

Initial Project Review

Shoreline Substantial Development Permit (SD Ranch Single-User Dock

Application Numbers: 1019840 (SD), 1019841 (SEPA), 1012584 (FW)
Parcel Number: 4995001000

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: October 25, 2023, at 6:30 p.m., at the City of Gig Harbor, Southeast Entrance, 3510 Grandview Street, Gig Harbor, WA.

Proposal: Accessory to an existing single-family residence, the proposal is to remove an existing dock (189 feet overwater) consisting of a ramp, float(s), and piling. It would be replaced with a new dock (186 feet overwater) consisting of a pier, ramp, floats, and piling. The existing dock is primarily floating while the proposed is primarily elevated and built to modern construction/ecological protection standards. Otherwise, it would remain in the same location.

Project Location: The site is located at 183 Cedar Lane NW (Raft Island) on the east shoreline of Carr Inlet/Henderson Bay (Puget Sound), in the Gig Harbor Peninsula Community Plan area, Rural 10 (R10) zone classification, and Aquatic and Residential Shoreline Environments, within Section 3, T21N, R1E, W.M. in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with applicable policies and regulations. At this point staff has not identified any concerns.

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 that the proposal would not result in probable significant adverse environmental impacts.

Contact: Ty Booth, Planner, ty.booth@piercecounitywa.gov, 253-798-3727

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=1019840>



Project Data

Complete Application Date: August 24, 2023

Initial Project Review Mailed: October 18, 2023

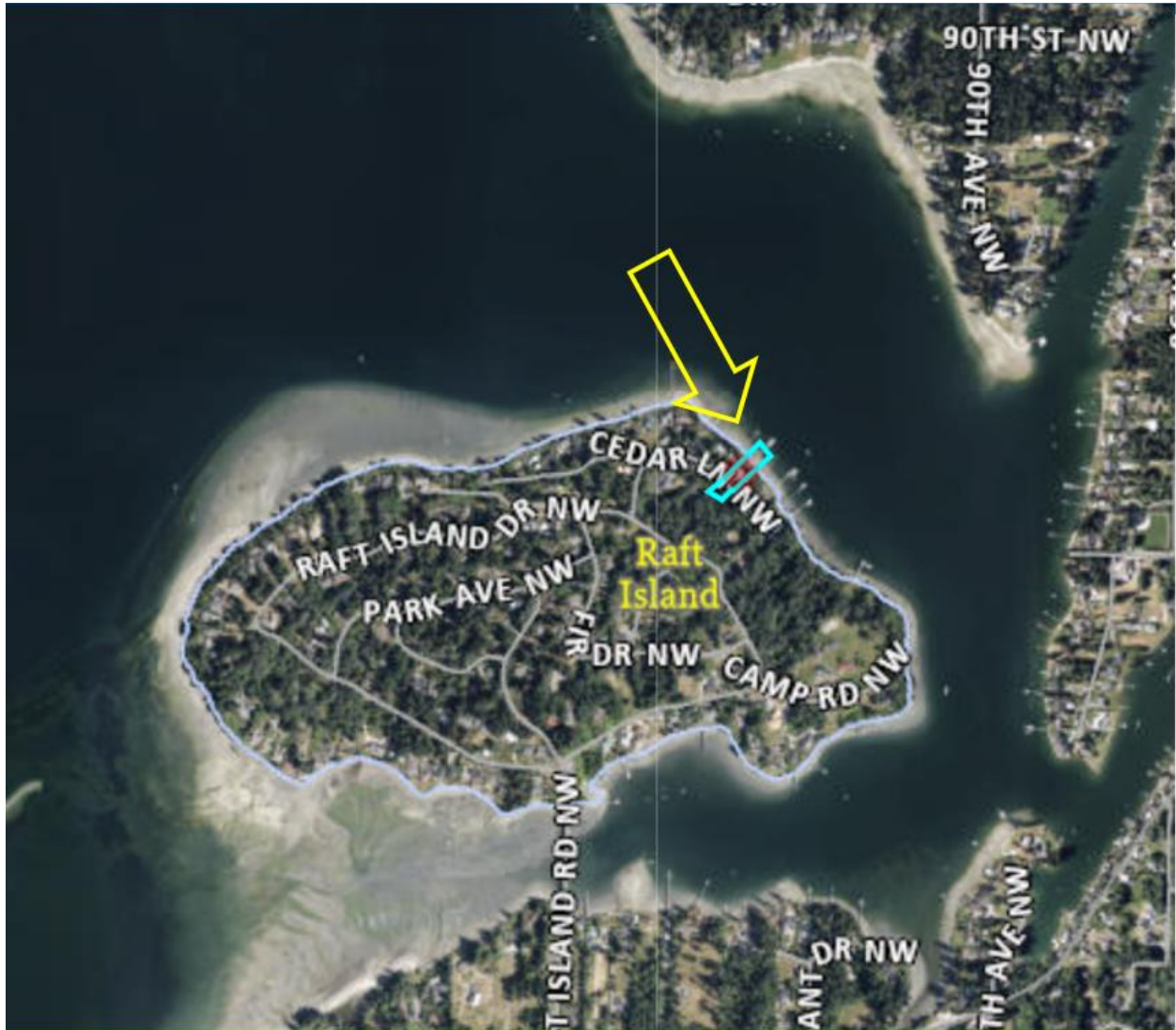
Owners/Applicants: Dennis and Pamela Ranch
183 Cedar Lane NW
Gig Harbor, WA 98335
dennisranch@kw.com

