



# Initial Project Review

## Shoreline Substantial Development Permit / Administrative Shoreline Conditional Use Permit: Howe

**Application Numbers: 929528, 929529, and 929530**

**Parcel Number: 0121218036**

**Gig Harbor Peninsula Advisory Commission Public Meeting: Wednesday, October 14, 2020, at 6:30 p.m.** Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit [www.Zoom.com](http://www.Zoom.com) and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 975 0936 3519 and Passcode: 709867, or click on the following link:

<https://piercescountywa.zoom.us/j/97509363519?pwd=aFg0d3I4cWFRNWZFNlxZGtNSGdrQT09>

For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or [tiffany.aliment@piercescountywa.gov](mailto:tiffany.aliment@piercescountywa.gov).

**Proposal:** Construct a 141.25-foot long dock system, which consists of:

- a 4-foot x 62-foot aluminum pier (60 feet of overwater length);
- a 3-foot x 54-foot ramp (49.25 feet of overwater length);
- an 8-foot x 30-foot float (all overwater); and
- one new 24-foot x 10-foot boatlift to be attached to a new anchor buoy.

The Pier is to be supported by (4) 8” galvanized steel pilings and (3) 3” galvanized steel pin pile behind the bulkhead to secure it. Floats will have (4) 10” pilings with (2) float stops and (2) stub pile to prevent grounding of the float. A boatlift will be secured to an anchor buoy waterward of the dock.

Total length of the proposed new dock is 141.25 feet, with 2 feet on land behind the bulkhead for a total of 139.25 feet overwater. The total square feet of the new proposed overwater structures will be 627.25 square feet (a reduction of 876.25 square feet from the prior structures).

The proposal also involves the removal of the existing dock floats, dock ramp, separate swim float, jet ski lifts, and boat lifts with support pontoons/pilings (totaling 1504 square feet). If approved, the dock system will be accessory to a single-family residence, on a 1.06-acre parcel located, on Horsehead Bay.

**Location:** The site is on the east side of Horsehead Bay on public tidelands of Puget Sound, within the Residential and Aquatic Shoreline designations, Rural 10 (R10) zone classification, and the Gig Harbor Peninsula Community Plan area, located at 3928 Horsehead Bay Drive NW (location of the Proponents’ parcel and residence), in Council District #7.

**Review Summary:** County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds the proposal is generally consistent with the Pierce County Comprehensive Plan, Gig Harbor Community Plan, and the Shoreline Master Program Policies and Regulations. Some additional information will need to be provided to ensure consistency with the applicable titles in the Pierce County Code.

It needs to be emphasized that there is a disagreement on the location of the common tideland property line (extending into the water from the bulkhead) between this property and the property adjacent to the north. This disagreement must be resolved prior to issuance of a Written Order for this project. The dock location and/or dimensions may have to change if the disputed tideland property line changes.

**State Environmental Policy Act (SEPA):** A SEPA checklist was submitted for this application. The County has conducted an initial environmental review and will be issuing a Determination of Nonsignificance (DNS).

**County Contact:** Ray Hoffmann, Planner, 253-798-2788, [ray.hoffmann@piercecounitywa.gov](mailto:ray.hoffmann@piercecounitywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departementStatus?appID=929528>



**Project Data**

Complete Application Date: June 11, 2020

Initial Project Review Mailed: October 7, 2020

Owners: George and Kim Howe  
3928 Horsehead Bay Drive NW  
Gig Harbor, WA 98335  
[gghowe@hotmail.com](mailto:gghowe@hotmail.com)

