

October 31, 2022

City of Sumner
Community Development
1104 Maple St, Ste 250
Sumner, WA 98390

Shoreline Conditional & Variance Permit Use Application Cover Letter

Stewart Road Bridge

Sumner and Pacific, Pierce County, WA

To whom it may concern,

This information is being provided as part of the supporting materials required for the shoreline conditional use and variance permit application for the Stewart Road Bridge project. It will address the applicable criteria listed in Sections III(A)(3) and III(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 (OHWM) 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:*

The proposed project will occur within legal right-of-way (ROW), within, adjacent to, and over the shoreline jurisdiction of the White River in an Urban Conservancy Zone. The proposed project is a transportation project designed to replace the existing two-lane bridge over the White River at Stewart Road. The project aims to create a crossing with a higher capacity in order to accommodate current and project population growth within the surrounding area. It will also accommodate other improvements to Stewart Road and provide pedestrian facilities. In addition, this route is a principal urban arterial that provides an essential river crossing for emergency response and school bus traffic as well as an important volcano evacuation route for the City of Sumner. 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 Urban conservancy 100-foot riparian management zone (RMZ) that serves as the buffer for the White River within the project area. Because the section of roadway where the project occurs is a bridge, 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 RMZ. This transportation corridor runs through the RMZ, so any proposed work on it would require work within the RMZ. Work that will be done within the City of Sumner Urban Conservancy RMZ will include the temporary clearing of 0.71 acres of vegetation and 0.65 acres of permanent clearing above the OHWM. 0.06 acres of existing impervious surfaces will be removed within the RMZ, so there will be a net permanent impact of 0.59 acres within the RMZ. All of this work is the minimum necessary work within the RMZ to ease congestion in the area, reduce accidents along the roadway, 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:*

The Stewart Road Bridge crosses the White River. This means any work conducted on this stretch of road would require work within the RMZ. 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 RMZ. The alternative to the proposed project is no action. The new Stewart Road Bridge has been proposed to be replaced as it is rated as structurally deficient. By not conducting this project, Stewart Road Bridge will remain a choke point due to the existing 5-lane roadway east of the river tapering into the two-lane bridge.

- 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 within existing ROW. The City is purchasing the properties within the project area to function as ROW and easements. Therefore, the project will occur within legal ROW. And as a result, impervious surface to be added within the RMZ will occur within legal ROW adjacent to the existing roadway. No long-term, permanent adverse impacts to the White River or shoreline are anticipated. However, there may be some temporary, short-term adverse impacts as trees and other vegetation will be removed during the project. Up to 3 acres of vegetation and 29 trees will be cleared during site preparation. All cleared areas will be revegetated, and trees will be replaced at a ratio of at least 2:1. This mitigation will prevent long-term adverse impacts to the shoreline and river environment. The finished project will also improve air quality within the RMZ by reducing congestion. The project will also improve stormwater quality with

the proposed stormwater treatment and conveyance system that includes the use of two modular wetland bioretention systems to treat the stormwater. Currently there is no stormwater treatment within the project area.

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

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. This project will also benefit properties in the vicinity by reducing congestion and improving safety along the roadway.

- 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 Stewart Road Bridge, accommodating other improvements to Stewart Road, providing pedestrian facilities, and improving the ability for emergency response vehicles and school buses to cross the river. All cleared vegetation will be replaced at a 1:1 ratio, and trees removed in the RMZ will be replaced at a ratio of at least 2:1. The impacts to the RMZ will be minimal and mitigated to improve the area beyond its current ecological function. Therefore, the use of the property is reasonable and prudent as it improves safety of all roadway users 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:*

All of the City of Sumner RMZ area that will be impacted serves no public use. The RMZ area is a grassy, weeded area adjacent to Stewart Road and the White River. Any trees or riparian vegetation removed will be replaced. Upon completion, the carrying capacity of the bridge will be increased which will reduce congestion and improve air quality locally. The proposed stormwater treatment will improve stormwater quality within the project area. The improved signalization and American's with Disabilities Act (ADA) ramps will improve the safety and ease of use for both motorized and non-motorized users. The constructed 14-foot shared use path will provide pedestrian facilities that complete the Sumner Link Trail that provides an important link between the Interurban Trail and Foot Hills Trail systems.

