

Initial Project Review

Shoreline Substantial Development Permit: Lencioni

Application Numbers: 980212, and 980211
Tax Parcel Number: 5022001170

Key Peninsula Advisory Commission (KPAC) Meeting: Wednesday, September 21, 2022, at 6:30 p.m., at The Mustard Seed Project, 9016 154th Avenue Court NW, Lakebay, WA

Proposal: The applicant is seeking to construct a 26-foot x 8-foot dock in the Aquatic Freshwater Shoreline Environment in Lake Minterwood.

Project Location: The site is located at 14708 113th Street NW, Gig Harbor, WA 98329, within the NW 1/4 of Section 30, T22N, R01E, W.M., in Council District #7.

Staff Recommendation: The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Comprehensive Plan, and Key Peninsula Community Plan area. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend **approval**.

Zone Classification: Rural 10 (R10)

Community Plan Area: Key Peninsula Community Plan Area

State Environmental Policy Act (SEPA): SEPA Review is required for this proposal.

County Contact: Brian Bischof, Associate Planner, (253) 798-2987,
brian.bischof@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=980212>



Project Data

Application Complete: May 18, 2022

Initial Project Review Sent: September 14, 2022

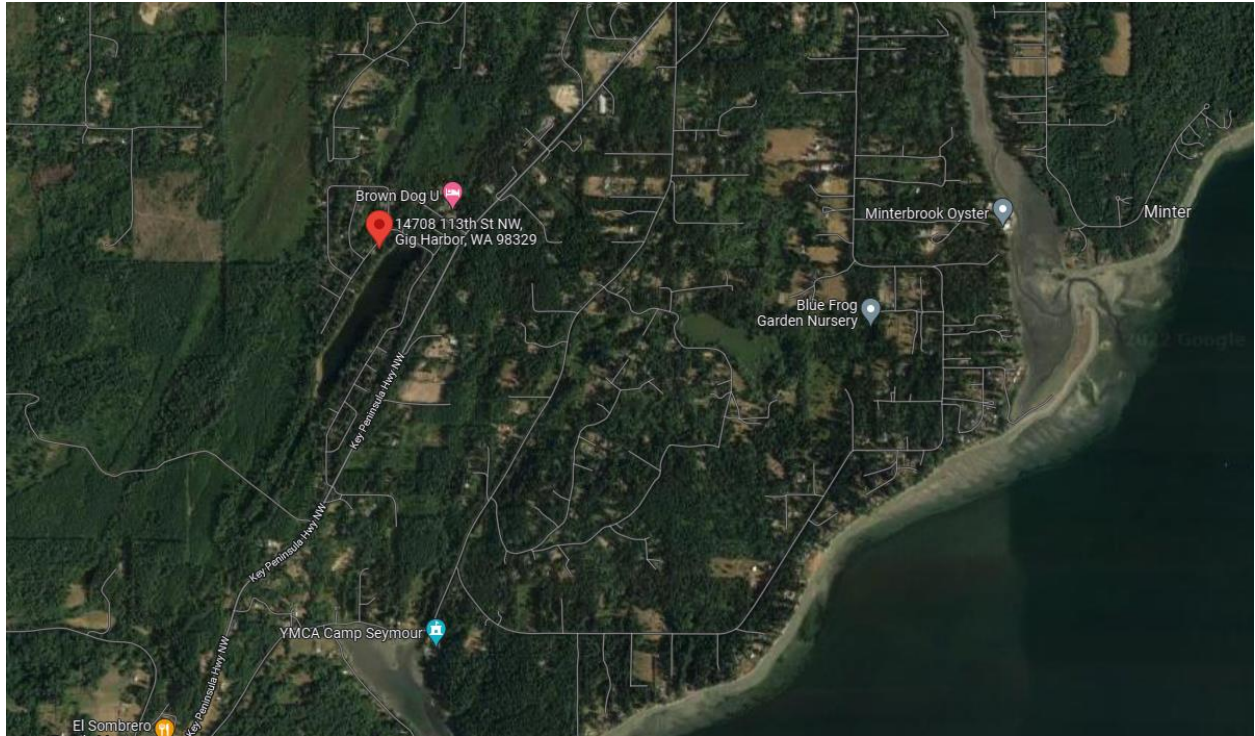
Property Owners/Applicants: Katherine & Nicholas Lencioni
21817 43rd Avenue Court East
Kirkland, WA 98034
katielenc@gmail.com