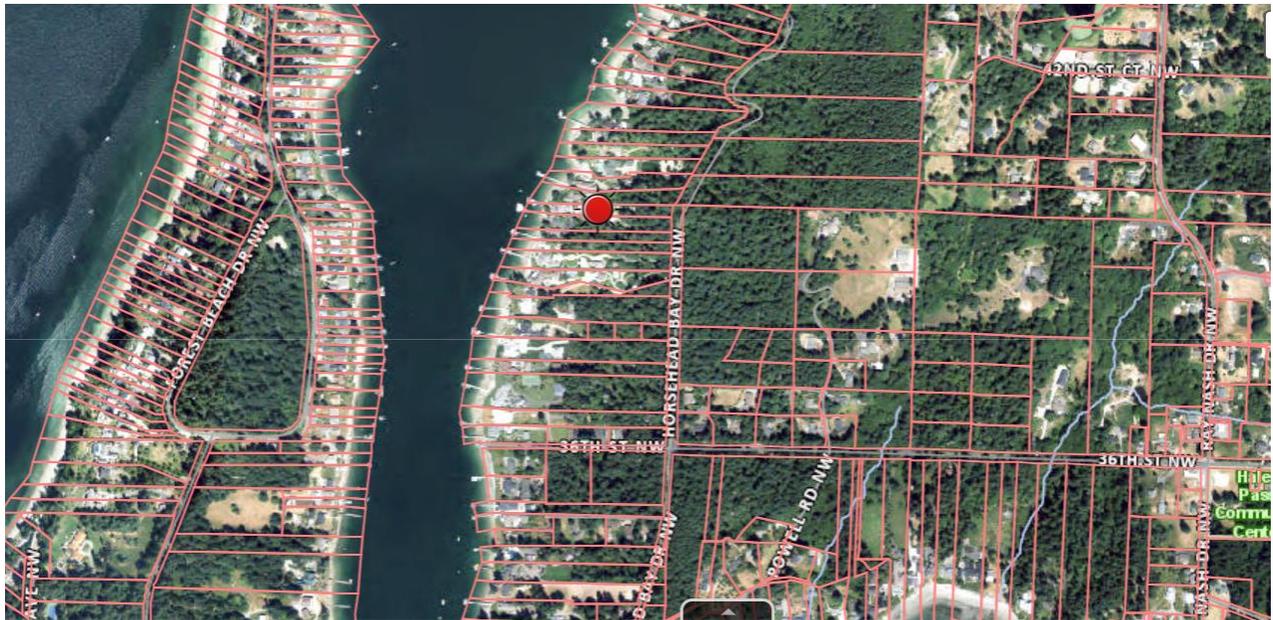
Agent: Lori Chase  
Marine Floats  
1208 East D Street  
Tacoma, WA 98421  
[lchase@marinefloats.com](mailto:lchase@marinefloats.com)

**Legal and Public Notice**

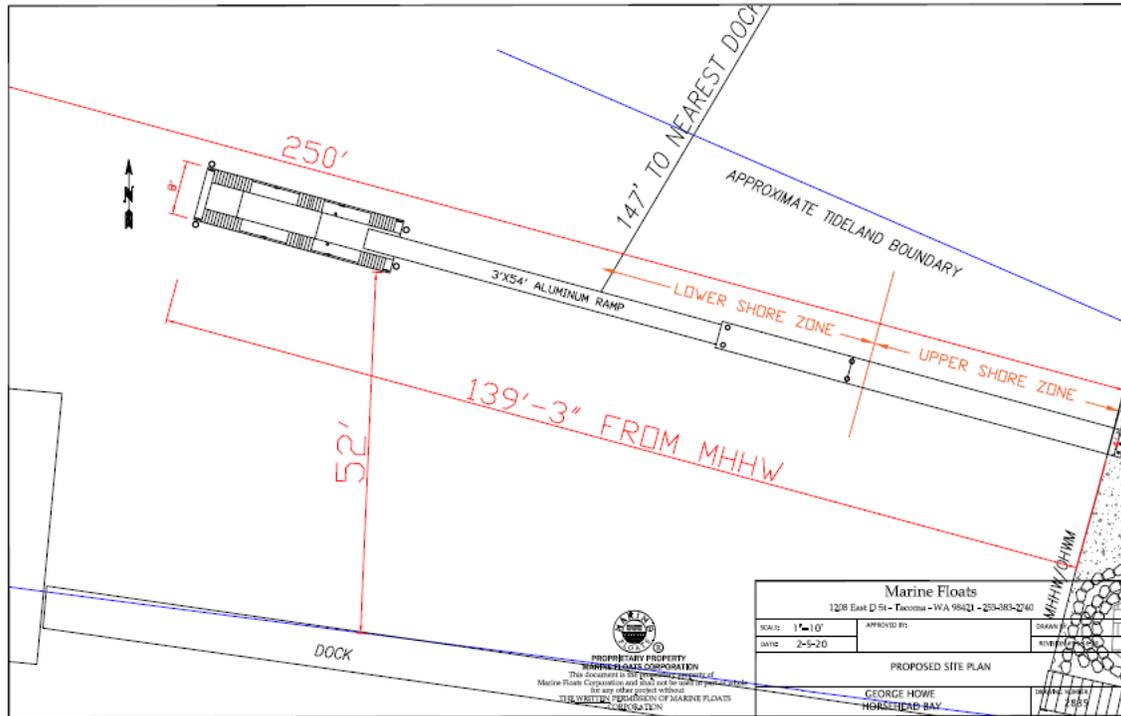
- *June 11, 2020:* Notice of Application (NOA) and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *June 18, 2020:* Revised NOA and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.

