

Initial Project Review

Shoreline Substantial Development Permit: Swanson and Beck (Joint-Use Dock)

Application Numbers: 897534, 897539
Parcel Numbers: 3970001100 (underlying parcel)
9004420010, 9004420020 (parcels identifying individual ownership)

Gig Harbor Peninsula Advisory Commission (PAC) Meeting: February 27, 2019, at 6:30 p.m.,
City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Accessory to two separately owned units on the same parcel (condominium), construct a joint-use “L” shaped dock measuring 94-foot long (over-water) by 8 6-foot/6 inches wide (at its widest point), with a 30 33-foot/7-inch long by 8-foot wide float extending perpendicular from the end of the dock.

Note, since the application was originally submitted the proposal was slightly revised as noted with the cross-outs.

Project Location: 473 A and B Island Blvd., on Fox Island, on the south shoreline of Hale Passage, in the Rural-Residential Shoreline Environment and Rural 10 (R10) zone classification, in the Gig Harbor Peninsula Community Plan area, within Section 35, T21N, R1E, W.M., in Council District #7

Review Summary: Staff has reviewed this proposal for compliance with applicable policies and regulations. Staff will be recommending approval. The proposal is vested to the old County shoreline regulations.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. The County has not yet concluded its environmental review. However, the proposal is not likely to result in any significant adverse environmental impacts and a Determination of Nonsignificance (DNS) is likely to be issued.

County Contact: Ty Booth, Planner, tbooth@co.pierce.wa.us, 253-798-3727

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/documents?applPermitId=897534>



Project Data

Complete Application Date: October 24, 2018
Revised proposal Date: December 21, 2018

Staff Report Mailed: February 20, 2019

Property Owners/Applicants: Merrill and Lesa Swanson / John Beck
473 A and B Island Blvd
Fox Island, WA 98333

Applicants' Agent: Marine Floats Corporation
Attn: Lorrie Chase
1208 East "D" Street
Tacoma, WA 98421
lchase@marinefloats.com

Legal and Public Notice

- *November 5, 2018*: Notice of Application and Public Meeting Notice 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 Agencies.
- *November 8, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *February 6, 2019*: A Revised Notice of Application and Public Meeting Notice 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 Agencies.

Note, the revised notice was sent out as the dimensions of the proposal were slightly changed. Staff considered not sending out a revised notice as the changes were minimal. The public notice sign was updated to reflect the change.
- *February 13, and 14, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission public meeting. Note, the notices addressed the original proposal.

