

Initial Project Review

Shoreline Substantial Development Permit (SD) / Shoreline Administrative Conditional Use Permit (SACP): Page, Single-User Dock

**Application Numbers: 1009175 (SD), 1009183 (SACP), 1009185 (SEPA),
Parcel Numbers: 0021031040, 0021031043**

Key Peninsula Advisory Commission (KPAC) Public Meeting: August 24, 2023, at 5:30 p.m.,
at the Key Center Fire Station Headquarters, 8911 Key Peninsula Highway NW, Lakebay, WA 98349

Proposal: Replace an existing 4-foot x 105-foot (4' x 90' overwater), and 10-foot x 12-foot solid decked float with a pier, ramp, float, and piling dock that is 150 feet measured from the ordinary higher-high water (OHHW) mark (but has a total length of 168-feet measured from the bulkhead), then install a 4-foot x 110-foot (4' x 92' overwater) aluminum pier and a 3-foot x 40-foot (3' x 34' overwater) ramp, both with 100% fiberglass grating, an 8-foot x 24-foot float with 50% composite decking, 50% fiberglass grating, and 62% open area, (6) 8" pier piling, (4) 10" float piling, and (2) pile mounted float stops to prevent grounding. The parcel is .82 acre in size, has an existing single-family residence, and a concrete bulkhead.

Project Location: The site is located at 18212 Bayview Road NW, on the north shoreline of Vaughn Bay (Puget Sound), in a Rural 10 (R10) zone classification, Aquatic and Residential Shoreline Environments, and in the Key Peninsula Community Plan area, within the NW 1/4 of Section 3, T21N, R3E, W.M., in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with applicable policies and regulations. Staff recommends that the KPAC consider the following potential issues:

1. The Shoreline Code seeks to reduce the proliferation of single-use docks. The application materials should state why the Applicants cannot use their existing dock or utilize the existing community boat launch located a short distance to the east, share a dock with the abutting property owner to the east and or west, or use a mooring buoy.
2. The existing dock is nonfunctional at a range of tidal heights. The proposed dock would be longer and more functional but, would still be unusable at many tidal elevations. Information regarding the amount of time the dock would be actually useable should be required.
3. If the dock proposal is acceptable, consideration should be given to removing any existing buoys, floats, etc., that the Applicants may have in Vaughn Bay.
4. Clarify if any boatlifts are proposed to be added. If so, they should be included in the proposal.

5. Is any mitigation proposed to address the impacts of the dock? The County Shoreline Code has no net-loss provisions.
6. Clarify if/how the proposal complies with the interior/side yard setbacks.

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.

Contact: Michael Jimenez, Planner, michael.jimenez@piercecountywa.gov, 253-798-7181

