Initial Project Review

Shoreline Substantial Development Permit: Rodriguez

Application Number: 961667
Parcel Number: 0319292126

Parkland – Spanaway - Midland Advisory Commission (PSMAC) Public Meeting: August 4, 2021, at 6:30 p.m., Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit www.Zoom.com and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 925 9440 3451 / Passcode: 783554, or click on the following link: https://piercecountywa.zoom.us/j/92594403451?pwd=V1Ixmdp1bGJ5R1ZpRDdvSkZITUhnZz09 For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or tiffany.aliment@piercecountywa.gov.

Proposal: The proposed project is to demolish the existing single-family residence built in 1962 in order to construct a new single-family residence with an attached 1,216-square foot Accessory Dwelling Unit (ADU) on the site.

The proposed project is on the northwest side of an approximately 7.66-acre parcel, located on the western shore of Spanaway Lake.

Project Location: 16407 Spanaway Loop Road South, Spanaway, WA, in the Residential Shoreline Environments, Residential Resource (RR) zone classification, and the Parkland-Spanaway-Midland Communities Plan area, within the NW ¼ of Section 29, T19N, R3E, W.M., in Council District #3.

Review Summary: County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, that the proposal appears to be consistent with the applicable codes and regulations and that staff intends to recommend approval, with conditions.

State Environmental Policy Act (SEPA): Pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations, Title 18E, the Pierce County Environmental Official designate has reviewed this project and determined that the project is exempt from SEPA provisions.

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

Pierce County Online Permit Information: http://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=961667
Project Data

Complete Application Date: May 7, 2021

Initial Project Review Mailed: July 28, 2021

Applicant/Owner: Brandi Rodriguez
16407 Spanaway Loop Road South
Spanaway, WA 98387-9115
brandirodriguez@gmail.com

Agent: N/A

Legal and Public Notice

- **May 20, 2021**: Notice of Application (NOA) and Public Meeting Notice, including the Parkland-Spanaway-Midland Advisory Commission (PSMAC) public meeting information, 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.
- **July 2, 2021**: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- **July 21, 2021**: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PSMAC public meeting.
- This permit does not require a public hearing before the Pierce County Hearing Examiner per Pierce County Code, Title 18S.60.040.F Approval.
Site Plan
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. Parkland-Spanaway-Midland Advisory Commission (PSMAC):

   The PSMAC’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.

PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the PSMAC. 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 Parkland-Spanaway-Midland Communities Plan;
C. Applicable state statutes; and
D. All applicable notes on related previously recorded County documents.

Site Characteristics

Staff visited the site on June 10, 2021, and observed the following:

- The project site is on the western portion of a 7.66 rectangular shaped parcel which fronts on wetlands associated with Spanaway Lake located to the east side of the site. (Spanaway Lake is located approximately 850 feet east of the parcel.)
- The long axis of the parcel is oriented in an east-west direction. The site generally slopes down from northwest to southeast towards the water with the highest slope of 30% going east towards the water.
• The eastern 2/3 of the parcel contains a regulated Category II wetland. In accordance with Section 18E.30.060, the buffer for this wetland is 110 feet.
• Vegetation on the western part of the site consists of deciduous trees and grass lawn as well as landscaping plants. Vegetation on the eastern portion of the site consists of deciduous trees, shrubs, and native plants.
• This site contains a White Oak Woodland habitat along a portion of the north property line. In accordance with Section 18E.40.060.B, no buffer is required around the woodland. (The woodland consists of an area extending five feet outside the dripline of the trees that make up the woodland.)
• No regulated streams and/or drainage courses have been identified on, or adjacent to, the site pursuant to Chapter 18E.60 - Fish and Wildlife Habitat Areas, Pierce County Development Regulations - Critical Areas.
• The County Assessor lists the parcel as 7.66-acres in size.
• Currently, the site is improved with a single-family residence, a carport, a shed, and a barn.
• The site is surrounded by other single-family homes located on adjacent lots in all directions.
• Access to the site is via a long driveway off Spanaway Loop Road South, which is located to the west of the site.

Surrounding Land Use / Shoreline / Zoning Designation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>SHORELINE</th>
<th>ZONING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single-family residence</td>
<td>N/A</td>
</tr>
<tr>
<td>South</td>
<td>Single-family residence</td>
<td>N/A</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residence and Spanaway Lake</td>
<td>N/A</td>
</tr>
<tr>
<td>West</td>
<td>Spanaway Loop Road South</td>
<td>Residential</td>
</tr>
</tbody>
</table>

**Note:** On April 15, 2008, a short plat application (633361) was submitted to the County for review and approval of 5 single-family residential lots on this parcel. However, on August 13, 2014, the short plat application was cancelled due to lack of activity.

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 comments were received from the general public.
• No adverse comments were received from reviewing agencies within the County.
• County Biologist asked for a Wetland Verification application to confirm the wetland buffer signs are still posted and site conditions have not changed per the recorded wetland approval signed in March of 2012, and recorded under AFN 201203160456.
• County Development Engineer has approved this project and asked for Site Development Plans to be submitted as a condition of approval.
Initial Planning and Public Works Staff Review for Consistency with Regulations and Policies

Parkland-Spanaway-Midland Communities Plan

The Plan was initially adopted as part of the County Comprehensive Plan on June 11, 2002, Under Appendix E (Title 19A):

GOAL PSM LU-16 The permitted residential densities shall discourage urban sprawl throughout the plan area.

