Initial Project Review

Shoreline Substantial Development Permit / Shoreline Variance: Kissler

Application Numbers: 972213, 972216
Parcel Numbers: 0121214039

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: February 9, 2022, 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: 982 4786 7550, and Passcode: 974156, or follow this link: https://piercecountywa.zoom.us/j/98247867550?pwd=SGNCcGpjNDZnSUtTTUxVmjXe01pUT09
For additional questions regarding the virtual meeting process, contact Tiffany Aliment at 253-798-3226 or tiffany.aliment@piercecountywa.gov.

Proposal: Construct covered patios, emergency vehicle access turnaround, and removal of the pathway to beach.

Project Location: The site is in the Rural Residential Shoreline Environment and Rural 10 (R10) zone classification of the Gig Harbor Peninsula Community Plan area, located at 10318 - 33rd Street Court NW, Gig Harbor, WA 98335, within Section 21, T21N, R01E, 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 Gig Harbor Peninsula Community Plan. Staff has reviewed this proposal for compliance with all policies, codes, and regulations.

State Environmental Policy Act (SEPA): A SEPA checklist was not submitted for this application. Planning and Public Works (PPW) has concluded that the proposal is Categorically Exempt. Note: The project is not likely to result in any significant adverse environmental impact.

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

Pierce County Online Permit Information: https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=972213
Project Data

Complete Application Date: December 13, 2021

Initial Project Review Mailed: February 2, 2022

Applicants/Owners: Roy Kissler  
10318 33rd Street Court NW  
Gig Harbor, WA 98335  
kisslerconst@msn.com

Agent: Soundview Consultants, LLC  
Attn: Racheal Villa  
2907 Harborview Drive  
Harborview Drive, WA 98335  
racheal@soundviewconsultants.com

Legal Notice

- January 7, 2022: Notice of Application (NOA) 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.
- January 13, 2022: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- January 26, 2022: Legal notice was published in the official County newspaper (Tacoma News Tribune), advertising the public meeting to be held by the PAC.
2020 Ortho Photo

Figure 1: 2020 Ortho Photo

Figure 2: 2020 Ortho Photo, Region
Figure 3: Site Plan, Scope of work
Cross-Section

Figure 4: North and East cross-sections

Figure 5: South and West cross-sections
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. 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

- The subject parcel, 0121214039, is listed by the County Assessor as being 0.8723 acre in size.
- The parcel is accessed from the north and includes 100 feet of tidelands.
- The parcel is located on the north shore of Hale Passage.
- The topography of the site is relatively flat, gently sloping toward the shore.
- The parcel is improved with a single-family home.
Surrounding Land Use / Shoreline / Zoning Designation

<table>
<thead>
<tr>
<th>LAND USE</th>
<th>SHORELINE</th>
<th>ZONING</th>
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<tbody>
<tr>
<td>North</td>
<td>Single-family residence</td>
<td>Rural-Residential</td>
</tr>
<tr>
<td>South</td>
<td>Puget Sound</td>
<td>Rural-Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residence</td>
<td>Rural-Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single-family residence</td>
<td>Rural-Residential</td>
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</tbody>
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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:

- Squaxin Island Tribe has no specific cultural resource concerns for the project.
- Puyallup Tribe of Indians requests a cultural survey be conducted prior to any development requiring ground disturbance.

Public Comments

Public comments were received. There was concern over the project having impacts to the scenic character of the neighborhood.

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

Pierce County Code Title Development Regulations – Zoning (PCC, Title 18A)

- Front setback is 25 feet for Rural 10.
- Maximum height is 35 feet due to Shoreline Jurisdiction.
- 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.

Staff Comment: The height is below the maximum 35 feet in the shoreline jurisdiction. The patio cover will be within the residential shoreline buffer. The applicant is requesting a 40-foot reduction of the buffer directly around the south side of the single-family residence around the patio, thus requiring a Shoreline Variance.

