

1. 6:30 P.M. 2018 08 15 KPAC Agenda

Documents:

[8 15 18 KPAC Agenda.pdf](#)

2018 08 15 Initial Project Review - Phair SD

Documents:

[Phair SD IPR KPAC-MC.pdf](#)

**MEETING AGENDA
KEY PENINSULA ADVISORY COMMISSION
6:30 P.M., Wednesday, August 15, 2018**

**KEY PENINSULA CIVIC CENTER
VFW ROOM
17010 S. VAUGHN RD, VAUGHN**

PUBLIC MEETING

**Shoreline Substantial Development Permit:
Applications [886869/886872](#)**

Applicant: Brian & Heidi Phair

Planner: Mojgan Carlson, mojgan.carlson@piercescountywa.gov

Request: Retain a previously constructed 125-foot-long by 7-foot-high (total constructed height) rock bulkhead and a 70-foot-long by 4-foot-high (maximum height) rock retaining wall 15 feet from the bulkhead, as accessory to an existing single-family residence on a .77-acre parcel located on the east shore of Case Inlet at 8416 189th Ave NW, Vaughn, WA, within the Key Peninsula Community Plan area, Rural 10 zone, and Rural Shoreline Environment, in Council District #7.

Adoption of Minutes (July 18, 2018) - Action

Initial Project Review

Shoreline Substantial Development Permit: Phair

Application Numbers: 886869, 886872
Parcel Number: 0021034096

Key Peninsula Land Use Advisory Commission (KPAC) Meeting: August 15, 2018, at 6:30 p.m., at the Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA

Proposal: Shoreline Substantial Development Permit to:

- 1) Retain a previously constructed 125-foot-long by 7-foot-high (total constructed height) rock bulkhead along the entire shoreline of the site.
- 2) Retain a previously constructed 70-foot-long by 4-foot-high (maximum height) rock retaining wall 15 feet from the bulkhead.

The proposed project is accessory to the existing single-family residence, on a 0.77-acre parcel, located on the east shore of Case Inlet, in the Rural Shoreline Environment and Rural 10 (R10) zone classification, in the Key Peninsula Community Plan area.

Project Location: 8416 189th Avenue NW, Vaughn, WA, within the SE ¼ 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 including the Key Peninsula Community Plan.

The subject site is not identified as a feeder bluff. Staff has observed some erosion at the toe of the bank which could make retention of this bulkhead an essential use to prevent further erosion of the property. Staff believes the proposal can be conditioned to be consistent with applicable policies and regulations.

State Environmental Policy Act (SEPA): Based in association with the construction of the entire project, a SEPA checklist was submitted for this application. Planning and Public Works (PPW) will prepare an environmental determination. The department has reviewed the proposed action and determined that it is **not** likely to result in any significant adverse environmental impact and that a Determination of Nonsignificance (DNS) is likely to be issued.

County Contact: Mojgan K. Carlson, Senior Planner, Mojgan.carlson@piercescountywa.gov, 253-798-7234.

Pierce County Online Permit Information:

<https://palsonline.co.pierce.wa.us/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=886869>



