

# Initial Project Review

## Shoreline Substantial Development Permit: Hilger, Nicholas and Maria

**Application Numbers: 897733, 897734**  
**Parcel Number: 216000010**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: March 13, 2019, at 6:30 p.m.**, City of Gig Harbor (southeast entrance), 3510 Grandview Street, Gig Harbor, WA 98335.

**Proposal:** Install a single use 104-foot long dock (100 feet in length as measured from mean higher high water) consisting of: 1) a 4-foot by 40-foot timber pier and a 3-foot by 46-foot aluminum ramp; 2) an 8-foot by 24-foot float secured by four, 10-inch galvanized steel piling; and 3) a pier supported by four, 8-inch galvanized piling with four float stops. The site is in a Conservancy Shoreline Environment, a Rural 10 (R10) zone classification, and the Gig Harbor Peninsula Community Plan area.

**Project Location:** 229 Bella Bella Drive, Fox Island, WA, within the SE 1/4 of Section 27, T21N, R01, W.M. in Council District #7

**Review Summary:** Staff has reviewed this proposal for compliance with all policies, codes, and regulations. At this time Staff would recommend approval of the project to the Hearing Examiner.

**State Environmental Policy Act (SEPA):** SEPA review is required for this proposal. A SEPA Environmental 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:** Adonais Clark, Senior Planner, [adonais.clarki@piercecountywa.gov](mailto:adonais.clarki@piercecountywa.gov)  
253-798-7113

### Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=897733>



## **Project Data**

Complete Application Date: October 25, 2018

Initial Project Review Mailed: March 7, 2019

Property Owner/Applicants: Nicholas and Maria Hilger  
229 Bella Bella Drive FI  
Fox Island, WA 98333  
[nic.inc@comcast.net](mailto:nic.inc@comcast.net)

Agent: Marine Floats  
Attn: Lorrie Chase  
1208 East D Street  
Tacoma, WA 98421  
[lchase@marinefloats.com](mailto:lchase@marinefloats.com)

## **Legal and Public Notice**

- *November 8, 2018*: Notice of Application, including the Gig Harbor Advisory Commission (PAC) meeting date, 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.
- *November 16, 2018*: Revised Notice of Application, including the PAC meeting date and location, 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.
- *November 16, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *February 27, and 28, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper, advertising the PAC public meeting.

2017 County Aerial



Figure 1: Project will be occurring on the highlighted parcel.

