

Initial Project Review

Conditional Use Permit: Headquarters/Offices/Fish Processing Plant (Harbor Herring)

Application Number: 925523
Tax Parcel Number: 5875000280

Gig Harbor Peninsula Advisory Commission (PAC) Meeting: March 11, 2020, at 6:30 p.m.,
City of Gig Harbor, 3510 Grandview St., Gig Harbor, WA 98335

Proposal: Demolish an existing building and then construct a new building that would be 2,100 square feet in size, one-story, and 30 feet tall. The building would be utilized for Harbor Herring headquarters/offices and their processing plant (for Puget Sound herring) for delivery to market. All processing would take place within an enclosed building and the only outdoor activity would be storage of equipment. A new driveway would be installed along Fox Drive. The existing septic system would be modified. The project site consists of one parcel that is approximately .13 acres in size.

Project Location: 617 Fox Drive, Fox Island, in the Gig Harbor Peninsula Community Plan area and Rural 10 (R10) zone classification, within the SE 1/4 of Section 35, T21N, R1E, W.M. in Council District #7

Review Summary: Staff has reviewed the proposal for compliance with applicable policies and regulations. The subject site has been utilized for commercial and civic uses in the past. It is currently abutted on the west side by a commercial use (Rural Neighborhood Center zoned) and on the east side by a civic use (R10 zoned). Therefore, this use is not necessarily out of place relative to the abutting uses. However, Fox Island in general is residential and there are abutting single-family residences to the north and across the street to the south. As such, the site should be landscaped/screened to the maximum extent feasible and the building design should match that typical of the Gig Harbor area. Otherwise, the application should provide additional information as to what typically could be expected, on a daily basis, in terms of traffic, noise, odors, and light/glare. On that note, additional information should be submitted as to the location/activity of outdoor storage areas.

Prior to the Examiner's hearing, a Site Plan Review (SPR) application also appears necessary unless the proposal can be demonstrated to meet all of the design standards/guidelines in Title 18J. Further, should the Hearing Examiner ultimately approve the proposal, the Applicant would still need to subsequently apply for a site development permit (addressing erosion control, grading, stormwater, etc.) and building permit.

State Environmental Policy Act (SEPA): In accordance with the Revised Code of Washington (RCW) Chapter 43.21C, Washington Administrative Code (WAC) 197-11, and County Environmental Regulations (Pierce County Code, Title 18D), the proposal is exempt from SEPA review.

