

# **Revised** Initial Project Review

## **Shoreline Substantial Development Permit: Serwon**

**Application Number: 983302**  
**Parcel Numbers: 0121056004**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: May 18, 2022, at 6:30 p.m.**

Due to COVID-19 restrictions, this meeting will be held virtually. To participate, visit [www.Zoom.com](http://www.Zoom.com) and click “Join a Meeting” or call 253-215-8782, then enter the Meeting ID: 930 7909 1741, Passcode: 7156, or click on the following link:

<https://piercescountywa.zoom.us/j/93079091741?pwd=T25jTzV2UFdhOVpLcm9wZTREbm1DZz09>.

For additional questions regarding the virtual meeting process, contact Danica Williams at 253-798-7156, or [danica.williams@piercescountywa.gov](mailto:danica.williams@piercescountywa.gov).

**Proposal:** The proposed project is to construct a stairway system terminating on the beach. The staircase would be accessory to an existing single-family residence on a 1.27 acre parcel, located on the southeast shore of Henderson Bay.

The proposed stairway system starts in the lawn near the bluff and terminates at the toe of the bank. The proposed structure has a total length of 72 feet and 4.0 feet in width with two 4-foot by 4-foot landings.

**Project Location:** 13116 Thomas Road NW, Gig Harbor, WA, in the Conservancy Shoreline Environment, Rural 10 (R10) zone classification, and the Key Peninsula Community Plan area, within the NW ¼ of Section 5, T21N, R1E, W.M., in Council District #7

**Review Summary:** County staff has reviewed this proposal for compliance with all applicable policies, codes, and regulations. The County finds, based on an initial project review, that the proposed stairway will provide a safe access to the shoreline and appears to be consistent with the applicable shoreline codes and regulations, subject to conditions. However, as of the drafting of this report, there appear to be fatal issue with the geotechnical report regarding stabilization. This issue will need to be addressed prior to final approval if possible.

With the adoption of the new County Shoreline Regulations in 2018, decisions on Shoreline Substantial Development Permits are now made administratively by the Planning and Public Works Department. Staff will take the KPAC recommendation into consideration prior to rendering a decision.

**State Environmental Policy Act (SEPA):** Pursuant to the State Environmental Policy Act, Washington Administrative Code, Chapter 197-11 and the Pierce County Environmental Regulations, Title 18D, the Pierce County Environmental Official designate has reviewed this project and determined that the project is exempt from SEPA provisions.

**County Contact:** Michael Jimenez, Senior Planner, [michael.jimenez@piercecountywa.gov](mailto:michael.jimenez@piercecountywa.gov), 253-798-7181

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=983302>



**Project Data**

Complete Application Date: March 8, 2022

Initial Project Review Mailed: May 11, 2022

Revised IPR Mailed: May 13, 2022

Applicant/Owner: Heather Serwon  
13116 Thomas Road  
Gig Harbor, WA 98329

Agent: Permit Granted  
Attn: Terri Schultz  
4810 Point Fosdick Drive NW, Suite 156  
Gig Harbor, WA 98335  
[Terri@permitgranted.com](mailto:Terri@permitgranted.com)

