

# Initial Project Review

## Shoreline Substantial Development Permit: Phillips

**Application Number: 1006735**  
**Parcel Number: 0221303163**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: May 10, 2023, at 6:30 p.m.,** at the City of Gig Harbor, southeast entrance, 3510 Grandview Street, Gig Harbor, WA 98335

**Proposal:** Applicants request a Shoreline Substantial Development Permit to allow construction of an approximately 44-foot long by 21-foot wide in-ground swimming pool (maximum depth of 10 feet) and a 14-foot long by 12.5-foot-wide hot tub. The proposed pool and hot tub would be located on top of the patio slab, 100 feet from the ordinary high water mark (OHWM), within 200 feet of shoreline jurisdiction, as an accessory use to a single-family residence (under construction).

The project site is on the east side of a 5.98-acre parcel located on the southwest shore of Wollochet Bay.

**Project Location:** The site is in a Rural 10 (R10) zone classification, Conservancy Shoreline Environments, and Gig Harbor Peninsula Community Plan area, located at 2017 50<sup>th</sup> Avenue NW, Gig Harbor, WA, within the SW ¼ of Section 30, T21N, R2E, 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. The proposal would meet the required 100-foot shoreline buffer from Wollochet Bay and is proposed in the same general location as the main residence. Planning Staff concludes the project can be approved, if properly conditioned.

**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/departmentsStatus?applPermitId=1006735>



## Project Data

Complete Application Date: March 7, 2023

Initial Project Review Mailed: May 3, 2023

Applicant/Owner: John and Anya Phillips  
2021 50<sup>th</sup> Avenue NW  
Gig Harbor, WA 98335  
[Mrs-phillips@hotmail.com](mailto:Mrs-phillips@hotmail.com)

Agent: Soundview Consultants  
Attn: Racheal Villa  
2907 Soundview Drive  
Gig Harbor, WA 98335  
[racheal@soundviewconsultants.com](mailto:racheal@soundviewconsultants.com)

## Legal and Public Notice

- *March 15, 2023*: 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.
- *March 20, 2023*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting
- *April 26, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the PAC public meeting.