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

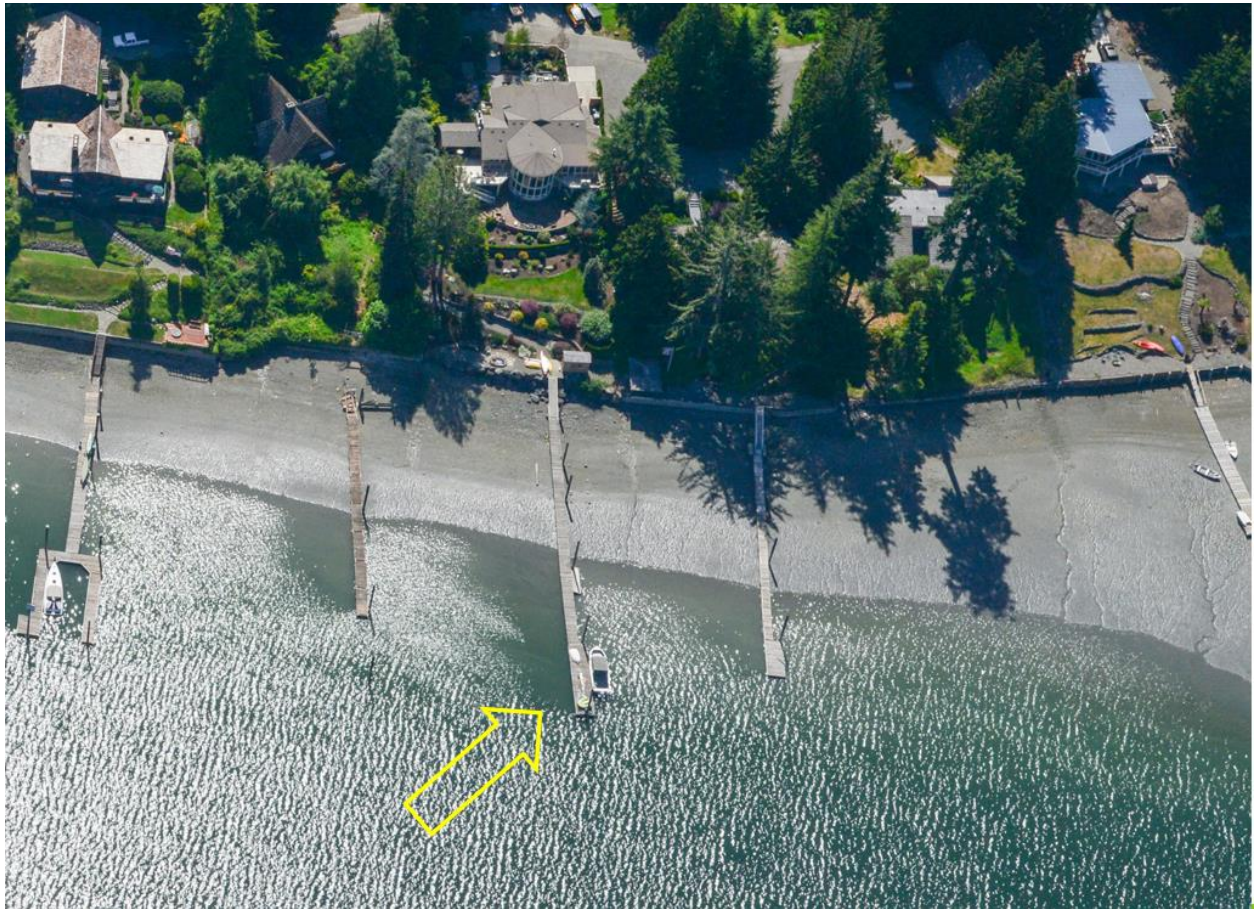
Legal and Public Notice

- *September 8, 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
- *September 17, 2023*: Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *October 11, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

