

# **Chapter 7 SHORELINE USE AND MODIFICATION – POLICIES AND REGULATIONS**

## **7.1 Permitted Use Tables and Bulk Standards**

---

### **7.1.1 Permitted Use Tables**

The following tables illustrate which shoreline uses and shoreline modifications are allowed and under what circumstances, and which uses or modifications are prohibited, in each shoreline environment. Refer to text sections of the SMP for all applicable provisions related to specific uses and modifications. Uses or activities are noted for each shoreline environment as "P," "C," "X," or "N/A." In the event of a conflict between Tables 7-1 and 7-2 and the applicable text, the text will govern.

**P** = Permitted - Permitted uses may require Shoreline Exemption letters or Shoreline Substantial Development Permits, and any other permits required by the Gig Harbor Municipal Code and/or other regulatory agencies.

**C** = Conditional Use - Conditional uses require Shoreline Conditional Use Permits and may require other permits required by the Gig Harbor Municipal Code and/or other regulatory agencies. Some uses that are considered exempt from a Shoreline Substantial Development Permit per Section 8.3 may still be required to obtain a Shoreline Conditional Use Permit.

**X** = Prohibited - Prohibited uses and activities are those which are not allowed to be developed or conducted within the shoreline jurisdiction.

**N/A** = Not Applicable – Not applicable refers to activities that do not occur in Gig Harbor. Activities that are considered not applicable are prohibited.

Table 7-1. Shoreline Modification Matrix

Shoreline Modification	Shoreline Environment Designations					
	Natural <sup>2</sup>	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater <sup>2</sup>
Breakwaters, jetties, groins, and weirs (Section 7.9.5)	X	C – only for groins in Gig Harbor Bay	C – only for groins in Gig Harbor Bay	C - groins only	C-groins only	C: groins only
Clearing and Grading (Section 7.3)	P - only for: 1) activities associated with shoreline restoration; 2) public access improvement with conditions and, 3) in association with an approved shoreline development	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	P - only in association with an approved shoreline development	N/A
Dredging and Dredge Material Disposal (Section 7.4)	P – dredging at entrance to Gig Harbor Bay and to maintain navigational channel P – dredging for shoreline restoration purposes P – dredge disposal for restoration, remediation and water-dependent utilities	P - for shoreline restoration purposes and stream culvert maintenance only	P - at entrance to Gig Harbor Bay and to maintain navigational channel; P - for shoreline restoration purposes; P- for maintaining location, depth, and width in previously dredged areas as authorized under this program.	P	P	P

Shoreline Modification	Shoreline Environment Designations					
	Natural <sup>2</sup>	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater <sup>2</sup>
Dune modification	N/A	N/A	N/A	N/A	N/A	N/A
Fill and excavation (upland areas) (Section 7.5)	P -1) activities associated with shoreline restoration, 2) public access improvements and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements and 3) for allowed shoreline use	P -1) activities associated with shoreline restoration, 2) public access improvements and 3) for allowed shoreline use	N/A
Fill (waterward of OHWM) (Section 7.5)	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>	P - for activities associated with shoreline restoration and City utility activities <sup>1</sup>
In-stream Structures (Section 7.6)	P-only as part of City of Gig Harbor surface water management activities	P - only as part of fishery and fish habitat enhancement and City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P- only as part of City of Gig Harbor surface water management activities	P-only as part of City of Gig Harbor surface water management activities
Public Art (Section 7.22) <sup>3</sup>	X	P	P	P	P	X

<i><b>Shoreline Modification</b></i>	<i><b>Shoreline Environment Designations</b></i>					
	<i><b>Natural<sup>2</sup></b></i>	<i><b>Urban Conservancy</b></i>	<i><b>Low Intensity</b></i>	<i><b>City Waterfront</b></i>	<i><b>Historic Working Waterfront</b></i>	<i><b>Marine Deepwater<sup>2</sup></b></i>
Pedestrian Beach Access Structures (paths, stairs) (Section 7.7)	X: Private beach access structures are prohibited. See subsection 7.7.2 regarding public beach access structures	P - public or joint-use/shared access C - private access	P - public or joint-use/shared access C - private access	P	P	X
Shoreline Habitat and Natural Systems Restoration and Enhancement Projects, Environmental Remediation (Section 7.8)	P	P	P	P	P	P

Shoreline Modification	Shoreline Environment Designations					
	Natural <sup>2</sup>	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater <sup>2</sup>
Shoreline Stabilization (Bulkheads and Revetments) (Section 7.9.2 & 7.9.4)	X	<b>All waterbodies:</b> P - normal maintenance of existing shoreline stabilization  <b>Colvos Passage:</b> P - replacement or rehabilitation of existing shoreline stabilization; C - new shoreline stabilization along Colvos Passage.  <b>Gig Harbor Bay and Henderson Bay:</b> P - soft-shore stabilization; X - hard shoreline armoring.	P - normal maintenance of existing shoreline stabilization.  P - soft-shore stabilization  C - hard shoreline armoring	P - normal maintenance of existing shoreline stabilization.  P - soft-shore stabilization  C - hard shoreline armoring	P - normal maintenance of existing shoreline stabilization.  P - soft-shore stabilization  C - hard shoreline armoring	X
Structural flood hazard reduction (dikes and levees) (Chapter 6, Section 6.3)	P-municipal surface water management activities  C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities  C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities  C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities  C-structural & non-structural flood hazard reduction measures	P-municipal surface water management activities  C-structural & non-structural flood hazard reduction measures	N/A

<sup>1</sup>City utility activities are limited to: fill associated with City owned piped utilities, the maintenance of City owned piped utilities, stormwater pipe outfalls that feature flow energy dissipaters, and the maintenance of existing shoreline stormwater pipe outfall energy dissipaters.

<sup>2</sup>Modifications not specifically permitted or conditionally permitted are prohibited.

<sup>3</sup>Public art is permitted only on City-owned lots or the public right-of-way.

Table 7-2. Shoreline Use Matrix

Shoreline Use	Shoreline Environment Designations						
	Natural <sup>5</sup>	Urban Conservancy	Low Intensity	City Waterfront	Historic Working Waterfront	Marine Deepwater <sup>5</sup>	
Agriculture	X	X	X	X	X	X	
Aquaculture (Section 7.10)							
Method Type <sup>1</sup>	Fish hatcheries & net pens/finfish	X: net pens/finfish	P: Donkey Creek for fish hatchery facilities only C: Colvos Passage X: net pens/finfish-Gig Harbor Bay & Henderson Bay	C: net pens/finfish –Colvos Passage & Tacoma Narrows X: net pens/finfish-Gig Harbor Bay & Henderson Bay	X: net pens/finfish	X net pens/finfish	C: net pens/finfish – Colvos Passage & Tacoma Narrows X: net pens/finfish-Gig Harbor Bay & Henderson Bay
	Bottom Culture: on-bed and on-cultch.	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay,	X	X	C: Henderson Bay, Colvos Passage, & Tacoma Narrows X: Gig Harbor Bay
	Bag, Rack & Bag, Stake, and Long-line	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay
	Floating Culture: mussel rafts	X	C: Henderson Bay & Colvos Passage	C: Henderson Bay, Colvos Passage & Tacoma Narrows	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay

<b>Shoreline Use</b>	<i>Shoreline Environment Designations</i>					
	<i>Natural<sup>5</sup></i>	<i>Urban Conservancy</i>	<i>Low Intensity</i>	<i>City Waterfront</i>	<i>Historic Working Waterfront</i>	<i>Marine Deepwater<sup>5</sup></i>
Hydraulic Harvest Methods <sup>2</sup>	X	C: Henderson Bay & Colvos Passage X: Gig Harbor Bay	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay	X	X	C: Henderson Bay, Colvos Passage & Tacoma Narrows X: Gig Harbor Bay
Boat Launch Facilities, Private (Section 7.11)	X	P - hand launch only. Concrete ramps prohibited.	P - hand launch only. Concrete ramps prohibited.	P - hand launch only. Concrete ramps prohibited.	P - hand launch only. Concrete ramps prohibited.	X
Boat Launch Facilities, Public (Section 7.11)	X	P - hand launch only. Ramp made of rails or graded slope only. Concrete and planks prohibited.	P - hand launch or licensed trailer. Ramp made with concrete, rails or graded slope.	P - hand launch or licensed trailer. Ramp made of concrete, planks, rails or graded slope.	P - hand launch or licensed trailer. Ramp made of concrete, planks, rails or graded slope.	P - hand launch or licensed trailer. Ramp made of concrete, planks, rails or graded slope
Boating, Marinas, and Marine Fueling: Piers, Docks and Moorage (Section 7.11)						

<b>Shoreline Use</b>		<i>Shoreline Environment Designations</i>					
		<i>Natural<sup>5</sup></i>	<i>Urban Conservancy</i>	<i>Low Intensity</i>	<i>City Waterfront</i>	<i>Historic Working Waterfront</i>	<i>Marine Deepwater<sup>5</sup></i>
Boating Use Types	Non-Residential & Non-Single-Family Residential (Section 7.11)	X	X	P	P	P	P
	Single-Family Residential (Section 7.11)	X	P	P	P	P	P
Commercial Uses (Section 7.12)		X	P - water-oriented and non-water oriented uses landward of OHWM <sup>3</sup> P - water-dependent uses waterward of OHWM  X - non-water oriented, water-related and water-enjoyment uses waterward of OHWM	P - water-oriented and non-water oriented uses landward of OHWM <sup>3</sup>  P - water-dependent uses waterward of OHWM	P - water-oriented and non-water-oriented uses landward of OHWM  P - water-dependent uses waterward of OHWM	P - water-oriented and non-water-oriented uses landward of OHWM  P - water-dependent uses waterward of OHWM	X

<b>Shoreline Use</b>	<i>Shoreline Environment Designations</i>					
	<b>Natural<sup>5</sup></b>	<b>Urban Conservancy</b>	<b>Low Intensity</b>	<b>City Waterfront</b>	<b>Historic Working Waterfront</b>	<b>Marine Deepwater<sup>5</sup></b>
Commercial Uses (Section 7.12)			waterward of OHWM  X: Non-water-oriented, water-related & water-enjoyment uses waterward of OHWM	C - water-related and water-enjoyment uses waterward of OHWM only in existing structures  C –Water-related and water-enjoyment uses on deck structures located waterward of the OHWM C – non-water oriented uses waterward of the OHWM in existing structures	C – water-related and water enjoyment uses waterward of OHWM only in existing structures  C - non-water oriented uses waterward of the OHWM in existing structures for those properties listed on the City's Register of Historic Places	
Commercial Fishing – Sales and Services (Section 7.13)	X	X	X	P	P	P
Commercial Fishing Moorage (Section 7.11.11)	X	P	P	P	P	P

<b>Shoreline Use</b>		<i>Shoreline Environment Designations</i>					
		<b>Natural<sup>5</sup></b>	<b>Urban Conservancy</b>	<b>Low Intensity</b>	<b>City Waterfront</b>	<b>Historic Working Waterfront</b>	<b>Marine Deepwater<sup>5</sup></b>
Educational facilities (Scientific, historical, cultural, educational research uses) (Section 7.14)		X	P	P	P	P	X
Forest Practices		X	X	X	X	X	X
Industrial Development (Section 7.15)							
<b>Industrial Use Types</b>	Industrial, Levels 1 & 2	X	X	X	X	X	X
	Marine boat sales, levels 1 & 2	X	X	X	P	P	X
	Marine sales and service		X	X	P	P	X
	Marine Industrial	X	X	X	P	P	P
Mining		X	X	X	X	X	X
Net sheds, historic <sup>4</sup> (Section 7.16)		X	X	P	P	P	X
Parking, Principal Use (Section 7.20)		X	X	X	C	X	X
Permanent Solid Waste Storage or Transfer Facilities		X	X	X	X	X	X
Railroads		X	X	X	X	X	X

<b>Shoreline Use</b>	<i>Shoreline Environment Designations</i>					
	<b>Natural<sup>5</sup></b>	<b>Urban Conservancy</b>	<b>Low Intensity</b>	<b>City Waterfront</b>	<b>Historic Working Waterfront</b>	<b>Marine Deepwater<sup>5</sup></b>
Recreation (Section 7.17)	P - limited to low intensity, passive uses  X - non-water oriented recreation uses	P - only low intensity, passive uses	P - water-dependent uses waterward of OHWM  P - water-oriented uses landward of OHWM  X - non-water-dependent uses waterward of OHWM	P - water-oriented uses	P - water-oriented uses	P - water-oriented uses
Residential Development (Section 7.18)	P - remodels and additions  C - new development  X - new development waterward of OHWM	P  X - new development waterward of OHWM	P  X - new development waterward of OHWM	P  X - new development waterward of OHWM	P  X - new development waterward of OHWM	X
Signs and Outdoor Advertising (Section 7.19)	P - educational/interpretive/or wayfinding only	P	P	P	P	X <sup>6</sup>

<b>Shoreline Use</b>	<i>Shoreline Environment Designations</i>					
	<i>Natural</i> <sup>5</sup>	<i>Urban Conservancy</i>	<i>Low Intensity</i>	<i>City Waterfront</i>	<i>Historic Working Waterfront</i>	<i>Marine Deepwater</i> <sup>6</sup>
Transportation Facilities (Roads, Bridges, Parking) (Section 7.20)	X	C	P	P	P	X
Utilities (Section 7.21)	P - underground facilities and utilities accessory to a primary permitted use C – above ground facilities	P - underground facilities P - if accessory to primary permitted use C – above ground facilities	P – above ground and underground and water-dependent facilities P – if accessory to primary permitted use	P – above ground and underground and water-dependent facilities P – if accessory to primary permitted use	P – above ground and underground and water-dependent facilities P – if accessory to primary permitted use	P - underwater or underground facilities P – if accessory to primary permitted use
Unclassified Uses	C	C	C	C	C	C

1 Any method involving vehicles upon the shoreline, whether for access or harvest, shall be prohibited within the Natural Environment

2 Hydraulic harvest utilizing water jets should use low-pressure jets with an inside tip diameter of 5/8 inch or less. The jets shall be hand held and under the control of the operator and nozzle pressure should be limited to 100 psi, measured at the pump.

