



The city is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at City Hall (Council Chambers), or virtually by using the meeting access link below.

Please click the link below to join the webinar:

<https://sumnerwa-gov.zoom.us/j/86390192946>

Or One tap mobile : US: +12532158782,,86390192946# or +13462487799,,86390192946#; or Telephone: +1 253 215 8782 Webinar ID: 863 9019 2946

CALL TO ORDER

Roll Call: Bitetto, Brown, Cole, Hochstatter, Neuman, Reed and Stuard

PRESENTATION

Sumner-Bonney Lake School District - Family Center Update

REGULAR BUSINESS

1. Ordinance No. 2820 - Amending the 2021/2022 Biennial Budget
2. Town Center Utility Woonerf Project
3. 2022 Comprehensive Plan Amendments

CITY ADMINISTRATOR REPORT

AGENDA SETTING

1. Council Meeting Agenda Calendar
2. Council Committee Meeting Calendar

EXECUTIVE SESSION

ADJOURNMENT

This meeting is accessible to persons with disabilities. For individuals who may require special accommodations, please contact the City Clerk at (253) 299-5590, 24 hours in advance.

SUBJECT: Ordinance No. 2820 - Amending the 2021/2022 Biennial Budget

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: As amended

Within Budget Allocation: As amended

ATTACHMENTS:

1. Ordinance No. 2820 - Amending the 2021/2022 Biennial Budget

STAFF CONTACT: Cassandra Raymond, Chief Financial Officer

SUMMARY BACKGROUND:

Staff presents the 2nd quarter 2022 amendment to the 2021/2022 Biennial Budget. This amendment includes:

- Add 1.0 FTE Finance Specialist/Finance Technician effective 07/01/2022 to address operational needs;
- Recognize grant revenue and associated expenditure for law enforcement purchases (portable breathalyzers and a drone);
- On-call Development Services plan review to meet increased demand;
- Support of city-wide SharePoint migration professional service support;
- Increased appropriations for water supplies (meter and other service supplies) to meet increased needs;
- Re-allocate ARPA contribution for Town Center - Utility/Woonerf project from Sewer to Water Fund;
- Recognize awarded STP grant for Wood & Main project;
- Re-allocate City Council Strategic Fund contribution from Wood & Main project to Town Center - Utility/Woonerf project;
- Design activities (building and automated irrigation) at the Sumner Cemetery;
- Recognize increased revenue support for Sumner Cemetery development; and
- Re-appropriate expenditures for the 24th St Utility Relocation (from the 2019/2020 Biennial Budget);

Ord No. 2820		
BA 06/21/2022		
	<i>Revenues</i>	<i>Expenditures</i>
General Fund	\$ 34,500	268,682
Reserve Funds	-	-
Special Revenue Funds	500,000	500,000
Debt Service Funds	-	-
Capital Funds	1,330,000	1,330,000
Utility Funds	500,000	2,958,800
Other Enterprise Funds	120,000	130,000
Internal Service Funds	14,000	17,500
Fiduciary Funds	-	-
	\$ 2,498,500	\$ 5,204,982

COUNCIL COMMITTEE/STUDY SESSION: Finance & Personnel Committee MEETING/STUDY SESSION DATE: 6/1/2022 COMMITTEE RECOMMENDATION: Forward to full Council
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STAFF RECOMMENDATIONS/MOTION:

A motion to approve Ordinance No. 2820 amending the 2021/2022 Biennial Budget.

ORDINANCE NO. 2820
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE 2021-2022 BIENNIAL BUDGET AS ORIGINALLY ADOPTED IN ORDINANCE NO. 2758, APPROVED DECEMBER 7, 2020, AND PREVIOUSLY AMENDED IN ORDINANCE 2762, APPROVED FEBRUARY 16, 2021, ORDINANCE 2771, APPROVED APRIL 19, 2021, ORDINANCE 2786, APPROVED AUGUST 2, 2021, ORDINANCE 2790, APPROVED AUGUST 16, 2021, ORDINANCE 2791, APPROVED AUGUST 16, 2021, ORDINANCE 2797, APPROVED OCTOBER 18, 2021, ORDINANCE 2802, APPROVED DECEMBER 6, 2021, ORDINANCE 2803, APPROVED DECEMBER 6, 2021, ORDINANCE 2804, APPROVED JANUARY 18, 2022, ORDINANCE 2813, APPROVED FEBRUARY 7, 2022, ORDINANCE 2815, APPROVED MARCH 21, 2022, and ORDINANCE 2818, APPROVED APRIL 4, 2022.

WHEREAS, The Sumner City Council approved Ordinance No. 2758 which adopted a biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2762 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2771 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2786 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2790 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2791 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2797 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2802 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2803 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2804 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2813 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2815 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, The Sumner City Council approved Ordinance No. 2818 which amended the 2021-2022 biennial budget for fiscal years 2021-2022; and

WHEREAS, RCW 35A.34 provides procedures for adopting, managing, and amending a biennial budget; and

WHEREAS, RCW 35A.34.130 requires that the adopted biennial budget be subject to a mid-biennial review and modifications as needed; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Amendment. The biennial budget for the City of Sumner for the period January 1, 2021 through December 31, 2022 as contained in the adopted 2021-2022 Biennial Budget for total revenue/sources and expenditures/uses as approved by the City Council, is hereby amended by Total Revenue and Expenditures for each fund as shown on the attached Exhibit A.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of the ordinance or the validity of its application to other person's circumstances.