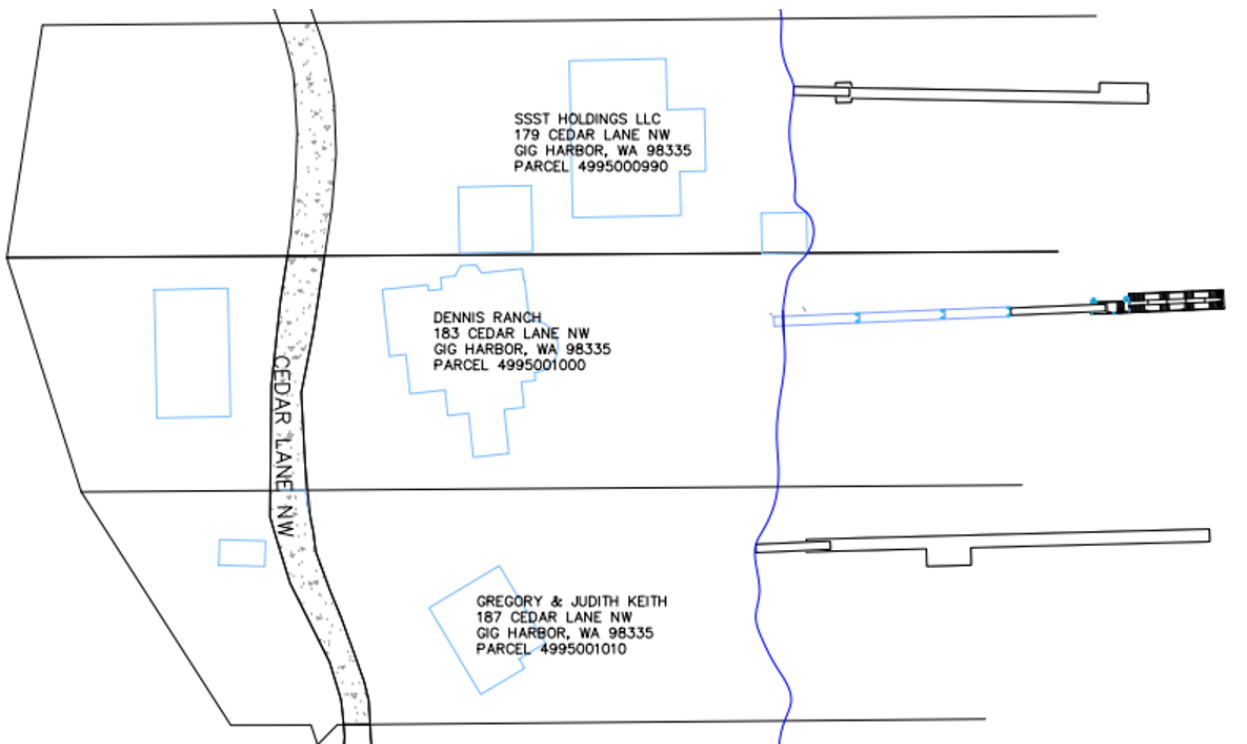
2022 County Aerial Photos



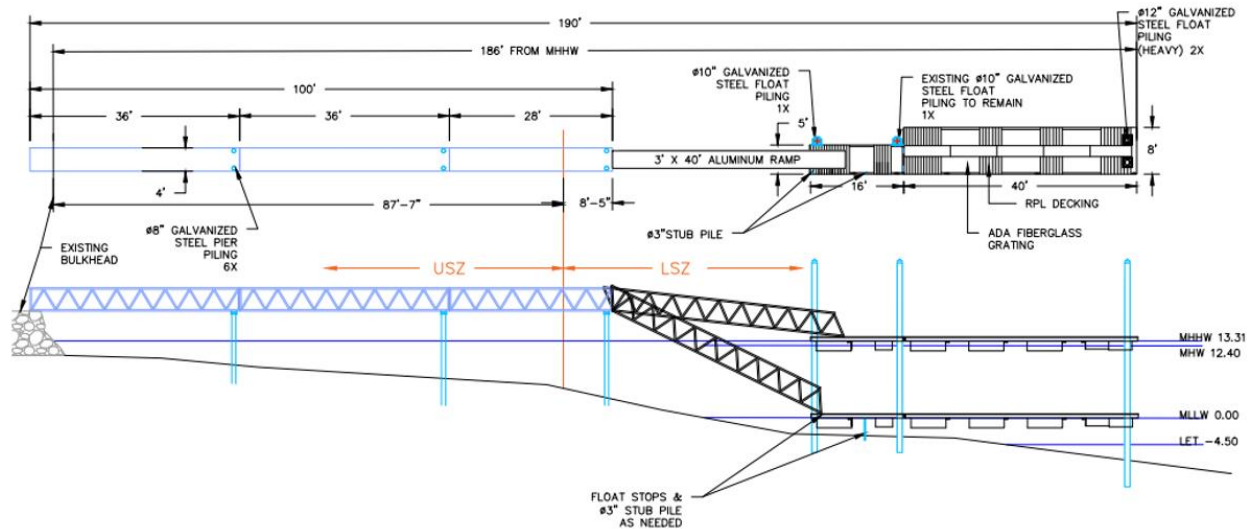
2016 Washington State Coastal Atlas



Site Plan (Proposed)



Overhead View/Cross-Section (Proposed)



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

Comments from Neighbors/Public: No comments have been received.

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

- **County Floodplain Services:** The site plan must show the base flood elevation (BFE) of 17 ft. North American Vertical Datum (NAVD) in relation to the dock and verify that the proposed connection to land will be placed at least 2 ft. above the BFE, or otherwise clarify that flood and scour loads on the structure will be addressed during review of the building permit application.
- **County Resource Management:** The site consists of regulated Fish and Wildlife Habitat Species and Habitat Conservation Areas pursuant to Chapter 18E.40 of the Pierce County Critical Areas Regulations (Title 18E, Pierce County Code).

On May 15, 2023, an application was created for a Fish and Wildlife Habitat Area review application. Off-site mitigation to result in no net loss of ecological function will be obtained from the Puget Sound Partnership. The nearshore mitigation calculator was used to evaluate this project. The project will result in -3 conservation debits. Three conservation credits will be purchased from The Puget Sound Partnership for the South-Central Puget Sound where the project is located. Otherwise, the design of the project serves to minimize impacts of the existing dock and includes removal of 1,045 square feet of existing solid decked float and ramp, as well (3) 14" creosote pile that totals to about 3.11 tons of creosote removal.

- **Tribes of Indians:** A Puyallup Indian Tribe shellfish biologist requested additional information as it appeared to them that the dock would be longer and cover additional subtidal area. The additional information was provided, and no additional comments have been received. A habitat study should be completed to see if anything would be covered.

Otherwise, no Tribes have requested anything related to cultural/archaeological review. However, the Applicants had a study commissioned. No resources were found. The study has been circulated for review/comment to the Tribes (Puyallup, Nisqually, Squaxin Island, and Muckleshoot) and Washington State Department of Archaeology and Historic Preservation.

Site Characteristics/History:

