

Initial Project Review

Shoreline Substantial Development Permit (SD) / Shoreline Administrative Conditional Use Permit (SACP)/ Environmental Review: McNally Dock

**Application Numbers: 1001120 (SD), 1001121 (SACP), 1017977 (SEPA)
Parcel Number: 0220071024**

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: October 11, 2023, at 6:30 p.m., at the City of Gig Harbor, southeast entrance, 3510 Grandview Street, Gig Harbor, WA

Proposal: Remove the in-water boat ramp and construct a new dock. The new dock will consist of a pier, ramp and float secured by galvanized steel piling and will be 150 feet over water length. The property is located on Fox Island.

Project Location: The site is located at 1085 13th Lane, Fox Island, on the south shoreline of the Hale Passage (Puget Sound), in the Gig Harbor Peninsula Community Plan area, Rural 10 (R10) zone classification, and Residential Shoreline Environments, within Section 07, T20N, R02E, W.M. in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with all policies, codes, and regulations and concludes the project can be approved, if properly conditioned.

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, Title 18E, the Pierce County Responsible Official has reviewed this project and has not yet issued a Determination. No comments were received, and at this time no decision has been issued.

Contact: Dan Buhl, Planner, dan.buhl@piercecounitywa.gov, 253-798-3268

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=1001120>



Project Data

Complete Application Date: July 31, 2023

Initial Project Review Mailed: October 6, 2023

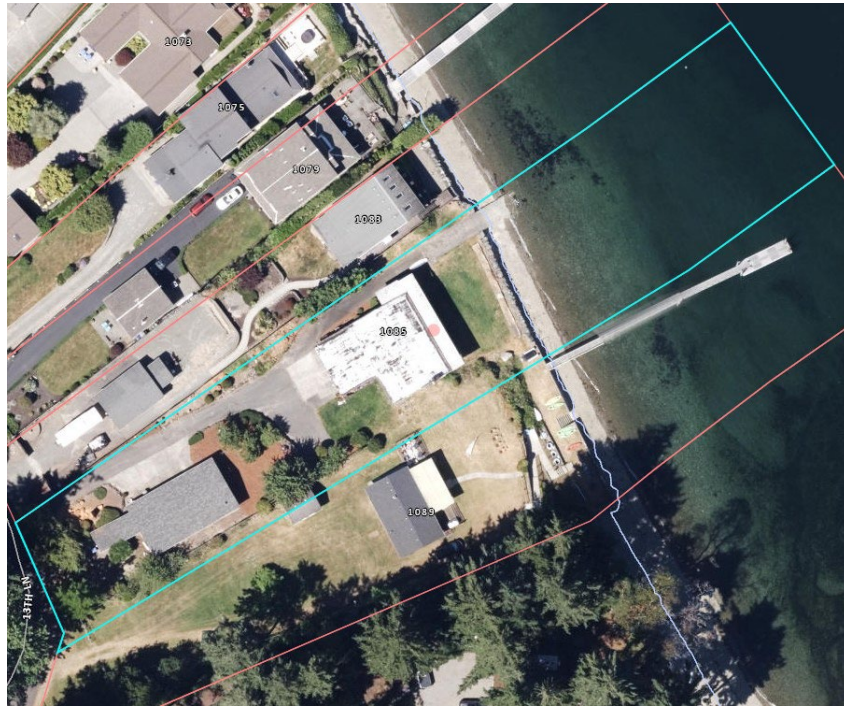
Owners/Applicants: Bill McNally
540 Westeria Court
Benicia, CA 94510
WJM0525@gmail.com

Applicants' Agent: Marine Floats Corporation
Attn: Rachel Anderson
313 East F Street
Tacoma, WA 98421
tabitha@marinefloats.com

