



Staff Report

Conditional Use Permit Major Amendment / Site Plan Review: PenMet Parks Community Recreation Center

Application Numbers: 906050 / 906052 / 906054 / 906861, 909290, 909294

Tax Parcel Numbers: 0221282036, 0221282009, 0221282044

Examiner's Hearing: August 21, 2019, at 1:00 p.m., Pierce County Public Services Building (Annex), South Entrance, Public Meeting Room, 2401 South 35th Street, Tacoma, WA 98409.

Proposal: Convert an existing golf driving range (approved with a conditional use permit in 1996) and abutting vacant parcel to a community recreation center occupying 17 acres. The center would have a combination of uses including multi-purpose rooms, food/drink concessions, meeting spaces, exercise areas, outdoor event space, and indoor sports fields (in an air dome) for year-round use. In addition, the Cushman Trail would be extended from the site's north property line to the south property line. The buildings would consist of 189,500 total square feet, the tallest building would be 84 feet tall, and the site would have 542 parking spaces.

Project Location: 2416 - 14th Avenue NW (site is at intersection of State Route 16, 14th Avenue NW, and 24th Street NW), in the Gig Harbor Peninsula Community Plan area and Rural 10 (R10) zone classification, within the NW 1/4 of Section 28, T21N, R2E, W.M., in Council District #7.

Staff Recommendation: Staff has reviewed the proposal for compliance with all applicable policies and regulations. Although Staff has some concerns regarding the proposal (notably the use of an air dome that exceeds the height limit for the zone), Staff recommends approval subject to the conditions listed at the end of this report.

State Environmental Policy Act (SEPA): In accordance with the Revised Code of Washington (RCW) Chapter 43.21C, Washington Administrative Code (WAC) 197-11, and Pierce County Environmental Regulations (Pierce County Code, Title 18D), a SEPA checklist was submitted for this proposal. The County conducted an environmental review of the proposal. On July 3, 2019, the County concluded its environmental review by issuing a Determination of Nonsignificance (DNS). The DNS had a 14-day comment period and an additional 14-day appeal period. No appeal was filed.

On March 22, 2019, the City of Gig Harbor was sent notice of the application submittal. No comments were received from the City. On July 3, 2019, the County issued a DNS. On the same day the City requested a copy of the SEPA checklist. On the same day, it was sent to the City. On July 11, 2019, the City also asked for a copy of the traffic study. On July 17, 2019, having not received a copy of the traffic study, they submitted a letter requesting a 14-day extension to comment on the DNS and requested a copy of the traffic study. The County did not make a ruling on the 14-day extension. However, on July 23, 2019, a copy of the traffic study was sent to the City. On August 8, 2019, the City provided comments on the traffic study. Note, by the time the City requested a copy of the traffic study the County had already set the matter for hearing on August 21, 2019. The County was not prepared at that point to postpone the hearing as the City had not provided comments prior to DNS issuance and the County did not know if the City would have any concerns on the traffic study (once they reviewed it).

With that said, the City has now provided comments (on August 8, 2019). The Applicant's traffic consultant and County are reviewing the City's concerns. Staff suggests the Examiner leave the record open to allow this review to conclude. In the meantime, the City has also been informed of the hearing date. Note, the City boundaries are approximately one-mile from the site (on the east side of SR16) and approximately 4,400 feet from the site (on the west side of SR16)

In 1996, the County issued a Mitigated Determination of Nonsignificance (MDNS) for the existing driving range. The MDNS required mitigation addressing landscaping, screening, and lighting.

County Contact: Ty Booth, Planner, 253-798-3727, ty.booth@piercecounitywa.gov

Pierce County Online Permit Information:

<https://pals.piercecounitywa.gov/palsonline/#/permitSearch/permit/departmentsStatus?applPermitId=906050>



Project Data

Application Complete:	March 15, 2019
PAC Meeting Date:	May 8, 2019
Staff Report Mailed:	August 14, 2019
Property Owner:	Firs Management LLC 710 Pacific Avenue, Suite 710 Tacoma, WA 98402
Applicant:	PenMet Parks Attn: Ed Lewis PO Box 425 Gig Harbor, WA 98332 elewis@penmetparks.org
Applicant's Agent:	Carl Halsan PO Box 1447 Gig Harbor, WA 98335 carlhalsan@gmail.com