Section 4. Effective Date. This Ordinance shall become effective five (5) days from and after its passage, approval, and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 21st day of June, 2022.

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse, CMC

City Attorney Andrea Marquez

BA 06/20/2022 Funds	Beginning Fund		Revenues			Expenditures			Ending Fund
	Balance								Balance
	<i>Adopted</i>	<i>Adopted</i>	<i>Previous</i>	<i>06/20/22</i>	<i>Adopted</i>	<i>Previous</i>	<i>06/20/22</i>	<i>Revised</i>	
001 General	\$ 5,978,542	\$ 31,643,467	\$ 550,870	\$ 34,500	\$ 31,919,065	1,361,885	\$ 268,682	\$ 4,657,747	
002 General Fund Reserves	980,824	-	-	-	-	-	-	980,824	
003 Building Reserves	475,000	200,000	-	-	80,000	150,000	-	445,000	
103 Complete Streets	241,851	-	-	-	200,000	41,654	-	197	
105 Drug Enforcement	63,457	-	-	-	4,500	-	-	58,957	
106 Hotel/Motel	273,747	215,000	25,000	-	106,245	318,000	-	89,502	
115 ARPA Funding	-	-	3,210,676	500,000	-	2,987,000	500,000	223,676	
200 Debt Service	2,570,000	527,200	-	-	520,000	-	-	2,577,200	
221 LID Guarantee	694,969	-	-	-	-	-	-	694,969	
302 Sidewalk	477,769	4,308,069	(310,000)	-	3,524,069	(310,000)	-	1,261,769	
305 Real Estate Excise Tax	1,093,200	1,600,000	-	-	-	1,776,000	-	917,200	
307 LID Capital Project Fund	9,545	-	-	-	-	-	-	9,545	
310 Parks & Trails Capital Fund	544,740	1,237,500	2,456,000	-	1,237,500	2,381,000	-	619,740	
320 Street Capital Fund	826,206	6,709,520	2,680,700	1,330,000	7,679,245	1,381,700	1,330,000	1,155,481	
325 Facilities Capital Fund	183,773	26,200,000	276,000	-	15,700,000	956,000	-	10,003,773	
401 Water	13,477,844	11,104,747	525,000	500,000	15,719,366	1,216,990	1,486,300	7,184,934	
402 Wastewater	20,996,349	15,706,582	591,050	-	18,404,296	1,510,746	1,472,500	15,906,438	
403 Utility Bond Reserves	1,729,536	-	-	-	-	-	-	1,729,536	
408 Stormwater	14,788,274	14,201,134	-	-	18,573,507	369,622	-	10,046,279	
410 Cemetery Operations	31,493	1,352,800	-	-	1,358,895	2,260	-	23,138	
415 Cemetery Development	-	-	40,000	120,000	-	25,000	130,000	5,000	
440 Animal Control	12,239	1,496,319	121,184	-	1,460,055	114,855	-	54,832	
501 Unemployment Insurance	43,989	-	-	-	3,055	-	-	40,934	
550 Fleet Management	6,261	1,251,664	-	-	1,251,660	690	-	5,575	
551 Information Technology	273,009	2,385,042	155,930	14,000	2,385,040	146,896	17,500	278,545	
555 Equipment Reserve	1,013,749	1,297,245	315,000	-	790,000	373,000	-	1,462,994	
601 Cemetery Endowment	1,472,385	60,000	-	-	-	-	-	1,532,385	
603 Alder Ave Remediation	25,649	-	-	-	-	-	-	25,649	
605 Development Impact Fees	7,026,351	700,000	-	-	3,397,200	835,000	-	3,494,151	
611 Firemen's Pension	11,832	160,000	-	-	160,000	-	-	11,832	
Total All Funds	\$ 75,322,583	\$ 122,356,289	\$ 10,637,410	\$ 2,498,500	\$ 124,473,699	\$ 15,638,298	\$ 5,204,982	\$ 65,497,803	

SUBJECT: Town Center Utility Woonerf Project

CATEGORY: Presentation

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Town Center Utility & Woonerf Presentation

STAFF CONTACT: Alisa O'Haver-Ayala , Associate City Engineer

SUMMARY BACKGROUND:

Staff will be updating the Council on the Town Center: Utility & Woonerf project status.

Staff will be bringing the following two project items for Council vote at the June 21st Council Meeting:

1. Town Center: Utility & Woonerf Project - Consultant Amendment CM Services
 2. Town Center: Utility & Woonerf Project - Construction Contract Award
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COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

