

Initial Project Review

Shoreline Variance / Shoreline Administrative Conditional Use Permit: Thompson

Application Numbers: 918185, 919017
Parcel Numbers: 0121107001 and 0121107002

Gig Harbor Peninsula Advisory Commission Public Meeting: December 11, 2019, at 6:30 p.m.,
at the City of Gig Harbor (southeast entrance), 3510 Grandview Street, Gig Harbor, WA 98335

Proposal: The applicant proposes to construct a detached single-family residence, spanning two lots, located within the Natural Shoreline 150-foot buffer.

Project Location: 10106 and 10112 Rosedale Bay Court NW, Gig Harbor, WA, in the Natural Shoreline Environment and Rural 10 (R10) zone classification, in the Gig Harbor Peninsula Community Plan area, within Section 10, T21N, R1E, W.M., in Council District #7.

Review Summary: Staff has reviewed this proposal for compliance with all policies, codes, and regulations.

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

County Contact: Andrew Van Gordon, Associate Planner, andrew.vangordon@piercescountywa.gov
253-798-7113

Pierce County Online Permit Information:

<https://pals.piercescountywa.gov/palsonline/#/permitSearch/permit/departementStatus?applPermitId=918185>



Project Data

Complete Application Date: September 11, 2019

Initial Project Review Mailed: December 4, 2019

Property Owner/Applicants: James E. Thompson
325 3rd Place NW
Issaquah, WA 98027
landbyjt@msn.com

Legal and Public Notice

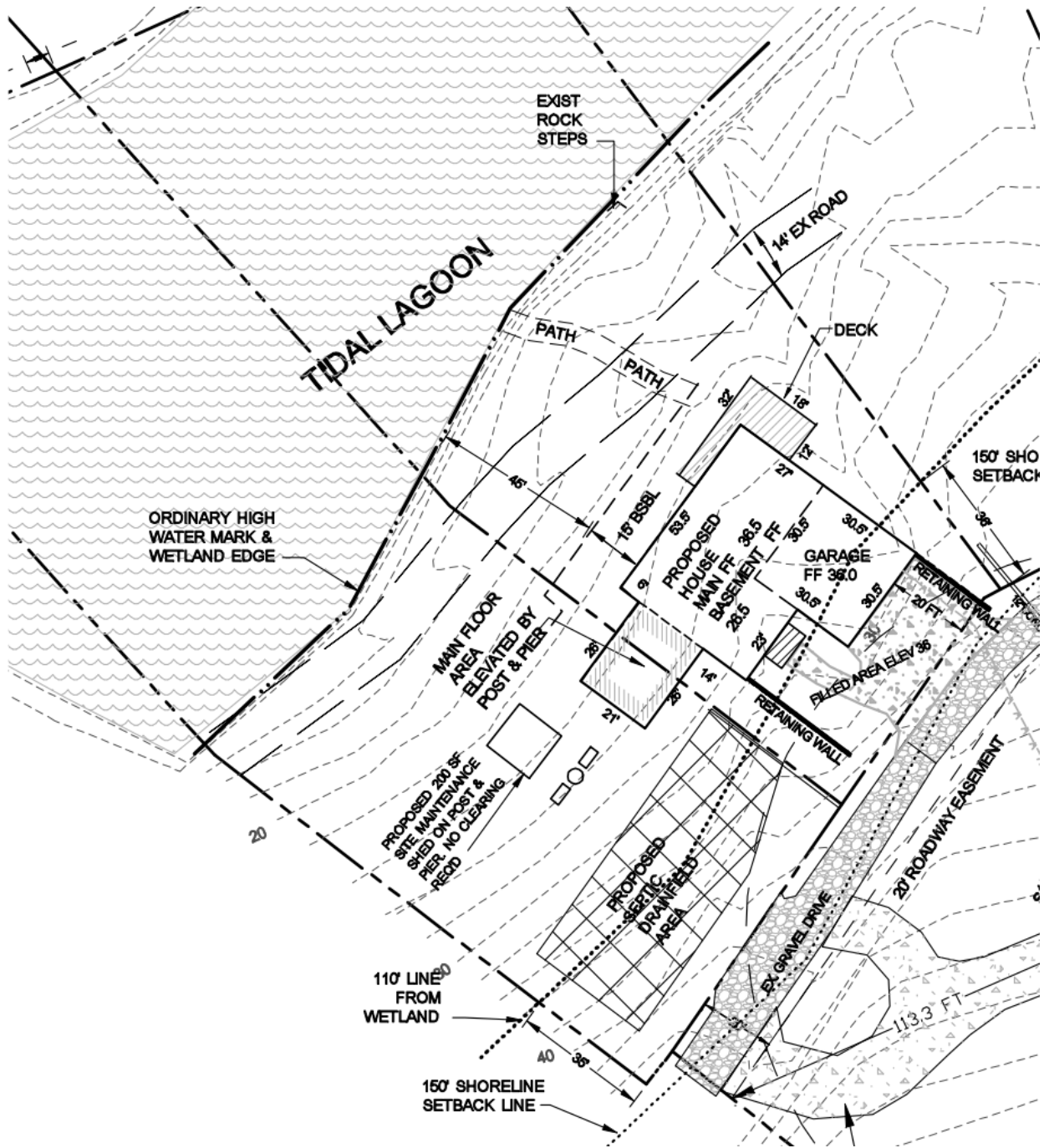
- *September 13, 2019*: Notice of Application and Public Meeting Notice, including the Land Use Advisory Commission (LUAC) meeting date, was sent to property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site.
- *September 21, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *November 27, and 28, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.

