

# Initial Project Review

## Shoreline Substantial Development Permit: Brossel

**Application Number: 1009206**

**Parcel Number: 0020263060**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: August 24, 2023, at 5:30 p.m.**, at the Key Center Fire Station Headquarters, 8911 Key Peninsula Highway NW, Lakebay, WA 98349

**Proposal:** Applicants request a Shoreline Substantial Development Permit to allow retention of a boat ramp, a 144-square-foot boathouse, a 4-foot-wide pathway, and a 32.5-foot-long concrete block retaining wall on the west side of the pathway as an accessory use to a single-family residence. All structures will be located within the required 75-foot shoreline buffer area and landward of the Ordinary High-Water Mark (OHWM). A portion of the boat ramp will be removed to terminate its length landward of the OHWM.

The project site is on the east side of a .64-acre parcel, located on the north side of Taylor Bay.

**Project Location:** The site is in a Rural 10 (R10) zone classification, Residential Shoreline Environments, and Key Peninsula Community Plan area, located at 18016 78<sup>th</sup> Street Court SW, Longbranch, WA, within the SW ¼ of Section 26, T20N, R1W, 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. Planning Staff concludes all or most of 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/departmentStatus?applPermitId=1009206>



## Project Data

Complete Application Date: March 28, 2023

Initial Project Review Mailed: August 17, 2023

Applicant/Owner: Kenneth and Karol Brossel TTEE  
18016 78<sup>th</sup> Street Court SW  
Long branch, WA 98351  
[Kbrossel@gmail.com](mailto:Kbrossel@gmail.com)

Agent: Carl E. Halsan  
P.O. Box 1447  
Gig Harbor, WA 98335  
[carlhalsan@gmail.com](mailto:carlhalsan@gmail.com)

## Legal and Public Notice

- *May 8, 2023*: Notice of Application (NOA), including the Key Peninsula Advisory Commission (KPAC) 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.
- *May 19, 2023*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting
- *August 10, 2023*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the KPAC public meeting.