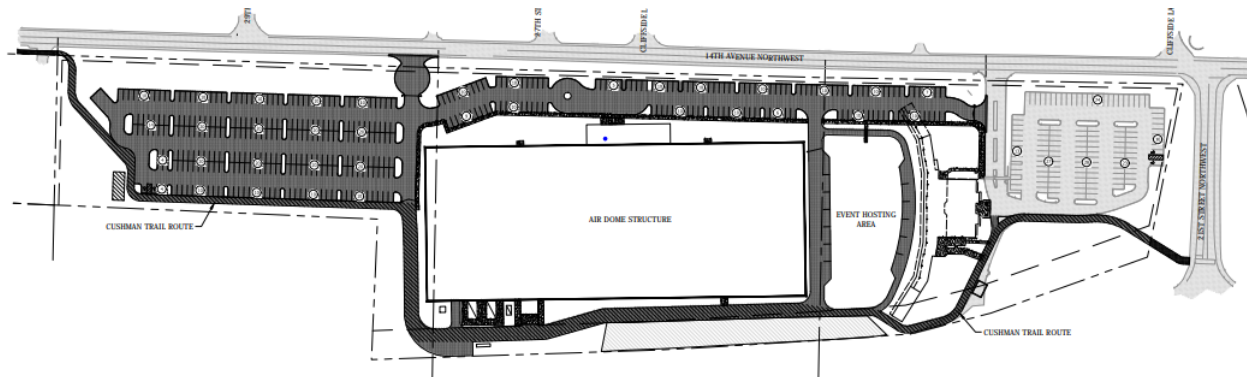
Public and Legal Notice

- *March 22, 2019*: Notice of Application and Public Meeting Notice, including the meeting date/time/location, was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site; and
 - Applicable Agencies.
- *March 25, 2019*: Public Notice sign was posted on-site, confirmed with a Declaration of Posting.
- *April 24-25, 2019*: Legal notices were published in the official County newspaper (*The News Tribune*), and *Peninsula Gateway* newspaper, advertising the Gig Harbor Peninsula Advisory Commission (PAC) public meeting.
- *July 30, 2019*: Public Meeting Notice, including the hearing date/time/location, was sent to the following:
 - Property owners within a radius of 300 feet, but not less than two parcels deep, around the exterior boundaries of the site;
 - Interested Parties; and
 - Parties of Record
- *August 7-8, 2019*: Legal notices were published in the official County newspaper (*The News Tribune*), and *Peninsula Gateway* newspaper, advertising the public hearing before the Pierce County Hearing Examiner.

Site Photo (2017)



Site Plan



Air Dome Structure Exterior Building Design (example from PenMet Parks website)



Comments from the Public and Agencies

Written comments have been received from the public (both in support and opposition) and government agencies. A summary is as follows:

Public Support: Would be a wonderful addition to community, population growing, need more recreational opportunities, need more indoor space for rainy months, existing golf driving range's limited use would be put to better use, want dedicated Pickleball courts, Boys and Girls Club was sold and reduced recreational space, and would add to local economy when tournaments are held.

Public Opposition: Building design is not consistent with the Gig Harbor Peninsula, building would be too tall, parking space quantity should be reduced, parking would spill off-site, should not be any additional accesses from 14th Avenue NW, area traffic would be congested, hours of operation should be limited to that of existing golf range (10 am-9 pm), neighborhood crime/litter would increase, property values would be negatively impacted, and north property line should be fenced. Note, a petition was submitted in opposition to the proposal.

Agencies

- County Development Engineering Division: A traffic study has been submitted, reviewed, and approved.
- County Resource Management Division: A wetland study has been submitted, reviewed, and approved. The report states that no regulated wetlands or streams are on or within 315 feet of the site. It does state that there is an artificial pond in the northwest corner of the site but does not meet wetland delineation criteria.
- Washington State Department of Ecology: They recommend soil testing and cleanup (if necessary) due to contamination from the former ASARCO smelter in north Tacoma. Staff has included such as recommended conditions of approval.
- Washington State Department of Health: Depending upon the size of the proposed on-site septic system, State Health and/or Ecology may have jurisdiction rather than the Tacoma-Pierce County Health Department. Further, a hydrogeologic assessment may be required as the site is partially located within an aquifer recharge area and wellhead protection area.

Site Characteristics

- The site is 17.16-acres in size and consists of three parcels.
- The northern parcel is undeveloped, heavily vegetated, and relatively flat.
- The southern two parcels are developed with the existing golf driving range. In 1996, the Hearing Examiner approved the driving range. It was approved as a conditional use permit and subject to numerous conditions of approval. Issues at the time were primarily related to height, lighting, setbacks, and screening. The following is of note:
 - Along SR16, poles/netting were approved at 115 feet tall with a setback of 5 feet from the property line;
 - Along 14th Avenue NW, poles/netting were approved at 95 feet tall with a setback/landscaping buffer of 10 feet and berm of 3 feet high; and
 - Along the north property line, poles/netting were approved at 60 feet tall with a setback/landscaping buffer of 5 feet.

Staff Comment: *The Agent for the driving range is the same as for the current proposal.*

Surrounding Land Uses and Shoreline / Zoning Designations

LAND USE		ZONING
North	Commercial and State Route (SR)16 storm drainage pond	Rural 10 (R10)
South	24 th Avenue NW and across the street is a park	Park and Recreation (PR)
East	14 th Avenue NW and across the street are nursing homes, apartments, single-family residences, and vacant lands.	R10
West	SR16 and across highway are uses consisting of commercial, residential, and civic. In addition, there is vacant land.	R10 and Rural Neighborhood Center (RNC)

Proposal (Additional Details)

- On July 25, 2019, the Agent submitted a proposal to approve a 10-year timeframe for completion of the project. The air dome and Cushman Trail would be in the 1st phase. Phase 2 would be the north parking lot. Phase 3 would be the outdoor recreation space between the existing building and air dome. Phase 4 would include the redevelopment of the existing building/parking lot.
- The existing development on the southern parcel would appear somewhat similar. However, the existing two-story building would be modified into a community center (including more windows), the east wing would be reduced in length, and landscaping would be added.
- Much of the flat area where the golf balls are currently hit would consist of an inflatable air dome. It would have indoor athletic facilities. The dome would not be translucent (allow light through).
- A new entrance building would be constructed on the east side of the dome but not extend the length of the dome.
- An outdoor event hosting area would be located between the air dome and community center.
- The Cushman Trail would be routed through the west side of the site. It would extend from 24th Avenue NW (southwest corner of the site), extend northward on the west side of the site (between SR16 and the proposed air dome), and connect with 14th Avenue NW (northeast corner of the site).
- The site would have two vehicles accesses (one is existing) and would connect with 14th Avenue NW.
- A parking lot would be developed north and east of the dome.
- Aside from vehicle/trail accesses, the site would be screened with existing on and off-site landscaping.
- The existing poles/netting and driving range lighting would be removed.
- The site would be served by an-site septic disposal system (septic tank and drainfields).
- Washington Water Company would provide water. An on-site water storage tank (to provide an adequate volume of water in case of fire) is proposed on the west side of the site. Tank dimensions have not yet been provided.
- Hours of operation would be seven days a week from 7 am to 10 pm.