- *June 30, 2020*; Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *July 29, and 30, 2020*; Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.
- *September 30, 2020, and October 1, 2020*; Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.
- *October 8, 2020*; Revised 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.

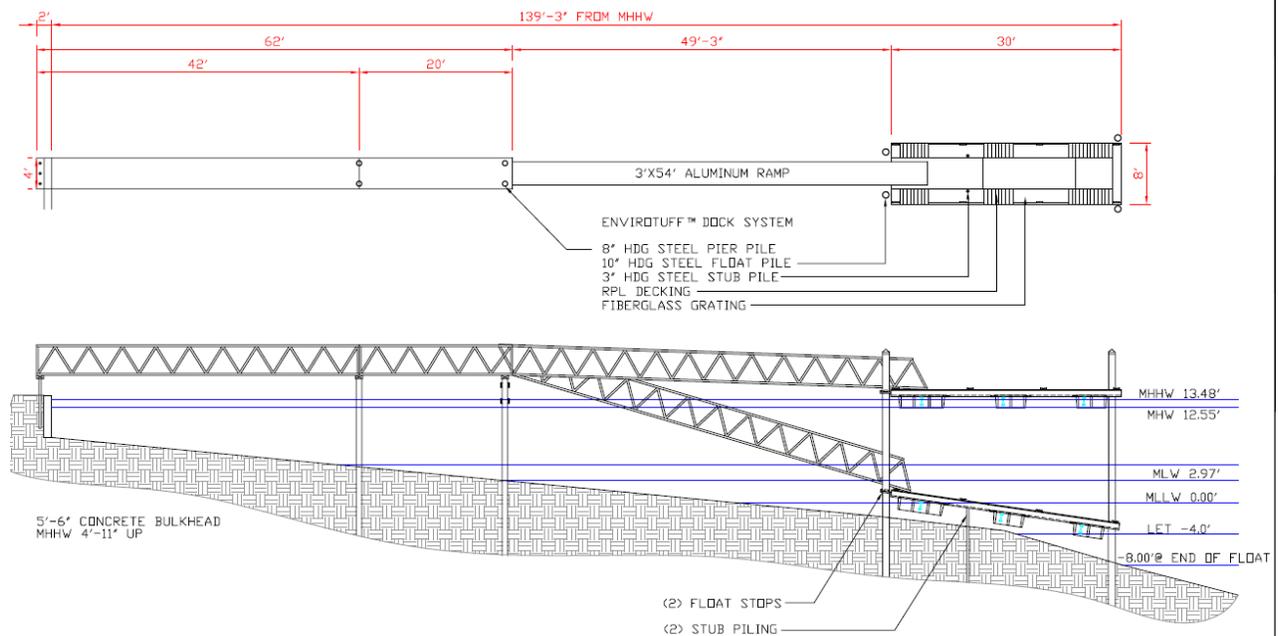
### 2017 County Aerial Photos



# Site Plan



# Cross-Section



## Site Characteristics

- The subject lot is on the east shoreline of Horsehead Bay, Lot 1 of short plat 86-04-09-0350.
- The tidelands in front of the subject lot is relatively shallow.
- The applicants are applying to replace an existing unpermitted dock.
- The County Assessor lists the parcel as 1.06-acre in size with approximately 60 feet of shoreline frontage.
- The parcel is improved with a single-family residence (constructed in 1988), detached garage (1988), and a second detached garage (2005). There is also a grade level patio and concrete bulkhead.
- The single-family residence is located approximately 50 feet from the bulkhead.
- The fetch at the proposed dock location is approximately 1,080 feet.
- The proposed dock is located near other docks of varying sizes/lengths (the longest of which is 180 feet long located two parcels to the north).
- Horsehead Bay is used for private mooring and, to some extent, water recreation (i.e. sailing, jet skiing, and water skiing; especially in the wider section of the Bay just north of the site).

## Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence	Residential/Aquatic	Rural 10 (R10)
West	Puget Sound	Residential/Aquatic	N/A
South	Single-family residence	Residential/Aquatic	R10
East	Vacant	N/A	R10

## Public and Agency Review Comments

1. Public. Two letters have been written by adjacent neighbors declining the possibility of a joint use dock.
2. Public. A letter has been submitted by an adjacent neighbor concerned that the dock 'as proposed', will encroach on their tidelands.
3. Agencies: Various governmental agencies have provided comments. The following is of note:
  - Washington State Department of Natural Resources (DNR): A letter from DNR has not yet been submitted. Since the dock is proposed on a portion of public tidelands managed by DNR, an approval letter from them will be required prior to receiving a written order. The DNR may have additional recommendations for the project.
  - Washington State Department of Ecology (ECY): A letter from ECY was received that provided contacts for staff related to compliance with National Pollutant Discharge Elimination System (NPDES) stormwater discharge. ECY may have additional recommendations for the project.
  - Nisqually Indian Tribe: A letter was received stating they have no concerns with the project as proposed.

