

Initial Project Review

Variance: Witter

Application Number: 972230

Parcel Number: 6020000260

Key Peninsula Advisory Commission Public Meeting: December 15, 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: 918 1526 2636, and Passcode: 7156, or follow this link:

<https://piercecountywa.zoom.us/j/91815262636?pwd=bW1kdFIIT1JaYW1HallwREFOMmdTdz09>

For additional questions regarding the virtual meeting process, contact Danica Williams at 253-798-7156, or danica.williams@piercecountywa.gov.

Proposal: Request to reduce the front yard setback by 22 feet to accommodate construction of a garage.

Project Location: The site is in the Rural 10 (R10) zone classification of the Key Peninsula Community Plan area, located at 10117 124th Avenue NW, Gig Harbor, WA, within Section 32, T22N, R1E, W.M., in Council District #7.

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

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: Robert Perez, Planner, 253-798-3093 robert.perez@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=972230>



Project Data

Complete Application Date: October 07, 2021

Initial Project Review Mailed: December 9, 2021

Applicants/Owners: James R. and Nancy H. Witter
10117 124th Avenue NW
Gig Harbor, WA 98329
randy.witter@gmail.com

Agent: Jeanne Ratcliffe-Gagliano
7713 Pioneer Way, Suite 1
Gig Harbor, WA 98335
jeanne@rg-arc.com

Legal Notice

- *October 21, 2021*: Notice of Application and Public Meeting Notice, including the Key Peninsula Advisory Commission (KPAC) 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.
- *October 29, 2021*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *December 1, 2021*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*) advertising the public meeting to be held by the KPAC.

Review Responsibility

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

A. Planning and Public Works (PPW):

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

B. Key Peninsula Advisory Commission (KPAC):

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

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

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

Review Criteria

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

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

Site Characteristics

- The County Assessor lists parcel 6020000260 as being 0.3628 acre in size.
- The parcel is located in the Key Peninsula Community Plan area within Unincorporated Pierce County.
- The access to the site is via a driveway off 124th Avenue NW.
- The topography of the site slopes greatly on the southern side of the property.
- The parcel is improved with a single-family residence.

Surrounding Land Use / Shoreline / Zoning Designation

LAND USE		ZONING
North	Single Family	Rural 10 (R10)
South	Tract	R10
East	Single Family	R10
West	Single Family	R10

Agency Review Comments

The proposed project was 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 were received, and corrections and/or additional information requested by the following agencies on the application:

- The Nisqually Indian Tribe and Squaxin Island Tribe have both requested an Inadvertent Discovery Plan be in place.

Public Comments

- Minter Beach Estates submitted comments in support of the development.

Initial PPW Staff Review for Consistency with Development Regulations and Policies

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

- The dominant land use shall be detached single-family residences.
- The land use pattern on the Key Peninsula is intended to provide a rural ambiance highlighted by the natural attributes of the area, including the extensive marine shorelines, native forests, and large areas of open space. New land uses will reflect this rural environment emphasizing residential home sites on large lots, and resource uses including working farms and forest practices. Commercial services for local residents and tourists will be provided in compact, well designed commercial shopping areas.

Staff Comment: This proposal complies with the Key Peninsula Community Plan. Only vegetation proposed to be removed would be lawn.

Title 18A Development Regulations – Zoning

- A setback is the minimum required distance between any structure and a specified line. A setback is measured from the edge of a road right-of-way, easement or tract that provides vehicular access, or future road right-of-way as identified by the most recently adopted official control to the closest point of the vertical foundations. (Official control includes, but is not limited to, Pierce County Road Classification, Pierce County Six-Year Transportation Improvement Program, Pierce County Transportation Plan, Approved County Road Project (CRP) plans and/or approved right-of-way plans.) Where there is no road right of way, easement, or tract that provides vehicular access or future road right-of-way as identified in the most recently adopted official control, a setback is measured from the property line.

