

Initial Project Review

Preliminary Plat: Burnham Ridge

Application Number: 968250

Parcel Number: 0222313042

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: December 8, 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: 932 0036 4574 and Passcode: 228017, or click on the following link:

<https://piercecountywa.zoom.us/j/9320036457?pwd=Y3VQblpGb29qcVJ0SDlxcmZxNDRGUT09>

For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or tiffany.aliment@piercecountywa.gov.

Proposal: The applicant requests approval of a Preliminary Plat to subdivide a 6.27-acre parcel into 20 single-family residential lots and three tracts. Both Tract A and Tract B are labeled as Open Space/Scenic Beauty Buffer, and private road is in a separate tract. The proposed density is 4 dwelling units per acre with a proposed minimum lot size of 8,014 square feet and average lot size of 9,796 square feet. The project is proposed to be served by the City of Gig Harbor water and sewer systems, Peninsula Light Company and a private road.

Project Location: The site is in the Moderate Density Single Family (MSF) with Urban Sensitive Resource Overlay (USRO) zone classification of the Gig Harbor Peninsula Community Plan area, within the SW ¼ of Section 31, T22N, R2E, W.M., 10202 Burnham Drive NW, Gig Harbor, WA, in Council District #7.

Review Summary: The applicants requests approval of a Preliminary Plat to subdivide a 6.27-acres property into 20 single-family residential lots. The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Comprehensive Plan and Gig Harbor Peninsula Community Plan. 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): 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 not exempt from SEPA provisions. SEPA checklist must be submitted for review of this proposal. There is an appeal of administrative decision scheduled for January 26, 2022, which may change the outcome of the need for a SEPA checklist.