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. During construction, all public use facilities within the project area and adjacent properties will remain open to the public with minimal disruption. No public use areas within the shoreline jurisdiction are present within the project area, so none will be impacted by this project. Upon completion, the shoreline will not be degraded, and the air quality and stormwater within the project area will be improved. The Permitted Use and Modification Table in the SMP (Table 4-7, Chapter 4) and Chapter 7, section XX 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 XX. Relevant shoreline transportation policies and regulations are listed below:

- *New roads and railroads within shoreline jurisdiction should be minimized.*

The project does not add any new road or railroad within the shoreline jurisdiction. The current bridge is only being expanded.

- *Roads and railroad locations should be planned to fit the topographical characteristics of the shoreline such that minimum alternation of natural conditions result. The number of river crossings should be minimized to the maximum extent possible.*

Very limited alteration of the natural conditions of the shoreline will be necessary for this project. 0.65 acres of vegetation in the RMZ will be cleared for proposed impervious surfaces and new previous asphalt trail sections. All vegetation and tree removal will be mitigated, which will improve the riparian buffer beyond existing conditions. The number of river crossings will be minimized to the maximum extent possible as in-water work will only take place during the in-water work window (July 15-September 15), and there is no need for a temporary detour bridge.

- *Joint use of transportation corridors within shoreline jurisdiction for roads, utilities, and motorized forms of transportation should be encouraged.*

The project will be constructed in phases; first constructing the northern section of the bridge and then the southern section. This will allow for the utilization of the existing bridge during construction to preclude the need for a temporary detour bridge.

- *Transportation facilities and services shall utilize existing transportation corridors wherever possible, provided the shoreline is not adversely impacted and the development is otherwise consistent with this Master Program.*

This project is a modification of an existing transportation corridor within the City of Sumner shoreline jurisdiction.

- *Transportation and primary utility facilities shall be required to make joint use of rights of-way and to consolidate river crossings.*

As stated above, the project will take place within legal ROW and the existing bridge will be utilized.

- *Fills for transportation facility development are prohibited in water bodies, critical areas, except as allowed in Chapter 6: General Shoreline Policies and Regulations, Section VII Critical Area Protection, and on accretion beaches, except when all structural and upland alternatives have proven infeasible and the transportation facilities are necessary to support uses consistent with this Master Program.*

This project is consistent with the guidelines listed in Chapter 6: General Shoreline Policies and Regulations, Section VII Critical Area Protection. The project is located and will be conducted in a manner that minimizes impacts to existing ecological values and natural resources of the area, and conserves properly functioning conditions. Regarding this, the project will actually enhance the ecological function of the area through the mitigation process. The project minimizes impacts to natural features of the shoreline as much as possible. 974 cubic yards of concrete fill will be required below OHWM for the drilled shafts.

- *New transportation facilities shall be located and designed to minimize or prevent the need for shoreline modification.*

While not a new roadway, this project does propose expanding existing roadway past its current footprint. As stated above, the project has been designed to avoid and minimize adverse impacts to the shoreline. All impacts will be mitigated during the project to meet this requirement.

- *Shoreline transportation facilities shall be sited and designed to avoid steep or unstable areas and fit the existing topography in order to minimize cuts and fills.*

This project will occur in a flat area.

- *Cut and fill slope shall be designed at the normal angle of repose or less.*

Cut and fill slopes have been designed at the normal angle of repose or less.

- *Cut and fill and sidecast slopes shall be protected from erosion by mulching, seeding, compacting, riprapping, benching, or other suitable means.*

Cut and fill for this project is limited, and erosion control best management practices (BMPs) will be used during construction to reduce erosion risks.

The Permitted Use and Modification Table in the SMP (Table 4-7, Chapter 4) and Chapter 7, Section V states that clearing and grading is permitted in association with an allowed use. That allowed use is the transportation project. Clearing and grading policies and regulations are outlined in Chapter 7, Section V of the SMP. Relevant shoreline clearing and grading policies and regulations are listed below:

- *Clearing and grading activities should only be allowed in association with an allowed (permitted) shoreline development.*

As stated above, the allowed (permitted) shoreline development is the transportation project.

- *Clearing and grading activities should be limited to the minimum necessary to accommodate the shoreline development or as part of a landscape plan developed in conjunction with the shoreline development.*

Clearing and grading activity has been limited to the minimum necessary to complete the project. Within the RMZ, 0.71 acres will be temporarily impacted, and 0.65 acres will be permanently impacted. All cleared areas will be revegetated, and trees will be replaced at a ratio of at least 2:1. No impact to the structural integrity of the shoreline will occur.