Project Data

Application Complete: May 21, 2018
Revised Application: July 9, 2018

IPR Mailed Date: August 1, 2018

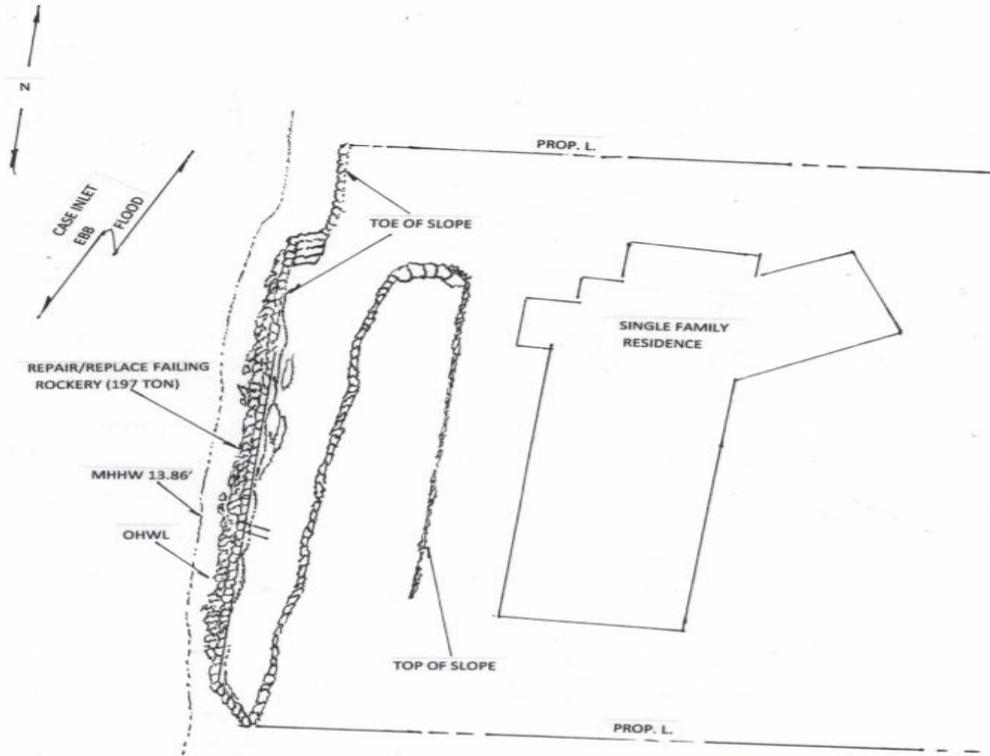
Owners: Brian and Heidi Phair
8416 189th Avenue NW
Vaughn, WA 98394-9725
bcphair@gmail.com

Applicant: Pacific Northwest Bulkhead, Inc.
PO Box 11477
Olympia, WA 98508
pacificnwbulkhead@comcast.net

