

November 20, 2018

Shoreline Conditional Use & Variance Permit Application Cover Letter

SR 410/Traffic Avenue Interchange Improvements
Sumner, Pierce County, WA

This information is being provided as part of the supporting materials required for the shoreline conditional use and variance permit application for the Sr 410/Traffic Avenue Interchange Improvements project. It will address the applicable criteria listed in Sections 3(A)(3) and 3(B)(4) of Chapter 8 of the City of Sumner Shoreline Master Program (SMP). A shoreline substantial development permit application has also been submitted.

Criteria for Granting Variances. 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.

Variance Permits for development and/or uses that will be located landward of the ordinary high-water mark and/or landward of any wetland, 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 Master Program precludes, or significantly interferes with, reasonable use of the property:*

This project occurs entirely within existing right-of-way (ROW), within and adjacent to the shoreline jurisdiction and Puyallup River buffer in an Urban Conservancy zone. The proposed project is a transportation project designed to provide additional lanes on the E Main Ave/Traffic Ave overpass that cross SR 410 to ease congestion on this main thoroughfare, improve water quality by updating the stormwater facilities to meet current standards, and to improve the existing interchange and roadway motorized and non-motorized transportation safety consistent with AASHTO's A Policy on Geometric Design of Highways and Streets. Easing congestion and improving stormwater facilities will improve the shoreline environment. Within the SMP, a transportation project like the one proposed is not stated as an allowed use within a critical area or critical area buffer such as the Puyallup River Buffer. Because of the location of this ROW, this project will be unable to meet the AASHTO safety standards, and unable to meet the necessary carrying capacity to reduce congestion in this growing area without conducting a small amount of work within the Puyallup River buffer. Even though only a small portion of the project will be within the Puyallup River buffer, the project as a whole will not be able to reach the desired safety and carrying capacity goals without this buffer work.

Work that will be done within the buffer will include 225 SF of new sidewalk, a new curb ramp on that sidewalk, 10 CY of 1 to 1 reinforced fill, 65 feet of replaced fence, 80 feet of new 10-inch sanitary sewer force main, 1 new luminaire, and 1 new pedestrian signal pole. All of this work is the minimum necessary work within the Puyallup River buffer to ease congestion in the area, reduce accidents along the roadway and interchange, and improve pedestrian access to an area that currently has limited access.

- b. *That the hardship described 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 the Master Program, and not, for example, from deed restrictions or the applicant's own actions:*

Part of the existing ROW for the interchange and E Main Ave/Traffic Ave are within the Puyallup River buffer, and the existing roadways are within close proximity to or within the buffer as well. It is not possible to conduct the updates to improve the pedestrian and vehicle facilities for the project area without some work being conducted within the buffer. Relocation of a complete interchange associated with a controlled access state highway to avoid minor changes to the shoreline would create a hardship on the City and all the road users of SR 410.

- c. *That the 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 shoreline master program and will not cause adverse impacts to the shoreline environment:*

This project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP because it is a transportation project that will occur entirely within existing ROW. The project also will be mitigated for its minor impacts through the planting of trees within the buffer to replace ones removed outside of the shoreline jurisdiction, reseeding with native plants in disturbed areas, and weed removal (see Habitat Management Plan (HMP)). The project will also improve water quality with improved stormwater facilities and improve air quality by increasing the carrying capacity of E Main Ave/Traffic Ave to reduce congestion. Both improvements will benefit the shoreline.

- d. *That the Variance will not constitute a grant of special privilege not enjoyed by the other properties in the area:*

Upon completion this project will alleviate congestion on E Main Ave/Traffic Ave and provide greater function to non-motorized users such as pedestrians and cyclists with the improved sidewalks and connection to the White River Trail. This will benefit all properties within the vicinity. The same roadway project standards set forth by AASHTO and the local government that have forced these impacts are imposed on all road and non-motorized facilities within the City of Sumner.