2018 Google Earth Aerial



Figure 1: Project will be occurring on the two full parcels shown in the middle of the aerial image.

Proposed Site Plan



Shoreline Environmental Designation Map

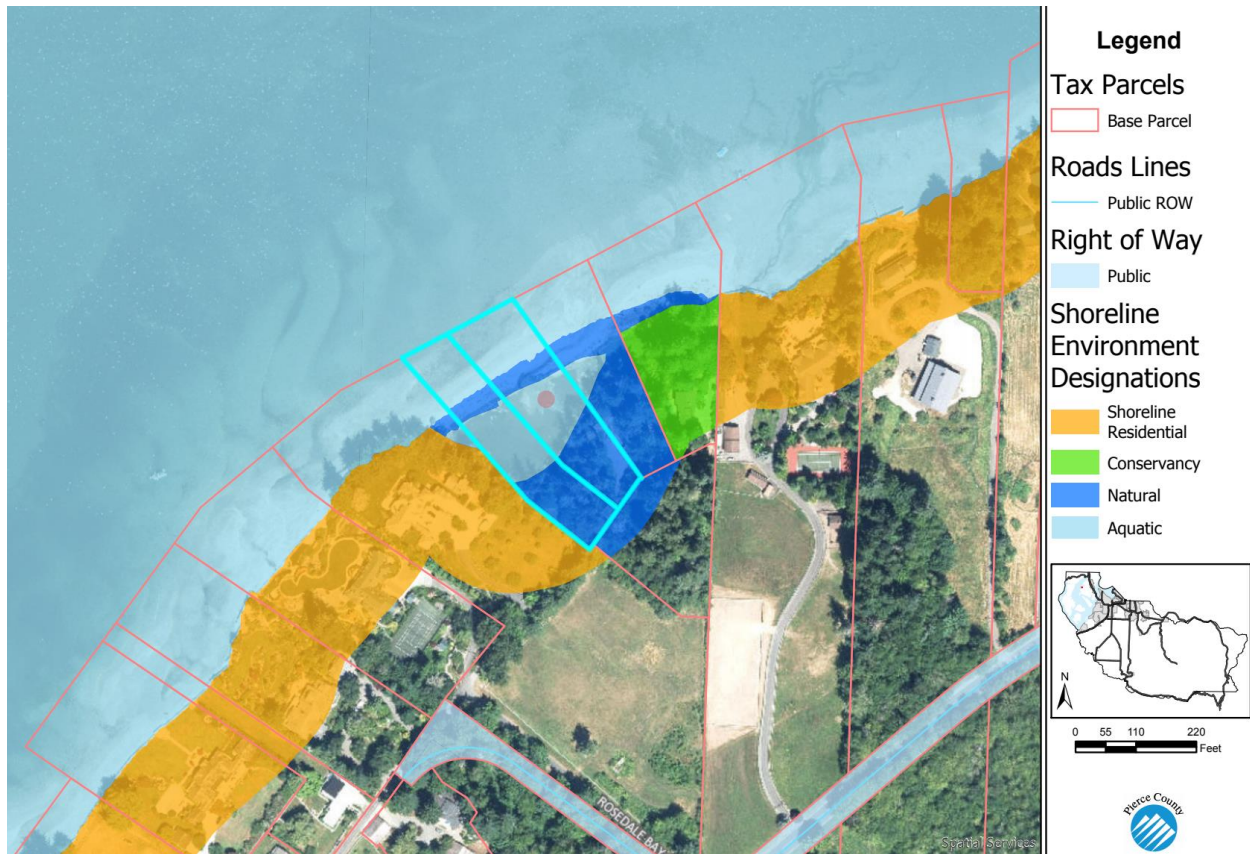


Figure 2: Project will be occurring on the two highlighted parcels.

Comments from the Public and Agencies

Comments received on this proposal may be found by accessing the online permit information referenced on page 1. Of note are the following:

- The Nisqually Indian Tribe, Puyallup Tribe of Indians, Squaxin Island Tribe and the Department of Archaeology & Historic Preservation request a Culture Resource Survey to be done by a qualified Archeologist prior to project area disturbance. The Squaxin Island Tribe defer to the Puyallup Tribe of Indians regarding cultural resource concerns.
- The State of Washington Department of Ecology has commented but is not opposed to the project.
- Staff has not received written comment from members of the public. However, one person asked to be a party of record.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Puget Sound	N/A	N/A
South	Vacant	N/A	Rural 10 (R10)
West	Single Family Residence	Residential	R10
East	Vacant	Natural	R10

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

Title 19A Pierce County Comprehensive Plan

The Comprehensive Plan applies to all proposed land uses in the County. It states:

- **Goal Env-6:** Recognize the adopted Pierce County Shoreline Master Program (SMP) is the Shoreline Element of the Comprehensive Plan.

The proposal will be reviewed against the applicable policies and regulations of Title 18S PCC, Development Policies and Regulations – Shorelines.

Title 19A Appendix E: Gig Harbor Community Plan

Applicable Community Plan polices include:

- **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 NEV-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.

Staff did not find the proposal in conflict with Gig Harbor Community Plan policies.

Title 18A Development Regulations – Zoning

The proposal is located within the Rural 10 (R10) zone classification within the Gig Harbor Community Plan area. Within the R10 zone, in the Gig Harbor Community Plan area, a detached single-family residence is permitted outright.