Staff Comment: Other details regarding the proposal are addressed later in this report.

Gig Harbor Peninsula Advisory Commission (PAC):

On May 8, 2019, the PAC heard the proposal. All 8 members were in attendance and there was a quorum. The meeting occurred in the City of Gig Harbor Council Chambers. Ty Booth testified on behalf of the County. The Agent and two other consultants testified on behalf of the Applicant. The room was full of individuals but only six members of the public testified. The PAC then closed testimony and discussed the matter.

A motion was made (Peterson) and seconded (Johnson) to recommend approval of the proposed use of the site. However, they did not approve the increased building height and reduced buffers. In addition, they asked that the traffic study be carefully reviewed. Further, they recommended the County, PenMet Parks, and their engineers meet with the community to find out their concerns and ask for mitigation and/or remedies.

The motion passed with a vote of yes 7, no 0, and abstention 1. A copy of the minutes of the meeting, which provides greater detail, have been provided to the Examiner as a separate exhibit to this report. Staff is supportive of the PAC recommendation.

Staff Review for Consistency with Policies and Regulations

1. Zoning. The site is zoned Rural 10 (R10). The site is not located within a safety overlay for the Tacoma Narrows Airport.
2. Use:
 - A. The proposal is a public park facility. The Zoning Code (Pierce County Code, Title 18A) has four levels of public park facilities (18A.33.220 G.). The proposal requires a Conditional Use Permit (18A.23.020) in the R10 zone. The permit criteria are addressed later in this report.
 - B. The existing driving range was approved with a Conditional Use Permit. Section 18.130.020 of the Pierce County General Provisions (Pierce County Code, Title 18) addresses amendments to use permits. The proposal is considered a Major Amendment to the existing Conditional Use Permit. Section 18.130.030, states, in part, that “The Examiner has the authority to approve or deny any proposed major amendment and may impose additional or altered conditions and requirements as necessary to assume that the proposal conforms with the intent of the Comprehensive Plan, applicable community plans, and other applicable County codes and state laws.

Staff Comment: A Major Amendment to a Conditional Use Permit is, essentially, a new Conditional Use Permit.

3. Critical Areas. This Code addresses various critical areas including Aquifer Recharge Area and Wellhead Protection Areas, Wetlands, and Fish and Wildlife Species and Habitat Conservation Areas (Pierce County Code, Title 18E)

Staff Comment: The northern two-thirds of the site are located within an aquifer recharge area. Per Chapter 18E.50, in the R10 zone, the maximum imperious surface coverage is limited to 10%. In order to achieve sufficient groundwater recharge the proposal shall either comply with the limitation or demonstrate that the volume of water infiltrated at the proposed project area will be the same or greater amount for post-development as the pre-development volume.

4. Open Space Corridor. The County has mapped open space corridors. Sites within these corridors are subject to native vegetation retention and Low Impact Development (LID) regulations (Sections 18J.15.020 and 18J.15.140 of the Pierce County Design Standards and Guidelines Code,).

Staff Comment: The site is not located within an open space corridor.

5. Site Design (18J.15.015). Site development for buildings, roadways and other site improvements should be designed to fit the natural topography with the minimum amount of site disturbance and grade changes possible.

Staff Comment: A total of 17,000 cubic yards of cut/fill dirt is proposed. According to the Applicant's Engineer, even though the site is relatively flat, the large quantity of cut/fill is necessary simply due to the large size of the site.

6. Vegetation:

- A. Native vegetation retention (18J.15.020) is required in an open space corridor.
- B. Tree Conservation (18J.15.030). A tree conservation plan is required. It is intended that the tree density requirements will be met primarily through the conservation of existing trees.
 - (1) On-site, 30 percent of significant trees shall be retained.
 - (2) On-site, 20 tree units per acre is required.
- C. Gig Harbor Peninsula Screening Buffers (18J.40.060 A.1.a.(1) and 18J.40.060 D.). Screening is required adjacent to all exterior property lines, except for points of vehicular or pedestrian access. In the R10 zone, a 35-foot screening buffer shall be required for civic uses and buildings. Further, along SR16, in no case shall the screen buffer be less than 50 feet wide.
- C. Countywide Landscape Buffers (18J.15.040). Per the Countywide landscaping standards, a similar proposal (not located within the Gig Harbor Peninsula) would be required to provide along SR16 a 50-foot-wide (L4) buffer, along the County roads (south and east sides) an 8-foot-wide (L2) buffer, and where abutting the property to the north would have 0- or 8-feet buffer (depending upon if it is a business or residence).
- D. Parking Lot Landscaping (18J.15.090)
 - (1) Perimeter parking lot landscaping is required for any portion of a parking lot which is within 20 feet of a public or private road right-of-way.
 - (2) A maximum of 10 parking stalls in a row shall be allowed between landscape planting islands.

