

Initial Project Review

Zoning Code Conditional Use Permit: Washington Woodland Estate Wedding and Event Venue

Application Number: 981376
Tax Parcel Numbers: 0122225050

Key Peninsula Advisory Commission Meeting, April 20, 2022, at 6:30 p.m.

Although COVID 19 restrictions on gatherings have been relaxed, the State Emergency Declaration is still in effect. This meeting will be held remotely only. To participate in the virtual meeting, visit www.Zoom.com and click “Join A Meeting” or call (253) 215-8782. Refer to the Meeting ID and Password listed below. For additional questions regarding the virtual meeting process, contact danica.williams@piercecountywa.gov or by phone at (252) 798-7156. Meeting ID: 927 7858 3211 Passcode: 7156

<https://piercecountywa.zoom.us/j/92778583211?pwd=SmhiOXVvbnJ3RkNVVWVlxWlhJMGlQUT09>

Proposal: Applicant requests Conditional Use Permit approval to operate an event and wedding center. The site is currently used for indoor and outdoor events, such as weddings, family events, corporate events, etc., and nutrition therapy without the benefit of appropriate permits. The existing Bed and Breakfast cabin and rooms are an out-right permitted use but will still be reviewed as part of this proposal.

Project Location: The site is located at 13706 92nd Avenue Court Northwest, Gig Harbor, WA, in the Key Peninsula Community Plan area and Rural 10 (R10) zone classification, within Section 22, T22N, R01E, W.M., in Council District #7.

State Environmental Policy Act (SEPA): In accordance with the Revised Code of Washington (RCW) Chapter 43.21C, Washington Administrative Code (WAC) 197-11, and County Environmental Regulations (Pierce County Code, Title 18D), the proposal is exempt from environmental (SEPA) review.

County Contact: Cory Ragan, Senior Planner, 253-798-2590, cory.ragan@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?appID=981376>



Project Data

Application Complete: February 18, 2022

IPR Issuance Date: April 15, 2022

KPAC Meeting Date: April 20, 2022

Owner: Washington Woodland Estate
Attn: Mark and Donna McNeal
13706 92nd Avenue Court Northwest
Gig Harbor, WA 98329
info@washingtonwoodlandestate.com

