

# Initial Project Review

## Shoreline Substantial Development Permit: Tregoning

**Application Number: 979791**  
**Parcel Number: 0121102038**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: June 8, 2022, at 6:30 p.m.,** at the City of Gig Harbor, southeast entrance, 3510 Grandview Street, Gig Harbor, WA 98335

**Proposal:** The applicants are proposing to demolish the existing duplex located 30 feet from the bulkhead in order to construct a two-story single-family residence 63.5 feet from the bulkhead along with an 864-square-foot pool (20 feet x 40 feet) and spa (8 feet x 8 feet) 56.25 feet from the bulkhead, and to install a new septic system 75 feet landward of the bulkhead. In addition, the applicants are proposing to construct an Accessory Dwelling Unit (ADU)/shop entirely outside of the 200-foot shoreline jurisdiction.

The project site is on a 2.79- acre parcel located on the east shore of Henderson Bay (across from Raft Island).

**Project Location:** The site is in a Rural 10 (R10) zone classification, Residential Shoreline Environments, and Gig Harbor Peninsula Community Plan area, located at 9512 Kopachuck Drive NW, Gig Harbor, WA, within the NW ¼ of Section 10, T21N, R1E, W.M., in Council District #7.

**Review Summary:** The project, as proposed, cannot be approved; however, the project can be modified, with conditions, to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Gig Harbor Peninsula Community Plan area.

**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:** Mojgan K. Carlson, Senior Planner, [mojgan.carlson@piercecountywa.gov](mailto:mojgan.carlson@piercecountywa.gov), 253-798-7234

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departamentStatus?applPermitId=979791>



## Project Data

Complete Application Date: March 7, 2022

Initial Project Review Mailed: June 1, 2022

Applicant/Owner: Jeffrey and Mary Tregoning  
9502 Kopachuck Drive Northwest  
Gig Harbor, WA 98335-5913  
[jeff@tacomaglass.net](mailto:jeff@tacomaglass.net)

Agent: Permit Granted  
Attn: Terri Schultz  
4810 Pt. Fosdick Drive NW  
Gig Harbor 98103  
[Terri@permitgranted.com](mailto:Terri@permitgranted.com)

## Legal and Public Notice

- *March 23, 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.
- *April 25, 2022*: Revised NOA and Public Meeting Notice, with corrected parcel number, 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.
- *March 30, 2022*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting
- *May 25, 2022*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