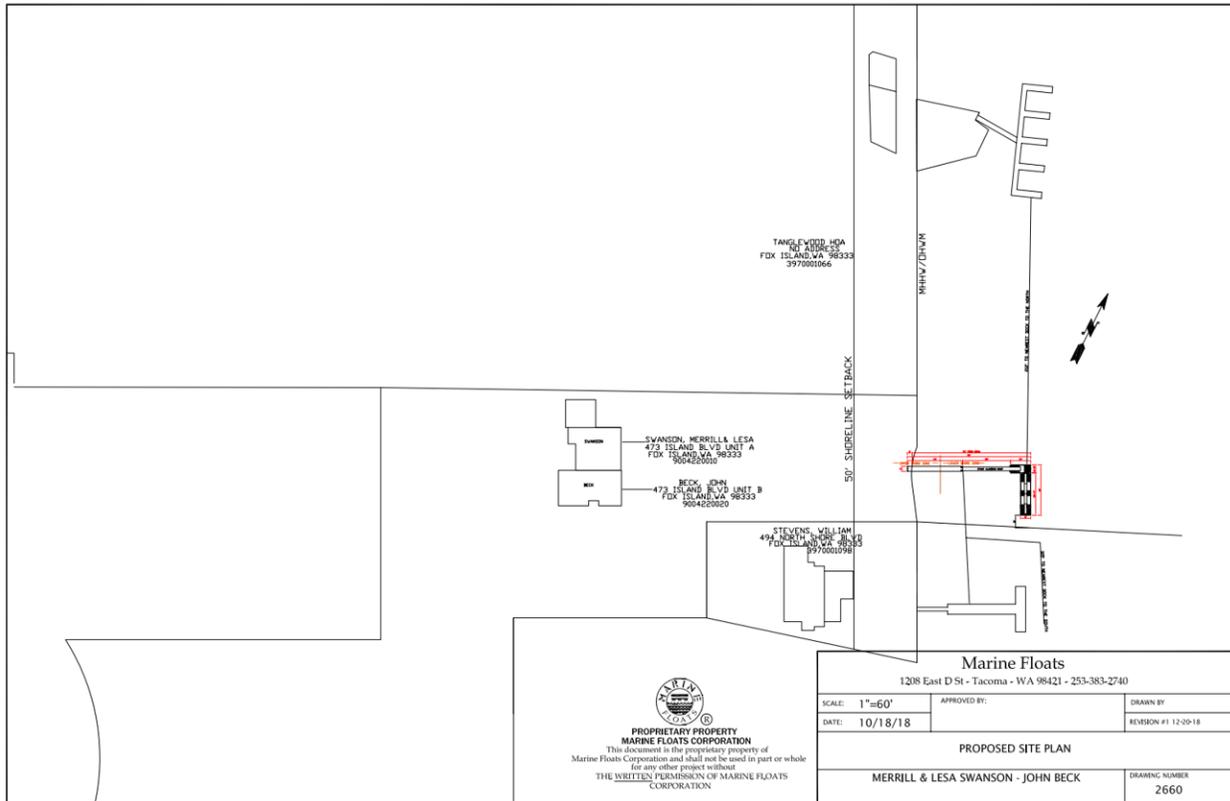
2017 County Photo



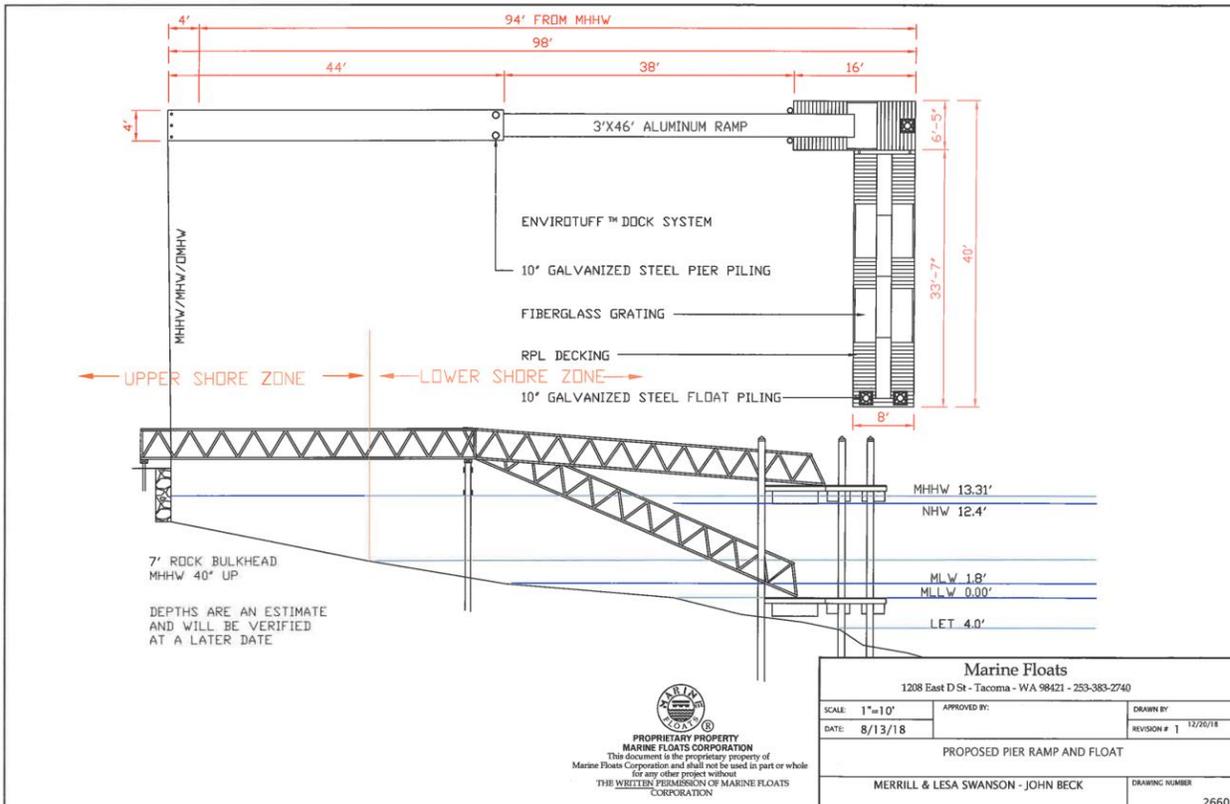
2016 Washington State Coastal Atlas Photo



Site Plan (Revised)



Cross-Section (Revised)



Comments from the Public and Agencies

1. Public: No comments have been received.
2. Agencies: Various agencies have provided comments. The only notable comment is that County Resource Management Division has stated that there are no wetland or fish and wildlife indicators to warrant any level of review by them. However, there is an Osprey nest mapped north of the duplex and the nest tree shall be protected.