- *Clearing and grading should not be permitted within shoreline environment setbacks, unless fish and wildlife habitat will not be degraded.*

No clearing or grading will occur within any shoreline environment setbacks.

- *Best management practices should be used during clearing and grading to control erosion.*

As stated above, erosion control BMPs will be utilized for all ground clearing activities.

- *Clearing and grading activities shall comply with Sumner Municipal Code (SMC) Chapter 16.05, Control of Erosion and Sedimentation of Waterways.*

The project will comply with SMC Chapter 16.05.

- *Clearing and grading within the Riparian Management Zones established in Table 4-7 (see Chapter 4: Shoreline Environment Designations) shall comply with the requirements established in Chapter 6: General Shoreline Development Policies and Regulations, Section III, Vegetation Conservation.*

Clearing and grading will comply with the requirements established within Chapter 6, Section III as a mitigation plan has been developed to ensure there will be no net loss in the amount of vegetated area or the ecological functions

performed by the disturbed vegetation. In addition, invasive species will be cleared, and the vegetative areas will be enhanced after the replanting.

- *All shoreline development and activity shall use effective measures to minimize increases in surface water run off that may result from clearing and grading activity in compliance with the 2005 version of the Stormwater Management Manual for Western Washington issued by the Washington State Department of Ecology. The applicant must include in the proposal the methods that will be used to control, treat, and release runoff so that receiving water quality and shore properties and features shall not be adversely affected. Such measures may include but are not limited to dikes, berms, catch basins or settling ponds, installation and maintenance of oil/water separators, grass swales interceptor drains, and landscaped buffers.*

The project proposes a stormwater conveyance system that collects water through curb, gutter, and catch basins and will treat stormwater with two modular wetland bioretention systems.

- *An erosion and sedimentation control program shall be submitted with a permit application that involves the removal of vegetation, stockpiling of earth or other materials, or any activity that could result in shoreline erosion and siltation of the Puyallup or White (Stuck) Rivers, Lake Tapps and their associated wetlands. Stockpiling of earth or other materials is only allowed as needed for a permitted development.*

An erosion and sedimentation control plan will be submitted and will include the use of erosion control BMPs.

- *The proponent shall incorporate BMP measures into the erosion and sedimentation control program. The Shoreline Administrator shall determine what BMP measures are applicable for erosion and sedimentation control for projects in shorelines.*

Erosion control BMPs will be implemented as part of this project.

- *All debris, overburden, and other waste materials from construction shall be disposed of in such manner as to prevent their entry into a waterbody by erosion.*

All debris and waste materials will be disposed of in the appropriate upland disposal site.

The Permitted Use and Modification Table in the SMP (Table 4-7, Chapter 4) and Chapter 7, Section XVIII states that signs are permitted within the City of Sumner shoreline jurisdiction in association with an allowed use. That allowed use is the transportation project. Sign policies and regulations are outlined in Chapter 7, Section XVIII of the SMP. Relevant shoreline sign policies and regulations are listed below:

- Signs within the City of Sumner are subject to the requirements and standards specified in the Sumner sign regulations (SMC, Chapter 18.44). In addition, the following sign requirement shall apply to signs within shoreline jurisdiction.
 - Over-water signs or signs on floats or pilings shall be related to water-dependent uses only.
 - No signs that impair visual access from public viewpoints in view corridors shall be permitted.

Signs installed as part of this project will comply with SMC, Chapter 18.44. There are no over-water signs proposed for this project. No signs will impair visual access from public viewpoints.

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

Currently no public use opportunities of the shoreline exist, and none will be impacted by this project. Pedestrian and motorized facilities will be improved by this project.

- 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 within existing 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, work within the shoreline jurisdiction has been minimized to the greatest extent possible while still achieving the project goals. Work within the shoreline jurisdiction includes removing vegetation, which will be replaced at a 1:1 ratio. Upon project completion, air quality will be improved by reducing congestion and improve stormwater quality by installing two modular bioretention systems to treat the stormwater. Safety for non-motorized and motorized users will also be improved upon completion.

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

The current use of the project area is a transportation corridor, and it will remain to function as a transportation corridor. This project benefits the public interesting by reducing congestion and improving safety along Stewart Road Bridge with minimal shoreline impacts.

Should you have additional questions and comments, please contact me at (425) 332 – 3961 or at ross@widener-enviro.com.

Sincerely,

Ross Widener
Widener & Associates