3 Refer to subsection 7.12.2 for limitations on commercial development within the Urban Conservancy and Low Intensity SED's

4 See section 7.16 for additional requirements that apply to historic net sheds

5 Uses not specifically permitted or conditionally permitted are prohibited.

6 See subsection 7.19.2.5 for allowable signs in the Marine Deepwater SED

## 7.1.2 Bulk and Dimensional Standards

Table 7-3 establishes side and rear property tideland and aquatic lease line setback standards for boating facilities, maximum impervious lot coverage, maximum building height, and maximum densities by shoreline environment designation.

**Table 7-1. Bulk Dimensional Standards Matrix \***

\*See GHMC Title 17 for applicable zoning districts in Gig Harbor city limits and Title 18A Pierce County Development Regulations – Zoning for applicable zoning districts in Gig Harbor’s urban growth areas

<b>Waterbody</b>	<b>Setback for Boating Facilities<sup>1</sup></b>	<b>Maximum Impervious Lot Coverage</b>	<b>Maximum Building Height</b>	<b>Maximum Dwelling Units per Acre<sup>5</sup></b>
<b><i>City Waterfront</i></b>				
Gig Harbor Bay	12 feet	Single-Family: 50% <5 units: 55% Nonresidential: 70%	16-27 feet <sup>2</sup>	4 du/ac
<b><i>Historic Working Waterfront</i></b>				
Gig Harbor Bay	12 feet	Single-Family: 50% <5 units: 55% Nonresidential: 70%	16-27 feet <sup>2</sup>	4 du/ac
<b><i>Low Intensity</i></b>				
Gig Harbor Bay		40%	18 feet <sup>2</sup>	4 du/ac
Tacoma Narrows North (south line of City Waterfront designation south to Old Ferry landing- south line of parcel #0221085019)		Single-family: 40% Duplex: 45% Nonresidential: 50%	18 feet historic district <sup>2</sup>	4 du/ac
Tacoma Narrows South (south line of parcel #0221085019 to south line parcel #0221084059)		R-1 zoning district: 40% R-2 zoning district: 60%	16 feet in height restriction area <sup>3</sup> 18 feet in historic district <sup>2</sup> 35 feet in UGA <sup>4</sup>	4 du/ac in R-1 zoning district Minimum 4 du/ac, maximum 6 du/ac in R-2 zoning district

Waterbody	Setback for Boating Facilities <sup>1</sup>	Maximum Impervious Lot Coverage	Maximum Building Height	Maximum Dwelling Units per Acre <sup>5</sup>
Henderson Bay		40%	35 feet	4 du/ac
<b><i>Urban Conservancy</i></b>				
Gig Harbor Bay		Single-Family: 40%-Duplex: 45% Nonresidential: 50%	16 feet in height restriction area <sup>3</sup> 16-27 feet in historic district <sup>2</sup>	4 du/ac in R-1 and WR zoning districts 4 du/ac in C-1 zoning district <sup>6</sup>
Henderson Bay		40%	35 feet	4 du/ac in SF zoning district
<b><i>Natural</i></b>				
Gig Harbor Spit	N/A	40%	35 feet	4 du/ac
Tacoma Narrows		40%	16 feet in city limits <sup>3</sup> & 35 feet in UGA	4 du/ac
<b><i>Marine Deepwater</i></b>				
Gig Harbor Bay			Per adjacent upland designation height limit	N/A
Tacoma Narrows				
Henderson Bay				

<sup>1</sup> See Section 7.11.4, Regulation #2.

<sup>2</sup> See specific height allowed per zoning district. Also, see GHMC 17.99.510.A & B building massing and height – Historic District

<sup>3</sup> See GHMC 17.99.370.D

<sup>4</sup> See GHMC Chapter 17.05-Density in Residential Zones

<sup>5</sup> See GHMC Chapter 17.05-Density in Residential Zones

<sup>6</sup> See GHMC Subsections 17.40.065 and 17.50.040.H for C-1 District residential density requirement

# Prohibited and Allowed Modifications and Uses

---

## 7.2.1 Prohibited

The following modifications and uses are prohibited in all shoreline environments. See Chapter 2 for definitions of the following modifications and uses:

- 1) Agriculture
- 2) Forest Practices
- 3) Mining
- 4) Parking as a Principal Use
- 5) Permanent Solid Waste Storage or Transfer Facilities
- 6) Railroads

## 7.2.2 Allowed Modifications and Uses

The following sections provide policies and regulations for shoreline modifications and uses allowed in one or more shoreline environments.

Shoreline modifications are generally related to construction of a physical element such as a bulkhead or pier at or near the water's edge or extending into and over the water. Other shoreline modification actions include dredging, filling, or vegetation clearing in the shoreline jurisdiction. Modifications are usually undertaken in support of or in preparation for an allowed shoreline use or development.

Shoreline uses are developments or activities that are located in a shoreline jurisdiction, such as marinas, parks, homes, and businesses.

Each proposed development within the Shoreline Master Program's jurisdiction will be evaluated to determine its conformance with the modification and use activity policies and regulations, as well as the Shoreline Management Element goals and policies, the SMA, and the SMP. Uses and activities that are exempt from the requirement to obtain a Shoreline Substantial Development Permit (see Chapter 8, Administrative Procedures) must be consistent with the policies and regulations of the SMP. All shoreline development, modifications and uses must also comply with policies and regulations in Chapter 6 of the SMP.

## **7.3 Clearing and Grading**

---

It is the goal of the City of Gig Harbor to limit clearing and grading activities to the minimum necessary and only as part of allowed shoreline developments.

### **7.3.1 Policies**

#### **A. Clearing and grading as part of allowed use**

Clearing and grading activities should only be allowed as part of an allowed shoreline development, use or shoreline restoration activity.

### **7.3.2 Regulations**

- 1) Clearing and grading activities shall only be allowed in association with an allowed shoreline development, use or restoration activity and in accordance with GHMC Chapters 14.20, Stormwater Management, 14.40 Grading and 17.94 Land Clearing.
- 2) Clearing and grading activities shall be limited to the minimum necessary for the intended development, including any clearing and grading approved as part of a landscape plan pursuant to GHMC 17.78 and 17.99.240.
- 3) Clearing and grading activities shall adhere to a prepared schedule and mitigation plan as approved by the Administrator. This schedule and mitigation plan shall include, but not be limited to, limits of clearing and grading activities and the design, implementation, maintenance, and monitoring of mitigation requirements to prevent erosion, siltation, and destruction of vegetation.
- 4) With the exception of City Public Works Department emergency repair of essential utilities and transportation facilities, all grading shall be completed or stabilized by October 31st of each year unless the proponent provides technical analysis that demonstrates to the satisfaction of the Administrator that no harm to the shoreline environment or safety problems would result from grading between October 31st and April 1st.
- 5) Between October 31st and April 1st, clearing may be conducted provided the areas to be cleared are identified when leaf is present.

## 7.4 Dredging and Dredge Material Disposal

---

It is the goal of the City of Gig Harbor to limit dredging activities to the maintenance of navigability for watercraft in Gig Harbor Bay, new marina development, utility development, water-dependent industries, public access, and for ecological restoration, enhancement projects and environmental remediation.

### 7.4.1 Policies

#### A. Dredging in navigation channels and basins

Dredging for the purpose of maintaining navigation channels and basins should be allowed where necessary for assuring safe and efficient accommodation of existing navigational uses and then only when significant ecological impacts are minimized and when mitigation is provided. Maintenance dredging of established navigation channels, such as the entrance to Gig Harbor Bay, and basins, should be restricted to maintaining previously dredged and/or existing authorized location, depth and width.

#### B. Bottom materials

Prohibit dredging of bottom materials for the primary purpose of obtaining material for landfill or construction.

#### C. Restoration or enhancement

Allow minor dredging to facilitate ecological restoration, enhancement or environmental remediation if the proposed activity is consistent with this Program.

#### D. Dredge disposal

Discourage dredge material disposal in water bodies or on shorelands, except as part of a shoreline restoration or habitat improvement project. Where open-water dredge disposal is necessary, it should go through the Puget Sound Dredged Material Management Program process.

## E. Ecological impacts

Dredging and dredge material disposal should be done in a manner which avoids or minimizes significant ecological impacts. Where impacts cannot be avoided, mitigation measures are required that result in no net loss of shoreline ecological functions.

### **7.4.2 Regulations - Dredging**

- 1) Dredging for the primary purpose of obtaining material for landfill, upland construction, or beach nourishment shall be prohibited.
- 2) Maintenance dredging of established navigation channels and basins shall be restricted to maintaining location, depth, and width previously authorized under this program.
- 3) Proponents of new development shall locate and design such development to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging.
- 4) The City may permit dredging only when the project proponent demonstrates the activity is consistent with this Program and that there are no feasible alternatives to dredging.
- 5) Dredging shall only be allowed when necessary to support the following uses and developments:
  - a) Approved marinas and water-dependent industries;
  - b) Development or maintenance of essential public infrastructure and facilities;
  - c) Environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act;
  - d) Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
  - e) Maintenance dredging for the purpose of restoring a lawfully established use or development;

- f) Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
  - g) Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
  - h) Public access and public water-oriented recreational developments/uses, including construction of public piers and docks that benefit substantial numbers of people.
- 6) When conducting reviews of dredging proposals, the City shall first consider how the proposed activity has been regulated by other agencies, and then establish what further information is needed for local review. The City may require information to ensure:
- a) The project is designed, located, and timed to mitigate impacts on legally established neighboring uses and developments; and
  - b) Appropriate measures are taken to ensure the activity will not interfere with fishing or shellfishing; and
  - c) Appropriate measures are taken to minimize adverse effects on recreation, public access, and navigation; and
  - d) The activity shall not adversely impact natural processes such as marine bluff erosion and/or net-shoreline drift; and
  - e) Appropriate best management practices are employed to prevent water quality impacts or other forms of environmental degradation; and
  - f) Appropriate measures are employed to protect public safety and prevent adverse impacts on other approved shoreline uses; and
  - g) The proposed activity complies with applicable federal, state, and other local regulations.

### **7.4.3 Regulations – Dredging Disposal**

- 1) The City may permit disposal of dredge material only when the project proponent demonstrates the activity is consistent with this Program.
- 2) When dredge material is deposited on land it shall be considered fill and subject to all applicable fill regulations.

