

# Initial Project Review

## Shoreline Substantial Development Permit / Shoreline Variance: GH Beach Resort LLC

**Application Numbers: 913447, 913449**  
**Parcel Number: 5445000150**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: August 28, 2019, at 6:30 p.m.**, City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

**Proposal:** Repair a pre-existing cargo tram and convert it into a pedestrian tram.

**Project Location:** 10712 56<sup>th</sup> Street NW, Gig Harbor, WA 98335, in the Conservancy Shoreline Environment and Park and Recreation (PR) zone classification of the Gig Harbor Community Plan area, within Section 16, T21N, R01, W.M., in Council District #7

**Review Summary:** The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Gig Harbor Community Plan. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval with conditions.

**State Environmental Policy Act (SEPA):** Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, the Pierce County Environmental Official designate has reviewed this project and determined that the project is exempt from SEPA provisions.

**County Contact:** Robert Perez, Planner, 253-798-3093, [robert.perez@piercecountywa.gov](mailto:robert.perez@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=913447>



## Project Data

Complete Application Date: June 21, 2019

Initial Project Review Mailed: August 21, 2019

Applicants/Owners: GH Beach Resort LLC  
Attn: Richard E. Onorato  
3961 McMahan Avenue  
Anchorage AK, 99516

Agent: GH Beach Resort LLC  
Attn: Joan M. Clover  
3961 McMahan Avenue  
Anchorage AK, 99516  
[cloverato@gmail.com](mailto:cloverato@gmail.com)

## Legal Notice

- *July 3, 2019*: Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *July 5, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *August 14 and August 15, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission.



## **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.
- Cartography reviews road names and addresses.
- 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 Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

## **Site Characteristics**

- The County Assessor lists parcel 5445000150 as .3434 acres.
- The parcel is accessed from the north via 4<sup>th</sup> Street NW.
- The parcel is located on the south shore of Wollochet Bay.
- The topography of the site greatly descends toward the shore.
- The parcel is heavily vegetated throughout the majority of the site.
- The parcel's upland portion contains a driveway, cargo tram, and trail leading down to the residence.
- The parcel's shoreline is improved with a cement bulkhead.

## Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single Family	Residential	Rural 10 (R10)
South	CU Open Space RCW 84.34	Conservancy	R10
East	Elem Schools 1 to 6	N/A	R10
West	Puget Sound	Aquatic Marine	N/A

### Agency Review Comments

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- The Puyallup Indian Tribe has requested more information related to depth of excavation and an inadvertent discovery plan due to the high probability of historic activity.
- The Department of Ecology has requested that any excavation follow proper safety procedure for contaminated soils related to the Tacoma Smelter Plume and proper erosion control measures be used.

### Public Comments

- No public comments received as of August 7, 2019.

### Initial Planning and Public Works Staff Review for Consistency with Development Regulations and Policies

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

- Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.
- Consider implementing low impact development tools. These include reducing the amount of impervious surfaces on each site, minimizing soil disturbance and erosion, disconnecting constructed drainage courses, and utilizing micro-detention facilities on each lot, (provided such facilities would not contribute to landslide hazards or slope failures) where feasible, rather than one facility at the end of a conveyance system.
- Require a tree canopy and native vegetation buffer plan for new development in all shoreline environments.
- Require protection for trees, including snags, located along the shoreline.
- Analyze the cumulative impacts of shoreline development when evaluating an individual project.
- Strictly control requests to obtain variances from development standards along the shoreline. Grant variances only in extraordinary circumstances relating to the physical character or configuration of the building lot.
- To help control surface water runoff, discourage vegetation removal during construction and site development activity.

