

Initial Project Review

Shoreline Substantial Development Permit: Timbertide LLC

Application Numbers: 985450, 985569, 984498
Parcel Number: 0122264098

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: June 22, 2022, at 6:30 p.m., at the City of Gig Harbor, southeast entrance, 3510 Grandview Street, Gig Harbor, WA 98335.

Proposal: The applicant requests approval of a Shoreline Substantial Development Permit (SD) to subdivide 13.6 acres into three (3) lots for the benefit of detached single-family residences, within the Conservancy Shoreline Environment Designation associated with Marble Creek.

Project Location: 11110 70th Avenue Northwest, Gig Harbor, WA, in the Conservancy and Aquatic Shoreline Environments, Rural 5 (R5) zone classification, and the Gig Harbor Peninsula Community Plan area, within the SE ¼ of Section 26, T22N, R01E, 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. This request does not require a public hearing before the Pierce County Hearing Examiner.

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: Jenny Kreifels, Associate Planner, jennifer.kreifels@piercecountywa.gov, 253-798-6322

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=985450>



Project Data

Complete Application Dates: May 24, 2022 (Preliminary Short Plat)
April 6, 2022 (SD)
April 7, 2022 (SEPA)

Initial Project Review Mailed: June 15, 2022

Applicant/Owner: Charles E. Allen
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Agent: Carl E. Halsan
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Legal and Public Notice

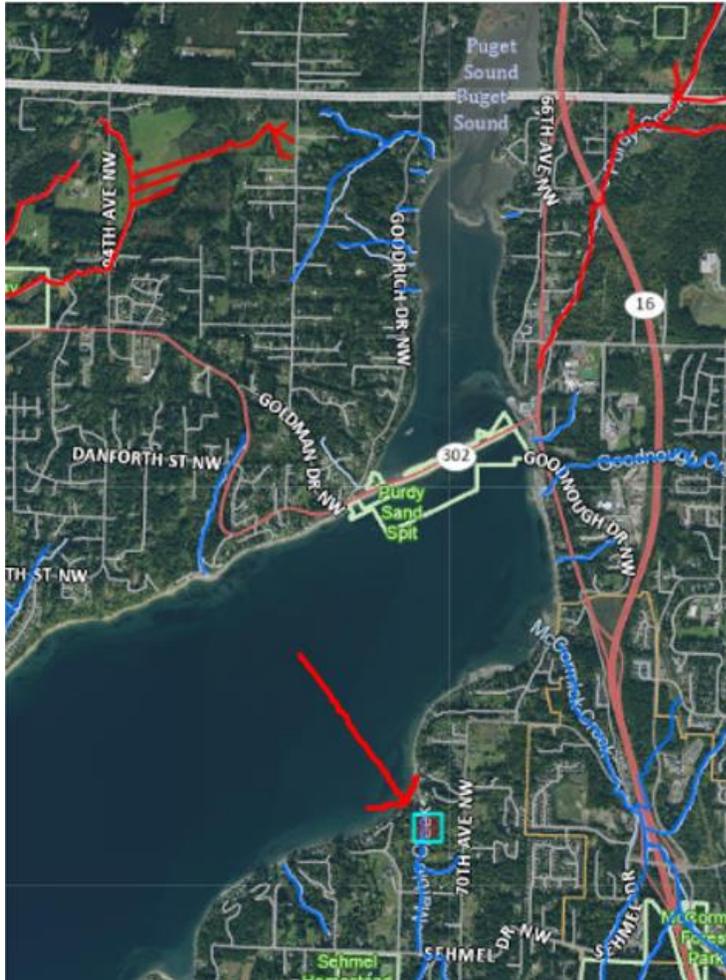
- *April 15, 2022*: Notice of Application (NOA) and Public Meeting Notice, including the Gig Harbor Peninsula Advisory Commission (PAC) meeting date, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *April 27, 2022*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *May 23, 2022*: Revised Notice of Application (NOA) and Public Meeting Notice, including the Gig Harbor Peninsula Advisory Commission (PAC) in-person 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.
- *June 8, 2022*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