- 3) All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Material Management Program (DMMP) for the interagency program that oversees the marine disposal of dredge material (formerly known as PSDDA) criteria and guidelines and other applicable local, state and federal regulations.
- 4) When consistent with this Program, disposal of dredged materials in water areas other than sites authorized under the DMMP may only be allowed in approved locations for the following reasons:
  - a) To restore or enhance habitat; or
  - b) To reestablish substrates for fish and shellfish resources; or
  - c) To nourish beaches that are starved for sediment; or
  - d) To remediate contaminated sediments.
- 5) Proposals for dredged material disposal shall be evaluated for their potential to cause adverse environmental impacts. Dredged material disposal shall be permitted only when the proponent demonstrates all of the following:
  - a) The proposed action will not cause significant and/or ongoing damage to water quality, fish, shellfish and/or other biological resources; and
  - b) The proposed action will not adversely alter natural drainage, water circulation, sediment transport, currents, or tidal flows or significantly reduce floodwater storage capacities; and
  - c) The proposed action includes all feasible mitigation measures to protect marine, estuarine, freshwater and terrestrial species and habitats.

## 7.5 Fill & Excavation

---

It is the goal of the City of Gig Harbor to avoid fill and excavation activities along the shoreline, except when necessary to accommodate an approved shoreline use or development, or when associated with enhancement or restoration of shoreline habitat and landforms

### 7.5.1 Policies

#### A. Location, design and construction

Design and implement approved fill or excavation actions to avoid or minimize impacts to ecological functions and processes. In evaluating projects requiring fill or excavation, such factors as water quality, hydrologic and runoff patterns, navigation restriction, and habitat preservation should be considered.

#### B. Shoreline stabilization

Prohibit fill activity that would result in a subsequent need for armoring, riprap, or other hard shoreline stabilization structures to maintain the fill, with the exception of stormwater pipe outfalls that feature flow energy dissipaters and the maintenance of existing shoreline stormwater outfall energy dissipaters.

#### C. Erosion and sedimentation

Design and manage fill and excavation activities to avoid or eliminate erosion and sedimentation impacts, both during construction and over time.

#### D. Fill waterward of the OHWM

Fill placed waterward of the OHWM should only be allowed to facilitate restoration, environmental remediation projects, water-dependent uses, public access, fill associated with City owned piped utilities, the maintenance of City owned piped utilities, stormwater pipe outfalls that feature flow energy dissipaters, and the maintenance of existing shoreline stormwater outfall energy dissipaters.

#### E. Fill limited

Where permitted, fill should be the minimum necessary to provide for the proposed use and should be permitted only when tied to a specific development proposal that is permitted by the Shoreline Master Program.

## 7.5.2 Regulations

- 1) Fill shall be minimized to the maximum extent practicable and allowed only along with approved shoreline use and development activities that are consistent with this Program.
- 2) Fill waterward of the ordinary high water mark shall be permitted for ecological restoration or enhancement such as beach nourishment, habitat creation, or bank restoration when consistent with an approved restoration plan.
- 3) Fill waterward of the ordinary high water mark shall be permitted when associated with City owned piped utilities, maintenance of City owned piped utilities, stormwater pipe outfalls that feature flow energy dissipaters, and maintenance of existing shoreline stormwater pipe outfall energy dissipaters.
- 4) Fill waterward of the ordinary high water mark is allowed as a conditional use for water-dependent uses and public access in all shoreline environment designations except for Natural.
- 5) Fill shall not be located where shore stabilization will be necessary to protect materials placed or removed with the exception of stormwater pipe outfalls that feature flow energy dissipaters and the maintenance of existing shoreline stormwater outfall energy dissipaters. Disturbed areas shall be immediately stabilized and revegetated, as applicable.
- 6) Fills, beach nourishment and excavation shall be designed to blend physically and visually with existing topography whenever possible, so as not to interfere with long term appropriate use including lawful access and enjoyment of scenery.
- 7) A temporary erosion and sediment control (TESC) plan shall be provided for all proposed fill activities.

## 7.6 In-stream Structures

---

It is the goal of the City of Gig Harbor to limit in-stream structures to projects for fish habitat enhancement and surface water management.

### 7.6.1 Policies

#### A. Fish habitat and surface water management

In-stream structures should only be allowed as part of fish habitat enhancement projects and as part of the City of Gig Harbor surface water management activities.

### 7.6.2 Regulations

- 1) In-stream structures shall only be allowed as part of fishery and fish habitat enhancement projects, and as part of City of Gig Harbor surface water management activities. Surface water management activities shall include the operation, repair, maintenance, improvement, replacement and reconstruction of existing storm drainage facilities; and the construction of new storm drainage facilities. In all instances, in-stream structures shall provide for the protection and preservation of ecosystem-wide processes and ecological functions.
- 2) Construction of an in-stream structure may not commence until the proponent obtains all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife.

## 7.7 Pedestrian Beach Access Structures

---

It is the goal of the City of Gig Harbor to allow pedestrian beach access structures in a manner that avoids risks to human health and safety and minimizes adverse effects on shoreline functions and processes.

### 7.7.1 Policies

#### A. Location and configuration

Beach access structures should conform to the existing topography, minimize adverse impacts on shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible. Beach access structures should not be allowed if there is a reasonable likelihood that they will require erosion control structures or armoring in the future.

#### B. Public access and shared use

Structures that provide public access to the beach or shoreline should be allowed. Private beach access structures serving only one property should be limited. Neighboring property owners are encouraged to combine resources to collectively propose beach access structures in appropriate locations for shared use.

#### C. Protection of resources and neighboring properties

Beach access structures should not be permitted until effects on marine shoreline functions and processes, including any significant adverse effects on adjoining lands and properties, are fully evaluated and a mitigation plan approved. The City should not permit these structures in areas where there are potential risks to human health and safety or adverse effects on shoreline functions and processes.

### 7.7.2 Regulations

- 1) Private beach access structures are prohibited in the Natural shoreline environment designation. Publicly-owned structures are allowed subject to consistency with the regulations set forth in this section and subsection 6.2.4.8.
- 2) Beach access structures shall only be allowed where it provides access to a publicly-owned beach or the same party owns both the uplands and adjoining tidelands or an easement is granted by the tideland owner to the upland owner for access.

- 3) Beach access structures that are shared by adjacent property owners are preferred over individual structures. In such cases, the structure may be located within a regulated setback area or upon a shared property line provided a covenant that addresses the location and shared use of the structure is executed between parties, recorded with the Pierce County Auditor and submitted to the City.
- 4) When allowed, beach access structures may be located within the shoreline buffer or required setback area, provided that:
  - a) The width of any walkway or staircase shall not exceed five (5) feet.
  - b) Structures shall follow the existing topography to the maximum extent possible.
  - c) The width and number of beach access structures allowed on any site shall be subject to the requirements of subsection 6.2.4.8.
  - d) Stairs or other permitted pedestrian access structures may be recessed into a bulkhead but shall not extend waterward of the OHWM. Existing lawfully constructed nonconforming beach access structures may be repaired or replaced in kind as a nonconforming use as consistent with other provisions of this Program.
- 5) New beach access structures shall be prohibited if any of the following apply:
  - a) The structure would adversely impact a critical area or marine feeder bluff, or increase landslide or erosion hazards; or
  - b) The structure is likely to interfere with natural erosion and accretion processes; or
  - c) The bank slope where the structure is placed is likely to require shoreline stabilization/shoreline defense works in the future; or
  - d) Substantial bank or slope modification is required.
- 6) Prior to approving a permit for a beach access structure, the City shall require the project proponent to demonstrate that the project is consistent with the Program, including Section 6.2.5. Information to be provided by the proponent will include, but not be limited to:
  - a) Existing conditions at the site related to erosion, slope stability, drainage, vegetation, and coastal processes; and

- b) Probable effects of the access structure on the stability of the site over time; and
  - c) Potential effects of the access structure on shoreline processes such as net-shoreline drift, sediment transport, mass wasting, and erosion; and
  - d) Methods for maintaining the structure over time that will preclude the need for a bulkhead or other type of stabilization in the future; and
  - e) Potential effects on fish and wildlife habitats and other shoreline ecological functions; and
  - f) Measures needed to ensure/maintain slope stability, maintain coastal processes, and prevent erosion in the long term.
- 7) The City may require proposals for pedestrian beach access structures to include geotechnical analysis prepared by a licensed professional engineer or geologist and/or biological analysis prepared by a qualified biologist.

## **7.8 Shoreline Habitat and Natural Systems Enhancement Projects**

---

It is the goal of the City of Gig Harbor to encourage shoreline habitat and natural systems enhancement projects found to be consistent with the City's Shoreline Restoration Plan.

### **7.8.1 Policies**

#### **A. Identified restoration needs**

All proposed shoreline habitat and natural systems enhancement projects should assure that the activities associated with each project address legitimate restoration needs and priorities and facilitate implementation of the Restoration Plan developed with this Shoreline Master Program pursuant to WAC 173-26-201(2)(f).

### **7.8.2 Regulations**

- 1) All shoreline habitat and natural systems enhancement projects shall be developed consistent with the applicable provisions of the City's Shoreline Restoration Plan.
- 2) A shoreline habitat or natural systems enhancement project involving environmental remediation activities shall not harm human health or the environment. Cleanup methods shall not have significant negative impacts on adjacent and existing land uses in the area.
- 3) Where possible, habitat improvement projects shall be protected through a recorded easement, covenant, or other restriction that runs with the land.
- 4) Habitat improvements shall use an ecosystem, or landscape approach, integrate projects into their surrounding shoreline environments, and include means for species movement and use.

## 7.9 Shoreline Stabilization

---

It is the goal of the City of Gig Harbor to avoid or minimize the need for shoreline armoring along the City's shorelines.

### 7.9.1 Policies

#### A. Shoreline stabilization preference order

Use structural shoreline stabilization measures only when more natural, non-structural methods, such as vegetative stabilization, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference using Best Management Practices:

- 1) No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.
- 2) Flexible defense works constructed of natural materials including soft shore protection, bioengineering, beach nourishment, protective berms, or vegetative stabilization.
- 3) Failing structures may be replaced but not expanded if no other practical alternative exists.
- 4) Rigid works constructed of artificial materials such as riprap or concrete when alternative methods have been determined infeasible.
- 5) Larger works such as jetties, breakwaters, or groin systems should not be permitted unless no other practical alternatives exist.

#### B. Materials

Select materials for shoreline stabilization based on long term durability, ease of maintenance, compatibility with local shore features and habitat, aesthetic values, and flexibility for future uses.

#### C. New or expanding structural stabilization

Allow new or expanded structural shore stabilization, including bulkheads, only where it is demonstrated to be necessary to protect an existing primary structure that is in danger of loss or substantial damage, and where such structures and

structural stabilization would not cause a net loss of shoreline ecological functions and processes.

#### D. Coordination

Coordinate shore stabilization projects among affected property owners and public agencies for a shoreline reach where feasible to ensure ecological processes such as littoral drift and sediment transport, are understood and considered in the design of such projects.

#### E. Removal of shoreline stabilization

Where feasible, remove failing, harmful, unnecessary, or ineffective shore stabilization structures and replace with non-structural methods to restore shoreline ecological functions and processes.

#### F. Incentive programs

Develop incentive programs to encourage property owners to choose alternative, habitat friendly erosion control designs such as soft-shore protection to reduce adverse impacts of existing shore modifications (that may need maintenance or repair) or to remove unnecessary shore armoring where possible.

### **7.9.2 Regulations/Demonstration of Need – New, Expanded or Replaced Shoreline Stabilization Structures**

- 1) New bulkheads and expansions of existing bulkheads shall incorporate features that minimize adverse effects on nearshore habitat, salmon spawning and migration, and water quality. Such features shall include native vegetation, beach coves, incline gravel fill, large wood, rocks and other techniques that have been shown to mitigate the effects of bulkheads on shoreline ecology. ‘Green Shoreline’ approaches consistent with Army Corps of Engineers (ACOE) shoreline protection alternatives guidance (SPAG) or National Marine Fisheries Service (NMFS) standards should be utilized for the design of new or expanded bulkheads.
- 2) New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
  - a) To protect existing primary structures:

- i) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis that the structure is in danger from shoreline erosion caused by tidal action, currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Geotechnical analysis reports shall be prepared by a Washington State licensed engineer and/or a qualified coastal geologist as appropriate.
  - ii) The erosion control structure will not result in a net loss of shoreline ecological functions.
- b) In support of new non-water-dependent development, including single-family residences, when all of the conditions below apply:
- i) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
  - ii) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - iii) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as tidal action, currents, and waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Geotechnical analysis reports shall be prepared by a Washington State licensed engineer and/or a qualified coastal geologist as appropriate.
  - iv) The erosion control structure will not result in a net loss of shoreline ecological functions.
- c) In support of water-dependent development when all of the conditions below apply:
- i) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.

