

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Administrative Conditional Use Permit: Fabiani Single-User Dock and Buoy

Application Numbers: 923795, 923796, 923797, 925314
Parcel Number: 0121213018

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: January 22, 2020, at 6:30 p.m., City of Gig Harbor, southeast entrance, Community Room A, 3510 Grandview, Gig Harbor, WA 98335.

Proposal: Construct a single-user dock and buoy accessory to an existing single-family residence. The dock would be 123 feet long (119 feet overwater) consisting of a pier (59 feet long by 4 feet wide), ramp (40 feet long by 3 feet wide), and float (30 feet long by 8 feet wide). There would be a total of 14 piling. An existing swim float would be removed. In addition, a buoy would be installed 185 feet from the shoreline in approximately 11 feet of water.

Project Location: 3525 Forest Beach Drive NW, on the west shoreline of Horsehead Bay (Puget Sound), in a Rural 10 (R10) zone classification, Aquatic Shoreline Environment, and within the Gig Harbor Peninsula Community Plan area, in the SW 1/4 of Section 21, T21N, R1E, W.M., in Council District #7

Review Summary: Staff has reviewed this proposal for compliance with applicable policies and regulations. The proposal appears to meet the various dimensional requirements. Further, the proposal is similar to other development in Horsehead Bay. However, Staff still does have questions regarding this proposal as addressed in this report.

Note, a total of 13 (not 14) piling are proposed. Further, since the proposal was originally submitted, the dock location has been relocated slightly to the north. The location has been revised to maintain a buffer from aquatic vegetation.

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 the proposal is not likely to result in any 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/departementStatus?applPermitId=923795>



Project Data

Complete Application Date: November 18, 2019
Revised Documents Received: November 27, 2019

Initial Project Review Mailed: January 15, 2020

Owner/Applicant: Joan Fabiani
3525 Forest Beach Drive NW
Gig Harbor, WA 98335
jmfabiani@comcast.net

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

Legal and Public Notice

- *December 4, 2019:* Notice of Application (including the Gig Harbor Peninsula Advisory Commission (PAC) meeting date, time, 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
- *December 10, 2019:* Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *January 8, 2020:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission (PAC).
- *January 9, 2020:* Legal notice was published in the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the PAC.

