Corrected Initial Project Review

Shoreline Substantial Development Permit and Shoreline Administrative Conditional Use Permit: Frame

Application Numbers: 955695, 955696, 957115
Parcel Number: 022101081

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: May 26, 2021, at 6:30 p.m.,
Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 935 8885 5421 and Passcode: 107106, or click on the following link: https://piercecountywa.zoom.us/j/93588855421?pwd=UHhlR0lmVC9tM0tJYmJmVDhzemU5Zz09
For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or tiffany.aliment@piercecountywa.gov.

Proposal: The proposed project is to construct a 150-foot long by 8-foot wide single-use dock consisting of an 86-foot x 4-foot pier (82 feet over water), 44-foot x 3-foot ramp (38 feet over water), and 30-foot x 8-foot float with a total of 8 galvanized steel pile to support the entire structure. The proposed project is accessory to the existing single-family residence, on an approximately .77-acre parcel, located on the eastern shore of Wollochet Bay.

Project Location: 3106 3016 East Bay Drive NW, Gig Harbor, WA, in the Residential and Aquatic Shoreline Environments, Rural 5 (R5) zone classification, and the Gig Harbor Peninsula Community Plan area, within the NE ¼ of Section 30, T21N, R2E, 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 an initial project review, that the proposal appears to be consistent with the applicable codes and regulations and that staff will be recommending approval of the proposal, subject to conditions.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations (Pierce County Code, Title 18D), the Department has reviewed the proposal and determined that a Determination of Nonsignificance (DNS) is likely to be issued. Issuance of a DNS means that the County has determined the proposal is not likely to result in any probable significant adverse environmental impacts.

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/departmentStatus?applPermitId=955695
Project Data

Complete Application Date: February 11, 2021

Initial Project Review Mailed: May 19, 2021

Applicant/Owner: Drew Frame
3016 East Bay Drive NW
Gig Harbor, WA 98335-7610
Drew.frame@kidder.com

Agent: Marine Floats Corporation
Attn: Tabitha Simonetti
313 East “F” Street
Tacoma, WA 98421
Tabitha@marinefloats.com

Legal and Public Notice

- March 9, 2021: 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.
- March 15, 2021: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- May 12, 2021: Legal notice was published in the official County newspaper (Tacoma News Tribune), advertising the PAC public meeting.
- May 20, 2021: Legal notice was published in the Peninsula Gateway newspaper, advertising the PAC public meeting.

2020 Google Earth
2020 County Aerial Photos

[Map Image]

[Map Image]

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Site Plan

Cross-Section and Elevation Plans
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.
   • 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.

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

Staff visited the site on March 16, 2021, and observed the following:

• The project site is on the southern portion of a rectangular shaped parcel abutting the east shore of Wollochet Bay.
• The long axis of the parcel is oriented in a north-south direction. The topography of the parcel is generally rolling, from road to the shoreline, with steep slopes of approximately 9.5% towards the water, on the south side of the site.
• The County Assessor lists the parcel as .77 acre in size (including abutting private tideland) with approximately 120 feet of shoreline frontage.
• Currently, the site is improved with a single-family residence and an attached two-car garage. The house was originally constructed in 1930.
• There are five sets of retaining walls with two sets of inset stairs, located within 75 feet of the required shoreline buffer, which provides access from the yard to the boathouse. In addition, approximately 12-foot wide patio pavers is located immediately landward of the bulkhead. Staff was not able to find any type of permits for the above listed improvements.
• The Coastal Zone Atlas for Pierce County, provided by the Washington State Department of Ecology (Ecology, identifies the shoreline of the parcel and the area within close vicinity of the site as “Feeder Bluff”).
• The shoreline of the site is improved with a boat house, a boat ramp, and a rock bulkhead. Based on staff research of old aerial photos, the boathouse, boat ramp, and some type of bulkhead existed on this site prior to enactment of Shoreline regulations in 1973.
• The shoreline of both immediate adjoining parcels to the east and west is improved with a manmade bulkhead.
• The shoreline on both sides of Wollochet Bay has extensive bulkheads, single family and recreational docks and floats which are common uses, particularly near the head of the bay.
• There is a single-use dock, approved by the Pierce County Hearing Examiner on March 31, 2005, under case number SD44-04, on the immediate adjoining parcel to the east. There are no docks on the immediate adjoining neighbor to the west of the site.
• The closest dock to the west of the site is located approximately 1,275 feet from the side property lines. However, a new single-use dock was recently proposed for the property located approximately 526 feet to the west of the site on parcel #0221301089.
• The fetch in this area of Wollochet Bay is approximately 1,360 feet wide and the proposed dock will be approximately 11% of the fetch.
• The access to the site is via a paved driveway off East Bay Drive NW, which is located to the north of the site.