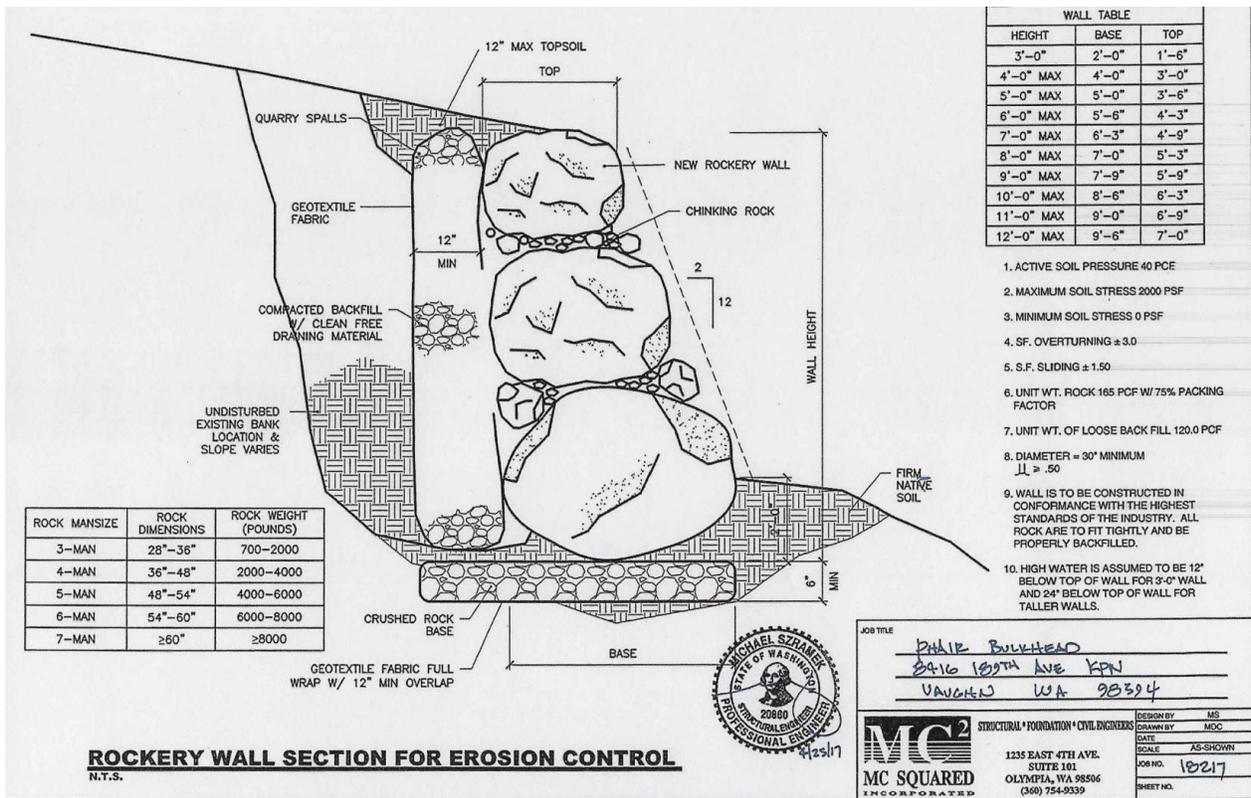
Legal and Public Notice

- *June 1, 2018:* Notice of Application, including the Key Peninsula Land Use 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.
- *June 11, 2018:* Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *August 1, and 2, 2018:* Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper advertising the public meeting to be held by the KPAC.