- The site consists of one waterfront parcel.
- In May 2021, the Applicants purchased the parcel.
- The parcel is 0.71 acres in size. As measured landward from Puget Sound, the uplands measure approximately 312 feet by 100 feet. It appears that the parcel includes private tidelands. However, County mapping is poor regarding private tidelands.
- The parcel is rectangular shaped with the long axis oriented in a northeast-southwest direction. The northeast side abuts Puget Sound.
- The boundary between the uplands and Puget Sound consists of low-bank waterfront. An existing bulkhead (legally constructed in 1986-87) is located at this boundary.
- An existing floating dock extends from the bulkhead. In 1997, a Shoreline Substantial Development Permit (Case No. SD1-97) was approved by the Pierce County Hearing Examiner to allow the construction of a 190-foot long floating dock. The approval included the construction of a 20-foot wide concrete pad where the dock connected with land. In 2021, the County approved a Shoreline Exemption application to replace two piling.
- As measured landward from the bulkhead, the elevation ranges from sea-level to 80 feet on the landward most portion of the parcel.
- An existing single-family residence is located approximately 75 feet landward of the bulkhead. In 1983, a building permit was issued. The County Shoreline Code (Title 18S, Pierce County Code) currently requires a 75-foot vegetated buffer from the bulkhead. In 2003 and 2012, building permits were issued to remodel the residence.
- Between the bulkhead/residence are a concrete pad, small building, fire pit, pathway, and retaining walls. While the pad is legal, the legality of this other development is-suspect.
- The upland half of the parcel is bisected and accessed by a private road (Cedar Lane NW). This road is also the boundary of the 200-foot shoreline jurisdiction.
- A detached garage is located on the extreme landward half of the parcel. In 1994, a Zoning Code Variance (Case No. V3-94) was approved to allow it to be within the required setback from the road. A building permit was obtained.
- The parcel is heavily vegetated with trees and ornamental landscaping.
- As measured from the bulkhead, the fetch or distance to the closest opposite shoreline is approximately 1,700 feet. This is as measured to the peninsula of land located to the northeast.
- The abutting two parcels, to the north and south, have existing docks. However, Staff has not researched their history/legality.

