

# Initial Project Review

## Shoreline Substantial Development Permit: Blix and Rosellini

**Application Number: 914756**

**Parcel Numbers: 0021035001**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: October 16, 2019, at 6:30 p.m.**, Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA 98335

**Proposal:** The proposed project is to:

1. Remove the existing detached carport in order to construct an approximately 1,230-square foot two-story garage (22 feet x 30 feet) behind/north of the residence.
2. Remove the existing dilapidated stairway in order to construct a new stairway leading down the bluff from the upper deck to the existing bulkhead.

The proposed project is accessory to the existing single-family residence, on a 1.07-acre parcel, located on the north shore of Vaughn Bay.

**Project Location:** 9406 186<sup>th</sup> Avenue NW, Vaughn, WA in a Residential Shoreline Environment, Rural 10 (R10) zone classification, and the Key Peninsula Community Plan area, within the NE1/4 of Section 3, T21N, R1W, W.M., in Council District #7

**Review Summary:** 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):** SEPA Review is not required for this proposal.

**County Contact:** Mojgan K. Carlson, Senior Planner, [mojgan.carlson@piercecountywa.gov](mailto:mojgan.carlson@piercecountywa.gov), 253-798-7234

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=914756>



## Project Data

Complete Application Date: July 18, 2019

Initial Project Review Mailed: October 9, 2019

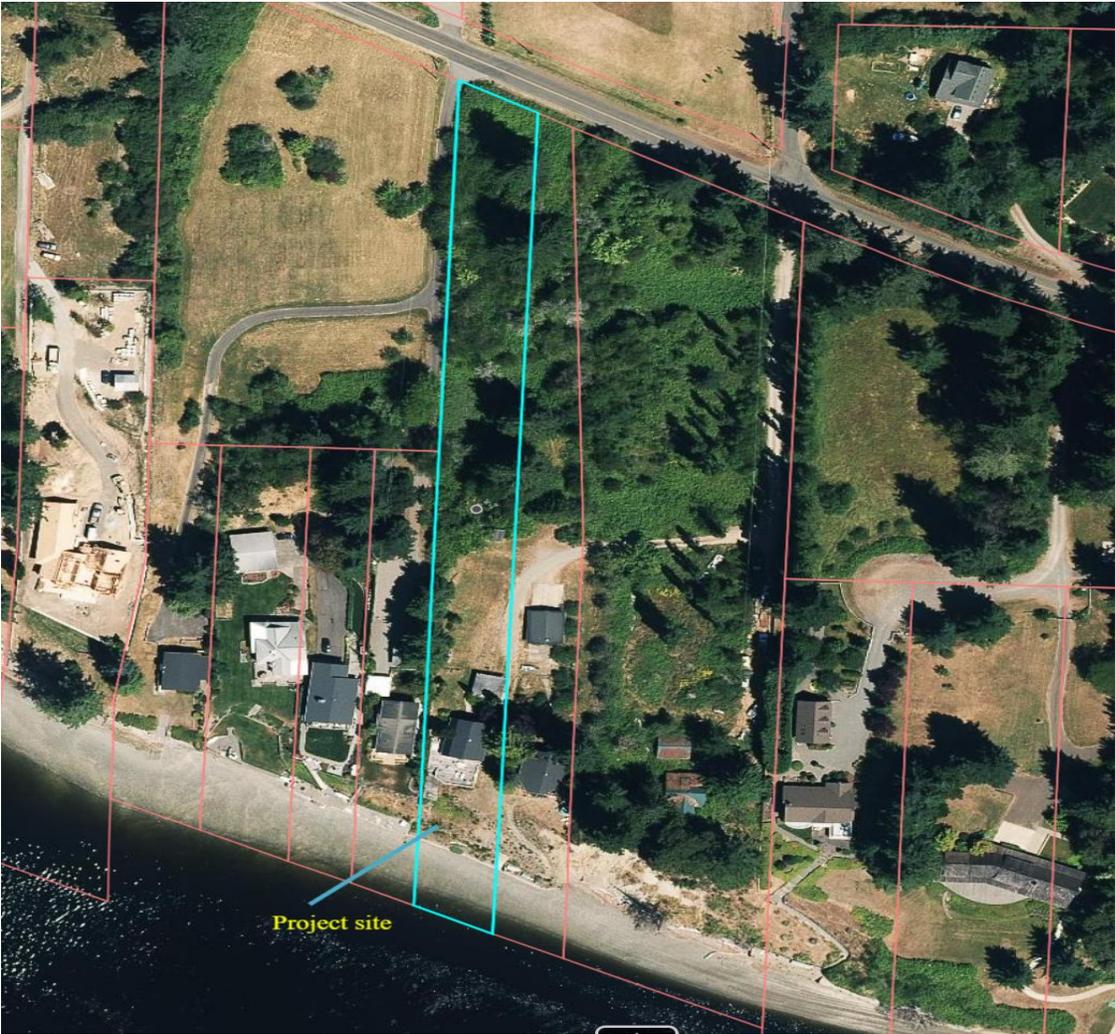
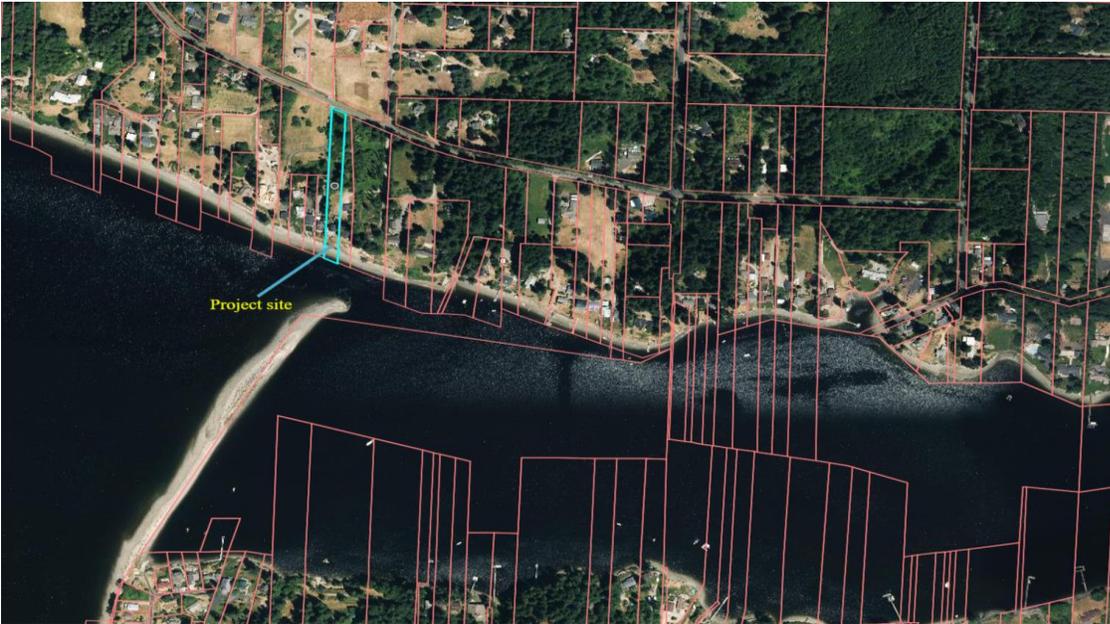
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## Legal and Public Notice

