

Initial Project Review

Shoreline Substantial Development Permit / Shoreline Conditional Use Permit: Allen

Application Numbers: 890894 / 890895
Parcel Numbers: 0022141015

Key Peninsula Advisory Commission (KPAC) Public Meeting Date: February 19, 2020, at 6:30 p.m., at the Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA.

Proposal: Construct a new home with a footprint of roughly 1,400 square feet, set back just under 150 feet from the ordinary high water mark (OHWM), a 560-square foot boathouse in the same general footprint of the recently demolished home, retain the existing 1,400-square foot gravel parking area, and construct a new 30-foot dock and pier. The boathouse would be set back nearly 29 feet from the OHWM. The boathouse includes a covered section and 465 square feet of decking with two staircases. The boathouse decking would be roughly 18 feet from the OHWM, with the staircase to the dock less than 15 feet from the OWHM. As mitigation, the proposal will remove four steel piling and swimming float from Carney Lake.

Project Location: 15826 – 166th Avenue NW, Vaughn, WA, within the NE 1/4 of the NE 1/4 of Section 13, T22N, R1W, W.M., in Council District #7.

Review Summary: Staff has made a preliminary review of this proposal for compliance with all policies, codes, and regulations.

State Environmental Policy Act (SEPA): SEPA review is required for this proposal, but at the time of the submittal of this IPR an application has not been received.

County Contact: Dan Buhl, Senior Planner, dan.buhl@piercecountywa.gov, 253-798-3268

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=890894>



Project Data

Complete Application Date: July 17, 2018

Initial Project Review Mailed: February 12, 2020

Property Owners/Applicants: Kimber L. Allen
7028 Artondale Drive NW
Gig Harbor, WA 98335
pohonui@comcast.net

Agent: Permit Granted
Attn: Terri Schultz
4810 Pt. Fosdick Drive NW, #156
Gig Harbor, WA 98335
permitgranted@comcast.net