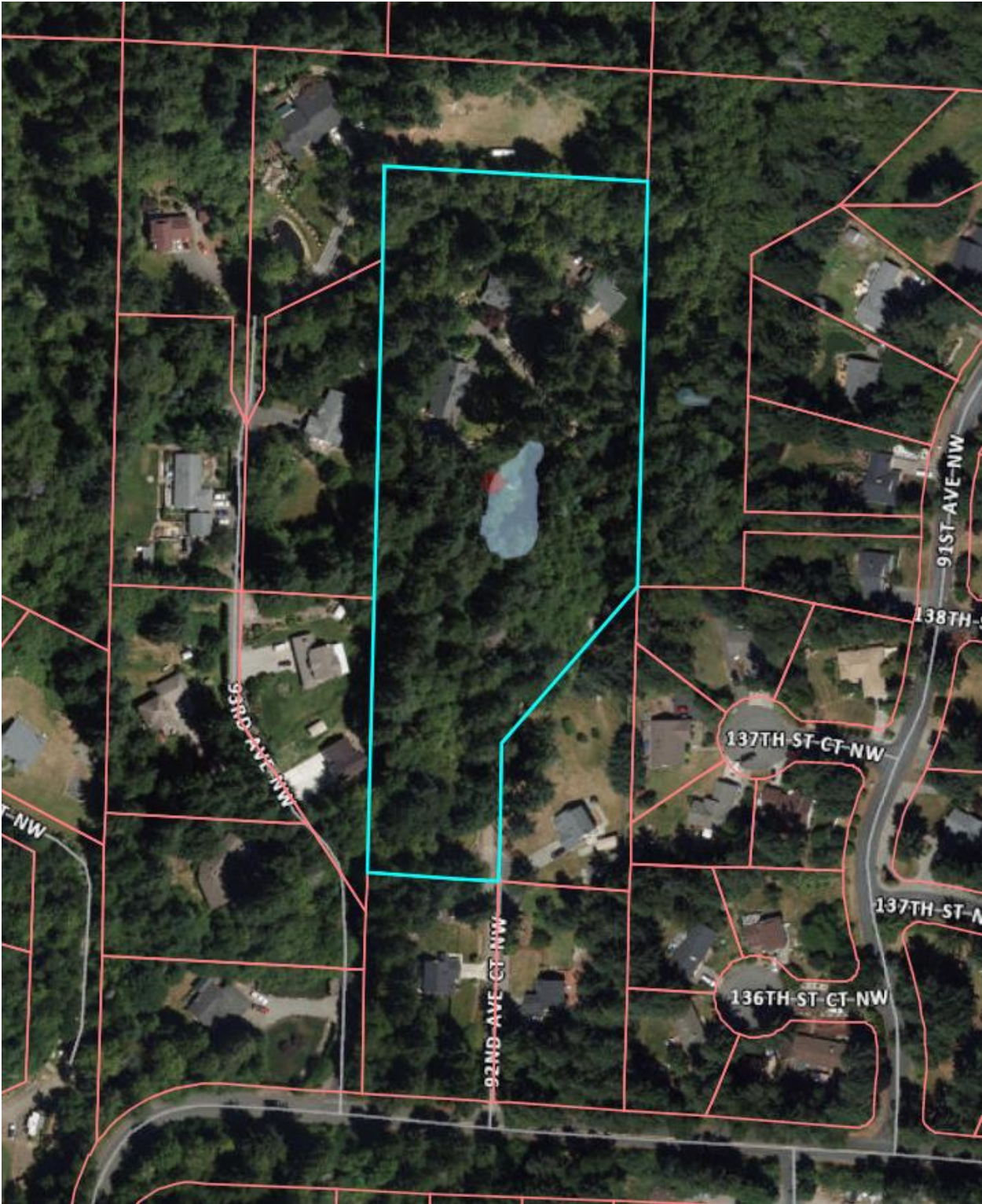
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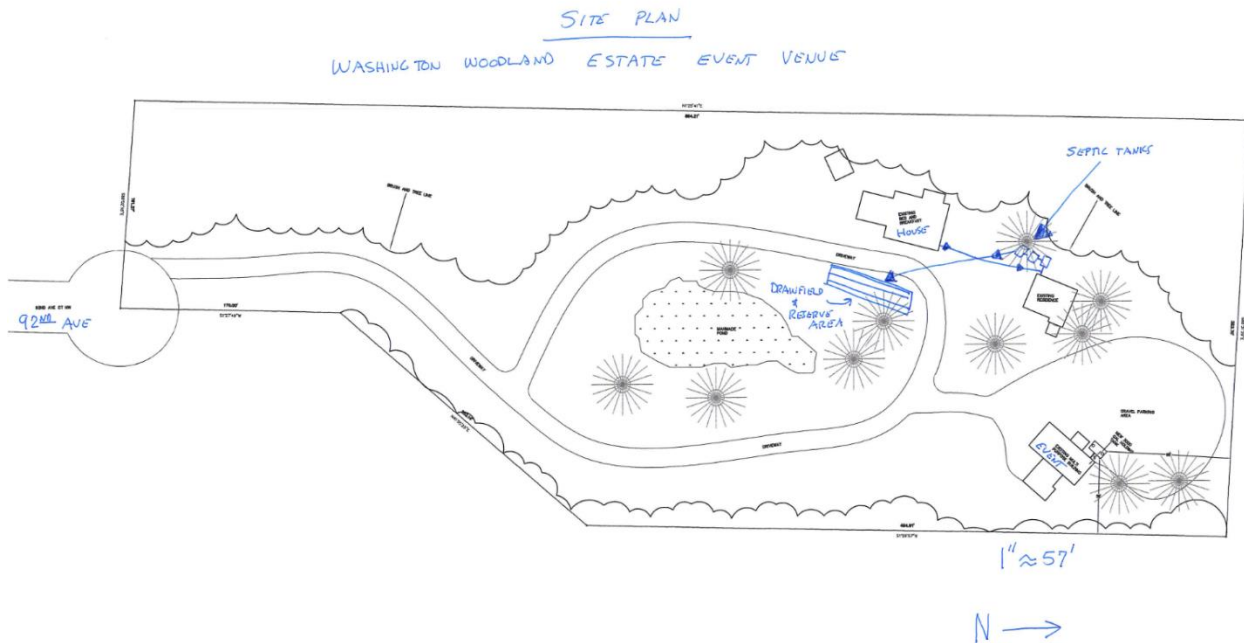
Public and Legal Notice

- *March 4, 2022*: Notice of Application and Public Meeting Notice, including the 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 Agencies.
- *March 16, 2022*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *April 6, 2022*: Legal notice was published in official County newspaper (Tacoma News Tribune) advertising the Key Peninsula Advisory Commission (KPAC) public meeting.