- County Development Engineering Division: Has no concerns with the project, as proposed.
- County Resource Management Division: Has approved the proposal with title notification for Fish and Wildlife. The applicant will also need to comply with applicable State and Federal agency requirements (e.g. Hydraulic Project Approval).

## **Planning and Public Works 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. 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 627.25 square feet of overwater coverage. To mitigate the impacts, the dock surfaces would be grated. Further, additional mitigation may be required to satisfy requirements of the Washington State Department of Fish/Wildlife and US Army Corps of Engineers.

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 to review more criteria that it had under the old shoreline regulations.

### **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. The design and orientation impact the navigational room on the parcel to the north as the tideland parcel lines do not run parallel to side property lines (but at an angle to the shoreline). The navigational area on the subject lot and the lot to the north may change as a result of a pending tideland property line resolution with the landowner to the north.

#### 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.30.060 Scenic Protection and Compatibility.

- A. Applicability. The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations.
- B. Policies.
  1. Maintain, enhance, and/or restore shoreline features including vegetation.
  9. Locate in- and over-water structures so as to minimize visual impacts to adjacent properties and uses and other in- and over-water uses.
  11. Consider impacts to view and scenic resources enjoyed by abutting uses.

C. Regulations – General.

4. Compatibility with, and impacts to, the following shall be considered: navigation, recreation, public access, public use of the beaches and surface waters, traffic, abutting uses, and views.
6. Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline development.
7. Over-water facilities should accommodate multiple uses whenever feasible.

*Staff Comment:* The proposed dock/buoy neither requires removal of any vegetation from the site nor has a significant impact on navigation. The proposed single-use dock/buoy will likely have a minimal impact to recreation, public access, public use, traffic, abutting uses and views due to its placement in relation to other similar size docks within close vicinity of the site.

18S.30.090 Water Oriented Development.

The intent of the Water Oriented Development policies and regulations is to ensure that water-dependent, water-related, or water-enjoyment, or a combination of such uses, is preferred in shorelines.