- *July 23, 2019*: Notice of Application (NOA), including the Key Peninsula Advisory Commission (KPAC) meeting date, 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.
- *August 1, 2019*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *October 2, and 3, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the public meeting by the KPAC.

2017 County Aerial Photos

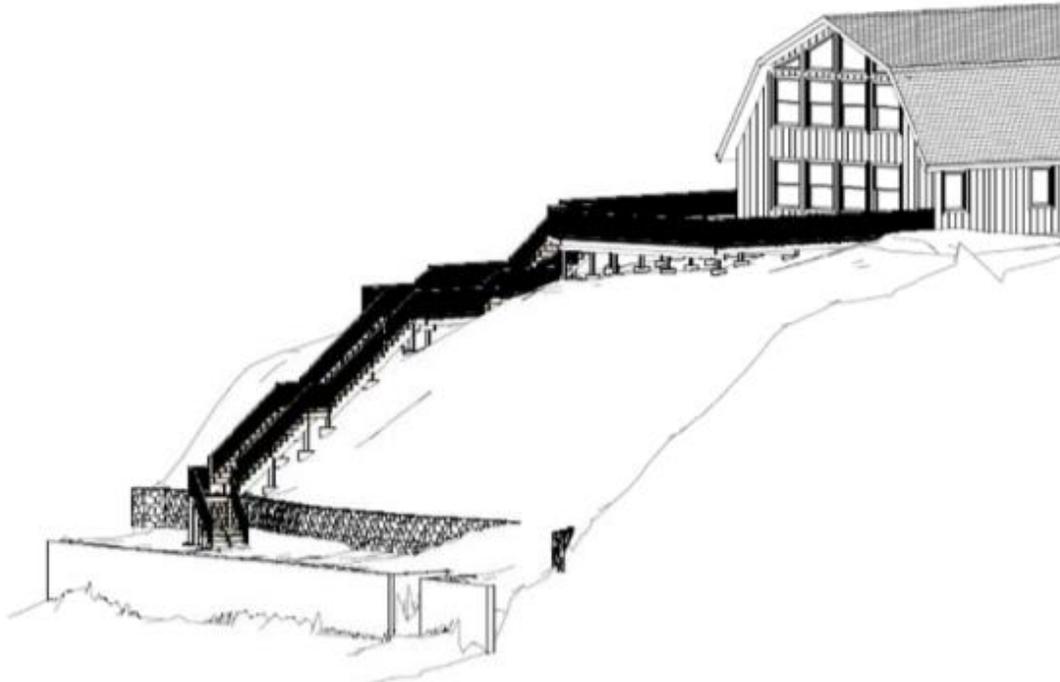


2018 Google Earth

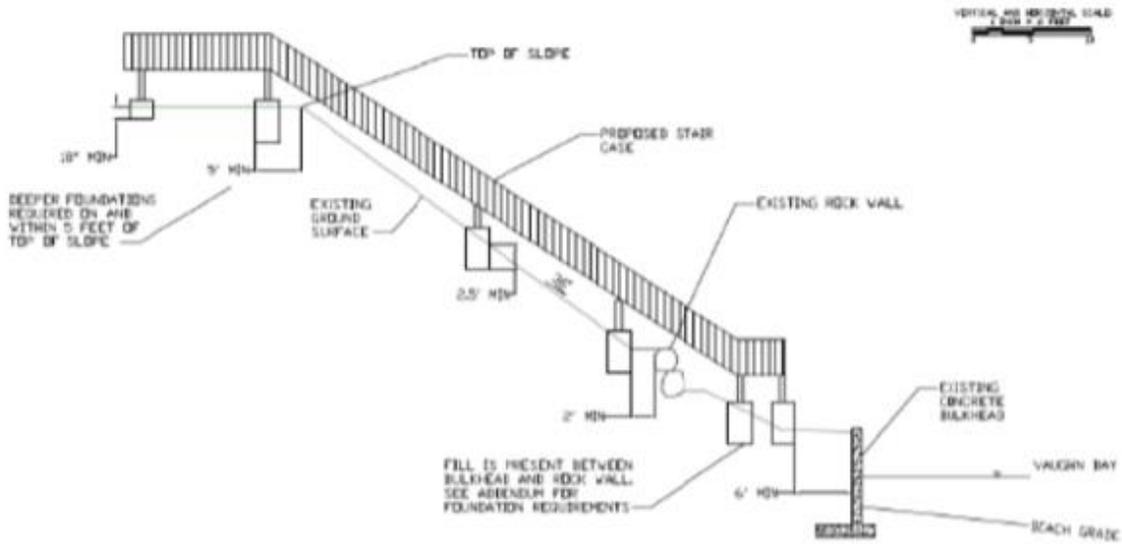




# Cross Section



STAIRWAY RENDERING



STAIRWAY CROSS-SECTION

## 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.
- 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 may not be aware.
- Offer recommendations for project design to fit with the community's vision while remaining consistent with the Community Plan.

Pierce County Code (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.

## 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.

## History

The following is a brief summary of the project:

- |                          |   |
|--------------------------|---|
| <i>December 16, 2009</i> | The applicants applied for a Shoreline Exemption to remove and replace the wood piling bulkhead with a concrete bulkhead. |
| <i>February 26, 2010</i> | A Mitigated Determination of Nonsignificance (MDNS) was issued for construction of the concrete bulkhead.                 |
| <i>March 8, 2010</i>     | Building Permit was issued for construction of the bulkhead.  |

<i>June 20, 2011</i>	The applicants applied for a Shoreline Substantial Development Permit and Shoreline Conditional Use Permit (SDCP18-11) to remove the dilapidated stairway in order to construct a new stairway system and allow retention of a 4-foot tall retaining wall (15 feet from the bulkhead) within the required shoreline setback.
<i>October 19, 2011</i>	A public meeting was held before the KPAC.
<i>November 2, 2011</i>	A public hearing was held before the Pierce County Hearing Examiner.
<i>November 8, 2011</i>	The decision was issued by the Pierce County Hearing Examiner to approve the project with 12 conditions.
<i>June 23, 2012</i>	Building Permit for construction of the stairway (708974) was expired due to lack of activity.
<i>July 15, 2019</i>	The applicants applied for a Shoreline Substantial Development Permit (application #914756) in order to rebuild the existing high bank waterfront stairway system under shoreline regulations (Title 18S), effective on October 26, 2018.
<i>October 16, 2019</i>	A public meeting has been scheduled before the KPAC.