- e. *That the Variance requested is the minimum necessary to afford relief:*

The project has been designed to minimize shoreline impacts as much as possible while also maintaining the project goals of increasing the carrying capacity of E Main Ave/Traffic Ave and updating the existing interchange and overpass to meet current capacity and safety standards. The impacts to the Puyallup River buffer will be minimal and will occur in areas that are not functioning shoreline. These areas are either grassy or overrun by weeds. The area adjacent to the southwest interchange is surrounded on all sides by impervious surfaces (E Main Ave/Traffic Ave, the White River Trail, the Sumner Sewage Treatment Plant, and the SR 410/Traffic Ave interchange). The area adjacent to the southeast side of E Main Ave/Traffic Ave is sandwiched between the roadway and railway tracks. Therefore, the use of the property and is reasonable and prudent as it improves safety of all highway users, improves the shoreline environment, and improves safety and efficient access to the shoreline for non-motorized users including disabled persons.

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

The majority of areas of Puyallup River Buffer that will be impacted provide no public shoreline use. A sidewalk on the southeast side of E Main Ave/Traffic Ave and the White River Trail head will be temporarily impacted while new sidewalks are connected to these facilities. Upon completion, the public use of the shoreline will benefit from this project. This project proposes to double the carrying capacity of the E Main Ave/Traffic Ave overpass over SR 410, thus reducing congestion and improving air quality. The non-motorized facilities will be improved providing greater access for public use of the shoreline using the White River Trail. A cross-walk and new ADA ramps will improve shoreline access for disabled users as well.

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:

This project will comply with these. Work within the shoreline jurisdiction line will be limited to areas within existing ROW that provide no habitat function. During construction, all public use facilities within the project area and facility will remain open to the public with minimal disruption. Upon completion public use of the shoreline will be improved and several aspects of the shoreline will be improved. No trees will be felled within the shoreline jurisdiction, but the trees felled outside of the shoreline will be mitigated by replacing them with a 1:1 ratio within the shoreline to improve its function. The Permitted Use and Modification Table in the SMP (Table 4-7, Chapter 4) and Chapter 7, section 20 states that transportation facilities within the shoreline jurisdiction for Urban Conservancy are permitted with a Conditional Use Permit. Transportation facility policies and regulations are stated in Chapter 7, section 20. No new roadway footprint will be built within the shoreline jurisdiction, only 6,225 SF of new sidewalk will be constructed to improve pedestrian facilities. The roadwork fits the topographical characteristics of the shoreline resulting in minimum alternation of natural conditions.

Sidewalk will connect to the existing White River Trail which will improve access to a trail and bicycle system along the Puyallup and White Rivers. The fill required will be mostly contained outside of the Puyallup River Buffer, but 10 CY will occur within the buffer and will not disrupt the ecological function of the buffer area (see variance permit section and proposed mitigation above). The fill is necessary to maintain the stability of the interchange, and it will be reinforced to avoid future erosion. This work will be done adjacent to a river crossing which is why some of the transportation facilities are in the shoreline jurisdiction. Work within the shoreline jurisdiction is limited to 6,225 SF of new sidewalk, 2 new curb ramps on the new sidewalk, 1,510 CY of fill, 35 CY of compensatory flood storage excavation, 310 feet of new guardrail, 1 new guardrail anchor, 115 feet of replaced fence, 165 feet of new 10-inch sanitary sewer force main, 30 feet of 12-inch storm sewer, 2 new catch basins, 1 new luminaire, 1 new signal pole, 1 new pedestrian signal pole, and 1 new controller cabinet. Some of these project elements will occur within the Puyallup River buffer and have been addressed above.

Chapter 7, section 5 states, “Clearing and grading is a permitted activity when associated with a development that is consistent with the provisions of this Master Program. Clearing and grading associated with development that is not consistent with the provisions of this Master Program is a prohibited activity.” The allowed use in this instance is a transportation project with a conditional use permit. Clearing and grading within the shoreline jurisdiction will be limited to minimum necessary for this project and best management practices (BMPs), in compliance with the current Washington State Department of Transportation (WSDOT) Highway Runoff Manual and the current Stormwater Management Manual for Western Washington issued by the Washington State Department of Ecology (WSDOE), will be used. This will meet or exceed the standard required in the SMP. Clearing and grading will comply with the Sumner Municipal Code (SMC) Chapter 16.05, Control of Erosion and Sedimentation of Waterways. An erosion and sedimentation control plan will be submitted prior to construction and any debris will be disposed of offsite in the appropriate disposal site. Any vegetation disturbed will be reseeded with native grasses.

