

## Initial Project Review

### Shoreline Substantial Development Permit / Accessory Dwelling Unit: Bauer

**Application Numbers: 897628, 897519**  
**Parcel Numbers: 0021101010**

**Key Peninsula Advisory Commission (KPAC) Public Meeting: March 20, 2019, at 6:30 p.m.,**  
Key Peninsula Civic Center, VFW Room, 17010 South Vaughn Road, Vaughn, WA 98335

**Proposal:** The applicants request to construct a 1,234 square foot accessory dwelling unit (ADU) within the shoreline environment.

**Project Location:** 7304 Crescent Beach Road NW, Vaughn, WA 98394, in the Rural Shoreline Environment and Rural 10 (R10) zone classification of the Key Peninsula Community Plan area, within Section 10, T21N, R01W, 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 Key Peninsula 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, 253-798-3093, [dan.buhl@piercecountywa.gov](mailto:dan.buhl@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentStatus?applPermitId=897628>



## Project Data

Complete Application Date: October 24, 2018

Initial Project Review Mailed: March 8, 2019

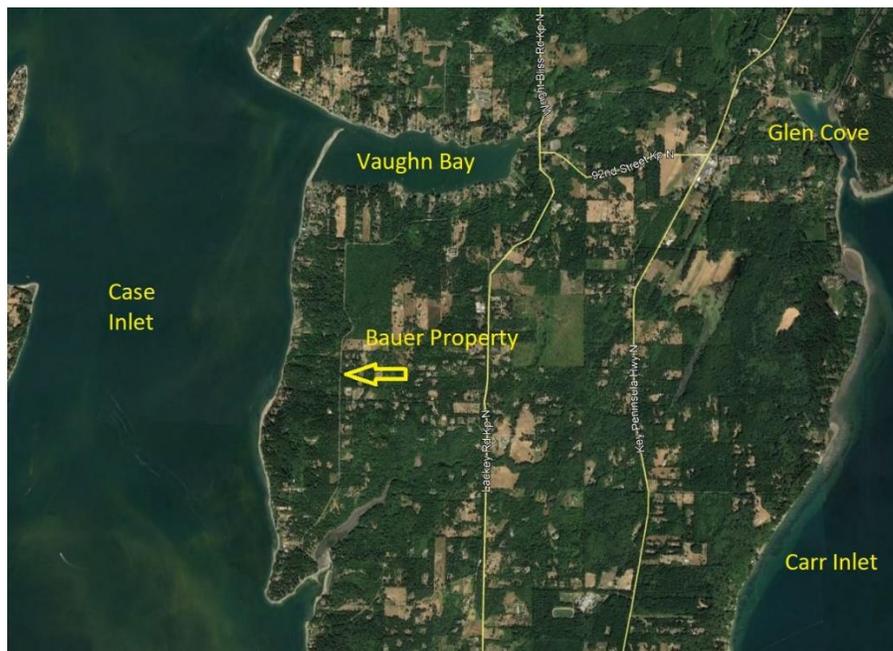
Applicants/Owners: Philip and Kathrine Bauer  
7304 Crescent Beach Road NW  
Vaughn, WA 98394  
[kathybauer100@gmail.com](mailto:kathybauer100@gmail.com)

Agent: Contour Engineering LLC  
Attn: Brett Allen  
PO Box 949  
Gig Harbor, WA 98335  
[Brett.allen@contourengineeringllc.com](mailto:Brett.allen@contourengineeringllc.com)

## Legal Notice

- *November 14, 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 subject property.
- *November 24, 2018*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *March 6, 2019*: Legal notice was published in the official County newspaper (*Tacoma News Tribune*), advertising the public meeting to be held by the Key Peninsula Advisory Commission (KPAC).
- *March 7, 2019*: Legal notice was published in the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the KPAC.