2020 County Aerial Photo

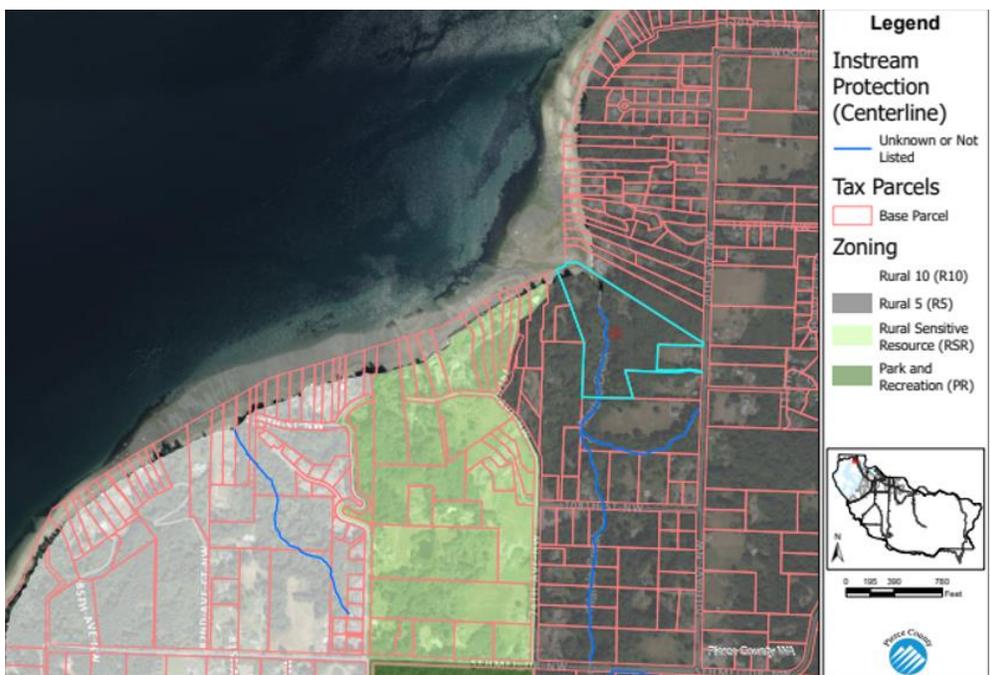


Subject site highlighted in blue.

2020 County Vicinity Photo



2020 County Aerial Zoning Photo



Subject site highlighted in blue showing associated Marble Creek.

County Historic Aerial Photo (1970-78)



Subject site highlighted in blue shows proximity of structures to shoreline.

Coastal Zone Atlas Photo (1977)



Identifies the shoreline of parcel and proximity where Marble Creek and Henderson Bay converge.

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

- The project site is along the eastern shores of Henderson Bay within the waters of Puget Sound with Marble Creek that runs in a north-south direction of the property.
- A Boundary Line Adjustment was approved in application #969937 and recorded under Auditor File No. 202202025005, in February 2022, for access to future lots.
- The site is irregular in shape with rolling topography, heavily forested, and includes slopes of between approximately 10 to 40 percent across the site.
- A private access road via 70th Avenue N.W. is proposed to benefit the three future lots.
- The County Assessor lists the parcel as 13.6-acres in size (including abutting private tideland) with approximately 170 feet of shoreline frontage.
- Currently, the site is improved with a 1,704-square foot single-family residence, originally constructed in 1936, and a detached 600-square foot garage built in 1985.
- Staff was able to find historical photos of structures along the shoreline, dating back to 1970.
- 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 where Marble Creek and Henderson Bay waters meet).

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Puget Sound	Aquatic Marine	N/A
South	Single Family Residence (SFR)	N/A	Rural 5 (R5)
East	SFR	N/A	R5
West	Vacant Land/SFR	Conservancy/Aquatic	R5

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.

- Department of Archaeology & Historic Preservation (DAHP) has identified the proposed project area as having very high sensitivity for archaeological resources. The proximity to Carr Inlet, which has numerous known archaeological sites in the vicinity, gives the proposed project area particular sensitivity for archaeological resources, and further, the scale of the proposed ground disturbing actions would destroy any archaeological resources present. Identification during construction is not a recommended detection method because inadvertent discoveries often result in costly construction delays and damage to the resource. Therefore, DAHP recommends a professional archaeological survey of the project area be conducted prior to ground disturbing activities, and also recommends consultation with the concerned Tribes' cultural committees and staff regarding cultural resource issues.
- The Nisqually Indian Tribe, Squaxin Tribe, and Puyallup Tribe of Indians request a Cultural Resource Survey prior to project area disturbance.
- Peninsula Light Company has asked for an easement provision on the final plat.
- Ecology comments were received and can be found in documents of the online permit.
- Staff received comment from a member of the public in favor of the application.

