

Initial Project Review

Shoreline Substantial Development Permit and Shoreline Administrative Conditional Use Permit: Mollenhauer

Application Numbers: 919889, 919890, 919891, 920576
Parcel Number: 0221303136

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: January 8, 2020, at 6:30 p.m., City of Gig Harbor, southeast entrance, Community Room A, 3510 Grandview, Gig Harbor, WA 98335.

Proposal: The proposed project is to construct a 140-foot long by 8-foot wide single-use dock consisting of 76 foot x 4 foot pier, 42 foot x 3 foot ramp, and 30 foot x 8 foot float with a total of 10 pile to support the entire structure. The proposed project is accessory to the existing single-family residence, on a .98-acre parcel, located on the southwest shore of Wollochet Bay

Project Location: 4810 17th Street NW, Gig Harbor, WA, in the Residential and Aquatic Shoreline Environments, Rural 10 (R10) zone classification, and the Gig Harbor Community Plan area, in the SW ¼ of Section 30, T21N, R2E, W.M., in Council District #7.

Review Summary: 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): 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 issued a Determination of Nonsignificance (DNS) on December 6, 2019.

County Contact: Mojgan K. Carlson, Senior Planner, mojgan.carlson@piercecountywa.gov, 253-798-7234

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=919889>



Project Data

Complete Application Date: September 24, 2019

Initial Project Review Mailed: December 30, 2019

Applicant/Owner: Jean Mollenhauer
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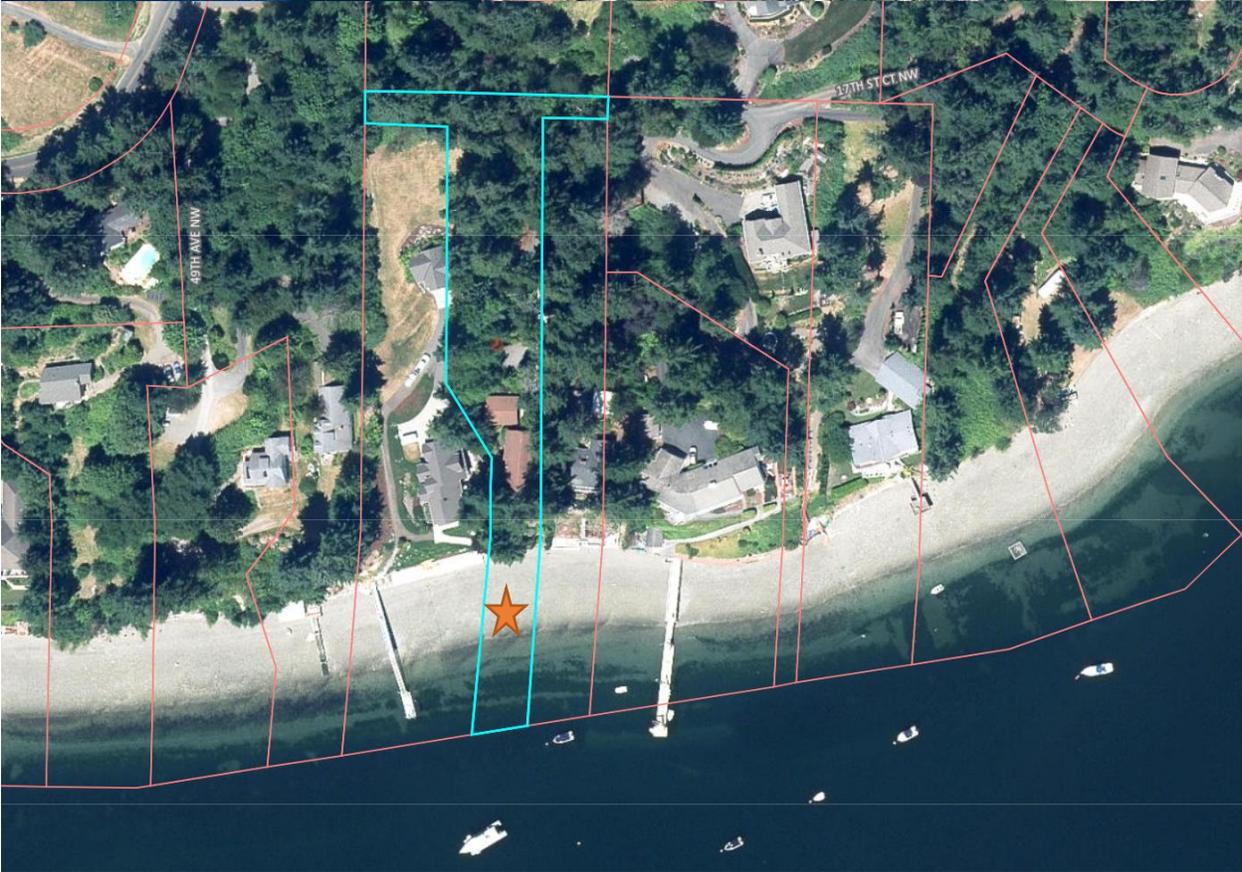
Legal and Public Notice