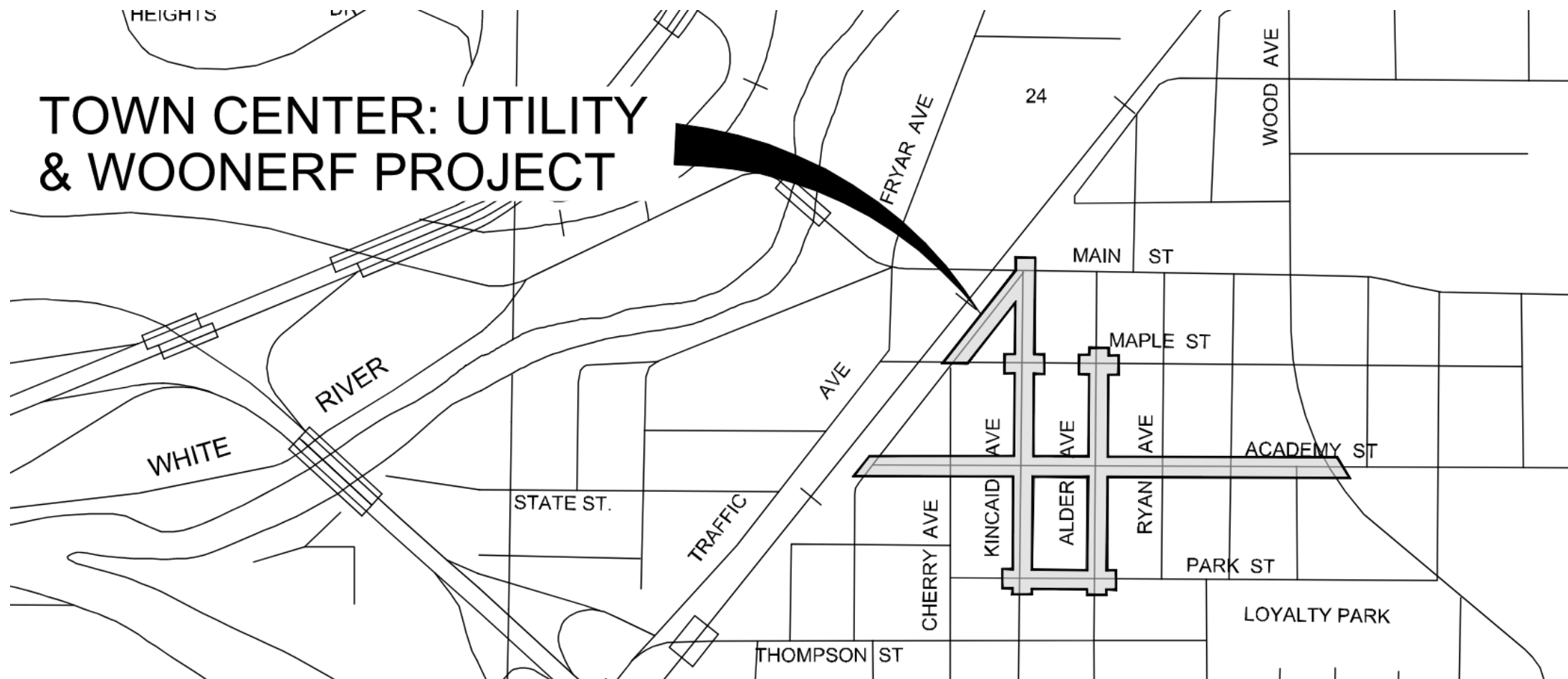
STAFF RECOMMENDATIONS/MOTION:

None - Information Only

Town Center: Utility & Woonerf Project

Alisa O'Haver-Ayala, P.E., CCM

Associate City Engineer





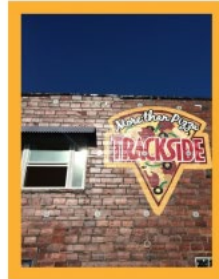
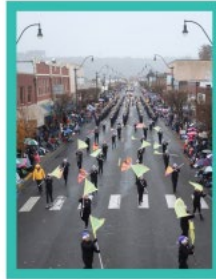
Town Center: Utility & Woonerf Project