- (3) Parking lots shall be located no closer to the interior lot line than the minimum width of required perimeter landscape buffer.
- (4) Service and delivery bays shall not be oriented to the street frontage.
- (5) Outdoor storage facilities, garbage and recycling stations, and when permissible, utility meters and electrical conduit, shall be screened.

Staff Comment: A professional landscape architect has provided both a tree conservation plan/calculations and screening/landscaping plan. Note, since the PAC meeting, an updated landscaping plan has been submitted.

Regarding native vegetation requirements, the site is not located within an open space corridor and therefore not subject to the requirements. Regarding tree conservation requirements, it appears the proposal meets the 30 percent significant tree retention requirement (although it should be clarified if any significant trees would be removed) and provides more than double the required 20 tree units per acre requirement. Regarding screening/landscaping, the following is proposed:

- West side of the site: The site is abutted by SR16 right-of-way. An on-site buffer of 50 feet wide is required. However, the proposal would utilize a mixture of on-site and off-site buffer. Regarding the off-site buffering (in WSDOT right-of-way), the buffer was planted as mitigation for construction of the new Narrows Bridge and/or to mitigate the impacts of the driving range. According to the Applicant, WSDOT has provided them a letter stating they intend to preserve this buffer in perpetuity. Staff has not seen a copy of the letter. The Applicant finds that providing a full 50-foot buffer on-site and/or off-site is non-sensical as the existing buffer is mature, some of the buffer is on a slope that places it 10 feet above the floor elevation above the proposed building, a drain field is located on the west side of the site, and imposing additional buffer would needlessly result in a reduction in the size of the proposal (and area available for public use). The following are additional details of what is proposed on the west side of the site for the three parcels:*

Northern parcel: Only an on-site buffer would be provided. The buffer would be approximately 10 feet wide. Note, this parcel is set back from SR16 due to the presence of a WSDOT storm drainage facility.

Central parcel: There would be both an on-site and off-site buffer. For the on-site buffer, only half of the parcel would have a buffer due to the presence of a drain field. For the portion that would have an on-site buffer, it would range from 20 to 45 feet wide. For the off-site buffer (in WSDOT right-of-way), it ranges from 23 to 37 feet wide.

Southern parcel: Only an off-site buffer (in WSDOT right-of-way) would be provided. It ranges from approximately 23 to 35 feet wide.

- South side of the site: The site is abutted by SR16 (WSDOT) and 24th Street NW (County) rights-of-way. Where abutting SR16, a 50-foot buffer is required and where abutting the 24th Street NW right-of-way a 35-foot buffer is required. For the on-site buffer, it would range from 6 to 24 feet wide. For the off-site buffer (in WSDOT and/or County rights-of-way) it ranges from 17 to 63 feet wide. It is smaller in the southeast corner of the site and becomes progressively wider toward the southwest corner.*

- *East side of the site: The site is abutted by 14th Avenue NW (County) right-of-way. A 35-foot wide buffer is required. An existing berm is located along some portions of the road. The following are additional details of what is proposed on the east side of the site for the three parcels:*

Northern parcel: An on-site buffer of 45 feet wide would be provided. However, a portion is constrained with a utility easement.

Central parcel: An on-site (primarily) buffer of 23-35 feet wide would be provided. However, a portion would be constrained by a utility easement. Note, it appears to Staff that landscaping proposed immediately abutting the air dome could be removed. This would allow the parking stalls to be located closer to the air dome and therefore allow the width of the buffer along 14th Avenue NW to be increased.

Southern parcel: An on-site and off-site (in County right-of-way) buffer of 12 to 40 feet would be provided. However, a portion would be constrained by a utility easement.

- *North side of the site: The site is abutted by a parcel utilized as business/residence. A 35-foot wide buffer is required. An on-site buffer measuring 20 feet wide would be provided.*
- *Northwest corner of the site: The site is abutted by a SR16 stormwater drainage pond (WSDOT right-of-way) which is both on the north and west sides of the site, technically a 50-foot-wide buffer could be required (as it is WSDOT right of way) or a 35-foot-wide buffer.*

Overall, the proposed screening would not comply, in all cases, with the regulations. However, the Applicant has provided line of site representations showing that the intent of the regulations would be met, and the site effectively buffered. Staff points out though these representations are from immediately abutting the site. As one views the site from further away (such as from higher elevations on the west side of SR16 or east side of 14th Avenue NW) the building would be much more visible. It should be pointed out that vegetation proposed to be planted will take many years to reach maturity (Staff suggests the fastest growing vegetation possible). Also, even though WSDOT may have provided a letter stating that the SR16 buffer would not be removed, Staff points out that the intent of State/County rights-of-way is to provide for road/utility uses. Those agencies plans for the rights-of-way could change in the future (resulting in the removal of vegetation). The same could be said for landscaping in utility easements. Landscaping in easements could be removed, trimmed, and/or reduced in height. The County Development Engineering Division frequently requires the dedication of additional right-of-way along County roads if the right-of-way is substandard. It is unclear if this will be required and/or is factored into the location of property lines on the plans. In addition, for the northern parcel which is currently heavily vegetated, the removal of most of the vegetation (and leaving narrower screens of trees) could result in the possibility of creating corridors of trees that could be subject to topping due to winds.

Title 18J.15.100-130 also provides numerous regulations regarding plant lists, plant sizes, soil amendment, mulching and irrigation, plant installation, plant protection, and maintenance which is more detail than needed to be provided in the report at this time. However, the intent is for vegetation to be native. Also, tree removal would require a forest practices permit per Pierce County Code, Title 18H).