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

Title 19A Pierce County Comprehensive Plan

The Comprehensive Plan applies to all proposed land uses within the County. It states:

- **Goal Env-6:** Recognize the adopted Pierce County Shoreline Master Program is the Shoreline Element of the Comprehensive Plan.

Title 19A Appendix E: Gig Harbor Community Plan

Applicable Community Plan goals and policies include, but are not limited to:

- **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-2.5:** Base residential densities on a particular site on the densities described in the Development Regulations in the Pierce County Code.

Staff did not find that the proposal conflicts with Gig Harbor Community Plan policies.

Title 18A Development Regulations – Zoning

Complete applications for a Shoreline Substantial Development Permit (#985450) and a Preliminary Short Plat (#984498) were made March 24, 2022, and April 6, 2022. The applications are vested to the regulations related to the Rural 5 (R5) zone which was the zoning at time of application.

Table 18A.15.020-2. Rural and Resource Residential Density and Rural Lot Dimensions					
Rural and Resource Zone Classification		Residential Density (du/ac)		Lot Dimensions	
		Base	Maximum	Minimum Lot Dimension (2)	Minimum Lot Size (5)
R5	Rural 5	0.2	0.2	60 feet	5 acres

Within the R5 zone the base density is 0.2 dwelling units per acre. Land divisions and residential developments may achieve outright the Base Density standard for the zone classification, pursuant to Table 18A.15.020-2, in which the proposal is located subject to compliance with all applicable regulations.

Staff Comment: The proposed subdivision is for the benefit of detached single-family residences, which are a permitted outright use. As of the drafting of this report, the associated preliminary short plat application has not been completed. As a condition of approval of this application, the short plat process shall be completed and meet all applicable policies and regulations.

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 Conservancy and Aquatic Shoreline Environment Designations.

18S.20.040 – Conservancy Shoreline Environment Designation (SED).

The intent of the Conservancy SED is to conserve and manage existing natural resources and valuable historic and cultural areas while providing recreational benefits to the public and while achieving sustained resource utilization and maintenance of floodplain processes. Shoreline ecological functions should be preserved by avoiding development that would be incompatible with existing functions and processes, locating restoration efforts in areas where benefits to ecological functions can be realized, keeping overall intensity of development or use low, and maintaining most of the area's natural character.

- 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 applicant is requesting approval of a three-lot Short Plat located within the Conservancy SED. Only the northern portion of the project area proposed as Lot 3 is located within shoreline jurisdiction. Proposed Lots 1 and 2 appear to be outside of the SED, the flood area, the buffer for Marble Creek, and the wetland buffer areas.

- Archaeological, Cultural and Historic Resources (18S.30.020)

The intent of this section is to recognize that these resources can be found throughout the County and that they are valuable because they are irreplaceable and limited. When these resources are found on shoreline sites they should be preserved, protected and restored. Applicable policies include:

Policy B.1: Location, design and operate developments to be compatible with the protection of any adjacent identified archaeological, cultural or historic site.

- Archaeological, Cultural, and Historic Resources: Regulations (18S.30.030 C)

1. Should archaeological materials (e.g. bones, shells, stone tools, beads, ceramics, bottles, hearths etc.) or human remains be observed during project activities on shorelines all work in the immediate vicinity shall cease.

Staff Comment: A Cultural Resource Survey shall be sent to Pierce County staff for distribution to affected and/or requesting Tribes and DAHP, upon completion, and prior to any ground breaking disturbance and/or any Site Development approval from planning.

In addition to the CRS, and as a condition of approval, the applicant shall cease all work upon discovery of such resources and immediately contact the State Department of Archaeology & Historic Preservation (DAHP), the County Planning and Public Works Department (PPW), affected Tribes, and the County coroner (if applicable) to help assess the situation and determine how to preserve the resources.

2. For known archaeological, cultural, and historic resources identified within a State, Federal, or local process for historic places or recorded as cultural resource sites, an archaeological, cultural, or historic resource management plan for the site shall be prepared by an archaeological or historic preservation professional as part of the shoreline review process.

- a. For development within shoreline on a site with known historic buildings, the following items shall be included in the historic resource management plan:

- 1) The purpose of the proposed development;
- 2) A site plan for the proposed development;
- 3) An assessment of any known or likely adverse impacts to the historic resources or building including, but not limited to, structural stability, historic character of the resources including buildings considered to be historically significant as a result of the proposed development;
- 4) If impacts will occur, an analysis of how these impacts will be avoided, or where avoidance is not possible; and
- 5) A recommendation of appropriate mitigation measures for any adverse impacts to the historic resources including buildings.