Surrounding Land Use / Shoreline / Zoning Designation:

LAND USE		SHORELINE	ZONING
North	Single-family residence and dock	Aquatic Marine (water) / Residential (uplands)	Rural 10 (R10)
South	Single-family residence and dock	Aquatic Marine (water) / Residential (uplands)	R10
East	Puget Sound	Aquatic Marine	Not applicable
West	Single-family residence	Not applicable	R10

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

Gig Harbor Peninsula Community Plan (Pierce County Code, Title 19A, Chapter 14, Appendix E)

The plan applies to the Gig Harbor Peninsula which includes Raft Island. The plan went into effect in 2002. It is part of the County’s larger Comprehensive Plan which went into effect in 1994. A copy of the community plan is found at the following link:

<http://www.co.pierce.wa.us/DocumentCenter/View/38486>

Staff Comment: A review of the plan reveals that there are numerous policies that could apply to this proposal. For example, it includes policies regarding protection of natural processes, preservation of native vegetation, and consideration of cumulative impacts. The policies are not listed here because they would result in an excessively long report and many of the same policies are reflected in the County Shoreline Code. Staff finds that the proposal is consistent with the Community Plan.

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

The Shoreline Code applies to various water bodies, including Puget Sound, and the uplands located within 200 feet of the shoreline. The code contains various chapters/sections with both policies and regulations. This decision only lists those most applicable.

18S.20.070 - Aquatic Shoreline Environment Designation (SED)

Puget Sound is designated as Aquatic Marine. The intent of the Aquatic Marine SED is to protect, restore, and manage the unique characteristics and resources of marine and fresh waters.

Staff Comment: Residential docks are common in the Raft Island area. All of these waters are designated Aquatic Marine. Therefore, the proposal is consistent except that most single-use docks are 150 feet long.

18S.20.050 - Residential Shoreline Environment Designation (SED).

The uplands are designated as Residential. The intent of this designation 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.

Staff Comment: Residences are common in the Raft Island area. The primary use of the parcel is residential, and this dock would be an accessory use. Therefore, the proposal is consistent. The only portion of the dock located in the Residential designation would be where it connects with land. Otherwise, the majority would be in the Aquatic designation.

Table 18S.60.030-1 - Shoreline Permit Table

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

Staff Comment: Only a Shoreline Substantial Development Permit has been submitted. The applicable criteria are addressed later in this decision. The reason why a Shoreline Exemption was not allowed instead of a Shoreline Substantial Development Permit...and why a Shoreline Conditional Use Permit is not required...are addressed in the following sections.

18S.60.020 Shoreline Substantial Development Permit Exemptions

One of the exemptions listed in this Section is as follows:

- Normal Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements.
 - Normal Maintenance includes those usual acts to prevent a decline, lapse, or cessation from a legally established condition.
 - "Normal Repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to shoreline resource or environment.
 - Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development, and the replacement structure or development is comparable to the original structure or development, including but not limited to its size, shape, configuration, location and external appearance, and the replacement does not cause substantial adverse effects to shoreline resources or environment.

Staff Comment: The Agent originally submitted a Shoreline Exemption application. However, the County did not find that this proposal qualified as a Shoreline Exemption because the proposal would involve converting a floating dock to an elevated dock. Therefore, Staff found it to be a “stretch” to utilize the above exemption for this proposal. Further, even if the exemption language did apply, it would still be a “stretch” since this proposal would be changing the Hearing Examiner’s approval from a floating dock to an elevated dock (did not just involve maintenance/repair or replacement of a floating dock). The correct process to change a Hearing Examiner’s approval is to first explore whether the proposal qualifies as a Revision to a Shoreline Permit.