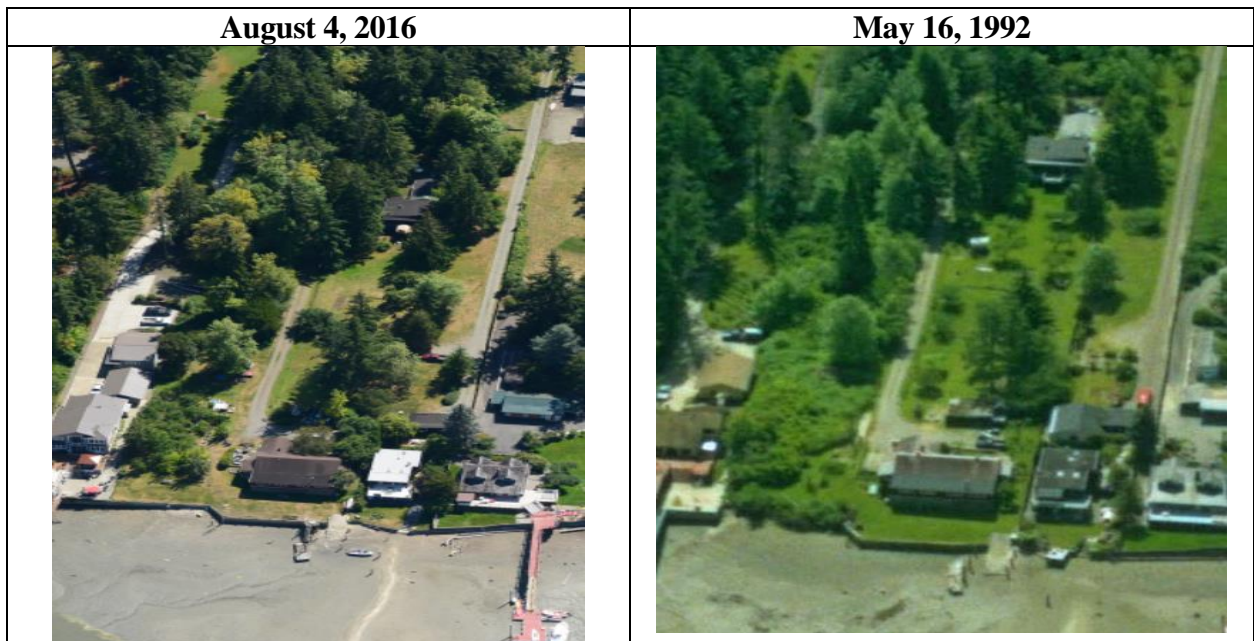
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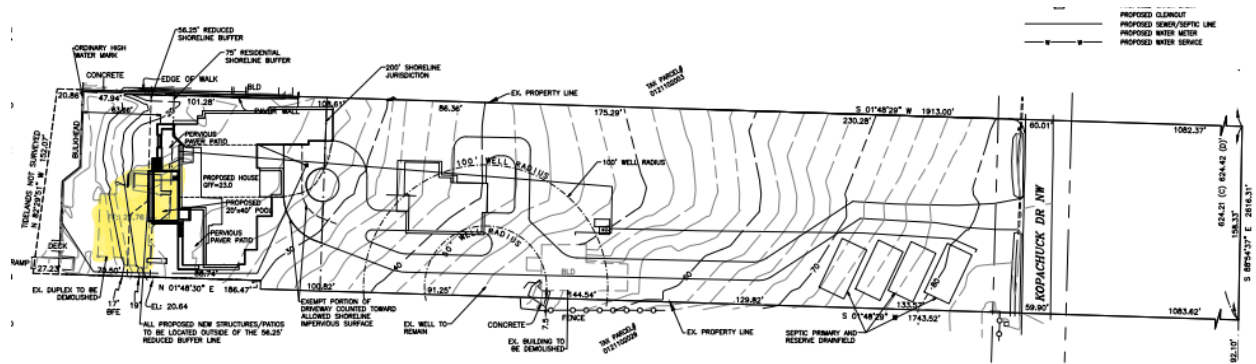
**County Ortho Photos**



**Ecology Photos**



## Site Plan including location of the existing duplex 2022



### Site Photos



Looking west and east



Looking North and south



### 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. 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**

Staff conducted a site visit on March 16, 2022, and observed the following:

- The project site is on the northern portion of an almost rectangular shaped parcel abutting the east shore of Henderson Bay, across the body of water from Raft Island.
- The long axis of the parcel is oriented in a north-south direction. The topography of the parcel is generally rolling with slopes descending from south to north towards the water.
- The County Assessor lists the parcel as 2.79-acre in size, which is improved with a duplex and a detached garage. The duplex originally was constructed in 1952 and it is located approximately 30 feet from the bulkhead.
- The site is also improved with a small, dilapidated shed and another single-family residence located outside of the 200-foot shoreline jurisdiction.
- Per the submitted information from the supplicant's agent, and per County's aerial photos, currently, the existing 2,146-square foot duplex is located 30 feet from the bulkhead, encroaching 45 feet into the required 75-foot shoreline buffer area.

- Based on the submitted site plan, a patio portion of the proposed residence will encroach into the required 75-foot shoreline buffer area (at its closest point, 63.5 feet from the bulkhead). The proposed swimming pool and spa will be within the footprint of the existing duplex and 56.25 feet from the bulkhead.
- The shoreline of the site is improved with a concrete bulkhead, a boat ramp, and an approximately 75-square foot over water wood deck. The wood deck and the boat ramp are located along the northwest corner of the parcel.
- The primary use on most of the parcels in the vicinity of the site is single-family residential.
- Both immediate adjoining parcels to the east and west are improved with similar size single-family residences both located within the required 75-foot shoreline buffer area.
- No regulated wetlands were identified within 315 feet of the parcel.
- Per County data, the site is mapped as “Estuarine Habitat” area; however, the applicant is not proposing any activity waterward of the bulkhead.
- The access to the site is via a driveway off Kopachuck Drive NW, which is located to the south of the site.