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

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=968250>



Project Data

Complete Application Date: August 9, 2021

Initial Project Review Mailed: December 1, 2021

Owner: Nicola and Nina Merritt
44619 Avenue 45 E
Salome, AZ 95348

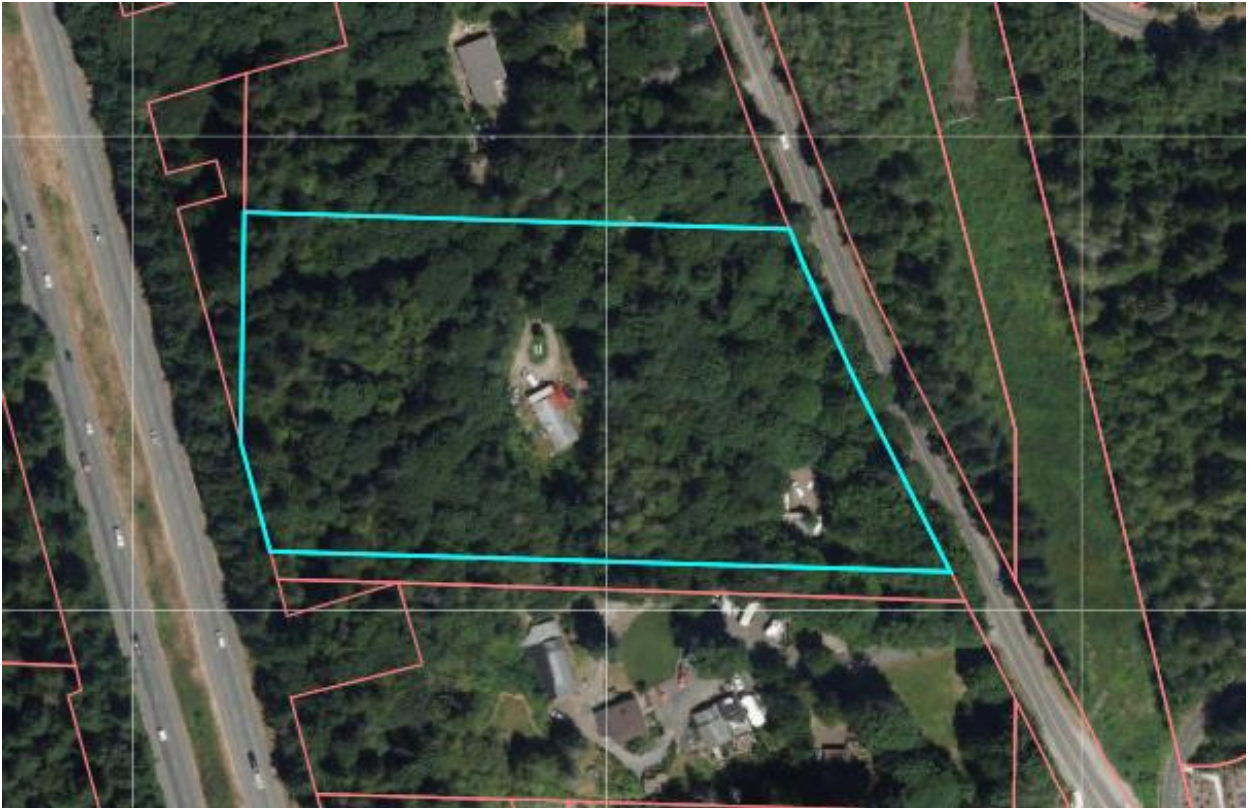
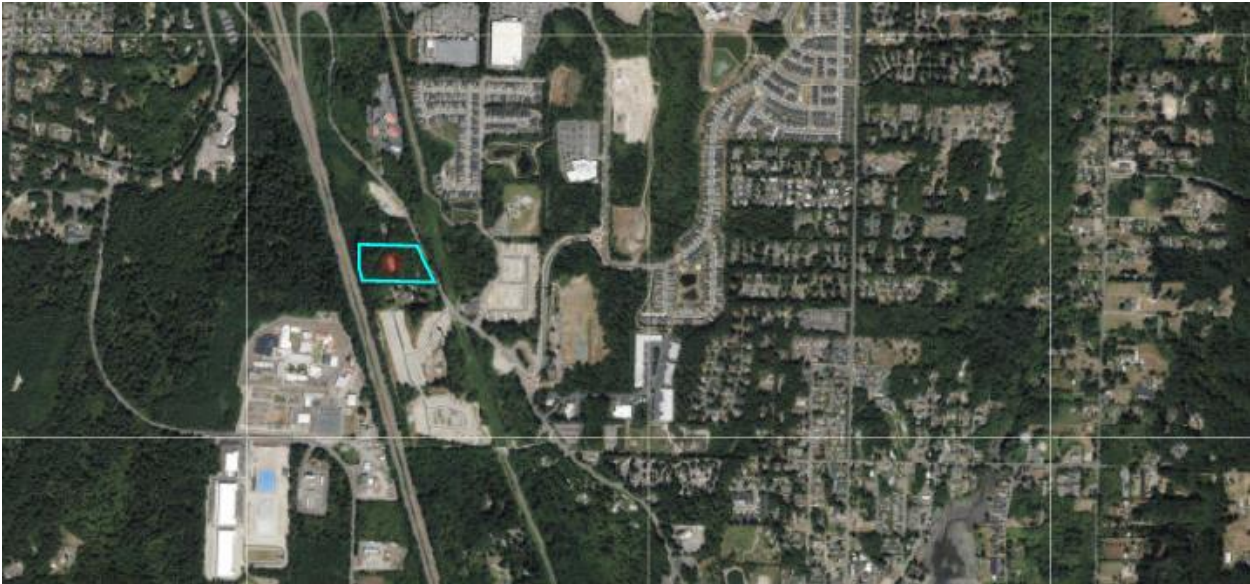
Applicant: Rush Residential Inc
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Jflansburg@therushcompanies.com

Agent: Larson & Associates
Attn: Grant Middleton
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Tacoma, WA 98409
gmiddleton@rrlarson.com