Site Photo (2020)



Site Plan



Comments from the Public and Agencies

Public: The following is a summary of comments received:

- In opposition: No comments received.
- In support: No comments received.

Agencies: Comments have been received from various agencies. The following are of note:

- **County Building Division:** A building permit is required for structures which will be changing from a residential use to a commercial use. Plans should be prepared with an analysis based on the International Existing Building Code.
- **County Fire Prevention Bureau (Fire Marshall):** This would require a separate commercial building permit for change of use of the building from residential to commercial. Provide a Certificate of Water Availability and water system vicinity map. The minimum fire flow is 1,500 gpm for 2 hours. The actual fire flow is based on the type of construction, fire area, and type of fire sprinkler system. Submit an engineering scaled site plan. Emergency Vehicle Access is 24-ft wide and paved and extend to within 150-ft of all portions of the building perimeter. Dead ends over 150-ft require an approved turnaround. Provide a scaled floor plan and detail the use including table/chair lay out. What kind of kitchen equipment? Identify outdoor activities and layouts.
- **County Development Engineering Division:** A Memo dated April 6, 2022, was sent to Planner with Conditions of Approval for Development Engineering.
- **Tacoma-Pierce County Health Department:** Septic application has been approved; however, a Food Establishment Plan Review application may be required.

Site Characteristics

1. The site consists of 1 parcel, totaling 5.42 acres in size, and has a small pond in the middle of the property.
2. The parcel consists of 3 primary structures and a few smaller accessory structures.
3. The parcel is mostly wooded with evergreen trees, with areas of lawn and landscaping in proximately to the 3 main structures.
4. A driveway accessing the property enters off the cul-de-sac at the end of 92nd Avenue Court NW.

History (only a summary):

1991 – Lot 4 of Short Plat 91-12-31-0725 is recorded.

1993 – The main lodge structure is constructed

1997 – A Boundary Line Revision is recorded, 97-10-24-0078

2010 – A Building Amnesty and associated building permits are applied for to correct several structures constructed without permits.

- 988-square foot Accessory Dwelling Unit (ADU) with plumbing and mechanical and 130-square foot sunroom attached.
- 160-square foot shed with a 136-square foot shed roof.
- 320-square foot garage.
- 576-square foot carport with 576 square feet on second floor, attached to Bed and Breakfast.
- 1,084-square foot work shop with attached carport of 552 square feet.
- Provide handrail on ADU.
- Provide structural observation for ADU and addition to Bed And Breakfast.

2012 – The ADU is verified to not be an ADU as there was no kitchen facilities at the time of final inspection. The permit issued is for a bunkhouse.

2019 – The property is purchased by the McNeal's.

2021 – A code enforcement violation is reported for an unpermitted event and wedding venue.

2021 – A Conditional Use Permit is applied for to correct the violation. That application is voided due to the lack of requested application materials

2022 – A Conditional Use Permit is applied for once again to correct the violations.

Staff Comment: The County has determined that the Bed and Breakfast can remain open while going through the permitting process. Generally, but not always, the County allows unpermitted uses to remain/continue to operate provided they are going through the permitting process and are not a life/ safety issue. In this case, there does appear to be a life/safety issue as the occupancy type of the building has changed where a residential building was converted to public occupancy. Weddings and Events shall not be held while a Conditional Use Permit and all associated development permits are being obtained. This was clearly expressed to the applicant and agent by the Code Enforcement Officer, Mark Luppino, back in August of 2021. All advertising associated with weddings and events at Washington Woodland Estate should be removed. Only at such time a Conditional Use Permit (CUP) approval is granted, all conditions are met, and associated development permits are issued can the weddings and events be commenced on the property.

Surrounding Land Uses

The surrounding area is developed with single-family residences and are zoned Rural 10 (R10). One parcel to the east of the subject property is a well site held in ownership by Washington Water.