Of note, the applicant is proposing a portion of the residence 20 feet from the front property line. Within the R10 zone, a front yard setback of 25 feet is required. If the applicant wishes to deviate from the front setback requirements, approval through a Land Use Variance application is required. If the applicant wishes to reduce the front yard setback by five feet, this is a reduction of 20 percent and would be reviewed through an Administrative Variance. At the time this report was written a variance application had not been made.

Development Policies and Regulations - Shorelines – Title 18S

Shoreline Planning has reviewed the proposal for conformance with the requirements of Title 18S PCC, Development Policies and Regulations – Shorelines. The following is an analysis of how the project complies with various provisions of Title 18S.

- Natural Shoreline Environment Designation (SED) (18S.20.030)

The noted parcels are identified as the Natural Shoreline Environment, in contrast with the surrounding Shoreline Residential and Shoreline Conservancy areas, largely because of the presence of the lagoon area, which is a relatively unique feature. The intent of the Natural SED is to ensure long-term preservation of shorelines that are ecologically intact or minimally degraded, sensitive to human influence or retain value because of their natural, unaltered condition. Applicable policies include, but aren't limited to:

Policy B.2: Single-family residential development may be allowed if the density and intensity of the use is limited to protect ecological functions and is consistent with the intent of the natural shoreline environment.

Policy B.8: New development or vegetation removal that would reduce ecological functions or process should not be permitted.

The applicant is proposing a single-family residence on two legal lots of record.

- Archeological, Culture, and Historic Resources (18S.30.020)

Applicable policies include:

Policy B.1: Locate, design, and operate developments to be compatible with the protections of any adjacent identified archaeological, cultural or historic site.

- Archaeological, Cultural, and Historic Resources: Regulations (18S.30.030 C)

1. Should archaeological materials (e.g., bones, shells, stone tools, beads, ceramics, bottles, hearths, etc.) or human remains be observed during project activities on shorelines, all work in the immediate vicinity shall cease.