- *October 10, 2019*: Notice of Application (NOA) and Public Meeting Notice, including the Gig Harbor Peninsula 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 subject property.
- *October 8, 2019*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *December 25, and 26, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the PAC public meeting.

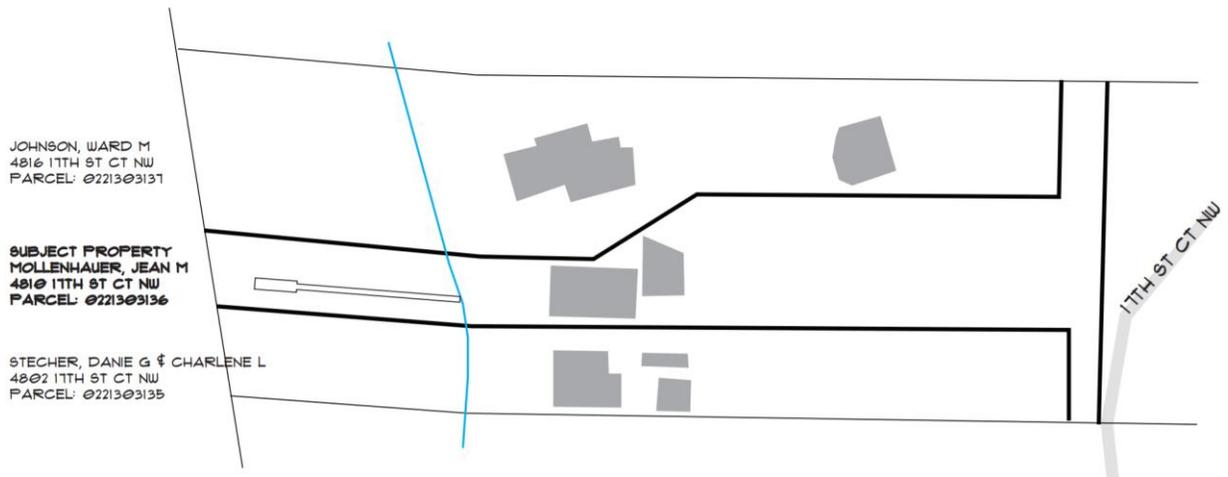
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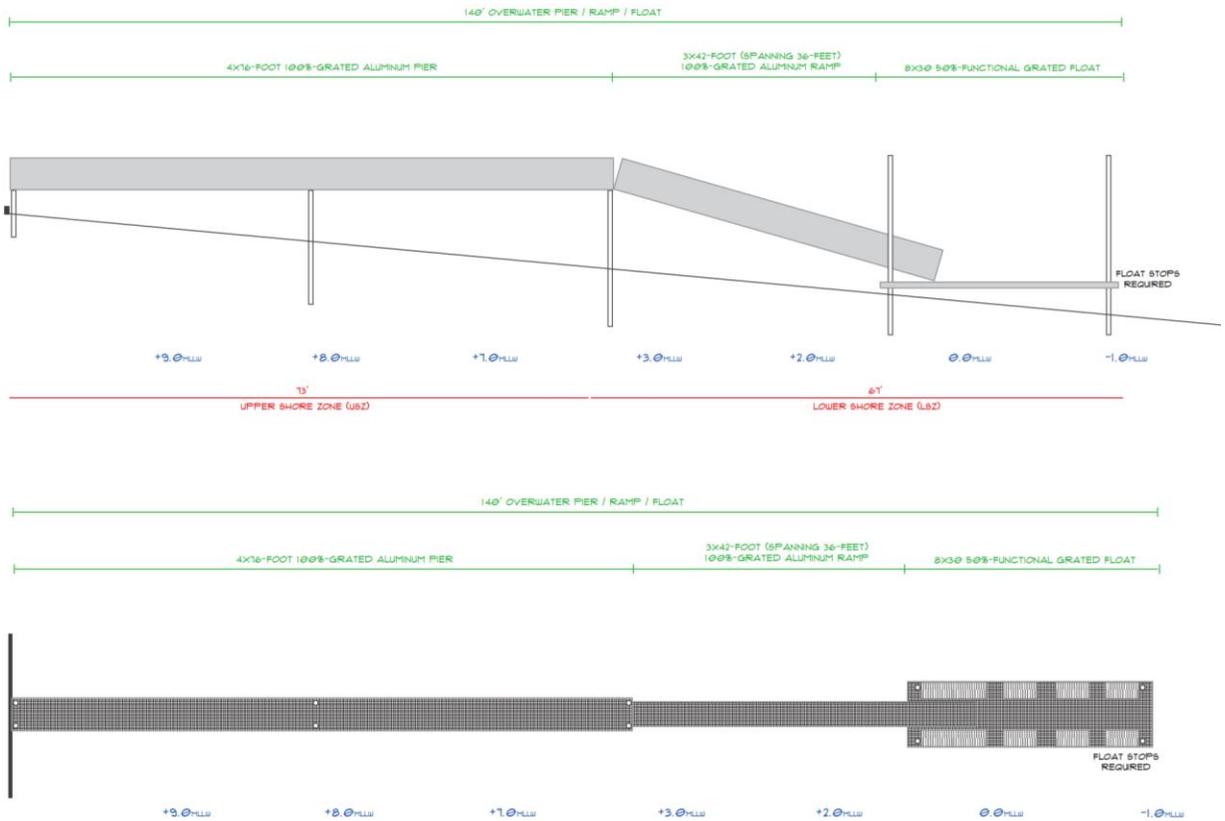
2017 County Aerial Photos