## 2023 Google Earth

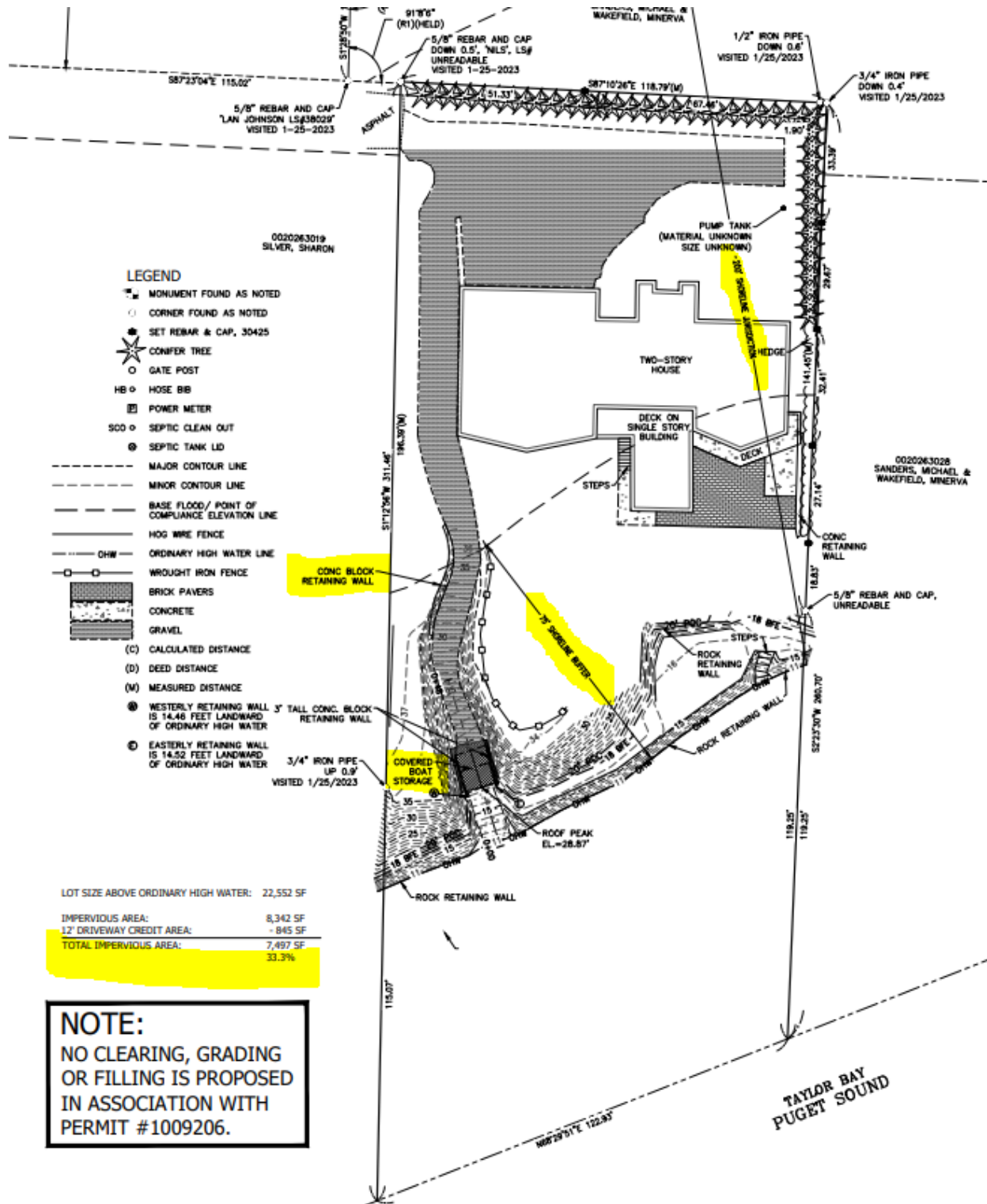




County Ortho Photo 2022



# Site Plan



Site Photos -May 15, 2023



Looking north at the boathouse



Existing boat ramp



Exiting pathway and western retaining wall

**Looking NW at the Bulkhead**



**Looking SE at the Bulkhead**



## **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. 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 Key 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 May 15, 2023, and observed the following:

- The project site is on the southern portion of an almost rectangular shaped parcel abutting the north shore of Taylor Bay.
- The parcel is considered a medium bank waterfront, approximately .64-acre in size, with its long axis oriented in a north-south direction.
- The site generally slopes down from north to south, with slope of over 16%, towards the water of Taylor Bay.

- Currently the site is improved with a single-family residence and attached three-car garage. Per information from Assessor-Treasurer’s office, the house was originally constructed in 1992.
- A narrow 6-foot-wide gravel pathway (proposed to be reduced to 4 feet wide) is supported by a 32.5-foot-long concrete block retaining wall. The retaining wall is located on the west side of the pathway which provides access to the boathouse.
- Approximately 19 feet of the 32.5-foot-long retaining wall is located within the required 75-foot shoreline buffer area which, in order to remain, may require approval of a Shoreline Variance application.
- The shoreline of the site is improved with a small boathouse (less than 300 square feet), a boat ramp that extends past the OHWM, and a rock bulkhead.
- Per the submitted information and site plan from the supplicant’s agent, all structures, entirely or partially, are located within the required 75-foot Residential shoreline buffer area; however, all but the boat ramp, are landward of the OHWM.
- The primary use on all the parcels in the vicinity of the site is single-family residential.
- Both immediate adjoining parcels to the east and west are improved with single-family residences.
- The site is subject to Wetland regulations (PCC 18E.30) and Fish and Wildlife regulations (PCC 18E.40). No jurisdictional wetlands were identified within 315 feet of the proposal.
- The access to the site is via a driveway off 78<sup>th</sup> Street Court SW, located to the north of the site.

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

	LAND USE	SHORELINE	ZONING
North	78 <sup>th</sup> Street Court NW	N/A	Rural 10 (R10)
South	Taylor Bay	Residential	N/A
East	Single-family/Vacant lot	Residential	R10
West	Single-family	Residential	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 public.
- No adverse comments were received from reviewing agencies within the County and state.
- On May 18, 2023, Department of Archaeology and Historic Preservation (DAHP) sent an email requesting an archaeological survey of the project area to determine whether the ground disturbing activities impacted an archaeological site. The survey must be completed before any activity on the site including mitigation activities and/or any removal of unpermitted structures.
- All Tribes (Squaxin Island Tribe, the Nisqually Indian Tribe and the Puyallup Tribe of Indians) asked for a complete cultural resource survey of the site prior to any ground disturbing of the site.
- Due to the presence of forage fish and Taylor Bay Estuary, a Habitat Assessment application (1009773) was submitted and was approved by Scott Sissons, PPW Biologist. The Title Notification – Critical Area was recorded under AFN 202306140090.



## **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 applicants have not asked for any deviation from the required R10 zone setbacks, and one is not required.

### **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.20.050 - 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.

*Staff Comment:* The proposed project is to allow retention of a pathway, a concrete block retaining wall adjacent to the pathway, a boathouse, and a boat ramp. This is keeping in line with the intent of the Shoreline Environment which allows water oriented uses and appurtenance structures typically associated with residences. 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. This means assuring no net loss of ecological functions and processes in shorelines and protecting critical areas. In the Residential SED, the required buffer is 75 feet.

*Staff Comment:* Per the submitted site plan, it appears that the total impervious coverage of the site, within shoreline jurisdiction, will not exceed the maximum allowed impervious coverage of 33.3% (7,494 square feet).

There are buffer exceptions listed in Section 18S.30.030 E.3. including, but not limited to, the water dependent uses (such as pathway, boathouse). Per the requirement of 18S.30.030-1 (Mitigation Sequencing), the applicant needs to demonstrate how they are avoiding and minimizing impacts to the shoreline and/or mitigating for unavoidable impacts to bring the project into compliance with the Title's requirement for no net loss of shoreline function.

#### 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 retention of the structures, with conditions, can be appropriate and suited for residential uses. The shoreline of the site is already improved with a rock bulkhead and the use of the site is residential and will remain the same.

It should be noted that on June 8, 2023, the applicant submitted a landscape plan showing planting native vegetation in the area of about 45 feet long by 8 feet wide to the east of the boathouse along the top of the bulkhead as mitigation for this project. In addition, on May 15, 2023, the applicant sent an email stating the length of the boat ramp will be reduced to terminate landward of the bulkhead.

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. The proposed structures will be reviewed as accessory structures to the existing single-family residence.

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.

*Staff Comment:* If approved with conditions, the proposed structures 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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