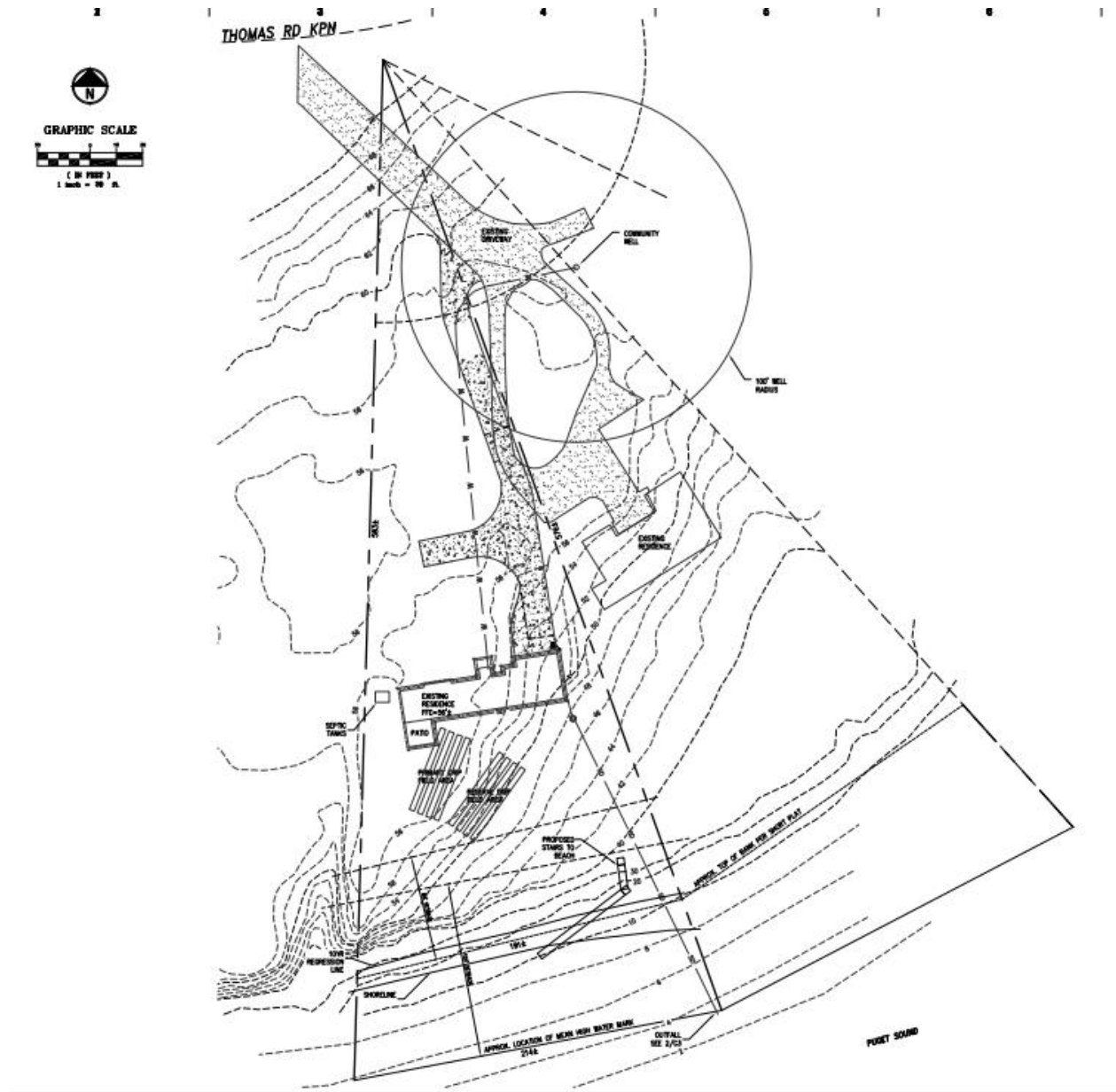
**Legal and Public Notice**

- *March 23, 2021:* Notice of Application (NOA) and Public Meeting Notice, including the Key Peninsula Advisory Commission (KPAC) meeting date, 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.
- *April 2, 2022:* Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *May 4, 2022:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the KPAC public meeting.
- This permit does not require a public hearing before the Pierce County Hearing Examiner per Pierce County Code, Title 18S.60.040.F Approval.