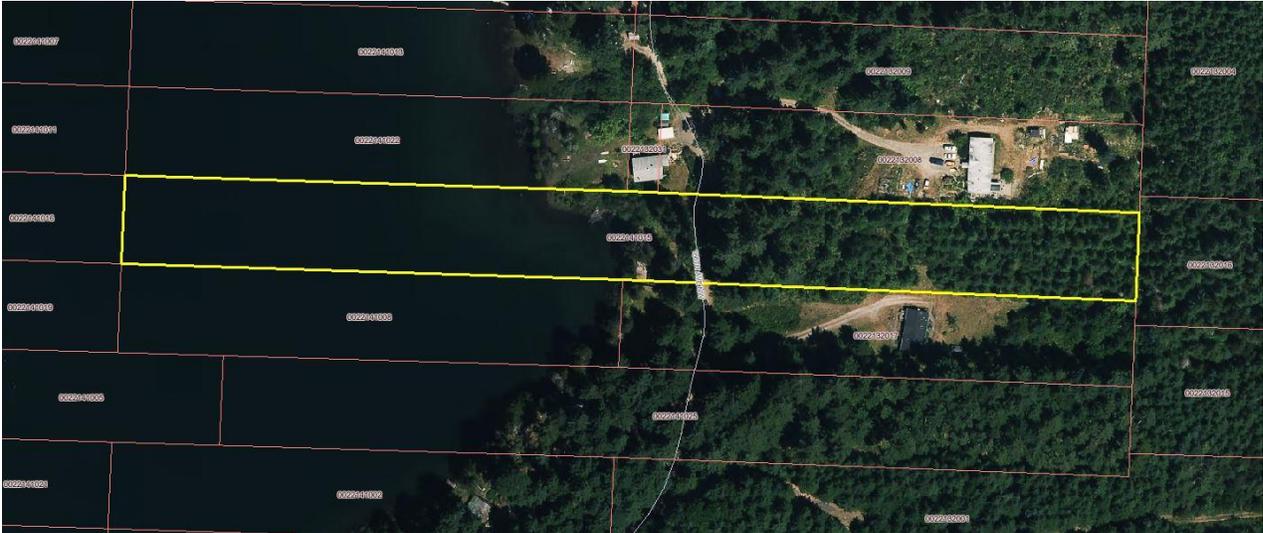
Legal and Public Notice

- *August 6, 2018:* Notice of Application and Public Meeting Notice was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *August 10, 2018:* A Declaration of Posting was received stating the property was properly posted.
- *February 5, 2020:* Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the Key Peninsula Advisory Commission (KPAC) public meeting.
- *February 12, 2020:* Public Notice of the KPAC meeting was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.