As a recommended condition of approval, the applicant shall cease all work upon discovery of such resources and immediately contact the State Department of Archaeology and Historic Preservation, the County Planning and Public Works Department, affected Tribes, and the County coroner (if applicable) to help assess the situation and determine how to preserve the resource(s).

2. For known archaeological, cultural, and historic resources identified within a State, Federal, or local process for historic places or recorded as cultural resource sites, an archaeological, cultural, or historic resource management plan for the site shall be prepared by an archaeological or historic preservation professional as part of the shoreline review process.

Staff has received requests for a full cultural resource study to be completed on the project site as the area is within one mile of two known archeological sites and is an area determined to be at very high risk of containing archaeological resources. However, there are no known archaeological, cultural, or historic resources on or adjacent to the site.

- Ecological Protection (18S.30.030)

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 process in shorelines, and protection of critical areas designated in Title 18E PCC.

Ecological functions refer to “...the work performed, or role played by, the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem” (18S.18.70 – Appendix A)

Applicable section policies include, but are not limited to:

Policy B.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.

Policy B.2: All shoreline uses and development should avoid and minimize adverse impacts on the shoreline environment.

Policy B.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.

Policy B.7: Avoid impacts to shorelines through application of mitigation sequencing, giving highest priority to impact avoidance whenever new uses or development are proposed in shoreline.

Policy B.8: Replace designated noxious weeds and invasive species with native vegetation and other non-invasive vegetation to establish and maintain shoreline ecological function and processes.

- Ecological Protection: Regulations - General (18S.30.030 C)
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.

Regarding the applicant’s proposal: The applicant proposes to construct one single-family residence on two legal lots of record. A large portion of the residence will be located within previously cleared areas (approximately 9,000 square feet in size). For disturbance within areas that are not currently cleared a vegetation management plan will be required. Constructing on areas already cleared and proposing to build one single-family residence on two lots minimizes the impact on the shoreline.

- Ecological Protection: Regulations – Critical Areas (18S.30.030 D)
The proposal is located within a critical area buffer. A Wetland Variance application has been applied for, and the applicant is currently going through the wetland review process.

- Ecological Protection: Regulations – Shoreline Buffers (18S.30.030 E)
The applicant’s proposal is within the Natural SED. The Natural SED has a standard buffer of 150 feet. The entirety of both lots are within the 150-foot standard buffer. Due to the size of the buffer combined with the size of the lots, standard buffer averaging, and reduction methods, would not offer relief without approval through a Shoreline Variance. A Shoreline Variance has been applied for and is currently under review.
- Ecological Protection: Regulations – Impervious Surface Limits (18S.30.030 F)
For residential development, not more than one third of the parcel within shoreline jurisdiction and landward of the ordinary high-water mark (OHWM) shall be covered by effective impervious areas, including parking areas, but may exclude a 12-foot-wide driveway. The applicant proposes 16.9% impervious landward of the OHWM.
- Ecological Protection: Regulations – Vegetation Conservation (18S.30.030 G)
Retention of existing vegetation is a priority within shoreline jurisdiction. As noted, vegetation loss is being minimized by placing a large portion of the proposed residence within areas that have already been cleared. Additionally, the applicant proposes to place wetland mitigation plantings in the area identified as a former road adjacent to the OHWM.

The wetland mitigation plantings count towards the plantings required through the shoreline regulations though they do not meet the minimum number required by the shoreline regulations. However, the applicant, in their application materials, has shown a willingness to offer vegetative enhancements. At this time Staff will not require a full vegetation planting plan; however, a requested condition of approval will be that one be provided prior to any site development.

- Excavation, Dredging, Filling, and Grading (18S.30.040)
The intent of the policies and regulations in this section is to provide direction for shoreline excavation, dredging, filling, and/or grading associated with a principle use. Applicable section policies include, but are not limited to:

Policy B.2: Locate and design new development to avoid the need for fill. When fill is deemed necessary, its use should be minimized, and environmental impacts mitigated.

- Excavation, Dredging, Filling, and Grading: Regulations (18S.30.040 C)
The applicant’s proposal does not include any development waterward of the OHWM nor does it require any fill or maintenance dredging. The applicant has indicated that a net zero amount of excavation and fill will occur on the property as no material will be removed or brought to the site.