- Rural 10 has a maximum height of 40 feet.
- Rural 10 setbacks are 25-foot front, 10-foot interior and 30-foot rear.
- All lots must contain at least one front yard except pipestem lots. A front yard setback shall be required abutting each right-of-way on through lots. If a corner lot abuts the intersection of two or more rights-of-way, the yard not used for vehicular access may be reduced to 15 feet, provided the reduced yard does not abut a State Highway or any arterial. All lots must contain one rear yard setback except for corner, through, and pipestem lots. All other setbacks will be considered interior yard setbacks.
- Title 18A rear yard setbacks do not apply in areas regulated under Shoreline Management Use Regulations.

Table 18A.15.040-2. Rural and Resource Setbacks				
PCC 18A.15.040 B.1.-6. provisions supersede the figures in this Table when applicable.				
Rural and Resource Zone Classification (All County)		Minimum Building Setback (feet)		
		Front	Interior	Rear
R10	Rural Ten	25 (1)	10 (1,2)	30 (2)
R20	Rural Twenty	25 (1)	10 (1)	30 (1)
R40	Rural Forty	25	10	30

Staff Comment: The lot is in the Rural 10 zoning designation with a 30-foot right of way on the northern portion of the property. A setback is measured from the edge of a road right of way, easement or tract that provides vehicular access. So, in this case, the setback would be set at 55 feet from the northern property line.

Title 18A.75.040 Variances.

- There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
- Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;
- The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
- The granting of such variance is consistent with the Comprehensive plan including any applicable Community Plan; and
- No significant adverse environmental impact will be caused as a result of the variance approval.
- An application for a variance will be considered an administrative variance if such request is to deviate not more than 20 percent from the minimum or maximum dimension allowed by Title 18A PCC including, but not limited to, the dimensions set forth in Tables 18A.15-040-1 and -2, and PCC 18A.15.040 C., Situational Setback and Height Provisions.

Staff Comment: The property does contain a 30-foot perpetual right of way easement created by the Minter Beach Estates Plat in the 1960s. Twelve other properties are equally encumbered with the same Right of Way. The southern side of the lot has a significant slope and shoreline buffer. The current design necessitates the use of a Variance to achieve the desired layout. The applicant's single-family residence is situated so that a smaller garage could possibly be placed along the eastern side, but this would result in the loss of vegetation in the form of lawn and create more impervious surface within the shoreline jurisdiction. Additionally, the proposed garage is larger, proposed at 682 square feet, with an additional 371-square foot addition above, than the two detached garages nearby at 560- and 576-square foot structures. It does not appear that this proposal will be materially detrimental to the public welfare or to the general area where the subject parcel is located. Nor does it appear that it will create a significant adverse environmental impact as a result of the variances approval.

Title 18S Development Policies And Regulations – Shorelines

- Development should be limited to that which sustains the shoreline area's physical and biological resources and temporary uses that do not substantially degrade ecological functions or the natural character.
- Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shorelines.
- Standard shoreline buffers listed in Table 18S.30.030-2 below are determined based on the Shoreline Environment Designation and shall be measured from the ordinary high water mark (OHWM).
- Conservancy Shoreline Buffer is 100 feet and Shoreline Jurisdiction is within 200 feet of Ordinary High Water Mark.
- Expansion landward of existing development within a Shoreline buffer when an existing permanent substantial improvement serves to eliminate or greatly reduce the impact of the proposed expansion upon Shoreline ecosystem functions.
- 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
- Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
- Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.
- Residential structures shall not exceed a height of 35 feet pursuant to PCC 18S.30.060 D., Scenic Protection and Compatibility.

Staff Comment: The proposal for a new garage landward of the existing single-family residence is consistent with the shoreline regulations. The proposed deck demolition and replacement is also consistent with Title 18S. Since the deck expansion is outside of the buffer, and no trees are being proposed for removal, no vegetation planting plan would be required for the proposal.

Question from Staff for the KPAC

Does the KPAC believe that the applicant is meeting the Findings for a Variance or do they have any comments or recommendations?