### **Site Characteristics**

- The applicants have a possessory ownership interest in a long, narrow, rectangular parcel of property extending between the south side of 186<sup>th</sup> Avenue KPN and the north shoreline of Vaughn Bay in the Key Peninsula area of unincorporated Pierce County.
- The parcel measures 62.5 feet in width and varies in depth between 775 feet along the west property line and 801 feet along the east property line.
- The proposed project is located on the southern portion of the parcel which slopes gradually downward from 186<sup>th</sup> Avenue to the top of a steep shoreline bluff that measures approximately 30 vertical feet in height.
- The County Assessor lists the site as 1.07-acre in size with approximately 62.5 feet of shoreline frontage.
- The Coastal Zone Atlas for Pierce County, provided by the Washington State Department of Ecology (ECY), identifies the shoreline of the parcel as a “Feeder Bluff”.
- Improvements on the site include a single-family residential dwelling, attached deck, and detached carport.
- The existing residence and carport are located well landward of both the shoreline and the top of the bluff.
- Improvements along the shoreline include a nine-foot-tall, concrete bulkhead with inset stairs, a four-foot-high, rock, retaining wall located 15 feet landward of the bulkhead, and stairs extending from the top of a shoreline bluff to the bulkhead.
- The access to the project site is via a long driveway off Bay View Road NW, which is located to the north of parcel.

## Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		SHORELINE	ZONING
North	Bay View Road NW	N/A	Rural 10 (R10)
South	Vaughn Bay	Residential	N/A
East	Single-family residence	N/A	R10
West	Single-family residence and vacant lot	Residential	R10

### Comments from the Public and Agencies

The proposed project has been routed to interested departments and agencies for review and comment.

Comments received on this proposal may be found by accessing the online permit information referenced on page 1.

- No adverse comments were received from reviewing agencies within the County.
- No adverse comments were received from the general public
- The County Biologist, Scott Sissons, required a Notice on Title for Forge Fish (smelt) and Estuary to be recorded prior to issuance of any permits on this site.
- The County Development Engineer, Dawn Anderson, required an abbreviated plan to address replacement of the new stairway at the time of building permit approval.

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

#### Key Peninsula Community Plan

The Plan was adopted as part of the County Comprehensive Plan in October 23, 2007, under Appendix G (Title 19A):

GOAL KP LU-2 Allow a variety of rural residential land uses in the R10 zone that are consistent with a rural lifestyle.

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

GOAL KP ENV-2 Consider the implementation of development regulations and incentives that encourage property owners to repair degraded environmental features on their land.

KP ENV-8.6 Promote the use of drought-resistant or native vegetation plantings in landscaping areas.

KP ENV-8.11 Encourage property owners to retain native soils and reduce the compaction of yards and landscape areas.

KP ENV-10.2 Promote backyard wildlife sanctuary programs. Encourage the use of native vegetation and other habitat features in residential landscaping.

*Staff Comment:* The site is Lot 1 of an approved short plat recorded in 1975 under Auditor Fee Number (AFN)75-384. The site has been used and will be used only for single-family and related accessory residential uses. The existing single-family residence was originally built in 1977.

*The site is zoned R10. The R10 land use designation provides for a range of low-density residential uses. The intent of R10 is to accomplish a rural land use pattern that promotes rural uses, while not requiring urban level services.*

*The applicants are requesting a Shoreline Substantial Development Permit to allow removal of the existing detached carport in order to construct a two story building. The first floor is 660 square feet in size to be used as a garage, and the second floor is 570 square feet in size to be used as a storage area. In addition, the applicants are removing the existing dilapidated stairway to construct a new 4-foot wide stairway system leading down from the upper deck to the bulkhead (terminating landward of the bulkhead). The applicants have not indicated any vegetation will be removed as a result of this project.*

### **Pierce County Development Regulations**

Current Planning reviewed the proposal for conformance with the requirements of Title 18A – Pierce County Development Regulations-Zoning, Title 18J – Design Standards and Guidelines, Title 18D – Pierce County Development Regulations – Environmental, Title 18E – Pierce County Critical Areas, and Title 18S – Pierce County Development Regulations – Shorelines.

