

## Initial Project Review

### Shoreline Substantial Development Permit / Shoreline Variance / Conditional Use Permit / Environmental Checklist: Kopachuck State Park Day Use Development

**Application Numbers: 906881, 906883, 908629, 906884**  
**Parcel Number: 0121161010**

**Gig Harbor Peninsula Advisory Commission (PAC) Public Meeting: May 22, 2019, at 6:30 p.m.**, City of Gig Harbor, 3510 Grandview, southeast entrance, Gig Harbor, WA 98335

**Proposal:** This project will renovate and expand the day-use area of the park. Elements include new kitchen and picnic shelters, ADA-compliant trails and picnic areas, improved access to the water, playground equipment, interpretive signs, replacing an antiquated restroom, and parking lot improvements, which include new pavement, stormwater improvements, striping, bumper blocks and bike racks. This will be a phased project, portions of which take place outside the shoreline jurisdiction. Phase one consists of the stormwater system, reconstructing upper parking lot and entry and exit roads, new day use buildings, a welcome center, American with Disabilities Act (ADA)-accessible picnic area, amphitheater, and play areas. Phase two will be the installation of a new pocket beach, new restroom facilities, ADA beach access, and interpretive exhibits.

**Project Location:** 10712 - 56<sup>th</sup> Street NW, Gig Harbor, WA, in the Conservancy Shoreline Environment and Park and Recreation (PR) zone classification of the Gig Harbor Community Plan area, within Section 16, T21N, R01, 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. 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):** A SEPA checklist was submitted for this application. Planning and Public Works (PPW) has concluded that the previously approved Determination of Nonsignificance, dated June 27, 2017, and associated Addendum are sufficient for this proposal. The County is not assuming lead agency and supports the DNS and associated addendum.

**County Contact:** Robert Perez, Planner, 253-798-3093, [robert.perez@piercecountywa.gov](mailto:robert.perez@piercecountywa.gov)

**Pierce County Online Permit Information:**

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=906881>



## Project Data

Complete Application Date: March 26, 2019

Initial Project Review Mailed: May 15, 2019

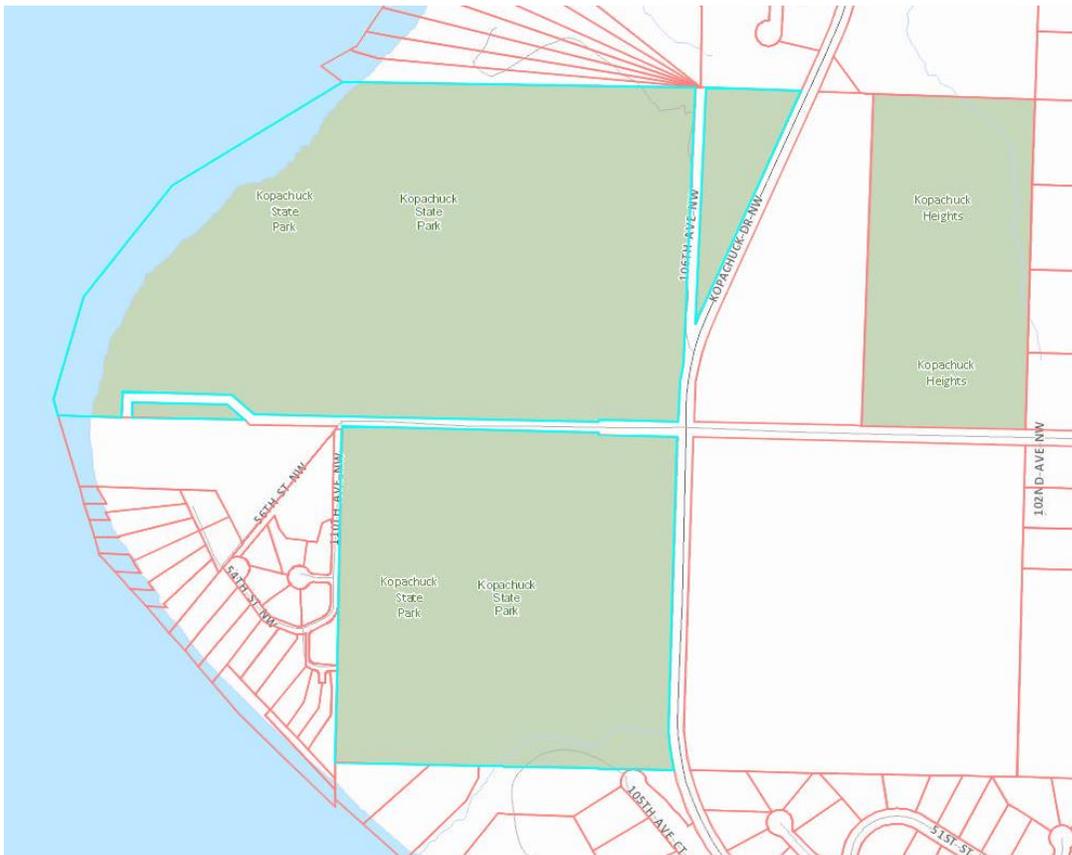
Applicants/Owners: Norton, Jessica A.  
Washington State Parks and Recreation Commission  
P.O. Box 42650  
Olympia, WA 98504  
[Jessica.norton@parks.wa.gov](mailto:Jessica.norton@parks.wa.gov)

