

## Initial Project Review

### Shoreline Substantial Development Permit / Shoreline Conditional Use Permit / Shoreline Variance: Dressel

**Application Numbers: 897427, 897428, 897429**  
**Parcel Numbers: 0022343035**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: February 20, 2019, at 6:30 p.m.**, Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA 98335

**Proposal:** Applicant requests to:

- Demolish existing 2,952 square foot single family residence while retaining basement.
- Convert basement to a boathouse with a deck lid.
- Repair and maintain all surrounding decks on residence.
- Construct retaining wall within 50-foot shoreline setback.
- Remove existing impervious asphalt driveway located within the 50-foot shoreline setback.
- Demolish existing outbuilding located within the 200-foot shoreline area and rebuild a new shop in the same location.

**Project Location:** 19315 99<sup>th</sup> Street NW, Vaughn, WA 98335, in the Rural Shoreline Environment and Rural 10 (R10) zone classification of the Key Peninsula Community Plan area, within Section 34, T22N, R00, W.M., in Council District #7

**Review Summary:** The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Gig Harbor Peninsula Community Plan area. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval with conditions.

**State Environmental Policy Act (SEPA):** A SEPA checklist was submitted for this application. Planning and Public Works (PPW) has not yet concluded its environmental review. Note: The project is **not** likely to result in any significant adverse environmental impact and a Determination of Nonsignificance (DNS) is likely to be issued.

**County Contact:** Robert Perez, Planner, 253-798-3093, [robert.perez@percecountywa.gov](mailto:robert.perez@percecountywa.gov)

**Pierce County Online Permit Information:**

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=897427>



## Project Data

Complete Application Date: October 23, 2018

Initial Project Review Mailed: February 7, 2019

Applicants/Owners: Dressel, Robert  
19210 99<sup>th</sup> St NW  
Vaughn, WA 98394  
[bulldozerbob@bluestarres.net](mailto:bulldozerbob@bluestarres.net)

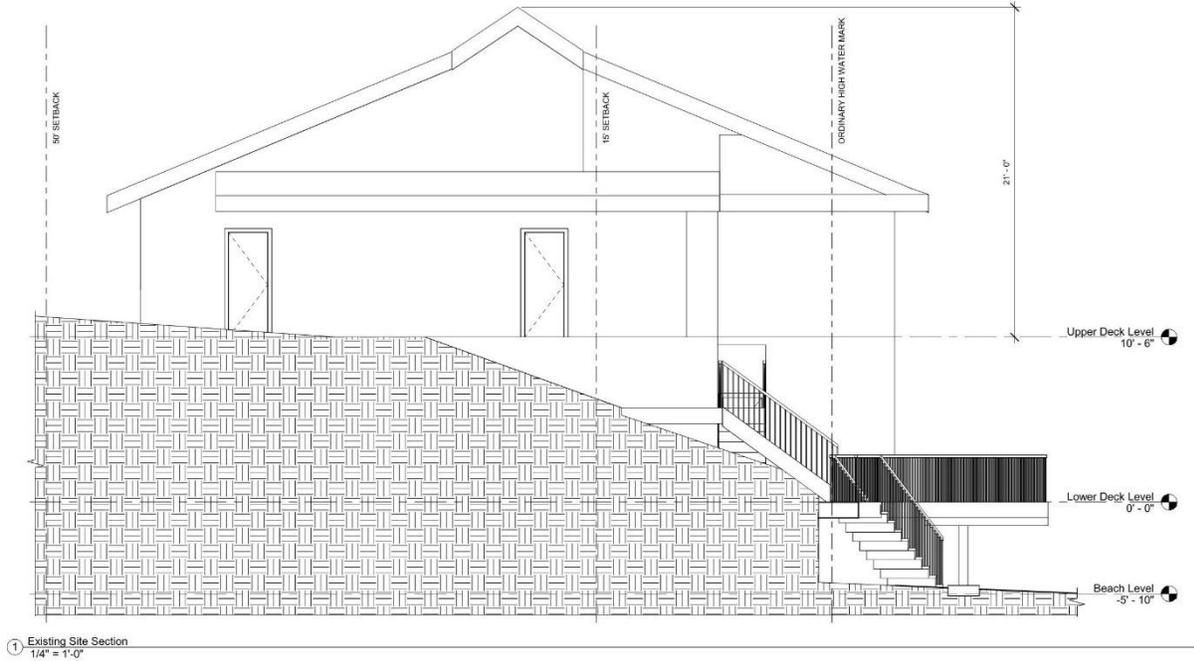
Agent: Permit Granted  
Attn: Terri Schultz  
4810 Point Fosdick Drive NW  
Gig Harbor, WA 98335  
[permitgranted@comcast.net](mailto:permitgranted@comcast.net)