18S.60.080 Revision to Shoreline Permit

The purpose of this Section is to provide a review process for changes to an already approved Shoreline Permit. A formal revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of an already approved shoreline permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit or approval, Shoreline Management Act (Act), and this Title. The applicant shall provide detailed plans and text describing the proposed changes. If the County determines that the proposed changes are within the scope and intent of the original permit and are consistent with the Act and this Title, the County may administratively approve a revision without a public hearing, even if the original permit required a public hearing and approval by the Hearing Examiner. "Within the scope and intent of the original permit" means all of the following:

- No additional overwater construction in an Aquatic SED, except that pier, dock, or float construction may be increased by 500 square feet, or 10 percent from the provisions of the original permit, whichever is less;
- Ground area coverage and height may be increased a maximum of 10 percent from the provisions of the original permit;
- The revised permit does not authorize development to exceed height, lot coverage, buffer, or any other requirements of Title 18S PCC except as authorized under a Shoreline Variance granted as the original permit or a part thereof;
- Additional or revised landscaping is consistent with any conditions attached to the original permit and with Title 18S PCC;
- The use authorized pursuant to the original permit is not changed; and
- No adverse environmental impact will be caused by the project revision.
- Revisions to permits may be authorized after original permit authorization has expired under RCW 90.58.143. The purpose of such revisions shall be limited to authorization of changes which are consistent with this Section and which would not require a permit for the development or change proposed under the terms of Chapter 90.58 RCW, this regulation, and the Master Program. If the proposed change constitutes substantial development, then a new permit is required. Provided, this subsection shall not be used to extend the time requirements or to authorize substantial development beyond the time limits of the original permit.

- If the sum of the revision and any previously approved revisions violate the decision criteria of this Section, the County shall require that the applicant apply for a new permit.

Staff Comment: The County also did not find that this proposal qualified as a Revision to a Shoreline Permit because one of the criteria only allows the height to increase a maximum of 10 percent from the provisions of the original permit. Staff also found it to be a “stretch” to utilize a Revision to a Shoreline Permit process because the proposal would involve converting a floating dock to an elevated dock.

By default, the only process that remained was the submittal of a new Shoreline Substantial Development Permit application. However, before getting to that, the reason why a Shoreline Administrative Conditional Use Permit is not required is addressed in the next section.

18S.10.055 Recognition of Legally Established Development.

This section addresses, in part, nonconforming uses. It states the following:

- Uses that were legally established and are nonconforming with regard to the use regulations of the Master Program may continue as nonconforming uses. Such uses shall not be enlarged or expanded.
- A use which is listed as a conditional use but which existed prior to adoption of the Master Program or any relevant amendment thereto or which existed prior to the applicability of the Master Program to the site, and for which a Conditional Use Permit has not been obtained, shall be considered a nonconforming use.
- A structure or site which is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a Shoreline Conditional Use Permit, provided the following findings are met:
 - No reasonable alternative conforming use is practical; and
 - The proposed use will be at least as consistent with the policies and provisions of the Act and the Master Program and as compatible with the uses in the area as the preexisting use.
 - Such conditions may be attached to the permit as are deemed necessary to assure compliance with the above findings, the requirements of the Master Program and the Act, and to assure that the use will not become a nuisance or a hazard.

Staff Comment: The existing dock did not require a Shoreline Conditional Use Permit when it was approved. Therefore, the existing dock is a nonconforming use. The new dock would be elevated in contrast to the existing dock. However, it would not be changing location, expanded, and would not be serving a different use (would continue to serve one single-family residence). In contrast, the amount of overwater coverage would be reduced. Therefore, a Shoreline Administrative Conditional Use Permit is not required.

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: The Tribes and Department of Archaeology and Historical Preservation (DAHP) have not requested a cultural/archaeological study. However, one has been prepared. The study states that no resources were found. The report has been circulated to them for review and comment.

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, and protecting critical areas designated in Title 18E PCC.

Staff Comment: The impacts of overwater structures upon the shoreline environment have been well documented. The proposed dock would be environmentally superior to the existing 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.

Staff Comment: The proposed dock would appear to meet all applicable policies/regulations except the proposed length overwater would be approximately 190 feet long. The existing regulations limit single-use docks to 150 feet unless a Shoreline Variance is approved. Because the dock would not be any longer than the existing dock, Staff has not required a Shoreline Variance. On that point, it should be noted that for both the existing and proposed dock, they have a 40-foot wide by 8-foot float located at the end of the dock which extends the length beyond 150 feet. However, this float is not changing location.

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: The proposal appears to meet all applicable criteria.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the SD requirements or have any comments or recommendations?

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