

Initial Project Review

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

Application Numbers: 906050 / 906052 / 906054 / 906861
Tax Parcel Numbers: 0221282036, 0221282009, 0221282044

Gig Harbor Peninsula Advisory Commission (PAC) Meeting: May 8, 2019, at 6:30 p.m., City of Gig Harbor – Council Chambers, 3510 Grandview St., Gig Harbor, WA 98335

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), within 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.

Review Summary: Staff has reviewed the proposal for compliance with all applicable policies and regulations. Staff finds that the proposal appears appropriate. Notably, it would provide a valuable public service for both the indoor uses and Cushman Trail extension. With that said, potential valid questions or concerns exist regarding various issues as addressed in this report. There are a lot of moving and detailed parts/pieces to this proposal. Rather than get mired in the weeds on finer details, the PAC may want to focus on the big-ticket items. Staff finds that these items consist of whether the proposal is an appropriate use of the site, and whether its proposed size, height, and screening buffers are also appropriate. A decision on these matters will likely result in the rest of the issues subsequently sorting themselves out.

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.

Staff Comment: The County has not yet concluded its environmental review and will not until, at a minimum, the traffic and wetland reviews are completed. Of note, in 1996, for the existing driving range, the County issued a Mitigated Determination of Nonsignificance (MDNS). The MDNS required mitigation addressing landscaping, screening, and lighting.

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

Pierce County Online Permit Information:

<https://pals.piercecountywa.gov/palonline/#/permitSearch/permit/departmentsStatus?applPermitId=898414>



Project Data

Application Complete: March 15, 2019

IPR Mailed: May 1, 2019

Property Owner: Firs Management LLC
710 Pacific Avenue, Suite 710
Tacoma, WA 98402

Applicant: PenMet Parks
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Applicant's Agent: Carl Halsan
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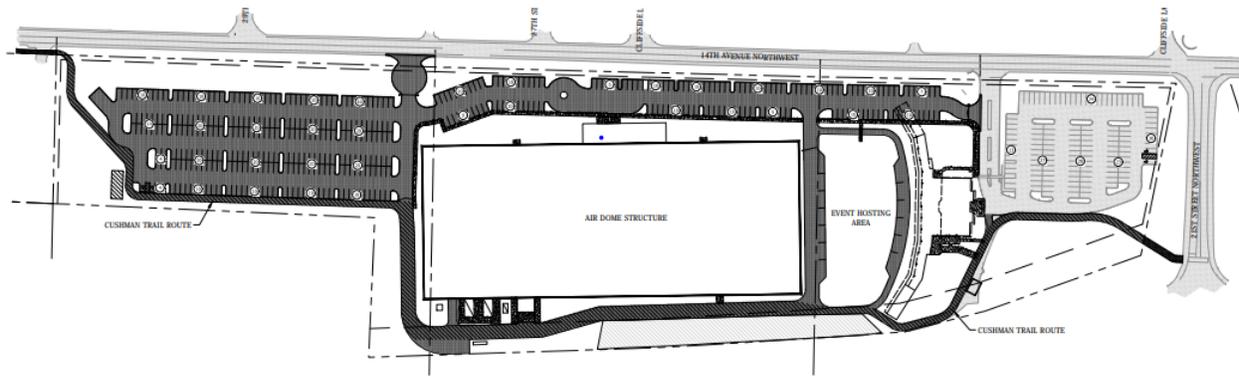
Public and Legal Notice

- *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.

Site Photo (2017)



Site Plan



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



Comments from the Public and Agencies

Public: Comments were received from the public. At time of issuance of this report, three letters were received in opposition and one with questions. No letters in support were received. The concerns expressed are summarized as follows: building design is not consistent with the Gig Harbor Peninsula, buildings too tall, parking lots should be reduced, site entrances should be limited, hours of operation should be limited, traffic would be congested, parking would spill off-site, crime would increase, litter in area would increase, and property values would be negatively impacted. A question has also been raised if there would be fencing on the north property line.

Agencies: Notice has been provided to numerous agencies including the City of Gig Harbor (located 4,400 feet from the site) and Washington State Department of Transportation. Various agencies have provided comments. The following are of note:

- County Development Engineering Division: A traffic study has been submitted. The County conducted a preliminary review of the report and requested additional information. A copy also needs to be provided to the Washington State Department of Transportation.
- County Resource Management Division: A wetland study has been submitted. It has not yet been reviewed. 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.
- 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 site is rectangular shaped with the long axis oriented in a north-south direction.
- The northern parcel is undeveloped, heavily vegetated, and relatively flat.
- The southern two parcels are developed with the existing golf driving range.