Agent: Same as above

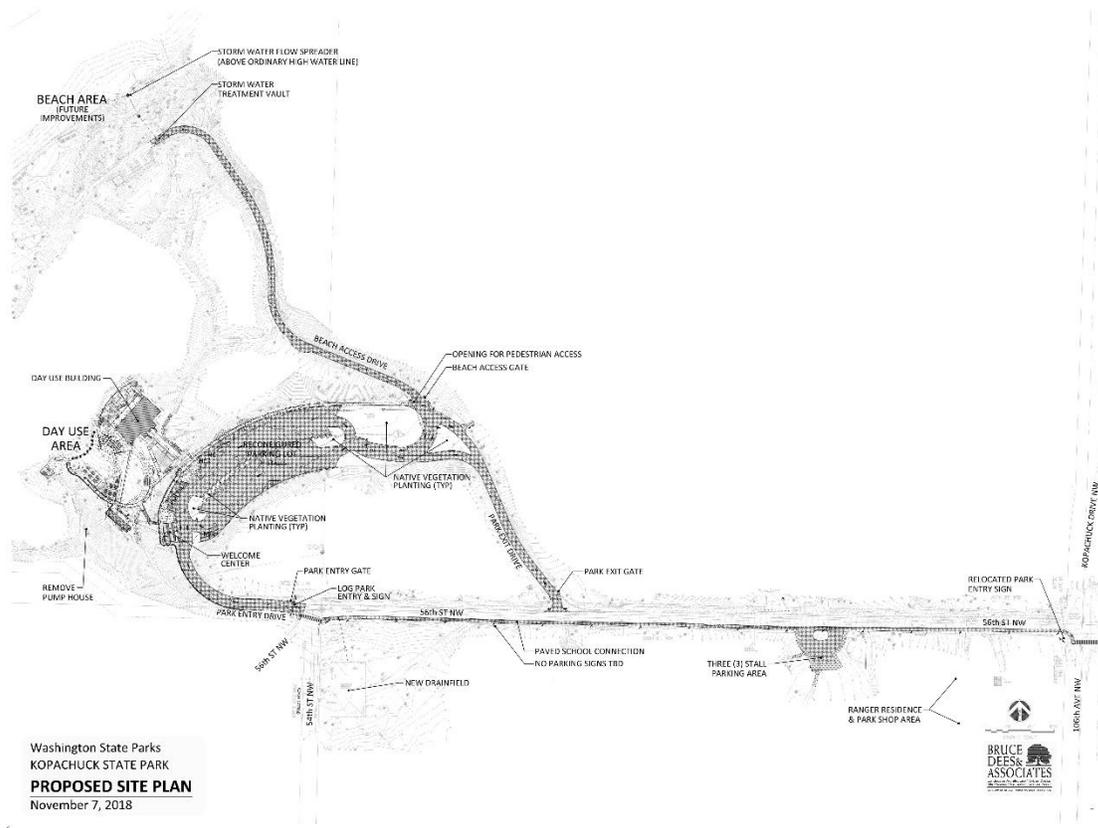
## Legal Notice

- *April 13, 2019*: Public Notice sign was posted on the site, confirmed with a Declaration of Posting.
- *April 19, 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.
- *May 8, 2019, and May 9, 2019*: Legal notices were published in the official County newspaper (*Tacoma News Tribune*) and the *Peninsula Gateway* newspaper, advertising the public meeting to be held by the Gig Harbor Peninsula Advisory Commission.

## 2018 Ortho 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):

- 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. 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 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 0121161010 as being 107.4 acres in size.
- The parcel is accessed from the south via 56<sup>th</sup> Street NW.
- The parcel is located on the east shore of Carr Inlet.
- The topography of the site slopes toward the shore.
- The parcel is improved with several park facilities and trails.
- The parcel is heavily vegetated throughout the majority of the site.
- The parcel’s upland portion contains parking, trails, restrooms, and signage
- The parcel’s shoreline portion currently contains a network of earthen trails, benches, shoreline viewing areas, and some largely undisturbed shorelines.

**Surrounding Land Use / Shoreline / Zoning Designation**

	LAND USE	SHORELINE	ZONING
North	Single Family	Residential	Rural 10 (R10)
South	CU Open Space RCW 84.34	Conservancy	R10
East	Elementary Schools 1 to 6	N/A	R10
West	Puget Sound	Aquatic Marine	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:

- The Squaxin Island Tribe has identified the project site as having a high potential for the location of cultural resources but, due to the nature of the project, no specific concerns were expressed. The tribe requested an Inadvertent Discovery Plan be put in place in case cultural resources are uncovered during implementation of the proposal.
- The Washington State Department of Health expressed concerns over potable water, waste water, and critical areas review.

## Public Comments

- PPW received public comment on May 01, 2019, expressing concerns over water availability, erosion activity, and generation of noise.

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

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

- Provide adequate park and recreational facilities within the community plan area that satisfy the highest standards for environmental protection while meeting the needs of Peninsula residents.
- Provide and maintain a level of service for regional parks in the community that meets or exceeds the countywide standard.
- Parks that provide shoreline access are considered regional parks regardless of size.
- Provide development incentives such as bonus densities and increased impervious coverage for projects that incorporate trails into the project site plan.
- Encourage acquisition of shoreline access points that provide opportunities for boat launches, public docks or piers, beach walking, wildlife viewing and other shoreline dependent uses.

*Staff Comment: This proposal is consistent with the Gig Harbor Peninsula Community Plan policies. The proposal aims to increase ADA accessibility creating more opportunity for the public to access the shoreline environment.*

### Pierce County Development Regulations - Zoning (Title 18A)

#### **18A.23 Gig Harbor Peninsula Use Table**

The zoning for this parcel is Park and Recreation (PR). Civic Use Category for Public Park Facilities is C3 requiring a conditional use permit for new park facilities.