Regarding the Parking Lot Landscaping, it appears the proposal meets the regulations.

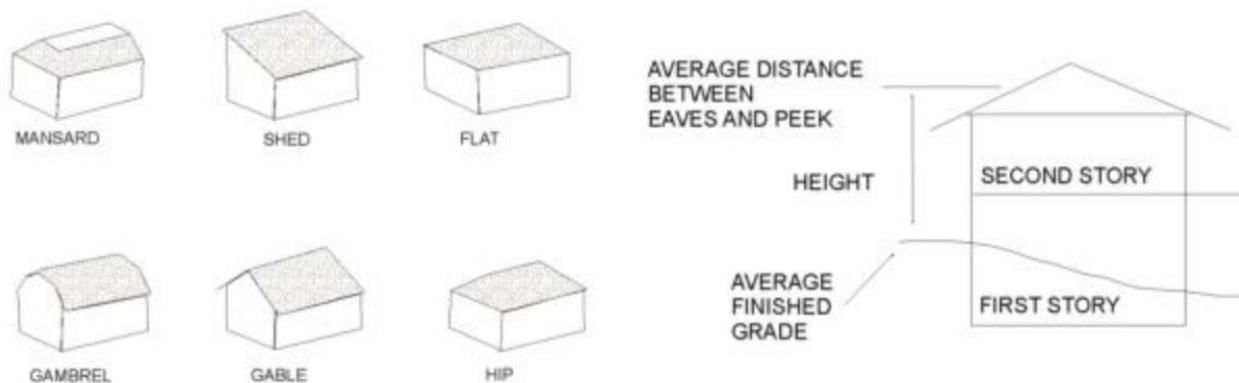
7. Setbacks: The required setbacks (for buildings) from property lines is as follows (18A.15.040-2).
- A. Front/Roads: 25 feet
 - B. Interior/side: 10 feet
 - C. Rear: 30 feet
 - D. Note, required landscaping buffers or regulations in other codes could result in larger setbacks.

Staff Comment: The proposed buildings would far exceed the required setbacks. However, Staff is unclear as to the required setbacks for the water tank and no information has been provided on the height.

8. Height:
- A. The height limit in the R10 zone is 40 feet (18A.15.040-3).
 - B. Building Height. The height of a building is the vertical distance from the average elevation of the finished grade on each wall of a building to the top of a flat or shed roof, or mansard roof, and the average distance between the bottom of the eaves to the highest point of a pitched, hipped, gambrel, or gable roof.

Staff Comment: The proposed building would be 84 feet tall. The Agent states that based on the definition of how the height is measured above (and the corresponding diagrams below), that the proposal comes close to meeting the height limitation.

FIGURE 18A.15.040-2



9. Building Design. Section 18J.10.040 C. states that building design and architectural standards shall not apply to buildings located at parks.

Staff Comment: As addressed later in this report, as part of a Conditional Use Permit the Examiner may approve an application for a Conditional Use Permit, approve with additional requirements above those specified in this Title, or require modification of the proposal to comply with specified requirements or local conditions.

10. Mechanical Equipment and Outdoor Storage Screening. (18J.15.155). This Section is intended to protect the aesthetic quality of developments and surrounding properties by screening service areas for mechanical equipment and outdoor storage.

Staff Comment: It appears the proposal meets these requirements as the mechanical equipment would be located on the west side between the proposed building and SR16 vegetation.

11. Off-Street Parking, Pedestrian, Bus and Bicycle Facilities.

A. Parking.

- (1) Quantity. The number of off-street parking spaces shall be determined by using Table 18A.35.040-1. Public parks are not listed in the Table. The regulations state that in the case of a land use not specifically mentioned in the table, the required off-street parking shall be determined by the approval authority. For this proposal, the approval authority is the Pierce County Hearing Examiner.
- (2) In accordance with the Pierce County Stormwater Management and Site Development Manual, permeable materials must be considered and is preferred for new and redevelopment projects.
- (3) Site entrances should incorporate a special design treatment in order to enhance the overall visual image of the site. Treatment may include decorative pavement, landscaping, lighting and entry signs.
- (4) Section 18J.15.080 has standards for parking stall design, carpool stalls, loading areas, vehicle circulation, employee parking, pedestrian circulation, outdoor pedestrian amenities, bus facilities, and bicycle facilities.
- (5) Of note. civic projects shall provide sidewalks as specified in Table 17B.20.005-1, "Minimum Requirements for Commercial Projects.". In addition, when a project site is located along a proposed trail route, a linear section of land shall be dedicated and developed for the trail.

Staff Comment: The existing use has 125 parking spaces. The proposed use would have 542 spaces. Calculations have been provided stating how that number of parking spaces was determined. Staff has competing concerns that perhaps there is too much parking proposed and what happens if there is not enough parking (people would presumably park on shoulders of surrounding streets).

12. Exterior Lighting (Pierce County Code, Title 18J, Section 18J.15.085)

- A. There are regulations regarding the illumination of parking areas, pedestrian areas, and buildings.
- B. In general, the lighting is intended to be hidden, adequate, downward, not glare off-site, multiple smaller lights rather than large lights, and height limitations for lights.

Staff Comment: Detailed plans have not yet been provided. However, provided the regulations are complied with, the proposal may result in less light/glare than the existing flood lights which light the driving range.

13. Stormwater Facilities and Erosion Control: Section 18J.15.170 has some regulations. However, the vast majority of County regulations are in Title 17A. The regulations state that the intent is to minimize visual impacts of stormwater facilities with landscaping, contouring, and other techniques, including vegetated LID BMPs.