County Contact: Ty Booth, Planner, 253-798-3727, ty.booth@piercecounitywa.gov

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=925523>



Project Data

Application Complete: December 19, 2019

Initial Project Review Mailed: March 4, 2020

Owner/Applicant: Harbor Herring LLC
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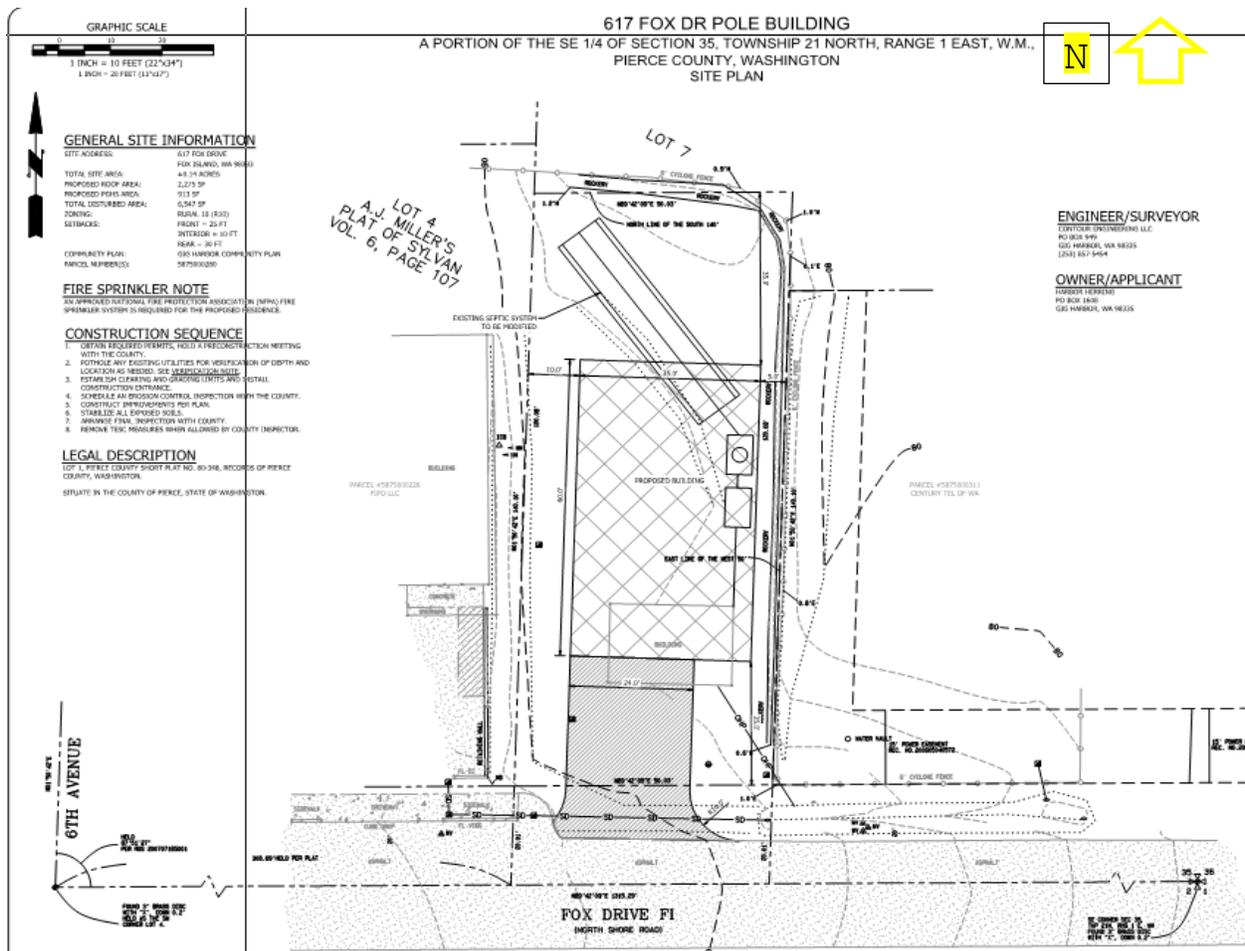
Public and Legal Notice

- January 3, 2020: Notice of Application and Public Meeting Notice, including the 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; and
 - Applicable Agencies.
- January 8, 2020: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- February 26, 2020: Legal notices were published, respectively, in the The News Tribune (official County newspaper) and Peninsula Gateway newspapers, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

Site Photo (2017)



Site Plan



Comments from the Public and Agencies

Public: Three comments, from three different individuals, have been received. The following is a summary of their comments:

- fish processing isn't an allowable use
- a CP cannot be granted in the RNC zone
- the island is mostly residential
- smell is the biggest concern and would impact quality of life and property values
- noise and traffic should be analyzed
- half the island must pass by this location
- most nearby properties are zoned residential
- an existing rock wall/fence encroaches onto an abutting parcel and should be rectified

Agencies: Comments have been received from various agencies. The following are of note:

1. County Resource Management Division (Biologists): There are wetland and fish/wildlife habitat areas (or their indicators) abutting the east property line and extending further to the east. These appear primarily associated with a creek/drainage located approximately 300 feet to the east. The County Biologist has not required review for this proposal pursuant to the waivers listed in Section 18E.20.035 B. of the County Critical Area Regulations (Pierce County Code, Title 18E). Such Section is titled Substantial Improvements and provides a waiver for the following: Activities that are within a fish and wildlife habitat area buffer or wetland buffer but that are separated from the critical area by an existing permanent substantial improvement which serves to eliminate or greatly reduce the impact of the proposed activity upon the critical area.
2. County Development Engineering Division: 20 feet of right-of-way shall be dedicated for the existing right-of-way along the south property line does not meet standards. A revised site plan is requested that shows the updated property line information and the proposed building meeting required setbacks from the additional right-of-way.
3. County Fire Prevention Bureau (Fire Marshall): They have requested a description be provided of what would occur both inside/outside the building. Further, a certificate of water availability and water system vicinity map are required at the time of building permit application (should the conditional use permit be approved). Further, emergency vehicle access, fire flow, and applicable sections of the fire code would be reviewed with the building permit.
4. Indian Tribes. The Nisqually and Squaxin Island Indian Tribes have not requested any archaeological/cultural studies.