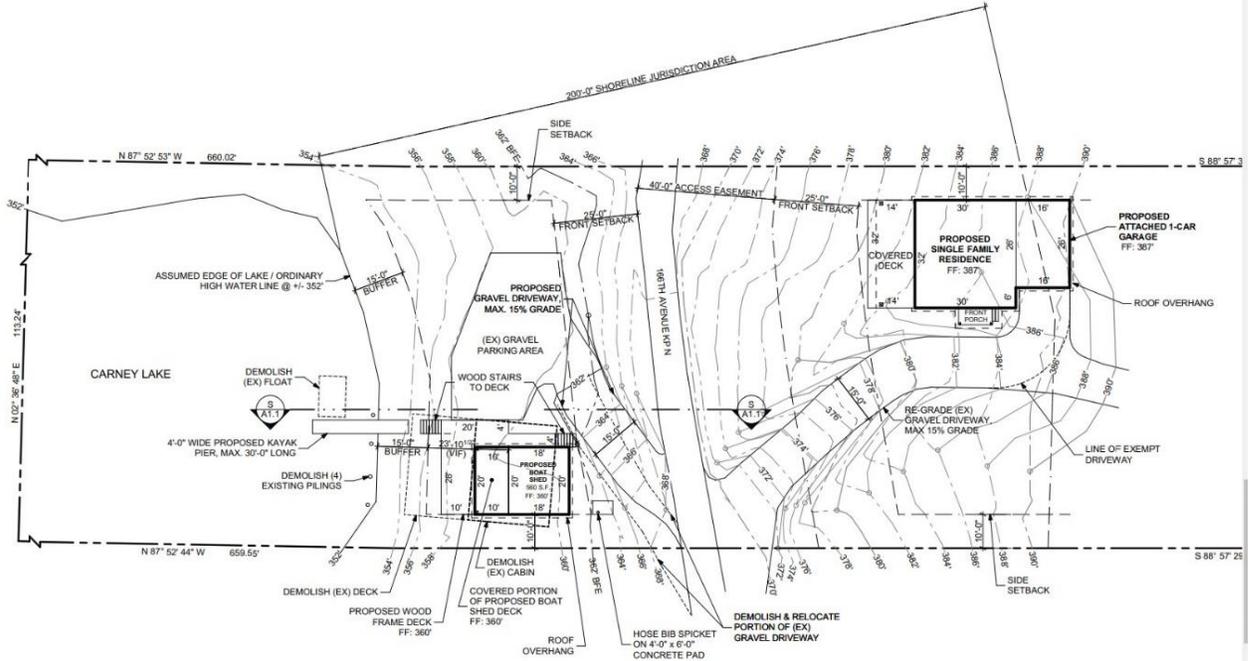
Vicinity Map



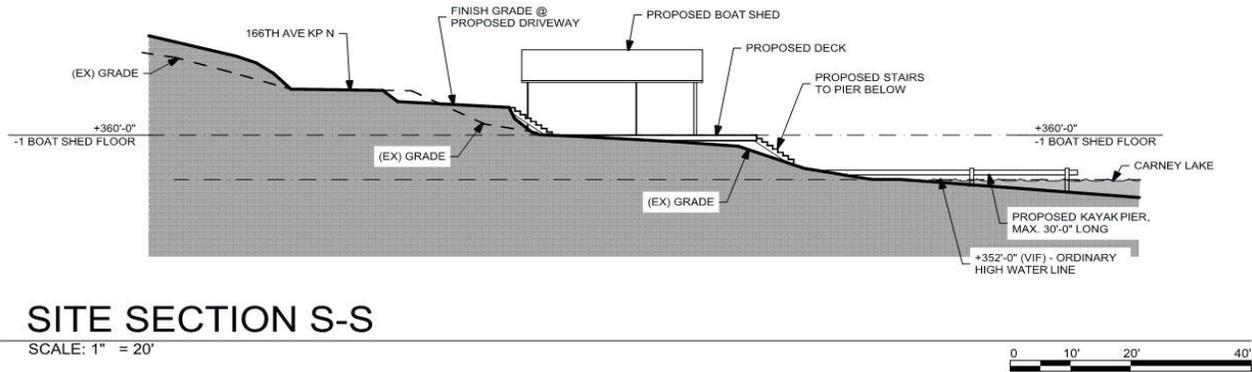
2017 Aerial Photo



Site Plan



Cross Section



Comments from the Public and Agencies

1. Agencies: Various agencies have provided comments with the following of note:
 - A. County Resource Management: processed and approved a Single-Family Wetland Certification from Barbara Best of Harbor Environmental Review Services stating there is a Category IV wetland below regulated size on the property. It is important to note that with the adoption of a new shoreline master program in October of 2018, the wetland is no longer considered unregulated. For purposes of this project, the presence of the wetland buffer is effectively moot but, any future regulated activity will be subject to applicable wetland buffer requirements
 - B. County Development Engineering: In a memo dated September 12, 2019, the reviewing engineer states the site has a Base Flood Elevation indicated on the plans (362.0 NAVD88). The engineer indicated the boathouse shall be located in compliance with the requirements of Title 18E.70.040 C.6(c) and the proposal is approved.

C. County Building Division: Commented early on concerning the condition of the now demolished cabin and noted the boathouse shall have flood resistant construction and shall not have plumbing or mechanical components integrated.

2. Public: No comments have been received.

Site Characteristics

- The subject parcel, 0022141015, is listed by the County Assessor as 3.38-acres in size with the western half of the property being part of Carney Lake.
- The parcel is bisected by 166th Avenue NW with roughly 80 feet of property to the west of 166th Avenue between the Carney Lake OHWM and the edge of the private road right-of-way (ROW). East of 166th Avenue NW is forested.
- The parcel information for the property on the Assessor’s website shows the existing home was built in 1959.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residences	Rural	Rural 10 (R10)/ Rural Sensitive Resource (RSR)
South	Single-family residences	Rural	RSR
West	Carney Lake	Rural	Not Applicable
East	Single-family residences	Not Applicable	R10

Initial Planning and Public Works (PPW) Staff Review for Consistency with Regulations and Policies

County Comprehensive Plan and Community Plan

The proposed variance has been reviewed for compliance with the Pierce County Comprehensive Plan and the Key Peninsula Community Plan. There were no major conflicts found.

Title 18A, Development Regulations- Zoning

The following is an analysis of how the project complies with various provisions of Title 18A:

Table 18A.15.040-2. Rural and Resource Setbacks				
Rural and Resource Zone Classification (All County)		Minimum Building Setback (feet)		
		Front	Interior	Rear
RSR	Rural Sensitive Resource	25	10	30

Staff Comment: The property is zoned RSR and the single-family home (what the owners call a cabin) was set back roughly 30 feet from the water with a deck extending waterward from the rear of the house toward the lake. The original deck was set back roughly 9 feet from the OHWM. That home was recently demolished. A new 560-square foot boathouse would be constructed in the same location of the old home that includes a covered section and 465 square feet of decking with two staircases. A new home will be built to the east of the shoreline, across 166th Avenue KP N, almost entirely within the shoreline environment, but outside the restrictive floodplain. Table 18A.23.020 of the Zoning Code lists single-family residence as permitted outright in the RSR zone. The applicants will need to maintain a 25-foot setback from the edge of the road ROW, easement or tract that provides vehicular access to the closest point of the vertical foundations. The new boathouse and home can be set back 10 feet from an interior (side) property boundary, and the submitted site plan shows they are in compliance. Any new construction must be pursuant to this subsection and shall be in compliance with applicable standards in the Title 18 series of Development Regulations.