*Staff Comment: The Gig Harbor Peninsula Community Plan requires preservation of native vegetation and protection of trees. This proposal should only require limbing of trees within the travel path of the cables.*

#### Pierce County Development Regulations - Zoning (Title 18A)

##### **18A.36.020 General Provisions for Accessory Uses and Structures.**

- A. In all zones, there shall be no limit as to the number of accessory uses allowed on a lot provided:
  1. The use is not prohibited from locating in the zone classification;
  2. The use meets all applicable development regulations; and
  3. The use is accessory to a lawfully established principal use.
- B. All accessory uses must be customarily incidental and subordinate to the principal building or use of the lot upon which it is located.
- C. At such time as the principal use or structure is discontinued, all accessory uses and structures to the principal use or structure shall also be discontinued or removed.
- D. Where there is a question regarding the inclusion or exclusion of a particular accessory use within any zone classification, the Director shall have the authority to make the final determination. The determination shall be based upon the general standards of this Section and an analysis of the compatibility of the use or structural size and placement with consideration of the predominant surrounding land use pattern and with the permitted principal uses of the zone classification.

*Staff Comment: The tram is accessory to the single family residence. The tram is not a prohibited use but, as proposed, will require a shoreline variance based on the encroachment into the buffer.*

#### Pierce County Shoreline Environment Designations (Pierce County Code, Title 18S.20.050)

- 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.
- New commercial development should be limited to water-oriented uses. Expansion of existing non water-oriented commercial uses may be permitted; provided, that such uses should create a substantial benefit with respect to the goals and policies of this Title, such as providing improved public access or restoring degraded shorelines.

*Staff Comment: Priority should be given to residential and water-oriented development. The current proposal will have a minimal impact on views from the water as the anchors will be concealed on the landward side of the bulkhead. A slight redesign of the tram, so that it does not expand out of the current footprint, would fulfill protections of views, vegetation, is a recommended condition of approval.*

Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 18S)

**General Policies and Regulations – Chapter 18S.30**

**18S.30.020 Archaeological, Cultural, and Historic Resources.**

**18S.30.030 Ecological Protection.**

**18S.30.040 Excavation, Dredging, Filling, and Grading.**

**18S.30.050 Shoreline Access.**

**18S.30.060 Scenic Protection and Compatibility.**

**18S.30.070 Shoreline Stabilization.**

**18S.30.080 Shoreline Modifications.**

**18S.30.090 Water Oriented Development.**

**18S.30.100 Water Quality, Stormwater, and Nonpoint Pollution.**

**18S.30.020 Archaeological, Cultural, and Historic Resources**

An Inadvertent Discovery Plan will be required to address concerns of the Puyallup Tribe over the presence of cultural resources

**18S.30.030 Ecological Protection**

- All development shall occur as defined in Table 18S.30.030-1, Mitigation Sequencing, with avoidance of impacts being the highest priority. Lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable. Mitigation sequencing components consist of a series of consecutive steps beginning with avoidance and ending with monitoring and taking appropriate corrective measures.

<b>Table 18S.30.030-1. Mitigation Sequencing</b>	
<b>Higher Priority</b>  <b>Lower Priority</b>	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; or
	Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
	Monitoring the impact and compensation projects and taking appropriate corrective measures.

- 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
- Where retention of shoreline vegetation is not feasible, new developments shall include a vegetation management plan as defined in PCC 18S.30.030 G.2.
- The Department shall periodically evaluate the cumulative effects of all project review actions in shoreline areas.
- Standard shoreline buffers for the Residential shoreline environment is 75 feet.
- Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program.

- For residential development, not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by effective impervious areas
- The calculation for impervious surfaces shall include parking areas but may exclude a 12-foot-wide driveway. This restriction applies to both principal and accessory uses and structures.
- Retention of existing vegetation shall be a priority within the entire shoreline jurisdiction. Retention of existing trees is particularly important. Significant trees as identified in Table 18J.15.030-1 cannot be removed without approval of a vegetation planting plan. Prior to proposing any tree removal, the land owner shall first evaluate alternate means of achieving their development goals, such as selective limbing and tree topping.

*Staff Comment: This proposal consists of the conversion and repair of a tram. The tram will transport-people from the parking space at the top of the bluff down to the deck on top of the bulkhead. This proposal would require minimum vegetation removal primarily in the form of limbing. By utilizing already existing facilities there is an inherent minimization of impacts.*

#### **18S.30.040 Excavation, Dredging, Filling, and Grading**

- Excavation, dredging, filling, and/or grading shall not occur without an authorized principal use or development.
- Excavation, dredging, filling, and/or grading shall be limited to the minimum amount necessary for the specific use or development proposed.
- Excavation, dredging, filling, and/or grading shall not unnecessarily impact natural processes such as water flow, circulation, currents, channel migration, erosion, sediment transport, and floodwater storage, and shall not cut off or isolate hydrologic features.
- Stabilization measures should be designed to blend physically and visually with existing topography.
- New development shall be located and designed to avoid or minimize the need for maintenance dredging.