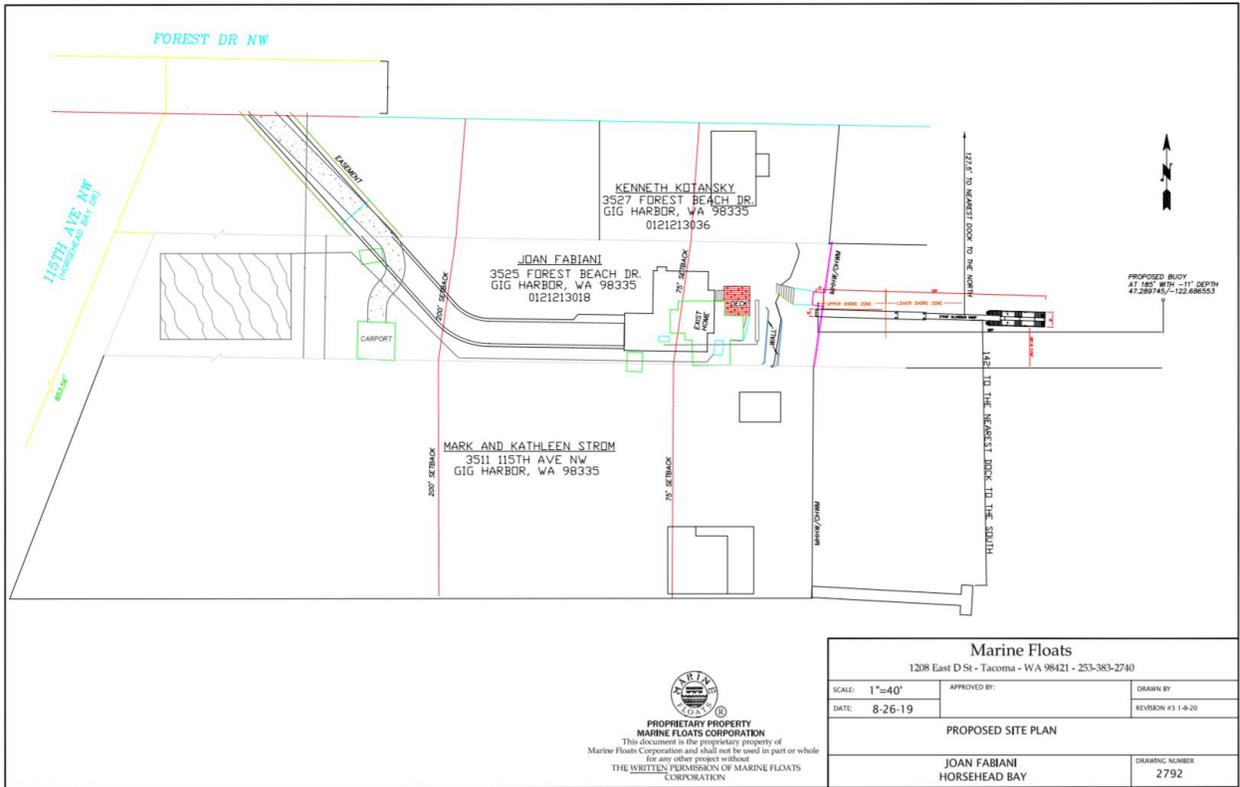
2016 Washington State Coastal Atlas



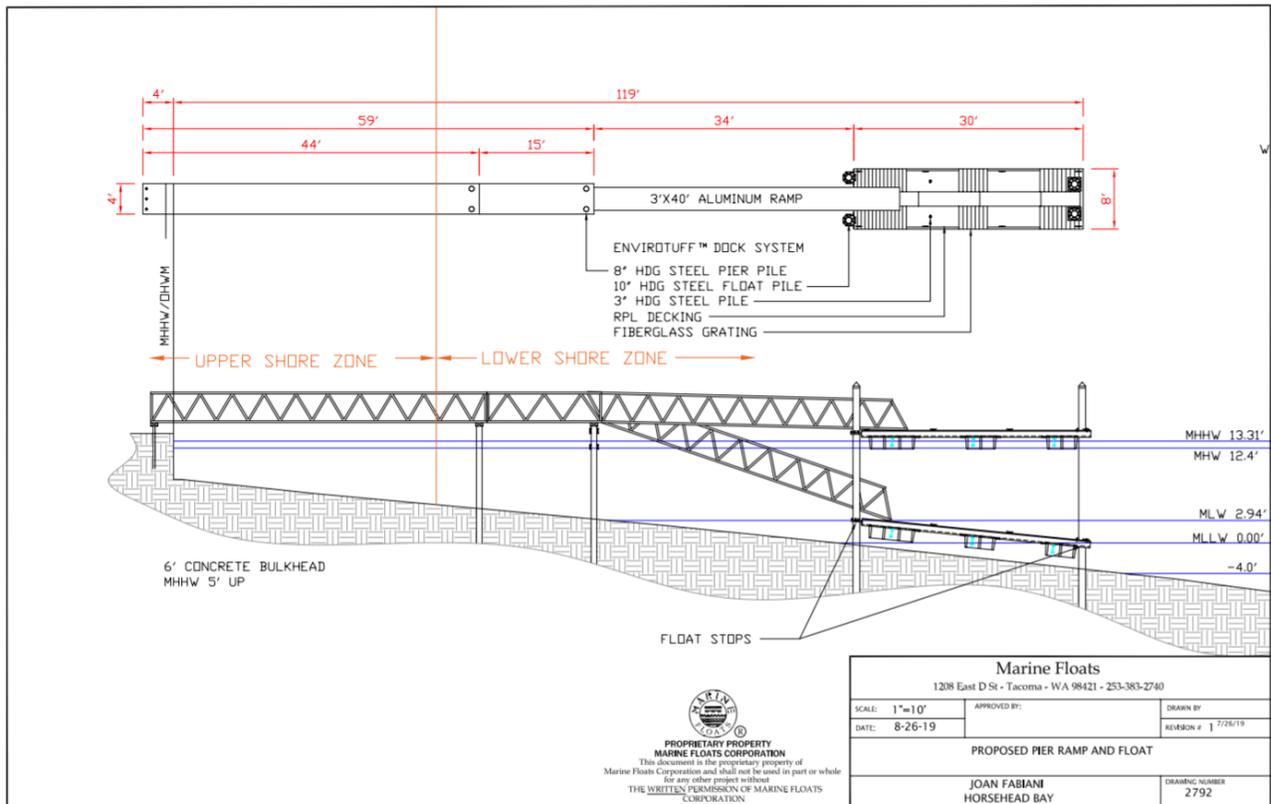
2017 County Aerial Photo



Site Plan (Proposed)



Cross-Section (Dock)



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

- **Comments from Public:**

- Both abutting properties have submitted letters stating that they are not interested in participating in a joint-use dock with the Applicant.
- The abutting property to the north has submitted a letter stating they already share a dock with their neighbor to the north. They also want to ensure the buoy location will not impact them.

- **Comments from Agencies:**

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

- Washington State Department of Natural Resources (DNR): The buoy would be located on public tidelands. DNR has authorized the placement.
- County Resource Management Division (Environmental Biologists) visited the site on January 9, 2020. No wetlands were identified. However, a fish/wildlife habitat application has been submitted.

Staff Comment: The Agent states that they have had conversations with the neighbor to the north about the buoy location. Per a December 30, 2019, email from the Agent to Staff, the dock would be relocated slightly to avoid impacts on submerged aquatic vegetation, per Washington State Department of Fish and Wildlife (WDFW) request. To achieve the 25-foot buffer for WDFW, the dock will not be perfectly perpendicular to the shoreline.

Site Characteristics

Planning Staff visited the site on January 9, 2020, and observed the following:

- The parcel is located on the west shoreline of Horsehead Bay.