#### Title 18A, Development Regulations- Zoning

The following is an analysis of how the project (boathouse) complies with various provisions of Title 18A:

##### Setbacks

Section 18A.15.040-2 Rural and Resources setbacks for Rural 10 (R10) zoning classification:

- Front: 25 feet (setback applies on the side where vehicles enter only)
- Interior/Side: 10 feet
- Rear: 30 feet

*Staff Comment: Per Section 18A.15.040.B.4.c, Existing lots of record that are 100 feet or less in width may reduce the interior yard setback to 10 percent of the lot width. The parcel width is 62.5 feet (less than 100 feet wide) with the required side yard setback of 6.25 feet. Based on the submitted site plan, the proposed garage and stairway meet all required zoning setbacks.*

### **Development Policies and Regulations - Shorelines – Title 18S**

Shoreline Planning staff has reviewed the proposal for conformance with the requirements of Title 18S PCC, Development Policies and Regulations – Shorelines. The following is an analysis of how the project complies with various provisions of Title 18S.

- Residential Shoreline Environment Designation (SED) (18S.20.050)  
The Residential SED applies to shoreland areas that are predominately single-family or multi-family residential development or are planned and platted for residential development.

Applicable policies include, but aren't limited to:

1. Priority should be given to residential and water-oriented commercial development where such development can be accommodated with no net loss of shoreline ecological functions.

2. Public or private recreation facilities should be encouraged if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.
3. Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side, and views of the development from the water.

*Staff Comment: The applicants are requesting to construct a two-story garage/storage and a 4-foot wide stairway system on the site. A single-family dwelling is a permitted use in the Residential Shoreline Environment, and the proposed structures are considered accessory to the existing single-family residence subject to approval of the Shoreline Substantial Development Permit application.*

*The proposed stairway is to access the water for recreational purposes which is encouraged by the Code and if approved will be compatible with other surrounding uses in this area.*

*As noted previously, the construction will occur within areas that are either already developed with impervious surface or will have minimal loss of vegetation. Additional plantings can be required to offset any vegetation loss.*

*In addition, the proposed garage will not have any view impact on the adjoining neighbor as it will be located behind the existing residence.*

- Archeological, Culture, and Historic Resources (18S.30.020)

The intent of the Archeological, Cultural, and Historic Resources policies and regulations is to recognize that these resources can be found throughout the County and that they are valuable because they are irreplaceable and limited. When these resources are found on shoreline sites they should be preserved, protected, and restored.

*Staff Comment: As of today, staff has not received comments from either the Indian Tribes or from the Department of Archeological and Historic Preservation. However, staff will recommend a condition of approval for the applicants to stop all work if archaeological or human remains are observed during project activities and contact the County.*

- Ecological Protection (18S.30.030)

The intent of the Ecological Protection policies and regulations is to ensure that shoreline development is established and managed in a manner that protects existing ecological functions and ecosystem-wide process and that mitigates adverse impacts to ecological functions. This means assuring no net loss of ecological functions and process in shorelines, and protection of critical areas designated in Title 18E PCC.

Ecological functions refer to the work performed, or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem.

Applicable section policies include, but are not limited to:

1. Establish and manage shoreline uses and development in a manner that mitigates adverse impacts so that the resulting ecological condition is maintained or improved.

2. All shoreline uses and development should avoid and minimize adverse impacts on the shoreline environment.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by limiting the number and extent of shoreline modifications and by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses and development. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
6. Preserve and protect existing trees and native vegetation within shorelines to maintain shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development. Where shoreline vegetation is inadequate to protect against the impact of new uses or development, native vegetation should be enhanced.
7. Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shorelines.

- Ecological Protection: Regulations - General (18S.30.030 C)

All development shall occur as outlined in Table 18S.30.030-1, Mitigation Sequencing, with avoidance of impacts being the highest priority. Lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.