Staff Comment: The SEPA checklist states that there is currently an existing man-made stormwater system onsite which collects, treats, and detains stormwater runoff from the performance golf center. Stormwater runoff from this system is discharged offsite to the south on Parcel 0221283050 owned by PenMet Parks towards an existing WSDOT stormwater pond where it is collected and conveyed overbank and discharged directly to Puget Sound. This drainage pattern will be maintained by the proposed development with the addition of a combination water quality and determined pond on Parcel 0221283050 to meet current stormwater discharge rates and code requirements. Excavation and clearing for the ponds and access roads will be required on this parcel as part of the project. Possible upgrades to downstream WSDOT storm conveyance systems may be provided to eliminate the need for the ponds. At this point, the County has not received detailed plans. However, any drainage ponds should be designed to meet the regulations.

14. Rural Pathways for Civic Uses (Pierce County Code, Title 18J, Section 18J.15.150)

- A. Any new civic use constructed in the rural area shall be required to construct pathways along the roadway abutting the primary entrance to the site.
- B. Any new civic use, constructed within 0.25 miles of a residential development (consisting of a recorded subdivision of 50 or more lots that are less than 0.5 acres in size) shall be required to construct a pathway from the civic use to the residential development

Staff Comment: The intent of this requirement is met by the proposal providing a connection from the north end of the site to the south end of the site for the Cushman Trail. The Cushman Trail currently ends approximately 77 feet to the north along 14th Avenue NW. This site will provide an important link to connect the trail with the Narrows Bridge trail. Staff would suggest looking for opportunities to perhaps remove some of the kinks/bends as it traverses the site. In addition, the trail would appear to provide access to the utilities (generator, propane tank, HVAC units, etc.) located on the west side of the building. This could create on-going use conflicts between vehicles and bicyclists/walkers. The trail also would serve as an emergency vehicle access in the event of a fire.

15. Signs (Pierce County Code, Title 18B)

The signage requirements in the Gig Harbor Community Plan area are very restrictive. The square footage of signage allowed is based on the zone, as well as the number of lanes and speed limit of the abutting road. Even at that, signs directed specifically at SR16 are generally prohibited unless a Sign Code Variance is obtained (18B.30.060).

Staff Comment: Some plans have, at a minimum, shown a sign on the air dome. This would be inconsistent with the regulations.

16. Conditional Use Permit (Pierce County Code, Title 18A, Section 18A.75.030).

- A. Purpose The purpose of this Section is to establish decision criteria and procedures for special uses called Conditional Uses which possess unique characteristics. Conditional Uses are deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. These uses require a special degree of control to assure compatibility with the Comprehensive Plan, adjacent uses, and the character of the vicinity. Conditional Uses will be subject to review by the Examiner and the issuance of a Conditional Use Permit. This process allows the Examiner to:

- (1) determine that the location of these uses will not be incompatible with uses permitted in the surrounding areas; and
 - (2) make further stipulations and conditions that may reasonably assure that the basic intent of this Title will be served.
- B. Decision Criteria. The Examiner shall review Conditional Use Permits in accordance with the provisions of this Section and may approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit. The Examiner may reduce or modify bulk requirements, off-street parking requirements, and use design standards to lessen impacts as a condition of the granting of the Conditional Use Permit.
- C. Required Findings. The Examiner may use Design Standards and other elements in this Code to modify the proposal. A Conditional Use Permit may be approved only if all of the following findings can be made regarding the proposal and are supported by the record:
 - (1) That the granting of the proposed Conditional Use Permit will not:
 - (a) be detrimental to the public health, safety, and general welfare;
 - (b) adversely affect the established character and planned character of the surrounding vicinity; nor
 - (c) 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.
 - (2) 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.
 - (3) That all conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced.
 - (4) 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.
 - (5) 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.
 - (6) That the Level of Service standards for public facilities and services are met in accordance with concurrency management requirements.
- D. Burden of Proof. The applicant has the burden of proving that the proposed conditional use meets all of the criteria in PCC 18A.75.030 B.1., Required Findings.
- E. Phasing. The applicant may elect, or the Hearing Examiner may require, that the development occur in phases. The Hearing Examiner shall establish phasing time limits, and identify the phases in which necessary infrastructure, traffic mitigation, critical areas, or other requirements are completed. A Conditional Use Permit that is required as a result of a violation of the Pierce County Code may not be phased.
- F. Approval. The Examiner may approve an application for a Conditional Use Permit, approve with additional requirements above those specified in this Title or require modification of the proposal to comply with specified requirements or local conditions.
- G. Denial. The Examiner shall deny a Conditional Use Permit if the proposal does not meet or cannot be conditioned or modified to meet the required findings.

Staff Comment: The proposal would provide a valuable public service. Facilities for recreation, exercise, public meetings, etc. are always necessary and seemingly under capacity. Indoor recreation facilities, which can be utilized during the long/wet months of the years, are especially necessary. The proposal would also provide an important connection (off public roads) for the Cushman Trail. With that said, valid concerns exist regarding the potential size, height, visual, traffic, and parking impacts of the proposal especially upon abutting residences. The PAC and Staff have strongly encouraged the Applicant to reach out to those parties to understand their concerns and modify their proposal as appropriate to mitigate the impacts. According to the Agent, they have reached out to the neighbors. With that said, the site abuts and is conveniently located next to the main cross Sound transportation corridor. It is located in an area that is surrounded by a mixture of uses. Further, it is developed with an existing commercial recreational facility. The proposed building would be double the height limit for the zone. However, the site currently has even taller poles/netting which exceed the height limit of the zone. The Applicant has provided line-of-sight representations showing how the existing/proposed screening meets the intent of the regulations (even though not meeting the regulations). Staff does point out that there are also other structures in the area which are far taller (bridges and electrical towers/lines along the Tacoma Narrows).