- ii) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - iii) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization. Geotechnical analysis reports shall be prepared by a Washington State licensed engineer and/or a qualified coastal geologist as appropriate.
  - iv) The erosion control structure will not result in a net loss of shoreline ecological functions.
- d) To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply:
- i) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
  - ii) The erosion control structure will not result in a net loss of shoreline ecological functions.
- 3) An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need to protect principal uses or structures from erosion caused by currents, tidal action, or waves.
- a) The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
  - b) Replacement walls or bulkheads shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there is overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization.
  - c) Where a net loss of ecological functions associated with critical saltwater habitats would occur by leaving the existing structure, remove it as part of the replacement measure.

- d) Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark.
  - e) For purposes of this section standards on shoreline stabilization measures, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing structure which can no longer adequately serve its purpose. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
- 4) Geotechnical reports pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when a report confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical report confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- 5) When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions.
- a) Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
  - b) Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.
  - c) Mitigate new erosion control measures, including replacement structures, on feeder bluffs or other actions that affect beach sediment-producing areas to avoid and, if that is not possible, to minimize adverse impacts to sediment conveyance systems.

- 6) For erosion or mass wasting due to upland conditions, see WAC 173-26-221 (2)(c)(ii).

### **7.9.3 Regulations - Subdivisions**

- 1) Subdivisions shall be designed to assure that future development of the established lots will not require structural shoreline stabilization. Use of a bulkhead or similar structure to protect a proposed new or reconfigured lot where no structure presently exists shall be prohibited.

### **7.9.4 Regulations – Construction Standards for Shoreline Stabilization Structures**

- 1) Shoreline stabilization shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation.
- 2) Stairs or other permitted pedestrian access structures may be recessed into a bulkhead but shall not extend waterward of the OHWM.
- 3) Gabions shall not be used to stabilize shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.
- 4) When allowed pursuant to the provisions of this Program, structural shoreline stabilization must meet all of the following requirements:
  - a) The impacts can be mitigated in accordance with the mitigation sequencing prescribed by Section 6.2.2, Regulation #3 such that there is no net loss of shoreline ecological functions or processes; and
  - b) The size of shoreline stabilization structure shall be limited to the minimum necessary to protect the primary structure/use. Shoreline stabilization shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable state and federal laws; and
  - c) The shoreline stabilization shall be constructed and maintained in a manner that does not degrade the quality of affected waters; and

- d) No motor vehicles, appliances, similar structures nor parts thereof, nor structure demolition debris, nor any other solid waste shall be used for shoreline stabilization.

## **7.9.5 Regulations – Jetties, Breakwaters, Groat Systems**

- 1) Jetties and breakwaters are prohibited in all environment designations. Groat systems are conditionally allowed when they are an integral component of a professionally designed harbor, marina, or port. Where permitted, grot structures shall be designed in a manner to allow fish passage and minimize impacts to the aquatic environment. Defense works that substantially reduce or block littoral drift and cause erosion of downdrift shores, shall not be allowed unless an adequate long-term professionally engineered beach nourishment program is established and maintained.

## **7.10 Aquaculture**

---

It is the goal of the City of Gig Harbor to allow aquaculture, as a preferred use, in areas where adverse environmental impacts can be avoided or minimized.

### **7.10.1 Policies**

#### **A. Aquaculture as a water-dependent use**

Aquaculture is a water-dependent use and, when consistent with control of pollution and avoidance of adverse impacts to the environment and preservation of habitat for resident native species, is an accepted use of the shoreline.

#### **B. No net loss**

Development of aquaculture facilities and associated activities should assure no net loss to shoreline ecological functions or processes. Aquaculture facilities should be designed and located so as not to spread disease to native aquatic life, establish new non-native species which cause significant ecological impacts, or significantly impact the aesthetic qualities of the shoreline.

#### **C. Types of aquaculture**

The City should support aquaculture uses and developments that:

- 1) Protect and improve water quality; and
- 2) Avoid and minimize damage to important nearshore habitats; and
- 3) Minimize interference with navigation and normal public use of surface waters; and
- 4) Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, and substrate disturbance/modification (including rate, frequency and spatial extent).

#### **D. Location**

Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse impacts to shoreline ecological functions. Individual aquaculture uses and

developments should be separated by sufficient distance to ensure that significant adverse cumulative effects do not occur.

## 7.10.2 Regulations - General

- 1) Commercial shellfish and net pen/finfish aquaculture is prohibited in Gig Harbor Bay, including the City's Urban Growth Area within the Bay. Net pen/finfish aquaculture is prohibited in the Henderson Bay Urban Conservancy shoreline environment designation, the Henderson Bay Low Intensity designation, the Natural designation and the Henderson Bay Marine Deepwater designation. Fish hatchery facilities are a permitted use in the Urban Conservancy shoreline environment within Donkey Creek. In all other instances, commercial aquaculture shall be a conditional use activity.
- 2) When a shoreline permit is issued for new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. If the initial approval is a Shoreline Substantial Development Permit, it shall be valid for a period of five (5) years with a possible one-year extension. If the initial approval is a Conditional Use Permit, it shall be valid for the period specified in the permit.
- 3) Ongoing maintenance, harvest, replanting, restocking or cultivating in any existing or permitted aquaculture operation shall not require a new permit unless or until:
  - a) The physical extent of the facility or farm is expanded by more than twenty-five percent (25%) or more than twenty-five percent (25%) of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this Program or any amendment thereto. If the amount of expansion or change in cultivation method exceeds twenty-five percent (25%) in any ten year period, the entire operation shall be considered new aquaculture and shall be subject to the applicable permit requirements of this section;
- 4) Aquaculture uses and activities involving hatching, seeding, planting, cultivating, raising and/or harvesting of planted or naturally occurring shellfish shall not be considered development as defined in Chapter 2 of the Program, and shall not require a Shoreline Substantial Development Permit, unless:
  - a) The activity substantially interferes with normal public use of surface waters; or
  - b) The activity involves placement of any structures defined in Chapter 2; or

- c) The activity involves dredging using mechanical equipment such as clamshell, dipper, or scraper; or
  - d) The activity involves filling of tidelands or bedlands.
- 5) The City shall assess the potential for interference described in 7.10.2.4.a above on a case by case basis. All proposed new aquaculture uses or developments shall submit a Joint Aquatic Resource Permit Application (JARPA) and a SEPA checklist to enable assessment by the City. Activities shall not be considered to substantially interfere with normal public use of surface waters unless:
- a) They occur in, adjacent to or in the immediate vicinity of public waters including public tidelands; and
  - b) They involve the use of floating ropes, markers, barges, floats, or similar apparatus on a regular basis and in a manner that substantially obstructs public access, or passage from public facilities such as parks or boat ramps; or they exclude the public from more than one acre of surface water on an ongoing or permanent basis.
- 6) Aquaculture activities not listed in 7.10.2.4 and listed activities that fail to meet any of the criteria of 7.10.2.5 shall require a Shoreline Substantial Development and/or a Conditional Use Permit and shall be subject to the following regulations:
- a) Upland structures accessory to an aquaculture use that do not require a waterside location or have a functional relationship to the water shall be located landward of the required vegetation conservation strip or critical area buffer.
  - b) Upland structures accessory to an aquaculture use shall be screened from view from adjacent residential, commercial or recreational areas by fences, berms, and/or vegetative buffers.
  - c) Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.
  - d) Floating/hanging aquaculture structures and associated equipment shall not exceed six (6) feet in height above the water's surface. The Administrator may approve hoists and similar structures greater than six (6) feet when there's a clear demonstration of need. The six foot height limit shall not apply to vessels.

- e) Floating/hanging aquaculture structures and associated equipment, except navigational aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.
  - f) Reflected glare or direct light generated by aquaculture developments shall be minimized to the greatest extent possible. Lighting fixtures shall be designed and hooded to prevent the light source from being directly visible from outside the boundaries of the property.
  - g) The operators of aquaculture developments shall control odor through the proper storage and disposal of feed and other organic materials and by maintaining a clean operation, except that disposal of salmon carcasses may occur on site provided disposal complies with 7.10.2 Regulation #8. A specific plan for identifying and controlling odors shall be developed and approved as part of the Shoreline Substantial Development and/or Conditional Use Permit approval process.
  - h) Aquaculture that involves significant risk of cumulative adverse effects on water quality, sediment quality, benthic and pelagic organisms, and/or wild fish populations through potential contribution of antibiotic resistant bacteria, or escapement of nonnative species, or other adverse effects on ESA-listed species shall not be permitted.
  - i) Aquaculture use and development shall not materially interfere with navigation, or access to adjacent waterfront properties, public recreation areas, or tribal harvest areas. Mitigation shall be provided to offset such impacts where there is a high probability that adverse impact would occur. This provision shall not be interpreted to mean than an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland property owners.
  - j) Aquaculture use and development shall employ non-lethal, non-harmful measures to control birds and mammals. Control methods shall comply with existing federal and state regulations.-
- 7) Facilities that support fish hatcheries located on freshwater streams in Gig Harbor may be allowed.
- 8) Aquaculture wastes, including salmon carcasses, shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (RCW 90.48).

### 7.10.3 Regulations – Geoduck

- 1) Conditional use permit requirements for commercial geoduck aquaculture are as follows:
  - a) A conditional use permit is required for new commercial geoduck aquaculture and the conversion of an existing non-geoduck aquaculture operation to geoduck aquaculture.
  - b) All subsequent cycles of planting and harvest shall not require a new conditional use permit.
  - c) A single conditional use permit may be submitted for multiple sites within an inlet, bay or other defined feature, provided the sites are all under control of the same applicant and within the same shoreline permitting jurisdiction.
  - d) In addition to complying with the requirements of chapter 173-27 WAC, the application must contain:
    - i) A narrative description and timeline for all anticipated geoduck planting and harvesting activities. Documentation submitted to state and/or federal permit agencies for the proposal may be used to satisfy this requirement.
    - ii) A baseline ecological survey of the proposed site to allow consideration of the ecological effects associated with the proposal. Documentation submitted to state and/or federal permit agencies for the proposal may be used to satisfy this requirement.
    - iii) Measures to achieve no net loss of ecological functions consistent with the mitigation sequence described in WAC-173-26-201 (2)(e).
    - iv) Management practices that address impacts from mooring, parking, noise, lights, litter, and other activities associated with geoduck planting and harvesting operations.
  - e) On-site work is allowed during low tides, which may occur at night or on weekends. Measures to reduce impacts, from such sources as noise from equipment and glare from lighting, to adjacent existing uses shall be identified.
  - f) All commercial geoduck aquaculture operations authorized by conditional use permit shall be reviewed by the City after the first year of operation to confirm compliance with the terms and conditions of the permit. In

reviewing the permit, the City shall solicit comments from all parties of record to the approved conditional use permit.

- g) Conditional use permits shall be reviewed using the best scientific and technical information available.
- h) Best management practices to accomplish the intent of the limits and conditions.
- i) In order to avoid or limit impacts from geoduck aquaculture siting and operations and achieve no net loss of ecological functions, the following should be addressed:
  - i) The practice of placing nursery tanks or holding pools or other impervious materials directly on the intertidal sediments.
  - ii) Use of motorized vehicles, such as trucks, tractors and forklifts below the ordinary high water mark.
  - iii) Specific periods when limits on activities are necessary to protect priority habitats and associated species. The need for such measures should be identified in the baseline ecological survey conducted for the site.
  - iv) Alterations to the natural condition of the site, including significant removal of vegetation or rocks and regrading of the natural slope and sediments.
  - v) Installation of property corner markers that are visible at low tide during planting and harvesting.
  - vi) Mitigation measures such as buffers between commercial geoduck aquaculture and other fish and wildlife habitat conservation areas as necessary to ensure no net loss of ecological functions.
  - vii) Use of predator exclusion devices with minimal adverse ecological effects and requiring that they be removed and disposed of at an approved upland location as soon as they are no longer needed for predator exclusion.
  - viii) Use of the best available methods to minimize turbid runoff from the water jets used to harvest geoducks.
  - ix) Number of barges or vessels that can be moored or beached at the site as well as duration limits.

- x) Public rights to navigation over the surface of the water.
- xi) Good housekeeping practices at geoduck aquaculture sites, including worker training and regular removal of equipment, tools, extra materials, and all wastes.
- xii) Where the site contains existing public access to publicly owned lands, the City shall consider recommendations from the Department of Natural Resources regarding protection of the existing public access.