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

- Ensure that development which does occur in rural areas is planned in an environmentally conscientious manner to be compatible with this desired character through the control of lot sizes, intensity and density of land uses, and protection of open space.
• Visually, it is intended to be an area characterized by an abundance of pastureland, forests, and naturally vegetated buffer areas.
• Limit land uses within the area to low density and intensity, and limit them primarily to agricultural, forestry, natural resource industries, and single-family residential uses.
• Development should be designed in a manner which preserves water courses, drainage systems, recharge areas, the natural hydrologic cycle open space, and buffer areas in a natural condition.
• Preservation of native vegetation and open space should be required as a component of all new rural developments.
• Retaining areas of mature native vegetation on a site is a higher priority than providing supplemental landscaping. Provide incentives that encourage the retention of mature tracts of healthy trees on a site.
• Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.
• Consider implementing low impact development tools. These 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, (provided such facilities would not contribute to landslide hazards or slope failures) where feasible, rather than one facility at the end of a conveyance system.
• Discourage lawn areas that extend to the edge of slopes, bluffs, or beaches. Encourage retention of native vegetation immediately adjacent to the waterbody in any required setback.

Staff Comment: The proposal could be made to comply with the Gig Harbor Community Plan.

Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 18S)

• 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.
• Retention of existing vegetation shall be a priority within the entire shoreline jurisdiction. Retention of existing trees is particularly important.
• Where retention of shoreline vegetation is not feasible, new developments shall include a vegetation management plan as defined in subsection G.2. of this Section.
• Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.
• Locate new residential structures with respect to views and with a height limit of 35 feet.
• Maintain, enhance, and/or restore shoreline features including vegetation.
**Staff Comment:** The proposed patio cover will not exceed the 35-foot height maximum. The applicant is requesting a 40-foot reduction to install a patio cover on the waterward side of the single-family residence. The patio would be installed over existing impervious surfaces. The site plan submitted to the county shows the proposed impervious surface at 33 percent, but this does not include several walkways on the landward side of the building. The proposal would exceed the 33 percent maximum when coupled with additional impervious surfaces. Due to the close proximity of a freshwater input, a Cultural Survey is required prior to any ground disturbing activities, but it does appear that significant modification to the freshwater input has occurred, through tightlining the input.

**18S.60.070 Shoreline Variance.**

D. Decision Criteria – General. A Shoreline Variance shall not be granted unless the applicant demonstrates that denial of the permit would result in a thwarting of the policy enumerated in the Act due to extraordinary circumstances, and the public interest would suffer no substantial detrimental effect.

E. Decision Criteria – Development Landward of Ordinary High Water Mark (OHWM). In addition to the General Decision Criteria in subsection D. of this Section, Shoreline Variances for development landward of the OHWM or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:
1. The strict application of the bulk or dimensional standards precludes or significantly interferes with reasonable use of the property.

2. The hardship described in subsection E.1. of this Section is specifically related to the property and is the result of unique conditions such as irregular lot shape, size, or natural features and the application of this Title and not, for example, from deed restrictions or the applicant's own actions.

3. The design of the project is compatible with other authorized development within the area and with development planned for the area under the Comprehensive Plan and this Title, and will not cause adverse impacts to the shoreline environment.

4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

5. The Shoreline Variance requested is the minimum necessary to afford relief.

I. Decision Criteria – Cumulative Impact. In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Variances were granted to other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

**Staff Comment:** There appears to be no special circumstances applicable to the subject site. The site is relatively flat and there is sufficient space for development landward of the house. Several developments nearby are at varying distances to OHWM, some even closer than being proposed by the applicant, but those were approved prior to the Shoreline Management Act (SMA) or under the previous regulations. The granting of this variance does not appear to be materially detrimental to the public welfare and appears that it could be made to be consistent with the Comprehensive Plan and Gig Harbor Community Plan. The strict application of the dimension standards doesn’t preclude the reasonable use of this property.

The applicant has not at this time given staff their responses to the general decision criteria or the cumulative impact.

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