It is true that the proposal could be scaled back, other building designs could work (that are shorter), etc. Staff would prefer a shorter building that is more attractive than the air dome. However, Staff finds that for the reasons stated, the proposal, as presented, would be consistent with the Conditional Use Permit criteria. In the face of a proposal that meets the applicable criteria, community displeasure alone is not a proper basis for denying a land use permit.

17. Site Plan Review (Pierce County Code, Title 18J, Section 18.10.050 B.)

- A. Applicants proposing designs, details, treatments, or other design solutions not expressly provided for in the standards (of Title 18J) shall obtain Site Plan Review approval. The purpose of Site Plan Review is to establish a process by which a requested deviation from a design standard may be reviewed and approved prior to permit issuance. For use permit applications (such as a Conditional Use Permit), SPR applications shall be reviewed by the Hearing Examiner.
- B. Site Plan Review may be satisfied by using the design guidelines to create a design solution or by following an applicant's innovative design concept to bring a project into conformance with the intent of the design objective that the specific standard is derived from. Additionally, the following review criteria shall be considered before any alternative design is granted:
 - (1) The alternative design solution will not be materially detrimental to the public welfare or injurious to the property or improvement in such vicinity and zone in which the subject property is located;
 - (2) The alternative design solution is consistent with the Comprehensive Plan including any applicable Community Plan;
 - (3) Significant adverse environmental impacts will not be caused as a result of the alternative design; and
 - (4) The alternative design solution will meet the applicable design objective in the same or better way than compliance with the standards requested to be deviated from.

Staff Comment: As noted previously in this report, the Site Plan Review (SPR) application is necessary as the proposal does not meet the standards for landscaping/screening buffers and may not for quantity of earth movement (cut/fill), stormwater pond design, trail design, and others. In general, the proposal satisfies many if not all of the concerns.

18. Gig Harbor Peninsula Community Plan

(Pierce County Code, Title 19A, Chapter 19A.10, Chapter 14, Appendix E)

Staff Comment: The existing use was established before the effective date of the current Gig Harbor Peninsula Community Plan (effective 2002). There are any number of policies from the Plan that could apply to this proposal but would result in an extensively long report. The proposal's consistency with many policies of the plan were previously addressed, in general terms, in this report.

Staff Recommended Conditions of Approval

Planning Division:

1. The decision set forth herein is based upon representations made and exhibits, including plans and proposals submitted at the hearing conducted by the Examiner. Pursuant to WAC 173-27100, any substantial change to the design, terms, or conditions of the project shall be subject to approval of the Examiner and may require further and additional hearings.
2. All requirements of County agencies, including the Pierce County Building Department and Tacoma-Pierce County Health Department, must be met prior to the issuance of building permits for this proposal.
3. Prior to issuance of any construction permits (building, site development, logging, etc.), final development plans shall be submitted to the Planning and Public Works Department for review and approval. Final development plans shall include, but not be limited to, site plan, setbacks, signage, building elevations, lighting, parking, landscaping, etc.
4. The landscaping depicted on the final development plans shall be native and fast growing. Landscaping installation may be phased but prior to occupancy/use of each phase, the landscaping for that phase shall be installed.
5. Final development plans shall be submitted within one-year of the effective date of the Examiner's decision. Construction for the entire proposal shall be completed ten-years from the effective date of the Examiner's decision
6. A Class IV – General Forest Practice Application (FPA) may be required for the harvest of timber associated with this project. Failure to obtain such a permit, when required, may result in the placement of a six-year development moratorium on the portion of the site where the trees are cut.
7. The water tank(s) height shall not exceed the height limit for the zone.

8. Reflectors and appropriate aiming on outdoor lighting shall be utilized to minimize the upward scattering of light and glare onto adjoining properties.
9. All proposed signage shall comply with the Pierce County Sign Code (Pierce County Code, Title 18B). No signage shall be allowed on the air dome.
10. The north property line shall be fenced prior to opening of the Cushman Trail.
11. All prior findings, conclusions, conditions, and mitigation imposed on this site pursuant to prior Examiner decisions or SEPA decisions (for the golf driving range) shall remain in effect except where modified by this decision.
12. The northern two-thirds of the site are located within an aquifer recharge area. Per Chapter 18E.50, in the R10 zone, the maximum imperious surface coverage is limited to 10%. In order to achieve sufficient groundwater recharge the proposal shall either comply with the limitation or demonstrate that the volume of water infiltrated at the proposed project area will be the same or greater amount for post-development as the pre-development volume.

Development Engineering Division:

Conditions to be provided at public hearing.