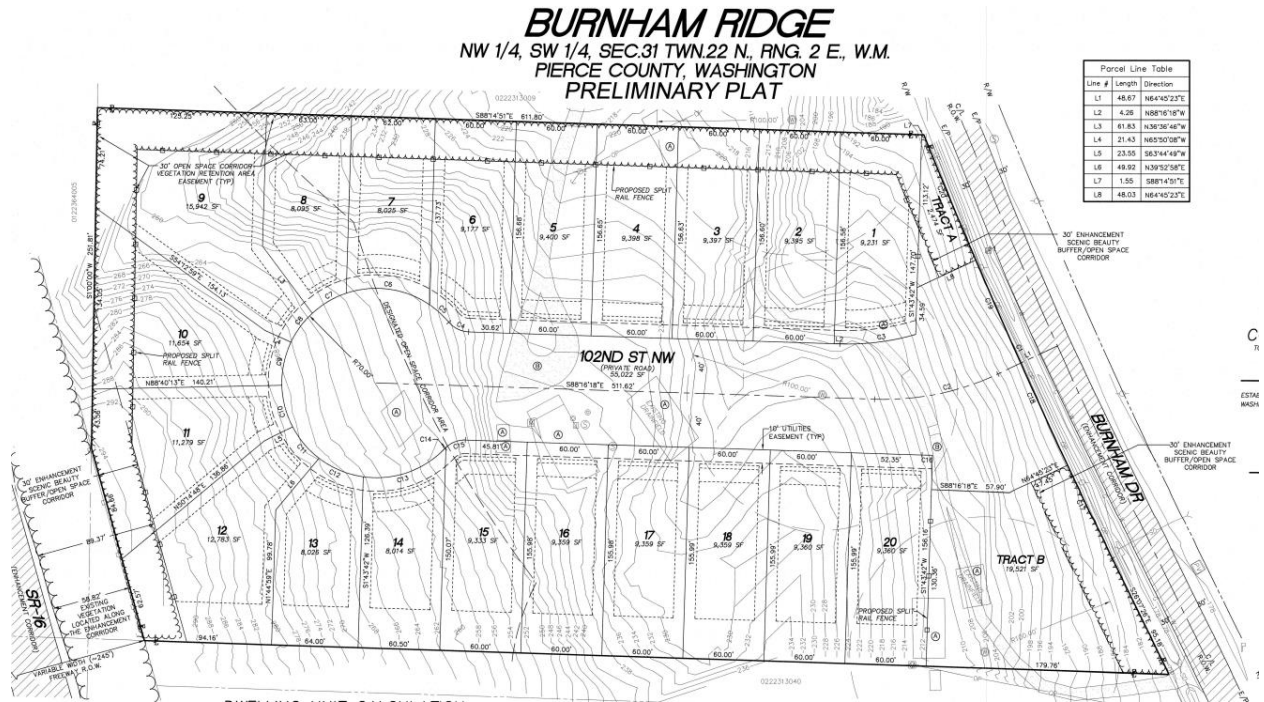
Legal and Public Notice

- *August 19, 2021*: Notice of Application and Public Meeting Notice, including the Gig Harbor Peninsula Advisory Commission (PAC) 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.
- *August 30, 2021*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *November 24, 2021*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC meeting.

2020 County Ortho Photo



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. Gig Harbor Peninsula Advisory Commission (PAC):

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

Site Characteristics

Staff conducted various site visits with the first one on August 17, 2021. During site visits, staff observed the following:

- The project site is an irregular shaped parcel, 6.27-acre in size, located on the east side of SR-16 and west side of Burnham Drive NW.
- Currently, the site is improved with a single-family residence (double-sided Manufactured house) and few out buildings. The rest of the site is forested.
- More than 2/3 of the eastern portion of the site is located within the Open Space Corridor area.
- Topography of the project site is rolling with the highest point located along the west property line.
- The site will be served by a private road via Burnham Drive NW located to the east of the site.

