

Initial Project Review

Shoreline Variance / Shoreline Exemption: Geiger

Application Numbers: 916496, 916495
Parcel Numbers: 0121022002

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: October 9, 2019, at 6:30 p.m., at the City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Construct a new single-family residence, clear a view corridor, construct two trails to the shoreline, and construct a firepit near the shoreline.

Project Location: 9204 82nd Avenue NW, Gig Harbor, WA, in the Conservancy Shoreline Environment and Rural Sensitive Resource (RSR) zone classification of the Gig Harbor Peninsula Community Plan area, within the SW ¼ of the NW ¼ of Section 02, T21N, R 1E, W.M., in Council District # 7.

Review Summary: The project can be conditioned to comply with all applicable policies and objectives of the Pierce County Code, Shoreline Regulations, Comprehensive Plan, and Gig Harbor Community Plan area. Staff has reviewed this proposal for compliance with all policies, codes, and regulations and intends to recommend approval with conditions.

State Environmental Policy Act (SEPA): SEPA review is not required for this proposal

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

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=916496>



Project Data

Complete Application Date: August 7, 2018

Initial Project Review Mailed: October 3, 2019

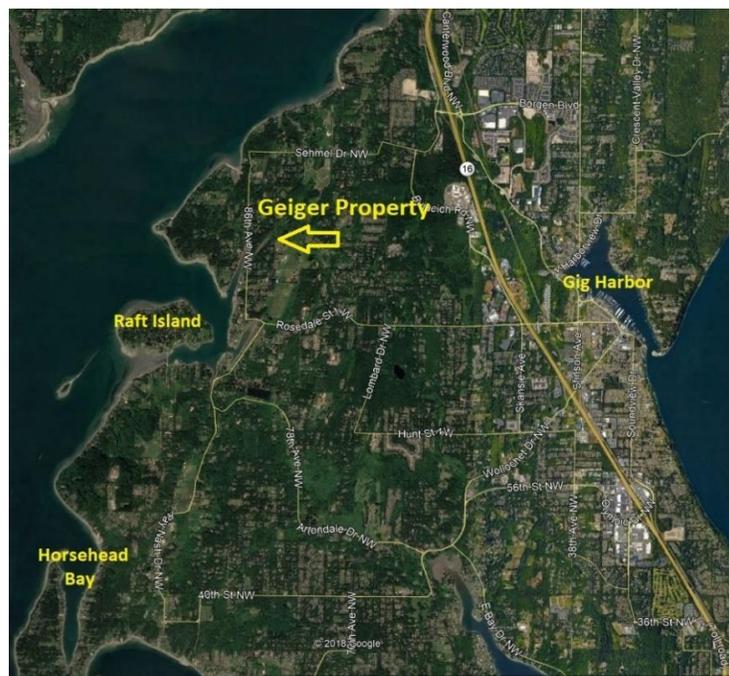
Owner/Applicant: Terence Geiger
2752 North Palm Aire Drive
Pompano Beach, FL 33069-3403

Agents: ADC Wastewater Engineering
Attn: Jason Jacobson and Rocky Anderson
729 Court C
Tacoma, WA 98402
Jasonjacobson135@gmail.com
rocky@adcinfo.com

Legal Notice

- *August 23, 2019*: 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 subject property.
- *September 25, 2019*: The site was posted with a public notice sign and confirmed with a Declaration of Posting.
- *September 25, 2019*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission (PAC).
- *September 26, 2019*: Legal notice was published in the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the PAC.