Site Plan



Cross-Section and Elevation Plans



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):

- Current 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

Staff visited the site on October 2, 2019, and observed the following:

- The project site is on the southern portion of an irregular shaped parcel abutting the southwest shore of Wollochet Bay.
- The long axis of the parcel is oriented in a north-south direction. The topography of the parcel is generally rolling with steep slopes of approximately 25% towards the water, on the south side of the site.

- The County Assessor lists the parcel as .98 acre in size with approximately 50 feet of shoreline frontage.
- Currently, the site is improved with a single-family residence and a detached garage, both built in 1993. A terraced slope with switched back steps/pathway leads down from the single-family residence to the bulkhead.
- The Coastal Zone Atlas for Pierce County, provided by the Washington State Department of Ecology (ECY), identifies the shoreline of the parcel and within close vicinity of the site as “Feeder Bluff”.
- The shoreline of the site is improved with a short concrete bulkhead with inset stairs which extends to the beach area.
- The bulkhead is located along the toe of the slope at the back edge of the beach which was present at the time of the building permit of the existing single-family residence.
- The Shoreline of both immediate adjoining parcels to the east and west is improved with taller concrete bulkhead.
- A set of rock retaining walls are located between the residence and the bulkhead, within the required 75-foot Residential shoreline buffer area.
- The fetch in this area of Wollochet Bay is approximately 2,300 feet wide and the proposed dock will be approximately 6.1% of the fetch.
- There are other similar size and shaped docks located within a close proximity of the site; however, there is no dock on the immediate adjoining parcel to the east.
- An existing joint-use dock is located on the immediate adjoining parcel to the west, which was approved by the Pierce County Hearing Examiner on May 5, 2006, under case number SD39-05.
- The access to the site is via a long-paved driveway off 17th Street Court NW, which is located to the northwest of the site.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence	N/A	Rural 10 (R10)
South	Wollochet Bay	Residential and Aquatic	N/A
East	Single-family residence	Residential and Aquatic	R10
West	Single-family residence	Residential and Aquatic	R10

Comments from the Public and Agencies

The proposed project has been routed to interested departments and agencies for review and comment. Comments received on this proposal may be found by accessing the online permit information referenced on page 1.