Agent: Day One Construction
Attn: Mike Robinson
5026 South State Street
Tacoma, WA 98409
Boneyardbbq.4141@gmail.com

Public and Legal Notice

- *February 23, 2022*: Notice of Application (NOA) and Public Meeting Notice, including the Key Peninsula Advisory Commission (KPAC) 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 8, 2022*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *June 8, 2022*: Revised NOA and Public Meeting Notice, including the August 10, 2022, Key Peninsula Advisory Commission (KPAC) 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.
- *August 3, 2022*: Public Notice of the August 10, 2022 cancelled Gig Harbor Peninsula meeting, replaced by the September 21, 2022, KPAC Meeting
- *September 7, 2022*: Legal Notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the KPAC public meeting.

Vicinity Map



2020 County Aerial Photo



Figure 1: Project property is highlighted.

Proposed Site Plan

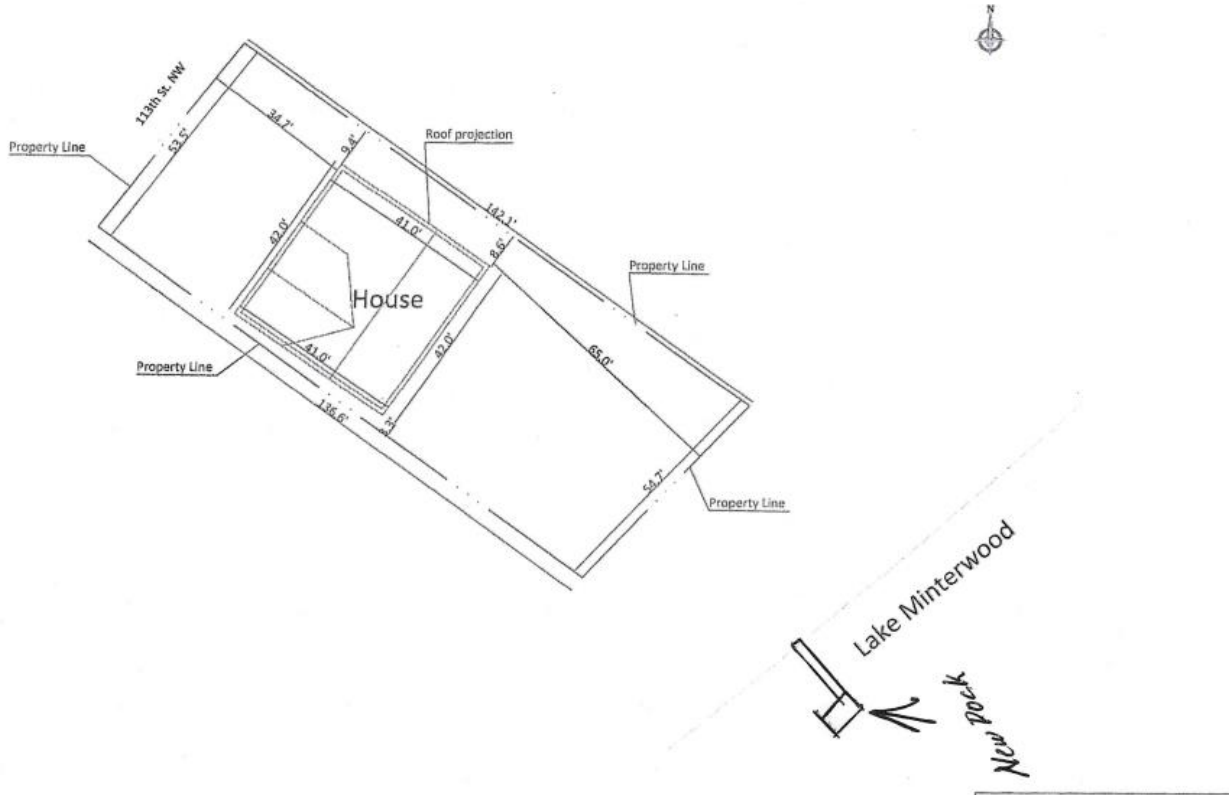
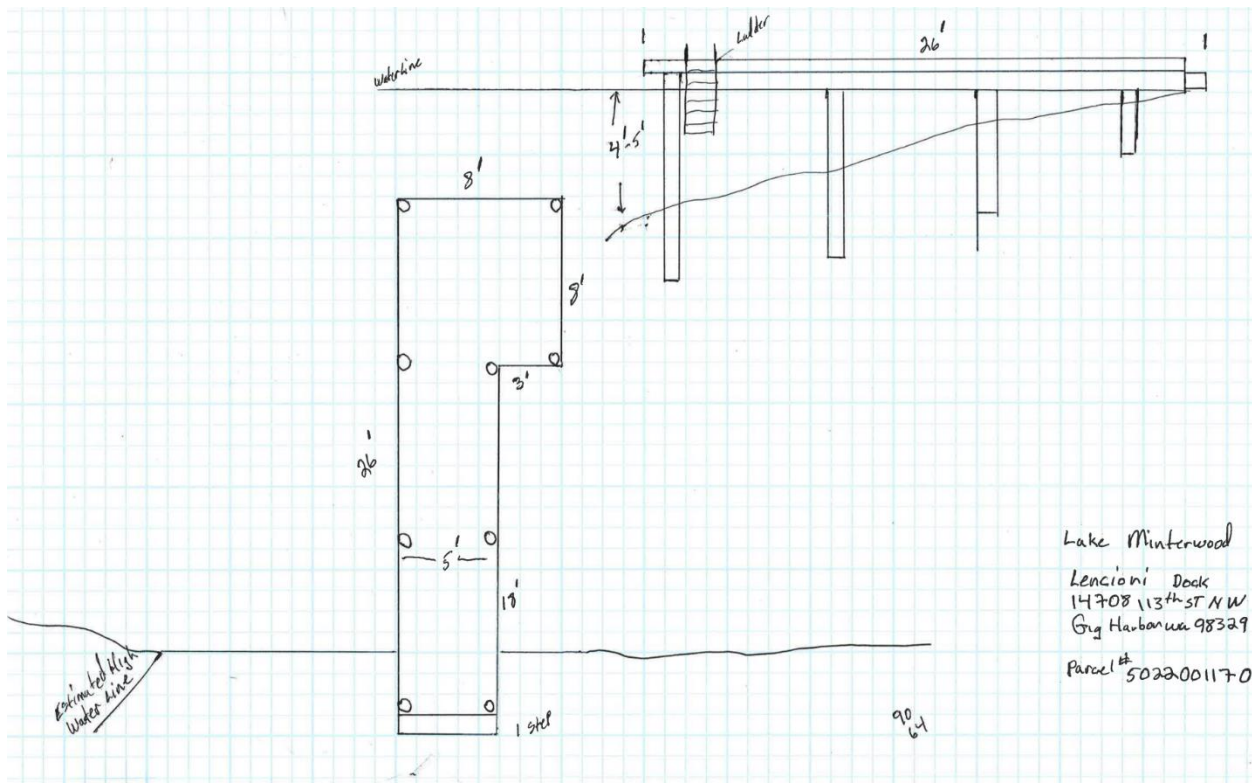
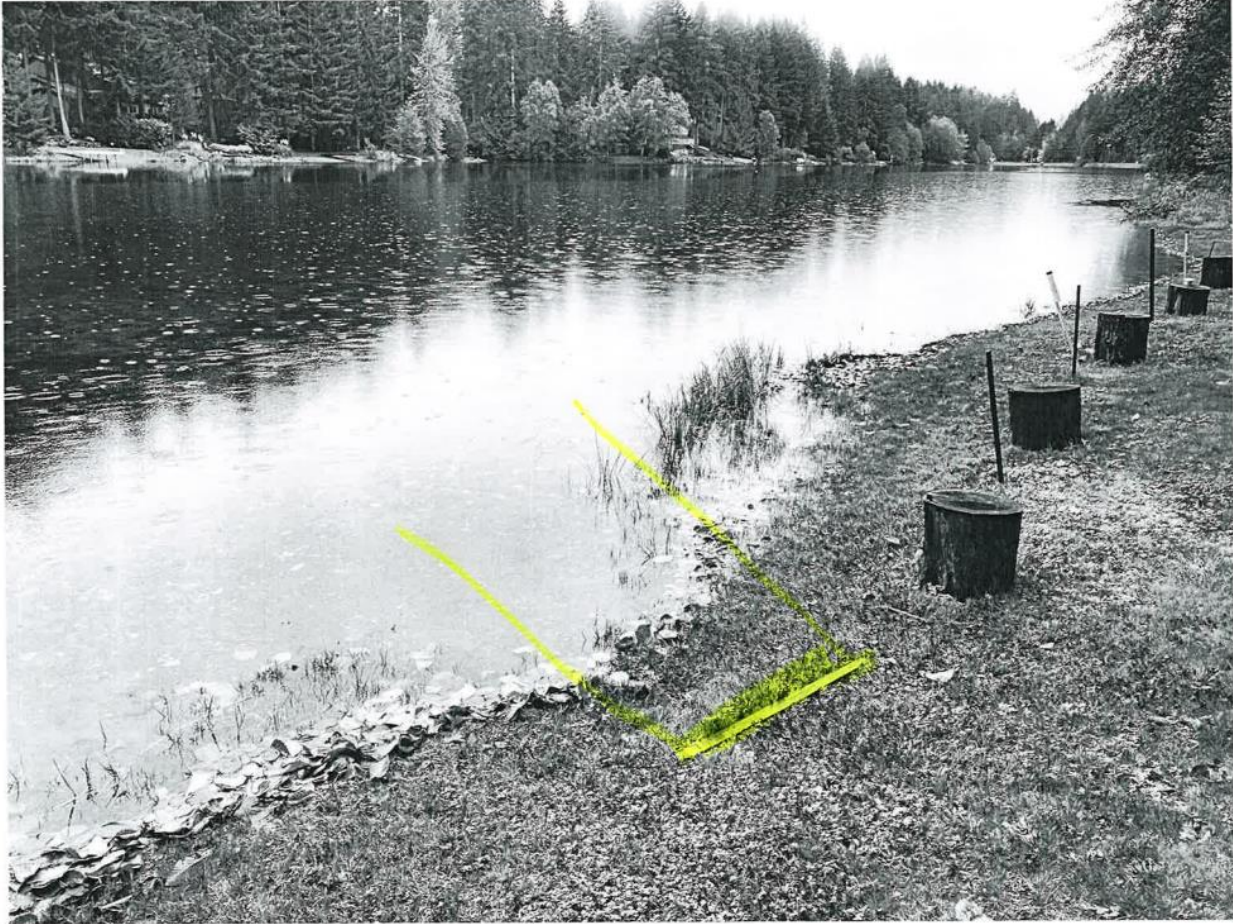