- Shoreline Access (18S.30.050)
The intent of the Shoreline Access policies and regulations is to recognize the rights of the general public to reach, touch, view and enjoy the water’s edge, to travel the waters of the State, and to view the water and the shoreline from adjacent locations. These rights are a fundamental element of the Shoreline Management Act.

The policies and regulations of this Section are not applicable to the project.

- Scenic Protection and Compatibility (18S.30.060)

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. Applicable section policies include, but are not limited to:

Policy B.1: Encourage sustainable residential development through restrictions on the scale of development, preservation of vegetation and topography, and preservation of views.

Policy B.2: Locate new residential structures with respect to views and with a height limit of 35 feet.

Policy B.11: Consider impacts to view and scenic resources enjoyed by abutting uses.

- Scenic Protection and Compatibility: Regulations – General (18S.30.060 C)

The applicant's residence will be set back from the shoreline. The property to the south is reserved for well sites and will not be built upon. The abutting property to the east is vacant but would not be impacted by the applicant's proposal as their view of the shoreline is in the same direction as the applicant's.

- Scenic Protection and Compatibility: Regulations – Height Limits (18S.30.060 D)

Residential structures shall not exceed a height of 35 feet without approval through a Shoreline Variance. The application indicates the house will not exceed this height.

- Shoreline Modifications (18S.30.080)

The intent of the Shoreline Modification policies and regulations is to limit those actions that modify the physical configuration or qualities of the shoreline area.

- Shoreline Modifications: Regulations (18S.30.080 C)

The proposal does not include shoreline modifications. The applicant is not proposing shoreline stabilization measures for the project.

- Water Oriented Development (18S.30.090)

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:

Policy B.1: Reserve shorelines, to the maximum extent possible, for water-oriented uses, including water-dependent, water-related and water-enjoyment uses.

Policy B.4: Give priority to water-oriented uses over non-water-oriented uses, with highest priority given to water-dependent uses.

- Water Oriented Development: Regulations (18S.30.090 C)

1. Parking areas associated with a principle use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principle use is prohibited.

All parking areas for the proposal will be located within the shoreline as the entirety of the lots are within shoreline jurisdiction. There are no feasible alternative locations.

2. Except for single-family residences, non-water-oriented uses or portions of a use that are non-water-oriented shall demonstrate why the use must be located in shorelines.

The proposal is for a single-family residence.

3. Water dependent uses and public access to shorelines are preferred uses in all shoreline environments.

Such uses are not proposed as part of this project.

4. In the Natural SED, commercial, industrial, multi-family residential, and non-water-oriented recreation uses are prohibited.

The applicant is proposing a single-family residence which is not prohibited.

5. In the Conservancy SED, commercial, industrial, multi-family residential, and non-water-oriented recreation uses are prohibited.

The proposal is within the Natural SED. This requirement is not applicable.

6. In the Residential SED:

- a. Residential and water-oriented commercial development is allowed where such development can be accommodated with no net loss of shoreline ecological function.

- b. Public or private recreation facilities are allowed if compatible with surrounding development. Preferred recreational uses include water-dependent and water-enjoyment recreation facilities that provide opportunities for substantial numbers of people to access and enjoy the shoreline.

- c. New commercial development should be limited to water-oriented uses. Expansion of existing non-water oriented commercial uses may be permitted; provided, that such uses should create a substantial benefit with respect to the goals and policies of this Title, such as providing improved public access or restoring degraded shorelines.

The proposal is within the Natural SED. These requirements are not applicable.

7. In the High Intensity SED, non-water-oriented uses are not allowed unless they provide a significant public benefit, such as ecological restoration and public access, and:

- a. They are within a legally established building or are located within an existing mixed use development;

- b. They do not conflict with or limit opportunities for water-oriented uses;
or

- c. They are located on sites where there is no direct access to the water's edge.

The proposal is within the Natural SED. These requirements are not applicable.

8. A change from an existing non-water-oriented use to another non-water-oriented use is permitted, without a Conditional Use Permit, subject to the general policies and regulations of this Title.

The proposal does not include a change from an existing non-water-oriented use to another non-water-oriented use. This requirement is not applicable.