- No comments were received from the general public.
- No adverse comments were received from reviewing agencies within the County.
- Nisqually Indian Tribe requests notification of any Inadvertent Discoveries of Archaeological Resources/Human Burials for this project.

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

Gig Harbor Peninsula Community Plan

The Plan was adopted as part of the County Comprehensive Plan in June 30, 2016, Under Appendix E (Title 19A):

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-2.2.1 Discourage lawn areas that extend to the edge of slopes, bluffs, or beaches. Encourage retention of native vegetation immediately adjacent to the waterbody in any required setback.

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: A single-use dock is proposed for this site. There is no dock on the immediate adjoining parcel to the east of the subject site; however, the shoreline of the immediate adjoining parcel to the west is improved with a slightly shorter joint-use dock (130 feet x 8 feet). This dock was approved by the Pierce County Hearing Examiner on May 5, 2006, under case No. SD39-05.

The proposed dock neither will cause removal of any vegetation from the site nor will it have any impact on the views of the neighboring properties as the project site and surrounding sites are all considered as high bank waterfront 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.

Staff Comment: The proposed single-use dock will be considered an accessory use to the existing residence. The proposed recreational dock will not adversely impact the surrounding area as the subject site and surrounding parcels are considered high bank waterfront sites with their respective residences away from the bluff. In addition, there are other similar size docks within close vicinity of the site; therefore, views of adjoining lots will not be adversely impacted by approval of the proposed dock.

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 a water dependent use that will not interfere with surface navigation as it will be less than 15% (6.1%) of the fetch. A 76-foot portion of the proposed 140-foot long dock will be considered as a pier, which will be 100% grated aluminum. In addition, the proposed overwater structure (dock) will be limited to the minimum size necessary with 100% grated ramp and 50% grated float.

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: There is artificial turf (AstroTurf) located immediately landward of the bulkhead on the southeast portion of the site. There are few scattered trees and shrubs on the southwest corner of the site which will not be removed as the result of this project. Per the submitted Mitigation Plan, the applicant has provided both on-site and off-site mitigation plan execution. The on-site mitigation will be accomplished through removal of 7 concrete slabs from the shoreline of the site.

Staff will require a condition of approval for the applicant to restore shoreline vegetation along the southeast portion of the site.

18S.30.080 Shoreline Modifications

The intent of the Shoreline Modification policies and regulations is to limit those actions that modify the physical configuration or qualities of the shoreline area. Shoreline modifications are those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

- Reduce the adverse effects of shoreline modifications and, as much as possible, limit shoreline modifications in number and extent.
- Allow only shoreline modifications that are appropriate to the specific type of shoreline and environmental conditions for which they are proposed.

Staff Comment: The project is to construct a single-use dock. A 76-foot portion of the proposed 140-foot long dock will be considered as a pier. A condition of approval will require the applicant to contact both adjoining neighbors to the east and west regarding the possibility of either using the existing dock to the west or using the proposed structure as a joint-use dock with the property owner to the east.

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 site is located at the southern mouth of Wollochet Bay. The proposed pier/ramp/float (dock) design and size are consistent with the character of other over-water structures in this area of the bay. 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. Based on the submitted site plan, the proposed dock is over 10 feet from the side property lines. According to the County' 2017 aerial photo, the closest dock to the east is 123 feet and the closest dock to the west is 54 feet from the subject site. In addition, per the submitted site plan, the depth of water at the end of the proposed dock will be approximately -1.0 foot as measured at mean lower low water (MLLW).

Presence of eelgrass was identified at approximately 165 feet from the shore, thus the reason for a shorter dock (less than 150 feet in length). Overall, the dock meets the requirements for the fetch, length, piling vertical clearance, and setbacks.

The proposed dock would be designed and engineered appropriately, and it 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, are to be contained.

The application does not make clear whether joint use of the dock has been explored or not. A condition of approval will address this issue.

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