

Initial Project Review

Shoreline Substantial Development Permit (SD): Turner

**Swimming pool, pool house, pool decking, tennis court, fire pit, septic tank/
transport line, and stormwater outfall**

Application Number: 978395 (SD)

Related Application Numbers: 967550 (Building Permit), 967552 (Swimming Pool), 967553 (Site Development Permit), 967554 and -5 (Geological Assessments), 967557 (Shoreline Exemption), and 967841 (Wetland Review)

Parcel Number: 2725000708

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: March 23, 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: 925 8028 5582, and Passcode: 938698, or follow this link:

<https://piercescountywa.zoom.us/j/92580285582?pwd=VVhaMk95T0FSM0U1Snpqa3JBckRCQT09>

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

Proposal: The subject parcel is currently developed with a single-family residence, detached guest house, patio, landscaping, driveways, boat ramp, and dock. The parcel is 2.95 acres in size and has approximately 380 feet of shoreline frontage. The proposal is to construct an inground swimming pool, pool house, pool decking, tennis court, fire pit, septic tank/transport line, and stormwater outfall. The development would primarily be located north/northwest of the residence. Other than perhaps the stormwater outfall, all development would be located outside the required 75-foot shoreline buffer. The pool/pool house would be set back 115-120 feet from the shoreline and the tennis court almost entirely outside of the 200-foot shoreline jurisdiction.

Project Location: The site is located at 1259 14th Avenue, on the east shoreline of Fox Island, south of the Tacoma Narrows Bridge, in a Rural 10 (R10) zone classification, Aquatic and Residential Shoreline Environments, and within the Gig Harbor Peninsula Community Plan area, within Section 7, T20N, R 2E, W.M., in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with applicable policies and regulations. The proposal appears to meet applicable requirements. Of note, the proposal would appear to meet the required 75-foot buffer from Puget Sound aside from the storm water drainage pipe.

State Environmental Policy Act (SEPA): A SEPA checklist was submitted for this application. However, pursuant to the State Environmental Policy Act and the Pierce County Environmental Regulations (Pierce County Code, Title 18D), the Department has reviewed the proposal and determined that SEPA Review does not appear required except for if the stormwater outfall would be located waterward of the shoreline and/or if more than 500 cubic yards of excavation is cumulatively required for the entire proposal. If SEPA is required, a Determination of Nonsignificance (DNS) would likely be issued. Issuance of a DNS means that the County has determined the proposal is not likely to result in any probable significant adverse environmental impacts.

Contact: Ty Booth, Planner, ty.booth@piercecounitywa.gov, 253-798-3727

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=978395>



Project Data

Complete Application Date: SD: December 29, 2022

Initial Project Review Mailed: March 16, 2022

Owners: Craig and Kelley Turner
1259 14th Avenue
Fox Island, WA 98333-9690

Applicant: The Harbor Group
Attn: Dan Bartos
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Gig Harbor, WA 98335
dbartos@theharborgrp.net

Applicants' Agent: Harborstone Consulting
Attn: Kathryn Jerkovich
PO Box 296
Gig Harbor, WA 98335
kjerkovich@harborstonellc.com