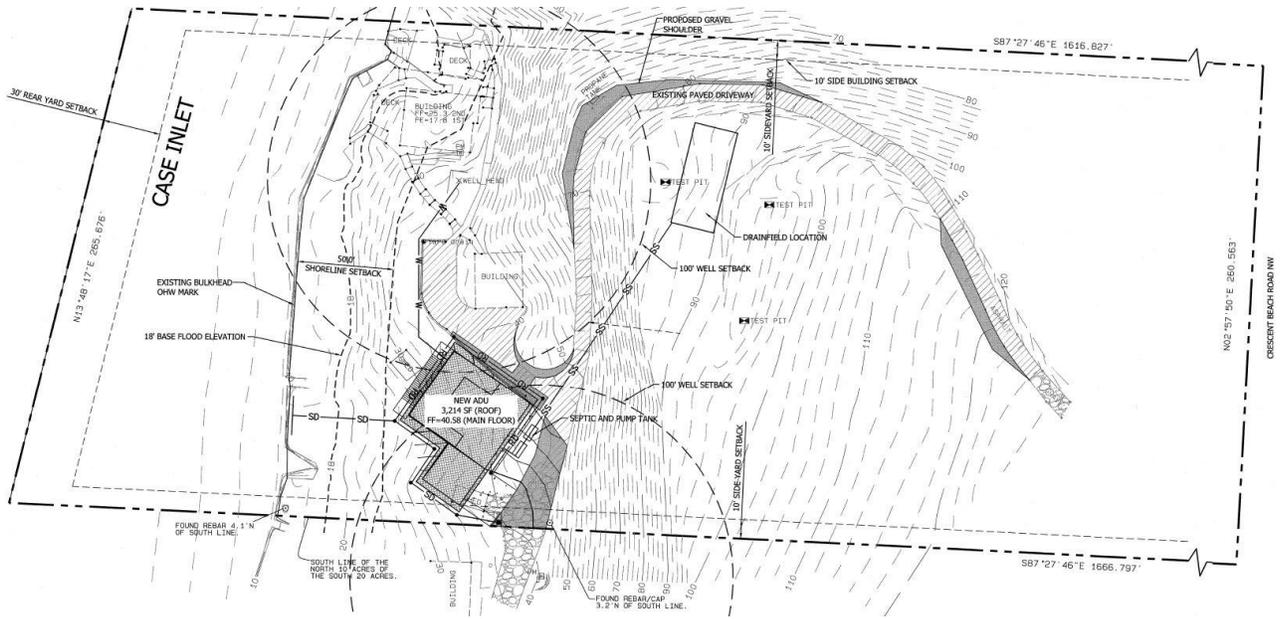
## Vicinity Map



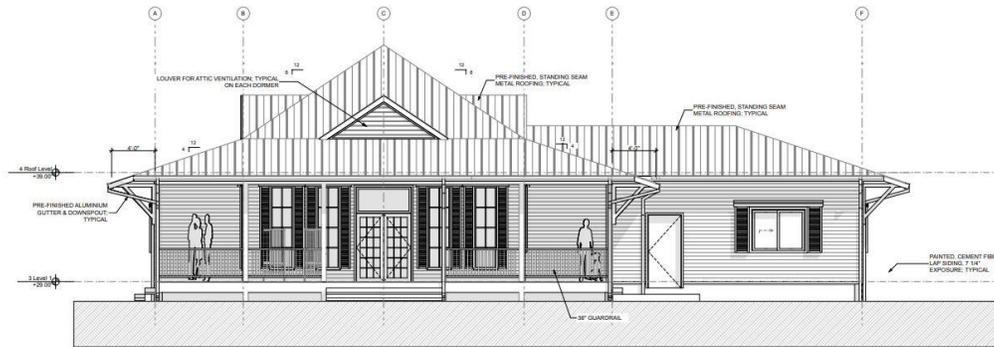
# 2017 Aerial Photo



# Site Plan

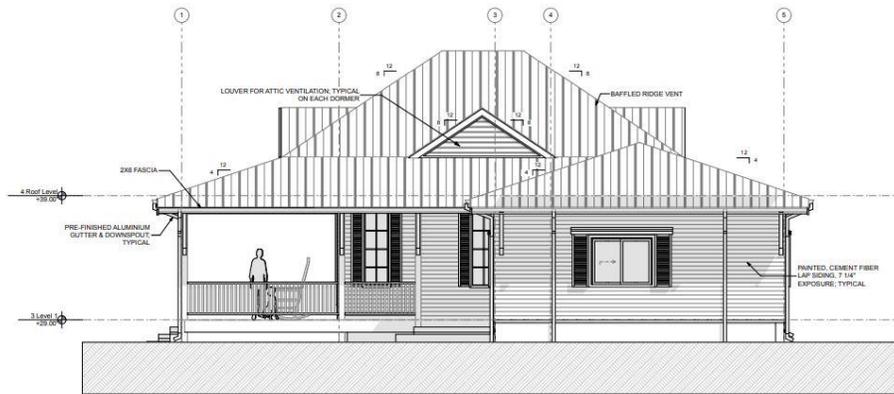


# New ADU Elevations



1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

West Elevation



2 SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"

*South Elevation*

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

## 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

- The County Assessor lists parcel 0021101010 as being 9.82 acres in size.
- The parcel is accessed via a driveway from Crescent Beach Road KP N, east of the home.
- It is roughly 1,525 feet from the ordinary high-water mark (OHWM) at the west side of the property to the Crescent Beach Road KP N right of way.
- The parcel is located on the west shore of Lay Inlet.
- There is a nearly 200-foot elevation change from the property's access as it descends to the existing home near the shoreline. The lot is steep with what appear to be a couple of ravines.
- The parcel is heavily forested with a single-family home near the shoreline.

## Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family Residence	Rural	Rural 10 (R10)
South	Single-family Residence	Rural	R10
East	Single-family Residence	N/A	R10
West	Case Inlet	N/A	N/A

## 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:

- Resource Management completed wetland and fish & wildlife review which resulted in the identification of a Type N2 stream in the north central portion of the property. The development will maintain the 65-foot buffer required for the stream. Forage fish spawning habitat and patchy eelgrass is also mapped along the shoreline. Resource Management is concerned with the stormwater from the downspouts and has asked for greater separation between Puget Sound and the point of release.
- Development Engineering has approved the proposal, as submitted, as their impacts have been addressed through permits 897483 (site development) and 897337 (geotechnical assessment).