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

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>SHORELINE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>East Bay Drive NW</td>
<td>N/A</td>
</tr>
<tr>
<td>South</td>
<td>Wollochet Bay</td>
<td>Residential and Aquatic</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residence</td>
<td>Residential and Aquatic</td>
</tr>
<tr>
<td>West</td>
<td>Single-family residence</td>
<td>Residential and Aquatic</td>
</tr>
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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.

- No comments were received from the general public.
- No adverse comments were received from reviewing agencies within the County.
- County Biologist has asked for wetland and fish and wildlife review, which was submitted on February 26, 2021, under Application #956737.
- Washington State Department of Ecology (Ecology) recommends a soil sampling and analysis of this site for arsenic and lead if the project involves soil movement. In addition, Ecology requires erosion control measures in place prior to any construction activity on the site.
- Both Squaxin Island Tribe and Nisqually Indian Tribe request notification of any Inadvertent Discoveries of Archaeological Resources/Human Burials for this project.
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.

Staff Comment: A single-use dock is proposed for this low bank waterfront site. There is a single-use dock on the immediate adjoining parcel to the east; however, there is no dock on the immediate adjoining parcel to the west. The existing dock to the east was approved by the Pierce County Hearing Examiner on March 31, 20015, under case number SD4404. Based on the submitted site plan, if approved, the dock will be 163 feet from the existing dock to the west.

Staff received a signed letter from both immediate adjoining neighbors to the east and west indicating their lack of interest in utilizing the existing dock or the proposed dock as a joint-use structure.

The proposed dock will not remove any vegetation on the project site, as there are patio pavers located immediately landward of the bulkhead. The submitted site plan indicated that 120 square feet of the patio pavers (12’ x 10’) will be removed for construction of the dock. Staff will recommend a condition of approval for some landscaping within this area of the site as well as some landward of the bulkhead.

The proposed dock may have an impact on the views of the immediate adjoining neighbors to the west as there are no docks on six parcels to the west of the site, or approximately 521 feet. However, if approved with conditions, the dock will not be out of character with other properties within vicinity of Wollochet Bay.

Pierce County Development Policies and Regulations – Shorelines, (Title 18S)

Title 18S provides policies, and regulations for development on Pierce County shorelines. The proposal is located within the Residential and Aquatic Shoreline Environment Designations.
18S.20.050 - Residential Shoreline Environment Designation (SED).
The intent of the Residential SED is to accommodate residential development in areas that are already developed with or planned for residential development. The Residential SED may also include water-oriented commercial and recreation uses.

- Priority should be given to residential and water-oriented commercial development where such development can be accommodated with no net loss of shoreline ecological functions.
- Public or private recreation facilities should be encouraged if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
- Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side, and views of the development from the water.

**Staff Comment:** The proposed single-use dock will be considered an accessory use to the existing single-family residence. The proposed recreational dock may impact the view of the surrounding area, both from land and water, as currently there are no other docks on the west of the subject site. However, one can argue that by virtue of the shoreline location, it is assumed that docks and other water dependent uses would be part of the view. In addition, there are other docks on the head and across the body of water on the Wollochet Bay area.

18S.20.070 - Aquatic Shoreline Environment Designation (SED)
The intent of the Aquatic SED is to protect, restore, and manage the unique characteristics and resources of marine and fresh waters.

- All development on navigable waters and submerged lands should be located and designed to minimize interference with surface navigation, to reduce impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- Shoreline development and modifications should be designed and managed to prevent degradation of water quality and alteration of natural hydrographic conditions.
- New over-water structures should only be permitted for water-dependent uses or public access. The size of new over-water structures should be limited to the minimum necessary to support the structure's intended use.

**Staff Comment:** The proposed dock is a water dependent use that will not interfere with surface navigation as it will be approximately 11% of the fetch (less than 15%). An 86-foot portion of the proposed 150-foot long dock will be considered as a pier, which will be 100% grated aluminum. In addition, the proposed dock will be limited to the minimum size necessary with 100% grated ramp and over 50% grated float.

The intent of the Ecological Protection policies and regulations is to ensure that shoreline development is established and managed in a manner that protects existing ecological functions and ecosystem-wide process and that mitigates adverse impacts to ecological functions. This means assuring no net loss of ecological functions and processes in shorelines.
• 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.
• Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by limiting the number and extent of shoreline modifications and by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.
• 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 vegetation is inadequate to protect against the impact of new uses or development, native vegetation should be enhanced.
• Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shorelines.
• Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation to establish and maintain shoreline ecological functions and processes.
• Where new developments and uses are proposed, shoreline vegetation shall be conserved or restored when feasible. Shoreline vegetation helps to maintain shoreline ecological functions and processes and mitigate the direct, indirect and cumulative impacts of shoreline development.