Legal and Public Notice

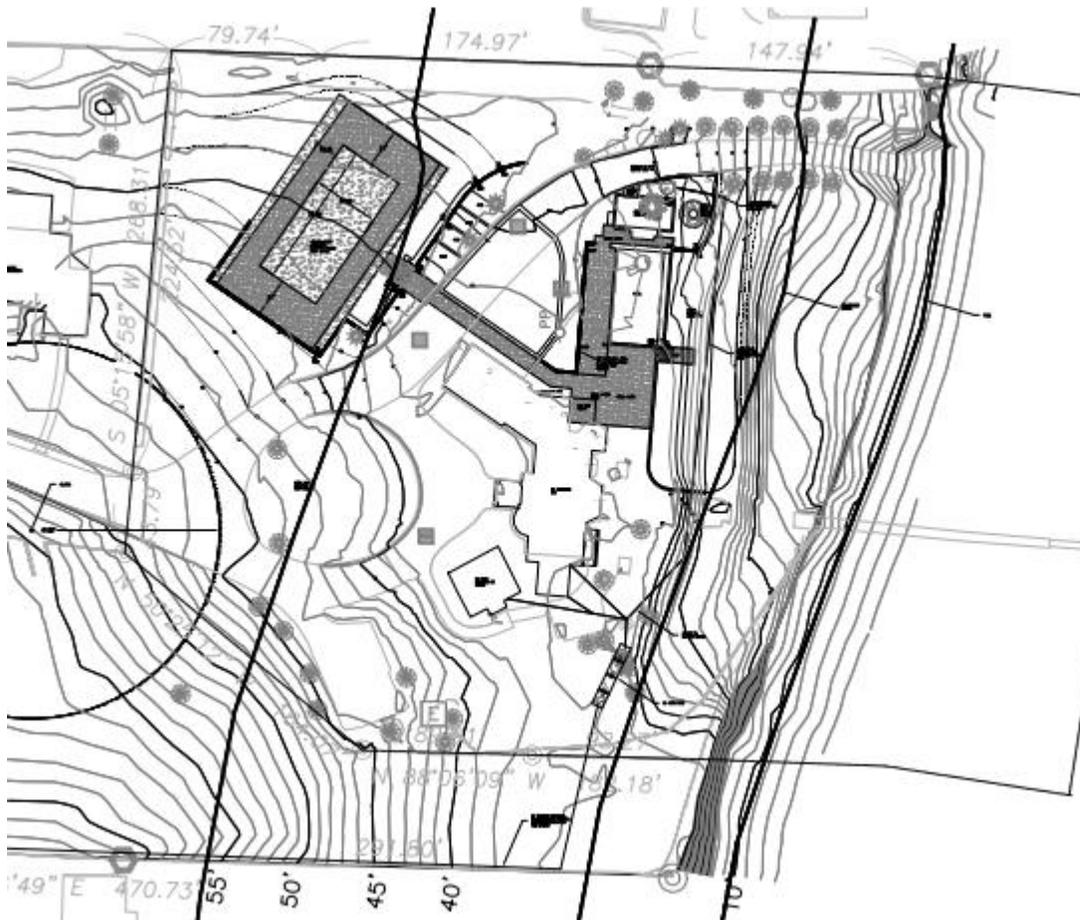
- *February 1, 2022:* Notice of Application (including the Gig Harbor Peninsula Advisory Commission (PAC) meeting date, time, location) was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
 - Applicable governmental agencies
- *February 9, 2022:* Public Notice sign was posted on the site by the Agent, confirmed with a Declaration of Posting.
- *March 9, 2022:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

2020 County Aerial Photos





Site Plan



Comments Received from the Abutting Property Owners, Public, and Government Agencies

- Comments from Abutting Property Owners and/or Public: No comments received.
- Comments from Agencies: Various comments have been received. The following are of note:
 - County Resource Management Section: No regulated wetlands are located within 315 feet and no regulated drainage course/water type is located within 165 feet of the proposal. However, forage fish spawning beach habitat is mapped along the shoreline by the Washington State Department of Fish and Wildlife. Because the storm water outfall would disperse above the ordinary high water mark, a notice on title is required to be recorded.
 - County Development Engineering Division: The associated geological assessments have been approved. No further information is needed for their approval of the shoreline permit. However, under one of the related permits...there is mention of a drainage swale along the north property line and potential flood hazards associated with it. The flood hazards may potentially be located in the vicinity of the tennis court.
 - Puyallup Tribe of Indians: They have requested a cultural resource survey prior to any ground disturbance. They state that the proposed project site is a very high probability area (for cultural resources).

- Nisqually Tribe of Indians: They have also requested a cultural resource survey.
- Squaxin Island Indian Tribe: They have not requested a survey. However, if any archaeological or cultural resources are uncovered during implementation, please halt work in the area of discovery and contact applicable agencies (including the Tribe).

Staff Comment: The stormwater outfall location may require approvals from State/Federal agencies.