Public Park Facilities Use Type refers to publicly owned or non-profit recreational areas and recreation facilities open to the general public on an equal basis, with or without fee. Typical facilities include local parks, county parks, regional parks, special use facilities, linear parks/trails, resource conservancy parks, fairgrounds, zoos, and cemeteries. These facilities may offer open space, arboretums, small or special landscaped areas, community gardens, skate parks, sports fields, tennis courts, golf courses, batting cages, equestrian facilities, community centers, and swimming pools. Rest areas associated with major transportation routes would also fall into this category. Central office, storage, and maintenance facilities, which provide service and support to one or more public park facilities, are allowed in this category. Public parks shall be allowed to include civic, resource, utility, office, business, and commercial uses that are accessory and incidental to park and recreation uses. Examples of such uses would be: a snack bar or other food service, a golf merchandise sales shop associated with a golf course, or veterinary services associated with livestock or equestrian events operating during such activities. Caretaker residences and employee housing are also allowed when such a use is required for the proposed facility. Hours of operation for accessory uses shall be commensurate with the principal use and the General Provisions for Accessory Uses and Structures in PCC [18A.36.060](#).

**Level 3: Regional Parks.** Regional Parks attract visitors from throughout the region and which may provide access to significant ecological, cultural, historical features, or unique facilities.

**18A.36.020 General Provisions for Accessory Uses and Structures.**

- A. In all zones, there shall be no limit as to the number of accessory uses allowed on a lot provided:
1. The use is not prohibited from locating in the zone classification;
  2. The use meets all applicable development regulations; and
  3. The use is accessory to a lawfully established principal use.

*Staff Comment: The site is zoned Parks and Recreation (PR), which allows Regional Parks and associated accessory uses and structures with a conditional use application.*

Pierce County Development Regulations - Design Standards and Guidelines (Title 18J)

- Building design and architectural standards of this Title shall not apply, per 18J.10.040(C)1.b Building located at a local park, county park, regional park, linear park/trail or Resource Conservation Park.

*Staff Comment: Under 18J many developments require the adherence of design standards. However, in this instance there is an exemption provision from building design and architectural standards.*

Pierce County Shoreline Environment Designations (Pierce County Code, Title 18S.20.040)

- 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.
- Opportunities for ecological restoration should be pursued, giving priority to the areas with the greatest potential to restore ecosystem-wide processes (the site of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated 40 ecological functions) and functions.
- 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.
- Agriculture, forestry, and aquaculture should be allowed.
- Water-dependent and water-enjoyment recreation facilities that do not deplete the 4 resources over time including, but not limited to, boating facilities, angling, hunting, wildlife viewing trails, and swimming beaches, may be allowed.
- Commercial and industrial development should be limited to water-oriented commercial and industrial development in instances where those uses have been located there in the past, or at unique sites that possess shoreline conditions and services necessary to support the development.
- Outstanding recreational or scenic values should be protected from incompatible development.

*Staff Comment: The proposal is consistent with the Conservancy Shoreline Environment Designation (SED) as it supports both active and passive outdoor recreation opportunities. The pathways add ADA access to the shoreline supporting viewing trails, hiking, and the ability for the public to better access the Puget Sound. Phase two of this project includes the repair/installation of a pocket beach. Public access opportunities that include active or passive outdoor activities are a preferred use in the Conservancy.*

Pierce County Shoreline Management Use Regulations (Pierce County Code, Title 18S)

**General Policies and Regulations – Chapter 18S.30**

**18S.30.020 Archaeological, Cultural, and Historic Resources.**

**18S.30.030 Ecological Protection.**

**18S.30.040 Excavation, Dredging, Filling, and Grading.**

**18S.30.050 Shoreline Access.**

**18S.30.060 Scenic Protection and Compatibility.**

**18S.30.070 Shoreline Stabilization.**

**18S.30.080 Shoreline Modifications.**

**18S.30.090 Water Oriented Development.**

**18S.30.100 Water Quality, Stormwater, and Nonpoint Pollution.**

**18S.30.020 Archaeological, Cultural, and Historic Resources**

An Inadvertent Discovery Plan will be required to address concerns of the Squaxin Tribe over the presence of cultural resources

**18S.30.030 Ecological Protection**

- All development shall occur as defined 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. Mitigation sequencing components consist of a series of consecutive steps beginning with avoidance and ending with monitoring and taking appropriate corrective measures.

<b>Table 18S.30.030-1. Mitigation Sequencing</b>	
Higher Priority  ↓  Lower Priority	Avoiding the impact altogether by not taking a certain action or parts of actions.
	Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts.
	Rectify the impact by repairing, rehabilitating, or restoring the affected environment;
	Reducing or eliminating the impact over time by preservation and maintenance operations; or
	Compensate for the impact by replacing, enhancing, or providing substitute resources or environments.
	Monitoring the impact and compensation projects and taking appropriate corrective measures.

- Where new developments and uses are proposed, shoreline vegetation shall be conserved or restored when feasible. Shoreline vegetation helps to maintain shoreline ecological functions and processes and mitigate the direct, indirect, and cumulative impacts of shoreline development.