Proposal (Additional Details): No changes are proposed to the site. The Applicant simply wants to continue to be able to utilize it as a Bed and Breakfast, wedding venue, and event space. The site is currently utilized for weddings, family events, business meetings, and a variety of others. These activities occur both inside and outside. A small space is also being used as a nutritional therapy space. This space would most likely be considered a Home Occupation under Title 18A.37.110. Additional information has been requested by staff of the agent/applicant.

The Applicant should clarify if they have any revisions to what is proposed.

Staff Comment: The original application submitted back in August of 2021 appears to have been hurriedly submitted in response to the County's code enforcement violation. As such, it was sparse on details/information and was ultimately voided. The current application package had the same issues of missing items. County staff processed the CUP application noting that there still may be more information needed. The agent was made aware of the concerns of moving forward with an inadequate application package.

The applicant has been in contact with Mark Luppino, Code Enforcement Officer, regarding the continuation of the wedding and event use while navigating the permitting process. The applicant has been told that no events or weddings are to be held until such time that the CUP and all development permits are obtained. It appears that the applicant has continued to advertise and use the event space since the initial code enforcement case was initiated back in August of 2021.

Staff Review for Consistency with Policies and Regulations

1. Pierce County Comprehensive Plan
(Pierce County Code, Title 19A)

- A. The following are some applicable policies from the plan as they apply to this proposal. There are any number of additional policies from the Plan that could apply but would result in an excessively long report:

GOAL LU-52 Rural character is defined as:

LU-52.1 An environment highlighted by the natural landscape, native vegetation, wildlife habitat, and large areas of open space.

LU-52.2 An economy and lifestyle supported by agricultural and forestry activities, smallscale natural resource industries, cottage industries, and services that serve needs of local residents and tourists.

GOAL LU-53 Ensure land uses and activities are consistent with and preserve rural character.

LU-53.1 Encourage and support economic vitality in ways that protect the rural way of life and are compatible with the rural environment.

LU-53.4.1 Encourage low-density residential and resource-based activity as primary uses.

LU-53.4.2 Allow for limited non-residential land uses that support rural densities

2. Key Peninsula Community Plan

(Pierce County Code, Title 19A, Chapter 19A.10, Chapter 14, Appendix G,

A. The site is located within unincorporated Pierce County and within the Key Peninsula Community Plan. The plan went into effect in 2008.

B. The following are some applicable policies from the plan as they apply to this proposal. There are any number of additional policies from the Plan that could apply but would result in an excessively long report:

GOAL KP LU-1 A rural area that is endowed with working farms, forests, and pastures throughout the countryside provides community identity. Strive for a community that has safe streets and neighborhoods. Recognize individual rural communities and maintain their distinct identities. Low density housing, open space, and resource land uses will be the prominent development pattern in the area.

GOAL KP LU-2 Allow a variety of rural residential land uses in the R10 zone that are consistent with a rural lifestyle.

KP LU-2.6 Allow for limited commercial services that are compatible with the functional and visual character of the rural area and serve a need for residents living in the rural area. Examples include backhoe services, home maintenance services, and other types of contractor yards.

GOAL KP EC-4 Capitalize on the unique scenic beauty and proximity to urban areas by promoting economic development opportunities through tourism.

Staff Comment: The site is a community and cultural use type allowed with an approved CUP. The Bed and Breakfast and small Home Occupation space for the nutritional therapy clearly match the polices found in both the Comprehensive Plan and the Community Plan. The wedding and event space does raise questions as to the compatibility with a few rural policies as the use is more commercial in nature. The wedding and event space will need to be respectful of surrounding single-family homes and the surrounding rural area.