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

	LAND USE	SHORELINE	ZONING
North	Henderson Bay	Residential	N/A
South	Kopachuck Drive NW	N/A	Rural 10 (R10)
East	Single-family residence	Residential	R10
West	Single-family residence	Residential	R10

**Note:**

1. Per PCC, Section 18S.30.030E.2 Shoreline Buffer”, the required buffer in Residential Shoreline Environment is 75 feet.
2. Per PCC, Section 18S.30.060.D.1, Residential structures shall not exceed a height of 35 feet.
3. Per PCC, Section 18S.30.030.E.5.b. Development may be allowed in-line with existing development, parallel to the shoreline and no closer than the existing structure, when on existing impervious surfaces and when there is no loss of existing vegetation (emphasis added). In this case, the proposed house expands beyond the footprint of the duplex and parallel to the shoreline along the east property line. As noted earlier, other than the proposed swimming pool and spa to be located on the same footprint of the existing duplex to the west of the site, there is no other impervious surface area to the east of the shoreline.

**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.

- No written comments were received from the general public.
- No adverse comments were received from reviewing agencies within the County and state.
- On January 26, 2022, Department of Archaeology and Historic Preservation (DAHP) sent a letter indicating the site is located in a high-risk archeologic area and human remains; therefore, DAHP requested a professional archaeological survey of the project site prior to any ground disturbing activities.

- Both Squaxin Island Tribe and Nisqually Tribe of Indians indicated the project site is located in an area with a high likelihood of cultural resources. A condition of approval will require the applicants to provide a professional archaeological survey of the site prior to any ground disturbing activities.
- Per submitted Wetland and Fish and Wildlife Verification, dated March 1, 2022, Scott Sissons confirmed no regulated wetlands within 315 feet and no regulated Water type within 165 feet of this parcel.

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

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

Per Pierce County Code, Section 18A.15.040, the required setbacks in the R10 zone are as follows:

- Front 25 feet, Side 10 feet, and Rear 30 feet with 75-foot shoreline buffer (rear)
- Maximum height is limited to 35 feet due to Shoreline Jurisdiction.

*Staff Comment:* Based on the submitted site plan, the proposed residence is not meeting the required 10-foot side yard setbacks from both the east and west property lines. Therefore, either a land use variance application must be submitted, or the size of the proposed residence must be reduced to meet the required 10-foot side yard setbacks.

Based on the submitted architectural plan provided by the applicant’s agent, the maximum height of the structure does not exceed 35 feet, therefore meeting this requirement.

### **18A.75.040 Variances.**

The purpose of this Section is to provide a means of deviating from the requirements of Pierce County Code in specific instances where strict application of these requirements would prevent property from being utilized in a similar manner as other properties in the same zone classification because of special features or constraints unique to the property involved.

Before any variance may be granted, it shall be shown that:

1. 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;
2. 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;
3. 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;
4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and
5. No significant adverse environmental impact will be caused as a result of the variance approval.



*Staff Comment:* In this case, the applicant has not asked for a land-use variance; however, staff believes that there is no substantial property right or use possessed by other properties in the area that the subject property does not already possess or can achieve. Furthermore, there do not appear to be any special circumstances applicable to the subject site in terms of size, slope, or useable property to make approval of the variance for the side yard setbacks to be reduced to less than 10 feet. Staff believes the applicants can reduce the footprint of the new house in order to eliminate the need for the side yard variance application.

### **Gig Harbor Peninsula Community Plan**

The Plan was adopted as part of the County Comprehensive Plan under Appendix E (Title 19A) with the most recently amended date of October 1, 2021:

GH D-12.2 Require that setback areas be retained in natural vegetation where feasible and supplemented by planted native species where natural vegetation is sparse or nonexistent.

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-2.3.3 Construct non-water-dependent structures (including single-family residences) along the shoreline at a sufficient distance from the shoreline to ensure that bulkheads are not necessary for the lifetime of the structure.

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-2.4.3 Permit outright or administratively detached single-family residential homes and associated accessory structures when located outside of the defined shoreline setback.

GH ENV-2.6 Strictly control requests to obtain variances from development standards along the shoreline. Grant variances only in extraordinary circumstances relating to the physical character or configuration of the building lot.

GOAL GH ENV-4 Encourage shoreline restoration activities that increase the function and value of the nearshore environment.

GH ENV-4.2 Encourage the removal of bulkheads and other hard armoring along marine waters where it would improve fish habitat.

GH ENV-4.3 Promote the voluntary retention and replanting of native vegetation along lakes, streams, and marine waters.

*Staff Comment:* The proposal would not cause removal of any vegetation from the site as vegetation along the shoreline buffer and east property line were removed sometime after May of 1992.