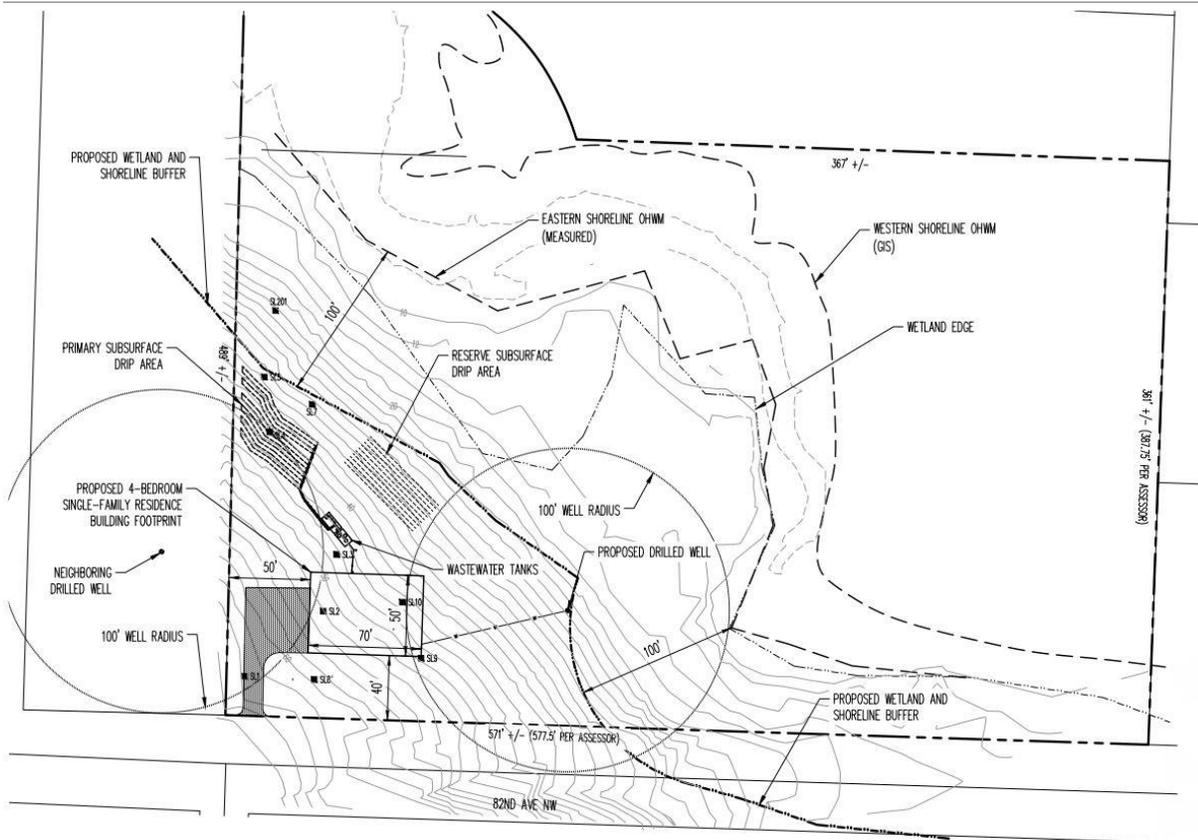
Vicinity Map



2017 Aerial Photo



Site 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):

- 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.
- Cartography reviews road names and addresses.
- 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.

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 Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- The County Assessor lists parcel 0121022002 as being 5.59 acres in size.
- The parcel will be accessed via a driveway from 82nd Avenue NW near the southern property boundary.
- The parcel is located on the west shore of Lay Inlet.
- The property is split from east to west diagonally by Lay Inlet and mouth of Nelyaly Creek as it empties into the inlet.
- There is a nearly 60-foot elevation change from the property's access as it descends from where the property is accessed to the shoreline.
- The parcel has mapped estuarine wetlands and is heavily forested.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family Residence	Conservancy	Rural Sensitive Resource (RSR)
South	Single-family Residence	Conservancy	RSR
East	Single-family Residence	N/A	RSR
West	Lay Inlet/ Vacant	Conservancy	Park and Recreation (PR)

Agency Review Comments

The proposed project has been routed to interested departments and agencies for review. Comments received from various departments and agencies may be found by accessing the Online Permit Information referenced on page 1.

