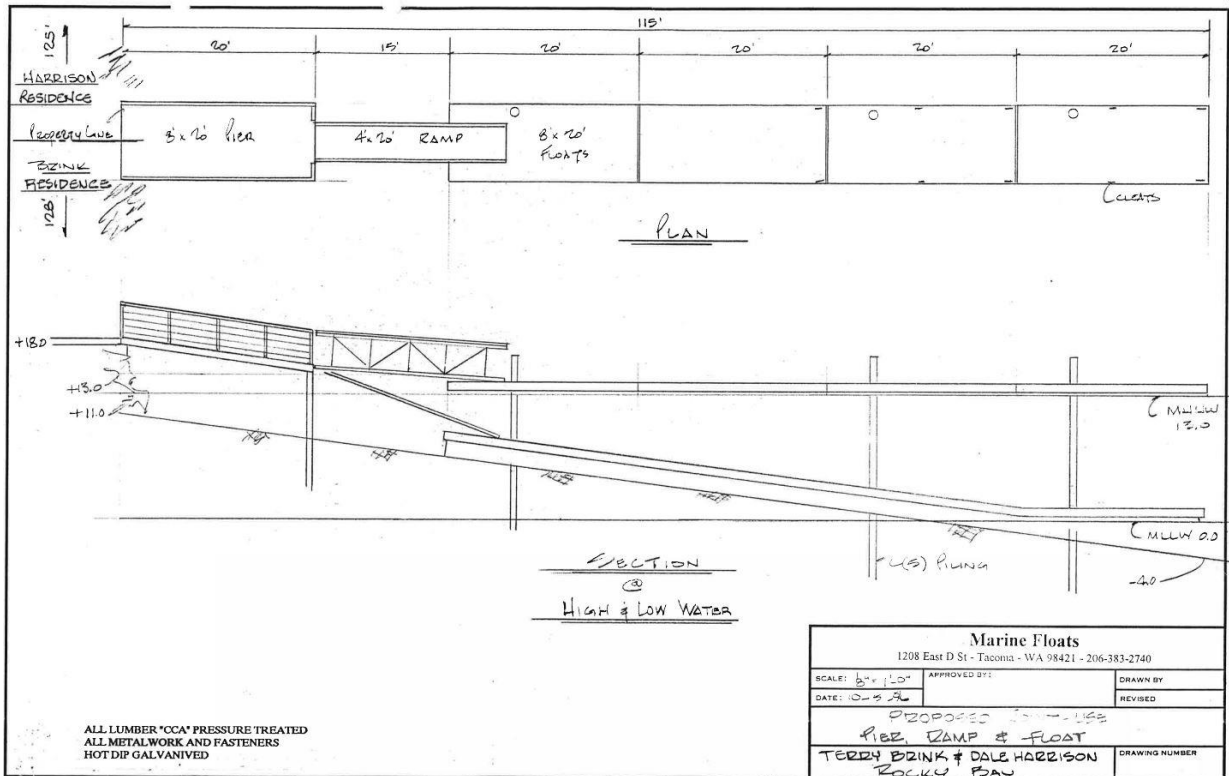
Public and Legal Notice

- *December 20, 2017:* A 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.
- *December 31, 2017:* A Declaration of Posting was received stating the property was properly posted with a Public Notice sign.
- *January 13, 2018:* A revised Declaration of Posting was received.
- *February 7, and 8, 2018:* Legal notices were published in the official County newspaper (*the Tacoma News Tribune*) and Peninsula Gateway newspaper, advertising the public meeting to be held by the Key Peninsula Advisory Commission (KPAC).