3. Pierce County Zoning Code (Pierce County Code, Title 18A)

- A. The Zoning Code reveals that use of the site is defined as a Community and Cultural Service, Level 1 use type in Section 18A.33.220 C. Level 1 consists of Indoor/outdoor wedding event facilities which host small scale events of limited duration and is limited to an indoor space of 4,000 square feet. In the R10 zone, Level 1 is allowed with the approval of a CUP per Table 18A.26.020 in the R10 zone.
- B. Section 18A.05.050 A.3. states that where there is a question regarding the inclusion or exclusion of a particular proposed use within a particular use or category, use type, or use type level, the Director shall have the authority to make the final determination. The Director's determination in these instances may be appealed (see Section 18A.05.050 A.3.).
- C. Section 18A.37.040 Bed and Breakfast (B&B) and Short-Term Vacation Rentals (VR) states a Bed and Breakfast shall be allowed, on a parcel upon which the bed and breakfast proprietor resides, within a legally established single-family dwelling or accessory structure when the following criteria are met:
 - 1. Not more than five guest rooms are provided;
 - 2. Not more than ten travelers are lodged at any time;
 - 3. Lodging for each guest does not exceed two weeks;
 - 4. Compensation of any kind is paid for the lodging; and
 - 5. The B&B owner files an affidavit with Pierce County Planning and Public Works which indicates the location of the property and that the property will be used as a bed and breakfast.

Staff Comment: The applicant has applied for a CUP for the wedding and event venue. The Bed and Breakfast is allowed outright and meets the criteria in code. The nutrition therapy space appears to meet home occupation standards found in 18A.37.110. The space will need to be clarified and shown to meet these requirements.

D. Conditional Use Permit (18A.75.030).

- (1) Purpose. The purpose of this Section is to establish decision criteria and procedures for special uses called Conditional Uses which possess unique characteristics. Conditional Uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity. Conditional Uses will be subject to review by the Examiner and the issuance of a Conditional Use Permit. This process allows the Examiner to: determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and make further stipulations and conditions that may reasonably assure that the basic intent of this Title will be served.
- (2) Decision Criteria. The Examiner shall review Conditional Use Permits in accordance with the provisions of this Section and may approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit. The Examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts as a condition of the granting of the Conditional Use Permit.

(3) Required Findings. The Examiner may use Design Standards and other elements in this Code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:

(a) That the granting of the proposed Conditional Use Permit will not be detrimental to the public health, safety, and general welfare; adversely affect the established character and planned character of the surrounding vicinity; nor be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.

Applicant Response: Occasionally allowing for weddings and community events in no way will be detrimental to the public health or safety. The general welfare of the area might be slightly impacted with additional traffic and a bit of elevated noise, but not to a degree considered detrimental. It is unlikely the proposed use will affect the established or planned character of the surrounding vicinity, but certainly not to a level that will be considered adverse. Nothing about the proposed use could be considered to introduce any impacts that could be considered injurious.

(b) That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.

Applicant Response: KP LU-2.3 allows for civic uses that can be supported by rural infrastructure. The proposed use will cause no strain on the area's infrastructure.

(c) That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.

Applicant Response: Any conditions imposed through the approval process will be monitored by the property owners and enforced by both the County and the property owners.

(d) That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.

Applicant Response: Nothing about the proposed use will introduce any hazardous conditions.

(e) That the conditional use will be supported by, and not adversely affect, adequate public facilities and services; or that conditions can be imposed to lessen any adverse impacts on such facilities and services.

Applicant Response: The areas public facilities and services are adequate for the proposed use. If any upgrades are deemed necessary through the approval process, the applicant will agree to appropriate mitigation.

- (f) That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.

Applicant Response: LOS will be analyzed during the approval process. If mitigation is deemed necessary, the applicant will agree to necessary and appropriate mitigation.

Staff Comment: Based on information received to date, it appears that the proposed wedding and event venue can be conditioned to meet all criteria for a CUP.

Staff finds that the proposed wedding and event venue is consistent with the policies of the Comprehensive and Communities Plan, as discussed above. Staff finds that by committing to reducing noise levels, the applicant will be eliminating conditions that could cause nuisance to the overall community. Staff finds that no new hazardous conditions are proposed that cannot be mitigated for and will not impact the community. Staff finds that public facilities and services should accommodate the proposed use. Staff finds that the proposal needs to be clearer on the conditions of the venue for any further determinations to be made.