PSM LU-16.2 Residential areas where substantial environmental constraints exist shall develop at densities of 1 to 3 dwelling units per acre within the Residential Resource zone.

PSM LU-22.2 Utilize environmentally sensitive design standards for development on sites that are located in a Residential Resource zone.

PSM LU-22.2.1 Impervious surfaces, in the form of rooftops, roads, and lawns which generate rapid runoff and prevent infiltration of water into the ground for gradual recharge of streams, shall be avoided or mitigated.

PSM LU-22.2.2 The greater the intensity of the development in terms of the noise, traffic, odor, light, and other factors that could impact the open space corridor, the more open space shall be required, up to 50% of the site.

PSM LU-22.2.3 Individual dwelling units and accessory dwelling units should be designed and placed in such a manner to avoid impacting the open space tract.

PSM LU-22.2.4 Lawns, turf areas, driveways, and roads should be limited and located in a manner that will result in the least impact to the open space tract.

PSM LU-22.2.5 Buildings, signage, and other structures such as fencing shall be located in a manner that ensures protection of the open space corridor.

Staff Comment: In addition to the proposed main residence, an Accessory Dwelling Unit (ADU) is proposed for this site. Except the grass lawn, the proposed ADU will not remove any vegetation on the project site. If approved, the ADU will not be out of character with other properties within the immediate vicinity, as the area is surrounded by other single-family residential uses.

Title 18A Development Regulations – Zoning

PCC Title 18A sets out zoning regulations for development. The subject property is in the Rural Resource (RR) zone classification. The following is an analysis of how the project complies with various provisions of Title 18A:

The required setbacks in the RR zone is shown on the table below.
Note: 12-foot setback for porches; 15-foot setback to other portions of the building; and 25-foot setback for vehicle parking facilities such as garage or carport either attached or detached, setback applies on the side where vehicle enters only.

Staff Comment: The property is zoned RR and currently improved with a primary residence. It should be noted that the existing residence will be demolished and reconstructed. The request is for construction of an ADU, a use ancillary and subordinate to a single-family residence and, as such, is permitted outright.

Based on the submitted site plan, the applicant has demonstrated that the proposed ADU meets all the prescribed setbacks for the subject property’s zoning classification (Title 18A).

It should be noted that a Shoreline Variance application may be required if the proposed ADU does not meet the required 75-foot shoreline buffer.

18A.37.120 Accessory Dwelling Unit (ADU).

A. The establishment of an ADU shall be subject to the following general requirements:

1. One ADU shall be allowed per lot of record as an accessory use in conjunction with any detached single-family structure in all zones. ADUs shall not be permitted on lots created under Chapter 18J.17 PCC, Small Lot Design. ADUs shall not be included in density calculations.
2. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.
3. An ADU shall be permitted as a second dwelling unit attached to, or detached from, the principal dwelling.
4. A detached ADU may be any dwelling permitted in the applicable land use classification.
5. New construction of a detached ADU or conversion of an existing detached structure to an ADU shall not be permitted within the required front, side, or rear yard setback. An exception to the required rear yard setback may be allowed if the rear yard abuts an alley.
6. If an ADU is created by constructing a new detached structure, the building height of the ADU shall not be greater than the principal dwelling's building height, unless the ADU is above a detached garage.

B. Size. An ADU shall be no greater than 1,000 square feet when located in an Urban Growth Area. When located outside an Urban Growth Area, the size may increase to 1,250 square feet.

1. The following areas shall be counted when calculating the size of an ADU: any area with a ceiling height of 7 feet or more; all bathroom and basement areas with a ceiling height of 6 feet, 8 inches or more; and any areas with sloped ceilings where 50 percent of said area has a ceiling height of 5 feet or more.
2. When calculating the square footage of an attached ADU, all measurements shall be taken from the interior walls.
3. When calculating the square footage of a detached ADU, all measurements shall be taken from the exterior walls and shall include each level of the structure, excluding only the garage, covered porches, and any levels not accessed by a permanent stairway structure.
C. **Design.** The following standards shall apply when the separation between the principal dwelling and proposed accessory dwelling is less than 100 linear feet:

1. The entrance to an attached ADU shall not be directed toward any front yard unless utilizing an existing doorway.
2. Detached ADUs shall be no closer to the front lot line than the front edge of the principal dwelling. This provision shall not apply to waterfront lots regulated pursuant to Title 18S PCC, Development Policies and Regulations – Shorelines.
3. **Parking.** One off-street parking space shall be required for the ADU in addition to off-street parking required for the principal dwelling pursuant to PCC 18A.35.040, Off-Street Parking.