3 Projects:

1. Alder & Kincaid Utilities (CIP 19-05)
2. Academy Street Bike Lanes (CIP 20-08)
3. Woonerfs around Heritage Park



TOWN CENTER PLAN 2018

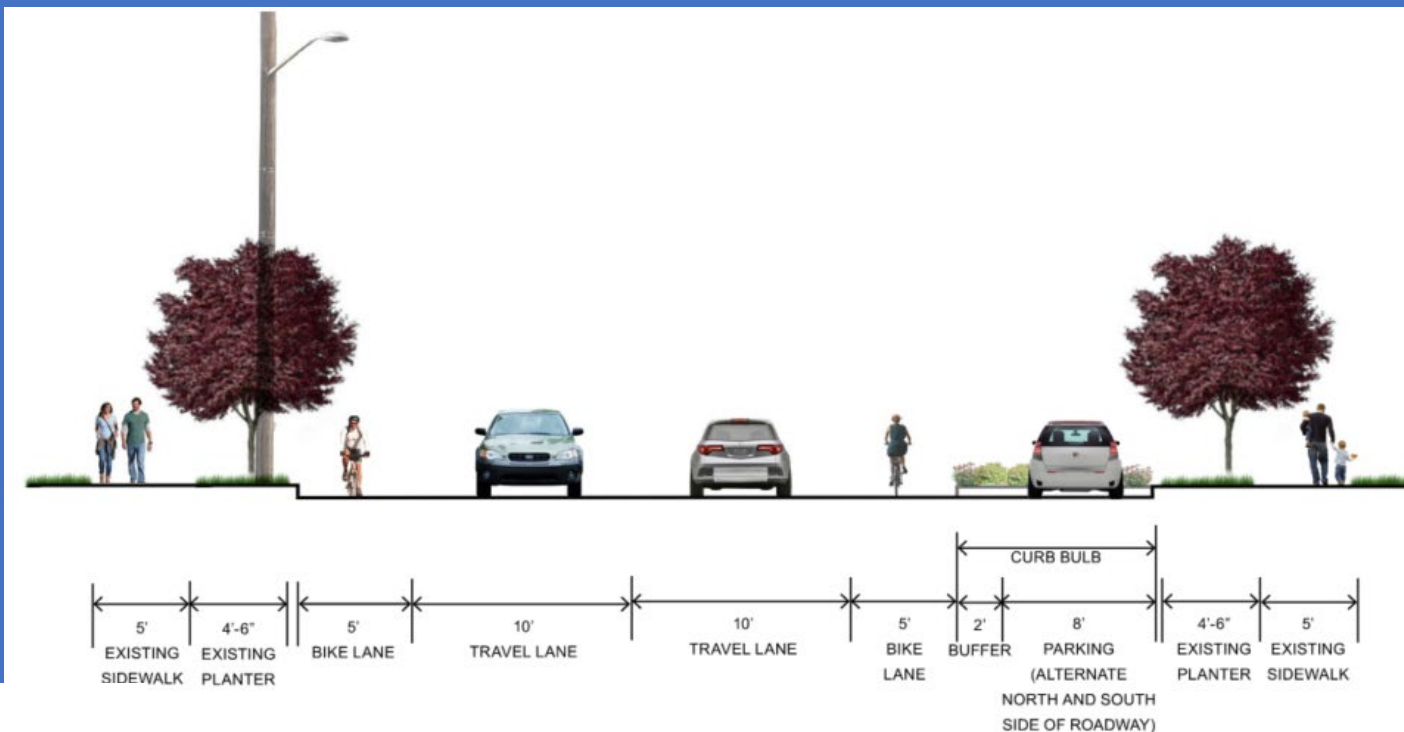


Community Development Department
1104 Maple Street, Suite 250,
Sumner, WA 98390
253-863-8300 www.sumnerwa.gov

Table 1. Projects and Actions

Projects and Actions	Project Number and Description	Priority
1. Identify, encourage and implement between 5 and 6 housing projects over the next 10 years, totaling between 500 and 1,000 dwelling units.	H1: Increase housing stock by 500 to 1,000 units by the year 2035.	High
2. Redevelop Red Apple Market Site	E1: During/after remediation, market site to potential developers as anchor for extending "Downtown" to Maple Street. H1: Increase housing stock by 500 to 1,000 units by the year 2035.	High
3. Acquire the balance of the Heritage Park block to use the entire triangle for public open space.	I1: Expand Heritage Park – acquire remainder of the block for Park expansion.	Low
11. Add more, smaller green spaces as well as more "hardscaped" plazas as development and redevelopment occurs.	I5: Identify and create downtown public gathering spaces.	Low

Academy Street Bike Lanes



Academy Street Narrow Street (Sounder Station) to Wood Avenue

3 parking shifts



parking concept

- Alternating the on-street parking between the north and south sides of the street lessens the impact of parking reductions on businesses and destinations along the corridor.
- Meandering the roadway to accommodate parking on both north and south sides provides an element of traffic calming along the corridor.
- The planned garage at the Sumner Sounder Station will provide 500 parking spaces and will reduce commuter demand for on-street parking.
- New developments in the area will construct on-site parking, adding to the parking supply in the next few years.





Main Street Visioning Plan

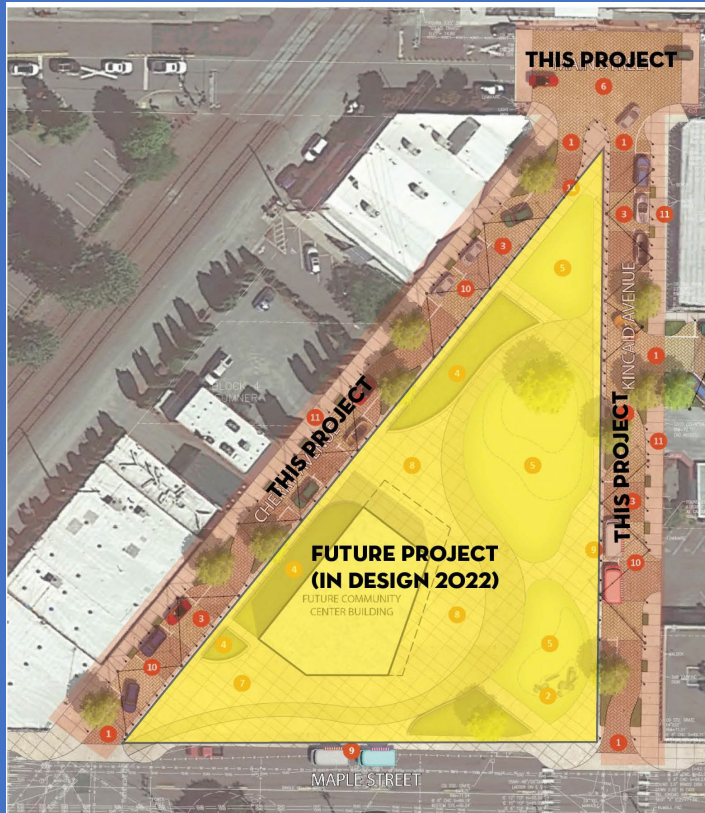
November 2021



Main Street Visioning Map:



Woonerf / Woonerfs / Woonerven



woonerf

noun [C] • GEOGRAPHY • specialized (also **Woonerf**)