Site Characteristics

1. The site consists of one parcel. Note, the site plan incorrectly states that this is Lot 1 of a short plat (subdivision) recorded in 1980 (Pierce County Auditor recorded #80-348).
2. The parcel measures 120 feet long (north-south) by 50 feet wide (east-west) and is 0.13 acre in size.
3. The parcel is developed with a small utility building in the southern half. A septic system is located in the north half. Otherwise, the parcel is undeveloped.
4. There is no surface water on-site (wetland, streams, or flood hazards).
5. The topography consists of two flat benches but overall it is flat. However, rockeries and fencing are located along the north and east property lines. The site is vegetated with a lawn (except for some limited trees in the northeast corner).

History

1. The current owner purchased the parcel in May 2019.

2. Past uses of the site include, but are not limited to, a water company and businesses for pottery, flowers, and gates.
3. In the late 1990s/early 2000s there were some violations related to unpermitted remodeling of the building. However, those were later resolved.
4. The site was vegetated in the past. However, it has been cleared since at least 1998.

Surrounding Land Uses and Shoreline / Zoning Designations

LAND USE		SHORELINE	ZONING
North	Single-family residence (north) and gas station/mini-mart/beer garden (northwest)	Not applicable	Rural 10 (R10)
South	Fox Drive and across the street are single-family residences	Not applicable	R10
East	Utility use (CenturyTel)	Not applicable	R10
West	Commercial use (salon)	Not applicable	Rural Neighborhood Center (RNC)

Proposal (Additional Details)

1. The parcel measures 120 feet by 50 feet. The proposed building measures 60 feet by 35 feet. The building is proposed to be set back 25 feet from the south property line, 10 feet from the west, 5 feet from the east, and 35 feet from the north. The driveway would be located on the south side of the building and measure 25 feet by 24 feet.
2. All processing will take place within the enclosed building; the only outdoor activity will be storage of equipment.
3. The hours would be Monday-Saturday from 6am-8pm.

Staff Preliminary Review for Consistency with Policies and Regulations

1. Gig Harbor Peninsula Community Plan
(Pierce County Code, Title 19A, Chapter 19A.10, Chapter 14, Appendix E, Page E-97)
The site is located within unincorporated Pierce County and within the Gig Harbor Peninsula Community Plan. The plan went into effect in 2002.

Staff Comment: There are any number of policies from the Plan that could apply but would result in an excessively long report. Staff has not listed them here as there are a number of regulations (addressed later in this report) that are specific to the Gig Harbor Peninsula. The regulations address the principal concerns of the plan including compatibility with existing uses, preservation/enhancing vegetation, and building design.

2. Pierce County Zoning Code (Pierce County Code, Title 18A)

A. Use (18A.33.260 G.)

- (1) The proposed use most closely matches what the Section 18A.33.260 G. defines as a Fish Processing, Hatcheries and Aquaculture, Level 2, use type. This use type refers to uses which involve the production, processing or sales of finfish, shellfish, or other aquatic or marine products within a confined space and under controlled feeding, sanitation, harvesting, or processing procedures. Examples include salmon farms, oyster growing operations, geoduck growing operations, and fish hatcheries. Development activities below the Ordinary High Water Mark associated with these uses are exclusively regulated by Shoreline Management Use Regulations. The use is broken into the following two levels:
 - (a) Level 1: Raising or production of finfish, shellfish, or other aquatic or marine animal or plant species, but not including processing of aquatic or marine products as either a primary use or accessory use.
 - (b) Level 2: Processing or sales of finfish, shellfish or other aquatic or marine products.
- (2) In the Gig Harbor R10 zone, the proposed use is allowed upon approval of a Conditional Use Permit.

Staff Comment: The proposal appears to be a Level 2 use. A Conditional Use Permit application has been submitted. The criteria for that permit and Staff's analysis of such are found at the end of this report (after the report addresses all of the various development regulations that apply to the proposal).