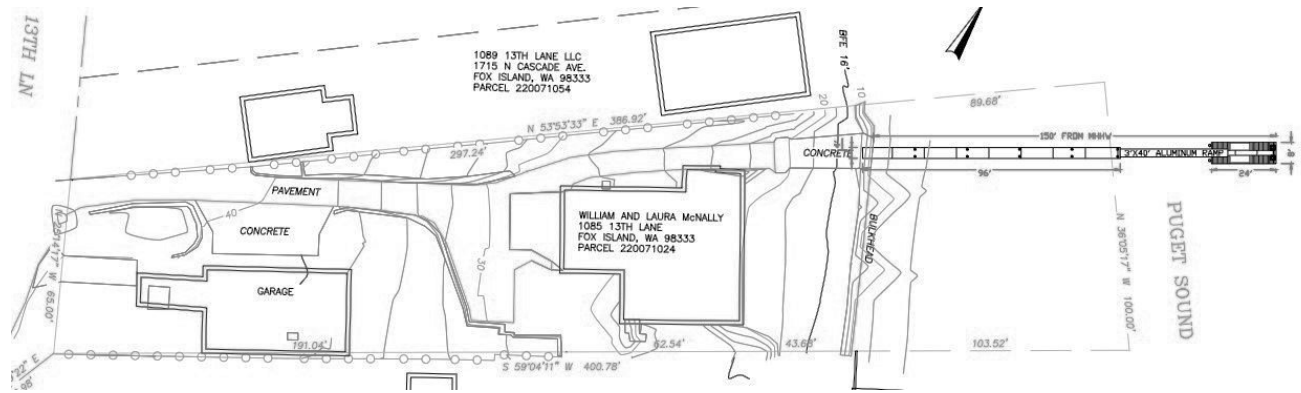
Legal and Public Notice

- *August 21, 2023*: Notice of Application, including the Gig Harbor Peninsula Advisory Commission (PAC) meeting date, time, and location, 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
- *August 31, 2023*: Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *September 26, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

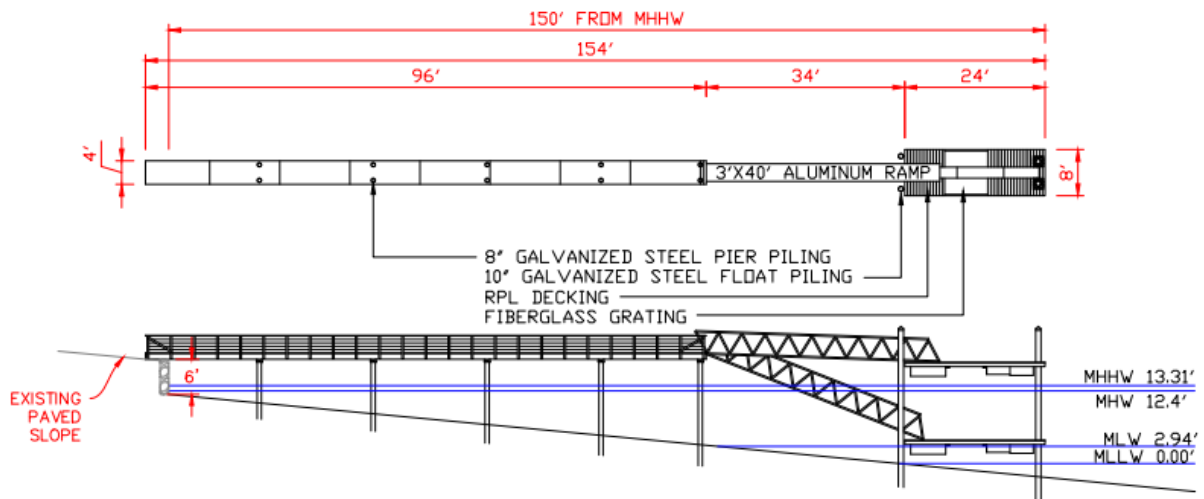
2020 County Aerial Photo



Site Plan (Proposed)



Cross-Section



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

Comments from Neighbors/Public: Staff has received no comments from neighbors or the public.

Comments from Agencies: Various comments have been received. The following are of note:

- The Puyallup Tribe requested a cultural/archaeological report be prepared.
- The Nisqually Tribe noted the presence of possible cultural resources, but not request a survey.
- The Squaxin Island Tribe commented but did not request a survey.

See the complete list of review comments using the Pierce County permit system website and the permit application numbers listed on page 1 of this review.

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):

- 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. 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 owners purchased the subject property in 2017.
- The parcel is located on the northern shore of Fox Island.
- The parcel is 0.91 acre including the tidelands and roughly 0.60 acre without.
- The access to the site is via a driveway from 13th Lane North.
- The parcel is improved with a single-family residence, garage, boat ramp, and bulkhead.
- The subject parcel has lawn near the shoreline and some landscaping vegetation between the home and garage (near 13th Lane North) and vegetation between the fronting road and garage.
- The distance or fetch of Hale Passage, as measured from the proposed location of the dock to the closest point of land on the opposite shoreline, is approximately 1.12 miles.
- A cursory review of the parcel does not readily reveal any shoreline/land use violations.

Surrounding Land Use / Shoreline / Zoning Designation:

	LAND USE	SHORELINE	ZONING
North	Single-family residences	Residential	Rural 10 (R10)
South	Single-family residences	Residential	R10
East	Hale Passage	N/A	N/A
West	Single-family residences	N/A	R10

Initial County Planning and Public Works Department staff review for consistency with policies and regulations:

Gig Harbor Peninsula Community Plan

Staff Comment: A review of the plan reveals that there are numerous policies that could apply to this proposal but would result in an excessively long report. Further, the shoreline policies and regulations, addressed throughout the rest of this report, address similar issues such as regarding vegetation preservation, aesthetics, and cumulative impacts.

