

Initial Project Review

Variance / Site Plan Review: Nguyen (Driveway Retaining Walls)

Application Numbers: 903764, 903765

Parcel Number: 0221303142

Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: April 24, 2019, at 6:30 p.m., City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

Proposal: Request to vary from zoning setback and design standards for height of wall. Site Plan Review to vary from design criteria for height of retaining walls.

Project Location: 2221 50th Avenue NW, Gig Harbor, WA 98335, in the Rural Residential Shoreline Environment and Rural 10 (R10) zone classification of the Gig Harbor Peninsula Community Plan area, within Section 30, T21N, R02E, 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, Comprehensive Plan, and Gig Harbor Peninsula Community Plan. Staff has reviewed this proposal for compliance with all policies, codes.

State Environmental Policy Act (SEPA): A SEPA checklist is not required for this application.
Note: The project is **not** likely to result in any significant adverse environmental impact.

County Contact: Robert Perez, Planner, 253-798-3093, robert.perez@piercecountywa.gov

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departamentStatus?applPermitId=903764>



Project Data

Complete Application Date: February 1, 2019

Initial Project Review Mailed: April 17, 2019

Applicants/Owners: Nguyen Hung Van & Duong, Linh Thuy
10107 51st St. NW
Gig Harbor WA, 98335
hnguyenagc@gmail.com

Agent: N/A

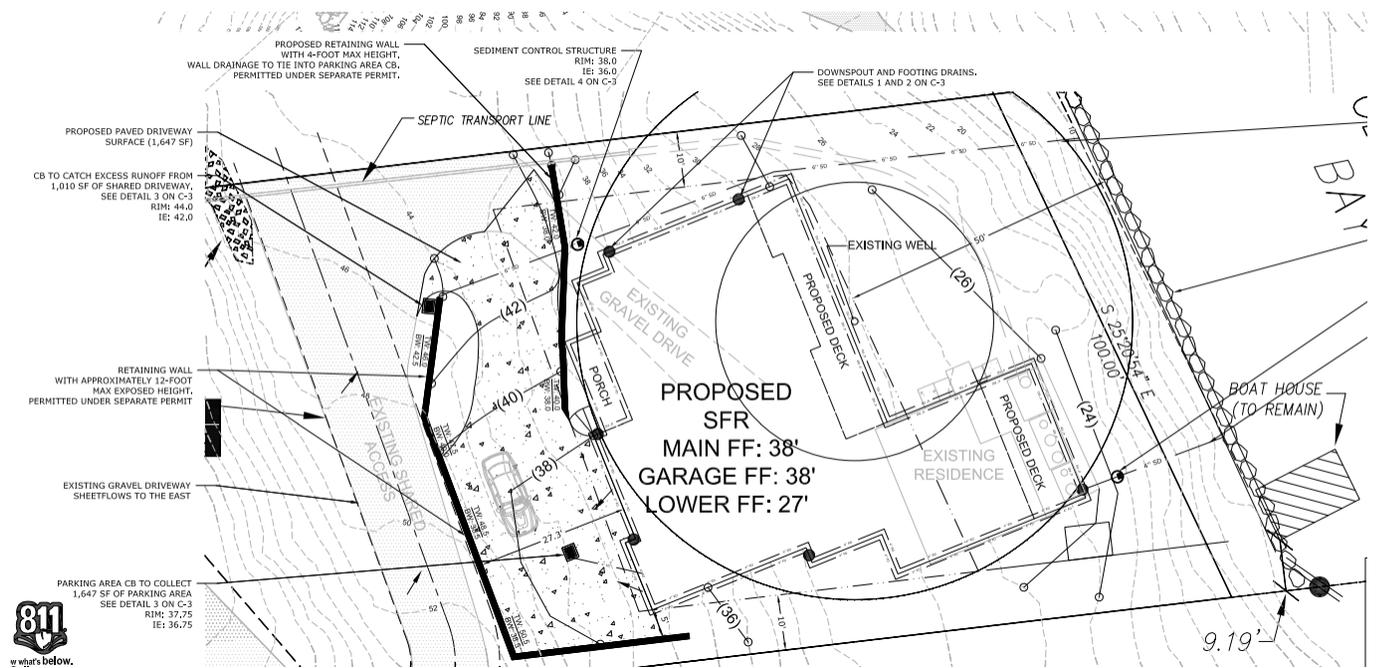
Legal Notice

- *March 5, 2019*: Revised 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.
- *March 3, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *April 18, 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.

