

Town of Steilacoom

MITIGATED DETERMINATION OF NONSIGNIFICANCE



July 25, 2023

Lead agency:

Town of Steilacoom

Agency Contact:

Tanner Fuller

Town Planner

Tanner.fuller@ci.steilacoom.wa.us

(253) 983-2084

Agency File Number:

23-012

Description of proposal:

Shoreline Substantial Development application for Sunnyside Beach Parking Lot Improvements Project, consisting of sealcoating the existing paved parking lot, restriping, re-signing, demolition of a single-throat entrance/exit ingress/egress and construction of a single lane ingress and single lane egress to replace the existing ingress/egress throat. Minor grading and asphalt repairs are also contemplated (<300 tons) to provide enhanced ADA compatibility to disabled parking stalls. The proposal will provide approximately 79 single-vehicle parking spaces.

Location of proposal, including street address, if any:

The address of Sunnyside Beach Park is 2509 Chambers Creek Road, and the approximate location is 47.179447 N -122.589254 W. The project is located within Section 48, Township 20 North, Range 2 East.

Proponent:

Town of Steilacoom

Mark Burlingame

Public Works Director

1030 Roe Street, Steilacoom, WA 98388

(253) 581-1912, mark.burlingame@ci.steilacoom.wa.us

Lead Agency:

The Town of Steilacoom has determined that this proposal will not have a probable significant adverse impact on the environment. Pursuant to WAC 197-11-350(3), the proposal has been clarified, changed, and conditioned to include necessary mitigation measures to avoid, minimize or compensate for probable significant impacts. An

environmental impact statement (EIS) is not required under RCW 43.21C.030. The necessary mitigation measures are listed below, the Environmental Checklist is attached and is available at: townofsteilacoom.org

The determination is based on the following findings and conclusions:

Findings

1. The proposed project is to sealcoat the existing paved parking lot, restripe, re-sign, demolish a single-throat entrance/exit ingress/egress and construct a single lane ingress and single lane egress to replace the existing ingress/egress throat. Minor grading and asphalt repairs are also contemplated (<300 tons) to provide enhanced ADA compatibility to disabled parking stalls. The proposal will provide approximately 79 single-vehicle parking spaces.
2. Sunnyside Beach Park consists of several tax lots along Puget Sound in the Town of Steilacoom. All tax lots of the park are owned by the Town of Steilacoom.
3. The site is generally flat, with an existing parking lot that slopes slightly to the northwest to provide drainage into existing catch basins.
4. The site is within a fish and wildlife habitat area under the Town's Critical Areas Ordinance (SMC 16.16) as adopted by reference in the Shoreline Master Program (SMC 16.08).
5. The site is not within a flood hazard area according to Panel 287 E of the Flood Insurance Rate Map (FIRM) dated March 7, 2017.
6. The site is within the Urban Conservancy Environment as designated in the Steilacoom Shoreline Master Program, Chapter 16.08 SMC.
7. The site is within the Tacoma Smelter Plume for potential contamination from the former Asarco Smelter in Ruston Washington.
8. The Town has adopted the most recent version of the Department of Ecology's Stormwater Management Manual in Chapter 13.50 SMC.
9. The site is less than one acre in size.
10. The Town stormwater regulations require erosion control during construction.
11. The project will be designed to meet the current Stormwater Management Manual.
12. Temporary Erosion/Sedimentation Control (TESC) measure will be in place throughout construction and are described in the Site Preparation Plan prepared by the proponent.

Conclusions

1. The project will not require a Construction General Stormwater Permit from the Department of Ecology under Chapter 173-226 WAC
2. The project will require a Shoreline Substantial Development Permit under the Town's Shoreline Master Program, Chapter 16.08 SMC
3. The project will be required to adhere to the critical areas regulations of the Shoreline Master Program, Chapter 16.08 SMC, and of the Critical Areas Ordinance, Chapter 16.16 SMC, as adopted by reference in the Shoreline Master Program.

4. The above permits and approvals are designed to protect the environment and mitigate any harm from projects such as this proposal.

Mitigation Measures

1. Regulations for a Shoreline Substantial Development Permit under the Town's Shoreline Master Program, Chapter 16.08 SMC.
2. Critical Areas regulations contained in the Town's Shoreline Master Program and the Town's Critical Areas Ordinance, as adopted by reference in the Shoreline Master Program.