*Staff Comment: Regarding the applicants' proposal, all improvements will be located landward of the bulkhead without having any adverse effect on the shoreline. The proposed garage will be located on the same area as the existing carport and shed. The existing dilapidated stairway system currently encroaches into the adjoining property to the west. The existing stairway will be removed and replaced with a new 4-foot wide stairway system which will meet all required setbacks.*

*Per the submitted documents, it does not appear that any vegetation will be removed as a result of this project. However, staff will request the applicants identify all vegetation proposed to be removed from the site. A condition of approval will require the applicants to provide a vegetation management plan if any vegetation is proposed to be removed.*

- Ecological Protection: Regulations – Critical Areas (18S.30.030 D)

*Staff Comment: The applicants are not requesting modification to a critical area buffer. The County Biologist has completed review of this project. A condition of approval will require the applicants to record a notice on title for Forge fish (smelt) and Estuary on the site.*

- Ecological Protection: Regulations – Shoreline Buffers (18S.30.030 E)

Development on shorelines is subject to both the buffer requirements of Title 18S PCC and the applicable requirements of Title 18E PCC. The applicants' property is located within the Shoreline Residential SED which has a 75-foot buffer.

Per PCC 18S.30.030.E.4 the following uses and development are allowed without a Shoreline Variance within the standards shoreline buffer:

- a. Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program.
- b. An unpaved access path from a residential dwelling to the shoreline is allowed if:
  - (1) The path width is limited to 4 feet;
  - (2) The length of the path is minimized by keeping the path at a right angle to the shoreline to the degree feasible; and
  - (3) No trees are removed.
- c. Up to 500 square feet or 25 percent of the area encompassed within the first 50 feet measured from the ordinary high water mark (OHWM) may be disturbed to accommodate shoreline access, landscaping, or minor construction associated with a water dependent use upon review and approval of a Vegetation Planting Plan pursuant to subsection G.2. of this Section. Such disturbance shall not be concentrated nor span the extent of the shoreline at the water's edge.

*Staff Comment: The applicants are proposing to replace and construct a new 4 foot wide stairway system to access the water on the shoreline of their waterfront property. The required buffer in the residential environment is 75 feet. Based on the e-mail from the applicants' agent, dated July 18, 2019, and submitted site plan, the disturbed area within the first 50 feet of the bulkhead will be less than both 500 square feet or 25% as allowed by the Code (approximately 11.38%). The proposed stairway will terminate 7 feet landward of the bulkhead.*

o Ecological Protection: Regulations – Impervious Surface Limits (18S.30.030 F)

For residential development, not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by effective impervious areas, except that new lots created in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces. The calculation for impervious surfaces shall include parking areas but may exclude a 12-foot-wide driveway. This restriction applies to both principal and accessory uses and structures.

*Staff Comment: Per the submitted site plan, it appears that the total impervious coverage of the parcel will not be more than one third of the portion of the parcel located within the shoreline jurisdiction. A condition of approval will require additional calculation to address this issue.*

• Excavation, Dredging, Filling, and Grading (18S.30.040)

The intent of the policies and regulations in this section is to provide direction for shoreline excavation, dredging, filling, and/or grading associated with a principle use.

Applicable section policies include, but are not limited to:

1. Prohibit fill waterward of the ordinary high watermark (OHWM) except for restoration projects, mitigation actions, beach nourishment or enhancement projects, or when necessary to support a water dependent use, public access, cleanup of contaminated sediments, or alteration of a transportation facility of statewide significant.
2. Locate and design new development to avoid the need for fill. When fill is deemed necessary, its use should be minimized, and environmental impacts mitigated.

*Staff Comment: The applicants' proposal does not include any development waterward of the bulkhead (OHWM) or include any fill or maintenance dredging. Some excavation is proposed associated with construction of the garage and stairway system which is very minimal.*

*Based on an email from the applicants' engineer there will be less than 5 cubic yards of material which will be removed as a result of construction of the stairway. Staff does not find that the amount of excavation associated with the project is excessive.*

- Shoreline Access (18S.30.050)

The intent of the Shoreline Access policies and regulations is to recognize the rights of the general public to reach, touch, view and enjoy the water's edge, to travel the waters of the State, and to view the water and the shoreline from adjacent locations. These rights are a fundamental element of the Shoreline Management Act.

Applicable section policies include, but are not limited to:

1. Protect the navigation rights of the general public.
2. Provide the space necessary for water-dependent uses.
3. Protect, promote, and enhance the public's opportunity to enjoy the physical and aesthetic qualities of shorelines, including views of the water, while also protecting private property rights and public safety.
4. Increase the amount and diversity of shoreline access to the State's shorelines consistent with the natural shoreline character, property rights, public rights under the Public Trust Doctrine, and public safety.
5. Design shoreline access to give priority to public safety and minimize potential impacts to private property, individual privacy, and shoreline ecological functions and processes.
8. Design the scale and character of shoreline access areas and facilities proportionate to the scale of the proposed development.