B. Setbacks (18A.15.040)

- (1) Standard Setback (18A.15.040-2). The standard setbacks in the R10 zone are as follows:
 - Front/Road (south): 25 feet;
 - Side/Interior (west and east): 10 feet; and
 - Rear (north): 30 feet
- (2) Situational Setback and Height Provisions (18A.15.040 B.1.)
 - Multi-family and Commercial Uses. All new multi-family or commercial buildings and associated parking shall establish a minimum interior and rear yard setback of 30 feet from MSF, SF, RR, R5, R10, R20 and R40 zone classifications. Building height shall not exceed the height allowed in the adjacent zone for the first 50 feet adjacent to the interior and rear yard property boundary. Thereafter, heights may be increased by 1 additional foot for each additional 2 feet of distance from the property boundary. See PCC [18J.15.185](#) for additional residential design standards.
 - Commercial, Senior, or Assisted Living Facilities. The minimum setback for any new senior and assisted-living center or commercial building abutting R5, R10, R20 or R40 zone classification shall be 30 feet.
- (3) Interior Yards (18A.15.040 B.4.): Existing lots of record that are 100 feet or less in width may reduce the interior yard setback to 10 percent of the lot width.

Staff Comment: The Development Engineering Division is stating that 10 feet of additional right-of-way must be dedicated along the road (south property line). If that occurs, the building would not meet the required front yard setback of 25 feet. In contrast, the building does appear to meet the required side/interior setback of 5 feet from the west property line. The setback is 5 feet based on the 50-foot width of the parcel and that the abutting parcel to the west is zoned RNC. Further, the building meets the required rear yard setback of 30 feet. However, it appears a 30-foot side/interior yard setback is required along the east property line (abutting R10 zoning). Note, potentially, the Applicant could argue that this is a Resource use (not a Commercial use) and the 30-foot special setback for commercial buildings does not apply. However, as part of the Conditional Use Permit process, an Applicant can request to alter setback requirements rather than applying for a separate Variance. Staff's view is that the proposed building setback of 5 feet from the east property line may be appropriate considering that the abutting use is utilized by a utility company. However, any setback deviations proposed need to be called out in the application.

C. Height (18A.15.040-3). The height limitation in the R10 zone is 40 feet.

Staff Comment: The proposed building height of 30 feet meets this regulation.

D. Parking (18A.35). This Section requires off-street parking. For Resource uses, the minimum required is 1 space per 2 non-resident employees and the maximum allowed is 1 per non-resident employee.

Staff Comment: A total of 2 off-street parking spaces are proposed. They can be accommodated on the driveway that measures 25 feet long (north-south) by 24 feet wide (east-west). However, the dedication of 10 feet of additional right-of-way could make off-street parking problematic especially if larger vehicles are proposed to park in that location.

3. Pierce County Sign Code (Pierce County Code, Title 18B)

Staff Comment: No information has yet been provided regarding any proposed signage.

4. Pierce County Design Standards and Guidelines (Pierce County Code, Title 18J)

- A. This Title addresses numerous design standards/guidelines that apply countywide and specific design standards and guidelines (including building design and architectural standards) for the eleven community plans located within unincorporated Pierce County (including the Gig Harbor Peninsula Community Plan).
- B. Section 18J.10.050 states that a project subject to this Title shall be reviewed for conformance with applicable design standards through the project application. If a project is unable to meet an applicable design standard or standards, a Site Plan Review application shall be submitted.

Staff Comment: It does not appear that the proposal would meet all of the applicable guidelines/standards (as addressed below). As such, a Site Plan Review (SPR) application appears necessary unless the proposal is revised. Again, potentially, the Applicant could argue that this is a Resource use (not a Commercial use) and that various regulations do not apply. Staff would not necessarily share that same opinion.

- C. Site Design (18J.15.015). Site development for buildings, roadways and other site improvements should be designed to fit the natural topography with the minimum amount of site disturbance and grade changes possible.

Staff Comment: The site is flat. Provided the grade is not changed then this regulation is met.

- D. Site Clearing (18J.15.020). The primary purpose of this Section is to establish standards for site clearing and the retention of vegetation.

Staff Comment: The site currently has no vegetation (other than lawn). The proposal would be more consistent as it would introduce landscaping.

- E. Tree Conservation (18J.15.030). The purpose of this Section is to retain and/or restore the overall tree canopy in the County.

Staff Comment: There are no existing trees on-site and the site is not within a County designated open space corridor. The proposal would result in improvements to the site.

- F. Landscape Buffers (18J.15.040). Per Table 18J.156.040-3, an 8-foot wide (L2) landscaping buffer is required on all sides of the proposed use except along the east side (utility use) where no landscaping is required. However, where an outdoor storage area is located within 20 feet of a public or private road right-of-way, an L3 Landscape Level or a 6-foot solid board fence or solid wall shall be installed between the yard and the right-of-way line.