This MDNS is issued under WAC 197-11-350 and the comment period will end on August 8, 2023

Responsible official: Paul Loveless

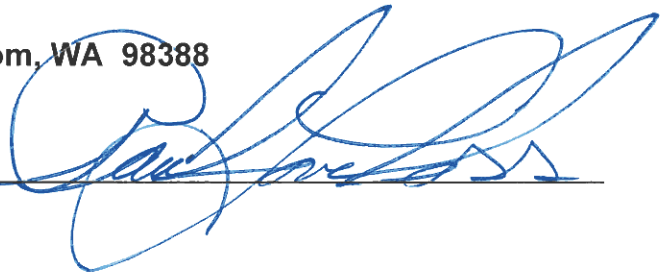
Position/Title: Town Administrator

Phone: 253-581-1912

Address: 1030 Roe Street, Steilacoom, WA 98388

Date 7/05/2023

Signature



Appeal Process:

14.24.010 Appeal of administrative interpretations and approvals. Administrative interpretations and approvals, except SEPA determinations of non-significance and administratively issued critical area permits, may be appealed by applicants or interested parties to the Town Council. SEPA determinations of non-significance and administratively issued critical area permits may be appealed by applicants or interested parties to the Hearing Examiner. Such appeals shall be heard at an open record appeal hearing. The Town Council or Hearing Examiner shall decide the appeal based on the criteria or standards applicable to the decision being considered, and shall affirm the decision unless it is determined the decision being appealed was clearly erroneous.

14.20.021 SEPA threshold decisions. The Town Administrator, as the designated responsible official, shall issue SEPA threshold decisions in accordance with the provisions of Chapter 16.04 SMC, Chapter 43.21C RCW, and Chapter 197-11 WAC.

14.20.050 Hearing Examiner hearings and decisions. Upon receiving a staff recommendation or notice of any other matter requiring the Hearing Examiner's attention, the Examiner shall perform the following actions as appropriate:

(a) Public Hearing. Conduct a public hearing on variances and reasonable use exceptions including taking testimony, hearing evidence, considering the facts germane to the proposal, and evaluating the proposal for consistency with the Town's codes and adopted plans.

(1) Required Findings. The Hearing Examiner shall not approve a proposed variance unless the findings found in SMC 18.28.030 can be made.

(b) SEPA appeal hearing. Conduct an open record appeal hearing on SEPA threshold determinations of non-significance, including taking testimony, hearing evidence, reviewing the record, and considering the facts germane to the decision.

(c) Decision. The Hearing Examiner shall make a written final decision that includes findings of fact and conclusions of law.

14.20.070 Procedures for public hearings and open record appeals. Public hearings and open record appeals shall be conducted in accordance with the hearing body's rules of procedure and shall serve to create or supplement an evidentiary record upon which the body will base its decision. The Mayor, Hearing Examiner or chair shall open the public hearing and, in general, observe the following sequence of events:

(1) Staff presentation, including submittal of any administrative reports. Members of the hearing body may ask questions of the staff.

(2) Applicant presentation, including submittal of any additional materials. Members of the hearing body may ask questions of the applicant.

(3) Testimony or comments by the public germane to the matter. Questions directed to the staff or the applicant shall be posed by the Mayor, Hearing Examiner, or chair at their discretion.

(4) Rebuttal, response or clarifying statements by the staff and the applicant.

(5) The evidentiary portion of the public hearing shall be closed and the hearing body shall deliberate on the matter before it.

14.24.030 Appeal to the Town Council or Hearing Examiner.

(a) Filing. Every appeal to the Town Council or Hearing Examiner shall be filed with the Town Clerk within ten (10) days after the date notice of the decision on the matter being appealed was posted.

(b) Contents. The appeal shall contain a concise statement identifying:

(1) The decision being appealed.

(2) The name and address of the appellant and their interest in the matter.

(3) The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong.

(4) The desired outcome or changes to the decision.

(5) If mailed public notice is required by SMC 14.16, addressed and stamped envelopes.

(6) The appeal fee.

14.16.045 Notice of proposals for Shoreline Substantial Development Permit, Shoreline Conditional Use Permit and Shoreline Variance public hearings. Notice of a public hearing for Shoreline Substantial Development Permit, Shoreline Conditional Use Permit and Shoreline Variance applications shall be given as follows:

(a) Time of Notices. Except as otherwise required, public notification of hearings shall be made by:

(1) Publication at least thirty (30) days before the date of a public hearing in the official newspaper of the Town; and

(2) Mailing at least thirty (30) days before the date of a public hearing to all property owners as shown on the records of the county assessor within five hundred (500) feet of the boundaries of the subject property. Addressed and stamped envelopes shall be provided by the applicant; and

(3) Posting at least thirty (30) days before the hearing in three (3) public places where ordinances are posted and at least one (1) notice shall be visibly posted on the subject property.

(b) An application for a substantial development permit for a limited utility extension or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be subject to the procedures as described in SMC 16.08.300, including a 20-day notice period.

(c) Content of Notice. The public notice shall include a general description of the proposed project, action to be taken, a non-legal description of the property or a vicinity map, the time, date and place of the public hearing and the place where further information may be obtained. The notice shall also include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning an application as expeditiously as possible after the issuance of the decision, may submit the comments or requests for decisions to the Town within thirty days of the last date the notice is to be published pursuant to this subsection. The Town shall forward, in a timely manner following the issuance of a decision, a copy of the decision to each person who submits a request for the decision.

(d) Continuations. If for any reason a hearing cannot be completed on the date set in the public notice, the hearing may be continued to a date certain and no further notice under this section is required.