Staff Comment: Staff has found no evidence of historic buildings on the proposed site.

b. For development within shorelines on the same site as known historical, cultural, or archaeological resource, the following items shall be included in the historic, cultural or archaeological resource management plan:

- 1) The purpose of the proposed development;
- 2) A site plan for the proposed development;
- 3) Identification of the location of any known historic, cultural, or archaeological resources;
- 4) Likelihood of discovery of resources not yet identified on or surrounding the project site;
- 5) Depth and location of all ground disturbing activities, including but not limited to utilities, driveways, clearing and grading;
- 6) An examination of project on-site design alternatives;
- 7) An explanation of the need for the proposed development in the proposed location, or access across and/or through a historic, cultural, or archaeological resource;
- 8) An assessment of the on-site resources and an analysis of the potential adverse impacts as a result of the development;
- 9) If impacts will occur, an analysis of how these impacts have been avoided, or where avoidance is not possible; and
- 10) A recommendation of appropriate mitigation measures.

Staff Comment: The Cultural Resource Survey shall be sent to Pierce County staff for distribution to affected and/or requesting Tribes and DAHP, upon completion.

- Ecological Protection (18S.30.030)

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, ecosystem-wide processes, and mitigates adverse impacts to ecological functions. This means assuring no net loss of ecological functions and process in shorelines, and protection of critical areas designated in Title 18E PCC.

Ecological functions refer to "... the work performed, or role played by, the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem." (PCC 18S.18.70 Appendix A)

Applicable section policies include, but are not limited to:

Policy B.1: Establish and manage shoreline uses and development in a manner that mitigates adverse impacts so that the resulting ecological condition is maintained or improved.

Policy B.2: All shoreline uses and development should avoid and minimize adverse impacts on the shoreline environment.

Policy B.4: 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 that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.

- Ecological Protection: Regulations – General (18S.30.030 C)

All development shall occur as outlined in Table 18S.30.030-1, Mitigation Sequencing, with avoidance of impacts being the highest priority. Lower priority measures shall be applied only when higher priority measures are deemed to be infeasible or inapplicable.

- Water Oriented Development (18S.30.090)

The intent of the Water Oriented Development policies and regulations is to ensure that water-dependent, water-related or water enjoyment, or a combination of such uses, is preferred in shorelines. Applicable policies include but aren't limited to:

Policy B.1: Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water related, and water enjoyment uses.

Policy B.4: Give priority to water-oriented uses over non-water-oriented uses, with highest priority given to water-dependent uses.

- Water Oriented Development: Regulations (18S.30.090 C)

Staff Comment: The proposal is located outside the Conservancy SED with the exception of an associated critical area known as Marble Creek. Only applicable regulations will be addressed below.

1. Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.

Staff Comment: All parking areas associated with the proposed residences will be located outside of shorelines and critical areas and the required buffers. Parking as a principal use is not proposed.

2. Except for single-family residences, non-water oriented uses or portions of a use that are non-water oriented shall demonstrate why the use must be located in the shorelines.

Staff Comment: The proposal is a subdivision for the benefit of single-family residences. The future single-family residences will be located outside of the shorelines.

3. In the Conservancy SED, water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, including but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed if adverse impacts to the shoreline are mitigated. Commercial development should be limited to where those uses have been located in the past or to unique sites that possess shoreline conditions and services necessary to support the commercial development.

Staff Comment: The proposal is for a subdivision for the benefit of detached single-family residences located outside of shorelines. Staff has not seen evidence that there would be a net loss of shoreline ecological function.

- Water Quality, Stormwater, and Nonpoint Pollution (18S.30.100)

The intent of the policies and regulations of this section is to protect against adverse impact to water quality and quantity. Applicable policies include, but are not limited to:

Policy B.1: Locate, construct and operate development in a manner that maintains or enhances the quantity and quality of surface and ground water over the long term.

Policy B.2: Prevent impacts to water quality and stormwater quantity that would result in a new loss of shoreline ecological functions.

Policy B.3: Prevent contamination of surface and ground water and soils.

- Water Quality, Stormwater, and Nonpoint Pollution (18S.30.100 C)

Staff Comment: The applicant is required to meet all applicable stormwater and site development requirements. Prior to approval of any associated development permits the applicant shall show that water quality impacts, such as preventing/cleaning spills of harmful substances, controlling stormwater and pollution, restoration to pre-project conditions and construction using materials that do not leach toxic substances are being met or planned for.