Shoreline Management Use Regulations - Title 20

PCC 20.04 Definitions

PCC 20.04.640 Substantial Development

Staff Comment: See the Staff Comment for Chapter 20.56 below.

Pierce County Shoreline Master Program (Pierce County Code Title 19D.190 and Title 20)

Rural Shoreline Environment Policies/Regulations (applies to the entire proposal)

- A. Definition and Purpose. The Rural Environment is intended for those areas which are presently used for intensive agricultural and recreation purposes or for those areas having the potential of supporting intensive agricultural and recreational development. The Rural Environment is intended to protect agricultural land from urban expansion, restrict intensive development along undeveloped shorelines, and encourage the preservation of open spaces and opportunities for recreational uses compatible with agricultural activities.
- B. General Regulations/Policies (PCC, Title 19D.190, page 17 / PCC Chapter 20.10)
 - Prime agricultural land should be maintained for present and future agricultural needs.
 - New developments in a Rural Environment should reflect the character of the surrounding area by limiting residential density, providing permanent open space, and by maintaining adequate building setbacks from the water.
- C. Preferred Uses
 - Intensive agricultural uses.
 - Intensive recreational uses.
 - Low density residential uses.

Staff Comment: The proposal is a new replacement home, accessory structure, parking area, dock, and pathway along the shoreline. The proposal is not on agricultural land and will retain much of the property in open space. As such, the proposal is consistent with the Rural Shoreline Environment.

Chapter 20.56 Piers and Docks

Staff Comment: Although the dock permit may qualify for a shoreline Exemption to a Substantial Development as a standalone application, the proposal consists of other shoreline applications that are not reviewed through the Exemption to a Substantial Development process. As such, per WAC 173-27-040 (1)(d) no portion of the proposal is eligible for a shoreline Exemption. The dock will be reviewed through the Shoreline Substantial Development process.

20.62.050 Bulk Regulations.

20.62.050 A. Lot Coverage. Not more than 33 1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.

Staff Comment: Applicants are developing within proximity to the lake's OHWM and the addition of new impervious surface area will not exceed the prescribed 33 1/3 percent of the gross lot area.

20.62.050 B. Setbacks.

Staff Comment: Setback not being met is addressed below.

20.62.050 C. Special Setbacks for Shoreline Sites

The required setback for buildings and structures from any lot line or lines abutting the ordinary high-water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.

Staff Comment: The proposed new home will be outside of the 50-foot setback from the OHWM.

20.62.050 D. Exceptions to the Special Setbacks for Shoreline Sites.

20.62.050 D.2. Any water dependent accessory use may be allowed within the 50-foot setback upon the issuance of a Conditional Use Permit. The issuance of a Conditional Use Permit shall be predicated upon a determination that the project will be consistent with the following Conditional Use criteria, and the Conditional Use criteria listed in WAC 173-14-140, and will cause no reasonable adverse effects on the environment and other uses.

Conditional Use Criteria:

- a. Views from surrounding properties will not be unduly impaired.
- b. Adequate separation will be maintained between the structure and adjacent properties and structures.
- c. Screening and/or vegetation will be provided to the extent necessary to insure aesthetic quality.
- d. Design and construction materials shall be chosen so as to blend with the surrounding environment.
- e. No additional harm to the aquatic environment will result from the reduced setback.

Staff Comment: The applicants have applied for a Shoreline Conditional Use Permit to allow for a boathouse and a deck pathway to the water, both water dependent uses. A boathouse is normally considered a water-dependent use and is an exception to the special 50-foot shoreline setback by meeting the Conditional Use Criteria.