Staff Comment: In 1996, the County 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.*

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)

- The existing poles/netting and driving range lighting would be removed.
- 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 access (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.
- Hours of operation would be seven days a week from 7am to 10pm.

Staff Comment: Other details regarding the proposal are addressed later in this report, may be obtained from reviewing the application materials on-line, and/or are available on the PenMet website, which has additional information. Otherwise, it is impossible to summarize each/every aspect of this proposal while keeping this report relatively brief.

Utilities/Public Facilities

Sewer - On-site septic disposal system (septic tank and drainfields)
Water - Washington Water Company
Power - Peninsula Light

Staff Comment: An existing and/or proposed septic drain field is/would be located on the west side of the site. However, Staff is unclear as to the exact size. An on-site water storage tank (to provide an adequate volume of water in case of fire) is also shown on the west side of the site. More details on the size/height of the tank is necessary prior to the SEPA determination and Examiner's hearing.

Staff Preliminary Review for Consistency with Policies and Regulations

1. Community Plan. The site is located within unincorporated Pierce County and within the Gig Harbor Peninsula Community Plan.

Staff Comment: The existing use was established before the effective date of the current Gig Harbor Peninsula Community Plan (effective 2002).

2. Zoning. The site is zoned Rural 10 (R10). The site is also near to but not located within a safety overlay for the Tacoma Narrows Airport.
3. Use:
 - A. The proposal is considered a public park facility (a form of Civic use). The County Zoning Code (Pierce County Code, Title 18A) has four levels of public park facilities (18A.33.220 G.). In the R10 zone, the proposal requires a Conditional Use Permit (18A.23.020). 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 addresses amendments to use permits. The proposal is considered a Major Amendment to the existing Conditional Use Permit.
 - C. This Title includes regulations for Major Amendment to Use Permits (18.130.030). The regulations state, 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 essentially is a new Conditional Use Permit.

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

Staff Comment: These critical areas were addressed previously in this report under Agency Comments. However, 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. Preliminary storm drainage plans should be submitted.

5. 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 (18J.15.020 and 18J.15.140).

Staff Comment: The site is not located within an open space corridor. However, it is possible LID measures still could be required through other codes.

6. 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. It is unclear to Staff why so much grading is proposed when the site appears relatively flat. Further, if any retaining walls are proposed they should be disclosed.

7. 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.
- D. 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-foot buffer (depending upon if it is a business or residence).
- E. 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 landscaping plan. A lot of detail is provided on the landscaping plans. It would be helpful if the plan showed the following:

- *Prominently display the property lines of the parcels so one can clearly identify vegetation that would be located on-site and off-site (within abutting rights-of-way);*

- *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;*
- *The plans should prominently display if there are any easements, such as for power lines, along the abutting rights-of-way which would allow vegetation to be removed and/or reduced in height;*
- *On the south side of the site, the dividing line between WSDOT and County rights-of-way should be shown.*
- *Graphically display, on the plans, the various widths of the buffers so that one does not have to pull out a scale and measure the plans;*
- *The plans and some of the written materials are inconsistent. For example, on the northern parcel along 14th Avenue NW, the plans show a 55-foot buffer while the Site Plan Review (SPR) required findings discuss that a 45-foot-wide screen would be provided.*
- *For the northern parcel which is currently heavily vegetated, the plans should address how 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.*

With that said, Staff has the following comments:

- *Regarding native vegetation requirements, the site is not located within an open space corridor, 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 the Gig Harbor Peninsula Screening Requirements, the proposal is as follows:*
 - *On the west side, the site is abutted by SR16 right-of-way. An on-site screen of 50 feet wide is required. However, the proposal is to utilize an existing off-site screen (in WSDOT right-of-way) that is 40 feet wide. The screen was planted as mitigation for construction of the new Narrows Bridge and/or to mitigate the impacts of the driving range. WSDOT has apparently provided a letter stating they intend to preserve this buffer in perpetuity. The Applicant wants to utilize this screening to satisfy the requirement. They find 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).*
 - *On the south side, the site is abutted by SR16 (WSDOT) and 24th Street NW (County) rights-of-way. Where abutting SR16, a 50-foot screen is required as addressed previously and 35-foot screen where abutting the 24th Street NW right-of-way. The existing screen is approximately 40 feet wide in the southwest corner of the site and becomes progressively smaller (until there is almost no buffer) in the southeast corner of the site. The Applicant wants to utilize this existing screening to satisfy the requirement for many of the same reasons as previously identified.*