Comments have been received, and corrections and/or additional information requested by the following agencies on the application:

- Development Engineering has approved the proposal as submitted with the comment that the project is exempt per Title 18S.60.020, Section C-7 and is limited to a single-family residence and appurtenant structures, which includes a garage as proposed.
- Resource Management has not reviewed the proposal.
- The Puyallup, Squaxin Island, and Nisqually Tribes each requested a cultural survey be performed on the property.

Public Comments

No public comments have been received.

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

Gig Harbor Peninsula Community Plan (Pierce County Code, Title 19B)

GH LU-24.2.1 Land uses within the Rural Sensitive Resource designation shall be limited to single-family residential, agriculture, and forestry. Commercial and industrial development shall not be allowed unless directly related to an agricultural product and conducted on a scale that has minimal impact to surrounding properties.

GH LU-24.2.2 Development in the RSR designation shall utilize low impact development standards.

GH LU-24.2.3 Vegetation and tree preservation shall be a priority on each site that is developed in the RSR designation.

GH LU-24.3 Limit lands within the Rural Sensitive Resource designation to low density residential uses and natural resource uses.

GH LU-24.4 Extensive buffering of streams and other surface waters will be required for all clearing, site development, or construction in the Rural Sensitive Resource designation.

GH LU-24.4.2 Buffer widths established to protect critical resources may be increased or reduced on a site by site basis when it is determined that an alternative buffer width is necessary to protect the resource in question. Any modification to a buffer width shall be based on the best available science.

GH LU-24.4.2.1 If the buffer requirement in this section would deny all reasonable use of a site, development may be allowed through a reasonable use exception approved through a public hearing process with consideration of mitigation requirements.

GH LU-24.4.3 In the event Pierce County adopts countywide buffer standards which exceed the buffers established by the community plan, the more restrictive buffering requirement shall control.

Staff Comment: The policy for Gig Harbor supports single-family detached residences within areas zoned RSR. If the applicable regulations are applied, no reasonable use of the property would be allowed. As a result, the applicant seeks to establish a reasonable use. The site has extensive shoreline and wetland buffers that require a shoreline variance for the proposal. After careful review of the site, the proposal requests averaged buffers and shoreline mitigation to establish a building envelope, construct two access trails to the shore, one with a new fire-pit, and establish a view corridor through the buffers. View corridor enhancement will require the removal of trees to better view the inlet. The proposal will need to meet low impact development standards. The applicant has noted a 110-foot wetland buffer for a Category II wetland; however, Pierce County staff has rated the wetland as a Category I requiring a 150-foot buffer and 15-foot building setback. This is more restrictive than the Conservancy Shoreline Environment buffer and is used as the control.

GH D-11.7 Prioritize preservation of native vegetation (Douglas fir trees, Pacific madrona trees, etc.) on each site that is developed in the Rural Sensitive Resource (RSR) designation.

GH D-11.7.1 To create corridors, locate open space on each site plan so that it provides connectivity and is contiguous to open space on adjacent properties.

GH D-11.7.2 To preserve the function and value of the open space corridors, retain 25% to 75% in a natural, undisturbed condition with the exception that supplemental plantings of native, non-invasive species may be added to improve habitat quality. This policy shall not apply to natural resource uses such as commercial farming and forestry operations.

GH D-11.8 Development in the RSR designation shall utilize low impact development standards.

GH D-11.8.2 Design and place individual dwelling units and accessory dwelling units to avoid impacting the open space tract.

GH D-11.8.3 Limit and locate lawn areas, driveways, and roads to result in the least disruption to the open space tract.

GH D-11.8.4 Locate buildings and other structures such as fencing to protect the open space corridor. Place individual structures where damage to the integrity of the open space tract and overall open space system is unlikely.