4. Pierce County Design Standards and Guidelines (Pierce County Code, Title 18J)

- A. This Title addresses numerous issues consisting of the following: site design; site clearing; tree conservation; landscape buffers; street trees; infill compatibility; noise attenuating barriers and structural walls; off-street parking, pedestrian, bus and bicycle facilities; exterior illumination; parking lot landscaping; plant lists; plant sizes, soil amendments, mulching and irrigation; plant installation; plant protection and maintenance; low impact development (LID); rural pathways for civic uses; mechanical equipment and outdoor storage screening; dry sewer lines; stormwater facilities; recreational areas; residential design standards; outdoor event facilities; mobile home parks; recreational vehicle parks; construction and contractor facilities; outdoor stockpiles; solid waste handling, treatment, and storage facilities; hazardous waste treatment and storage facility; water supply facilities; telecommunication towers and wireless facilities; agritourism; and specific design standards and guidelines (including building design and architectural standards) for the eleven community plans located within unincorporated Pierce County (including the Key Peninsula Community Plan).
- B. Section 18J.10.050 states that a project subject to this Title shall be reviewed for conformance with applicable design standards through the project application. If a project is unable to meet an applicable design standard or standards, a Site Plan Review application shall be submitted.
- C. Section 18J.10.040 discusses what proposals the Title applies to. The same Section also lists what is exempt from complying with the Title.
- D. Section 18J.90.110 is specific to the Key Peninsula. Standards here are required to be met for all new civic uses. The proposed wedding and event venue is considered a community and cultural use type under the civic use category.

Staff Comment: An L3 landscape buffer is required abutting all residential properties surrounding the subject property per Table 18J.15.040-2. That has not been shown on any site plans submitted as part of this CUP proposal. The applicant will need to demonstrate that existing vegetation or that additional plantings are needed to meet that L3 buffer requirement.

With that said, there are a couple Chapters in this Title which could provide assistance to the Examiner in their review of the proposal:

- Section 18J.15.070 addresses noise attenuating barriers and structural walls. This Section states that these standards apply to any barrier being built to attenuate noise from a proposed or existing land use, as required by the Hearing Examiner, Director, Responsible Official or voluntarily constructed on any parcel of land. This Section may provide assistance should some sort of conditions be deemed necessary to address noise concerns.
- Section 18J.15.190 addresses Outdoor Event Facilities. These standards apply to outdoor event facilities considered to be a community and cultural services use type (civic use type). This Chapter addresses hours of operation; lighting; noise; buffers and screening; setbacks; occupancy; parking areas; outdoor receptions; and access. This Section provides excellent items to consider should some sort of conditions be deemed necessary to address concerns about outdoor events.

It is unclear at this time with the lack of application material provided by the applicant/agent to determine whether all design standards are being met, specifically those of the Key Peninsula.

5. Pierce County Health and Welfare (Pierce County Code, Title 8).

Chapter 8.76 (Noise Pollution Control) regulates noise. It addresses, in part, maximum permissible noise levels for uses.

Staff Comment: This Chapter is enforced by the Tacoma-Pierce County Health Department. Staff's experience is that they do not have adequate resources to regulate/enforce noise. Noise is very subjective from person to person. What may be bothersome to one may not be to another. Typically, noise is primarily (but not always) an issue with amplified music. If noise is a concern of the KPAC, Staff suggests it consider whether a professional noise study be completed. Otherwise, the proposal could just be conditioned to comply with the Pierce County Noise Ordinance (addressed later in this report) or a lesser noise level appropriate for the community, then one or more mitigation measures could be implemented. Mitigation (if deemed necessary) could include (for example) restricting outdoor amplification, limiting hours of outdoor amplification, and/or constructing a sound wall along the property line (although perhaps this could result in unintended consequence of causing noise to be louder on other properties).

Pierce County Critical Areas (Pierce County Code, Title 18E).

This Title regulates critical areas consisting of wetlands; fish and wildlife species and habitat conservation areas; aquifer recharge and wellhead protection areas; volcanic hazard areas; flood hazard areas; landslide hazard areas; seismic (earthquake) hazard areas; mine hazard areas; and erosion hazard areas.

Staff Comment: While one or more critical areas may exist on-site (such as a wetland area), no substantial changes to the site have really occurred and/or are proposed. Therefore, it is difficult to see how this Title applies to the proposal currently. Upon application for any required development/building permits critical areas will be reviewed.

Questions from Staff for the Key Peninsula Advisory Commission (KPAC):

1. Does the KPAC believe that the design standards are being met within Title 18J?
2. Does the Commission believe that the applicant is meeting the Conditional Use Permit Standards?
3. Does the Commission believe that the applicant is meeting the Key Peninsula Community Plan Standards, specifically those in Title 18J.90?

Washington Woodland Event CP IPR PAC-CR.docx