Chapter 20.72 Shoreline Substantial Development Permits, Variances, Conditional Uses, and Expansion of Nonconforming Use Permits

A. General

- Section 20.62.040 A.1. states that the construction of single-family residences and the listed appurtenances (including a garage) in the Rural Shoreline Environment does not require approval of a Shoreline Substantial Development Permit.
- The County Shoreline Master Program has both policies and regulations with regards to residential development.

Staff Comment: Part of the proposal consists of a new dock and is consistent with the criteria and guidelines for a Substantial Development Permit outlined in the policies of the Master Program. The dock does not obstruct navigation routes, does not unduly block views or public use, is similar to development within in the shoreline environment in proximity to the property, and should meet the criteria that regulate such development.

Policies (PCC Title 19D.190, pages 28-29):

- Recognizing that the location, density and design of residential development can have large impacts on hydrological systems, developers should be responsible for incorporating into their plans solutions to the problems of contamination of surface waters, depletion and contamination of ground water supplies, and the generation of increased surface runoff.
- Adequate distances between shorelines and structural developments should be maintained in order to protect water quality, maintain dynamic systems, prevent dangerous geological stresses, and insure aesthetic quality.
- Residential development over surface water should be prohibited.
- Residential developers should be required to indicate how they plan to preserve shore vegetation and control erosion during construction.

Regulations (PCC Chapter 20.62)

- The proposed development site is suited for residential use and is not located in areas having significant hazard to life and property and likely to require future public funds to protect and rehabilitate.
- Adequate methods of erosion control will be utilized during and after project construction.
- Disturbance of shoreline vegetation will be minimized.
- Solutions will be provided to the problem of contamination of surface waters, depletion and contamination of ground water supplies and generation of increased runoff into water bodies.
- All residential structures shall be landward of the extreme high water mark.
- Bulkheading, filling, substantial regrading or any other similar structure or activity shall not be permitted when such structures or activities are clearly non-essential for the reasonable use or production of the lot or tract upon which it is located.

- Not more than 33-1/3 percent of the gross lot area shall be covered by impervious material including parking areas but excluding driveways.
- The required setback for buildings and structures from any lot line or lines abutting the ordinary high water line or lawfully constructed bulkhead shall be 50 feet except that the special shoreline setback shall not apply to docks, floats, buoys, bulkheads, launching ramps, jetties and groins.
- Height limit is 35 feet.

Staff Comment: The new home will be placed nearly 150 feet from the OHWM. The parking area already exists and will be maintained as such.

20.72.030 Conditional Uses. (For the boathouse decking and walkway) Uses considered to be Conditional Uses are those which may be permitted provided all of the following criteria are met:

- A. That there is some necessity for a shoreline site for the proposed use or that the particular site applied for is essential for this use.
- B. The use will cause no unreasonably adverse effects on the environment or other uses.
- C. That water, air, noise, and other classes of pollution will not exceed the level customarily found in that particular environment.
- D. Design of the site will be compatible with the Master Program.
- E. The use will not interfere with public use or public shorelines.

Staff Comment: As the boathouse and access pathway are considered a water dependent use, but not listed specifically as a permitted accessory use to the cabin, they will need to be reviewed for consistency with the Shoreline Use Regulations criteria as a Conditional Use.

20.76.030 Permit Requirements

20.76.030 A. Permits Required. A substantial development permit shall be obtained for any development or use consisting of the construction or exterior alteration of structures, dredging, drilling, dumping, filling, removal of any sand, gravel, or mineral, bulkheading, driving of piling, placing of obstructions, or any project of a permanent or temporary nature which interferes with the normal public use of the surface of waters overlying lands subject to the Shoreline Management Act at any state of water level, and which development or use exceeds a cost or fair market value of \$7,047. **Note:** The monetary figures listed in Pierce County regulations are outdated. State law has recently increased the value to the monetary figure shown above.

Staff Comment: The cost of the proposal, which includes the dock, boathouse, removal of piling and swim float, exceed the prescribed minimum cost or fair market value of \$7,047 and requires a Shoreline Substantial Development Permit.