## Legal Notice

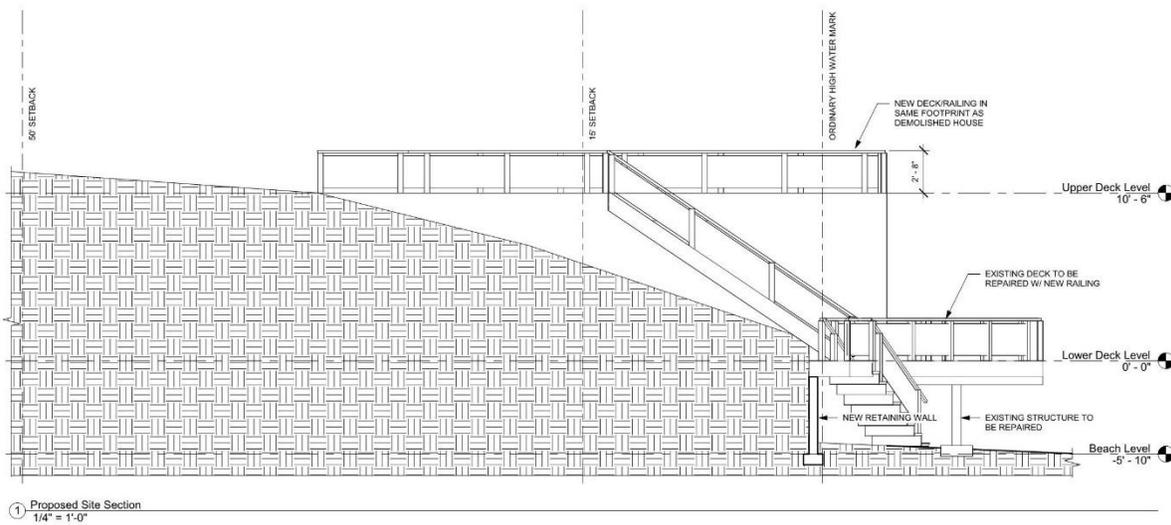
- *November 9, 2018*: Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the subject property.
- *November 18, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *February 7, 2019*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission (PAC).
- *February 14, 2019*: Legal notice was published in the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the PAC.



# Cross Section As Built



# Cross Section Proposed



## **Review Responsibility**

The following list includes examples of jurisdictional areas for various County departments and divisions typically involved in the review and administration of this proposal:

A. Planning and Public Works (PPW):

- Current Planning verifies compliance with the Pierce County Comprehensive Plan, applicable community plans and Development Regulations such as, but not limited to, zoning, critical areas, natural resource lands, shoreline management, design review, and potential environmental impacts.
- Development Engineering reviews for drainage, erosion control, site development, flood, survey, landslide and erosion hazard, lot dimensions, and road standards.
- Cartography reviews road names and addresses.
- Resource Management reviews for consistency with the County wetland and fish & wildlife regulations.

B. Key Peninsula Advisory Commission (KPAC):

The KPAC's role in the review process for a land use proposal includes the following:

- Review the proposal for consistency with the goals and policies in the Community Plan.
- Provide a local perspective that includes input from the community and insights of which PPW staff or the Hearing Examiner may not be aware.
- Offer recommendations for project design to fit with the community's vision while remaining consistent with the Community Plan.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the KPAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation. The LUAC may recommend the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations.

## **Review Criteria**

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County development regulations and construction and infrastructure regulations;
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

## **Site Characteristics**

- The County Assessor lists parcel 0022343035 as being 5.6 acres in size.
- The parcel is accessed from the south and is 841 feet in length at the longest section.
- The parcel is located on the northeast shore of Case Inlet.
- The access to the site is via a driveway off 99th Street Northwest.
- The topography of the site gently slopes toward the shore/bulkhead.
- The parcel is improved with a single-family home on ordinary high water mark (OHWM).
- A currently existing deck attached to the single-family structure projects over water.
- A spit extends north in front of the parcel.

## Surrounding Land Use / Shoreline / Zoning Designation

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

### Agency Review Comments

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- The Nisqually Indian Tribe commented that they would like to be notified of inadvertent discoveries of archaeological significance.
- Development Engineering has requested section views and compliance with the coastal flood hazard regulations and notation of the coastal base flood elevation of 15 on the NAVD88 datum.

### Public Comments

No public comments were received.

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

Key Peninsula Community Plan (Pierce County Code, Title 19B)

**KP LU-2.1** The dominant land use shall be detached single-family residences.

*Staff Comment: The policy for Key Peninsula supports single-family detached residences. This proposal includes repair to a private water access pathway from the deck. The Community Plan also asks that vegetation and tree preservation be a priority in shoreline locations that are identified on the Open Space Corridors Map, the subject property qualifies.*

Pierce County Shoreline Master Program Policies (Pierce County Code, Title 19D.190)

- Recognizing that the location, density and design of residential development can have large impacts on hydrological systems, developers should be responsible for incorporating into their plans solutions to the problems of ground water supplies, and the generation of increased surface runoff.
- Planning for residential development should consider the capabilities of the physical base and existing development patterns utilities.
- New residential areas should not be developed where additional road construction would be required on shorelines.