- Where retention of shoreline vegetation is not feasible, new developments shall include a vegetation management plan as defined in PCC 18S.30.030 G.2.
- The Department shall periodically evaluate the cumulative effects of all project review actions in shoreline areas.
- Standard shoreline buffers for the Conservancy shoreline environment is 100 feet.
- Water dependent uses and public shoreline access are allowed within the standard shoreline buffer subject to applicable regulations of the Master Program.
- Within the Natural and Conservancy SED, impervious surfaces shall be limited to 10 percent effective impervious surfaces.
- 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.
- Retention of existing vegetation shall be a priority within the entire shoreline jurisdiction. Retention of existing trees is particularly important. Significant trees, as identified in Table 18J.15.030-1, cannot be removed without approval of a vegetation planting plan. Prior to proposing any tree removal, the land owner shall first evaluate alternate means of achieving their development goals, such as selective limbing and tree topping.

*Staff Comment: The project results in an increase in impervious surface within shoreline jurisdiction, principally by providing ADA compliant access to the public beach. This increase is not desirable but, it related to providing public access which is a preferred use under the Shoreline Management Act. Overall, the project demonstrates impact minimization through appropriate design and by repairing, rehabilitating, or restoring the affected environment. Staff feel that it has been sufficiently demonstrated that avoidance of impact was utilized to the degree feasible.*

#### **18S.30.040 Excavation, Dredging, Filling, and Grading**

- Excavation, dredging, filling, and/or grading shall not occur without an authorized principal use or development.
- Excavation, dredging, filling, and/or grading shall be limited to the minimum amount necessary for the specific use or development proposed.
- Excavation, dredging, filling, and/or grading shall not unnecessarily impact natural processes such as water flow, circulation, currents, channel migration, erosion, sediment transport, and floodwater storage, and shall not cut off or isolate hydrologic features.
- Stabilization measures should be designed to blend physically and visually with existing topography.
- New development shall be located and designed to avoid or minimize the need for maintenance dredging.

*Staff Comment: Some grading will be required during installation of the ADA walkways. Phase 2 also appears to contain some filling and grading in order to create the pocket beach. Proposed plans show that the excavation, grading, and filling is being limited to the minimum amount necessary to create the ADA walkways and pocket beach.*

### **18S.30.050 Shoreline Access**

- Public Shoreline access shall consist of land or a physical improvement in the form of walkway, trail, bikeway, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters.
- Public shoreline access may include interpretive centers and displays.
- Public shoreline access shall incorporate the following location and design criteria:
  - Public pedestrian access is required where open space, including critical areas, is provided along the water's edge, and public access can be provided in a manner that will not adversely impact shoreline ecological processes and functions.
    - The access shall be buffered from sensitive ecological features and provide limited and controlled access to the water's edge where appropriate.
    - Fencing may be used to control damage to plants and other sensitive ecological features.
    - Pedestrian access shall be constructed of permeable materials to reduce impacts to ecologically sensitive resources.
  - Public areas and shoreline access points shall connect to abutting public sidewalks, walkways, trails and streets.
  - Where views of the water or shoreline are available and physical access to the water's edge is not present or appropriate, a public viewing area shall be provided.
  - Intrusions on privacy shall be minimized by avoiding locations adjacent to windows and outdoor private open spaces or by screening or other separation techniques.
  - Public Shoreline access design shall provide for the safety of users to the extent feasible. Appropriate amenities such as benches, picnic tables, and public parking sufficient to serve the users shall be provided.
- Public shoreline access sites (on or off site) should be fully developed and available for public use at the time of use or occupancy of the shoreline development. If a financial contribution to a parks department, agency, or entity furthering public access is allowed, the payment shall be received prior to occupancy, although the specific project it is funding need not be initiated.
- Public shoreline access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded with the County Auditor's Office prior to the time of building permit approval, occupancy, or plat approval, whichever comes first pursuant to RCW 58.17.110. Future actions by the applicant's successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.
- Shoreline access should be available to the public from dawn to dusk unless specific hours of operation are established through a shoreline permit or approval.
- Public shoreline access sites shall be made barrier-free for the physically disabled and in accordance with the Americans with Disabilities Act (ADA).
- Signs that indicate the public's right of shoreline access shall be constructed, installed, and maintained by the applicant or owner in conspicuous locations at public access sites.

*Staff Comment: The proposal is clearly aimed at providing greater access to the public. The proposal also includes the possibility of signage and fencing to protect vegetation. Benches and picnic tables are going to be placed throughout the project and the parking will be located outside the 200-foot shoreline jurisdiction. The public will have access to the facilities during normal park hours.*

*However, the proposal does not utilize permeable materials for the pedestrian access, and this is a requirement of 18S.30.050.D.1. Pedestrian access shall be constructed of permeable materials to reduce impacts to ecologically sensitive resources.*

### **18S.30.060 Scenic Protection and Compatibility**

- Parking lots, including circulation driveways, shall be located as far inland as practicable with pedestrian access provided by walkways or other methods.
- Compatibility with, and impacts to, the following shall be considered: navigation, recreation, public access, public use of the beaches and surface waters, traffic, abutting uses, and views.
- Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline development.

*Staff Comment: Staff agrees that the proposal is compatible with recreation, public use of waters, traffic, abutting uses, and views. The parking that is being reoriented is outside of the 200-foot Shoreline jurisdiction. However, it is incompatible with provisions within shoreline access. Specifically, there is a requirement that all pedestrian access shall be constructed of permeable materials to reduce impacts to ecologically sensitive resources.*

### **18S.30.070 Shoreline Stabilization.**

### **18S.30.080 Shoreline Modifications.**

*These two sections do not apply to this project*

### **18S.30.090 Water Oriented Development**

- Give priority to water-oriented uses over non water-oriented uses, with highest priority given to water-dependent uses.
- Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.
- Water dependent uses and public access to shorelines are preferred uses in all shoreline environments.
- In the Conservancy SED, 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 if adverse impacts to the shoreline are mitigated.