Site Plan



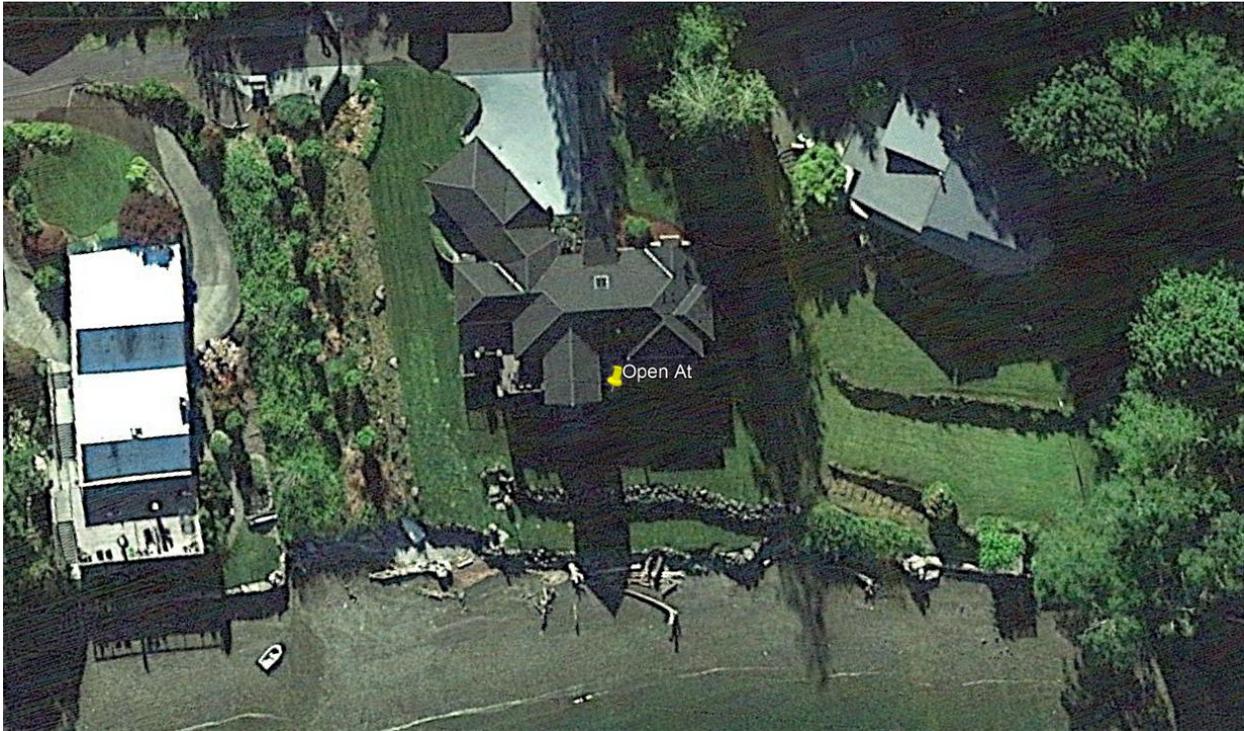
Cross Section View



2017 Ortho Photos



2017 Google Earth



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 Gig Harbor Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- This gated property is located on the east shore of Case Inlet.
- The parcel is rectangular shaped with an upland length of approximately 300 feet and shoreline frontage of 90 feet.
- The long axis of the parcel is oriented in an east-west direction.
- The County Assessor lists the upland portion of the parcel as being approximately .77-acre in size.
- The applicants own the abutting tideland (approximately half of the parcel is located waterward of the bulkhead).
- The topography of the parcel is rolling with slopes of over 15% running downward from west to east, towards the water.
- Per the Coastal Zone Atlas for Pierce County, provided by Ecology, the shoreline of the area is **not** considered a feeder bluff. However, during the site visit, staff noticed evidence of erosion at the toe/shoreline of the site.
- The shoreline of the site is improved with an unpermitted rock bulkhead.

- The upper portion of the parcel is improved with a single-family residence and attached garage built in 1991 (upgraded in 2010) and a detached garage built in 2016.
- A rock retaining wall separates the upper portion of the yard from the lower strip of grass and the rock bulkhead.
- Based on County Ortho photos the bulkhead and retaining wall were constructed sometime in the early 1990s or after enactment of shoreline regulations.
- During the site visit, staff noticed a portion of the retaining wall to be over 4 feet in height and closer than 15 feet from the bulkhead. Therefore, the applicants either must relocate the wall and submit documented proof or apply and obtain a Shoreline Variance (SDV) approval.
- The shoreline of the abutting parcels to the north and south are not improved with a manmade bulkhead; however, there are scattered large woody debris on these sites.
- The applicants purchased this property in December of 2012.

Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		SHORELINE	ZONING
North	Public Right-of-way and Single-family Residence	Rural	Rural 10 (R10)
South	Single-family Residence	Rural	R10
East	189 th Avenue NW and Single-family Residence	N/A	R10
West	Case Inlet	Rural	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:

- Pierce County Development Engineering Division requested approval of geotechnical assessment (application # 888391).
- Pierce County Resource Management Division (Biologists) requested a site plan to show where the retaining wall is in relationship to the bulkhead, as well as a cross- section view of the wall.
- Washington State Department of Ecology (Ecology) requires coverage under the Construction Stormwater General Permit. Also, Ecology recommends a soil analysis of the site for arsenic and lead if contamination is discovered.

Public Comments

To date, the only comments received have been from the previous abutting property owner to the east.

Governing Regulations

Key Peninsula Community Plan (October 23, 2007)
Shoreline Master Program Policy Document (March 4, 1974)
Title 19A Comprehensive Plan - January 1, 1995, as amended
Title 19D Other Comprehensive Planning Documents (June 8, 2015)
Title 18 Development Regulations - General Provisions (February 1, 2017)
Title 18A Development Regulations - Zoning (May 1, 2018)
Title 18 E Development Regulations - Critical Areas (March 7, 2017)
Title 20 Shoreline Management Use Regulations (February 2, 1998)

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

Key Peninsula Community Plan

The project complies, or can be conditioned to comply, with all applicable policies and objectives of the Comprehensive Plan and Key Peninsula Community Plan.