Surrounding Land Use / Zoning Designation:

LAND USE		ZONING
North	Single-family residence	Moderate Density Single-family (MSF)
South	Single-family residence and duplexes	MSF
East	Burnham Drive NW	City of Gig Harbor
West	SR-16	Park & Recreation and MSF

Utilities/Public Facilities

Utility service and public facilities are:

- Water - City of Gig Harbor
- Sewer - City of Gig Harbor
- Power - Peninsula Power and Light Co.
- Natural Gas – Puget Sound Energy
- School - Peninsula #401

Governing Regulations

- Title 19A Comprehensive Plan - January 1, 1995, as amended
- Title 17A Construction and Infrastructure Regulations – Site Development and Stormwater Drainage
- Title 18 Development Regulations - General Provisions
- Title 18A Development Regulations - Zoning
- Title 18F Development Regulations - Land Division and Boundary Changes
- Title 18J Design Standards and Guidelines

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 written comments were received from the general public.
- No adverse comments were received from reviewing agencies within the County and state.
- On August 20, 2021, the Peninsula Light company requested that the final plat incorporate an easement provision clause for the company.
- On September 17, 2021, The City of Gig Harbor stated that the proposed plat exceeds the categorical exemption threshold associated with the division of land and SEPA checklist is required for the project.
- County Resource Management Division (Environmental Biologists) stated no critical review is required. However, if critical areas are found, the applicant is still responsible for applying for review and receiving approval.

Note:

- Based on discussion with Ecology, on October 29, 2021, the PPW sent out an Industry Notice stating in part that preliminary plats of 20 lots or less are not exempt from SEPA review.
- On November 9, 2021, the PPW sent an administrative determination letter to the applicant's attorney (William T. Lynn), stating that the City of Gig Harbor made a timely comment stating the proposed project is not exempt and the project needs to be amended to include application for SEPA review and submit an Environmental checklist.
- On November 19, 2021, the applicant filed an appeal of administrative decision under Application 975669.
- The appeal of administrative decision is scheduled to be heard by the Pierce County Hearing Examiner on January 26, 2021.

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

Title 19A, Pierce County Comprehensive Plan, Gig Harbor Peninsula Community Plan

The Plan was adopted as part of the County Comprehensive Plan on June 30, 2016, Under Appendix E (Title 19A):

- **GOAL GH LU-1:** Direct growth and development to those unincorporated urban areas that are least constrained by environmental factors, which do not impair the function of critical areas, and are served or easily connected to urban services.
 - **GH LU-1.1:** Encourage consistent land use policy direction and map designations between the County and City of Gig Harbor.
- **GOAL GH LU-3:** Residential density within the unincorporated portion of the Urban Growth Area should average 4 dwelling units per acre.
- **GOAL GH LU-9:** Implement an Urban Sensitive Resource Lands Overlay throughout the open space corridors in the UGA. Identify allowable uses, development density, and the level of project intensity that is appropriate within the designated open space areas. Utilize low impact development techniques in all Urban Sensitive Resource Overlay areas
 - **GH LU-9.1:** Carefully control development activities in the Urban Growth Area on sites that have been identified as open space in the Comprehensive Plan Open Space Corridors Map through implementation of an Urban Sensitive Resource Overlay.
 - **GH LU-9.1.1:** Avoid fragmentation of the remaining open space corridors that create habitat for wildlife species native to the Gig Harbor Peninsula and that benefit water quality. Prioritize vegetation and tree preservation on each site that is developed in the Urban Sensitive Resource Overlay.
 - **GH LU-9.1.2:** To create corridors, locate open space on each site plan so that it provides connectivity and is contiguous to open space on adjacent properties.
 - **GH LU-9.1.4:** Locate the open space on each site plan so that the potential for wildlife movement is maintained through corridors.
 - **GH LU-9.2** Allow uses on sites that are located within the Urban Sensitive Resource Overlay that are consistent with the zoning and comprehensive plan land use designation and shall be permitted on a case by case basis through a site plan review process.
 - **GH LU-9.2.4** Discourage uses that require a large area of impervious coverage.
- **GH LU-9.3** When residential development is proposed in an Urban Sensitive Resource Overlay, base urban densities on the zoning and Comprehensive Plan land use designation for that parcel.
- **GH LU-9.4** Utilize low impact development standards on sites that are located in an Urban Sensitive Resource Overlay. Avoid or mitigate impervious surfaces, in the form of roof-tops, roads, and lawns that generate rapid run-off and prevent infiltration of water into the ground for gradual recharge of streams.
 - **GH LU-9.4.1** 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.
 - **GH LU-9.4.2** Design and place individual dwelling units and accessory dwelling units to avoid impacting the open space tract.
 - **GH LU-9.4.3** Limit and locate lawns, turf areas, driveways, and roads to result in the least impact to the open space tract.
 - **GH LU-9.4.4** Locate buildings and other structures such as fencing to ensure protection of the open space corridor. Individual structures shall not be placed where the integrity of the open space tract and overall open space system could be compromised.