Site Plan



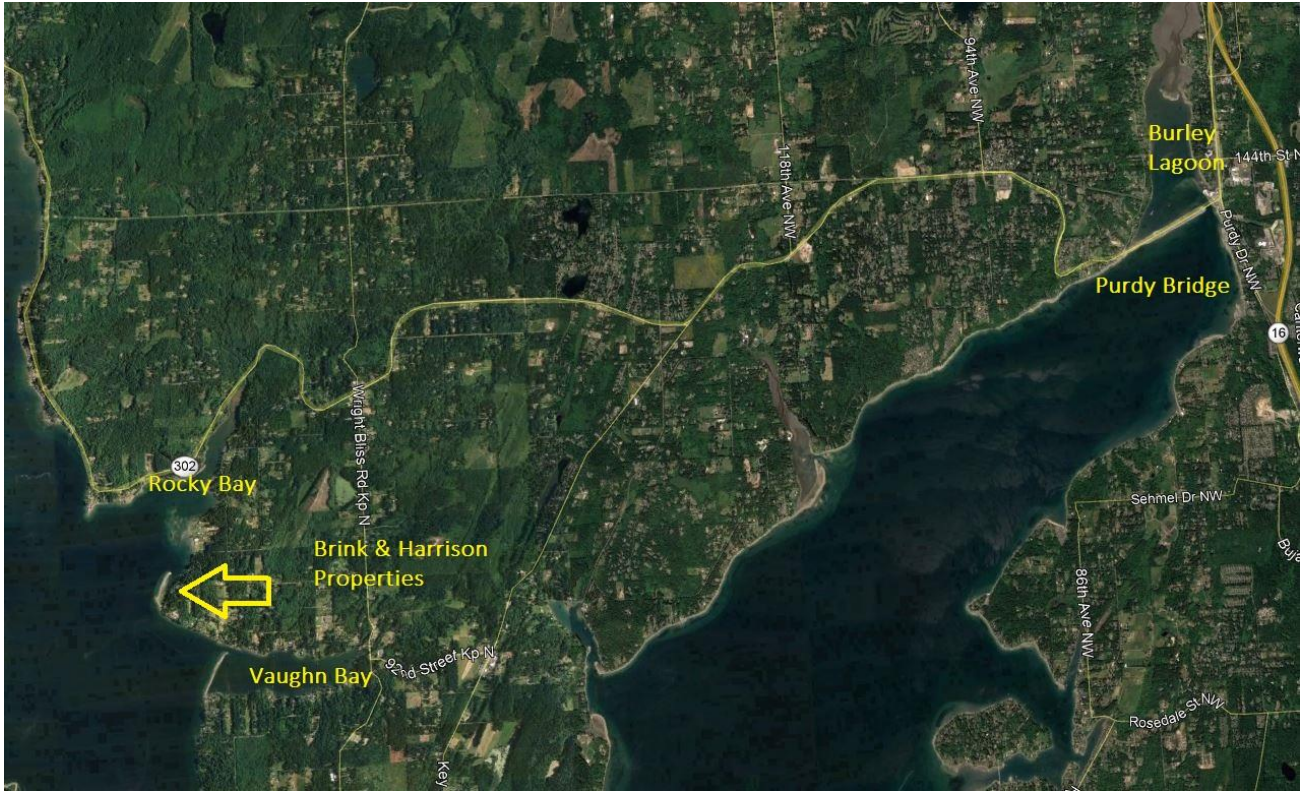
Existing Joint Use Dock Cross Section



ALL LUMBER 'CCA' PRESSURE TREATED
ALL METALWORK AND FASTENERS
HOT DIP GALVANIZED

Marine Floats 1208 East D St - Tacoma - WA 98421 - 206-383-2740		
SCALE: 1/2" = 1'-0"	APPROVED BY:	DRAWN BY:
DATE: 10-23-26		REVISED:
PROPOSED PIER - RAMP & FLOAT TERRY BRINK & DALE HARRISON ROCKY BAY		
		DRAWING NUMBER:

Vicinity Map



2014 Ortho Photo



Comments from Agencies and Public

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. To date, comments have been received, or additional information requested, by the following agencies:

- The Washington State Department of Fish & Wildlife has recommended that an eelgrass survey be completed.
- Pierce County Resource Management did not require formal review, but requests that a copy of the eelgrass survey be provided to them. If eelgrass is identified Resource Management requires that a Notice shall be recorded on Title at the Auditors office, as required by PCC 18E 10.080 C and a copy of the recorded document provided to Resource Management.
- Nisqually Indian Tribe requests notification of any Inadvertent Discoveries of Archaeological Resources/Human Burials for this project.
- No negative comments have been received from the public.

Site Characteristics

- The subject parcels, 0022347008 and 0022347008, were created as Lot 1 and Lot 2 of short plat 9308180165.
- The two parcels are long, thin rectangular shaped lots located on a small inlet protected from the Case Inlet by a sand bar, south of Rocky Bay, and north of Vaughn Bay.
- As measured along the roughly 800-foot-long shared property boundary, the topography of the parcels is a long steady drop in elevation of roughly 100 feet from where the property is accessed to the shoreline.
- Each parcel has roughly 100 feet of shoreline within the Rural Shoreline Environment.
- Each parcel has a home as a primary use.
- The access to the site is via a shared driveway from a public road (Bayview Road KP N) in the west, upland side of the property.