Table 18S.30.030-1: Mitigation Sequencing

<table>
<thead>
<tr>
<th>Lower Priority</th>
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<tbody>
<tr>
<td>Monitoring the impact and compensation projects and taking appropriate corrective measures.</td>
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<tr>
<td>Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.</td>
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<tr>
<td>Reducing or eliminating the impact over time by preservation and maintenance operations.</td>
</tr>
<tr>
<td>Rectify the impact by repairing, rehabilitating, or restoring the affected environment.</td>
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<tr>
<td>Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.</td>
</tr>
<tr>
<td>Avoiding the impact altogether by not taking a certain action or parts of actions.</td>
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Staff Comment: There are no trees or shrubs which will be removed as a result of this project. As noted earlier in this report, staff was not able to find any type of permits for the existing improvements located landward of the bulkhead, within the required 75-foot shoreline buffer (patio pavers, retaining walls and stairs).

Since the dock will rest on the patio, per Department-Wide Policy #2016-01, the applicant was notified to either remove that portion of the patio attached to the proposed dock or to apply for appropriate permits to legitimize the existing unpermitted patio. Per the submitted revised site plan dated March 26, 2021, and discussion with the with the applicant’s agent, the dock will not be attached to the bulkhead. The applicant has proposed to remove that portion of the patio (120 square feet) that is integral with the dock in order to avoid requirement of Policy 2016-01.
It should be noted that per Policy 2016-01, an “alert” comment will be placed on the parcel informing discovery of the unpermitted development (patio, retaining walls and stairs).

In addition, per the above requirement (18S.30.030-1), the applicant needs to demonstrate how they are avoiding the impacts to the shoreline through the above mitigation sequencing table. As mitigation measure, perhaps the applicants can plant some native vegetation along the shore and landward of the bulkhead in order to restore shoreline of the area.

18S.30.080 Shoreline Modifications
The intent of the Shoreline Modification policies and regulations is to limit those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modifications are those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.

Staff Comment: The project is to construct a single-use dock. An 86-foot portion of the proposed 150-foot long dock will be considered as a pier. As noted earlier, the applicants have contacted both adjoining neighbors to the east and west regarding the possibility of using the existing dock to the east or the proposed structure as a joint-use dock with the immediate property owner to the west; however, both neighbors submitted a signed letter declining to have a joint-use dock. Therefore, in order to enhance ecological function of the site, as mitigation measure, staff will require the applicants to plant some native vegetation by the removed patio pavers area as well as along the shore in order to restore the shoreline of the site.

18S.40.140 - Water Access Facilities
The Water Access Facilities policies and regulations are intended to manage development of facilities that support water dependent uses such as mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), marina, and water access stairs.

- 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.
- Discourage railways, docks and launching ramps on shallow, gradually-sloping beaches that result in excessively long facilities, or normal length facilities that are nonfunctional (e.g., high and dry) a majority of the time.
- New piers and docks shall be allowed only for water-dependent uses or public access and shall be the minimum size necessary to meet the needs of the proposed use. As used here, a dock associated with a single-family residence is a water-dependent use; provided, that it is designed and intended as a facility for access to watercraft or the water.
Floating facilities (including anchor lines) and vessels moored to all facilities shall not ground or beach on the substrate. Flotation material shall be fully enclosed and contained.

Facilities shall be stable against the elements and maintained in safe and sound condition.

Facilities waterward of the OHWM in marine waters shall consist of an open framework (e.g., pilings, grated surfaces, cable railings, floating facilities held in place with anchors) as opposed to solid surfaces with no openings, to the maximum extent feasible.

In- and over-water facilities shall be visible under normal day and nighttime conditions. Visual aids may include reflectors and warning lights, and shall be consistent with any applicable U.S. Coast Guard requirements.

Height of a facility should be the minimum necessary for safe operations.

In a constricted body of water, docks, except for residential docks, shall be allowed only where there is one surface acre of water within the constricted body, measured at mean low water, for each boat moorage (including buoys) within said constricted body.

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 (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 shall not exceed the lesser of 15 percent of the fetch or the maximum allowed length.

**Staff Comment:** The site is located on the eastern shore of Wollochet Bay. If approved, the proposed dock will be accessory to the existing single-family residence. The code discourages facilities that serve only one residence, and encourage facilities serving more than one residence; however, single-use docks are not prohibited. In this case the applicants have provided signed letters from both adjoining neighbors to the east and west regarding their lack of interest to have a joint-use dock.

The design of pier/ramp/float (dock) is consistent with the character of other over-water structures in this area of the bay. Based on the submitted site plan, from the proposed location, the dock will not unduly affect ingress-egress or the use and enjoyment of the water or beach on the adjoining properties as the closest dock is located 172 feet from the proposed location of the dock.

Section 18S.40.140.B.3 states in part that docks should be discouraged on gradually sloping beaches when most of the time they are dry and non-functional. In this case, the construction plan indicates the water depth at the end of the proposed 150-foot long dock will obtain 4 feet of water as measured at MLLW.

The dock meets the requirements for the fetch, length, piling vertical clearance, and setbacks and if approved, it would be designed and engineered appropriately. It is the responsibility of the property owners to maintain the structure in a safe and sound condition. A condition of approval will address this requirement.