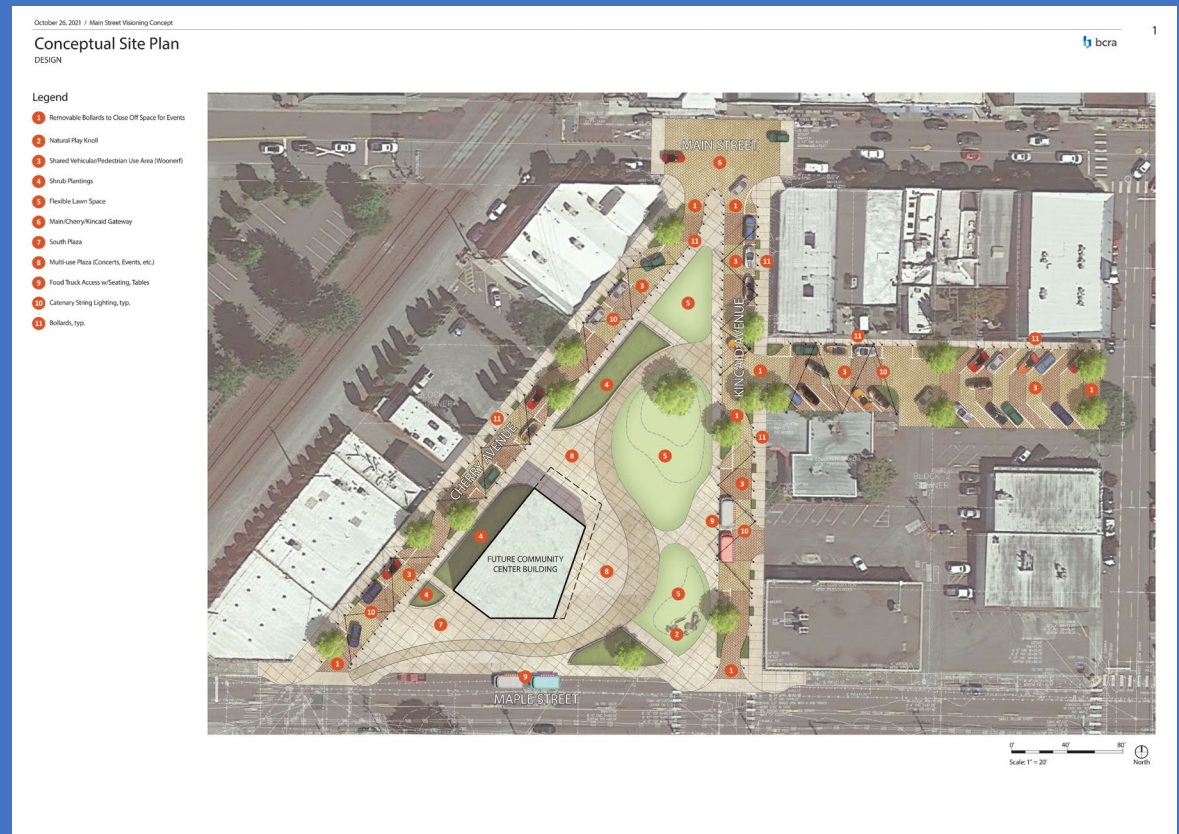
US /ˈvuː.nɜːf/ UK /ˈvuː.nɜːf/

plural **woonerven** or **woonerfs**



a road that is designed with special features to reduce the amount of traffic using it, or to make the traffic go slower:

- *Woonerf* is Dutch for "living street," and refers to a new way of designing streets to be people-friendly open spaces.





Town Center: Utility & Woonerf Project Schedule

Anticipated Construction Schedule:

Bid Opening:	May 19 th , 2022
Anticipated TC:UW Construction Contract Award:	June 21 st , 2022
Anticipated Construction NTP:	July 2022
Anticipated Construction Complete:	Summer 2023



Town Center: Utility & Woonerf Project

Construction Impacts

All construction impacts will be coordinated and communicated to those impacted by the Contractor, the Construction Management team (BCRA), and myself. Anticipated construction impacts include:

- Roadway closures for a single block at a time for up to 12 consecutive calendar days. Local access allowed.
- ADA accessible pedestrian detours.
- Sidewalk and driveway impacts to businesses and residents.
- Heritage Park closure.

Town Center: Utility & Woonerf Project

Event Coordination – Tier One

Tier	Events	Dates
1	Sumner High School Homecoming Parade	10/28/2022
	Santa Parade	12/3/2022
	Daffodil Parade	4/1/2023

Restrictions:

- No road or sidewalk closures.
- North of, and including Academy Street, all excavations shall be backfilled and finished including the final pavement surface, or temporary finished surfacing as agreed with the Engineer. No steel plates will be allowed.
- South of Academy Street, steel plates are allowed with restrictions.



Town Center: Utility & Woonerf Project

Event Coordination – Tier Two

Tier	Events	Dates
2	Rhubarb Days	7/8/2022 to 7/10/2022
	Classy Chassis	8/7/2022
	Come Walk with Me 5K	10/1/2022
	Street of Treats	10/31/2022

Restrictions:

- No road closures.
- North of, and including Maple Street, all excavations shall be backfilled and finished including the final pavement surface, or temporary finished surfacing as agreed with the Engineer. No steel plates will be allowed. No sidewalk closures will be allowed.
- South of Maple Street, steel plates and sidewalk closures are allowed with restrictions.



Town Center: Utility & Woonerf Project

Event Coordination – Tier Three

Tier	Events	Dates
3	Block Party	6/18/2022
	Music on Main at Ryan House and Nights on Ryan	7/15/2022
	Music on Main at Ryan House and Nights on Ryan	7/22/2022
	Music off Main at Loyalty Park	7/30/2022
	Nights on Ryan	8/5/2012
	Nights on Ryan	8/12/2022
	Fall Crawl	9/24/2022
	Festival of Bands at Sumner High School	10/29/2022
	All Holidays	

Restrictions:

- Road and sidewalk closures allowed with proper traffic control.
- Steel plates are allowed with restrictions.