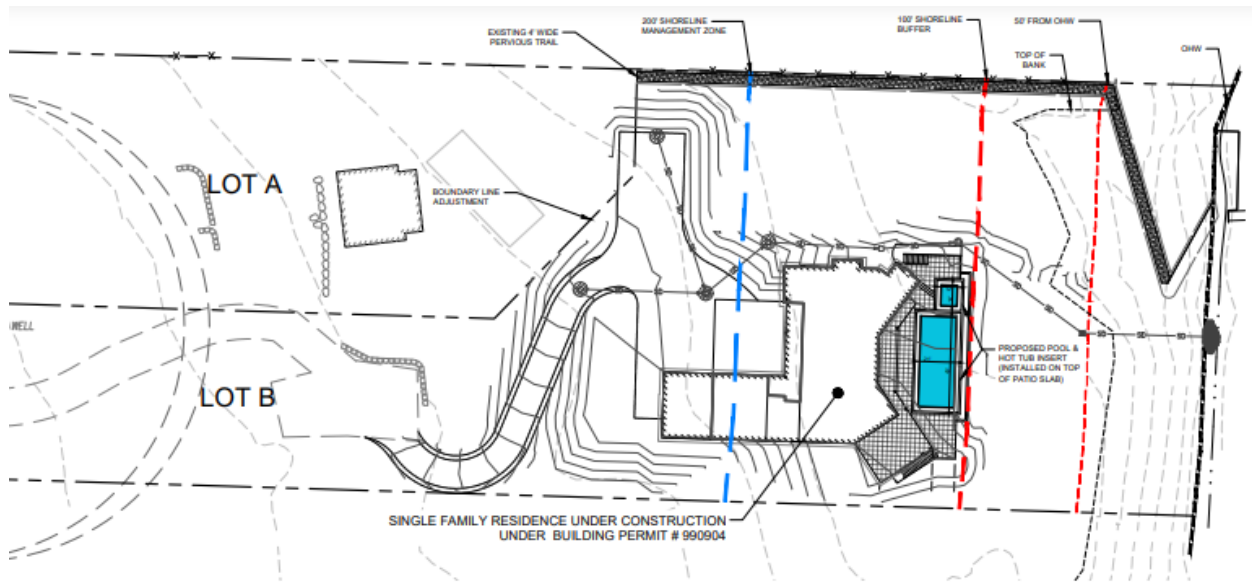
## 2021 Google Earth



# County Ortho Photo



# Site Plan



Site Photos, March 21, 2023





## **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.

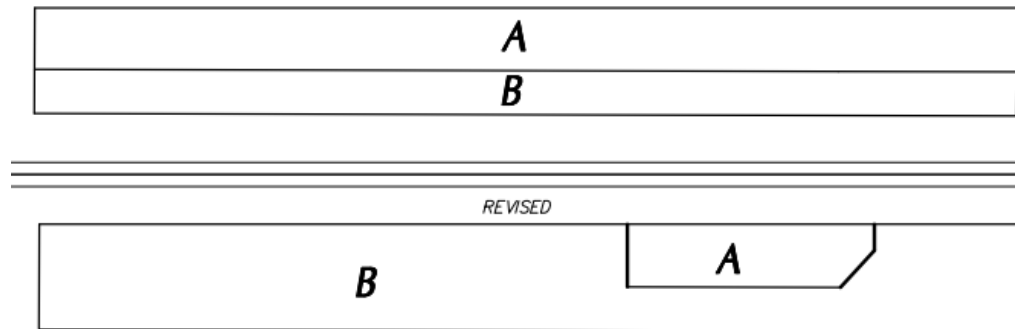
PCC Chapter 2.45 Land Use Advisory Commissions provides regulations that apply to the PAC. Per PCC 2.45.130, Land Use Advisory Commission (LUAC) recommendations on a land use application shall be to approve, modify and approve, deny, or make no recommendation. The LUAC may recommend the Hearing Examiner 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.

**Approved BLA Layout in submitted in 2021**



**Lot Area Calculation**

PARCEL	ORIGINAL	REVISED
A	4.10 Acres	1.00 Acres
B	2.88 Acres	5.98 Acres

**History**

- The applicants own two contiguous properties located on the southwest shore of Wollochet Bay.
- On November 21, 2016, the previous owner applied for Shoreline Substantial Development Permit (SD) and Shoreline Conditional Use Permit (SDCP) applications (850533 and 850534) to construct a joint-use dock, beach access stair system, and a boathouse.
- Applications were approved by the Pierce County Hearing Examiner on April 11, 2018, and Washington State Department of Ecology on May 25, 2018.
- All improvements were to be located on the southerly parcel (0221303077) with a joint-use agreement for both parcels to use the facilities. The Joint-use Agreement was recorded under AFN201871705180 for parcel numbers 0221303077 and 0221303018.

- The building permit #885720 for construction of the stairway/access and boathouse was submitted on May 4, 2018, and was issued on July 17, 2018. However, this approval did not include construction of the boathouse.
- On October 30, 2020, the current applicants (Phillips) purchased both properties (0221303018 and 0221303077) from the previous owners (Kasteler).
- The building permit #948089 for construction of the joint-use dock was submitted on November 19, 2020, and was issued on March 3, 2021.
- On September 1, 2021, the applicants applied for a Boundary Line Adjustment application to change the lots configurations (0221303018 and 0221303077). The BLA was approved and recorded under AFN 202204125001.
- The BLA changed the parcel numbers to 0221303163 (southerly parcel #0221303077) and 0221303162 (northerly parcel #0221303018). The BLA did not change the location of the approved stairway and joint-use dock under the previous SD and SDCP applications.

