

Cummins Whitewater Development

Shoreline Conditional Use Permit

April 21, 2016

BCE # 17259

Conditional Use Permit Criteria

4) **Criteria for Granting Shoreline Conditional Use Permits.** Uses which are classified or set forth in the Master Program as conditional uses may be authorized provided that the applicant demonstrates all of the following:

- a. That the proposed use is consistent with the policies of RCW 90.58.020 and the Master Program;

Response: The proposed use is consistent with the policies of RCW 90.58.020 and the Master Program. The proposed use is an outright permitted use with the City of Sumner Zoning Code in the M-1 zone as a service center/repair facility. The policies recommend public use; however, the high bank and volatility of the Stuck River at the subject site make it hazardous for public and recreational use. In addition, the site has proposed mitigation to enhance the area and maintain a 100-foot setback from the ordinary high water mark of the Stuck River which includes removing evasive vegetation and replanting with conifer and deciduous trees.

- b. That the proposed use will not interfere with the normal public use of public shorelines;

Response: The proposed use will not interfere with the normal public use of public shorelines. The project will be set back from the ordinary high watermark of the Stuck River by 100 feet. There will be no uses of the facility that impede the waterway or hinder the public. The site will be granting 7 feet of public right-of-way and will construct a new 16-foot wide public trail along Fryer Avenue for public use.

- c. That the proposed use of the site and design of the project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and Master Program;

Response: The proposed use of the site and design of the project will be superior to other authorized uses within the area and with uses planned for the area under the comprehensive plan and Master Program. The site will be occupied by Cummin's Northwest Inc. with a 20-year lease. Cummins and Panattoni Development Company pride themselves on constructing long lasting, well designed projects, and working with the community to limit disturbance. The surrounding zones are M-1 and M-2; therefore, this site will create fewer impacts than the recycling facility and sewer treatment facility directly across the street. The subject project will be a service center facility similar to the RV service center directly south of the subject site. The building will be concrete tilt up with multiple architectural design elements, which is superior in design to the multiple older metal skinned facilities surrounding the site and adjacent neighborhood.

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

Response: The proposed use will cause no significant adverse effects to the shoreline environment in which it is to be located. The proposed use will remove invasive plant species, mitigate any loss of significant trees at a 3:1 ratio, and will have an advanced storm water treatment system with an oil/water separator to keep runoff from the site clean when discharged back into the Stuck River. The project will be set back 100 feet from the ordinary high water mark from the Stuck River maintaining a buffer for the waterway and its habitat.

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

Response: The public interest suffers no substantial detrimental effect. The subject property will provide the public with a new 16-foot public trail including landscape buffers and safe shoulder areas. The Stuck River has mostly high bank at the subject property and with seasonal fluctuations in river flow and volume, it is not a safe environment for public use at the subject site.

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X. Industrial Development

Definition

Industrial Developments are facilities for processing, manufacturing, and storage of finished or semi-finished goods.

Industrial Development Policies

- 1) Shorelines particularly suitable for water-dependent and water-related industrial development should be identified and reserved for these uses.

Response: The Stuck/White River is not feasible for use as a transportation route for industrial uses due to its dimensional size and water depth and therefore not suitable for a water-dependent or water-related industrial use. Currently, there are no industrial related uses along the White River in the City of Sumner which are water-dependent or water-related. The proposed use for the site will be a new service center for Cummins Northwest Inc. Their primary use will be servicing of natural gas and diesel engines including a large number of marine engines. The site is zoned properly and well suited for the proposed development

- 2) Give preference to water-dependent industrial uses over non-water-dependent industrial uses, then to water-related and water-enjoyment industrial uses over non-water-oriented industrial uses in shoreline locations. Non-water oriented industrial uses may be allowed if they are combined with public benefits, such as public access and shoreline ecological restoration, and are located on properties where river navigability is severely limited.

Response: As stated above, the Stuck River is not a relevant body of water for water-dependent or water-related industrial uses. One of its primary purposes is the conveyance of flood waters from the upstream basin through the valley. However, as part of the project, a habitat management plan will be implemented within a portion of the shoreline area which will include removal of invasive vegetation including Himalayan black berries and provide restoration by replanting of the shoreline with new conifer and deciduous trees to increase the habitat and aesthetic character of the shoreline environment

- 3) New industrial development should be required to provide physical and visual access to shorelines whenever possible, provided such access does not interfere with operations or hazards to life and property.

Response: Due to high banks, swift running water during winter storm events and the lack of safe areas to enter and exit the river at the subject site along the Stuck River, public or private use of the Stuck River is not suitable or practical and is strongly discouraged at this location.

- 4) Joint use of storage, parking, and other accessory facilities among private or public entities should be strongly encouraged or required in shoreline industrial areas.

Response: As indicated above, public access and use along the Shoreline of the Stuck River at this location is not suitable, practical or safe and is not encouraged or allowed. Cummins Northwest Inc. will be operating their business with strict safety policies which do not allow for access to or through the project site by the general public. Due to the safety concerns, public access is not permitted by their risk management and insurance departments. However, the project will include the construction of a new 16 ft. wide public pedestrian access trail across the frontage of the property along Fryar Ave in accordance with the city's comprehensive plan to promote and improve public access within this area.

- 5) Industrial development should not be located on sensitive or ecologically valuable shorelines such as natural accretion shoreforms or estuaries, wildlife habitat area, wetlands, nor on shores inherently hazardous for such development, such as flood hazard areas.

Response: Based on the information provided in the Habitat Management Plan, existing vegetation along the shoreline consists primarily of Himalayan black berry which is an invasive plant and does not contain any significant or valuable habitat or sensitive features. As part of the proposed project, the existing blackberries will be removed within the shoreline area and new conifer and deciduous trees will be planted to provide increased habitat and aesthetic value to the shoreline environment.

- 6) Industrial uses and redevelopment projects should be encouraged to locate where environmental cleanup and restoration can be accomplished.

Response: The subject site is Zoned M-1 and is approved for uses allowed in this zone. The proposed use as a service center is an outright approved use under the M-1 approved uses. Although the site is not designated as an environmental cleanup site, restoration of the shoreline area to improve habitat and aesthetic value will be completed as part of the project. In addition a new 16 ft. wide public access trail will be constructed along Fryar Ave across the frontage of the property to provide public access to help meet the goals and objectives of the city's comprehensive plan for public access.