Staff Comment: A landscaping buffer of 8 feet wide would be provided along the entirety of both the west and north property lines. In addition, an 8-foot-wide (L-2) landscaping buffer would be provided along the southeast corner. The buffer would consist of trees (planted at a rate of 1 per 40 feet) and shrubs (planted at a rate of 1 per 7 feet). It appears the proposal meets the applicable requirements. However, the application should clarify the location of any outdoor storage areas and what would occur with the septic system (the application states that the existing system would be revised).

- G. Street Trees (18J.15.050)
- H. Infill Compatibility (18J.15.060)

Staff Comment: These sections do not apply.

I. Noise Attenuating Barriers and Structural Walls (18J.15.070).

Staff Comment: This section does not apply. However, should the PAC and/or Examiner find that a barrier is needed to attenuate noise, then these standards apply to the design of that barrier.

J. Off-Street Parking, Pedestrian, Bus and Bicycle Facilities (18J.15.080).

Staff Comment: This section does not apply as a parking lot involving 10 or more parking spaces is not proposed.

K. Exterior Illumination (18J.15.085).

Staff Comment: Any exterior lighting shall be designed to prevent light/glare from spilling onto abutting parcels.

L. Parking Lot Landscaping (18J.15.090). This Section applies to parking lots located within 20 feet of a road, parking lots with 10 or more spaces, and to storage/service areas.

Staff Comment: Most of this does not apply as only 2 parking spaces are proposed. However, the application should clarify where the loading area would be.

M. Plant Lists (18J.15.100).

N. Plant Sizes, Soil Amendment, Mulching and Irrigation (18J.15.110).

O. Plant Installation (18J.15.120).

P. Plant Protection and Maintenance (18J.15.130).

Staff Comment: Should the proposal be approved; the above provisions will need to be reflected in the landscaping plans submitted for review/approval.

Q. Low Impact Development (LID) (18J.15.140).

R. Rural Pathways for Civic Uses (18J.15.150).

Staff Comment: These sections do not apply.

S. Mechanical Equipment and Outdoor Storage Screening (18J.15.155).

Staff Comment: The Applicant shall disclose the location of any mechanical equipment and storage areas...and measures to screen those areas.

T. Dry Sewer Lines (18J.15.160).

Staff Comment: This section does not apply

- U. Stormwater Facilities (18J.15.170). The purpose of this Section is to minimize visual impacts of stormwater facilities with landscaping, contouring, and other techniques, including vegetated LID BMPs.

Staff Comment: The Application needs to disclose how stormwater would be addressed on site.

- V. Recreational Areas (18J.15.180).
- W. Residential (18J.15.185).
- X. Outdoor Event Facilities (18J.15.190).
- Y. Mobile Home Parks (18J.15.200).
- Z. Recreational Vehicle Parks (18J.15.210).

Staff Comment: These sections do not apply.

- AA. Construction and Contractor Facilities (18J.15.220).

Staff Comment: This Section may not specifically apply as the Zoning Code considers contractor yards to be within the industrial use category (not resource use category). However, even if this Section does not apply, there are regulations in this Section that may be helpful in analyzing this project such as with regards to hours of operation, emissions, lighting, impervious surfaces, setbacks, interior fencing/screening, exterior screening.

- BB. Outdoor Stockpiles (18J.15.230). This Section shall apply to businesses including, but not limited to, contractors, landscaping suppliers, garden nurseries, recycling processors, and scrap metal processors who stockpile materials including, but not limited to, yard waste, wood debris, landscape materials, construction materials, demolition waste, manure, or scrap metal exceeding 10 cubic yards.

Staff Comment: Again, this Section may not specifically apply considering the proposed use. However, again, even if this Section does not apply there are regulations in this Section that may be helpful in analyzing this project such as with regards to setbacks, maximum heights (of stockpiles), interior fencing/screening, exterior screening,

- CC. Solid Waste Handling, Treatment and Storage Facilities (18J.15.240).
- DD. Hazardous Waste Treatment and Storage Facility (18J.15.250).
- EE. Water Supply Facilities (18J.15.260)
- FF. Telecommunication Towers and Wireless Facilities (18J.15.270).
- GG. Agritourism (18J.15.280).
- HH. Small Lot Design (Chapter 18J.17)

Staff Comment: These sections and chapter do not apply.