Town Center: Utility & Woonerf Project

Bid Results:

Bidding Summary

Engineer's Estimate:

- \$5,491,471.88
- \$5,765,631.56 with Bid Alternate

3 Bid received. Low bid was as follows:

- \$6,541,360.63
- \$6,760,382.72 with Bid Alternate

Low bid is ~\$1.1M over Engineer's Estimate



Town Center: Utility & Woonerf Project

Bid Analysis:

Bid Item	Bid Item Description	Unit	Qty	Unit Price	Amount	Unit Price (Bid 3)	Amount (Bid 3)	Average	Average Delta from Engineer's Estimate	Average % From Engineer's Estimate	Low Bid Delta from Engineer's Estimate	Low Bid % From Engineer's Estimate
A07	Mobilization	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 400,000.00	\$ 400,000.00	\$ 386,292.00	\$ 136,292.00	154.52%	\$ 150,000.00	160.00%
A08	Project Temporary Traffic Control	LS	1	\$ 250,000.00	\$ 250,000.00	\$ 170,000.00	\$ 170,000.00	\$ 267,640.00	\$ 17,640.00	107.06%	\$ (80,000.00)	68.00%
B05	DI Pipe Cl. 52 for Water Main 8-In. Diam.	LF	3,532	\$ 95.00	\$ 335,540.00	\$ 120.00	\$ 423,840.00	\$ 523,913.33	\$ 188,373.33	156.14%	\$ 88,300.00	126.32%
B17	Irrigation System	LS	1	\$ 19,500.00	\$ 19,500.00	\$ 90,000.00	\$ 90,000.00	\$ 109,239.67	\$ 89,739.67	560.20%	\$ 70,500.00	461.54%
C11	HMA Cl. 1/2" PG 58H-22	TN	1,280	\$ 120.00	\$ 153,600.00	\$ 200.00	\$ 256,000.00	\$ 240,213.33	\$ 86,613.33	156.39%	\$ 102,400.00	166.67%
C14	Cement Conc. Pavement	SY	1,190	\$ 130.00	\$ 154,700.00	\$ 175.00	\$ 208,250.00	\$ 155,295.00	\$ 595.00	100.38%	\$ 53,550.00	134.62%
C16	Stamped and Colored Cement Conc. Pavement, 8-Inch Section	SY	1,478	\$ 140.00	\$ 206,920.00	\$ 225.00	\$ 332,550.00	\$ 310,380.00	\$ 103,460.00	150.00%	\$ 125,630.00	160.71%
C17	Stamped and Colored Cement Conc. Pavement, 10-Inch Section	SY	373	\$ 170.00	\$ 63,410.00	\$ 350.00	\$ 130,550.00	\$ 111,900.00	\$ 48,490.00	176.47%	\$ 67,140.00	205.88%
C44	Illumination System, Complete	LS	1	\$ 261,000.00	\$ 261,000.00	\$ 950,000.00	\$ 950,000.00	\$ 913,717.33	\$ 652,717.33	350.08%	\$ 689,000.00	363.98%
D01	Conduit Pipe 4-In. Diam.	LF	3,871	\$ 35.00	\$ 135,485.00	\$ 12.00	\$ 46,452.00	\$ 88,387.83	\$ (47,097.17)	65.24%	\$ (89,033.00)	34.29%
F02	Cured-In-Place Pipe 48-In. Diam.	LF	33	\$ 400.00	\$ 13,200.00	\$ 2,400.00	\$ 79,200.00	\$ 50,765.00	\$ 37,565.00	384.58%	\$ 66,000.00	600.00%
Total					\$ 1,843,355.00		\$ 3,086,842.00		\$1,314,388.50		\$1,243,487.00	

Town Center: Utility & Woonerf Project

Budget:

Where is the \$1.1M coming from?

- Council allocated \$1M of the City Council Strategic Reserve in the 2021-2022 Budget for the Main and Wood project in support of the Main Street Vision.
- The City recently obtained \$1.3M through Federal sources for the Main and Wood project.
- Upcoming budget amendment to shift the budgeted \$1M to support the Main Street Vision on this Town Center: Utility & Woonerf project.