## **7.11 Boating and Marinas: Piers, Docks, and Moorage**

---

It is the goal of the City of Gig Harbor to allow and encourage uncovered moorage and docking facilities serving a variety of uses, including commercial fishing, visiting vessels, and water-oriented recreational opportunities. Facilities should be developed in a manner that retains open surface water area for low-speed watercraft circulation and preserves shoreline ecological functions.

### **7.11.1 General Policies**

#### **A. Avoidance of critical saltwater habitat**

New or expanded boating facilities and accessory uses should be clustered with similar facilities along the waterfront, to avoid impacts to critical saltwater habitat, the Donkey and Crescent Creek estuaries, and the stream mouth of McCormick Creek.

#### **B. Avoidance of coastal and nearshore processes**

Locate and design boating facilities to avoid adverse effects on coastal and nearshore processes such as erosion, sediment transport, and accretion (i.e., littoral drift).

#### **C. Navigation and recreational opportunities**

Locate and design boating facilities that do not obstruct navigable waters or create significant adverse effects to recreational opportunities.

#### **D. Provision of public access**

Design new boating facilities so as not to interfere with lawful public access to, or use of, shorelines. Boating facilities associated with commercial, industrial, residential subdivisions and multifamily housing should be encouraged to provide physical or visual public access to shorelines whenever safe and compatible with the primary use and shore features.

## **E. Single-family residential uses**

Allow single-family residences moorage as a water-dependent use provided that it is designed and used as a facility to access watercraft, and other moorage facilities are not available or feasible.

## **F. Community moorage**

Allow community moorage for large subdivisions, use by patrons of a public park or quasi-public recreation area, multifamily uses or as part of a mixed use development when public access is provided.

## **G. Joint moorage**

Whenever possible, encourage the use of joint moorage to serve the needs of single-family uses and minimize the number of overwater and floating structures.

## **H. Preferred types of moorage and boat launch ramps**

Mooring buoys, including buoy fields for small craft, are preferred over docks or floats. Shared moorage facilities are preferred over single-user moorage where feasible. Public boat launches are preferred over private launch facilities.

## **I. Location of buoys**

Prohibit mooring buoys where such installations will significantly interfere with navigation.

## **J. Size of piers and docks**

Restrict the size of piers and docks to the minimum necessary to meet the needs of the proposed use. The length, width and height of piers and docks should be no greater than that required for safety and practicality for the primary use to minimize adverse effects on ecological functions.

## **K. Pilings**

Replace existing piling with non-toxic materials, including but not limited to steel, concrete and non-toxic wood. The replacement of piling that support historic structures listed on the City's Register of Historic Places should be exempt from this provision. New piling should be made of non-toxic material approved by applicable state agencies.

## **L. Moorage design elements**

Encourage design elements that increase light penetration to the water below an existing or new boating facility, such as increasing the structure's height above the water; modifying orientation and size; and using grating as a surface material. No new covered moorage facilities should be allowed on or over the surface waters within the City of Gig Harbor or its UGA.

## **M. Marine fueling facilities**

Special attention should be given to the design and development of operational procedures for fuel handling and storage in order to minimize accidental spillage and provide satisfactory means for handling those spills that do occur.

## **7.11.2 Policies for Marinas**

### **A. Public access and enjoyment**

Marinas are water dependent uses and should contribute to public access and enjoyment of the waters of the state.

### **B. Upland marina uses**

Encourage upland uses at marinas to have water-related uses and water-enjoyment uses, or uses that provide physical or visual shoreline access to the general public.

### **C. Other water-dependent uses**

Marinas should be located, designed and operated so that other appropriate water-dependent uses are not adversely impacted.

### **D. Live-aboard vessels**

Protect shoreline resources and water quality from over use by boaters living on vessels (live-aboards). Restrict live-aboards to existing and new marinas with facilities to provide waste handling and other sanitary services.

### **7.11.3 Policies for Commercial Fishing Vessel Moorage**

#### **A. Priority for commercial fishing moorage**

Commercial fishing is an important water dependent use and facilities that support the commercial fishing industry, including moorage, should be allowed.

#### **B. Overwater parking**

Overwater parking should not be permitted, except for temporary loading and unloading of commercial fishing equipment, supplies, or products.

#### **C. Joint moorage facilities**

Establish flexible regulatory standards to encourage private-public joint moorage facilities for commercial fishing and recreational vessels in locations which are appropriate and capable of supporting such a facility.

### **7.11.4 Regulations – General**

- 1) Boating facilities shall not be permitted within the following marine shoreline habitats because of their scarcity, biological productivity and sensitivity unless no alternative location is feasible, the project would result in a net enhancement of shoreline ecological functions, and the proposal is otherwise consistent with this Program:
  - a) Critical saltwater habitats; and
  - b) Marshes, estuaries and other wetlands.
- 2) Boating facilities shall be located no closer than twelve feet from the property line, either private property or state lease land. Location closer than twelve feet from the property line may be permitted upon the submission to the City of a covenant executed between the property owner/applicant and the adjacent property owner covering the agreement for the joint use of common lot lines, which covenant shall run with the land and be filed with the Pierce County Auditor as a covenant with the land. The intent of this regulation is to provide a minimum ingress/egress of twenty-four feet. The provision of an ingress/egress greater than twenty-four feet in width may be voluntarily provided by the property owner/applicant, or through an agreement with the adjacent property owner/lessee.

## 7.11.5 Regulations – Mooring Buoys

- 1) Mooring buoys and buoy fields shall not be allowed within designated navigation channels where established by Washington Department of Natural Resources or the U.S. Coast Guard. A minimum 50-foot wide navigation channel shall be maintained between the Outer Harbor Line and any mooring buoy or buoy field located on the water ward side of the Outer Harbor line.
- 2) Mooring buoys and buoy fields shall be located to:
  - a) Avoid critical saltwater habitat areas; and
  - b) Prevent obstruction to navigation.
- 3) Mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state-approved designs that have minimal adverse effects on aquatic ecosystems.
- 4) Single-family residences located on waterfront parcels may be allowed no more than one mooring buoy per residential lot.
- 5) Mooring buoys shall be clearly marked and labeled with the owner's name, contact information and permit number(s).

## 7.11.6 Regulations – Boat Launch Ramps

- 1) Private boat launch ramps for motorized watercraft shall not be allowed in any shoreline environment.
- 2) Preferred ramp designs, in order of priority, are:
  - a) Open grid designs with minimum coverage of beach substrate.
  - b) Seasonal ramps that can be removed and stored upland.
  - c) Structures with segmented pads and flexible connections that leave space for natural beach substrate and can adapt to changes in beach profile.
- 3) Ramps shall be placed and maintained near flush with the foreshore slope.
- 4) Boat launches shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available. Rail and track systems shall be preferred over concrete ramps or similar facilities.

- 5) Launch access for non-motorized watercraft shall use gravel or other permeable material. Removal of vegetation for launch access should be limited to eight (8) feet in width.
- 6) Before granting approval of a permit to allow a boat launch ramp, the proponent must satisfactorily demonstrate that:
  - a) Adequate facilities for the efficient handling of sewage and litter will be provided;
  - b) The boating facilities will be designed so that structures are aesthetically compatible with, or enhance shoreline features and uses; and
  - c) The boating facilities will be designed so that existing or potential public access along beaches is not blocked or made unsafe, and so that public use of the surface waters is not unduly impaired.

### **7.11.7 Regulations – Piers, Docks, Floats, and Lifts – Non-Residential**

- 1) Covered moorage associated with non-residential docks, piers, and floats shall be prohibited.
- 2) Piers, docks, floats and lifts associated with commercial, industrial, or public recreational developments are allowed only when ecological impacts are mitigated in accordance with the program, and:
  - a) The dock/pier/float is required to accommodate a water-dependent use; or
  - b) The dock/pier/float provides opportunities for a substantial number of people to access the shoreline.
- 3) New commercial, industrial or public recreational docks, piers, floats and lifts shall be designed and constructed to avoid or, if that is not possible, to minimize the impacts to nearshore habitats and processes.
- 4) The length, width and height of non-residential docks, piers, floats and lifts shall be no greater than that required for safety and practicality for the primary use.
- 5) New and substantially expanded non-residential docks, piers, floats and lifts shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for any portions of the

dock, pier, float, lifts, framing, or decking that come in contact with water shall be approved by applicable state agencies for use in water.

- 6) To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
  - a) The width of docks, piers, floats and lifts shall be the minimum necessary, and in no case shall be wider than eight (8) feet unless grating is used in accordance with, and authorized by, state resource agency regulations.
  - b) Materials that will allow light to pass through the deck may be required where the width exceeds eight (8) feet.
  - c) Grating to allow light passage or reflective panels to increase light refraction into the water shall be used on piers, docks, floats and gangways in nearshore areas.
  - d) Use of non-toxic materials, including, but not limited to, steel, concrete and non-toxic wood shall be approved by applicable state agencies.
- 7) Commercial, industrial or public recreational docks, piers, floats and lifts shall be spaced and oriented to the shoreline in a manner that avoids or minimizes:
  - a) Hazards and obstructions to navigation, fishing, swimming and pleasure boating; and
  - b) Shading of beach substrate below; and
  - c) Any 'wall' effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms.
- 8) Commercial, industrial or public recreational docks, piers, floats and lifts shall be designed and located to ensure that such structures and the vessels moored to them do not ground out during low tidal cycles.

## 7.11.8 Regulations – Piers, Docks, Floats, and Lifts – Accessory to Residential Use

- 1) In-water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.
- 2) Covered moorages are prohibited.
- 3) Joint moorage with four or fewer slips is allowed. A covenant executed between all property owners sharing the joint moorage docks shall be submitted to the City that covers the agreement for the joint use of common lot lines, shall run with the land, and be filed with the Pierce County Auditor as a covenant with the land.
- 4) Residential subdivisions may be allowed a community moorage dock that is shared by at least four shoreline property owners. A covenant executed between all property owners sharing the community moorage docks shall be submitted to the City that covers the agreement for the joint use of common lot lines, shall run with the land, and be filed with the Pierce County Auditor as a covenant with the land.
- 5) Storage of fuel, oils, and other toxic materials is prohibited on residential docks, piers and floats.
- 6) Docks, piers, floats and lifts accessory to residential development/use shall only be allowed when:
  - a) Ecological impacts are mitigated in accordance with the Program; and
  - b) The moorage platform is designed for access to private watercraft.
- 7) No more than one (1) dock/pier or one (1) float may be permitted on a single lot owned for residential use or private recreational use.
- 8) To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:
  - a) The width of docks, piers and floats shall be the minimum necessary, and in no case shall be wider than six (6) feet unless authorized by state resource agencies;
  - b) Materials that will allow light to pass through the deck may be required where the width exceeds six (6) feet;

- c) Grating to allow light passage or reflective panels to increase light refraction into the water shall be used on piers, docks, floats and gangways in nearshore areas; and
  - d) Use of non-toxic materials, including, but not limited to, steel, concrete and non-toxic wood shall be approved by applicable state agencies.
- 9) Single-user docks/piers/floats shall meet the setbacks for boating facilities set forth in Table 7-3; however, a shared dock/pier may be located adjacent to or upon a shared side property line upon the filing of an agreement by the affected property owners.
- 10) No dock, pier, float, or watercraft moored thereto shall be used for a residence.

### **7.11.9 Regulations – Marinas**

- 1) New covered moorage is prohibited. Expansion of existing covered moorage is prohibited.
- 2) Marinas may be permitted on marine shorelines when they are consistent with this Program and when the proponent demonstrates to the City's satisfaction that all of the following conditions are met:
  - a) The proposed location is the least environmentally damaging alternative; and
  - b) Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss; and
  - c) The area has adequate water circulation and flushing action; and
  - d) The proposed location will not require excavation/filling of wetlands; and
  - e) Suitable public infrastructure is available or can be made available by project completion to support the marina.
- 3) Where marinas are permitted they shall be designed, constructed and operated according to the following:
  - a) Shoreline armoring shall be limited to the minimum necessary to protect marina infrastructure and shall consist of soft-shore stabilization unless such stabilization is demonstrated by a geotechnical analysis to be infeasible or inadequate to protect the site. Also see Section 7.9.2-

Regulations/Demonstration of Need - New, Expanded or Replaced Bulkheads.