Site Characteristics

- The site involves one parcel identified as Lot 3 of a short plat amended in 1996.
- The short plat shows the parcel is developed with a duplex. In 2003, a condominium was recorded to split the duplex into two separate units. However, the duplex is still located on one underlying parcel that was not divided. Note, a subdivision of land must comply with County subdivision regulations, but the condo of a structure does not.
- The parcel is 2.61 acres in size. It has an irregular shape, but the long axis is oriented in a north south direction.
- The south side is abutted by Island Blvd. and the north side by Puget Sound.
- The parcel has 100 feet of shoreline frontage. A legal bulkhead with stairs spans the shoreline frontage. At the bulkhead the shoreline is low bank.
- A flat bench of ground is located behind the bulkhead. A trail/primitive road extends from the shoreline to the duplex.
- A drainage ditch extends along the road.
- A kayak storage rack is located behind the bulkhead. It is extremely minimal. It does not appear to have a permit. Per County policy, the Applicants are encouraged to include the rack in the proposal or remove it. However, since it is not integral to the proposal at hand should they choose not to include it an alert will be placed in the County permit system flagging the structure as unpermitted. A similar comment applies to what may be a newer retaining wall located more than 100 feet from the shoreline (north of the duplex).
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Surrounding Land Use / Shoreline / Zoning Designation

	<u>LAND USE</u>	<u>SHORELINE</u>	<u>ZONING</u>
North	Hale Passage/Tanglewood Island	Tanglewood Island is Conservancy	Rural 10 (R10)
South	Single-family residences/Island Blvd	Not applicable	R10
West	Tanglewood Homeowners Association community dock and access road	Rural-Residential	R10
East	Single-family residences	Rural-Residential	R10

The abutting parcel to the west, owned by the Tanglewood Island Homeowners Association, has a dock. It is located approximately 160 feet from this parcel. It is approximately 105 feet long and 120-foot wide (with multiple slips). It has been in existence since at least 1990. The abutting parcel to the east has an existing single-use dock. It is located approximately 65 feet from this parcel. The dock is approximately 80 feet long with a 35-foot wide "T" at the end. It has been in existence since at least 2002.

Planning and Public Works Staff Review for Consistency with Policies/Regulations

Pierce County Shoreline Master Program (Pierce County Code Title 19D.190 and Title 20)

1. Rural-Residential Shoreline Environment (PCC, Title 19D.190, page 16 / PCC Chapter 20.10)
 - A. Definition and Purpose. The Rural-Residential Environment is an area of medium intensity land use, that is, having use types and densities which do not imply large-scale alterations to the natural environment. It is an area that will serve as a buffer between the highly intensive development of the urban environment and the non-intensive development of rural environment. It is an Environment Designation that will allow medium intensity residential, commercial and agriculture development. The purpose of assigning an area to a Rural-Residential Environment is to allow for a natural transitional area between the sometimes incompatible intensive land uses of urban areas and the agricultural uses, recreational uses, and open space found in the rural environment.
 - B. General Regulations and Policies
 - Existing land use patterns that reflect a suburban environment and also by virtue of existing development do not have the potential for supporting intensive agricultural or recreational activities should be designated as a Rural-Residential Environment if urban expansion is not anticipated.
 - Medium intensity residential uses should be encouraged in the Rural-Residential Environment in order to relieve pressure from urbanized areas and provide living area for those wishing to enjoy a less densely developed shoreline.
 - C. Preferred Uses
 - Single family residence.
 - Neighborhood commercial uses such as small service establishments.

Staff Comment: Staff finds that the proposal is consistent with the Rural-Residential Environment.

2. Shoreline Substantial Development Permit (required for the entire proposal)
 - A. General Regulations
 - Section 20.76.020 of the Pierce County Shoreline Regulations (Title 20, Pierce County Code) and Section 173-27-040(2)(a) of the Washington Administrative Code (WAC) states that a Shoreline Substantial Development Permit shall be obtained for development or use exceeding a cost or fair market value of \$7,047.00. This dollar value is not actually listed in most printed versions of the codes. However, it has increased to this amount over the years per the same section of the WAC referenced above. The proposal requires a Shoreline Substantial Development Permit as it involves some of the above listed activities and exceeds a fair market value of \$7,047.00.
 - Section 20.56.030 B. states that a Shoreline Substantial Development Permit is required for joint-use docks. Section 20.56.010 J. defines a joint-use dock as meaning a pier or dock including a gangway and/or float which is intended for the private, noncommercial use of not more than four waterfront building lot owners, at least one boundary of whose building lots lies within 1,000 feet of the boundary of the lot on which the joint use pier or dock is to be constructed.