Figure 2: Image showing the proposal. Proposed dock off the rear of the lot.

Cross-Section and Elevation Plans



Site Photos



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. Key Peninsula Advisory Commission (KPAC):

The KPAC'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 KPAC. 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 5022001170 as being 0.24 acre in size.
- The parcel is Lot 6 of the Lake Minterwood plat, Block 3.
- The parcel is accessed via a driveway from 113th Street NW, a public road.
- Currently, the site is improved with a single-family residence with an attached garage, both built in 2017.
- Lake Minterwood is developed primarily with single-family residences.
- There is a private recreational dock owned by the Lake Minterwood Beach Club about .75 mile drive to the south.
- The west side of Lake Minterwood has significantly less docks than the east side, which has about two dozen docks ranging from 20 feet to 25 feet long.
- The site gradually slopes towards the water.

Surrounding Land Use/Zoning Classification

	LAND USE	ZONING
North	Vacant (undeveloped)	Rural 10 (R10)
South	Single Family Residence	Rural 10 (R10)
East	Lake Minterwood	Residential and Aquatic Freshwater
West	Single Family Residence	Rural 10 (R10)

Utilities/Public Facilities

Utility service and public facilities are proposed as follows:

- Water** – Washington Water Service Company
- Power** - Peninsula Light
- Sewer** - N/A

Comments from the Public and Agencies

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:

- Resource Management has reviewed the application and has requested both a Wetland review and Fish and Wildlife review.
- Development Engineering has approved the application.
- Comments were received from the Lake Minterwood HOA which requested that the applicant apply with them for an Architectural Control Permit and also informed the County that the maximum length of a dock is 25 feet. The applicant has proposed a 26-foot long dock and will need a revision to meet this requirement.

Initial Planning and Public Works Staff Review for Consistency with Applicable Land Use Policies and Regulations:

The proposal is subject to review for conformance with Pierce County plans, codes, and regulations.

Key Peninsula Community Plan (Pierce County Code, Title 19A, Appendix G)

In 2008, the Plan went into effect. It is part of the County Comprehensive Plan.

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 residence. The proposed recreational dock will not adversely impact the surrounding area as there are other similar size docks within close vicinity of the site; views of adjoining lots will not be adversely impacted by the proposed dock.

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 less than 15% (6.3%) of the fetch. Plans submitted do not yet note the specific type of construction and how it will minimize impacts on the Aquatic Freshwater Environment.

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: The applicant has not submitted any mitigation plans at this time. The total area of ground disturbance landward of the ordinary high watermark is likely to be minimal but will still require some level of planting. The area adjacent to the project is mainly lawn ground cover with large trees landward.

Staff will require a condition of approval for the applicant to restore shoreline vegetation that is removed for the purpose of constructing the dock.

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.
- Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

Staff Comment: The project is to construct a 26-foot x 8-foot single-use dock. A condition of approval will require the applicant to contact the adjoining neighbor to the south regarding the possibility of using the proposed structure as a joint-use dock.

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 at the northwestern shore of Lake Minterwood. The proposed dock design and size are consistent with the character of other over-water structures in this area of the lake. The dock from the proposed location will not unduly affect ingress-egress or the use and enjoyment of the water or beach on the adjoining properties. Based on the submitted site plan, the proposed dock is over 10 feet from the side property lines. According to the County's 2020 aerial photo, the closest dock to the north is 113 feet and the closest dock to the south is 230 feet from the subject site. In addition, per the submitted site plan, the depth of water at the end of the proposed dock will be approximately 4-5.0 feet.

The dock meets the requirements for the fetch, length, piling vertical clearance, and setbacks.

The proposed dock would be required to be designed and engineered appropriately, and it is the responsibility of the property owners to maintain the structure in a safe and sound condition. In addition, if approved, a condition of approval will require that all plastics or other nondegradable materials, which are used in pier construction, shall be contained.

The application does not make clear whether joint use of the dock has been explored or not, a condition of approval will address this issue.

Shoreline Substantial Development Permit (Pierce County Code, Title 18S, Section 18S.60.040)

D. Decision Criteria. 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.
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;
 - b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such area;
 - c. Policies and regulations within the applicable General Policies and Regulations found in Chapter 18S.30 PCC; and
 - d. Policies and regulations within the applicable Use and Development Policies and Regulations found in Chapter 18S.40 PCC.
3. The proposal is consistent with the applicable provisions of Title 18E PCC.
4. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.
5. The proposal is consistent with all applicable development regulations, including but not limited to Title 18A PCC, Development Regulations – Zoning.

Question from Staff for the KPAC

Does the KPAC believe that the applicant is meeting the criteria for a Shoreline Substantial Development Permit or do they have any comments or recommendations?

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