### Site Characteristics

Staff conducted a site visit on March 21, 2023, and observed the following:

- The project site is on the eastern portion of an irregular shaped parcel abutting the west shore of Wollochet Bay.
- The parcel is considered a high bank waterfront, approximately 5.98-acres in size, with its long axis oriented in an east-west direction.
- The site generally slopes down from west to east towards the water of Wollochet Bay.
- The upper portion of the site slopes down towards the central portion of the site with slopes of approximately 7%. The central portion of the site is generally flat, and the east portion of the site slopes down (approximately 90%) towards the water.
- The site received approval of a Shoreline Exemption (application #983105) for construction of a single-family residence on April 18, 2022.
- The building permit #990904, for construction of a single-family residence, was issued on November 4, 2022, and it is under construction.
- The shoreline of the site is improved with a wooden stairway system and a joint-use dock which were approved by the Pierce County Hearing Examiner on April 11, 2018.
- Per the submitted information and site plan from the supplicant’s agent, all proposed structures will be outside of the required 100-foot Conservancy shoreline buffer area.
- The primary use on most of the parcels in the vicinity of the site is single-family residential.
- Both immediate adjoining parcels to the north and south are improved with single-family residences.
- There are two Category IV Wetlands along the west property line; however, there are no regulated wetlands identified within 315 feet of activity.
- The access to the site is via a long-paved driveway off 50<sup>th</sup> Avenue NW located to the west of the site.

### Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family/Wollochet Bay	Residential	Rural 10 (R10)
South	Single-family/Wollochet Bay	Conservancy	R10
East	Wollochet Bay	Conservancy	N/A
West	50 <sup>th</sup> Avenue NW	N/A	R10

## **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 1.

- To date, no comments have been received from the adjoining neighbors or from the general public.
- No adverse comments were received from reviewing agencies within the County and state.
- On March 29, 2023, Department of Archaeology and Historic Preservation (DAHP) sent an email requesting consulting with DAHP prior to any activity on the site.
- On March 21, 2023, the Puyallup Tribe of Indians asked how the pool water will be drained and disposed.
- Per the submitted Wetland and Fish and Wildlife Habitat Report, dated October 2022, prepared by Soundview Consultants, Scott Sissons – County Biologist, confirmed no regulated wetlands within 315 feet of the proposed activity.

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

### **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-3.1 Discourage the use of fertilizers and pesticides on lawns in shoreline areas. Offer educational information to residents on environmentally friendly, non-chemical alternatives.



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

*Staff Comment:* The Gig Harbor Peninsula Community Plan policies require that buffer/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 single-family residence along with the proposed hot tub and pool are located outside of the required 100-foot Conservancy shoreline buffer area. During the site visit on March 21, 2023, staff noticed that the area between the house and the top of the bluff has been cleared of all vegetation. Therefore, in light of the Gig Harbor Peninsula Community Plan policies, staff will require a condition of approval for the applicants to provide a vegetation planting plan along the 100-foot shoreline buffer area to address vegetation removed from the eastern portion of the site. The required landscape will provide improvement to the shoreline buffer area 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 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.

*Staff Comment:* The proposed project is to construct an in-ground swimming pool and a hot tub as an accessory use to single-family residence (under construction). The proposed structures, as proposed, will be located over the patio slab which was originally approved under building permit #990904 in 2022 for construction of the house.

The proposed project, with conditions, will not adversely impact the view of surrounding single-family residences, both from the water and/or from the land.

#### **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, it appears that the total impervious coverage of the site, within 200 feet of the shoreline, will not exceed the maximum allowed impervious coverage of 33.3%. However, a condition of approval will require the applicants to provide the exact total of impervious coverage of the site within 200 feet of the shoreline jurisdiction.

#### 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.

#### 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.

- Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
- Not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high water mark shall be covered by impervious areas, except that new lots in a Natural or Conservancy SED shall be limited to 10 percent effective impervious surfaces, including parking areas but excluding 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.
- Maintain, enhance, and/or restore shoreline features including vegetation.
- Locate new development a sufficient distance from steep slopes or bluffs to ensure that stabilization measures are unlikely to be necessary during the life of the development.

*Staff Comment:* The proposed site for this development is appropriately suited for residential uses and accessory structures such as swimming pool and hot tub. The shoreline of the site is already improved with a joint-use dock and the use of the site is residential and will remain the same.

The project, as proposed, will be located over the approved patio slab, and meets the required 100-foot shoreline buffer area. In addition, the proposal meets the required setbacks as required under Title 18A, Section 18A.15.040.

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 has been submitted. Pools have been treated as accessory structures to a single-family residence.

**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?

Phillips SD IPR PAC-MC.docx