List of Exhibits Provided to the Pierce County Hearing Examiner

1. STAFF REPORT
2. APPLICATION:
 - A. Master Application, dated March 8, 2019
 - B. Conditional Use Permit required findings
 - C. Site Plan Review Required Findings
 - D. Tree Conservation Table
 - E. Parking Calculations, dated May 7, 2019
 - F. AirDome fabric email, dated May 10, 2019
 - G. Phasing Plan email, dated July 25, 2019
 - H. Landscaping Plan email, dated June 18, 2019
 - I. Applications: 906050 (CP); 906052 (SPR); 906054 (SEPA); 906861 (Traffic); 909294 (Traffic); 909294 (Wetland); and 909290 (Fish and Wildlife)
3. STATE ENVIRONMENTAL POLICY ACT (SEPA)
 - A. SEPA Environmental Checklist, dated March 11, 2019
 - B. Determination of Nonsignificance (DNS), letter and legal notice, issued July 3, 2019
 - C. Mitigated Determination of Nonsignificance (MDNS), dated June 12, 1996
4. AGENCY COMMENTS:
 - A. Requests for Review and Response, emailed March 22, 2019, and May 13, 2019
 - B. Emails to/from Katrina Knutson, City of Gig Harbor, dated July/August 2019
 - C. Emails/letters from Morgan Dorner, Department of Ecology (ECY), dated April 26, 2019, and July 17, 2019
 - D. Memorandums from Jeff Kidston, County Development Engineer, dated April 22, 2019, and June 18, 2019
 - E. Letter from Scott Sissons, County Environmental Biologist, dated June 17, 2019
 - F. Cushman Trail news release from Pierce County, dated June 6, 2019
 - G. Letters from Kelly Racke, Tacoma-Pierce County Health Department, dated March 29, 2019, and May 10, 2019
 - H. Emails from Deborah Johnson, Washington State Department of Health, dated April 26, 2019
 - I. Email from Rhonda Foster, Squaxin Island Indian Tribe, dated April 1, 2019
 - J. Email and attached letter from Jackie Wall, Nisqually Indian Tribe, March 22, 2019
5. PUBLIC COMMENTS/PARTIES OF RECORD:
 - A. Parties of Record/Interested Parties List
 - B. Email and attached letter from Gig Harbor Chamber of Commerce, July 18, 2019
 - C. Email from Shawn McWaide, dated August 3, 2019
 - D. Email from Warren Zimmerman, dated July 25, 2019
 - E. Email from Stephanie Cox, dated June 28, 2019
 - F. Email from George Fairhart, dated June 14, 2019
 - G. Email from Susan Larson, dated June 5, 2019
 - H. Emails from Tom Settles, dated May 29, 2019, May 10, 2019, and April 17, 2019
 - I. Email from Steve Landau, dated May 22, 2019
 - J. Email from John Glass, dated May 22, 2019
 - K. Email from Frank and Joan Hassell, dated May 20, 2019
 - L. Email from Dave Hahn, dated May 19, 2019
 - M. Email from Jan and John Bare, dated May 18, 2019
 - N. Email from Bjorn and Lynne Benson, dated May 17, 2019
 - O. Email from Theresa Haynie, dated May 17, 2019
 - P. Email from Fran and Frank Conn, dated May 17, 2019

Exhibits – continued:

- Q. Email from Denise Tremblay, dated May 17, 2019
 - R. Emails/Letter from Mary Lontchar, dated July 31, 2019, and May 16, 2019
 - S. Email from James Tiner, dated May 16, 2019
 - T. Email from Kenneth and Miok Lee, dated May 16, 2019
 - U. Email from Brian Hunter, dated May 16, 2019
 - V. Email from July Tappero, dated May 9, 2019
 - W. Email from Nancy Flint, dated May 9, 2019
 - X. Email from Bree Norwest, dated April 23, 2019
 - Y. Email from Teresa Fasano, dated April 22, 2019
 - Z. Email from Beth Miller, dated March 28, 2019
 - AA. Petition to limit/restrict proposal (various names). Note, this petition is very hard to read
- 6. NOTICE AND ROUTING DOCUMENTS:
 - A. Notice of Application (NOA), mailing list, and map dated March 22, 2019
 - B. Declarations of Posting, dated March 25, 2019, and May 14, 2019, including photo
 - C. Public Notice, Agenda, mailing lists, map, legal notices
 - D. Email notice to interested parties, dated July 30, 2019
 - 7. LAND USE ADVISORY COMMISSION (LUAC):
 - A. Agenda and legal notices for the May 8, 2019, PAC Meeting
 - B. Sign-in Sheets and minutes of the May 8, 2019, PAC Meeting
 - C. County slideshow for the May 8, 2019, PAC Meeting
 - 8. TECHNICAL REPORTS AND STUDIES:
 - A. Wetland Analysis Report and Fish and Wildlife Habitat Assessment, from Soundview Consultants, dated April 16, 2019
 - 9. HEARING EXAMINER DECISIONS:
 - A. Pierce County Hearing Examiner's decision (for CP9-95), dated July 26, 1996
 - B. Pierce County Hearing Examiner's decision (for CP9-95), dated September 5, 1996
 - C. Pierce County Hearing Examiner's decision (for CP9-95), dated June 24, 2004
 - 10. SITE INFORMATION:
 - A. Site photos, by Scott Sissons, dated June 12, 2019
 - 11. SITE PLANS (large and small versions):
 - A. Phasing Plan, dated July 2, 2019
 - B. Landscaping Plan (Sheets 1 to 4), dated June 18, 2019
 - C. Air Dome sample concept
 - D. Line of sight drawing
 - E. Building cross-sections/architectural plans (8 pages), dated March 7, 2019

Please note: A complete set of exhibits may be found at the following link:

<https://pals.piercecountywa.gov/palsonline/#/permitSearch/permit/documents?applPermitId=8906050>

PenMet Parks Recreation Center CPMA SR-TB.docx