*Staff Comment:* The proposed ADU is 1,216 square feet in size. Based on the submitted site plan, the ADU will be attached to the proposed single-family residence by a breezeway and will not be taller than the main residence. The proposed ADU complies with all above requirements listed under Title 18A. The applicants shall apply for a building permit for construction of the ADU if all of the established ADU procedures are followed and the SD application is approved.

**Title 18S -Pierce County Development Policies and Regulations – Shorelines**

Title 18S provides policies, and regulations for development on Pierce County shorelines. The proposal is located within the Residential Shoreline Environment Designations.

*18S.20.050 - Residential Shoreline Environment Designation (SED).*

The intent of the Residential SED is to accommodate residential development in areas that are already developed with or planned for residential development. The Residential SED may also include water-oriented commercial and recreation uses.

*Staff Comment:* The proposed ADU will be accessory to the proposed single-family residence. As such, it is consistent with the general regulations and policies in the Residential SED. The Pierce County Shoreline Master Program requires the applicant to obtain approval of a Shoreline Substantial Development Permit for the construction of an ADU. If developed in accordance with all requirements and guidelines, and conditions of approval in the staff report, the project will be consistent with provisions for development in the Residential SED.

*18S.30.030 - Ecological Protection.*

The intent of the Ecological Protection policies and regulations is to ensure that shoreline development is established and managed in a manner that protects existing ecological functions and ecosystem-wide process and that mitigates adverse impacts to ecological functions. This means assuring no net loss of ecological functions and processes in shorelines.

C. **Regulations – General.**

1. All development shall occur as defined 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. Mitigation sequencing components consist of a series of consecutive steps beginning with avoidance and ending with monitoring and taking appropriate corrective measures.
Staff Comment: Single-family residences are a preferred use in the Residential SED. Keeping the development around the existing single-family residence and utilizing much of the existing driveway and building footprint reduces the impacts. Staff believes the proposed ADU is a reasonable request.

E. Regulations – Shoreline Buffers.

Staff Comment: The required Residential Shoreline buffer is 75 feet. Staff has required the applicant to demonstrate the location of the shoreline buffer within the submitted site plan to determine if a Shoreline Variance (SDV) application would be needed for this project.

18S.30.060 Scenic Protection and Compatibility.
The purpose of the Scenic Protection and Compatibility policies and regulations is to preserve shoreline scenic vistas and to ensure development on shorelines is compatible with the surrounding environment, existing, and planned development.

D. Regulations – Height Limits. Structure height is measured from the average pre-developed grade level to the highest point of a structure; provided, that television antennas, chimneys, and similar appurtenances shall not be used in calculating height, except where such appurtenances obstruct the view of the shoreline of a substantial number of residences on areas adjoining such shorelines; provided further, that temporary construction equipment is excluded from this calculation.

Staff Comment: The ADU structure shall not exceed a height of 35 feet. Staff will recommend a condition of approval to address this issue.
F. Regulations – Impervious Surface Limits. 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.

Staff Comment: The increase to the parcel’s impervious surfaces within the SED required for the ADU’s building envelope will not exceed the maximum allowed impervious surfaces of 33%.

18S.40.100 Residential and 18S.60.030 Shoreline Permit Table.

The intent of the Residential policies and regulations is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential Shoreline Environment Designations (SEDS) when consistent with control of pollution and prevention of damage to the natural environment. The Residential policies 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 habitat.

<table>
<thead>
<tr>
<th>Uses, Modifications and Development</th>
<th>Shoreline Environment Designation (SED)</th>
</tr>
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<tbody>
<tr>
<td>N=Natural, C=Conservancy, R=Residential, H=High Intensity, AF=Aquatic Freshwater, AM=Aquatic Marine</td>
<td></td>
</tr>
<tr>
<td>Development</td>
<td>N</td>
</tr>
<tr>
<td>Residential and Land Divisions (See PCC 18S.40.100 for Residential Policies and Regulations)</td>
<td></td>
</tr>
<tr>
<td>Single-Family and Accessory Uses/Structures</td>
<td></td>
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<tr>
<td>Other Housing Types and Accessory Uses/Structures</td>
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</table>

Staff Comment: Under PCC 18S.60.030 any Other Housing Type and Accessory Uses/Structures sited within the Residential environment, require review as a Shoreline Substantial Development (SD). Since an ADU does not qualify for an Exemption to an SD, the shaded area denotes that the use, modification, or development is therefore permitted subject to an SD.

18S.60.040 Shoreline Substantial Development Permit.

D. Decision Criteria. The Director shall review applications for Shoreline Substantial Development in accordance with the following decision criteria:

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

Staff Comment: Additional dwellings, such as ADUs and temporary dwelling units, shall not be considered a normal appurtenance to a single-family residence and do not qualify under 18S.60.020 C. 7. c. for an Exemption to an SD Permit; therefore, review is required through an SD permit.

The proposed ADU is consistent with the policies of the RCW 90.58.020 and the Shoreline Master Program. A Residential property may be served by one Accessory Dwelling Unit. The proposed use, if approved, should not cause significant adverse effects to the shoreline environment in which it is located. The proposed use is consistent with all applicable development regulations.

A cultural survey, by a qualified archeologist, may be required prior to any site development activity on the site.