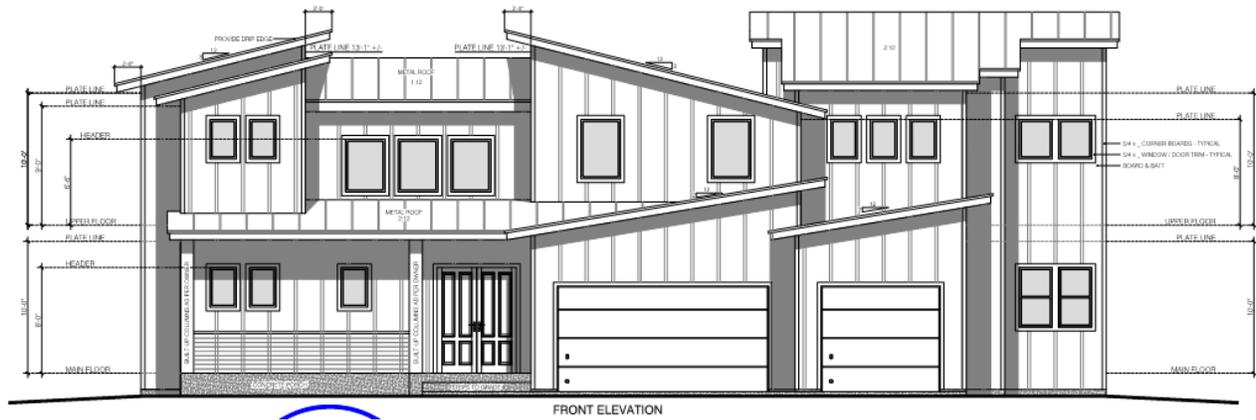
2018 Ortho Photo



Site Plan



Cross Section



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. Forage fish (sand lance) spawning habitat is mapped along the beach.

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. The LUAC may recommend the Hearing Examiner continue a scheduled public hearing to obtain additional information or LUAC recommendations.

Review Criteria

The following regulations and policies shall be used during the review process including, but not limited to:

- A. Pierce County development regulations and construction and infrastructure regulations;
- B. Pierce County Comprehensive Plan and Key Peninsula Community Plan;
- C. Applicable state statutes; and
- D. All applicable notes on related previously recorded County documents.

Site Characteristics

- The County Assessor lists parcel 0221303142 as being .78 acre.
- The access to the site is via a driveway off of 50th Avenue Northwest.
- The parcel is located on the west shore of Wollochet Bay.
- The topography of the site slopes toward the shore/bulkhead.
- The parcel is improved with a single-family home.
- The parcel is improved with a bulkhead.
- The parcel is heavily vegetated.

Surrounding Land Use / Shoreline / Zoning Designation

	LAND USE	SHORELINE	ZONING
North	Single-family residence	Rural-Residential	Rural 10 (R10)
South	Single-family residence	Rural-Residential	R10
East	Puget Sound	N/A	N/A
West	Single-family residence	Rural-Residential	R10

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:

- The Department of Ecology commented that if excavation occurs, lead and arsenic testing should occur, and results sent to Department of Ecology.

Public Comments

No public comments were received prior to the March 15, 2018, comment deadline.

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 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.

GH ENV-2.2.1 Discourage lawn areas that extend to the edge of slopes, bluffs, or beaches. Encourage retention of native vegetation immediately adjacent to the waterbody in any required setback.

GH ENV-2.2.2 Require protection for trees, including snags, located along the shoreline.

GH ENV-2.7 Prioritize vegetation and tree preservation in shoreline locations that are identified on the Open Space Corridors Map.

GH ENV-3.4 To help control surface water runoff, discourage vegetation removal during construction and site development activity.