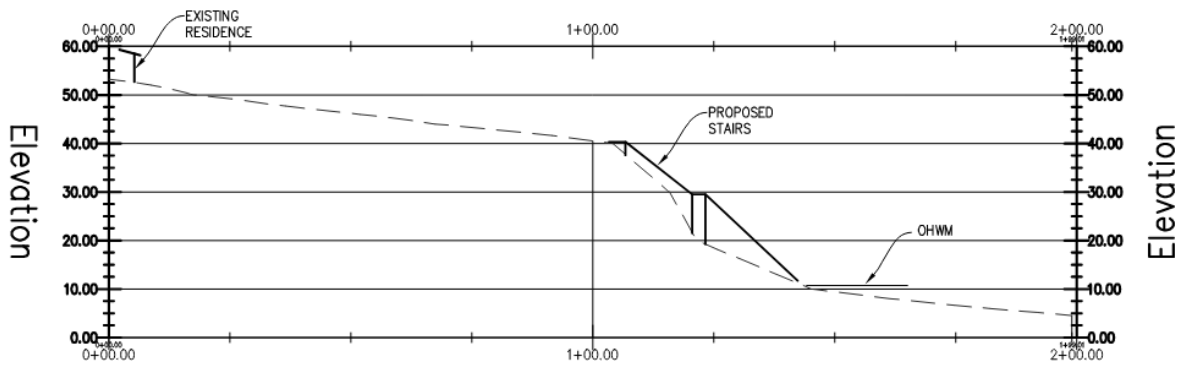
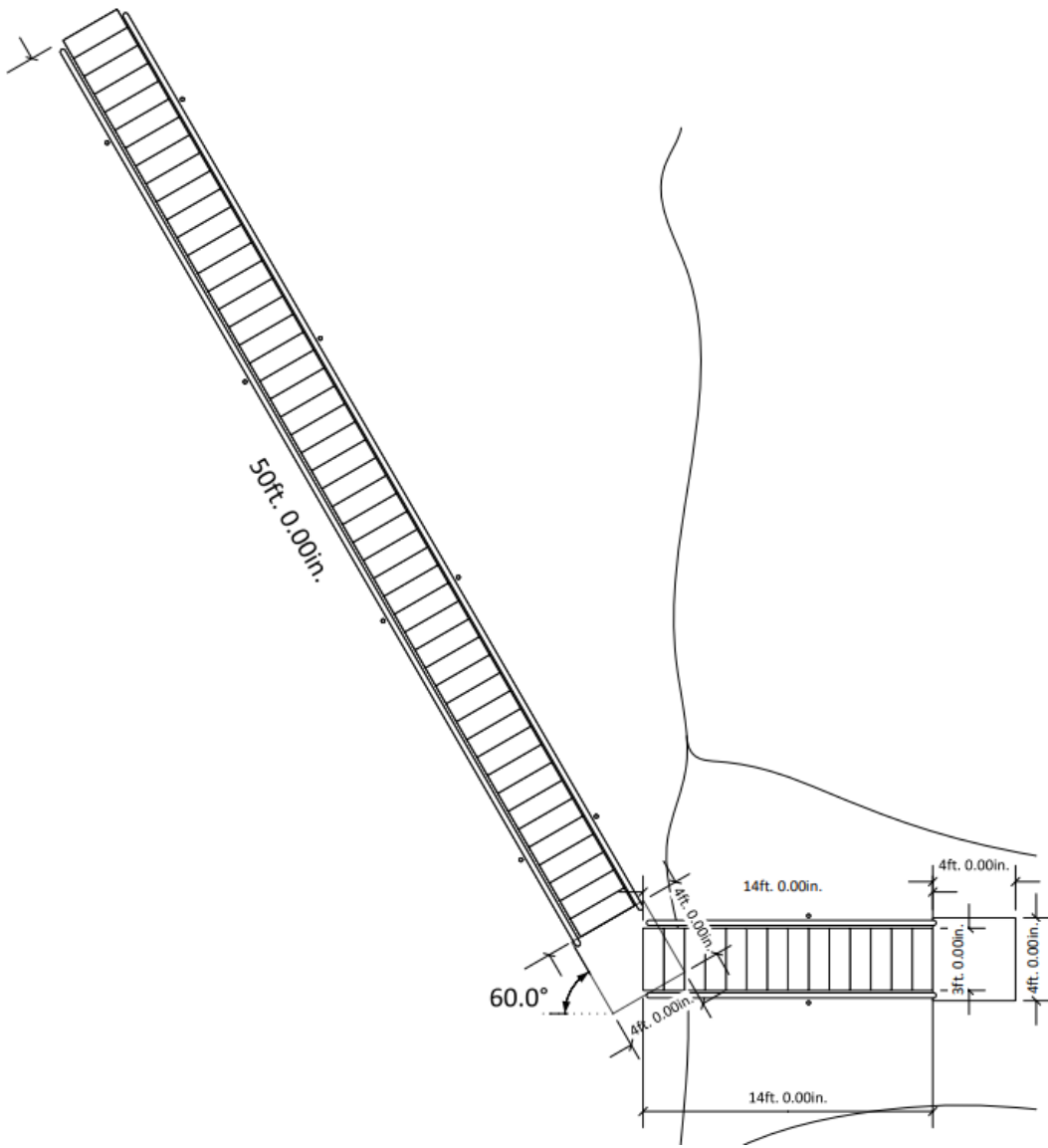
2020 County Aerial Photos