9. Expansion of an existing non-water-oriented use is subject to a Conditional Use Permit.

The proposal does not include an expansion of an existing non-water-oriented use. This requirement is not applicable.

10. A change in use from an existing water-oriented use to a non-water-oriented use is not permitted.

The proposal does not include a change in use from an existing water-oriented use to a non-water-oriented use. This requirement is not applicable.

- Water Quality, Stormwater, and Nonpoint Pollution (18S.30.100)

The intent of the policies and regulations of this section is to protect against adverse impacts to water quality and quantity. Applicable section policies include, but are not limited to:

Policy B.1: Locate, construct, and operate development in a manner that maintains or enhances the quantity and quality of surface and ground water over the long term.

Policy B.2: Prevent impacts to water quality and stormwater quantity that would result in a new loss of shoreline ecological functions.

Policy B.3: Prevent contamination of surface and ground water and soils.

The applicant will be required to meet all stormwater and site development requirements. Prior to approval of any associated development permits the applicant shall show that water quality impacts, such as preventing/cleaning spills of harmful substances, controlling stormwater and pollution, restoration to pre-project conditions and construction using materials that do not leach toxic substances are being met or planned for.

- Residential (18S.40.100)

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 section policies include, but are not limited to:

Policy B.1: Set structures back from required shoreline buffers to ensure compatibility between uses and protection of buffer areas from residential activities.

Policy B.4: When on-site sewage systems are required for residential development, those systems and their associated drainfields should be installed outside of the shoreline.

Policy B.7: Prohibit new over-water residences, including floating homes.

Policy B.9: Residential development should preserve existing vegetation, open space, habitat, and critical areas.

Policy B.11: New residential structures should be located with respect to views and should not exceed a height of 35 feet.

o Residential: Regulations – General (18S.40.100 C)

1. Existing legally established residential structures and appurtenant structures located in a Shoreline Environment Designation (SED) which permits the residential development, but that do not meet standards for setbacks, buffers, yards, area, bulk, height or density, shall be considered conforming for purposes of administering Title 18S PCC.

There are no existing structures within the shoreline.

2. Table 18S.30.030-2, Standard Shoreline Buffers and Setbacks, indicates the required buffer and setback for each SED. Table 18E.40.060-1, Fish and Wildlife Habitat Conservation Area Buffer Requirements, indicates the required fish and wildlife habitat area buffer width for each water type. Chapter 18E.40 PCC includes the provisions by which fish and wildlife habitat area buffers and setbacks may be modified.

The Standard Shoreline Buffer is 150 feet for properties within the Natural SED. A Shoreline Variance has been applied for by the applicant.

3. Residential development shall comply with bulk standards (such as, but not limited to: setbacks, buffers, height, and density) of Title 18A PCC.

The applicant shows their front setback as being only 20 feet from the garage. Within the R10 zone the required front setback is 25 feet. A deviation of 20% or less is reviewed and approved through an Administrative Land Use Variance. At the time this report was written an application for an Administrative Land Use Variance had not been made; however, the applicant has indicated, through conversation with Staff, that they will be making one.

4. New over-water residences and expansion of existing over-water residences, including floating homes, is prohibited.

Not applicable. The applicant is not proposing new over-water residences.

5. Residential development on a lot shall comply with Chapter 18E.110 PCC, Erosion Hazard Areas.

The applicant shall be required to meet all requirements.

6. Residential structures shall not exceed a height of 35 feet pursuant to PCC 18S.30.060 D, Scenic Protection and Compatibility.

The applicant has stated the residence will be 35 feet.

7. 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 principle and accessory uses and structures.

Within the shoreline, total impervious surface will be 16.9%.

8. New waterfront developments of two or more dwelling units within shoreline jurisdiction shall provide for joint use water access, unless determined during the review of the project that such joint use water access is infeasible due to topographic constraints.

The applicant is not proposing new waterfront development of two or more dwelling units within shoreline jurisdiction. This requirement is not applicable.

9. Septic tanks and drain fields for new sewage disposal systems shall be located outside of shoreline setbacks and buffers.

The applicant has proposed a new septic tank and drain field to be located within the shoreline buffer. This requires review through a Shoreline Variance.

