

## Initial Project Review

### Shoreline Substantial Development Permit/Shoreline Variance: Cakir Bulkhead Repair, Retaining Walls, and Beach Access Stairs

**Application Numbers: 1004777, 1004778, 1004779**

**Parcel Number: 0221311007**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: March 22, 2023, at 6:30 p.m.**, at the City of Gig Harbor, 3510 Grandview St., southeast entrance, Gig Harbor, WA 98335

**Proposal:** Applicant requests a Shoreline Substantial Development Permit and Shoreline Variance to build upland retaining walls within the shoreline buffer, replace bulkhead, and relocate beach access stairs.

**Project Location:** 4015 10<sup>th</sup> Street NW, Gig Harbor, WA 98335, in the Rural Residential Shoreline Environment and Rural 10 (R10) zone classification of the Gig Harbor Peninsula Community Plan area, within Section 31, T21N, R02E, 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 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, Associate Planner, 253-798-3093,  
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**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?appID=1004777>



## **Project Data**

Complete Application Date: January 18, 2023

Initial Project Review Mailed: March 16, 2023

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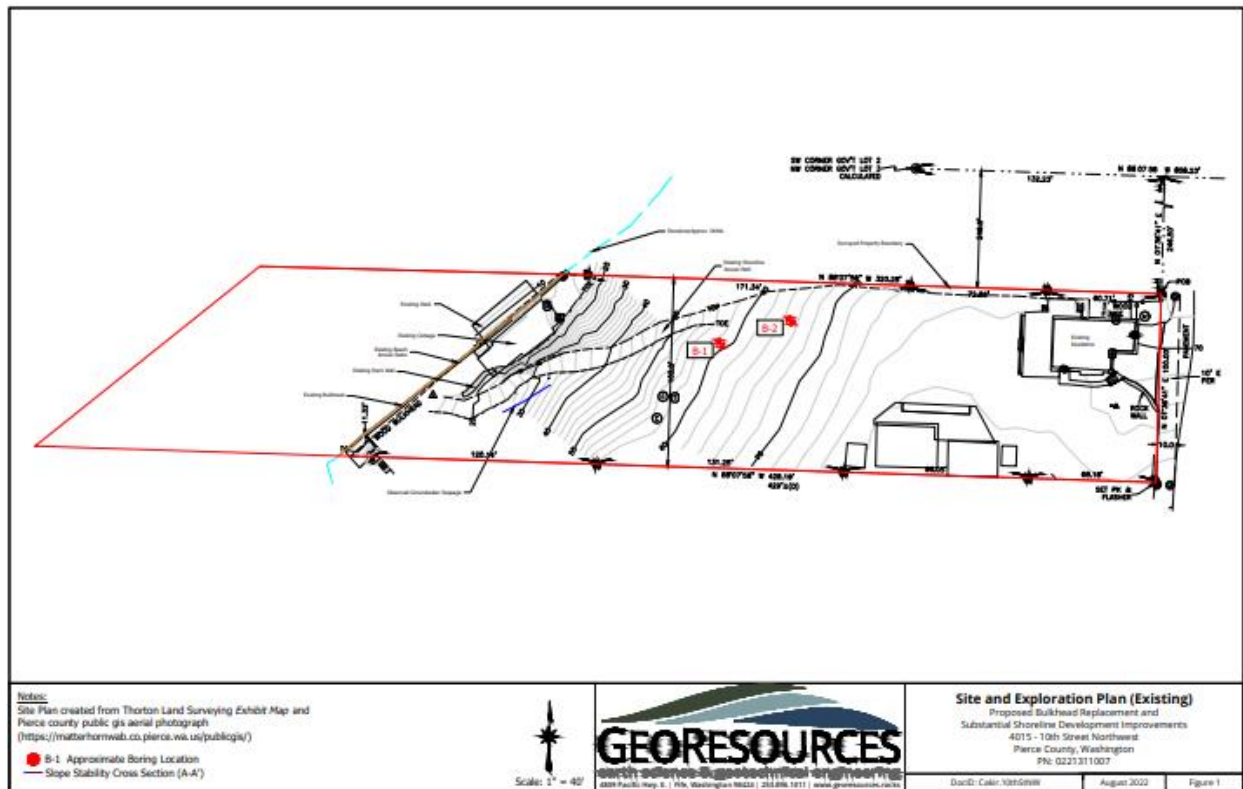
## **Legal Notice**

- *February 1, 2023*: Notice of Application and Public Meeting Notice, including the Gig Harbor Peninsula Advisory Commission (PAC) meeting information, 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.
- *February 6, 2023*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *March 8, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the PAC.

# 2022 Ortho Photos



## 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 0221311007 as being .8034 acres in size.
- The parcel is accessed from the east.
- The parcel is located on the east shore of Wollochet Bay.
- The access to the site is via a driveway off 40th Avenue NW.
- The topography of the site slopes toward the shore/bulkhead.
- The parcel is improved with a single-family residence, bulkhead, beach access, and a boat house.
- Bulkhead and boathouse are within the coastal velocity zone.

## Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single family	Residential	Rural 10 (R10)
South	Shoreline	Residential	R10
East	Single-family residence	NA	R10
West	Shoreline	Aquatic Marine	NA

### 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, Squaxin Island Tribe, and Puyallup Tribe of Indians commented that they are requesting a cultural survey be conducted prior to any ground disturbing activities.

### Public Comments

No public comments were received prior to the March 3, 2023, 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)

- Allow new bulkheads and other hard armoring structures along shorelines only when it is demonstrated that beach nourishment or other bioengineering soft armoring techniques would likely be ineffective.
- Authorize new and replacement bulkheads only when accessory to an existing residential dwelling that is in imminent danger of damage caused by beach erosion and only after alternative techniques are determined to be unsuitable.
- Authorize new and replacement bulkheads for other non-water-dependent uses only when an existing structure is in imminent danger of damage caused by beach erosion, and alternative techniques have been ruled out.
- Construct non-water-dependent structures (including single-family residences) along the shoreline at a sufficient distance from the shoreline to ensure that bulkheads are not necessary for the lifetime of the structure.

*Staff Comment:* The Gig Harbor Peninsula Community Plan policy aims to reduce the number of bulkheads within the Gig Harbor Peninsula Community by requesting demonstration of need and alternatives analysis. The Community Plan also seeks to require development to be placed sufficiently far enough away to not require a bulkhead when given the opportunity.

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

- New shoreline stabilization measures or structures shall be allowed only where they are demonstrated to be necessary to support or protect an existing primary structure that is in danger of loss or substantial damage or are necessary for reconfiguration of the shoreline for mitigation or enhancement purposes.
- Repair and maintenance of existing structural shoreline measures shall: use the same or similar materials as the existing structure; encompass less than 60 percent of the structure over a 10 year period; and not expand the area to be protected.
- Measures to protect development in or near an active shoreline erosion hazard area include, in order of priority: (a) locating development so it does not require shoreline stabilization, (b) soft stabilization methods, and then (c) hard stabilization methods. See Chapter [18E.110](#) PCC for Erosion Hazard Area regulations.
- Shoreline stabilization measures are allowed only after the applicant has demonstrated that locating development a sufficient distance from the shoreline, including a location outside shorelines, to prevent shoreline erosion impacts to the development is not feasible.
- If relocation of development is not feasible, the use of soft armoring techniques is the preferred method for shoreline protection.
- Hard armoring shoreline erosion control measures are allowed only when the need to protect primary structures from damage due to erosion is demonstrated through a geological assessment-shoreline erosion geotechnical report.
- Hard armoring shoreline protection measures shall not be allowed for protection of a proposed structure when it is determined that the proposed structure can be located landward of the 120-year regression area.
- Stabilization measures shall not exceed the minimum actions necessary to address the erosion impacts.

*Staff Comment:* The bulkhead and retaining wall are classified as shoreline stabilization and would need to comply with the 18S.30.070 shoreline stabilization section specifically. The bulkhead repair is being proposed to protect a boathouse/cottage that is within a coastal flood area. The applicant has already stated they plan to repair or rebuild the boathouse/cottage and would need to comply with the flood regulations, which would trigger significant elevation of the structure or moving it outside of the flood area laterally. Applicant will need to demonstrate the need for the bulkhead and that moving the structure is not feasible. The water access stairs being relocated require a shoreline substantial development permit and the upland retaining walls require a shoreline variance.

### Shoreline Substantial Development Permit 18S.60.040

*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.

#### Shoreline Variance 18S.60.070

*General.* A Shoreline Variance shall not be granted unless the applicant demonstrates that denial of the permit would result in a thwarting of the policy enumerated in the Act due to extraordinary circumstances, and the public interest would suffer no substantial detrimental effect.

*Development Landward of Ordinary High Water Mark (OHWM).* In addition to the General Decision Criteria in subsection [D](#) of this Section, Shoreline Variances for development landward of the OHWM or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

1. The strict application of the bulk or dimensional standards precludes or significantly interferes with reasonable use of the property.
2. The hardship described in subsection [E.1](#) of this Section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Title and not, for example, from deed restrictions or the applicant's own actions.
3. The design of the project is compatible with other authorized development within the area and with development planned for the area under the Comprehensive Plan and this Title, and will not cause adverse impacts to the shoreline environment.
4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
5. The Shoreline Variance requested is the minimum necessary to afford relief.

*Cumulative Impact.* In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Variances were granted to other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.

*Staff Comment:* At this time, the applicant has not addressed all review and decision criteria. Currently, the applicant's agent is looking into all of the engineering requirements to comply with the flood regulations to determine if the bulkhead will be necessary or not. The upland retaining walls will have to demonstrate need and show that it is the minimum necessary to afford relief.

#### **Questions from Staff for the PAC**

- Is there suggested mitigation the PAC recommends?
- Does the PAC have any other questions?