# Site Plan



# Construction 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. 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.

## **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 proposed stairs will be located on the southwest portion of the parcel abutting the southeast shore of Henderson Bay.
- The long axis of the parcel is oriented in a north-south direction. The elevation of the parcel from at the northern tip of the property is approximately 70 feet then dips to 10 feet at the waterline.
- The County Assessor lists Parcel 0121056004 as 1.27 acres in size with approximately 213 feet of shoreline frontage
- The parcel is improved with a single-family residence.

- The parcel is considered as high bank waterfront properties. The Coastal Zone Atlas for Pierce County, provided by the Washington State Department of Ecology, identifies the shoreline of the parcel as a “Feeder Bluff”.
- The access to the project site is via a paved driveway off Thomas Road NW.

**Surrounding Land Use / Shoreline / Zoning Designation**

|       | LAND USE                | SHORELINE   | ZONING         |
|-------|-------------------------|-------------|----------------|
| North | Thomas Road             | N/A         | Rural 10 (R10) |
| South | Henderson Bay           | Conservancy | N/A            |
| East  | Single-family residence | Conservancy | R10            |
| West  | Single-family residence | Conservancy | R10            |

**Ecology Aerial Photo, dated August 4, 2016**





## **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 2.

### Public:

- No comments were received from the public.

### Agencies:

- No adverse comments were received from reviewing agencies within the County.
- The Nisqually Indian Tribe requested the project be placed on hold pending a revision to Pierce County Code Title 18S.

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

### **Key Peninsula Community Plan (Pierce County Code, Title 19A, Appendix G)**

In 2008, the Plan went into effect. It is part of the County Comprehensive Plan.

*Staff Comment:* Numerous policies from the Community Plan could apply. However, staff has not listed them in this report as the County Shoreline Regulations (Pierce County Code, Title 18S) have similar ones that are addressed later in this report. In summary though, the Community Plan places great emphasis on maintaining shoreline aesthetics, vegetation, and stability.

### **Pierce County Zoning Code (Pierce County Code, Title 18A)**

Section 18A.15.040 of the Zoning Code addresses setbacks. In the R10 zone, the required setbacks are as follows:

Front 25 feet, Side 10 feet and Rear 30 feet

*Staff Comment:* The proposed stairway meets the required front yard setback and side setbacks. However, a to scale site plan is needed to demonstrate the exact location of the stairway and its relation to the side property lines.

### **Pierce County Development Policies and Regulations – Shorelines, (Title 18S)**

Title 18S provides policies, and regulations for development on Pierce County shorelines. It regulates not only the waterbody itself (Puget Sound), but also the abutting uplands located within 200 feet of Puget Sound. The proposal is located within the Conservancy Shoreline Environment Designation.

18S.20.040 – Conservancy Shoreline Environment Designation (SED).

The intent of the Conservancy SED is to conserve and manage existing natural resources and valuable historic and cultural areas while providing recreational benefits to the public and while achieving sustained resource utilization and maintenance of floodplain processes. Shoreline ecological functions should be preserved by avoiding development that would be incompatible with existing functions and processes, locating restoration efforts in areas where benefits to ecological functions can be realized, keeping overall intensity of development or use low, and maintaining most of the area's natural character.