- **GH LU-9.4.5** Consider other low impact development tools for implementation include reducing the amount of impervious surfaces on each site, minimizing soil disturbance and erosion, disconnecting constructed drainage courses, and utilizing micro-detention facilities on each lot where feasible rather than one facility at the end of a conveyance system.

Staff Comment: The proposed 20 lot subdivision can be conditioned to comply with all applicable policies and objectives of the Pierce County Comprehensive Plan and Gig Harbor Peninsula Community Plan.

Title 18A, Development Regulations – Zoning

- **Residential Density (18A.15.020)**
Within the Gig Harbor Community Plan area, the Moderate Density Single Family (MSF) zone classification has a minimum, base, of four dwelling units per acre with the maximum residential density of six dwelling units per acre. The minimum lot size is 4,000 square feet. There is no mean lot size requirement.

Within the Urban zone classifications the allowable number of dwelling units shall be calculated by multiplying the net developable acreage by the allowed density in dwelling units/acres. Net developable acreage is the result of gross site acreage minus:

- 1) Environmentally constrained lands;
- 2) Private road or vehicle access easements;
- 3) Shared access facilities serving two or more lots; and
- 4) Public road right-of-way; provided, however, that any portion of proposed or future public right-of-way identified through the Pierce County Transportation Corridors and Connectors Right of Way Preservation Map, Chapter 19D.50 PCC, and not required for the development of the project at the time of application, shall not be deducted from the gross site acreage.

Staff Comment: Based on the submitted document, the net developable acreage for the property is 5 acres. The minimum density is 20 dwelling units with maximum density of 30 dwelling units. The applicant is proposing 20 single-family lots for this subdivision.

- **Setbacks and Heights 18A.15.40**
The setbacks required in the MSF classification are as follows:

Front – 25/15/12feet (1)
Rear – 10 feet (2)
Side – 5 feet

1. 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.
2. In the Gig Harbor Community, for lots in a subdivision applied for after December 1, 2002, rear setbacks shall be 30 feet and interior setbacks shall be 8 feet.

The applicant is not proposing any deviation from these setbacks.

- Parking 18A.35.040: Each proposed unit (residence) is required to provide one off street parking space for each unit. Parking shall be located on each individual lot pursuant to the Pierce County Code, Section 18A.35.040.

Title 18D, Development Regulations – Environmental

After consultation with Washington State Department of Ecology and Pierce County legal counsel, Planning and Public Works is no longer interpreting Section WAC 197-11-800 to categorically exempt Preliminary plats of 20 lots or less. Therefore, the applicant will be required to submit for an Environmental Review; unless their Appeal of an Administrative Official Decision (975669), submitted on November 19, 2021, scheduled to be heard by the Pierce County Hearing Examiner on January 26, 2022, is approved.

Title 18F, Land Divisions and Boundary Changes

Chapter 18F-40 Subdivisions – Preliminary and Final Plats

18F.40.030 Proposed Preliminary Plat Requirements.

