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October 4th, 2022

Mr. Chris Beale, AICP
Senior Planner
333 South Meridian Street, 2nd Floor
Puyallup, WA 98371

Re: Bell Place 204 4th St SW, Puyallup, WA 98371
Parcel Numbers 5745001631, 5745001632 and 5745001641
(AGC Job # 3340)

We are submitting concurrently an application for preliminary site plan approval and an application for design review.

Files included with the preliminary site plan application are:

1. Preliminary Site Plan Review application form.
2. Vicinity Map
3. Site Plan
4. SEPA Checklist
5. Critical Area Report – Earth Solutions Phase 1 Environmental Site Assessment
6. Critical Area Report – Georesources Soils Report
7. Critical Area Report – Georesources Soils Report Addendum Infiltration Testing
8. Traffic Scoping Worksheet – Heath and Associates
9. Critical Areas ID Form
10. Preliminary Landscape Plan – Nature by Design
11. Prelminary Storm Plan
12. Preliminary Storm Drainage Calculations
13. Major issues discussed during the preapp.

Files included with the design review application are:

1. Completed design review application form.
2. Vicinity Map
3. Site Plan
4. Elevations – RDA
5. Preliminary Landscape Plan
6. Written Narrative from Architect - RDA

Sincerely,

Travor Green

Trevor Green
Project Manager
trevor@mailagc.com

Shoreline Variance (18S.60.070)
An application for a shoreline variance must demonstrate the following:

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

Decision Criteria – **Development Landward of Ordinary High-Water Mark (OHWM)**. In addition to the General Decision Criteria above, 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.

Adjoining property owners have received ADU permits within the 200' shoreline buffer so not allowing this would appear to interfere with a reasonable use of the property.

2. The hardship described in 1, above 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 Title 18S PCC and not, for example, from deed restrictions or the applicant's own actions.

The lot shape is such that any ADU of the desired size would at least partially encroach upon the 200' shoreline area.

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 Title 18S PCC and will not cause adverse impacts to the shoreline environment.

The adjoining property owner to the west had an ADU with a similar encroachement into the shoreline approved.

4. The Shoreline Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area.

No.

5. The Shoreline Variance requested is the minimum necessary to afford relief.

Yes.

Decision Criteria – Cumulative Impact. 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 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.
Variance applications must also be consistent with **Washington Administrative Code Section 173-27-170(2)**: The purpose of a variance permit is strictly limited

to granting relief from specific bulk, dimensional or performance standards set forth in the applicable master program where there are extraordinary circumstances relating to the physical character or configuration of property such that the strict implementation of the master program will impose unnecessary hardships on the applicant or thwart the policies set forth in RCW 90.58.020.

(1) Variance permits should be granted in circumstances where denial of the permit would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances the applicant must demonstrate that extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

The public interest shall suffer no substantial detrimental effect. The encroachment into the shoreline area is minimal and is on private property that has not adjacent public lands and or access other than Lake Tapps and the encrouchments from this ADU are farther from the shore than the existing home on the property.

(2) Variance permits for development and/or uses that will be located landward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(c), and/or landward of any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following: (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes, or significantly interferes with, reasonable use of the property;

Strict application of restrictions on building in the 200' shoreline area would interfere with the reasonable use of this property in a similar fashion to neighboring properties.

(b) That the hardship described in (a) of this subsection 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 the master program, and not, for example, from deed restrictions or the applicant's own actions;

The lot shape and location of the pre-existing home leaves a very specific area for locating a potential ADU.

(c) That the 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 shoreline master program and will not cause adverse impacts to the shoreline environment;

Yes, the design is compatible with neighboring authorized uses in the area and will not cause adverse impacts to the shoreline environment.

(d) That the variance will not constitute a grant of special privilege not enjoyed by the other properties in the area;

It shall not.

(e) That the variance requested is the minimum necessary to afford relief; and

Yes the variance is minimal and the proposed ADU is farther from the shore than the existing home.

(f) That the public interest will suffer no substantial detrimental effect.

It shall not.

(3) Variance permits for development and/or uses that will be located waterward of the ordinary high water mark (OHWM), as defined in RCW 90.58.030 (2)(c), or within any wetland as defined in RCW 90.58.030 (2)(h), may be authorized provided the applicant can demonstrate all of the following: (a) That the strict application of the bulk, dimensional or performance standards set forth in the applicable master program precludes all reasonable use of the property;
(b) That the proposal is consistent with the criteria established under subsection (2)(b) through (f) of this section; and

The proposal is consistent with these criteria.

(c) That the public rights of navigation and use of the shorelines will not be adversely affected.

They shall not, there is no encroachment into public space or waterward effects from the ADU. There is a proposed dock extension, but it does not exceed allowed dimensions.

(4) In the granting of all variance permits, consideration shall be given to the cumulative impact of additional requests for like actions in the area. For example if variances were granted to other developments and/or uses in the area where similar circumstances exist the total of the variances shall also remain consistent with the policies of RCW 90.58.020 and shall not cause substantial adverse effects to the shoreline environment.

(5) Variances from the use regulations of the master program are prohibited.

1. That the proposed use is consistent with the policies of the Act and the Master Program;

It consistent with the polices of the Act and the Master Program.

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

It shall not.

3. 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 the Master Program;

It is.

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

It shall not.

5. That the public interest suffers no substantial detrimental effect; and

It does not.

6. The proposed use is consistent with all applicable development regulations

It is.

Administrative Conditional Use/Conditional Use (18S.60.050/18S.60.060)
A Conditional Use Permit may be authorized provided that the applicant demonstrates all of the following:
Washington Administrative Code Section 173-27-160(1) – Conditional Use applications must also demonstrate:
(a) That the proposed use is consistent with the policies of RCW 90.58.020 and the master program;
(b) That the proposed use will not interfere with the normal public use of public shorelines;
(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 shoreline master program;
(d) That the proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located; and
(e) That the public interest suffers no substantial detrimental effect.

Shoreline Substantial Development (18S.60.040)
Applications for Shoreline Substantial Development shall be reviewed in accordance with the following decision criteria:

1. The proposal is consistent with the policies and procedures of the Act.

It is.

2. The proposal is consistent with the Title 18S PCC policies and regulations including, at a minimum, the following:

a. Policies and regulations of the shoreline environment designation (SED) in which the proposal is located;

It is.

b. Policies and regulations for Shorelines of Statewide Significance if the proposal is within such area;

It is.

c. Policies and regulations within the applicable General Policies and Regulations found in Chapter 18S.30 PCC; and

It is.

d. Policies and regulations within the applicable Use and Development Policies and Regulations found in Chapter 18S.40 PCC.

It is.

3. The proposal is consistent with the applicable provisions of Title 18E PCC.

It is.

4. The proposal is consistent with the applicable policies of the Comprehensive Plan and any applicable Community Plan.

It is.

5. The proposal is consistent with all applicable development regulations including, but not limited to Title 18A PCC, Development Regulations – Zoning.

It is.