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=1009175>



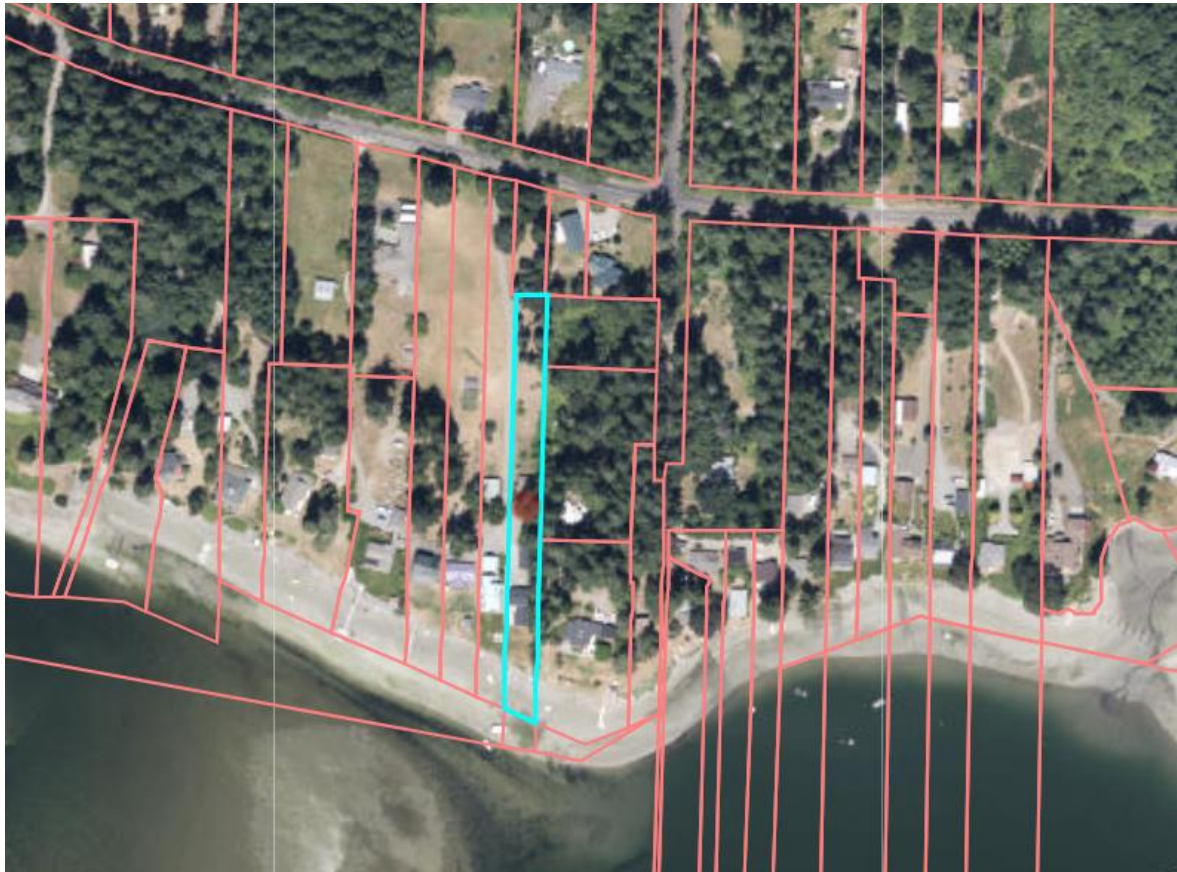
Project Data

Complete Application Date:	March 28, 2023
Initial Project Review Mailed:	August 17, 2023
Owners/Applicants:	Jeff Page 18212 Bayview Road NW Vaughn, WA 98394 jeff@jwpage.net
Applicants' Agent:	Marine Floats Corporation Attn: Attn: Tabitha Simonetti 313 East F Street Tacoma, WA 98421 Tabitha@marinefloats.com

Legal and Public Notice

- *April 26, 2023:* Notice of Application (NOA) was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
 - Applicable governmental agencies
- *June 9, 2023:* Revised NOA, including the Key Peninsula Advisory Commission (KPAC) public 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 site.
- *May 12, 2023:* Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *August 10, 2023:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the KPAC public meeting.