*Staff Comment: This proposal's use is supported by 18S.30.090, primarily consisting of public access trails, viewing areas, and a swimming beach in Phase 2. Included in this is support for the overarching policy of the Pierce County Shoreline Master Program that, "The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible, consistent with the overall best interest of the State and the people."*

### **18S30.100 Water Quality, Stormwater, and Nonpoint Pollution**

#### **Policies**

- 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.

- Prevent impacts to water quality and stormwater quantity that would result in a net loss of shoreline ecological functions.
- Prevent contamination of surface and ground water and soils.
- Minimize the need for chemical fertilizers, pesticides, or other similar chemical treatments.
- Encourage the use of low impact development (LID) techniques.
- Minimize the use of impervious surfaces.
- Protect commercial shellfish areas and legally established aquaculture enterprises from damaging sources of pollution.

*Staff Comment: The stormwater treatment portion of the project runs along Park Exit Drive and through the upland parking lot. It then connects with Beach Road to the mechanical treatment structure. The mechanical treatment structures will then transport the treated stormwater down to an infiltration/dispersion trench which will be located beneath the new pocket beach. There exists opportunity for increased deployment of Low Impact Development (LID) techniques especially for the handling of stormwater runoff around the trail systems within the 200-foot jurisdiction. Staff recognizes that this proposal will be removing unnecessary impervious surfaces by replanting previous trails but installation of permeable pavers and perimeter bioretention areas throughout the park could reduce the amount of stormwater being treated by the system.*

#### **Use Development Policies and Regulations – Chapter 18S.40**

**18S.40.030 Agriculture.**

**18S.40.040 Aquaculture.**

**18S.40.050 Commercial, Civic and Industrial.**

**18S.40.060 Flood Hazard Management.**

**18S.40.070 Forest Practices.**

**18S.40.080 Mining.**

These six sections do not apply to this project

**18S.40.090 Recreation.**

**18S.40.100 Residential.**

**18S.40.110 Restoration and Enhancement.**

**18S.40.120 Transportation.**

**18S.40.130 Utilities.**

**18S.40.140 Water Access Facilities**

#### **18S.40.090 Recreation**

Policies

- Give preference to developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the State, and to view the water and the shoreline.
- Provide ample, varied, and balanced recreational experiences in appropriate shoreline locations.
- Design facilities to accommodate expected capacity and to prevent overuse.
- Locate recreational developments so that use and intensity are consistent with the characteristics of the shoreline in which they are located.
- Discourage recreational development that requires extensive structures, utilities, roads, or substantial modifications of topography or vegetation removal.

- Incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shoreline management.
- Encourage linkage of shoreline parks, upland recreation opportunities and water-oriented opportunities.
- Encourage coordination between public agencies and private developers in their plans and activities to provide a wide variety of recreational opportunities.
- Discourage vehicular traffic on beaches and the water's edge.

#### Regulation

- Locations and designs requiring flood protection or shoreline stabilization should be avoided.
- When multiple recreational facilities are proposed, cumulative impacts shall be addressed.
- Recreational water activities shall not impede the ability of watercraft to navigate past the site.
- Swimming areas, underwater parks, and similar uses shall include safety provisions to warn boating traffic of their location.
- Restrooms, refuse disposal, parking, maintenance, and similar facilities shall be provided consistent with the expected demand. Designs shall consider ways to prevent overuse of the site.

*Staff Comment: This proposal is supported by preferences to facilitate the public's ability to reach, touch, and enjoy the waters edge, to travel on the waters of the state, and to view the water and the shoreline. The proposal within the shoreline jurisdiction contains public access that is ADA compliant, viewing areas, and a pocket beach, as well as, the public trails that connect with other trail systems in the local vicinity.*

#### **18S.40.100 Residential.**

This section does not apply to this project.

#### **18S.40.110 Restoration and Enhancement**

- Encourage restoration actions that enhance aquatic and upland ecological functions, processes, and physical features (such as native vegetation) and that address the needs of regulated fish and wildlife species.
- Encourage and support cooperative restoration efforts between local, state, and federal public agencies, tribes, non-profit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.
- Incorporate public education regarding shoreline ecological functions and processes, the role of human actions on the environment, and the importance of public involvement in shorelines management in restoration and enhancement plans.
- Restoration and enhancement projects shall achieve goals and objectives of the Pierce County Shoreline Restoration Plan or in other recovery plans for listed species and/or populations, provided such other plans are consistent with achieving goals and objectives in the Pierce County Shoreline Restoration Plan.

*Staff Comment: The proposal already includes restoration in the form of trails to be vacated. The applicant is also in the process of creating a Vegetation Planting Plan. Throughout the entire proposal there also exists opportunity for educational signage, especially around the pocket beach and areas near restoration efforts.*

#### **18S.40.120 Transportation**

- Include systems for pedestrians, bicycle, and public transportation where appropriate in circulation system planning.
- Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation, and other approved shoreline uses.
- Parking areas associated with a principal use shall be located outside shorelines unless no feasible alternative location exists. Parking as a principal use is prohibited.