A. Applicability. The policies and regulations of this Section shall apply to all uses and development, within all shoreline environment designations.

C. Regulations.

1. 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.
3. Water dependent uses and public access to shorelines are preferred use in all shoreline environments.
6. In the Residential SED:
  - a. Residential and water-oriented commercial development is allowed where such development can be accommodated with no net loss of shoreline ecological functions.
  - b. Public or private recreation facilities are allowed 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.

*Staff Comment:* The project is a private recreational facility which will be considered accessory to a waterfront residence with sufficient parking located outside of the shoreline area. In addition, the proposed dock/buoy is considered a water dependent use making it a preferred use on these environments. Construction of the dock/buoy will not eliminate any vegetation from 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:* 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 8 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 13% (limit is 15%).
- Length: The dock would have a length of 139.25 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 627.25 square feet (the limit is 900 square feet).
- Setbacks: The dock would meet or exceed the minimum 10-foot setbacks from the side property lines. Note: the north tideland property line may change after a resolution to this line's location is achieved, potentially requiring a change to the dock location and/or design.

18S.60.030 Shoreline Permit Table.

<b>Water Access Facilities</b> (See PCC 18S.40.140 for Water Access Facilities Policies and Regulations)						
Residential Water Access Facility (serves 4 or fewer parcels)					(8)	AC (8)
Other Water Access Facilities					(8)	C (8)
Use of Water Access Facility for Home Occupation/Cottage Industry					(8)	C (8)
<b>Notes:</b>						
(1) Geoduck aquaculture requires an SD for planting, growing and harvesting of farm raised geoducks only when the project or practice causes substantial interference with normal public use of the surface waters.						
(2) Aquaculture is prohibited in the Aquatic SEDs abutting the Natural SEDs on Marine waters (see PCC 18S.40.040 B. and C).						
(3) Non water-oriented commercial uses are subject to PCC 18S.40.050 C.3. Criteria. See also PCC 18S.30.090. A change from an existing non water-oriented use to another non water-oriented use is permitted, without a Conditional Use Permit.						
(4) New non water-oriented uses are prohibited except in situations where the use doesn't conflict with or limit opportunities for water-oriented uses or when there is no direct access to the water's edge. See PCC 18S.30.090.						
(5) Commercial/Civic development is prohibited in Aquatic SEDs abutting the Natural SED.						
(6) Environmental restoration, mitigation and/or enhancement projects do not require a Conditional Use Permit.						
(7) Industrial development is prohibited in Aquatic SEDs abutting the Natural SED and Conservancy SED. Non water-oriented industrial development is prohibited in Aquatic SEDs abutting all SEDs except for High Intensity.						
(8) In Aquatic SEDs abutting the Natural SED only floats and buoys may be allowed.						

*Staff Comment:* Under PCC 18S.60.030, any residential water access facilities serving 4 or fewer parcels, sited within the Aquatic Marine environment, require review as a Shoreline Substantial Development and an Administrative Conditional Use Permit. The shaded area indicates that the use, modification, or development is permitted subject to a Shoreline Substantial Development Permit (SD) or an SD Exemption pursuant to PCC 18S.60.020 and Administrative Shoreline Conditional Use Permit (ACP).

18S.60.040 Shoreline Substantial Development Permit.

- Purpose.** The Shoreline Substantial Development Permit (SD) process provides a comprehensive review of development on shorelines to ensure compliance with the Shoreline Management Act (Act), Title 18S PCC, and any other applicable development regulations.
- Applicability.** This Section applies to development allowed on shorelines that do not meet the SD Exemption criteria.
- Review Process.** Shoreline Substantial Development Permits shall be reviewed administratively and shall include public notice and comment. This review process is required to ensure that the development, if established, will be in full compliance with applicable development regulations, the County Comprehensive Plan, applicable community plans, adjacent development, planned uses, and the character of the surrounding area.
- Decision Criteria.** The Director shall review applications for Shoreline Substantial Development in accordance with the following decision criteria:
  1. The proposal is consistent with the policies and procedures of the Act.