**Figure 2: Project Site**

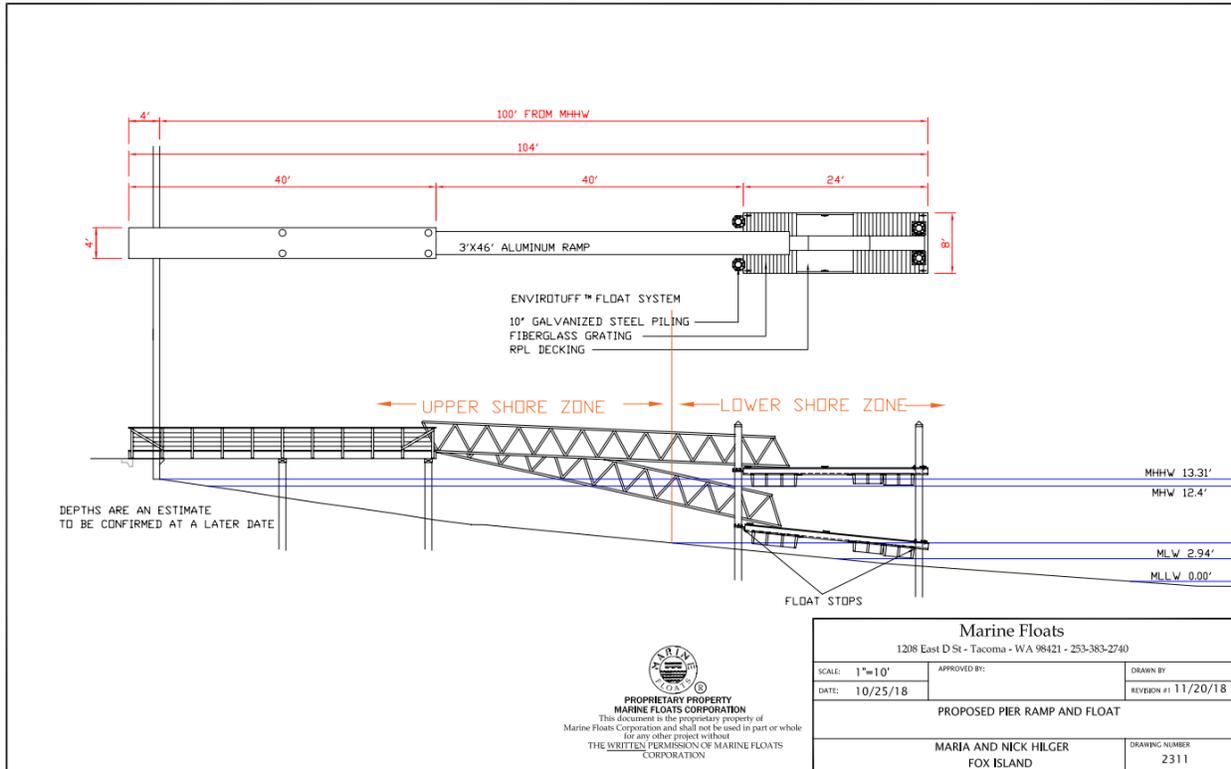


**Figure 3: Project Site**





## Revised Cross-section Plan



## Comments from the Public and Agencies

- Comments received on this proposal may be found by accessing the online permit information referenced on page 1.
- No comments have been received from the public.
- The Nisqually Indian Tribe indicated they have no concerns.
- State of Washington Department of Ecology commented that the project site is in an area that may have been contaminated with heavy metals due to air emissions originating from the old Asarco smelter.
- The Resource Management Section of Planning and Public Works determined that this proposal requires wetland review.

## Site Characteristics

- The project site is on the northern shoreline of Fox Island just west of the Fox Island Bridge.
- The shoreline is low bank waterfront.
- A concrete bulkhead separates the shoreline from a grass lawn behind it.
- No other improvements exist on the shoreline.
- Neither of the properties on either side of the project site contain a dock or pier. They both contain concrete bulkheads.
- The shoreline contains aquatic vegetation.

**Surrounding Land Use / Shoreline / Zoning Designation**

	LAND USE	SHORELINE	ZONING
North	Hale Passage	Conservancy	N/A
South	Bella Bella Drive with Single Family Residences Beyond	N/A	Rural 10 (R10)
West	Detached Single-Family Residence	Conservancy	R10
East	Detached Single-Family Residence	Conservancy	R10

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

**Title 19A Pierce County Comprehensive Plan - Appendix E: Gig Harbor Peninsula Community Plan**

GOAL GH ENV-2 Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.

GH ENV-2.2 Require a tree canopy and native vegetation buffer plan for new development in all shoreline environments.

*Staff Comment: A tree canopy and native vegetation plan has not been submitted in association with the proposed development.*

GH ENV-2.4 Base allowable uses along the shoreline on the Comprehensive Plan land use designation and SMP and permit them on a case by case basis.

GH ENV-2.4.1 Analyze the cumulative impacts of shoreline development when evaluating an individual project.

*Staff Comment: The proposal is being reviewed for probable significant adverse environmental impacts through the SEPA review process, which will address any probable cumulative impacts.*

**Title 19D Other Comprehensive Planning Documents, Chapter 19D.190 Shoreline Master Program for Pierce County**

**The Conservancy Environment:**

- The Conservancy Environment B.1; Areas should maintain their existing character.
- The Conservancy Environment B.3; Substantial and nonsubstantial developments which do not lead to significant alterations of the existing natural character of an area should be encouraged.
- The Conservancy Environment C, Preferred Uses;
  - Outdoor recreation activities
  - Commercial timber harvesting
  - Passive agricultural uses (pasture and range lands).

*Staff Comment: The project, as proposed, is not expressly prohibited by the Shoreline Master Program (SMP) and is consistent with the Conservancy Environment's policies in the SMP.*

## **Policies for Piers**

- c. Piers associated with single-family residences should be discouraged.
- e. 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.
- f. Encourage the use of mooring buoys as an alternative to space consuming piers such as those in front of single-family residences.
- h. Piers and floating docks should be encouraged to be built perpendicular to the shoreline rather than along it.
- i. 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.
- j. When plastics or other non-degradable materials are used in pier construction precautions should be taken to insure their containment.
- l. 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.
- m. 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.
- o. Areas having a significant near shore fishery should not be used for floating docks.

*Staff Comment: The proposal is inconsistent with Policy c. but is consistent with Policy h.*

## **Pierce County Shoreline Management Use Regulations – Title 20**

### **Chapter 20.14, THE CONSERVANCY ENVIRONMENT**

#### **Sections:**

- 20.14.010 Definition and Purpose.**
- 20.14.020 General Regulations and Policies.**
- 20.14.030 Preferred Uses.**

#### **20.14.010 Definition and Purpose.**

The Conservancy Environment is designed to protect, conserve and manage existing natural resources and valuable historic and cultural areas in order to ensure a continuous flow of recreational benefits to the public and to achieve sustained resource utilization. This environment should also include areas of steep slopes which present potential erosion and slide hazards, areas prone to flooding, and areas which cannot adequately deal with sewage disposal.

#### **20.14.020 General Regulations and Policies.**

The following general regulations and policies should apply to all shorelines classified as in a Conservancy Environment:

- A. Areas should maintain their existing character.
- B. Developments which do not consume the natural physical resource base should be encouraged.
- C. Substantial and non-substantial developments which do not lead to significant alterations of the existing natural character of an area should be encouraged.

**20.14.030 Preferred Uses.**

- A. Outdoor recreation activities.
- B. Commercial timber harvesting.
- C. Passive agricultural uses (pasture and range lands).