- Adequate distances between shorelines and structural developments should be maintained in order to protect water quality, maintain dynamic systems, prevent dangerous geological stresses, and insure aesthetic quality.
- Residential and other forms of urban development should be encouraged to locate in currently urbanizing areas in order to preserve existing natural areas and lessen the demand for costly utilities and other public services.
- Residential development over surface water should be prohibited.
- Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.
- Sewage disposal facilities, as well as water supply facilities, must be provided in accordance with appropriate state and local health regulations. Storm drainage facilities should be separate, not combined with sewage disposal systems.
- Residential development should occur only when adequate water supplies are available so that the ground water quality will not be endangered by over pumping.

*Staff Comment: Part of the project consists of structures over water, the deck that is to be repaired. The residence currently sited at OHWM is having its use changed from single-family residence to a boathouse, which is a water related use.*

#### Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 20)

- 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
- Adequate methods of erosion control will be utilized during and after project construction.
- Disturbance of shoreline vegetation will be minimized.
- Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
- All residential structures shall be landward of the extreme high water mark.
- Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.
- Construction, within the prescribed setback, bulk and height limitations of a single-family residence by an owner, lessee or contract purchaser for his own or the use of his family.
- Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.
- All setbacks, with the exception of the setbacks from the ordinary high water line or lawfully established bulkhead, shall be as required by the Pierce County Zoning Code or other County regulations.
- Any water dependent accessory use may be allowed within the 50-foot setback upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the following Conditional Use criteria, and the Conditional Use criteria listed in WAC 173-14-140, and will cause no reasonable adverse effects on the environment and other uses.

- Existing buildings and structures in existence on or before the effective date of this Title may be remodeled or rebuilt in the same location, provided the ground floor lot area of the said building is not increased and further provided the ground floor lot area of the said building is not increased and further provided that the building or use thereof shall have been and continues to be conforming to these regulations and shall be for the same use.

*Staff Comment: Conversion of the single-family residence into a boathouse is consistent with Title 20. Additionally, demolishing a majority of the residence and converting its use to a water related use brings the structure into greater conformity. This conversion and change of use requires the review of a Shoreline Conditional Use Permit. A 20-foot long retaining wall is proposed to protect the upper section of deck. The retaining wall is located approximately 7 feet from the OHWM. This retaining wall requires the review of the Shoreline Variance Permit. Repair and maintenance of the existing deck is consistent with Title 20 since there is not expansion of the deck. The proposal also removes the asphalt driveway to replace it with landscaping.*

*The applicant is in the process of building a new home on the lot. This home was kept out of the 50-foot setback and considerable effort has been made to remove previous development within the 50-foot setback. The proposal is demolishing the building and retaining the basement for conversion into a boathouse.*

#### **WAC Chapter 173-27-160 State Shoreline Conditional Use Permit Criteria**

- That the proposed use is consistent with the policies of RCW 90.58.020 and the policies of the master program
- That the proposed use will not interfere with normal public use of the shorelines.
- That the proposed use of the site and design of the project is compatible with other permitted uses within the area.
- The use will cause no unreasonable adverse effects on the environment in which it is located.
- That the public interest suffers no substantial detrimental effect.
- In the granting of all conditional use permits, consideration shall be given to the cumulative impacts of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

*Staff Comment: Conversion of a single-family residence basement into a boathouse is consistent with the regulatory policies since the shoreline master program gives preference to water dependent uses over other uses. The structure itself is sited right on OHWM with an attached deck that extends over the water. Other properties in the area have similar overwater structures. By converting to a water dependent use, staff believes that impacts of the structure would be less than in its current use as a residence. Staff also feels, the repair of the existing water access pathways associated with the structure would cause no additional adverse impacts. The cumulative impacts of similar, like projects would remain reasonably low as expansion of and building of new overwater structures is prohibited.*

## **WAC Chapter 173-27-170 State Shoreline Variance Permit Criteria**

- In all instances the applicant must demonstrate that extraordinary circumstances shall be shown, and the public interest shall suffer no substantial detrimental effect.
- Variance permits for development and uses that will be located landward of the OHWM, as defined in RCW 90.58.030(2)©.
- That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;
- That the hardship described in (a) of this subsection is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of the master program, and not, for example, from deed restrictions or the applicants own actions;
- That the design of the project is compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and shoreline master program and will not cause adverse impacts to the shoreline environment;
- That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;
- That the variance requested is the minimum necessary to afford relief; and
- That the public interest will suffer no substantial detrimental effect.

*Staff Comment: The proposal includes a retaining wall placed to prevent slippage of earth parallel with a portion of the deck. The wall is to be located within approximately 7 feet of the OHWM and is proposed to be 4 feet in height and 20 feet in length. There has been no demonstration that the dimensions of the wall are the minimum necessary to afford relief. Nor has there been any demonstration of the need for the wall at all. Denial of the retaining wall would not appear to preclude or significantly interfere with the reasonable use of the property since the Single family residence that is being constructed outside of the setback is unaffected and the use of the deck and boathouse are also unaffected.*

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