B. Dock Policies/Regulations

(1) Policies (PCC Title 19D.190, pages 37-38)

- Piers associated with single-family residences should be discouraged.
- In considering any pier, considerations such as environmental impact, navigational impact, existing pier density, parking availability, and impact on adjacent proximate land ownership should be considered.
- Encourage the use of mooring buoys as an alternative to space consuming piers such as those in front of single-family residences.
- Piers and floating docks should be encouraged to be built perpendicular to the shoreline rather than along it.
- Encourage pier construction to include larger spans on fewer pilings rather than smaller spans and more pilings. Piers in marine waters may provide habitat suitable for predatory fish with consequent detriment to young salmonids.
- When plastics or other non-degradable materials are used in pier construction precautions should be taken to insure their containment.
- The use of floating docks should be encouraged in those areas where scenic values are high and where conflicts with recreational boaters and fisherman will not be created.
- Open-pile piers should be encouraged where shore trolling is important, where there is significant littoral drift, and where scenic values will not be impaired.
- Areas having a significant near shore fishery should not be used for floating docks.

(2) Regulations (PCC Chapter 20.56)

- Important navigational routes or marine oriented recreation areas will not be obstructed or impaired.
- Views from surrounding properties will not be unduly impaired.
- Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired.
- Public use of the surface waters below ordinary high water shall not be unduly impaired.
- A reasonable alternative such as joint-use, commercial or public moorage facilities does not exist or is not likely to exist in the near future.
- The use or uses of any proposed dock, pier or float requires, by common and acceptable practice, a shoreline location in order to function.
- The intensity of the use or uses of any proposed dock, pier and or float shall be compatible with the surrounding environment and land and water uses.
- In areas identified by the Department of Fisheries, Game or Natural Resources in accordance with a study in existence at the time of application as having a high environmental value for shellfish, fish life or wildlife, piers, docks and floats shall not be allowed unless functionally necessary to the propagation, harvesting, testing or experimentation of said marine or wildlife, unless it can be conclusively established that the dock, pier or float will not be detrimental to the natural habitat.
- All piers and docks shall be constructed and maintained in a safe and sound condition.
- Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.

- When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.
- Joint-use piers and docks: Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at MLLW on saltwater shorelines, except that the intrusion into the water of any pier or dock should not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines.
- Joint-use piers and docks: Maximum length parallel to shore should not exceed 8 feet.
- Joint-use piers and docks: A minimum separation of 10 feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.

Staff Comment: The fetch at this location is approximately 625 feet (give or take a few feet) as measured to the south end of Tanglewood Island. The proposed dock appears to be at almost exactly 15% of the fetch. The dock meets the 10-foot setback from the side/interior property line as extended into the water. In addition, the depth at the end appears to be approximately 8 feet. The width exceeds the 8-foot limit. However, flexibility on this regulation is sometimes granted as an incentive for joint-use docks. Note, if the PAC feels this is not a joint-use dock and more what Section 20.56.010 defines as a Community or Private Recreational dock, then Staff can revise its report for the Examiner. The end result is similar.

An existing float would be removed as part of this proposal. No buoys are proposed. However, Staff does not know if the applicants have any existing buoys. If they do, Staff recommends they be removed. In addition, no boatlifts are proposed. However, if the Applicants are considering such they should be included in the proposal.

Gig Harbor Peninsula Community Plan (Pierce County Code (PCC), Title 19B)

- Piers and docks should be permitted in the Urban, Rural-Residential, and Rural Shoreline Environments. Piers and docks should generally be prohibited in the Conservancy and Natural shoreline environments.
- Encourage environmentally friendly dock design (e.g., grated dock surfaces that allow light to pass through instead of traditional dock construction methods).
- Require the joint-use of piers and docks whenever possible. Create a system of incentives that will encourage adjacent property owners to share docks. Afford greater flexibility in joint-use facility design in cases that involve shallow water depths or other unusual circumstances.
- Maximum intrusion into water for any pier or dock shall extend only far enough to obtain a depth of 8 feet of water as measured at mean lower low water (MLLW) on saltwater shorelines or as measured at the ordinary high water mark on freshwater shorelines. In circumstances when 8 feet of water depth cannot be attained because of a shallow bottom profile, the maximum intrusion into the water shall not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines. In circumstances where these standards have been exceeded on abutting properties, it may be appropriate to average the length of the abutting docks if joint-use cannot be obtained.

Staff Comment: There are any number of policies from the Gig Harbor Community Plan that could apply to this proposal but would result in an extensively long report. They generally have already been addressed previously in this report. Staff finds that the proposal is consistent with the Plan.

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