*Staff Comment: The trail system is primarily for pedestrian foot traffic. The trails will be lined with natural material barriers, i.e. short rock walls or wooden pile fences. Parking facilities are both located outside of the 200-foot shoreline jurisdiction.*

#### **18S.40.130 Utilities**

- Locate new public and private utilities inland from the land/water interface, preferably out of shorelines.
- Allow non-water-oriented utility production and processing facilities, or parts of those facilities within shorelines, only when there is no other feasible option.
- Utilities should be underground, including underneath water bodies, unless such location would cause greater degradation to ecological functions or be technically prohibitive.
- Appropriate measures shall be employed to protect public safety and prevent adverse impacts on navigation, public access, recreation and other approved shoreline development.
- After construction, the work site shall be restored to the maximum extent possible.
- Any mitigation required shall be maintained for the life of the project.
- All normal utilities associated with a principal use shall be reviewed as part of the principal use.
- Applicants shall demonstrate the need for a shoreline location, and if the utility is proposed outside of an existing right-of-way, why collocation within existing right of-way is not feasible.

*Staff Comment: The inlets for the stormwater facility are located along the upland roads and parking areas. This system is going to be located underground. If this facility is approved it would carry conditions requiring (in general) the site to be restored to the maximum extent possible, that future utilities be brought down the same pathway created for this stormwater pipe, and maintenance of the system be required for the life of the system.*

#### **18S.40.140 Water Access Facilities**

- Give preference to facilities that provide public access and recreational opportunities.
- Encourage the removal of unutilized or derelict facilities.
- Facilities shall be stable against the elements and maintained in safe and sound condition.

- Accessory uses shall be limited to water-dependent recreation.
- Lighting (except for warning lights) shall be the minimum voltage and height necessary for safe use of the facility and shielded to prevent glare.
- Utilities should be placed on or under, and not overhead, of the facility.
- Limited fill or excavation may be allowed landward of the ordinary high water mark (OHWM) to match the upland with the elevation of the over-water structure.
- Water access facilities are subject to Chapter 18E.110 PCC, Erosion Hazard Areas.
- Accessory uses consisting of buildings and non-water-dependent uses shall be located landward of the OHWM, and shall meet applicable buffers and setbacks, unless authorized by another Section of Title 18S PCC.
- Design facilities to accommodate, at a minimum, capacity normal to a non-holiday summer weekend including, but not limited to adequate off-street parking, restrooms, waste facilities, lifesaving equipment, spill control and cleanup equipment, and facilities for collection and dumping of sewage and solid waste.

Signage providing usage rules shall be provided and shall be located in a conspicuous manner.

*Staff Comment: The pocket beach has been designed so as not to cross into the Aquatic environment. The design for the pocket beach currently meets the policies and regulations of water access facilities.*

#### Pierce County Code Title 18A Development Regulations - Zoning

Included with the required findings criteria is the applicant’s statement for each. This format is also used for review of the Shoreline Variance criteria.

#### **18A.75.030.B.1 Required Findings Conditional Use.**

##### **a. The granting of the proposed Conditional Use Permit will not:**

##### **1) be detrimental to the public health, safety, and general welfare;**

The granting of the proposed Conditional Use Permit will not result in detrimental effects to the public health, safety and general welfare. This project incorporates many design features intended to improve hazardous site conditions such as traffic/pedestrian safety, steep slopes and shoreline access, and landslide and erosion hazards as discussed in more detail below (see Question D). Public benefits of the project include safer pedestrian access, improved Americans with Disabilities Act (ADA) access and increased recreation opportunities.

##### **2) adversely affect the established character and planned character of the surrounding vicinity; nor**

This project implements the Kopachuck State Park Master Plan developed in 2014 to provide park improvements for the public. Development of the master plan was accomplished through an extensive public involvement process that included formation of an ad hoc committee that met regularly, meetings with staff, and presentations to the public. Two open public meetings were held to solicit feedback from the citizens in the community. A list of design criteria was used to guide and evaluate the master plan as it was developed. These criteria were developed using input from the ad hoc committee, feedback from the initial public meeting and comments from staff. The new event building and welcome center were designed

based on feedback from the ad hoc committee and public who advocated for an attractive new picnic shelter that could be enclosed and utilized year-round. The proposed buildings were sited and designed to enhance viewing opportunities of Colvos Passage and the surrounding forest. Scaled to be visually attractive and integrate seamlessly into the site as a whole, these new facilities will establish the rustic and forested character and quality for the rest of the proposed improvements. This project will preserve and maintain the natural vegetated buffers and forested characteristics of the site and promote views of Puget Sound consistent with the Urban and Rural Design goals in the Community Character and Design Element (Chapter 3) of the Gig Harbor Community Plan.

**3) be injurious to the uses, planned uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located.**

This project proposes site improvements to an existing State Park that will enhance the day use facilities and capabilities of the site. All proposed improvements will occur within the existing developed areas of the park away from adjoining properties and uses (primarily residential) which are some distance away. The project is not anticipated to result in any land use impacts. The project has been designed to be compatible with existing and projected land uses and plans and meet all applicable development regulations. Two Customer Information Meetings with Pierce County staff have helped guide the development of this project, one on April 9, 2014, and on December 6, 2018. State Parks will continue to work with Pierce County to ensure that we meet all applicable regulations and receive all required approvals.