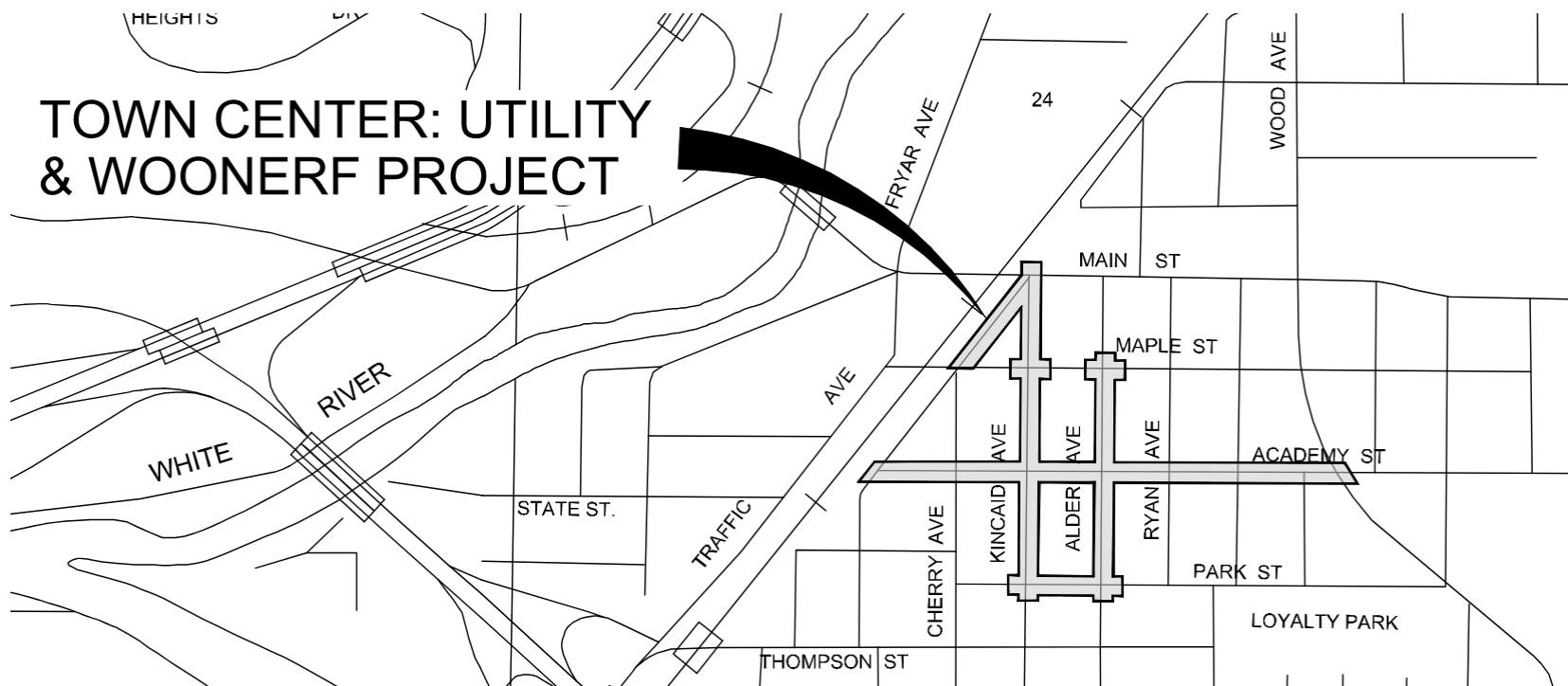
Town Center: Utility & Woonerf Project

Budget:

Funding Sources	Budget
City Funds:	
REET - Woonerfs	\$ 800,000.00
Water Mains	\$ 1,944,440.00
ARPA (Water)	\$ 1,000,000.00
Storm Sewer	\$ 1,437,020.00
Sanitary Sewer	\$ 458,020.00
Roadway (Council Strategic Reserve)	\$ 1,016,410.00
ARPA (Design)	\$ 250,000.00
Subtotal	\$ 6,905,890.00
Miscellaneous Funds:	
Sound Transit (Ped Impvmts)	\$ 450,000.00
Sound Transit (Academy St)	\$ 875,000.00
Pierce County	\$ 75,000.00
Subtotal	\$ 1,400,000.00
TOTAL Funding	\$ 8,305,890.00

Expenditures	Budget
Design	\$ 622,030.00
Construction	
City Labor	\$ 37,890.00
CM Services	\$ 450,480.00
Construction Contract	\$ 6,541,350.00
Construction Contingency	\$ 654,140.00
Subtotal	\$ 7,683,860.00
TOTAL Expenditures	\$ 8,305,890.00

Town Center: Utility & Woonerf Project



Questions?

SUBJECT: 2022 Comprehensive Plan Amendments**CATEGORY:** Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 2022 Comprehensive Plan Updates - Overview
2. Residential Densities Staff Report
3. Ordinance No. 2822 - Residential Densities
4. Electronic Reader Boards Staff Report
5. Ordinance No. 2823 - Electronic Reader Boards
6. Gas Stations Staff Report
7. Ordinance No. 2824 -Gas Stations

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

Per the Sumner Zoning Code, the City Council is required to determine each year whether it will consider “annual amendments” to the Comprehensive Plan for that year. In February 2022, the Council opened the 2022 amendment cycle. Applications for amendments were solicited via public notices, with a deadline for submittals in March 2022. The Planning Commission evaluated each proposal (as required by code) at a study session in April 2022 and held a public hearing in May 2022. After the public hearing, the Commission voted unanimously to recommend approval to the City Council.

The City received no amendment proposals from the public. There were 3 proposals submitted by staff, summarized below.

1. Comprehensive Plan text amendment to residential densities descriptions:

This proposal is to update the Comprehensive Plan text to clarify the range of residential densities anticipated in the descriptions. The Residential designations established in the Plan allow some intensive uses; the update would clarify the stated densities to reflect the likely density and intensity of the uses. The update would also clarify residential district descriptions to reflect the potential for increased density through a Planned Residential Development. The proposal does not increase adopted densities.

2. Zoning Code update to allow Electronic Reader board Signs and miscellaneous sign regulations update:

This proposal is to update Sign Code regulations to allow the City, library district and school district to have one Electronic Reader Board Sign (ERBS). An ERBS is a sign that includes arrays of internal light bulbs that convey text and/or graphics through intermediate flashing and animated images. The sign would be for non-commercial, non-advertising purposes. The proposed code includes criteria to minimize impacts and glare.