- b) Floating structures shall be designed to prevent grounding on tidelands. Floats cannot rest on the substrate at any time. Stoppers on the piling anchoring the floats or stub piling must be installed such that the bottom of the floatation device is at least 1 (one) foot above the level of the substrate. The stoppers must be able to fully support the entire float.
  - c) Piers and other structures shall be located, sized and designed to minimize shading of nearshore aquatic habitats and species.
  - d) Solid structures shall be designed to provide fish passage through and along the shallow water fringe.
  - e) Marina development shall be required to include public access amenities. Consistent with Section 6.5 (Public Access) of this Program. Public access shall be designed to be environmentally sound, aesthetically compatible with adjacent uses, and safe for users.
  - f) Live-aboard vessels are allowed in marinas provided that adequate facilities and programs to address waste and sanitary disposal are in place.
- 4) Fill waterward of OHWM shall be limited to the minimum necessary to match the upland with the elevation of the marina when consistent with Section 7.5 (Fill and Excavation) of this Program.
  - 5) Dredging shall be limited to the minimum necessary to allow boat access to a marina when consistent with Section 7.4 (Dredging) of this Program.
  - 6) New or expanded upland development appurtenant to marinas shall be designed and constructed to avoid and, where avoidance is not possible minimize, impacts on shoreline functions and processes.
  - 7) To meet the requirements in Section 7.11.9 Regulation #3 above, the following standards shall apply to new or expanded development appurtenant to marinas:
    - a) Accessory uses at marinas shall be limited to those necessary to support the marina including, but not limited to, office space, parking, open air storage, waste storage and treatment, stormwater management facilities, utilities, and upland transportation facilities.
    - b) Parking shall be located away from the water's edge and landward of any applicable buffers recommended by a critical areas study, or required setback area from the ordinary high water mark. This shall not preclude the

development of a loading space in proximity to the walkway for temporary parking.

- c) Parking areas shall meet City stormwater management standards and shall, where feasible, incorporate low impact development practices such as pervious surfaces and bioswales.
- d) Dry moorage and other storage areas shall be landscaped with native vegetation consistent with the requirements of GHMC 17.78 to provide a visual and noise buffer for adjoining uses.
- e) Pump-out, holding, and/or waste treatment facilities and services shall be provided at all marinas. Pump-out facilities shall be conveniently located and sited to ensure easy access, prevent lengthy queues and allow full compliance with waste disposal regulations. Vessel mounted pump-out services and hard-plumbed stations accessible by all marina patrons shall be preferred over portable pump-out equipment. Pump-out facilities shall be an approved system that meets state and local water quality regulations and Tacoma Pierce County Health Department regulations.
- f) Marinas with live-aboards shall provide permanent restrooms and sewage disposal facilities in compliance with applicable health regulations.
- g) Garbage and recycling receptacles, including those required for waste oil and solvents, shall be provided and maintained by the marina operator at upland locations convenient to users.
- h) Marina operators shall post the following signs where they are readily visible to all marina users;
  - i) Regulations pertaining to handling and disposal of waste including gray water, sewage and toxic materials;
  - ii) Regulations prohibiting the use of marine toilets while moored unless these toilets are self-contained or have an approved treatment device;
  - iii) Regulations prohibiting the disposal of fish and shellfish cleaning wastes, scrap fish, viscera or unused bait in or near the marina waters;
  - iv) Rules and BMP's for boat maintenance and repairs in the marina.
- 8) New marina facilities, and alterations to existing facilities, shall submit the following information as part of their application for a Shoreline Substantial Development Permit:

- a) The number of users;
- b) The size of water-craft which will be moored in the new facility;
- c) The number of live-aboard vessels or slips allocated for live-aboard vessels;
- d) A general plan showing water supply lines, pump-out facilities, solid waste collection points, and outdoor lighting; and
- e) In addition to the application requirements described in Chapter 8, the application shall include a site plan drawn to scale showing adjacent property structures and uses, including existing and proposed state lease land boundaries.

## **7.11.10 Regulations – Marine Fueling Facilities**

- 1) Marine fueling facilities shall be equipped with fire-protection equipment consistent with GHMC Chapter 15.16 Amendments to the International Fire Code (IFC), Section 15.16.190 Amendment to IFC Chapter 45.
- 2) A management plan shall be developed for new marine fueling facilities for the safe handling of fuel to prevent them from entering aquatic waters, surface or ground water. Specific provisions shall address prompt and effective clean up of spills that may occur. Management plans shall be coordinated with state or federal spill response plans. Where a spill management/response plan has been approved by the State, said plan may be used to satisfy the requirements of this section. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

## **7.11.11 Regulations – Commercial Fishing Moorage**

- 1) New or existing marinas or moorage facilities which provide moorage and support facilities for active commercial fishing vessels shall be exempt from the parking requirements of Gig Harbor Municipal Code Title 17 for those commercial fishing vessels which have an active license or a contract from the previous fishing season or the next fishing season, provided the following requirements are met:
  - a) One load/unloading parking space on the marina property is continuously provided.

- b) Proof of an active license for commercial fishing vessels or an active contract for commercial fishing boat tenders shall be provided to the City to qualify initially for this exemption. The City may request from the marina owner and/or operator in future years that the applicant affirm within thirty (30) calendar days of written request by the City the status of each active commercial fishing vessel on the site by providing copies of the appropriate license or contract.
- c) Development activities associated with pleasure craft or other non-active commercial fishing vessels shall comply with the other relevant sections of this Shoreline Master Program including but not limited to the parking requirements of Gig Harbor Municipal Code Title 17.

## 7.12 Commercial Uses

---

It is the goal of the City of Gig Harbor to give preference to water-dependent and other water-oriented uses for shorelines within the jurisdiction of the City of Gig Harbor while preserving the unique mix of waterfront uses in Gig Harbor Bay and Purdy.

### 7.12.1 Policies

#### A. Preferred uses

Give preference to water-dependent commercial uses, then to water-related and water-enjoyment commercial uses in shoreline locations. Non-water-oriented commercial uses should be allowed in the City Waterfront shoreline environment designation. Non-water oriented commercial uses in other shoreline environment designations may be allowed if they are combined with public benefits, such as historic preservation, public access, education and shoreline ecological restoration.

#### B. Public access

Require commercial developments to provide public access consistent with the public access requirements set forth in Chapter 6, Section 6.5.2, unless such improvements are demonstrated to be incompatible due to reasons of safety, security, or impact to the shoreline environment. In requiring public access, carefully analyze development proposals to ensure that an essential nexus exists between the development and the public access required, and that the required public access is roughly proportional to the impacts of the project.

#### C. Low impact development techniques

Commercial development should implement low impact development techniques to the maximum extent possible.

### 7.12.2 Regulations

- 1) A use or development shall not be considered water-dependent, water-related or water-enjoyment until the City determines that the proposed design, layout and operation of the use/development meet the definition and intent of water-dependent, water-related or water-enjoyment per Chapter 2 definitions.

- 2) In the City Waterfront and Historic Working Waterfront shoreline environmental designations, non-water oriented uses located landward of the ordinary high water mark on shorelines shall be allowed pursuant to the use matrix set forth in GHMC Chapter 17.14 Land Use Matrix.
- 3) In the Low Intensity and Urban Conservancy shoreline environment designations, non-water oriented uses located landward of the ordinary high water mark on shorelines shall not be allowed unless they meet the following criteria:
  - a) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or
  - b) Navigability is severely limited at the proposed site; and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
  - c) In areas designated for commercial use, nonwater-oriented commercial development may be allowed if the site is physically separated from the shoreline by another property or public right of way.
- 4) Commercial use and development, including deck structures located waterward of the OHWM that are appurtenant to permitted upland water-related and water-enjoyment uses, shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes, or have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation and public access.
- 5) Deck structures located waterward of the OHWM that are appurtenant to permitted upland water-related and water-enjoyment uses shall consist of a cantilevered design without the need for piling support, shall not exceed a maximum size of 750 square feet of floor area and shall be dedicated to uses that attract the general public to the shoreline. No storage of tables, chairs or other materials shall be permitted within the deck area during non-use, "out-of-season" time periods. Last, the deck area shall be posted with a sign that addresses the prohibition on storage. The sign shall be reviewed and approved by the Administrator prior to installation.
- 6) All commercial uses shall comply with the development regulations set forth in Section 7.1.2, Table 7-3 of this program and the Gig Harbor Municipal Code

including, but not limited to, height, setbacks, impervious coverage and off-street parking.

- 7) In the Historic Working Waterfront Shoreline Environment Designation, non-water oriented commercial uses are allowed as a conditional use within existing overwater structures for those properties listed on the City's Register of Historic Places pursuant to GHMC Section 17.97.040 Register of historic places.
- 8) All commercial uses shall provide public access as required by Section 6.5-Public Access.

## 7.13 Commercial Fishing Sales & Services

---

It is the goal of the City of Gig Harbor to preserve the commercial fishing fleet as a significant cultural and economic resource, encourage important fleet supporting services and promote development or rehabilitation of facilities consistent with the fleet's needs, including the retention and redevelopment of waterfront parcels that provide a substantial and direct contribution to the commercial fishing industry.

The commercial fishing industry consists of the vessels, the moorage facilities and the upland facilities and structures that provide direct support to the industry. It is the historical backbone of the Gig Harbor community and its waterfront environment and has been the focus of the city's development since its incorporation in 1946. The value of the fleet is recognized as a very important component of the cultural and community environment. Preservation of the fishing character of the City is a primary consideration in evaluating effects of a shoreline proposal.

### 7.13.1 Policies

#### A. Developments waterward of the ordinary high water mark

Allow over-water, water-dependent development that directly supports the commercial fishing industry such as net sheds and loading/unloading docks.

#### B. Sales and services

Allow and encourage commercial sales and services directly related to or supportive of the commercial fishing industry, such as marine fueling facilities and direct dock sales of sea food products, consistent with the environment designation and zoning regulations applicable to the site.

### 7.13.2 Regulations

- 1) Developments which are water-dependent and directly supportive of commercial fishing activities may be permitted waterward of ordinary high water mark.

- 2) The sale of processed or semi-processed commercial fish products and provision of supportive services such as fueling facilities at moorage facilities which accommodate commercial fishing vessels is permitted, consistent with the underlying zoning code district for the site and applicable health codes of the State.

## **7.14 Educational Facilities / Scientific, Historical, Cultural, Educational Research Uses**

---

It is the goal of the City of Gig Harbor to allow for educational, scientific or historical facilities in the shoreline.

### **7.14.1 Policies**

#### **A. Maritime facilities in Gig Harbor Bay**

Encourage public-private partnerships in Gig Harbor Bay for purposes of educating the public and promoting tourism related to boat building, commercial fishing, and other maritime activities with historic significance to the community.

### **7.14.2 Regulations**

- 1) Museums, cultural centers, training centers, and other facilities open to the public and whose primary purpose is education or the preservation of local history in Gig Harbor shall be allowed landward of ordinary high water in all shoreline environments except Natural and Marine Deepwater, provided such facilities are permitted by the underlying zoning designation.

## **7.15 Industrial Development**

---

It is the goal of the City of Gig Harbor to support the commercial fishing fleet and recreational boating community of Gig Harbor, allow for the continuation of boat repair, building and sales, and the development and sales of marine-related products in appropriate shoreline areas.

### **7.15.1 Policies**

#### **A. Prohibition on industrial levels 1 & 2**

Industrial Level 1 and 2 type development within Gig Harbor is not considered appropriate due to the severe environmental constraints and physical limitations of the harbor.

#### **B. Preference for marine related industrial**

Recognizing the importance of commercial fishing, boat building and production and sale of boats and related marine supplies, marine industrial uses should be considered a preferred use along the city's shoreline where allowed by the Comprehensive Plan and Zoning Code.

#### **C. Restoration**

Restoration of impaired shoreline ecological functions and processes should be encouraged as part of marine industrial and other permitted industrial development.

#### **D. Incompatible uses**

Marine industrial development should be protected from encroachment or interference by incompatible uses such as residential or commercial uses, which have less stringent siting requirements.

## **7.15.2 Regulations**

- 1) Industrial Level 1 and Industrial Level 2 uses shall not be permitted within the shoreline areas of the City of Gig Harbor.
- 2) Developments shall be required to include the capability to contain and clean up spills, discharges, or pollutants, and shall be responsible for any water pollution which they cause.
- 3) Industrial uses and redevelopment projects are encouraged to locate where environmental cleanup and restoration can be accomplished.