**b. That the granting of the proposed Conditional Use Permit is consistent and compatible with the intent of the goals, objectives and policies of the County's Comprehensive Plan, appropriate Community Plan (provided that, in the event of conflict with the Comprehensive Plan, the Comprehensive Plan prevails), and any implementing regulation.**

The project is consistent and compatible with the intent of the goals, objectives and policies of the Gig Harbor Community Plan and Title 18S PCC. Specifically, this project supports the Community Plan as discussed below. Community Wide Goals Despite its beautiful location, Kopachuck is severely underutilized due to several factors: closure of the individual and group camp sites due to laminated root rot, lack of public knowledge about the park, and limited and low-quality facilities. Updating and improving the day use facilities will enable the park to better serve the public and meet the Community Wide Recreation Goal "to assure that abundant and varied recreation opportunities are established and enhanced to serve as focal points for present and future population needs as an integral part of neighborhoods and the larger community." Environment Policies The goal of the Kopachuck State Park Master Plan process was to develop a plan that would protect park resources, enhance park visitation, comply with applicable state park and land use policies and create a park that is sustainable in terms of operation costs and revenues. The result was a project that, as designed, meets the Environment Policies goals to:

- provide residents the opportunity to live, work, and play in a healthy environment;

- maintain, protect and enhance the natural features which contribute to the scenic beauty and livability of the area for the enjoyment and use of present and future generations; and
- protect and conserve all elements of the natural environment. This project has sited the new buildings and improvements to avoid and minimize environmental impacts. Two geotechnical evaluations, a wetland assessment, and a habitat assessment of the project area have been conducted to inform the overall site design and stormwater drainage plan consistent with goals GH ENV-7.1, GH ENV-7.2, GH ENV-9, and GH ENV-10.4.1 of the policy. Based on consultation with the State Parks Forester, the proposed welcome center, event building and amphitheater were relocated to avoid impacts to significant trees and minimize impacts to critical root zones to the extent possible. In all areas of the project, the intent is to salvage or replant native vegetation to infill adjacent to improvements, which will help provide areas for infiltration of surface water and groundwater recharge to occur consistent with goal GH ENV-8.1. Additional plantings will occur to restore remaining disturbed areas. All planted and transplanted areas in the upper day use area will be irrigated with drip line to promote water conservation consistent with goal GH ENV-8.3.

#### **Parks and Recreation Policies**

Kopachuck State Park is considered a Regional Park and the proposed improvements will help meet the Parks and Recreation Policies goals to: provide adequate park and recreational facilities within the community plan area that satisfy the highest standards for environmental protection while meeting the needs of Peninsula residents; and provide and maintain a level of service for regional parks in the community that meets or exceeds the countywide standard. In addition, the proposed ADA improvements will provide much needed access to restrooms, park features and shorelands consistent with goal GH PR-8.2 of the policy.

#### **Transportation Policies**

This project incorporates pedestrian access improvements for local residents and students from the adjacent Voyager Elementary School and Kopachuck Middle School who use the park for educational programs. The project will construct a new pedestrian walkway along 56th St NW from 106th Ave NW/Artondale Ct NW to the day use area in order to separate pedestrian access from vehicular access for safety purposes consistent with goals GH T-2 and GH T-8 of this policy.

- c. That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.**

There are no anticipated significant adverse effects to the environment as a result of this project. State Parks completed a SEPA environmental checklist and issued a Determination of Non-significance in 2014 and prepared an addendum in 2019. This project proposes improvements to the existing recreational use of the park and will improve public access, maintain the ecological conditions of the park and preserve the visual aesthetics of the area. A Tree Preservation and Planting Plan has been prepared and will be provided to the contractor hired to construct the project. Builders will be required to implement a Stormwater Pollution Prevention Plan, which includes the use of temporary erosion controls, best management practices and construction practices

for controlling erosion. A cultural resources survey of the project has been completed and an inadvertent discovery plan to address any unanticipated discoveries made during construction will be developed and incorporated in the final construction plans. Adherence to these plans will be monitored and enforced by State Parks Capital staff in charge of the project. The project has been designed to meet all applicable development regulations. State Parks will continue to work with Pierce County to ensure that we meet all applicable regulations and receive all required approvals. Adherence to all permit conditions and required inspections will ensure proper enforcement.

- d. That the proposed use will not introduce hazardous conditions at the site that cannot be mitigated to protect adjacent properties, the vicinity, and the public health, safety, and welfare of the community from such hazard.**

This project incorporates many design features intended to improve hazardous site conditions such as landslide and erosion hazards, laminated root rot, access issues, and traffic/pedestrian safety, which will help protect the public health, safety and welfare of the community. Two pressing concerns at the site are slope instability – damaging and threatening to trails, restrooms and beach access – and ground movement which has resulted in cracks and slumps in several areas including the beach area restroom and marine campsite. The beach restroom was removed in 2014 and the campsite was relocated in 2016 due to geologic instability and safety concerns. In order to ensure public safety, the new beach restroom will be relocated to the existing parking lot area, which has remained stable. The project adheres to the design recommendations provided in the Subsurface Exploration, Geological Hazard, and Geotechnical Engineering Report prepared for the project (2018). The new event building and welcome center have been located to meet the recommended building setback from the top of the headscarp to provide a suitable buffer to protect future structures and associated improvements. Additionally, stormwater treatment will tight line runoff down to the beach area to avoid saturating unstable slopes. Due to dangers posed by laminated root rot, the campground has been eliminated and the development of overnight and sitting areas within the fall zone of affected trees has been prohibited. The area of the exiting parking lot within the delineated fall zone will become a rain garden/treatment swale to capture stormwater runoff. Other unsatisfactory conditions at present include uneven and inconsistent trail treads, no ADA-compliant trails, and no ADA-accessible routes to restrooms or park features. This project will provide improved ADA walkways and boardwalks to accommodate universal access to the new event building, welcome center, amphitheater, picnic areas and beach. In order to improve safety and vehicle access into the park, access/egress for the park is being reversed giving those existing the park more adequate site distance. In addition, a new pedestrian walkway will be constructed along 56th St NW from 106th Ave NW/Artondale Ct NW to the day use area to separate pedestrian access from vehicle access.