*Staff Comment: Staff finds that the proposal is consistent with the Conservancy Environment's regulations and policies in Chapter 20.14.*

**Chapter 20.56, PIERS AND DOCKS**

**20.56.010 Definitions.**

- A. **Dock.** A "Dock" shall mean a structure which abuts the shoreline and floats upon the water and is used as a landing or moorage place for marine transport or for recreational purposes, but does not include recreational decks, storage facilities, or other appurtenances.
- B. **Pier.** A "Pier" shall mean a structure which abuts the shoreline and is built over the water on pilings and is used as a landing or moorage place for marine transport or for recreational purposes.
- C. **Float.** A "Float" shall mean a structure comprised of a number of logs, boards, barrels, etc., fastened together into a platform capable of floating on water, used as a landing or moorage structure for marine transport or for swimming purposes. Floats are either attached to a pier or are anchored to the bedlands so as to allow free movement up or down with the rising or falling water levels.
- D. **Gangway.** A "Gangway" shall mean a sloping structure which provides access from a pier to a float.
- I. **Single Use Pier or Dock.** "Single Use Pier or Dock" shall mean a dock or pier including a gangway and/or float which is intended for the private noncommercial use of one individual or family.

*Staff Comment: The proposal meets the definition of a Single Use Dock and Pier.*

**20.56.040 General Criteria and Guidelines for Reviewing Substantial Development Permits.**

- A. **Criteria.** The granting of a Substantial Development Permit is dependent upon the County reviewing authority's determination that the proposed project is consistent with the policies of the Master Program and with the following criteria:
  1. Important navigational routes or marine oriented recreation areas will not be obstructed or impaired;
  2. Views from surrounding properties will not be unduly impaired;
  3. Ingress-Egress as well as the use and enjoyment of the water or beach on adjoining property is not unduly restricted or impaired;
  4. Public use of the surface waters below ordinary high water shall not be unduly impaired;

5. 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;
  6. The use or uses of any proposed dock, pier or float requires, by common and acceptable practice, a Shoreline location in order to function;
  7. 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.
- B. Development Guidelines.** In lieu of specific standards relating to design, location, bulk and use, the following guidelines shall be applied by the County's reviewing authority to a site specific project application for Substantial Development Permit in arriving at a satisfactory degree of consistency with the policies and criteria set forth in this Chapter. To this end, the County may extend, restrict, or deny an application to achieve said purposes.
1. All subdivisions containing ten or more lots proposed after the effective date of this amended Chapter which abut the shorelines of any saltwater body or lake, should make provision for a community dock. Individual docks shall not be permitted.
  2. 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.
  3. All piers and docks shall be constructed and maintained in a safe and sound condition.
  4. Pilings employed in piers or any other structure shall have a minimum vertical clearance of one foot above extreme high tide.
  5. When plastics or other nondegradable materials are used in pier construction, precautions shall be taken to ensure their containment.
  6. Single use piers and docks.
    - a. Maximum intrusion into water should be only so long as to obtain a depth of eight feet of water as measured at mean lower low water 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 should not exceed the lesser of 15 percent of the fetch or 150 feet on saltwater shorelines and 40 feet on freshwater shorelines.
    - b. Maximum length parallel to shore should not exceed eight feet.
    - c. A minimum separation of ten feet should be maintained between the structure and the side property lines extended at a right angle to the shoreline.

*Staff Comment: The proposed length of the dock is 100 feet. The depth at MLLW is 0 feet. The fetch is approximately 3,020 feet. Fifteen percent of 3,020 is 453 feet. The proposed length of the dock exceeds neither 150 feet in length or 15 percent of the fetch. The proposed dock meets the 10-foot setback from the side/interior property line as extended into the water. The maximum width does not exceed the 8-foot limit.*

## **Chapter 20.76, GENERAL PROVISIONS**

### **20.76.030 Permit Requirements.**

- A. Permits Required.** A permit authorized by the Examiner must be obtained pursuant to the Shoreline Management Act, the Shoreline Master Program, and this Title for the following:

1. **Substantial Development with the Exception of Those Permit Exemptions Listed in Section 20.76.030 B., Below.** A substantial development permit shall be obtained for any development or use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel, or mineral, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of waters overlying lands subject to the Shoreline Management Act at any state of water level, and which development or use exceeds a cost or fair market value of \$2,500.00.
- B. **Exemptions from Substantial Development Permit.** The following shall not require substantial development permits for the purposes of the Shoreline Management Act and this Title:
  7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private, noncommercial use of the owners, lessee, or contract purchaser of single- and multiple-family residences. This exception applies if either: (1) in salt waters, the fair market value of the value of the dock does not exceed \$2,500.00; or (2) in fresh waters, the fair market value of the dock does not exceed \$10,000.00, but if subsequent construction having a fair market value exceeding \$2,500.00 occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this Title.

*Staff Comment: 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 proposed construction of a dock requires a Shoreline Substantial Development Permit as it exceeds a fair market value of \$7,047.00.*

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