## 7.16 Historic Net Sheds

---

Net sheds represent one of Gig Harbor's most notable and colorful industries: commercial fishing. Around the beginning of the 20<sup>th</sup> Century, Croatian immigrants, who lived in Gig Harbor and pioneered the salmon purse seine fishing industry in Puget Sound, began building modest docks covered with sheds on wood piling along the shoreline of Gig Harbor Bay. The net sheds provided easy access for the fisherman to load and unload their nets and gear, as well as a covered location to dry the nets out and work on them and other gear out of the weather. Today, the largest inventory of historic net sheds remaining in Puget Sound, are located within the City of Gig Harbor. A total of 17 net shed structures remain, with approximately one-third of them utilized for the storage of nets and other commercial fishing gear. It is the goal of the City of Gig Harbor to encourage the preservation and adaptive re-use of historic net sheds in Gig Harbor Bay recognizing their historic and cultural importance to Gig Harbor's commercial fishing industry.

### 7.16.1 Policies

#### A. Historic net sheds with water-dependent uses

As an iconic form of development along the city's shoreline, the continued use of historic net sheds in support of commercial fishing should be the top priority for such structures. Other water-dependent uses in historic net sheds are preferred to non-water oriented uses. Converting a non-water oriented use to a water-dependent use in a historic net shed is encouraged.

#### B. Adaptive re-use of historic net sheds

Allow adaptive re-use of historic net shed structures listed on the Gig Harbor Register of Historic Places with non-water oriented uses, including single-family residential uses, only when a water-dependent use is no longer economically viable, when designed to preserve the architectural integrity of the structure, and when educational or interpretive signage is provided.

#### C. Expansion of net sheds for non-water dependent uses

The overwater expansion of net shed structures for any non-water dependent use should be prohibited.

## 7.16.2 Regulations

- 1) Non-water-oriented uses are allowed in net sheds when the following criteria are met:
  - a) The property owner/applicant demonstrates that a water-oriented use is no longer economically viable.
  - b) The property has been listed on the Gig Harbor Register of Historic Places.
  - c) Net sheds associated with a single-family dwelling on a residential lot may be utilized as an extension of the residential use but are prohibited from having sleeping accommodations or being utilized as an accessory apartment. Net sheds used as extension of an existing single-family dwelling shall provide educational or interpretive signage that address the historical significance of the structure and its use.
  - d) The property owner has entered into a contractual agreement with the City that addresses the approved use of the net shed, its continued consistency with the requirements of GHMC 17.97 Historic Preservation and enforcement procedures and potential penalties for noncompliance with the terms of the agreement. The agreement shall be recorded with the Pierce County Auditor's office and a copy of the recorded agreement provided to the City's Shoreline Administrator prior to approval of the occupancy permit for the net shed structure.
- 2) When permitted pursuant to 7.16.2 Regulation #1, non-water-oriented uses shall provide ecological restoration (e.g., bulkhead removal, planting of riparian vegetation, replacement of creosote pilings) in compliance with Section 6.8 Restoration and Remediation and 7.8 Shoreline Habitat and Natural Systems Enhancement Projects. In addition, commercial non-water-oriented uses shall provide public access pursuant to section 6.5 and educational or interpretive signage.
- 3) When permitted pursuant to 7.16.2 Regulation #1, the conversion of a net shed from a water-dependent use to a non-water oriented use shall require listing of the structure on the City's Register of Historic Places and be consistent with the requirements of GHMC 17.97. A change in use or expansion of an existing use in a net shed designated on the Gig Harbor Register of Historic Places must maintain the historic architectural integrity of the structure through compliance with the provisions of GHMC 17.97.
- 4) The conversion of a net shed to a non-water oriented use shall require a Shoreline Conditional Use Permit.

- 5) No expansion of the existing net shed building footprint shall be allowed.
- 6) No increase in the height of a net shed structure shall be allowed.
- 7) The conversion of a net shed located on state owned aquatic lands managed by the Washington State Department of Natural Resources to a non water-dependent use shall follow the requirements listed under WAC 332-30-137.
  - a) The property owner shall contact the State Department of Natural Resources prior to any development.
  - b) The Department of Natural Resources will conduct an analysis on a case-by-case basis to include specific circumstances to determine if the proposed use is consistent with WAC 332-30-137.

## **7.17 Recreation Uses and Development**

---

It is the goal of the City of Gig Harbor to protect and enhance recreational opportunities in the shoreline area by promoting a mixture of passive use facilities that provide enjoyment of the shoreline without impacting sensitive habitat or shoreline ecology.

### **7.17.1 Policies**

#### **A. Location**

Give preference for recreational development located on the shoreline to facilitate the public's ability to reach and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline to support frequent recreational access and aesthetic enjoyment of the shoreline for the public.

#### **B. Enhance natural character**

Development of recreational facilities should enhance the natural character of an area or incorporate shoreline restoration elements, while providing, where appropriate, for both active and passive forms of recreation.

#### **C. Recreation improvements**

Locate recreational development on the shoreline in a manner that minimizes extensive structures, utilities, roads, and/or substantial modifications of topography or vegetation removal.

#### **D. Consistency with other plans**

Plan, design and implement shoreline recreational development consistent with growth projections, level-of-service standards, and goals established in the City's Comprehensive Plan and Parks, Recreation and Open Space Plan.

## E. Potential opportunities

Identify shoreline areas with the potential for providing recreation or public access opportunities and acquire such areas for incorporation into the public park and open space system.

## F. Linking recreation areas

Encourage the linkage of shoreline parks, recreation areas and public access points with linear systems, such as trails, sidewalks, bicycle paths, easements and/or scenic drives.

## G. Education

Recreation facilities should incorporate public education and interpretive installations regarding shoreline ecological functions and processes, historic and cultural heritage.

## H. Street-ends

Existing public rights-of-way generally perpendicular to the shoreline (street-ends) should be developed, as feasible, into passive public recreational areas consistent with this Program.

## **7.17.2 Regulations**

- 1) Non-water-oriented, active-use recreational facilities such as playing fields or facilities with extensive impervious surfaces are prohibited.
- 2) Water-oriented recreational use/development, including trails and pathways, is a preferred use of the shoreline and shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have significant adverse impact on other shoreline uses, resources and/or values such as navigation and public access.
- 3) Recreation areas or facilities on the shoreline shall provide physical or visual public access consistent with Section 6.5 (Public Access) of this Program.
- 4) New recreational use/development shall be located landward of the shoreline vegetation conservation area required by Section 6.2.4 (Vegetation Conservation) except that components of the recreational use or development that are water-dependent or water-related may be allowed within the shoreline vegetation conservation area.

- 5) Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
- 6) When a public recreation site abuts private property/tidelands, signs and other similar markers shall indicate geographic limits of public access to minimize conflicts with adjacent use/development.
- 7) Where appropriate, recreation development proposals shall include provisions for non-motorized access to the shoreline from both the uplands and the water (e.g. pedestrian boat access, bike paths, and water access.)
- 8) Proposals for recreational use and development that involve any clearing, grading or impervious surface shall include a landscape plan. Native, self-sustaining vegetation shall be used as often as possible. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of selected view-points or other permitted structures or facilities and shall be subject to Section 6.2.4 (Vegetation Conservation) of this Program.
- 9) Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal, and recycling commensurate with the intensity of the proposed use.
- 10) Recreational use and development shall incorporate appropriate mitigation to minimize light and noise impacts on adjoining land uses. Such measure shall include, but not be limited to, fencing, screening, and related measures.

## 7.18 Residential

---

It is the goal of the City of Gig Harbor to provide for residential uses that preserve the character of the waterfront and avoid ecological impacts.

### 7.18.1 Policies

#### A. Single-family as a priority use

Give preference to single-family residences as a priority use when developed in a manner consistent with control of pollution and prevention of damage to the shoreline environment.

#### B. Over-water residential uses

New over-water residential development or expansion of existing over-water residences should not be allowed. Remodel and reconstruction of existing over-water residential structures should be allowed consistent with provisions for legal nonconforming uses.

#### C. Residential design and stabilization structures

Require sufficient setbacks from steep slopes and shorelines vulnerable to erosion by designing new residential subdivisions and structures so that structural improvements and other stabilization are not required initially or in the future.

#### D. Site design

Site design and the configuration of improvements should incorporate existing topography, critical areas and vegetation to the extent feasible

#### E. Residential structures or development

Locate and design structures or development for residential uses outside of required setbacks or required buffers

#### F. Protect, enhance and restore shoreline resources

Encourage methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources for residential development.

## 7.18.2 Regulations

- 1) New and expanded overwater residential development including garages, accessory buildings, boathouses, house boats, floating homes and house barges shall be prohibited unless otherwise specified in this chapter. Residential live-aboard vessels are permitted within marinas per the requirements of Subsection 7.11.9.3.f.
- 2) Existing overwater residences, including those located within the overwater residential community of Nesika Beach may be maintained consistent with the regulations set forth in Section 8.11-Nonconforming Uses and Structures.
- 3) New residential lots created through land division shall be allowed provided they are consistent with Subsection 7.9.3.1.
- 4) A primary residence shall be allowed on each lot provided none of the following are necessary:
  - a) New structural shoreline stabilization measures that would cause significant impacts to other properties or public improvements or a net loss of ecological functions;
  - b) New improvements proposed within the required vegetation conservation area, the required setback from the OHWM or critical area buffer, except as provided in Section 6.2-Marine Shorelines, Vegetation Conservation and Critical Areas Protection;
  - c) Removal of significant vegetation that adversely impacts ecological functions;
  - d) Site work that creates significant erosion or reduction in slope stability; and
  - e) Site work that creates increased erosion in the new development or to other properties.
- 5) New residential lots shall also demonstrate the following:
  - a) Adequate sewer, water, access, and utilities can be provided at the time of final plat or short plat approval subject to the requirements of Gig Harbor Municipal Code Title 16.
  - b) The intensity and type of development is consistent with the Gig Harbor Comprehensive Plan and the associated development regulations set forth in Gig Harbor Municipal Code Title 17.

- c) Potential significant adverse environmental impacts can be avoided or mitigated to achieve no net loss of ecological functions, taking into consideration temporal loss due to construction and potential impacts to the environment.
  - d) The development is consistent with the development standards required by the underlying zoning designation.
- 6) Prior to the granting of a Shoreline Permit Exemption, Substantial Development Permit, Shoreline Conditional Use Permit, Shoreline Variance Permit or Building Permit, the City shall make a determination that the proposed project is consistent with the policies and regulations of the Shoreline Master Program including the following standards:
- a) The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate;
  - b) Adequate methods of erosion control shall be utilized during and after project construction; and
  - c) Disturbance of established, native shoreline vegetation will be minimized.
- 7) New multiple family residential development and subdivisions containing more than four lots shall include public access in conformance with the Public Access Standards set forth in Chapter 6 of the Shoreline Master Program.
- 8) Natural site areas shall be maintained, enhanced, and preserved to the greatest extent possible consistent with the provisions of Section 7.3 Clearing and Grading, and Gig Harbor Municipal Code Chapters 17.94 and 17.99. To this end, the City may limit grading and clearing to the extent deemed necessary for the reasonable and necessary use of the site or tract.
- 9) Residential structures shall comply with the height requirements set forth in subsection 7.1.2, Table 7-3-Bulk and Dimensional Standards. The maximum height above average grade level of any residential structure shall not exceed 35 feet.
- 10) In the Natural Shoreline Environment Designation, existing residential development may be remodeled within the “footprint” of the existing structure. No expansion of existing residential structures is allowed within the required vegetation conservation strip or critical area buffer without the authorization of a variance.

## **7.19 Signs and Outdoor Advertising**

---

It is the goal of the City of Gig Harbor to limit waterfront signage to minimize visual obstruction of the shoreline and marine waters and ensure compatibility with the shoreline environment and allowed uses.

### **7.19.1 Policies**

#### **A. Visual obstruction**

Design and locate signs in such a manner that they minimize visual obstruction of the shoreline and marine waters. Low profile, on-premise, wall signs are strongly preferred over free-standing signs or off-premise wall signs to minimize negative visual impacts and obstructions to shoreline access and use.

#### **B. Compatibility**

Signs should be designed, constructed and placed so that they are compatible with the natural aesthetics of the shoreline environment and adjacent land and water uses. Moving or flashing signs should be prohibited in shoreline jurisdiction.

#### **C. Interpretive signs**

Encourage private and public waterfront development to integrate educational interpretive signs at public access locations and viewpoints.

#### **D. Gateway signs**

Encourage the use of single, common-use gateway signs for communities, districts, public transient moorage facilities, and/or multi-use or multi-tenant commercial developments to identify and give directions to local premises and public facilities.