Chapter 7, section 9 states, “Fill within the floodway may be permitted as a conditional use provided it is in association with an allowed use. Fill outside the floodway is a permitted use provided it is in association with an allowed use. Fill not associated with an allowed use is prohibited.” The allowed use in this instance is a transportation project with a conditional use permit. Fill within the shoreline jurisdiction will be the minimum required for this project. Fill will be designed to avoid erosion. Source of the fill material will be from a commercial pit. Fill will occur in an area where there will be no ecological loss of function. Fill will allow for surface water penetration.

Signalization falls under the category of signage in the SMP. Chapter 7, section 18 states that within an Urban Conservancy, “Signs are permitted only in association with an allowed use. Signs not associated with an allowed use are prohibited.” The allowed use in this instance is a transportation project with a conditional use permit. The signalization that will occur will fulfill the requirements of the Sumner sign regulations (SMC, Chapter 18.44) and the Manual on Uniform Traffic Control Devices (MUTCD).

Chapter 7, section 19 states that within an Urban Conservancy, “Stormwater management facilities may be permitted as a conditional use and only as accessories to allowed uses. Stormwater management facilities that are accessory to prohibited uses are prohibited.” The allowed use in this instance is a transportation project with a conditional use permit. The stormwater management facilities proposed will utilize existing ROW. There will be no loss of ecological functions from the storm drain and catch basins proposed. The stormwater facilities proposed within the shoreline jurisdiction are the minimum necessary to maintain their function. The stormwater facilities installed for this project will in compliance with the current Washington State Department of Transportation (WSDOT) Highway Runoff Manual and the current Stormwater Management Manual for Western Washington issued by the Washington State Department of Ecology (WSDOE), will be used. This will meet or exceed the standard required in the SMP and will improve the water quality in the area, thus benefitting the shoreline.

Chapter 7, section 21 states that within an Urban Conservancy, “Water-dependent utilities are permitted. Non-water-dependent utilities may be permitted as a conditional use.” The allowed use in this instance is a transportation project with a conditional use permit. The utilities proposed utilize existing ROW. The new sanitary sewer line will be placed underground.

For more information regarding environmental compliance for the whole project see the SEPA checklist.

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

The sections of shoreline that will be impacted is within legal ROW and are directly adjacent to an interchange or E Main Ave/Traffic Ave and a railroad. Most of the impacted area does not provide public use. A sidewalk on the southeast side of E Main Ave/Traffic Ave and the White River Trail head will be temporarily impacted while new sidewalks are connected to these facilities. Upon completion, public use of the shoreline will be improved. New sidewalk and a new crosswalk with new ADA ramps will provide greater access for public use of the shoreline using the White River Trail for pedestrians, cyclists, and disabled users.

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:

This project will be compatible with other authorized uses within the area and with uses planned for the area under the comprehensive plan and SMP because it is a transportation project that will occur entirely within existing right-of-way (ROW).

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

As stated above, the small areas of the project within the shoreline jurisdiction is within legal ROW and are directly adjacent to an interchange or E Main Ave/Traffic Ave and a railroad. These areas provide no functional habitat as they are dominated by weeds and grass. One area is surrounded on all sides by developments (E Main Ave/Traffic Ave, the White River Trail, the Sumner Sewage Treatment Plant, and the SR 410/Traffic Ave interchange), and the other is sandwiched between a busy thoroughfare and a railroad. This project will improve water quality with improved stormwater facilities and will improve air quality by increasing the carrying capacity of E Main Ave/Traffic Ave to reduce congestion. Both of these improvements will benefit the shoreline. The compensatory flood storage is being excavated to avoid floodplain impacts.

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

The majority of areas of Puyallup River Buffer that will be impacted provide no public shoreline use. A sidewalk on the southeast side of E Main Ave/Traffic Ave and the White River Trail head will be temporarily impacted while new sidewalks are connected to these facilities. Upon completion, the public will benefit from this project. This project proposes to double the carrying capacity of the E Main Ave/Traffic Ave overpass over SR 410, thus reducing congestion and improving air quality. The non-motorized facilities will be improved providing greater access for public use of the shoreline using the White River Trail. A cross-walk and new ADA ramps will improve shoreline access for disabled users as well.