- Residential (18S.40.100)

The intent of the policies and regulations of this section is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential SEDs when consistent with control of pollution and prevention of damage to the natural environment. The Residential policies and regulations encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and minimization of impacts to fish and wildlife habitats. Applicable section policies include, but aren't limited to:

Policy B.1: Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.

Policy B.4: When on-site sewage systems are required for residential development, those systems and their associated drainfields should be installed outside of the shoreline.

Policy B.7: Prohibit new over-water residences including floating homes.

Policy B.9: Residential development should preserve existing vegetation, open space, habitat and critical areas.

Policy B.11: New residential structures should be located with respect to views and should not exceed a height of 35 feet.

- Residential: Regulations – General (18S.40.100 C)

Staff Comment: Only applicable regulations will be addressed below.

1. Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.

Staff Comment: The associated subdivision will be required to meet all applicable regulations as required by Title 18A PCC before it is approved. The same will be required for all detached single-family residences when application is made for them.

2. Residential development on a lot shall comply with Chapter 18E.110 PCC, Erosion Hazard Areas.

Staff Comment: All proposed and future development is required to meet the regulations found within Chapter 18E.110, PCC Erosion Hazard Areas.

- Shoreline Permit Table: Shoreline Permit Table (18S.60.030-1)

Residential land divisions for the benefit of single-family and accessory uses/structures within the Shoreline Conservancy SED is permitted through review and approval of a Shoreline Substantial Development Permit.

Staff Comment: The applicant has applied for review and approval through a Shoreline Substantial Development Permit.

- Shoreline Substantial Development Permit (18S.60.040)

The Shoreline Substantial Development Permit (SD) process provides a comprehensive review of the development of shorelines to ensure compliance with the Shoreline Management Act (Act), this Title, and any other applicable development regulations.

- Shoreline Substantial Development Permit: Decision Criteria (18S.60.040 D)

The Director shall review applications for Shoreline Substantial Development in accordance with the following decision criteria:

1. The proposal is consistent with the policies and procedures of the Act.

Staff Comment: Shoreline Planning Staff reviewed the provided materials and have found that the proposal is consistent with the policies and procedures of the Act.

2. The proposal is consistent with this Title's policies and regulations including, at a minimum, the following:

- a. Policies and regulations of the shoreline environment designation SED in which the proposal is located.

Staff Comment: Shoreline Planning Staff found that the proposal meets the policies and regulations of the Conservancy SED.

- b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such an area.

Staff Comment: Shoreline Planning Staff found that the proposal meets the policies and regulations for Shorelines of Statewide Significance.

- c. Policies and regulations within the applicable General Policies and Regulations found in Chapter 18S.30, PCC.

Staff Comment: Staff has found no evidence that the project, as proposed, is inconsistent with the applicable policies and regulations found in Chapter 18S.30, PCC.

- d. Policies and regulations within the applicable Use and Development Policies and Regulations found in Chapter 18S.40, PCC.

Staff Comment: Staff has found no evidence that the project, as proposed, is inconsistent with the applicable policies and regulations found in Chapter 18S.40, PCC.

3. The proposal is consistent with the applicable provisions of Title 18E, PCC.

Staff Comment: The Pierce County Natural Resource department has determined through review for Title 18E that wetland indicators and fish & wildlife indicators exist; therefore, reviews for both a Wetland Delineation and Habitat Assessment Study are required.

4. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.

Staff Comment: As has been previously discussed in this report, the proposal is consistent with the applicable policies of the Comprehensive Plan and the Gig Harbor Peninsula Community Plan.

5. The proposal is consistent with all applicable development regulations, including but not limited to Title 18A, PCC, Development Regulations – Zoning.

Staff Comment: Running concurrently with the Shoreline Substantial Development Permit is a Preliminary Short Plat application (#984498). As of the writing of this report the Preliminary Short Plat application has not been approved. The subdivision shall meet all applicable regulations and policies for it to be approved.

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.

Staff Comment: The proposal is outside of this designation.

18S.30.030 - Ecological Protection.

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	
Higher Priority  Lower Priority	Avoiding the impact altogether by not taking a certain action or parts of actions.
	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.
	Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
	Reducing or eliminating the impact over time by preservation and maintenance operations.
	Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
	Monitoring the impact and compensation projects and taking appropriate corrective measures.

Staff Comment: Tree Conservation under PCC 18J.15.030 will be reviewed with the preliminary short plat process.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the Shoreline Substantial Development requirements or have any comments or recommendations?

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