2022 County Aerial Photos



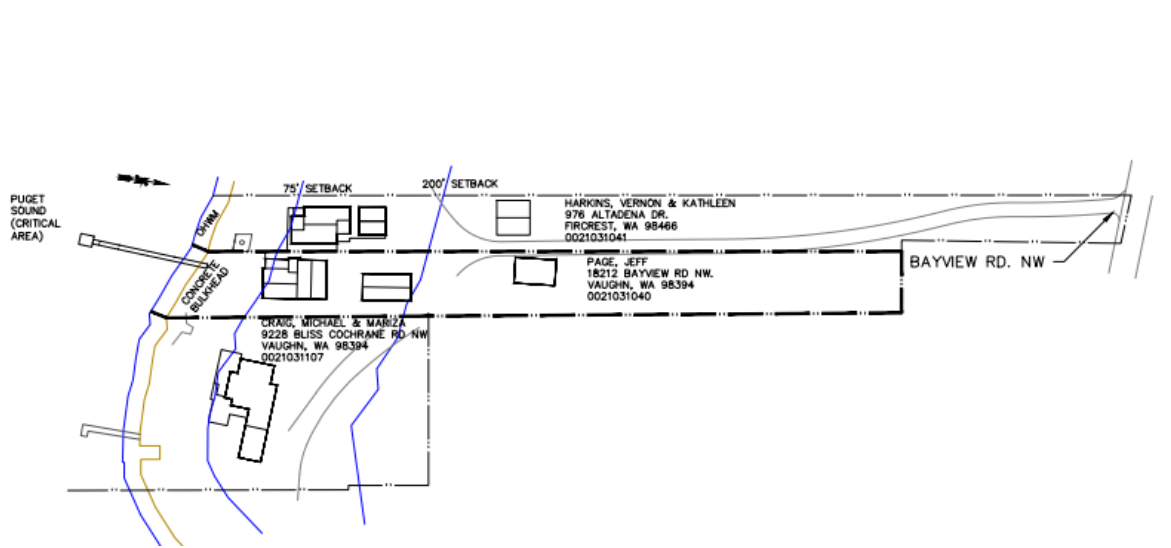
Google Earth



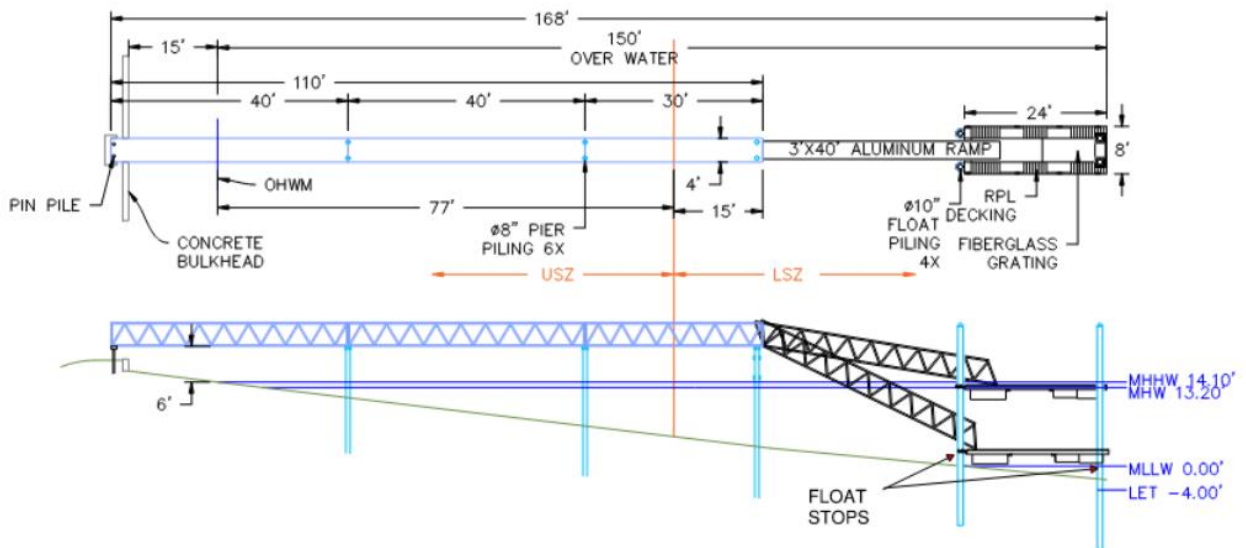
2016 Washington State Coastal Atlas - (X) marks the spot of property



Site Plan (Proposed)



Cross-Section



Comments Received from the Abutting Property Owners, Public, and Government Agencies

- Comments from Public: No written comments were received.
- Comments from Agencies: Various comments were received. The following is of note:
 - Nisqually Tribe of Indians: Requested a cultural resource study and it was submitted June 27, 2023.

Site History/Characteristics:

- The parcel is located on the north shoreline of Vaughn Bay.
- The north side of the parcel is abutted by and accessed from Bayview Road NW
- The fetch is less than 15% as measured from the proposed dock location to the closest point on the opposite shoreline, which is approximately 1,228 feet.
- There is a wetted/tidal channel between the island and the mainland, on both sides of the bridge, is very shallow and at lower tides frequently goes nearly dry or essentially completely dry.
- The parcel, as rectangular shaped with the long axis, is oriented in a north-south direction.
- It appears that the parcel has a small amount of private tidelands (parcel 0021031043).
- The County Assessor-Treasurer lists the parcel as being .82-acre in size.
- The parcel slopes moderately/steeply downwards towards the water.
- As stated, there are estuarine wetlands located along the shoreline. Otherwise, the uplands have minimal vegetation other than lawn and ornamental landscaping.
- The parcel is developed with a residence and bulkhead. On the waterward side of the residence there is lawn.

Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		SHORELINE	ZONING
North	Bayview Road (single-family residences are located across the street)	Not applicable	Rural 10 (R10)
South	Puget Sound/Vaughn Bay	Aquatic Marine	Not applicable
East	Single-family residence	Residential	R10
West	Single-family residence	Residential	R10

Initial Planning and Public Works (PPW) Staff Review for Consistency with Policies 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.