#### **E. Free-standing signs**

Where possible, locate free-standing signs on the landward side of development and avoid blocking scenic views.

## **7.19.2 Regulations**

- 1) The type, size, location, installation and maintenance of all signs must comply with the City of Gig Harbor Sign Code (GHMC 17.80).

- 2) All signs shall be located in such a manner that they minimize interference with public views. Free standing signs which may disrupt views to the water shall be placed on the landward side of development.
- 3) Signs in shoreline areas shall be located against existing buildings wherever feasible.
- 4) Public transient moorage facilities may utilize one “portal” type sign located no closer to the water than the land ward side of the ramp/gangway that provides access to the moorage facility. The one permitted portal sign may have a maximum height of 12 feet and shall comply with all other requirements of GHMC 17.80.
- 5) Private transient moorage facilities may utilize one (1) six square-foot directional type sign mounted on a single piling on the waterward side of the marina for business identification purposes. The one permitted directional sign may have a maximum height of 6 feet and shall comply with all other requirements of GHMC 17.80.

## **7.20 Transportation Facilities**

---

It is the goal of the City of Gig Harbor to encourage pedestrian and vehicular circulation and access to the waterfront while avoiding impacts to the aesthetics and natural ecology of the shoreline environment.

### **7.20.1 General Policies**

#### **A. Arterial roads**

Where feasible, discourage construction of new or expanded arterial roads in the shoreline jurisdiction.

#### **B. Local roads**

Where feasible, design local access roads and pedestrian routes to fit into the existing topography.

#### **C. Pedestrian trails and bicycle routes**

Plan, locate, and design trails where they will have the least possible adverse effect on shoreline resources. Trail space or other accommodation for non-motorized traffic should be encouraged along roads in shoreline jurisdiction, where appropriate.

#### **D. Foot passenger ferry service in Gig Harbor Bay**

Encourage foot passenger-only ferry service in Gig Harbor Bay at sites capable of accommodating the necessary improvements.

### **7.20.2 Parking Policies**

#### **A. Location and shared use**

Allow parking when necessary to support an approved shoreline use. Encourage shared parking areas between multiple uses and underground parking. Parking as a principal use (e.g., commercial pay lots and parking not associated with a permitted or conditionally allowed shoreline use) should - only be allowed in limited circumstances and only when separated from the shoreline area by an arterial street. Locate surface parking outside of shoreline jurisdiction whenever possible

or otherwise as far from the shoreline as possible. However, on-street parking is acceptable within an approved transportation facility.

## B. Aesthetic

Use appropriate screening and landscaping, and maintain parking areas to avoid aesthetic impacts on their surroundings. The use of native vegetation should be encouraged where appropriate.

## C. Parking impacts

Locate and design parking facilities to avoid or minimize adverse impacts including those related to stormwater runoff, erosion and siltation, water quality, public access, and vegetation and habitat. Low impact development techniques should be implemented to the maximum extent feasible.

### **7.20.3 Roadway Regulations**

- 1) Proponents of new roads must be able to demonstrate the following:
  - a) The need for a shoreline location and that no reasonable upland alternative exists.
  - b) That construction is designed to protect the adjacent shorelands against erosion, uncontrolled or polluting drainage, and other factors detrimental to the environment both during and after construction.
  - c) That the project will be planned to fit the existing topography as much as possible thus minimizing alterations to the natural environment.
  - d) That all debris, overburden and other waste materials from construction will be disposed of in such a way as to prevent their entry by erosion from drainage into water body.
  - e) That when new roads will afford scenic vistas, viewpoint areas will be provided. Scenic corridors shall have sufficient provision for safe pedestrian and non-motorized vehicular travel.
- 2) Roads should be located on grade rather than elevated except when crossing wetlands or streams. Road designs must provide appropriate pedestrian and non-motorized vehicular crossings where public access to shorelines is intended.

- 3) All cut and fill slopes shall be stabilized and planted with native and/or appropriately introduced grasses, shrubs and/or trees which shall be maintained by the installing agency or developer until established.
- 4) Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions permit optimum feasible protection of shoreline ecological functions and processes.
- 5) Maintenance activity including vegetation control and erosion control shall be carried out consistent with this Program. Necessary resurfacing of existing roadways, including roadway overlays, sub-grade replacements and repair may be exempt from Substantial Development Permit requirements as provided by Section 8.3.
- 6) RCW 35.79.035 prohibits the City from vacating any City road that abuts a body of saltwater except for recreational, educational or industrial purposes. Therefore, development, abandonment, or alteration of undeveloped City road ends within SMP jurisdiction is prohibited unless approved in accordance with this Program.

## **7.20.4 Parking Regulations**

- 1) Parking as a principal use shall be prohibited in the shoreline jurisdiction, except in those portions of the City Waterfront SED located land ward of Harborview Drive and North Harborview Drive. Where off-street parking is allowed, best management practices that include low impact development techniques shall be employed in the design and operation of off-street parking areas consistent with the requirements of GHMC Chapter 14.20-Stormwater Management.
- 2) Parking or storage of recreational vehicles or travel trailers as a primary use shall be prohibited in the shoreline jurisdiction.
- 3) Parking in shoreline areas must directly serve an approved shoreline use.
- 4) Parking areas shall be located no closer to the site's OHWM than allowed for structures on the site. Where feasible, parking areas shall be located on the landward side of proposed structures. Parking and loading areas shall be allowed pursuant to subsections 7.11.9.7.b and 7.11.11.1.a.

## 7.21 Utilities

---

It is the goal of the City of Gig Harbor to provide adequate utilities to serve approved shoreline uses while avoiding impacts to the shoreline environment.

### 7.21.1 Policies

#### A. Production and processing facilities

Except for public drinking water wells, locate utility production and processing facilities, such as power plants and sewage treatment plants, or parts of those facilities that are non-water-dependent, outside of the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available and it can be shown that outfalls will not adversely affect water quality.

#### B. Transmission facilities

Except for public sewer lift stations, locate transmission facilities for the conveyance of services, such as power lines, cables, and pipelines, outside of the shoreline area or underground where feasible. If located within the shoreline area, major transmission lines should be incorporated into programs for public access to and along water bodies.

#### C. Development on aquatic lands and tidelands

Discourage development of pipelines, cables, and other utilities requiring periodic maintenance and inspection on aquatic lands and tidelands, particularly those running roughly parallel to the shoreline, except where no other feasible alternative exists.

#### D. Views and aesthetics

Design and install utilities in such a way as to avoid impacts to scenic views and aesthetic qualities of the shoreline area to the maximum extent possible.

#### E. Stormwater detention and treatment facilities

Locate stormwater detention and treatment facilities serving allowed uses outside of the shoreline jurisdiction unless it can be demonstrated that no other feasible alternative exists.

## **F. Shoreline protection**

Locate, design and install new utilities to eliminate the need for extensive shoreline protection measures. Upon completion of utility projects on shorelines, banks should be restored, replanted and maintained until newly planted vegetation is established. Plantings should be native species and/or be similar to non-invasive vegetation in the surrounding area.

## **G. Stormwater and sanitary sewer pipeline outfall locations**

Outfall pipelines should be located only where there will be minimal adverse effects on shoreline ecological functions and processes.

## **H. Maintenance of stormwater pipeline outfalls**

Establish a monitoring program, water quality sampling, and long-term maintenance permit to allow City workers scheduled access for maintenance and inspection of City-owned stormwater pipeline outfalls located on private property.

## **7.21.2 Regulations**

- 1) Shoreline permit applications for installation of utility production and processing facilities shall include the following:
  - a) Demonstration why utility facility requires a shoreline location;
  - b) Alternative locations considered and reasons for their elimination;
  - c) Location of other utility facilities in the vicinity of the proposed project including facilities of other types of utilities;
  - d) Plans for reclamation of areas disturbed during construction;
  - e) Plans for control of erosion and turbidity during construction;
  - f) Possibility for consideration of the proposed facility within existing utility right-of-way.
- 2) The State of Washington Departments of Fish and Wildlife and Ecology shall be notified of any utility proposal which would require withdrawals of water from any body of water under shoreline management jurisdiction.

- 3) Upon completion of utility projects, shorelines shall, at a minimum, be restored, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings shall be native species and/or be similar to vegetation in the surrounding area.
- 4) Where utilities must be placed in a shoreline area, obstruction of scenic views shall be minimized to the greatest extent possible.
- 5) Where overhead transmission lines must parallel the shoreline, they shall be outside of the shoreline jurisdiction unless topography or safety factors would make it unfeasible.
- 6) Accessory utility facilities, such as those typical and normal to support and serve a permitted shoreline use, shall be permitted in all environments. This will typically consist of distribution lines and individual service lines and associated meters and valves. Such utility facilities may be new or may be relocated facilities.
- 7) Storm water management facilities, limited to detention / retention / treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:
  - a) Construction of the storm water facility does not displace or impact a critical area;
  - b) There is no other feasible location for the storm water facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects to shoreline ecological functions;
  - c) The storm water facility is designed to resemble natural wetlands and meets applicable storm water management standards and the discharge water meets state water quality standards;
  - d) Low impact development approaches have been considered and implemented to the maximum extent feasible.
- 8) Conveyance facilities, including storm water, wastewater, or water supply pump stations; and storm water discharge facilities such as dispersion trenches, level spreaders, and outfalls, may be located in the shoreline jurisdiction on a case by case basis when the Administrator determines that all of the following are met:
  - a) Due to topographic or other physical constraints there are no feasible locations for these facilities outside the shoreline;

- b) The discharge outlet is sited in a manner that minimizes disturbance of soils and vegetation;
  - c) The discharge outlet is designed to prevent erosion and promote infiltration.
  - d) The conveyance facilities, including discharge outlets, shall be designed consistently with the city's Storm Water Manual, GHMC Chapter 14.20.
- 9) Construction of stormwater facilities in the shorelines shall be timed to avoid fish and wildlife migratory and spawning periods.
- 10) Construction of underwater utilities or those crossing streams or wetlands shall be timed to avoid major fish migratory runs.
- 11) Proposal for all new storm water facilities shall include landscaping plans that enhance the aesthetic quality of the shoreline, utilize native vegetation, and provide for maintenance care until newly planted vegetation is established.

## **7.22 Public Art**

---

It is the goal of the City of Gig Harbor to encourage the public enjoyment and education of memorialized historic, cultural, and archeological significance to Gig Harbor's heritage by allowing the installation of public art on city-owned lots or public right-of-way within certain shoreline environment designations.

### **7.22.1 Policies**

#### **A. Visual obstruction**

Design and locate public art in such a manner that it minimizes visual obstruction of the shoreline and marine waters.

#### **B. Location**

Encourage the placement of public art located on or near the shoreline to facilitate the public's ability to reach and enjoy the water's edge and to view the water and the shoreline. Where appropriate, public art should be dispersed along the shoreline to support the public's recreational or beach access and aesthetic enjoyment of the shoreline.

#### **C. No net loss**

Installation of public art should ensure no net loss to shoreline ecological functions and processes.

#### **D. Materials**

Public art should select materials based on long-term durability, ease of maintenance, compatibility with local shore features and habitat, and aesthetic values.

#### **E. Coordination**

Coordinate proposals for the installation of public art with affected property owners and with the City of Gig Harbor Arts Commission to ensure it is consistent with the goals of this section and the overall goals of this Program.

## F. Consistency with other plans

Public art shall be planned, designed, and implemented consistent with the goals established in the City's Comprehensive Plan and Parks, Recreation and Open Space Plan, as applicable.

### **7.22.2 Regulations**

- 1) Public art shall be limited to a maximum impervious lot coverage of 200 square feet or 1% of the lot size, whichever is less. Public art shall otherwise conform dimensionally to the requirements of Table 7-3, Bulk Dimensional Standards Matrix, and Table 6-1, Vegetation Conservation Strip Setbacks for Marine Shorelines, as applicable. Public art is prohibited waterward of the Ordinary High-Water Mark.
- 2) Proposals for the installment of public art that involve any clearing, grading, or impervious surface shall include a landscape plan. Native, self-sustaining vegetation shall be used as often as practicable. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of selected viewpoints and shall be subject to Section 6.2.4 (Vegetation Conservation) of this Program.
- 3) Public art shall incorporate appropriate mitigation to minimize light and noise impacts on adjoining land uses, as applicable.
- 4) Public art may include associated amenities, including, but not limited to: pedestrian paths, benches, and interpretive signs.
- 5) Public art shall be subject to Section 6.2.2 (No Net Loss and Mitigation) of this Program.