The Gig Harbor Peninsula Community Plan policies require that setback areas be retained in natural vegetation and supplemented where natural vegetation is sparse or nonexistent. In addition, it discourages lawn areas that extend to the edge of beaches and will require preservation of native vegetation along the shorelines to preserve and protect wildlife, water quality, and natural shoreline process.

The new County shoreline regulations require that proposals result in no net loss of shoreline function. Currently, the site is improved with a duplex and a single-family residence. The single-family residence is located outside of the 200-foot shoreline jurisdiction. The shoreline of this site is improved with a concrete bulkhead, boat ramp, and a small over water deck.

Based on the submitted site plan, the proposed patio portion of the project will be located over a pervious area and encroaches into the required 75-foot shoreline buffer area, thus requiring the applicants to either remove the patio from within the 75-foot shoreline buffer or apply for and receive approval of a Shoreline Variance application.

Staff believes, the applicants can reduce the size of the proposed residence to limit the encroachment to be only over the existing footprint of the duplex without the expansion of the residence parallel to shoreline where currently there is no impervious coverage. In other words, the expansion can take place over and behind the existing duplex's footprint.

In addition, staff will require a condition of approval for the applicant to provide a vegetation planting plan/landscape plan along the shoreline buffer to address vegetation removed along the northeast portion of the site. The required landscape along the shoreline will provide improvement to the shoreline buffer as well as enhancement of the ecological function of the shoreline on the site.

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

Title 18S provides policies, and regulations for development on Pierce County shorelines. The proposal is located within the Residential and Aquatic Shoreline Environment Designations.

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

The intent of the Residential SED is to accommodate residential development in areas that are already developed with or planned for residential development. The Residential SED may also include water-oriented commercial and recreation uses.

- Priority should be given to residential and water-oriented commercial development where such development can be accommodated with no net loss of shoreline ecological functions.
- Development should be designed to preserve and enhance the visual quality of the shoreline, including views over and through the development from the upland side, and views of the development from the water.

*Staff Comment:* The proposed project is to demolish the existing duplex in order to construct a single-family residence along with a pool and spa on the site. The project, as proposed, will expand over the entire width of the parcel (the proposed residence is almost 130 feet wide) minus the side yard setbacks. The proposed project with conditions, if reduced in size or redesigned to take place behind the existing footprint of the duplex, will not adversely impact the view of surrounding single-family residences, both from the water and/or from the land.

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

*Staff Comment:* Per the submitted site plan, the total impervious coverage of the site within 200 feet of shoreline jurisdiction will not exceed the maximum allowed impervious coverage of 33.3% as it will be limited to 31.9% of the shoreline portion of the site. However, the proposed project, if approved, would not protect ecological functions as it would exceed the existing footprint of the duplex by doubling its size to almost 130 feet wide.

18S.40.100 Residential.

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.

- 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.
- 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 site for this development is appropriately suited for residential use and is currently in residential use. The shoreline on this site is already hard armored with a concrete bulkhead. The project, as proposed, encroaches into the 75-foot shoreline buffer by 25%; however, a majority of the encroachment (pool and spa) will be over the existing footprint of the duplex.

It should be noted that the applicant is proposing an approximately 500-square foot pervious pavers patio to the east of the pool which encroaches into the 75-foot shoreline buffer area. Staff will recommend a condition of approval for the applicant to remove this area from the shoreline buffer or demonstrate how the applicant can meet the mitigation sequencing of avoidance and minimizing the impact as stated in Section 18S.30.030.

Currently, as proposed, staff finds it difficult to recommend approval of the project as it is not the minimum necessary to afford relief. The vegetation along the shoreline of this site was completely destroyed and removed. Therefore, the project, as proposed, necessitated the need for both the Land Use Variance and the Shoreline Variance approval.

The strict application of the dimension standards doesn't preclude the reasonable use of this property. Approval of this proposal would likely be unique in the fact that its footprint of the new residence will be much larger and covers more pervious area within the shoreline buffer than the existing duplex on the site.

Additionally, as noted earlier, staff has been informed by the Washington State Department of Archaeology and Historic Preservation (DAHP) that the project area has the potential to contain archaeological resources and, as proposed, would substantially impact the shoreline environment and thus would likely destroy any archaeological resources present on the site. Therefore, a condition of approval will require the applicants to provide a professional archaeological survey prior to any activities on the site. Also, pursuant to County Policy 2020-01, a cultural survey would be required as the project is within 500 feet of an estuary and the proposed project will include activities that will disturb the soil such as clearing and excavation.

**Question from Staff for the PAC:**

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

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