- The parcel extends to 115th Avenue NW (to the west). However, access to the site is via a driveway which extends across the abutting parcel to the north and connects with Forest Beach Drive NW.
- The parcel is approximately 1.25-acres in size, rectangular shaped (long axis is oriented in an east-west direction), and has approximately 65 feet of shoreline frontage.
- The topography slopes moderately downwards towards the water.
- The parcel is developed with a single-family residence, detached shed, terraced slope, beach access path/stairway, and bulkhead.
- Existing docks are located to both the north and south of the site. They are located between approximately 100-150 feet from the proposed dock. The dock to the north is approximately 140 feet long while the dock to the south is an approximately 100 foot long “T” shaped dock. Both docks appear to have existed (in one form or another) since at least 1977.
- In this location, Horsehead Bay is approximately 800 feet wide (fetch) as measured to the closest point on the opposite shoreline.
- On the opposite shoreline (and slightly north) is a public boat launch.

Staff Comment: It does not appear that any violations exist on the parcel. Staff made this determination after comparing the on-site conditions in a 1977 aerial photo vs. current site conditions. In front of the Applicants’ parcel, there has been a float and at least a couple buoys. Staff does not know if they are legal or not. However, the float is going to be removed. Further, Staff is going to require the existing buoys to be removed if they are owned by the Applicant.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence	Residential	Rural 10 (R10)
South	Single-family residence	Residential	R10
East	Horsehead Bay	Aquatic	Not applicable
West	115 th Avenue NW	Not applicable	R10