Staff Comment: The Gig Harbor Community Plan prioritizes vegetation retention and tree preservation in shoreline locations. The area immediately landward of the bulkhead was heavily vegetated with trees and ground cover. Staff recognizes that preservation of native vegetation and wildlife habitat is a priority of the Community Plan, and also recognizes that a violation currently exists on site. The applicant is in the process of attempting to replant the area. Vegetation removal should be minimized as much as feasible and retention of significant trees should be required. The proposal, as submitted, does not specify any area of vegetation retention or a tree canopy buffer. This proposal is inconsistent with the Gig Harbor Community Plan in relation to the strong prioritization for vegetation protections and discouragement of lawns in the shoreline environment.

Pierce County Development Regulations (Pierce County Code, Title 18J.15)

- Site development for buildings, roadways and other site improvements should be designed to fit the natural topography with the minimum amount of site disturbance and grade changes possible.
- Filling and grading shall be done in accordance with Pierce County Site Development Regulations.
- Buildings shall be designed to fit natural slopes rather than forcing the slope to fit a particular building design.
- Roads shall be aligned to follow the natural contours of the site as much as possible.
- Finished grades shall promote a smooth transition to adjacent properties.
- When retaining walls or similar structures are necessary to address grade changes, terracing shall be used such that no individual wall exceeds 8 feet in height.
- All retaining walls in excess of 4 feet in height shall be screened with landscaping meeting Landscape Level 1 buffer requirements as set forth in PCC 18J.15.040.
- Expansion, remodeling, or maintenance of structures exceeding the existing building footprint more than 30 percent require tree conservation under 18J.15.030.

Staff Comment: This proposal consists of retaining walls designed to stabilize a steep slope and driveway approach. The driveway approach follows the natural topography as much as possible and retaining walls may be necessary to stabilize the slope. Currently, a Site Plan Review to deviate from a countywide design standard is being reviewed due to the 12-foot height. It appears at this time that a tree conservation plan will be required due to significant trees existing on site.

Pierce County Development Regulations (Pierce County Code, Title 18A)

- A variance may be used to deviate from a dimensional requirement of Title 18A PCC.
- An application for variance to deviate more than 20 percent from the minimum or maximum dimension allowed by Title 18A PCC including, but not limited to, the dimensions set forth in Tables 18A.15.040-1 and -2 and PCC 18A.15.040 C., Situational Setback and Height Provisions, shall be reviewed and granted or denied by the Hearing Examiner.
- Interior setbacks in the R10 zone are 10 feet.

Before any variance may be granted, it shall be shown that:

1. There are special circumstances applicable to the subject property or to the intended use such as shape, topography, location, or surroundings that do not apply generally to the other property or class of use in the same vicinity and zone;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other property in the same vicinity and zone but which because of special circumstances is denied to the property in question;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
4. The granting of such variance is consistent with the Comprehensive Plan including any applicable Community Plan; and
5. No significant adverse environmental impact will be caused as a result of the variance approval.

Staff Comment: The proposal seeks to establish a retaining wall that encroaches into the side setbacks, within 3 feet of the South property line. Staff recognizes that the property is very steep and possibly in need of some form of slope retention. The granting of the retaining walls and associated driveway would result in the removal of a substantial number of trees and vegetation within shoreline jurisdiction. This removal of vegetation is inconsistent with the Gig Harbor Community Plan and the Comprehensive Plan and would result in a significant loss of vegetation affecting the nearshore environment.

Without a tree conservation plan for this site staff would have to recommend denial based on significant adverse environmental impacts as a result of the granting of this variance. The removal of significant trees would damage the ecological function of the near shore environment and the required regrading and retaining walls could further effect erosion of the slopes around the site.

Note: This request fails to meet criteria 3, 4 and 5 of the Variance criteria in 18A primarily attributed to the lack of a tree conservation plan. The deviation from side setbacks exceeds the 20 percent threshold and thus requires LUAC and Hearing Examiner review. Impervious surface coverage within the 200-foot shoreline jurisdiction is approximately 24 percent.