- Shoreline Permit Table: Shoreline Permit Table (18S.60.030-1)

A single-family residence and accessory uses/structures is permitted within the Natural SED through a Shoreline Substantial Development Permit and an Accessory Conditional Use Permit. Per PCC 18S.60.020 C.7 construction on shorelands, by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction is exempt from a Shoreline Substantial Development Permit.

For this proposal, the project is required to apply for a Shoreline Exemption, Shoreline Administrative Conditional Use Permit and, because the proposal is located within the Natural SED buffer, a Shoreline Variance. All three applications have been made.

- Shoreline Administrative Conditional Use Permit (18S.60.050)

The purpose of a Shoreline Administrative Conditional Use Permit is to allow flexibility in the application of development regulations in a manner consistent with the policies of the Shoreline Management Act (Act). Conditions may be attached to the permit to prevent undesirable effects of the proposal or to assure consistency of the Act and the Master Program.

- Shoreline Administrative Conditional Use Permit: Decision Criteria (18S.60.050 D)

1. The Director shall review the location of the proposal for compatibility with development permitted in the surrounding areas; and make further stipulations and conditions to reasonably assure that the basic intent of the Master Program will be served.
2. An Administrative Conditional Use Permit may be granted; provided, that the applicant demonstrates all of the following:

- a. That the proposed use is consistent with the policies of the Act and the Master Program.

Staff has found that the proposal is consistent with the policies of the Act and the Master Program.

- b. That the proposed use will not interfere with the normal public use of shorelines, nor use of waters under the Public Trust Doctrine.

The proposal is set back from the OHWM and is not proposing any waterward use. The proposal will not interfere with the normal public use of shorelines nor use of waters under the Public Trust Doctrine.

- c. That the proposed use of the site and design of the project is compatible with other authorized uses within the area and with uses planned for the area under the Comprehensive Plan and Master Program.

The proposal is for a single-family residence within the R10 zone, a rural residential zone. Within the general vicinity the predominant land use is single-family residences. Additionally, minus the singular lot abutting the project location to the east, the shoreline designation for the general vicinity is Residential and Conservancy; within these designations single-family residences are preferred.

- d. That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located.

Staff has not seen evidence that the proposed use will cause significant adverse effects to the shoreline environment.

- e. That the public interest suffers no substantial detrimental effect.

The public interest will not suffer a substantial detrimental effect as one single-family residence is proposed to be built upon two lots within the Natural SED as opposed to one on each lot.

- f. The proposed use is consistent with all applicable development regulations.

As spoken to previously in this report, the project is not meeting the 25-foot front setback. Approval of the project requires either a redesign or review and approval through a Land Use Variance. The applicant has indicated, through conversation with Staff, that they will be making application for a Land Use Variance.

3. In the granting of all Shoreline Administrative Conditional Use Permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Administrative Conditional Use Permits were granted for other developments in the area where similar circumstances exist, the total of the conditional uses shall also remain consistent with the policies of RCW 90.58.020 and shall not produce substantial adverse effects to the shoreline environment.

The applicant's proposal is unique as the vast majority of the surrounding shoreline is located within the Residential SED and already developed with single-family residences. In the immediate vicinity, only one other lot is within the Natural SED.

While the applicant is proposing a single-family residence within the Natural SED, they are doing so on two lots. This reduces the impact of a development within the Natural SED. Staff feels that this, in combination with the limited extent of the Natural SED, makes additional requests for like action in the area both unlikely to occur and unlikely to produce substantial adverse effects to the shoreline environment.

- Shoreline Variance (18S.60.070)

The purpose of a Shoreline Variance is limited to granting relief from dimensional standards found in this Title (e.g. buffer, height, or lot coverage requirements) where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of this Title will impose unnecessary hardship on the applicant or thwart the policies found in the Shoreline Management Act (Act).

- Shoreline Variance: Decision General (18S.60.070 D)

A Shoreline Variance shall not be granted unless the applicant demonstrates that denial of the permit would result in thwarting of the policy enumerated in the Act due to extraordinary circumstances, and the public interest would suffer no substantial detrimental effect.

The project location is entirely within the 150-foot Natural SED buffer. Within the Natural SED, a single-family residence is permitted. In those instances where alteration of the natural condition of the shoreline of the state are authorized, priority shall be given to single-family residences. Staff has not seen evidence that there would be a substantial detrimental effect if the Variance were to be approved.