- e. That the conditional use will be supported by, and not adversely affect, adequate public facilities and services, or that conditions can be imposed to lessen any adverse impacts on such facilities and services.**

This project is intended to enhance the existing public park facilities and will benefit public services. Proposed improvements will upgrade the existing sewer lines, stormwater system, and water services from a Blue operating permit to a Green operating permit. The addition of security cameras and the ability for park rangers to operate gates remotely will enhance site security. The addition of security cameras and a staffed welcome center at the entrance of the parking lot will reduce the potential for vandalism or theft reducing the need for police calls. In addition, the beach access road improvements will enhance the turnaround for emergency vehicles at the beach area.

**f. That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements**

One of the goals of the Gig Harbor Community Plan is to provide and maintain a level of service for regional parks in the community that meets or exceeds the countywide standard. Kopachuck is an existing 280-acre State Park that is considered by Pierce County to be a Regional Park. Based on the Community Plan estimated 2017 plan area population of 52,000, the park greatly exceeds the County's proposed LOS standard of 1.50 or 78 acres.

*Staff Comment: The Conditional Use Permit is for the expansion of park facilities including a new day use area and associated building, a welcome center, new water main, new sanitary force main, and reconfiguring of the parking lot. This expansion is within the already developed areas and would allow for greater access to the park and associated facilities. Staff agrees that there will be no significant adverse effects to the environment as a result of approval of the Conditional Use Permit. Some LID techniques are being utilized in regard to vegetation and stormwater and since this project is centrally located the existing trees would operate as a visual break and noise reduction screen during construction to neighboring properties. This projects intent also align with the Comprehensive Plan, Gig Harbor Community Plan, and Pierce County Code.*

**Shoreline Variance (18S.60.070)**

**Decision Criteria – Development Landward of Ordinary High Water Mark (OHWM)**

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

Without the requested variance for the stormwater treatment system, State Parks would not be able to construct the necessary park improvements needed to fulfill the 2014 Kopachuck State Park Master Plan. Strict application of the standard 100-ft buffer would significantly interfere with stormwater treatment and outfall at the park. The park's geology and topography pose challenges to siting, construction, and maintaining safe and stable facilities. A site reconnaissance level survey of the geological hazards and conditions at Kopachuck was conducted by Associated Earth Sciences, Inc. (AESI) in 2012 and 2018. According to the two AESI reports, the park is roughly divided into two major areas, the upland portion and the lower portion, clearly defined by an abrupt edge or head scarp. The upland area is relatively stable, but the lower area is a mapped landslide complex showing indications of localized soil creep. Both AESI reports recommend that all storm water from impervious surfaces should not be discharged directly onto the steep slopes and surface water drainage should be directed away from the slopes or tight lined to the bottom of the slope. Concentration of runoff water could form new channels or flow into existing channels causing erosion and sediment

transport, and potentially decreasing the stability of site slopes. In addition, an increase in ground water recharge could impact the deep-seated stability of the landslide complex. These conditions necessitate that the stormwater outfall be located at the bottom of the slope, which is located at the beach, to reduce storm water impacts and protect the existing development within the park. Based on consultation with Washington Department of Fish and Wildlife (WDFW) Habitat Biologist Matthew Curtis (site visit conducted September 13, 2018), any proposed outfall in this area is required to have some sort of energy dissipator at the end and fish must not be able to access the outfall. By burying the level spreader under the proposed pocket beach, this design meets both WDFW requirements.

- 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.**

As discussed above, the hardship is specifically related to sites constraints associated with the geology and topography of the State Park property and not from deed restrictions or other actions.

- 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 project is compatible with other authorized development planned for the area under the comprehensive plan (Gig Harbor Community Plan) and Title 18S PCC. Specifically, this project supports Community Plan goals to “assure abundant and varied recreation opportunities” (Recreation) and “promote development of public and private pedestrian access to shoreland and tidelands” (GH PR-8.2). The project is located within the Conservancy shoreline environment designation and helps promotes the goals of Title 18S PPC such as providing improved public access. The project will improve public access, maintain the ecological conditions of the shoreline and preserve the visual aesthetics of the area.

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

Granting of this variance should not be considered a grant of special privilege. This project will not prevent or impact the ability of others the area to seek approval for similar projects.

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

The stormwater outfall has been sited to avoid and minimize environmental impacts. The pipes and treatment vault are proposed to be located outside of the shoreline buffer under the existing access road and parking area. The only portion that will be located within the buffer requiring a variance is the new level spreader and infiltration trench. This location will minimize impacts because it will be constructed under the area that will become the new pocket beach. Because the stormwater treatment system and outfall will be buried underground, it will not interfere with normal public use of the shoreline at the park or the visual aesthetics of the area.

*Staff Comment: Staff agrees that the stated reasons of topological site restrictions and geological issues do reasonably affect the use of the property. If the stormwater is not handled and transported after treatment to a lower elevation the flow would likely have catastrophic impacts to the slope stability. The path of installation also appears to be buried under areas specifically being altered in order to minimize the impacts of installing the stormwater system. The stormwater facility will support the development both within the shoreline jurisdiction and the upland development to allow for greater public access, recreation opportunities, and also educational opportunities for the public. Staff also agrees that granting of this Shoreline Variance would be the minimum necessary to afford relief from the 100-foot buffer as placing the outfall higher on the property outside of the buffer would create more ecological harm as the water outlet would likely cause the slope to fail and damage the park's trees, damage improvements, and create conditions that would be unsafe to the public.*

Kopachuck SD IPR PAC-RP.docx