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-2.1 Consider implementing low impact development tools. These include reducing the amount of impervious surfaces on each site, minimizing soil disturbance and erosion, disconnecting constructed drainage courses, and utilizing micro-detention facilities on each lot, (provided such facilities would not contribute to landslide hazards or slope failures) where feasible, rather than one facility at the end of a conveyance system.

GH ENV-2.2 Require a tree canopy and native vegetation buffer plan for new development in all shoreline environments.

Staff Comment: The proposal's mitigation would plant clusters of western red cedar and remove invasive vegetation. The proposal would limit development to the southeast corner of the property, conserving the remainder of the property in a natural, undisturbed condition.

Title 18S - Development Policies and Regulations – Shorelines

18S.20 Shorelines of Statewide Significance and Shoreline Environment Designations

18S.20.040 Conservancy Shoreline Environment Designation

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. Applicable policies include, but aren't limited to:

18S.20.040 B. Management Policies

1. Active and passive outdoor recreation activities and resource-based uses such as timber harvesting, aquaculture, and passive agricultural uses such as pasture and range lands shall receive priority.
3. 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.
6. 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 proposal and its location appear to meet the intent of the Conservancy SED.

18S.30 General Regulations and Policies

18S.30.020 Archeological, Culture, and Historic Resources

The intent of the Archeological, Cultural, and Historic Resources policies and regulations is to recognize that these resources can be found throughout the County and that they are valuable because they are irreplaceable and limited. When these resources are found on shoreline sites they should be preserved, protected, and restored.

Staff Comment: The Nisqually, Squaxin Island, and Puyallup Tribes have requested the site undergo a cultural survey.

18S.30.030 Ecological Protections

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. Applicable policies include, but aren't limited to:

18S.30.030 B. Policies.

1. Establish and manage shoreline uses and development in a manner that mitigates adverse impacts so that the resulting ecological condition is maintained or improved.
2. All shoreline uses and development should avoid and minimize adverse impacts on the shoreline environment.
3. Recognize the value of adaptive management as a means of providing for flexibility in administering ecological protection provisions of the Master Program.
4. Assure that shoreline modifications individually and cumulatively do not result in a net loss of ecological functions. This is to be achieved by limiting the number and extent of shoreline modifications and by giving preference to those types of shoreline modifications that have a lesser impact on ecological functions and requiring mitigation of identified impacts resulting from shoreline modification.
5. Plan for the enhancement of impaired ecological functions where feasible and appropriate while accommodating permitted uses and development. As shoreline modifications occur, incorporate all feasible measures to protect ecological shoreline functions and ecosystem-wide processes.
6. Preserve and protect existing trees and native vegetation within shorelines to maintain shoreline ecological functions and mitigate the direct, indirect, and cumulative impacts of shoreline development. Where shoreline vegetation is inadequate to protect against the impact of new uses or development, native vegetation should be enhanced.
7. Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shorelines.
8. Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation to establish and maintain shoreline ecological functions and processes.
9. Allow vegetation management through practices such as pruning, trimming, or limbing for purposes of views and access paths when it is demonstrated that these practices will result in no net loss of shoreline ecological functions and processes.

18S.30.030 C Ecological Protection: Regulations - General

All development shall occur as outlined in Table 18S.30.030-1, Mitigation Sequencing, with avoidance of impacts being the highest priority. Lower priority measures shall be applied only when higher priority measures are determined to be infeasible or inapplicable.

Staff Comment: The applicant has submitted a proposal with a building envelope in the least intrusive and most viable location on the property: near the road and the furthest from wetlands and the ordinary high water mark (OHWM). The applicant believes the layout demonstrates avoidance and will mitigate the impacts through tree plantings. They do propose to remove over 50 trees within the building envelope and view corridor, but have a mitigation plan. They will select limb a number of trees and plan on removing invasive ivy within the wetland and buffers. The proposed pathways will be constructed of crushed gravel.