- Shoreline Variance: Decision Criteria – Development Landward of Ordinary High Water (OHWM) (18S.60.070 E).

In addition to the General Decision Criteria in subsection D of this Section, Shoreline Variances for development landward of the OHWM or landward of any wetland may be authorized provided the applicant can demonstrate all of the following:

1. The strict application of the bulk or dimensional standards precludes or significantly interferes with reasonable use of the property.

The project location is completely within the 150-foot Natural SED buffer. Within the Natural SED a single-family residence is permitted. However, a new single-family residence is prohibited from being placed within the buffer. A single-family residence on two legal lots of record is a reasonable use of the property. Staff finds the strict application of the standards preclude a reasonable use of the property.

2. The hardship described in subsection E.1. of this Section is specifically related to the property, and is the result of unique conditions such as irregular lot shape, size or natural features and the application of this Title and not, for example, from deed restrictions or the applicants own actions.

The project location is on two legal lots of record that were created through Short Plat 76-96. The lots were legally created before the current Shoreline regulations and the 150-foot Natural SED buffer. The hardship is specifically related to the property.

3. The design of the project is compatible with other authorized development within the area and with development planned for the area under the Comprehensive Plan and this Title, and will not cause adverse impacts to the shoreline environment.
The proposal is for a single-family residence within the R10 zone, a rural residential zone. Within the general vicinity the predominant land use is single-family residences. Additionally, minus the singular lot abutting the project location to the east, the shoreline designation for the general vicinity is Residential and Conservancy; within these designations single-family residences are preferred.
 4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
Within the general vicinity the predominant land use is single-family residences. The proposal is for a single-family residence. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.
 5. The Shoreline Variance requested in the minimum necessary to afford relief.
The proposal is located on two legal lots of record instead of one. The residence is placed so far from the shoreline that the applicant requires a Land Use Variance to deviate from the front yard setback. The majority of the residence is being placed on an area that was previously cleared. Staff finds the applicant is meeting this proposal.
- Shoreline Variance: Decisions Criteria – Wetland Buffer (18S.70.060 G)
Where the Shoreline Variance request includes a reduction a wetland buffer, the applicant shall demonstrate the following:
1. Approval of the variance results in an overall increase in the function of the wetland.
The existing grass covered road located in the wetland buffer close to the edge of the wetland/tidal lagoon will be enhanced through planting of native trees and shrubs. Portions of the road have also had impervious materials removed to allow for establishment of native species such as Nootka rose. The establishment of native vegetation will improve the wetland buffer functions for habitat.
 2. Approval of the variance results in the preservation or enhancement within the project area of other Habitat of Local Importance discussed in PCC 18E.40.020 D.
The lagoon and associated intertidal vascular plants and mudflats are Habitats of Local Importance. The site also lays within mapped FEMA Protected Areas. The proposal to site one home on two parcels demonstrates the intent to protect these Habitats through avoidance and minimization. The proposed planting and establishment of signs along the wetland buffer also serve to protect these Habitats.

3. The proposal avoids impacts and provides mitigation, pursuant to PCC 18E.30.050 to the maximum practical extent.

Much of the two parcels remains well vegetated. As such mitigation is directed at degraded portions of the two parcels and includes:

- Planting native trees and shrubs in an area where an old grass covered road existed; and
- Removing invasive and noxious weeds such as Himalayan and evergreen blackberry, poison oak and giant hog weed. Much of the residence will be located in an existing graveled camping area to minimize aspects.

Importantly, as noted, the applicant is proposing to build only one home on two legal lots of record which avoids the impacts of a second home and provides additional buffer area.

- Shoreline Variance: Decision Criteria – Cumulative Impact (18S.70.060 I)
In the granting of all Shoreline Variances, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example, if Shoreline Variances were granted to the other development in the area where similar circumstances exist, the total of the Shoreline Variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

The applicant's proposal is unique as the vast majority of the property within the vicinity is located within the Residential SED and already developed with single-family residences. In the vicinity, only one other lot is within the Natural SED. While the applicant is proposing a single-family residence within the Natural SED they are doing so on two lots. This reduces the impact of a development within the Natural SED. Due to the limited extent of the Natural SED in the area, and the already existing development, Staff does not see evidence that additional requests for like action in the area will produce substantial adverse effects to the shoreline environment.

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