Staff Comment: There are any number of policies from the Community Plan that could apply. Staff has not listed them in this report as the County Shoreline Regulations (Pierce County Code, Title 18S) have similar ones that are addressed later in this report. In summary though, the Community Plan places great emphasis on maintaining shoreline aesthetics, vegetation, and stability.

Pierce County Shoreline Code (Pierce County Code, Title 18S)

Title 18S provides policies, and regulations for development on Pierce County shorelines. The proposal is located within the Residential (upland area) and Aquatic (water area) 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 proposal would be considered an accessory use to the existing residence. The proposed dock will adversely impact the surrounding area as the dock is proposed at a total length of 168 feet. This will affect: the views of surrounding property owners, recreational use of public waters, and those seeking to utilize the wetted/tidal channel that runs along the northern part of the Bay and allows access to Puget Sound during lower tides.

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: Table 18S.60.030-1 (Shoreline Permit Table), Water Access Facilities, states that residential water access facilities (serving less than four parcels) require a Shoreline Substantial Development Permit and Shoreline Administrative Conditional Use Permit.

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 County shoreline regulations require that proposals result in no net loss of shoreline function. The impacts of overwater structures are well established, and the application materials should clarify what further mitigation is proposed to fully address/mitigate the impacts of the dock to Vaughn Bay. Mitigation is also required to be implemented to satisfy requirements of the Washington State Department of Fish/Wildlife and US Army Corps of Engineers.

In terms of cumulative impacts, what the applicants are proposing is dissimilar to other docks in Vaughn Bay, the bulk of which are shorter in length. The cumulative impacts of these shorter docks being allowed to expand significantly raises concerns over cumulative impacts. Of particular concern is the potential for impacts to the public’s use of the wetted/tidal channel when the tide is out. It is incumbent for the applicant to demonstrate the usefulness by providing how many hours a day the proposed pier, ramp, and float will be able to be fully utilized.

Therefore, Staff has the following comments:

- Application materials should provide information why the use of the nearby Hall Road public boat launch would not be adequate for the applicants’ needs.
- The Applicants should contact the abutting neighbors to the east and west as to their interest in sharing a joint-use dock.
- The application materials should state why a buoy would not suffice for the Applicants’ desire for deeper moorage and why the existing dock is insufficient.

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 replacement of the existing dock with the new longer dock does not reduce the extent of adverse effects to the shoreline nor is it appropriate in this shallow part of Vaughn Bay.

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: Many of these issues were addressed previously in this report. The proposal would appear to meet the various dimensional requirements as follows:

- Depth: The cross-section plan submitted appears to show that at the end of the dock, as measured at mean lower low water (MLLW) would have approximately 0 feet of water. In short, the float would ground out every day.
- Fetch: The dock would have a fetch of approximately 12% the maximum limit is 15%.
- Length: The dock would have a total length of 168 feet of which 150 feet is measured from the Ordinary High Water Mark.

- Width: The pier would be 4 feet wide (limit is 6 feet) and float would be 8 feet wide (which is the limit).
- Area: Docks are limited to a size of 900 square feet. The proposal would not exceed this figure.
- Setbacks: Section 18S.40.140 H.5. states the following regarding setbacks waterward of the OHWM:

“For water access facilities located in bedlands or tidelands owned by the upland property owner, a minimum separation of 10 feet shall be maintained from the side property lines. For water access facilities located on bedlands or tidelands, not owned by the upland property owner (such as state-owned tidelands), a minimum separation of 10 feet should be maintained between the structure and the side property lines extended as per Appendix I, Waterfront Titles in the State of Washington. The placement of over- or in-water structures shall not substantially interfere with the use and enjoyment of the water or the over- or in-water structures on the neighboring property.”

Docks are intended to be set back 10 feet from property lines. The applicant must determine the ownership/ boundaries of private tidelands (if any exist) and/or how upland property lines extend into the water and show setbacks from them. The application materials should at least provide some information as to how the proposal complies with the setback requirements. Otherwise, a Shoreline Variance may also be required.

The full decision criteria for Shoreline Substantial Development Permits are listed in Section 18S.60.040 and for Shoreline Administrative Conditional Use Permits in 18S.60.050. Staff has not listed them here as the report identifies (elsewhere) any potential concerns regarding compliance with those criteria.

Question from Staff for the KPAC

Does the KPAC believe that the applicant is meeting the SD/SACP requirements or have any comments or recommendations?

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