- C. **Required Written Findings and Determinations.** The Examiner's written decision on the preliminary plat shall include findings and conclusions, based on the record, to support the decision. The Examiner shall inquire into the public use and interest proposed to be served by the establishment of the subdivision and dedication. A proposed subdivision and dedication shall not be approved unless the Examiner makes written findings that:
1. Appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, critical areas, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who walk to and from school; and
 2. The public use and interest will be served by the subdivision and dedication.
- D. **Approval.** The Examiner has the authority to approve or deny any proposed preliminary plat and may impose additional or altered conditions and requirements as necessary to assure that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.

Staff Comment: The preliminary plat is subject to review at a public hearing before the Pierce County Hearing Examiner. Appropriate provisions for the features identified in PCC 18F.40.030 C.1. must be addressed through project requirements and recommended conditions of approval in the staff report.

If all conditions are met, staff can find that the public use and interest would be served by the proposed subdivision subject to compliance with all conditions.

Title 18H, Forest Practices

- Chapter 18H.10 General Provisions**
- Chapter 18H.20 Forest Practices Approvals**

Staff Comment: An approved Class IV-General Forest Practices Application (FPA) may be required for this project in accordance with the State Forest Practices Rules, RCW, 76.09, and Title 18H, Pierce County Development Regulations – Forest Practices. Removing more than 5,000 board feet of merchantable timber from the site will require FPA approval from Pierce County.

Title 18J, Development Regulations – Design Standards and Guidelines

This Chapter provides design objectives that are implemented with design standards and guidelines to protect the property values and property rights of property owners and promote compatibility between land uses by reducing the visual, noise, and lighting impacts of development on users of the site and abutting uses.

Staff Comment: Section Title 18J.15.015 Site Design, and Section 18J.15.020 Site Clearing Regulations will need to be through timing required permits and subsequent site development.

As stated earlier, the eastern 2/3 portion of the site is located within the Open Space Corridor; therefore, at a minimum 20% or 36,488 square feet of native vegetation shall be retained on this project. Based on the submitted site plan, the native vegetation exceeds this amount by 302 square feet, as they have proposed to retain a total of 36,790 square feet of Native vegetation on the site.

Section 18J.15.020.E.4 states in part that native vegetation can be incorporated in lots over 8,000 square feet in size when the native vegetation area has minimum dimensions of more than 20 feet and located within a protective easement. The proposed plat provides a 30-foot easement buffer with wood fence, along the north, east and west property lines, minus the point of access off Burnham Drive NW.

*Tract A and lot 1 = 4,291 square feet,
Lots 2 through 12 = 27,586 square feet
Tract B = 4,913 square feet

Total area provided 36,798 square feet or 20.2%
(Labeled corrections must be made on the submitted site plan)*

Clearing shall be limited to the area of approved impervious surfaces, replacement landscaping, utilities, and a working envelope around such areas of not greater than 10 feet in depth. A site development plan has not been provided as of the drafting of this report.

A minimum of 30% of significant trees are required to be preserved. At time of initial application, a tree conservation plan was submitted; however, trees were not surveyed, and sampling calculation were utilized in determining the tree conservation calculation. Staff has concerns as it is not clear which trees are proposed to be retained and which were proposed to be removed. The applicant will also need to demonstrate that proposed trees to be retained can withstand strong wind in this area.

Street trees are required along all new roads and accessways at a rate of 1 per 30 lineal feet of roadway exclusive of intersections. In addition, L3 landscape buffers along Burnham Drive NW (minimum planting bed width of 20 feet) and L4 landscape buffers along SR-16 (minimum planting bed width of 50 feet) are required.

Per Section 18J.15.140 the applicant shall utilize low impact development (LID) techniques as described in the Pierce County Stormwater Management and Site Development Manual for properties located within the Urban Sensitive Resource Overlay.

Questions for PAC Discussion and Consideration

Preliminary Plat:

- Is the plat proposal adequately addressing public health, safety and general welfare issues as discussed above? If no, what changes are recommended?
- Will the public use and interest be served by the proposal? If not, what changes are recommended?
- Is the Preliminary Plat request consistent with the Pierce County Comprehensive Plan or the Gig Harbor Peninsula Community Plan? If not, how can it be made consistent?
- Other Questions or Concerns?

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