*Staff Comment: The applicants own a waterfront property and should be able to access and enjoy the shoreline of the site. A portion of the applicants' proposal is replacement of the existing dilapidated stairway system with a new one in order to provide a safe access for the residents from the house to the beach. The proposed stairway system is 4 feet wide, will be on a private property, and will terminate landward of the bulkhead. In addition, other parcels within close proximity of the site have similar type of uses to access the water of their respective shoreline. The proposed stairway system will not have any impact on navigation.*

- Scenic Protection and Compatibility (18S.30.060)

The intent of the policies and regulations of this section is to preserve shoreline scenic vistas and to ensure development on shorelines is compatible with the surrounding, environment, existing and planned development.

Applicable section policies include, but are not limited to:

1. Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
2. Locate new residential structures with respect to views and with a height limit of 35 feet.
3. Design development, except linear public utilities, to fit the natural topography and vegetation to preserve the natural landscape. Design linear public utilities to preserve the natural landscape.
4. Maintain, enhance, and/or restore shoreline features including vegetation.

9. Locate in- and over-water structures so as to minimize visual impacts to adjacent properties and uses and other in- and over-water uses.
  10. Consider impacts to view and scenic resources enjoyed by abutting uses.
- Scenic Protection and Compatibility: Regulations – General (18S.30.060 C) and Height Limits (18S.30.060 D)

*Staff Comment: There are two residences, one on each adjoining parcel, to the east and west of the applicants' property. Both main residences to the east and west are set back closer from the shoreline than the applicants' property. However, the attached upper deck of the applicants' site is located closer to the shoreline than both adjoining residences.*

*Per Title 18S - Shorelines, residential structures shall not exceed a height of 35 feet without approval through a Shoreline Variance. While the proposed stairway would be seen it would not significantly obstruct the neighbors' view as it is replacement of an existing stairway.*

*Neither one of the proposed structures will exceed 35 feet in height nor are they out of scale with other similar uses in the area. Staff has not received comments from the public or adjoining neighbors regarding the view impact or the entire project as a whole.*

*A condition of approval will require the applicants to replace any vegetation that is removed as a result of the project.*

- Water Oriented Development (18S.30.090)

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

Applicable section policies include, but are not limited to:

Policies:

1. Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.
2. Allow water-related and water-enjoyment uses as part of mixed use development on over-water structures where they are clearly auxiliary to, and in support of, water-dependent uses.
4. Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.

Regulations:

3. Water dependent uses and public access to shorelines are preferred use in all shoreline environments.
6. In the Residential SED:
  - a. Residential and water-oriented commercial development is allowed where such development can be accommodated with no net loss of shoreline ecological functions.
  - b. Public or private recreation facilities are allowed if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.

*Staff Comment: The proposed stairway system is one of the preferred uses in the Residential Environment. The proposed stairway is considered a water-oriented use which will provide the residents a safe access from the house to reach the water and enjoy the shoreline of the site.*

*The proposed use is compatible with the surrounding uses as there are other residences with similar uses (pathway and stairs) within close proximity of the site. Staff has determined the use will not cause any net loss of the shoreline ecological function as it will be located on a private property, will not remove any vegetation from the site, and will terminate landward of the bulkhead.*

- Water Quality, Stormwater, and Nonpoint Pollution (18S.30.100)

The intent of the policies and regulations of this section is to protect against adverse impacts to water quality and quantity. Applicable section policies include, but are not limited to:

1. Locate, construct, and operate development in a manner that maintains or enhances the quantity and quality of surface and ground water over the long term.
2. Prevent impacts to water quality and stormwater quantity that would result in a new loss of shoreline ecological functions.
3. Prevent contamination of surface and ground water and soils.
4. Minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments.
5. Encourage the use of low impact development (LID) techniques.
6. Minimize the use of impervious surfaces.

*Staff Comment: The applicants will be required to meet all stormwater and site development requirements. Prior to approval of any associated development permits the applicant shall show that water quality impacts, such as preventing/cleaning spills of harmful substances, controlling stormwater and pollution, restoration to pre-project conditions and construction using materials that do not leach toxic substances are being met.*

- Residential (18S.40.100)

The intent of the policies and regulations of this section is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential SEDs when consistent with control of pollution and prevention of damage to natural environment. The Residential polices and regulations encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and minimization of impacts to fish and wildlife habitats.

Applicable section policies include, but aren't limited to:

1. Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
5. Locate new development a sufficient distance from steep slopes or bluffs to ensure that stabilization measures are unlikely to be necessary during the life of the development.
6. Accessory uses should preserve open space, be visually and physically compatible with surrounding development, and be reasonable in size and purpose.
7. Prohibit new over-water residences, including floating homes.