Surrounding Land Use / Zoning Designation

The site is surrounded by single-family homes in all directions, except for Case Inlet to the west, with the zoning classification of Rural 10 (R10).

Governing Regulations

Key Peninsula Community Plan (October 23, 2007)

Shoreline Master Program Policy Document (March 4, 1974)

Title 19A Comprehensive Plan - January 1, 1995, as amended

Title 19D Other Comprehensive Planning Documents (June 8, 2015)

Title 18 Development Regulations - General Provisions (February 1, 2017)

Title 18A Development Regulations - Zoning (September 1, 2017)

Title 20 Shoreline Use Regulations (February 2, 1998)

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

Key Peninsula Community Plan

The project complies or can be conditioned to comply with all applicable policies and objectives of the Pierce County Comprehensive Plan and Key Peninsula Community Plan.

Staff Comment: The new boatlifts are proposed in a Rural Shoreline Environment. The Community Plan has policies encouraging joint-use docks that use environmentally friendly design in Residential Shoreline Environments, but does not speak directly to structures attached to a dock. The Community Plan does ask that vegetation and tree preservation be a priority in shoreline locations that are identified on the Open Space Corridors Map, such as the subject property.

Pierce County Shoreline Master Program – Title 19.D and Shoreline Management Use Regulations - Title 20

20.04 Definitions

20.04.640 Substantial Development

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.

Chapter 20.56 Piers and Docks

20.56.030 Environment Regulations - Uses Permitted

A saltwater dock, exceeding 50 feet in length and 8 feet in width, requires a Shoreline Substantial Development Permit in the Rural Residential Shoreline Environment.

20.56.040 General Criteria and Guidelines for Reviewing Substantial Development Permits

- All piers and docks shall be constructed and maintained in a safe and sound condition.
- Pilings employed in piers or any other structures shall have a minimum vertical clearance of one foot above extreme high tide.
- 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 150 feet on saltwater shorelines.
- Maximum length parallel to shore should not exceed eight feet.
- A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.
- The design and placement of floats exceeding the limits of 20.56.030 A.1 shall be as determined by the appropriate County reviewing authority. Compliance with the general criteria and guidelines for reviewing Substantial Development Permits (20.56.040) is required.

Staff Comment: The proposal will not extend the length of the dock as the boatlifts will be attached to the sides of the float near the end of the existing dock.

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

20.72.030 County Shoreline Conditional Use Permit Criteria

The objective of a Conditional Use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses within each of the five environments can be expanded to include many uses.

Uses considered to be Conditional Uses are those which may be permitted provided all of the following criteria are met:

- A. That there is some necessity for a shoreline site for the proposed use or that the particular site applied for is essential for this use.
- B. The use will cause no unreasonably adverse effects on the environment or other uses.
- C. That water, air, noise and other classes of pollution will not exceed the level customarily found in that particular environment.
- D. Design of the site will be compatible with the Master Program.
- E. The use will not interfere with public use or public shorelines.

20.72.040 Unclassified Uses

All proposed uses not classified under one or more of the Master Program use activities shall be considered a Conditional Use and will be permitted provided the Conditional Use criteria are met.

Staff Comment: The Pierce County Shoreline Master Program does not address boatlifts in either the policies or regulations; therefore, they are considered an unclassified use and shall be considered a Conditional Use. Both the County Shoreline Master Program and Washington Administrative Code (WAC) have criteria for the granting of a conditional use permit. While shoreline substantial development permits only require approval by the Pierce County Hearing Examiner, shoreline conditional use permits also require approval by the Washington State Department of Ecology.

WAC Chapter 173-27-160 State Shoreline Conditional Use Permit Criteria

- That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program.
- That the proposed use will not interfere with normal public use of the shorelines.
- That the proposed use of the site and design of the project is compatible with other permitted uses within the area.
- The use will cause no unreasonable adverse effects on the environment in which it is located.
- That the public interest suffers no substantial detrimental effect.
- In the granting of all conditional use permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

Staff Comment: The two proposed 20-foot x 12-foot boatlifts would be attached to either side of the proposed dock's float near the end of the dock. If the dock is approved, a vessel could be moored on either side of the dock in the exact same location. The impacts are not significantly different between having a vessel moored to a dock float versus a vessel resting on a boatlift attached to the dock float. However, the impacts do differ in respect to the potential for impacts to submerged vegetation as the floats are essentially permanent while boats (which are, at least, occasionally, elsewhere) are not. In addition, the proposed boatlift will keep the vessel out of the water during low tides and prevent scouring of the beach surface.

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