II. Community Plan Area Standards and Guidelines (Chapters 18J.20 through 18J.130). The only one of these that applies is Chapter 18J.40 which is for the Gig Harbor area. The Chapter is broken into urban and rural areas. This is a rural area and therefore only 18J.40.060.

- **Site Design.** In the rural area, buildings are generally required to locate in the interior of lots to provide adequate land for open space and tree retention around the perimeter property lines. Screening is required adjacent to all exterior property lines, except for points of vehicular or pedestrian access, for new development in the rural area. In the R10 zone, a 35-foot perimeter screen is required.

Staff Comment: The building would be centrally located but does not meet the 35-foot perimeter screen. A site plan review (SPR) application appears necessary.

- **Building Design.**
 - **Architectural Character and details:** A rural or rustic design theme is required for new development and exterior remodels of all buildings in rural neighborhood centers. This design can be achieved by introducing details such as knee bracing, wood siding, use of trim and siding, covered porches and window treatments. In other rural zones, building techniques such as concrete tilt-up construction that create structures with an industrial appearance should be avoided.
 - **Building mass:** The apparent scale of new commercial and civic developments should be reduced throughout the rural area. Within Rural Neighborhood Centers, design new buildings at a scale that is compatible with the size and character of the historical buildings in these centers.
 - **Pedestrian Oriented Features.**
- **Color and Material Design.**
 - **Color**
 - **Exterior Building Materials.**
- **Landscape and Planting Design.**
 - **Native Vegetation Screening and Perimeter Buffers.** The depth of native vegetation screening buffers shall be a minimum of 35 feet wide in a Rural 10 (R10) and Rural 5 (R5) zone.
 - **Planting Design.** At least 50 percent of all trees, shrubs, or ground covers shall be native plant species. The use of berms or fencing shall not be permitted for perimeter screening requirements in the R10, RSR zones.

Staff Comment: This site is not in an RNC zone (but abuts one on the west side). Elevations of what the building would look like are necessary. In addition, it appears additional landscaping/screening is necessary.

5. Pierce County Zoning Code (Pierce County Code, Title 18A)
Conditional Use Permit (18A.75.030).

- (1) Purpose The purpose of this Section is to establish decision criteria and procedures for special uses called Conditional Uses which possess unique characteristics. Conditional Uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity. Conditional Uses will be subject to review by the Examiner and the issuance of a Conditional Use Permit. This process allows the Examiner to determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and make further stipulations and conditions that may reasonably assure that the basic intent of this Title will be served.
- (2) Decision Criteria. The Examiner shall review Conditional Use Permits in accordance with the provisions of this Section and may approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit. The Examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts as a condition of the granting of the Conditional Use Permit.
- (3) Required Findings. The Examiner may use Design Standards and other elements in this Code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
 - (a) That the granting of the proposed Conditional Use Permit will not be detrimental to the public health, safety, and general welfare; adversely affect the established character and planned character of the surrounding vicinity; nor be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.
 - (b) That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.
 - (c) That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
 - (d) That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.
 - (e) That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.
 - (f) That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.

Staff Comment: Staff does find that this seems to be an out of the way/odd location for a herring processing facility but that is an economic/business decision made by the Applicant. Provided the proposal can meet all the applicable County policies/regulations, such is more an observation than a basis for denial. With that said, the subject site has been utilized for commercial and civic uses in the past. It is currently abutted on the west side by a commercial use (RNC zoned) and on the east side by a civic use (R10 zoned). Therefore, this use is not necessarily out of place relative to the abutting uses. However, Fox Island in general is residential and there are abutting single-family residences to the north and across the street to the south. As such, concerns exist regarding traffic, noise, odors, and light/glare. The Applicant should provide additional detail as to what a typical day/night would look, sound, and smell like at the facility...not only inside but outside. This should include the number of employees/customers, additional information on storage/loading areas, and any retail proposed. Since the proposal is classified as a “Resource” use rather than “Commercial” or “Industrial” the Applicant could make a case that many of the regulations (addressed in this report) do not apply. However, since this is more an industrial operation, in a somewhat residential area, the proposal should probably provide additional screening (to the maximum extent feasible) and an aesthetically pleasing building.

Note, Title 18J has some much more stringent setback/landscaping requirements than proposed. They may be a bit excessive for this site considering it is abutting by commercial/civic uses to the west and east. However, an SPR application appears necessary if the Applicant wants to reduce those requirements.

Harbor Herring CP IPR PAC-TB.docx