2. The proposal is consistent with the Title 18S PCC policies and regulations including, at a minimum, the following:
  - a. Policies and regulations of the shoreline environment designation (SED) in which the proposal is located;
  - b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such area;
  - c. Policies and regulations within the applicable General Policies and Regulations found in Chapter 18S.30 PCC; and
  - d. Policies and regulations within the applicable Use and Development Policies and Regulations found in Chapter 18S.40 PCC.
3. The proposal is consistent with the applicable provisions of Title 18E PCC.
4. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.
5. The proposal is consistent with all applicable development regulations including, but not limited to Title 18A PCC, Development Regulations – Zoning.

*Staff Comment:* The proposed project is consistent with the policies and regulations of the Residential and Aquatic shoreline environments as the proposed dock/buoy is considered an accessory water-dependent use enjoyed by an existing single-family residence on a waterfront parcel.

The proposed dock/buoy is also consistent with the applicable policies of the Comprehensive Plan, Gig Harbor Peninsula Community Plan, and zoning as the dock/buoy structures meets all required setbacks and will not require removal of any vegetation from the site. The pier/ramp/float surface will be grated to allow light passage. The dock locations may need to be adjusted from their original location in order to mitigate impacts to aquatic vegetation.

The Pierce County Environmental Official will most likely issue a Determination of Nonsignificance (DNS) finding that the proposal appears to have no probable significant adverse impacts on the environment.

18S.60.050 Shoreline Administrative Conditional Use Permit.

- A. Purpose. The purpose of a Shoreline Administrative Conditional Use Permit is to allow flexibility in the application of development regulations in a manner consistent with the policies of the Shoreline Management Act (Act). Conditions may be attached to the permit to prevent undesirable effects of the proposal or to assure consistency of the project with the Act and the Master Program.
- B. Applicability. This Section applies to uses allowed in Table 18S.60.030-1, Shoreline Permit Table, subject to approval of a Shoreline Administrative Conditional Use Permit (AC). Uses specifically prohibited by Title 18S PCC shall not be authorized pursuant to this Section.
- C. Review Process. An administrative review process, which includes public notice, is required to ensure that the use, if established, will be in full compliance with applicable regulations and that such use is compatible with the Master Program, Comprehensive Plan, applicable community plan, adjacent development, planned uses, and the character of the surrounding area.
- D. Decision Criteria.
  1. The Director shall review the location of the proposal for compatibility with development permitted in the surrounding areas; and make further stipulations and conditions to reasonably assure that the basic intent of the Master Program will be served.

2. An Administrative Conditional Use Permit may be granted provided that the applicant demonstrates all of the following:
  - a. That the proposed use is consistent with the policies of the Act and the Master Program;
  - b. That the proposed use will not interfere with the normal public use of public shorelines, nor use of waters under the Public Trust Doctrine;
  - c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Master Program;
  - d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located;
  - e. That the public interest suffers no substantial detrimental effect; and
  - f. The proposed use is consistent with all applicable development regulations.
3. In the granting of all Shoreline Administrative Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Administrative Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

*Staff Comment:* Staff finds the project is consistent with the requirements of an Administrative Conditional Use Permit for the reasons previously addressed in this review. One additional comment though is that there exists a point where new dock/buoy construction along this shoreline would cause Pierce County to recognize the increase in dock/buoy construction along this section of shoreline that would trigger concerns over cumulative impacts. However, based on analysis completed as part of the County's Shoreline Master Program Update (Pierce County SMP Update Cumulative Impact Analysis, October 2014), this area of Horsehead Bay was considered to have a "Higher Potential" for new docks. Therefore, the County finds that the nature of the shoreline area within which the project is located is such that additional requests for similar projects in the area would not likely result in substantial adverse impacts to the shoreline and, as such, the proposed dock/buoy is consistent with RCW 90.58.020.

The dock location and/or dimensions may have to change if the disputed tideland property line changes.

Howe SD IPR PAC-RH.docx