Based on the submitted site plan, the water depth at the end of the requested 150-foot dock, as measured at mean lower low water (MLLW), is approximately 0 feet and the dock will ground out at that time. The proposed dock will not cause removal of any vegetation from the site, nor will it have any appreciable impact on the views of the neighboring properties. Moreover, if approved, the dock will not be out of character with other properties within close vicinity of the site, as there are other similar size docks to the west of the site as well as one to the east of the site.

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.

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 designed and engineered appropriately and 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, will be contained. The pier/ramp/float design and size are consistent with the character of other over-water structures along the shoreline. The proposed recreational dock will not adversely impact the surrounding area as the subject site is consistent with other homes along this waterfront lane that also have established docks.

18S.30.020 Archaeological, Cultural, and Historic Resources

The intent of the Archaeological, Cultural, and Historic Resources policies and regulations 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. Archaeological areas, ancient villages, military forts, old settlers' homes, ghost towns, historic trails, historical cemeteries, and other cultural sites and features are nonrenewable resources, many of which are in danger of being lost through present day changes in land use and urbanization.


Staff Comment: Due to the high probability of cultural resources in the area the Puyallup Tribe of Indians have requested a cultural study be performed on the property.

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 will place the dock where there is an existing boat ramp that is to be removed as mitigation. The only area upland of the OHWM to be disturbed will be the boat ramp’s location due to its removal. Staff recommends the appropriate amount of vegetation be planted in the area to be disturbed during construction as appropriate.

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 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. The dock will be less than 15% of the fetch. The proposed overwater structure (dock) will be limited to the maximum size allowed with a grated ramp and 50% grated float. The applicants propose to remove the existing boat ramp and locate the dock in the same location. The proposed dock will be considered an accessory use to the existing home. The pier/ramp/float design and size are consistent with the character of other over-water structures along the shoreline. 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 neighbor to the south has a long established dock and there are five more docks to the north that are essentially on the same beach.

Table 18S.60.030-1 - Shoreline Permit Table

Per the table, in the Aquatic Marine and Residential designations, residential water access facilities (serving less than four parcels) are allowed subject to approval of a Shoreline Substantial Development Permit. However, in the Aquatic Marine designation, a Shoreline Administrative Conditional Use Permit is also required.

Staff Comment: Both permit applications have been submitted. The applicable criteria are addressed later in this decision. However, before that, this decision lists applicable policies/regulations from other parts of the Shoreline Code.

18S.60.040 Shoreline Substantial Development Permit.

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 the Title 18S PCC 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.
- E. Burden of Proof. The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Substantial Development Permit.
- G. Denial. The Director may deny an application for a Shoreline Substantial Development Permit if the proposal fails to comply with specific standards found in the Master Program or if any of the decision criteria of PCC 18S.60.020 E.2. through 6. are not supported by evidence in the record as determined by the Director.

Staff Comment: After review of the submitted findings for this section of shoreline code, the proposal appears to meet many but not necessarily all the criteria necessary for approval.

18S.60.050 Shoreline Administrative Conditional Use Permit.

D. Decision Criteria.

- 1. The Director shall review the location of the proposal for compatibility with development permitted in the surrounding areas; and make further stipulations and conditions to reasonably assure that the basic intent of the Master Program will be served.
- 2. An Administrative Conditional Use Permit may be granted provided that the applicant demonstrates all of the following:
 - a. That the proposed use is consistent with the policies of the Act and the Master Program;
 - b. That the proposed use will not interfere with the normal public use of public shorelines, nor use of waters under the Public Trust Doctrine;
 - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Master Program;
 - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
 - e. That the public interest suffers no substantial detrimental effect; and
 - f. The proposed use is consistent with all applicable development regulations.
- 3. In the granting of all Shoreline Administrative Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Administrative Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.
- E. Burden of Proof. The applicant has the burden of proving that a proposal meets all applicable criteria for a Shoreline Administrative Conditional Use Permit.
- G. Denial. The Director may deny an application for a Shoreline Administrative Conditional Use Permit if the proposal fails to comply with specific standards found in this Title, or if any of the decision criteria of subsection D of this Section are not supported by evidence in the record as determined by the Director.

Staff Comment: After review of the submitted findings for this section of shoreline code, the proposal appears to meet many but not necessarily all the criteria necessary for approval.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the Shoreline Substantial Development Permit and Shoreline Administrative Conditional Use Permit requirements or have any comments or recommendations?

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