9. Residential development should preserve existing vegetation, open space, habitat, and critical areas.
  11. New residential structures should be located with respect to views and should not exceed a height of 35 feet.
- Residential: Regulations – General (18S.40.100 C)
    1. Existing legally established residential structures and appurtenant structures located in a Shoreline Environment Designation (SED) which permits the residential development, but that do not meet standards for setbacks, buffers, yards, area, bulk, height or density, shall be considered conforming for purposes of administering Title 18S PCC.
    2. Table 18S.030-2, Standard Shoreline Buffers and Setbacks, indicates the required buffer and setback for each SED. Table 18E.40.060-1, Fish and Wildlife Habitat Conservation Area Buffer Requirements, indicates the required fish and wildlife habitat area buffer width for each water type. Chapter 18E.40 PCC includes the provisions by which fish and wildlife habitat area buffers and setbacks may be modified.
    3. Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.
    4. New over-water residences and expansion of existing over-water residences, including floating homes, is prohibited
    5. Residential development on a lot shall comply with Chapter 18E.110 PCC, Erosion Hazard Areas.
    6. Residential structures shall not exceed a height of 35 feet pursuant to PCC 18S.30.060 D, Scenic Protection and Compatibility.
    7. Not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by impervious areas, except that new lots in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces, including parking areas but excluding a 12-foot wide driveway. This restriction applies to both principle and accessory uses and structures.

*Staff Comment: The Standard Shoreline Buffer is 75 feet for properties within the Residential SED. The applicants' existing residential structure does not meet standards for buffers; however, the original residence was constructed legally and met the required setback of 50 feet at the time of construction.*

*The proposed detached garage is located outside of the required 75-foot shoreline buffer and it is comparable in size with other detached garages located on both adjoining parcels as well as the immediate area of the site.*

*The proposed stairway is located within the required 75-foot shoreline buffer; however, it is comparable in size with existing stairways located immediately to the west of the site as well as the other stairways in the area. The property to the immediate east access the water by combination of stairs and pathway.*

*Per the submitted site plan, it appears that the total impervious coverage of the site will be less than one third of the portion of the parcel located within shoreline jurisdiction. Staff requests the applicants provide impervious surface calculations.*

*There are no structures proposed to be located over the water. Both proposed structures will be less than 35 feet in height and meet all required zoning setbacks.*

- Water Access Facilities (18S.40.140)

The Water Access Facilities policies and regulations are intended to manage development of facilities that support water dependent uses such as mooring buoy, mooring piling, float, lift, railway, launching ramp, dock (pier, ramp, and/or float), marina, and water access stairs.

Applicable section policies include, but aren't limited to:

1. Locate, design, and operate facilities so that other water-dependent and preferred uses are not adversely affected.
5. Give preference to facilities:
  - a. That provide public access and recreational opportunities;
  - b. That are landward of the ordinary high water mark (OHWM) such as upland dry storage marinas;

- Water Access Facilities: Regulations – General (18S.40.140.C)

3. Facilities shall be stable against the elements and maintained in safe and sound condition.
12. Height of a facility should be the minimum necessary for safe operations.
16. Water access facilities are subject to Chapter 18E.110 PCC, Erosion Hazard Areas.

- Water Access Facilities: Regulations – Residential (18S.40.140.D)

The following regulations apply to residential water access facilities serving four or fewer parcels:

1. Facilities may be allowed if a residential parcel meets the following criteria:
  - a. The parcel abuts either the water's edge or is separated from the water's edge by an existing road that abuts the water's edge;
4. Use of residential water access facilities shall be limited to property owners, residents, and guests for recreational noncommercial purposes, except for those associated with a legally established home occupation or cottage industry.
11. Water access stairs shall not be constructed waterward of the OHWM. Landings within the stairway shall be limited to the minimum size necessary to meet applicable building codes.

*Staff Comment: The proposed stairway will replace the existing nonconforming dilapidated stairway system on the waterfront property. If approved, the proposed 4-foot wide stairway system will extend down from the upper deck to the bottom of the bluff, 6.25 feet from the west property line, and will terminate approximately 7 feet landward of the bulkhead. The proposed structure will provide a safe water access to the residents to enjoy the shoreline of the site.*

*In addition, there is no evidence that the proposal, if approved with conditions, will cause substantial detrimental effects to the shoreline environment. Conditions of approval will address all construction and erosion issues.*