Per the Key Peninsula Community Plan policy “Water Resources – Shorelines”, activities that increase the function and value of marine shorelines are encouraged while activities that degrade the marine environment are discouraged or prohibited. New developments near the shoreline are encouraged to utilize Best Management Practices.

Staff Comment: The site is in a rural residential area of the Key Peninsula with a Rural Shoreline environment designation. The site has been used as a single-family residence since 1991. Currently, all existing improvements on the site, except the rock retaining wall, are meeting the required 50-foot shoreline setback.

The applicants are requesting a Shoreline Substantial Development Permit (SD) to allow retention of a 100-lineal foot long unpermitted bulkhead and 70-lineal foot long retaining wall along the western portion of a waterfront property which is improved with a single-family residence.

The Community Plan does ask that vegetation and tree preservation be a priority in shoreline locations that are identified on the Open Space Corridors Map, such as the subject property. Thus, staff will recommend a condition of approval for the applicants to remove a portion of the lawn located immediately landward of the bulkhead to plant some native vegetation along the shoreline as well as at the bottom and top of the retaining wall, if approved. The required planting will cascade and disguise the wall over a couple of years. In addition, the landscape along and landward of the bulkhead eliminates the fertilizer and pesticides used on the lawn to enter the shoreline and contaminate the water.

The required landscaping shall be native to the Pacific Northwest and approved by Planning and Public Works (PPW) prior to planting. The required landscaping will increase the value of marine shoreline, enhance the wildlife habitat, and protect water quality.

Development Regulations

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 Resource Setbacks

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.a, a detached single-story accessory structure may occupy 25 percent of the total area of an interior yard, and shall maintain a minimum 3-foot side yard setback.

It should be noted, if the retaining wall is just a structure to hold back the grade and not the building, Staff does not have a concern as the wall structure is allowed up to 6 feet tall without a land use variance.

Based on the document submitted by the applicants, the existing rock retaining wall meets all required setbacks except the required 50-foot shoreline setback, thus the need for Shoreline Variance approval.

Title 20, Shoreline Management Regulations

The following analysis demonstrates how the project complies with various provisions of Title 20:

1. A Shoreline Substantial Development Permit (SD) is required due to the following:
 - A. Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 20) Section 20.76.030 B.1. and Washington Administrative Code (WAC) 173-27-040(2)(a) requires an SD for development exceeding a fair market value of \$7,047.00.
 - B. The site is designated a Rural Shoreline Environment. The proposed project is allowed in the Rural Environment subject to the granting of an SD. However, per Title 20, Section 20.62.050.C and 20.62.050.4.b. the existing retaining rock wall may require a Shoreline Variance (SDV) application approval if it is taller than 4 feet and closer than 15 feet to the bulkhead.

Staff Comment: If the project is approved, the bulkhead must follow the existing contour of the bank to minimize encroachment below the ordinary high water mark (OHWM). In addition, the proposed bulkhead will not adversely affect habitat in the area if it complies with the Hydraulic Project Approval (HPA), from the Washington State Department of Fish and Wildlife (WDFW). The applicants' compliance with HPA will ensure the proposal's impact to fish and shellfish habitats are minimized.

Since there is no bulkhead on the adjoining parcel to the south, staff recommends a condition of approval that requires the applicant to allow the adjacent property owners to the south the privilege to tie in and meet the bulkhead if and when they obtain an approved permit.

The applicant must illustrate and provide documentation demonstrating the retaining wall is 4 feet or less in height and more than 15 feet from the bulkhead, or apply and receive approval for a Shoreline Variance application.

Phair SD IPR KPAC-MC.docx