## Public Comments

No public comments have been received.

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

**Title 18A Development Regulations – Zoning**

**18A.37 Accessory Development – Residential**

**18A.37.120 Accessory Dwelling Units**

Any owner occupant seeking to establish an ADU shall apply for approval in accordance with established procedures.

*Staff Comment: The applicants are in a rural area, so they are limited to an ADU that is 1,250 square feet. The proposed ADU is detached and over 100 feet from the existing home, so no design. Their building permit and ADU permit have already been submitted. The ADU meets the building setback from the neighboring property to the south. A review of the submitted plans for this ADU shows it meets the dimensional requirements listed in this section of the code.*

**Key Peninsula Community Plan (Pierce County Code, Title 19B)**

**KP LU-2.1** The dominant land use shall be detached single-family residences.

*Staff Comment: The policy for Key Peninsula supports single-family detached residences. This proposal includes the construction of a new accessory dwelling unit. The Community Plan also asks that vegetation and tree preservation be a priority in shoreline locations that are identified on the Open Space Corridors Map, the subject property qualifies.*

**Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 20)**

**Pierce County Shoreline Master Program (Pierce County Code Title 19D.190 and Title 20)  
Chapter 20.10 – Rural-Residential Environment**

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)
1. Prime agricultural land should be maintained for present and future agricultural needs.
  2. 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 project site is currently improved with a single-family residence. The applicant's proposal is consistent with the purpose and general policies of the Rural Shoreline Environment. A single-family dwelling and proposed ADU are preferred uses in the Rural Environment. The proposed ADU will be located over 50 feet from the bulkhead, will minimally increase the impervious coverage of the site, will not alter the shoreline character of the area, and will not have any impact on the aesthetic quality of other residences within the immediate vicinity of the site.*

## **Chapter 20.62 - Residential Development**

**20.62.030. General Regulations** states that prior to the granting of a Shoreline Substantial Development Permit, it shall be demonstrated that the proposal is consistent with the following:

- A.1. 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.

*Staff Comment: The site is currently developed for residential uses. The proposed ADU is a suitable use for the site and it will be an accessory use to the existing single-family residence. The location of the proposed ADU will not pose a significant hazard to life or property and would not use or require any future public funds as it is located on private property. The proposed ADU will not require removal of more than 250 cubic yards of dirt and minimal shoreline vegetation from the site. The entire site is heavily forested and will remain that way.*

- A.2. Adequate methods of erosion control will be utilized during and after project construction.

*Staff Comment: The grading and placement of fill material increase the likelihood of erosion and sedimentation. Compliance with Pierce County Code, Title 17A, Construction and Infrastructure Regulations – Site Development and Stormwater Drainage as reviewed by Development Engineering will condition the proposal for compliance.*

- A.3. Disturbance of shoreline vegetation will be minimized.

*Staff Comment: The ADU structure will be constructed over 50 feet from the bulkhead. Therefore, the proposed location of the ADU will not place shoreline vegetation at any risk.*

- A.4. 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.

*Staff Comment: Runoff and contamination will need to be reviewed for contamination of surface water supplies.*

- A.5. All residential structures shall be landward of the extreme high-water mark.

*Staff Comment: The proposed ADU and all aspects of the project would be located over 50 feet landward of the ordinary high-water mark.*

B. 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.

*Staff Comment: The proposal is not necessarily essential. However, the proposal will not require additional bulkhead, filling, or substantial re-grading of the property. Grading will be confined to the minimum amount required to site for the ADU (less than 250 cubic yards).*

**20.62.040 A.** states that the construction of a single-family residence in the Rural Shoreline Environment does not require a Shoreline Substantial Development Permit, provided, among others, that the required setbacks are met. In addition, certain uses commonly accessory to single family residences also don't require a Shoreline Substantial Development Permit. However, ADUs are not on that list and therefore require a Shoreline Substantial Development Permit.

*Staff Comment: The proposal is to construct an ADU on a lot developed with a single-family residence. The proposal requires a Shoreline Substantial Development Permit as it involves some of the above listed activities and exceeds a fair market value of \$7,047 and is not listed as a common accessory to a single-family residence.*

**20.62.050 - Bulk Regulations** of the Pierce County Shoreline Management Use Regulations states that the required setback for residential buildings and structures from the ordinary high-water line shall be 50 feet.

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

*Staff Comment: The applicant proposes to construct the ADU over 50 feet from the existing bulkhead; therefore, meeting this requirement. Impervious areas shall not exceed 33.3% of the entire site. Based on the submitted site plan the applicants meet this requirement.*

**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: Both the existing home and the proposed ADU meet the prescribed 50-foot setback.*

**Chapter 20.76 – General Provisions**

**20.76.030 A.1.** of the Pierce County Shoreline Management Use Regulations (Title 20, Pierce County Code) states that a Shoreline 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.

*Staff Comment: As the proposal exceeds the prescribed cost limit a Substantial Development permit is required.*

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