*Staff Comment: The excavation necessary for this proposal is minimal. Mainly consisting of setting the anchoring blocks below the substrate.*

#### **18S.30.090 Water Oriented Development**

- Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.
- Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.
- Water dependent uses and public access to shorelines are preferred use in all shoreline environments.
- In the Conservancy SED, water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time including, but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed if adverse impacts to the shoreline are mitigated.

*Staff Comment: The tram is classified as a water-oriented development as it provides access to the beach and the house below.*

## Use Development Policies and Regulations – Chapter 18S.40

### 18S.40.100 Residential.

- Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
- Ensure compliance with allowable density of new residential development in applicable comprehensive plan goals and policies, zoning restrictions, and shoreline environment designation standards.
- Locate new development a sufficient distance from steep slopes or bluffs to ensure that stabilization measures are unlikely to be necessary during the life of the development.
- Accessory uses should preserve open space, be visually and physically compatible with surrounding development, and be reasonable in size and purpose.
- Residential development should preserve existing vegetation, open space, habitat, and critical areas.
- Encourage the use of low impact development (LID) techniques.
- New residential structures should be located with respect to views and should not exceed a height of 35 feet.
- Residential development on a lot shall comply with Chapter 18E.110 PCC, Erosion Hazard Areas
- Not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by impervious areas, except that new lots in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces, including parking areas but excluding a 12-foot wide driveway. This restriction applies to both principal and accessory uses and structures.

*Staff Comment: This proposal preserves existing vegetation and existing views. The sites impervious surface follows current regulations for coverage; approximately 30% coverage of impervious surfaces.*

### 18S.40.140 Water Access Facilities

- Give preference to facilities that provide public access and recreational opportunities.
- Encourage the removal of unutilized or derelict facilities.
- Facilities shall be stable against the elements and maintained in safe and sound condition.
- Accessory uses shall be limited to water-dependent recreation.
- Lighting (except for warning lights) shall be the minimum voltage and height necessary for safe use of the facility and shielded to prevent glare.
- Utilities should be placed on or under, and not overhead, of the facility.
- Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the over-water structure.
- Water access facilities are subject to Chapter 18E.110 PCC, Erosion Hazard Areas.
- Accessory uses consisting of buildings and non-water-dependent uses shall be located landward of the OHWM, and shall meet applicable buffers and setbacks, unless authorized by another Section of Title 18S PCC.

- Design facilities to accommodate, at a minimum, capacity normal to a non-holiday summer weekend including, but not limited to adequate off-street parking, restrooms, waste facilities, lifesaving equipment, spill control and cleanup equipment, and facilities for collection and dumping of sewage and solid waste.
- Signage providing usage rules shall be provided and shall be located in a conspicuous manner.

*Staff Comment: This facility is accessory to a single-family residence and provides access to the house and beach. Since it is non water dependent it shall be located landward of the OHWM.*

*Staff Comment: The property is extremely steep making access to the property laborious at best and nearly impossible during inclement weather. The conversion of the cargo tram into a passenger tram would alleviate the access issues for the property. The proposal, as presented, is over existing impervious surface and the tram is being changed to a safer design utilizing cables instead of rails. The current proposal needs to be possibly reworked in order to meet the minimum necessary to afford relief criteria.*

**I. Decision Criteria – Cumulative Impact.** In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Variances were granted to other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW [90.58.020](#) and shall not cause substantial adverse effects to the shoreline environment.

*Staff Comment: Due to the nature of the property and the proposal, the likelihood of similar systems being necessary are very unlikely. In the immediate vicinity this is the only house built directly down at the bottom of the bluff. And the tram system being built would have less of an impact than some of the surrounding development in relation to cumulative impacts.*

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