Site History/Characteristics:

- The parcel is located on the east shoreline of Fox Island.
- The parcel is accessed from a driveway located on the west side of the parcel. The driveway extends across and abutting the parcel to the west and connects with 14th Avenue (public road). The other parcel appears related to the subject parcel.
- The site is parcel B of a boundary line adjustment (BLA) recorded with the Pierce County Auditor in 2009 (recording number 2009-09-29-5004).
- The County Assessor-Treasurer lists the parcel as being 2.95-acres in size.
- The parcel slopes gradually downwards from west to east (towards Puget Sound).
- A drainage swale is located along the north property line.
- The uplands are primarily vegetated with lawn and extensive ornamental landscaping; however, there is a line of trees along the north property line.
- The parcel is irregularly shaped but has approximately 380 feet of shoreline frontage.
- The parcel does not have a bulkhead other than a short section that is about 20 feet in length near the northern property boundary.
- The bulkhead is located between two boat ramps. The northernmost ramp is dilapidated.
- An existing storm water drainage pipe is located in the vicinity of the bulkhead.
- It appears that an access easement, located near the dilapidated boat ramp, is utilized by the abutting parcel to the north.

Staff Comment: The current owners purchased the parcel in 2020. Note, there is an existing dock on-site. There is permit history for it under a prior parcel number (2725000160). This is not part of the current proposal. However, in doing a review of the dock it appears to have been limited to 8 feet wide and not have a float parallel to the shoreline. However, current aerial photos reveal an approximately 30-foot wide float extending parallel to the shoreline. Perhaps there is more to the story.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence (same owner as abutting parcel to the west)	Residential	Rural 10 (R10)
South	Single-family residence	Residential	R10
East	Puget Sound	Aquatic Marine	Not applicable
West	Parcel use appears related to the subject parcel	Not applicable	R10

Additional Proposal Details:

- The swimming pool would measure 50 feet long by 25 feet wide by 8 ½ feet deep.
- The pool house would measure 558 or 676 square feet in size (Staff has seen both figures). It would be less than 35 feet in height.
- Approximately 14,365 square feet of impervious surfaces would be created for the entire proposal (including the pool, pool house, tennis court, etc.).
- The impervious surfaces would result in additional storm water that would be collected and conveyed to the shoreline through the proposed storm water drainage system. The stormwater would be piped to the shoreline. The end would have a perforated “T” shaped pipe where the water would dissipate through. The plans appear to show that the “T” would be located above the ordinary high-water mark. The water would then drain onto a pile of rocks.

Staff Comment: It appears that the only proposed development within the required 75-foot shoreline buffer would be the storm water drainage pipe. The Joint Aquatic Resources Permit Application (JARPA) application form addresses some of what is proposed (pool and pool house) but not everything. The Notice of Application (NOA) that Staff provided to the public/agencies; cobbled together and described everything that is proposed in the various applications. However, the JARPA should match.

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

Gig Harbor Peninsula Community Plan (Pierce County Code, Title 19A – Appendix E)

GOAL GH ENV-2 Development standards along shorelines should ensure the preservation of native vegetation and wildlife habitat and protect water quality and natural shoreline processes.

GH ENV-2.2.1 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.

GH ENV-2.4 Base allowable uses along the shoreline on the Comprehensive Plan land use designation and SMP and permit them on a case by case basis.

GH ENV-2.4.1 Analyze the cumulative impacts of shoreline development when evaluating an individual project.

Staff Comment: All of what is proposed would be accessory to an existing single-family residence. The existing residence is large as is the current proposal. However, most existing/proposed development on the site is located outside of the 75-foot shoreline buffer.

Pierce County Shoreline Code (Pierce County Code, Title 18S):

This code applies to Puget Sound and the uplands located 200 feet landward of the shoreline. This parcel has been assigned a Residential Shoreline Environment Designation.

1. **18S.20.050 - Residential Shoreline Environment Designation (SED):**

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.