- *On the east side, the site is abutted by 14th Avenue NW (County) right-of-way. A 35-foot wide screen is required. However, it appears the proposal is to have an approximately 20-foot-wide screen on the southern two parcels and 45- or 55-foot (needs to be clarified) wide screen on the northern parcel. The approximately 20-foot screen on the southern parcel would consist of a combination of planting vegetation on-site where none exists, utilizing existing vegetation on-site, and/or utilizing existing vegetation in the right-of-way. Some parts have a berm. For the northern parcel, the 45-foot-wide screen would consist of existing vegetation.*
- *On the north side, the site is abutted by a parcel utilized as business/residence. A 35-foot wide screen is required. However, a 20-foot-wide screen consisting of existing vegetation is proposed.*
- *Where abutting the 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 screen could be required (as it is WSDOT right of way) or a 35-foot-wide screen. It appears a 10 - 20-foot wide on-site screen is proposed. However, off-site (within the WSDOT right-of-way) it appears there is additional vegetation. The Applicant should further clarify what the combined width of the on and off-site screen would be.*
- *Regarding the Countywide Landscaping Buffers, this report will not further address them as the screening requirements for the Gig Harbor Peninsula (as just addressed) are far more restrictive.*
- *Regarding the Parking Lot Landscaping, it appears the proposal meets the regulations.*

Even though the screening proposed would not comply with the regulations, the Applicant has provided line of site representations showing that the intent of the regulations would be met, and the site effectively screened. 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) 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. Also, even though WSDOT may have provided a letter stating that the screening 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).

Note, 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).

8. 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.

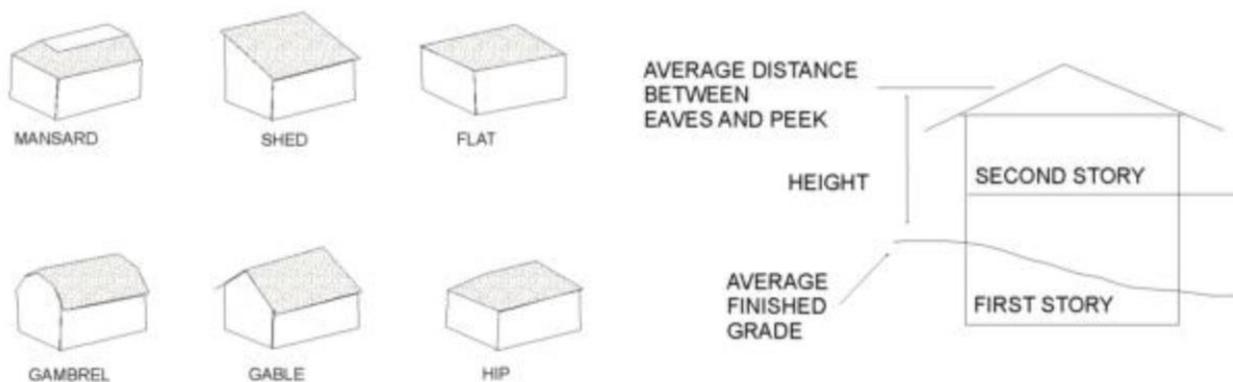
Staff Comment: The proposed buildings would far exceed the required setbacks. However, Staff is unclear as to the required setbacks for the water tank and no information has been provided on the height.

9. 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



10. 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.

11. 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.

12. 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. The proposal should clarify 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). Further discussion will need to occur with the County Development Engineering Division as to if a path/sidewalk will be required along 24th or 14th.

13. Exterior Lighting (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.

14. 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.

15. Rural Pathways for Civic Uses (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 likely 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.

16. Signs. 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 bubble. This would be inconsistent with the regulations. All signs proposed shall be included on the plans prior to the Examiner's hearing.

17. Conditional Use Permit (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 Applicant is strongly encouraged to reach out to understand their concerns and modify their proposal as appropriate to mitigate the impacts. 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).

18. Site Plan Review (SPR)

- A. Pursuant to the Pierce County Design Standards and Guidelines Code (Pierce County Code, Title 18J), specifically Section 18J.10.050 B., Applicants proposing designs, details, treatments, or other design solutions not expressly provided for in the standards 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, it appears the 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. Additional information is still needed on some aspects of the proposal (as addressed in this report) but in general it appears the proposal may be able to satisfy many if not all of the concerns.

19. Gig Harbor Peninsula Community Plan

(Pierce County Code, Title 19A, Chapter 19A.10, Chapter 14, Appendix E, Page E-97)

Link: <http://www.co.pierce.wa.us/DocumentCenter/View/38486>

Staff Comment: There are any number of policies from the Gig Harbor Community 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.

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