- 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.
- Water-dependent and water-enjoyment recreation facilities that do not deplete the resource over time, including but not limited to boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed.

*Staff Comment:* The proposed stairway system is considered a water dependent use, accessory to the existing single-family residence and will provide a safe access of the residents to the water for recreational purposes.

Water Access Facilities (Pierce County Code, Title 18S, Section 18S.40.140)

The Water Access Facilities policies and regulations are intended to manage development of facilities that support water dependent uses such as water access stairs.

Applicable Policies.

- Locate, design, and operate facilities so that other water-dependent and preferred uses are not adversely affected.
- Discourage facilities that serve only one residence and encourage facilities serving more than one residence.
- Give preference to facilities:
  - That provide public access and recreational opportunities.

Applicable Regulations:

- C.3: Facilities shall be stable against the elements and maintained in safe and sound condition.
- C.12.: Height of a facility should be the minimum necessary for safe operations.
- D.11.: Water access stairs shall not be constructed waterward of the OHWM. Landings within the stairway shall be limited to the minimum size necessary to meet applicable building codes.

*Staff Comment:* The proposed stairs to the water are considered a water access facility for a single-family residence. The height of the stairs appears to be the minimum required as they are at grade. The stairs are not being proposed waterward.

Ecological Protection (Pierce County Code, Title 18S, Section 18S.30.030).

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 areas. In the Conservancy SED, the required buffer is 100 feet.

*Staff Comment:* There are buffer exceptions listed in Section 18S.30.030 E.3. including, but not limited to, the water dependent uses (such as beach access stairways). Per the requirement of 18S.30.030-1(Mitigation Sequencing), the applicant needs to demonstrate how they are avoiding the impacts to the shoreline through the mitigation sequencing table. As a mitigation measure, perhaps the applicants can plant native vegetation along the shore and landward of bank in order to restore and preserve the shoreline of the area.

Excavation, Dredging, Filling, and Grading (Pierce County Code, Title 18S, Section 18S.30.040).

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.

Applicable Regulations.

- Excavation, dredging, filling, and/or grading shall be limited to the minimum amount necessary for the specific use or development proposed.

*Staff Comment:* Based on the submitted site plan it appears that some excavation is likely required; however, it is not clear as to how much of excavation would be needed for this project. There appears to have been some bank erosion so the excavation should be kept to a minimum and meet all geotechnical required conditions to stabilize the slope, if possible.

The geotechnical report submitted with the Shoreline Substantial Development permit has been deemed insufficient by the reviewing county engineer. This appears to be a fatal flaw for placing the water access facility without addressing stabilization. The applicants geotechnical engineer will need to present a design that will adhere to all code requirements and receive Pierce County geotechnical engineering approval.

Shoreline Substantial Development Permit (Pierce County Code, Title 18S, Section 18S.60.040)

D. Decision Criteria. The Director shall review applications for Shoreline Substantial Development in accordance with the following decision criteria:

1. The proposal is consistent with the policies and procedures of the Act.
2. The proposal is consistent with this Title's policies and regulations including, at a minimum, the following:
  - a. Policies and regulations of the shoreline environment designation (SED) in which the proposal is located;
  - b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such area;
  - c. Policies and regulations within the applicable General Policies and Regulations found in Chapter 18S.30 PCC; and

- d. Policies and regulations within the applicable Use and Development Policies and Regulations found in Chapter 18S.40 PCC.
3. The proposal is consistent with the applicable provisions of Title 18E PCC.
4. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.
5. The proposal is consistent with all applicable development regulations, including but not limited to Title 18A PCC, Development Regulations – Zoning.

If approved with conditions, the proposed structure must be designed and engineered appropriately, inclusive of slope stabilization. It is the responsibility of the property owners to maintain the structure in a safe and sound condition should it be approved.

**Question from Staff for the KPAC:**

Does the KPAC believe that the applicant is meeting the Shoreline Substantial Development permit requirements or have any comments or recommendations?

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