Staff Comment: The proposal would be considered an accessory use to the residence. All of what is proposed would not significantly adversely impact the surrounding area as the parcel is large and well buffered from abutting uses. Although this is likely one of the larger homes on Fox Island, what is existing and proposed is well buffered from the shoreline unlike many smaller parcels/residential uses on Fox Island.

2. **18S.40.100 – Residential Development Policies and Regulations.**

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.

Staff Comment: This section has a lot of policies and regulations. However, it does not appear that more than one third of the parcel (within shoreline jurisdiction and landward of the ordinary high-water mark) will be covered by impervious areas (including parking areas but excluding a 12-foot wide driveway). Note, since the pool will hold water, by its very nature it is considered an impervious surface.

All the required setbacks in the Zoning Code would be met.

3. **18S.30.020 Archaeological, Cultural, and Historic Resources.**

The intent of the Archaeological, Cultural, and Historic Resources policies and regulations is to recognize that these resources can be found throughout the County and that they are valuable because they are irreplaceable and limited. When these resources are found on shoreline sites they should be preserved, protected, and restored. Archaeological areas, ancient villages, military forts, old settlers' homes, ghost towns, historic trails, historical cemeteries, and other cultural sites and features are nonrenewable resources, many of which are in danger of being lost through present day changes in land use and urbanization.

Staff Comment: Two Tribes have requested a survey. Note, in addition to these regulations, other than SEPA (which is not required for this proposal), the only other “regulations” that the County has regarding this topic is a policy from February 2020. In that policy, one of the triggers to require a full-blown survey is if known resources are on and/or within 500 feet of the site.

The issue regarding when the County will require archaeological/cultural surveys (not just for this site, but throughout unincorporated Pierce County) has been coming up more and more in the last several years...and have risen to the level of the County Council. Whether or not they will take any legislative action on this topic (such as incorporating the issue into the County Critical Areas Code) is unknown at this point.

4. 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, and protecting critical area designated in the Critical Areas Code (Pierce County Code, Title 18E). Of note, within this section Table 18S.30.030-2. requires a 75-foot buffer in the Residential shoreline environment designation.

Staff Comment: Most of the proposal would appear to be located over grass lawn. Although the vast majority of the proposal would be located outside the 75-foot shoreline buffer, the proposal would still result in a loss of vegetation and creation of impervious surfaces. Therefore, a landscape plan has been submitted and subsequent planting of vegetation is proposed. The Applicant is proposing additional landscaping along the north property line within shoreline jurisdiction. The PAC may want to consider if this is adequate or not or if it should be located closer/more parallel to the shoreline.

Otherwise, regarding the pool itself, the only potential concern is that when the pool is drained, then any chemically treated water will be directly drained to Puget Sound.

5. 18S.30.040 Excavation, Dredging, Filling, and Grading.

The intent of the Excavation, Dredging, Filling, and/or Grading policies and regulations is to provide direction for shoreline excavation, dredging, filling, and/or grading associated with a principal use. This Section may contain more restrictive regulations that limit or effectively preclude a use or development that is authorized pursuant to another Section(s) and this Section shall control in the event of a conflict.

Staff Comment: It appears the proposal meets all of the applicable policies and regulations in this section.

6. Table 18S.60.030-1 Shoreline Permit Table

In the Residential shoreline designation, this table shows that residential accessory uses require a Shoreline Substantial Development Permit.

Staff Comment: A Shoreline Substantial Development Permit application was submitted. The table does not show that an additional Conditional Use Permit or Administrative Conditional Use Permit are required for residential accessory uses/structures in the Residential shoreline designation. Further, the County has historically allowed storm water pipes/outfalls to extend to the shoreline (without a Shoreline Variance) to dissipate stormwater for a residence and accessory development.

7. Chapter 18S.60 – Permits and Approvals.

The decision criteria for Shoreline Substantial Development Permits are listed in Section 18S.60.040.

Staff Comment: Staff has not listed the criteria here as the report identifies (elsewhere) any potential concerns regarding compliance with those criteria.

Question from Staff for the PAC

Does the PAC believe that the applicant is meeting the SD requirements or have any comments or recommendations?

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