Initial Staff Review for Consistency with Policies and Regulations

Gig Harbor Peninsula Community Plan

The Plan (as amended) was adopted as part of the County Comprehensive Plan on 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: The proposal would not cause the removal of any vegetation. In contrast, some upland vegetation would be planted on the south side of the dock and immediately landward of the bulkhead (on existing lawn). However, the new County shoreline regulations require that proposals result in no net loss of shoreline function. For this proposal, at a minimum, the dock would result in 578 square feet of overwater coverage. Other than the grating of the dock surfaces, utilizing a different buoy anchor, and planting some upland vegetation...Staff has inquired with the Agent if there is other mitigation that is going to be implemented to satisfy requirements of the Washington State Department of Fish/Wildlife and US Army Corps of Engineers. However, without knowing the answer to the first question, it would seem that, at a minimum, the amount of upland vegetation proposed should be significantly increased...to an amount that is at least equal the amount of overwater coverage (578 square feet). However, addressing in-water impacts by utilizing upland mitigation is a bit like comparing apples and oranges.

In terms of cumulative impacts, what the Applicant is proposing is similar to other existing development in Horsehead Bay. Further, the proposed dock is shorter than many other existing docks. However, the County is now dealing with new shoreline regulations which are very different than the old regulations (notably the no net loss provision). Hence, Staff has had a lot of questions regarding this proposal that it may not have had under the old shoreline regulations. Notably, Staff has raised the question as to why both a dock and buoy necessary. To that end, Staff has asked the Agent the following questions:

- Staff presumes that a buoy is proposed because the end of the dock will go dry a significant amount of the time and/or would not have adequate water for mooring a vessel. Is this accurate?
- If the above statement is accurate, any idea how much of the time the dock would not be useable for mooring a vessel?
- If the dock is not useable a significant amount of time for mooring a vessel, then why shouldn't the County deny the dock and only approve the buoy?
- Is the buoy required by another agency? Would they deny the dock if no buoy is included?
- If a buoy is proposed because of concerns about a vessel grounding out (on the dock) at low tides...has any consideration been given to proposing a boat lift (attached to the dock) in lieu of a buoy? In the end, the main concern with the buoy is that Horsehead Bay is congested and just adds to the clutter of the bay and impacts the public use of that body of water.
- If a boat lift is proposed, it should be included in the proposal.
- Letters have been provided stating that the abutting property owners are not interested in sharing a dock. However, the regulations also require that an Applicant demonstrate how they considered the use of existing facilities and why these alternatives are not feasible. Any idea if the Applicant inquired about sharing the neighbors existing docks?

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 (upland area) and Aquatic (water area) 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 proposal would be considered an accessory use to the existing residence. The proposed recreational dock/buoy would not significantly adversely impact the surrounding area as docks/buoys are common.

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: Table 18S.60.030-1 (Shoreline Permit Table), under Water Access Facilities, states that residential water access facilities (serving less than four parcels) requires a Shoreline Substantial Development Permit and Administrative Shoreline Conditional Use Permit. The majority of these issues were addressed previously in this report under the Gig Harbor Peninsula Community Plan section.

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: These issues were addressed previously in this report under the Gig Harbor Peninsula Community Plan section.

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: These issues were addressed previously in this report under the Gig Harbor Peninsula Community Plan section.

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: Many of these issues were, again, addressed previously in this report under the Gig Harbor Peninsula Community Plan section. The proposal would appear to meet the various dimensional requirements as follows:

- Depth: The depth of water at the end of the proposed dock would be approximately 4 feet (limit is 8 feet). The buoy would have approximately 11 feet. Both are as measured at mean lower low water (MLLW).
- Fetch: The dock would have a fetch of approximately 15% (which is the limit).
- Length: The dock would have a length of 119 feet overwater (the limit is 150 feet).
- Width: The pier would be 4 feet wide (limit is 6 feet) and float would be 8 feet wide (which is the limit).
- Area: The dock would have an area of 578 square feet (the limit is 900 square feet).
- Setbacks: The dock would exceed the minimum 10-foot setbacks from the side property lines.