18S.30.030 D Ecological Protection: Regulations – Critical Areas

Staff Comment: The site mapped estuarine wetlands. The Wetland Analysis Report and Buffer Mitigation Plan submitted with the application rates on-site wetlands as a Category II, but staff has categorized the wetlands as Category I.

18S.30.030 E Ecological Protection: Regulations – Shoreline Buffers

1. Development on shorelines is subject to both the buffer requirements of this Title and the applicable requirements of Title 18E PCC. Table 18S.30.030-2 indicates the standard shoreline buffer requirements. The most restrictive buffer width requirement shall apply.
2. Standard shoreline buffers listed in Table 18S.30.030-2 below are determined based on the Shoreline Environment Designation and shall be measured from the ordinary high-water mark (OHWM).

Staff Comment: The wetland buffers for this site are more extensive than the Conservancy SED 100-foot buffer. Because the wetland buffer is proposed to be reduced by more than 25%, it is subject to review of a Shoreline Variance. The applicant proposes two 4-foot-wide paths from the proposed home to the west and north to each corresponding shoreline location. Path 1 leads from the home to the west and will cover 430 square feet. Path 2 leads north from the home and would be 565 square feet of gravel coverage for a total of 1,095 square feet of proposed pathway, which is consistent with the allowances for disturbance within a shoreline buffer.

18S.30.030 F Ecological Protection: Regulations – Impervious Surface Limits

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. 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.

Staff Comment: Per the submitted site plan, it appears that the total impervious coverage of the parcel will not be more than one third of the portion of the parcel located within the shoreline jurisdiction. A condition of approval will require additional calculation to address this issue.

18.30.030 G Ecological Protections: Regulations – Vegetation Conservation

Retention of existing vegetation is a priority within the entire shoreline jurisdiction. The applicant's proposal is placed within an area that would limit the amount of vegetation being removed.

Staff Comment: After reviewing the submitted planting plan staff requests a revised Vegetation Planting Plan be submitted showing the required shrub and ground cover noting square footage as required by Table 18S.30.030-3 Vegetation Conservation Mitigation Planting, along with the proposed western red cedars.

18S.30.060 Scenic Protection and Compatibility

The intent of the policies and regulations of this section is to preserve shoreline scenic vistas and to ensure development on shorelines is compatible with the surrounding, environment, existing and planned development.

Staff Comment: The areas to either side of the proposed home location are heavily forested. No proposed development will block any views.

18S.30.090 Water Oriented Development

The intent of the Water Oriented Development policies and regulations is to ensure that water-dependent, water-related, or water-enjoyment, or a combination of such uses, is preferred in shorelines. Applicable policies include, but aren't limited to:

18S.30.090 B. Policies

1. Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.
4. Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.

Staff Comment: The proposed shoreline access pathways are considered a water-oriented use that provides the residents a safe access to the site's shoreline. The proposed use is compatible with the surrounding uses as there are other residences with similar uses to the south of the Geiger property. The applicant's biologist has determined the use will cause no net loss of the shoreline ecological function and will remove little vegetation from the site.

18S.40.100 Residential

The intent of the policies and regulations of this section is to accommodate residential development and appurtenances. Single-family residences are a preferred use within the Conservancy and Residential SEDs when consistent with control of pollution and prevention of damage to 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 habitats. Applicable policies include, but aren't limited to:

18S.40.100 Policies

1. Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.
4. When on-site sewage systems are required for residential development, those systems and their associated drainfields should be installed outside of shorelines.
5. 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.
6. Accessory uses should preserve open space, be visually and physically compatible with surrounding development, and be reasonable in size and purpose.
9. Residential development should preserve existing vegetation, open space, habitat, and critical areas.
10. Encourage the use of low impact development (LID) techniques.
11. New residential structures should be located with respect to views and should not exceed a height of 35 feet.

Staff Comment: New development is required to meet the applicable residential policies of this section. Assessment of the proposed placement of the septic system should be evaluated to determine why a location further from the wetland and shoreline boundaries and closer to the road is not viable.