3. Zoning Code update to prohibit gas stations in General Commercial zones:

This proposal is to update Zoning Code regulations to prohibit gas stations in the General Commercial zone, and allow gas stations only in the Interchange Commercial zone and Industrial zones. The intent of these restrictions is to limit impacts such as noise, glare, odors/emissions, and to limit gas stations as an incompatible use in the downtown and prime commercial core areas in Sumner. The proposal would also update definitions and update the nonconforming use provisions in the code related to non-conforming gas stations.

COUNCIL COMMITTEE/STUDY SESSION: n/a
MEETING/STUDY SESSION DATE:
COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Discuss the proposed text amendments prior to a Council decision scheduled for July 18.

2022 Comprehensive Plan Update

City Council Study Session – June 13, 2022



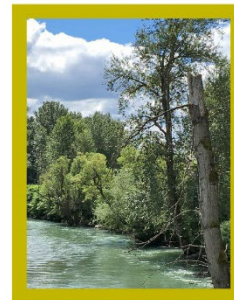
2022 Plan Update

- ◆ **Why a 2022 Update? Zoning Code requires consideration of Comprehensive Plan updates every 1 to 2 years.**
- ◆ **No updates requested from public. 3 staff proposals. No map changes; all text.**
- ◆ **Process for the update:**
 - Advertise: Accepting proposals.
 - Planning Commission approves “docket” list of proposals for further consideration.
 - Planning Commission starts the evaluation process, recommendations to Council.
 - City Council makes final decision.
- ◆ **May 2022: Planning Commission evaluated proposals. Recommended approval to City Council.**



CITY OF
SUMNER
WASHINGTON

Comprehensive Plan 2020



Summary of Proposals

◆ Comprehensive Plan – Density Descriptions:

- Clarify residential descriptions and chart to reflect allowed densities and intensity of uses.

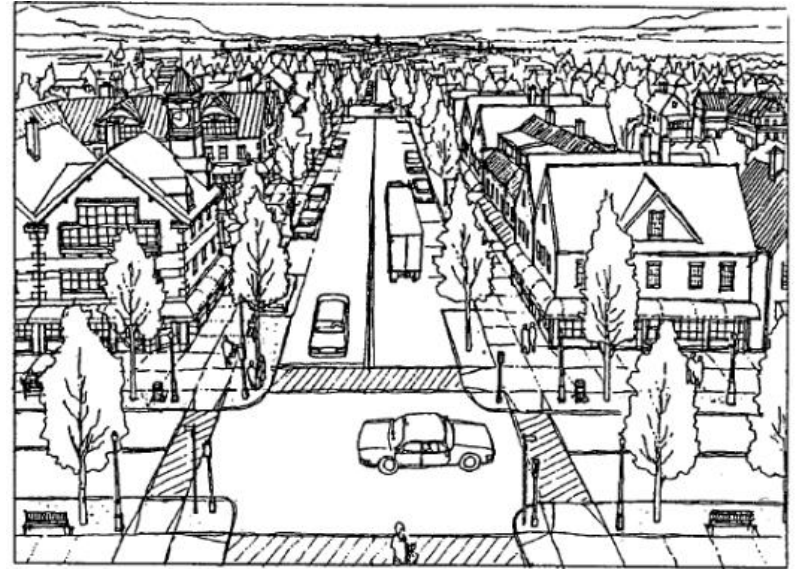
◆ Electronic Reader Board Signs (ERBS):

- Update existing allowance for City ERBS to allow an ERBS at future library and high school.

◆ Limit Locations for Gas Stations:

- No longer allow in General Commercial.
- Non-conforming sites cannot expand.

◆ Staff report (findings) and ordinance for each proposal.



Summary of Proposals

Comprehensive Plan – Density Descriptions

- ◆ **Goal: To clarify descriptions and chart in Plan to reflect anticipated densities and intensity of uses.**
- ◆ **Allowed uses:**
 - Code already allows intense uses like assisted living, continuing care, hospitals, in residential.
 - Descriptions in Plan should state that.
- ◆ **Allowed densities:**
 - Code allows slightly different densities than Plan's Density Table.
 - Density could be significantly increased through a Planned Residential Development permit for affordable senior housing.
 - Table updated to reflect that potential.
- ◆ **Changes make Plan & Code consistent.**



Summary of Proposals

Electronic Reader Board Signs

◆ Electronic Reader Board Signs (ERBS):

- Main goal: Expand allowance for City ERBS to allow a library district ERBS. Staff also proposes allowing one ERBS at high school.
- Add standards to address impacts of ERBS: Turn off at night, not allowed in residential.
- Clarify Town Center only allows ERBS west of the river.
- Update definitions for various non-commercial signs, general code cleanup.

◆ Digital Message Signs (DMS):

- Inadvertent prohibition of YMCA sign when zone changed. Code would allow DMS in any zone.
- DMS in any zone allows schools to have DMS (7 feet tall with 30 sf per side, like YMCA).



Summary of Proposals

Gas Stations – Limit Allowed Zones

◆ Limit allowed zones for Gas Stations.

- Currently allowed in General Commercial, Interchange Commercial, and Industrial zones.
- No longer allow in General Commercial.
 - GC = Mostly downtown, East Main, Fred Meyer site.
- Reduces impacts of noise, odor, auto-oriented uses in prime commercial areas, in pedestrian-oriented downtown.

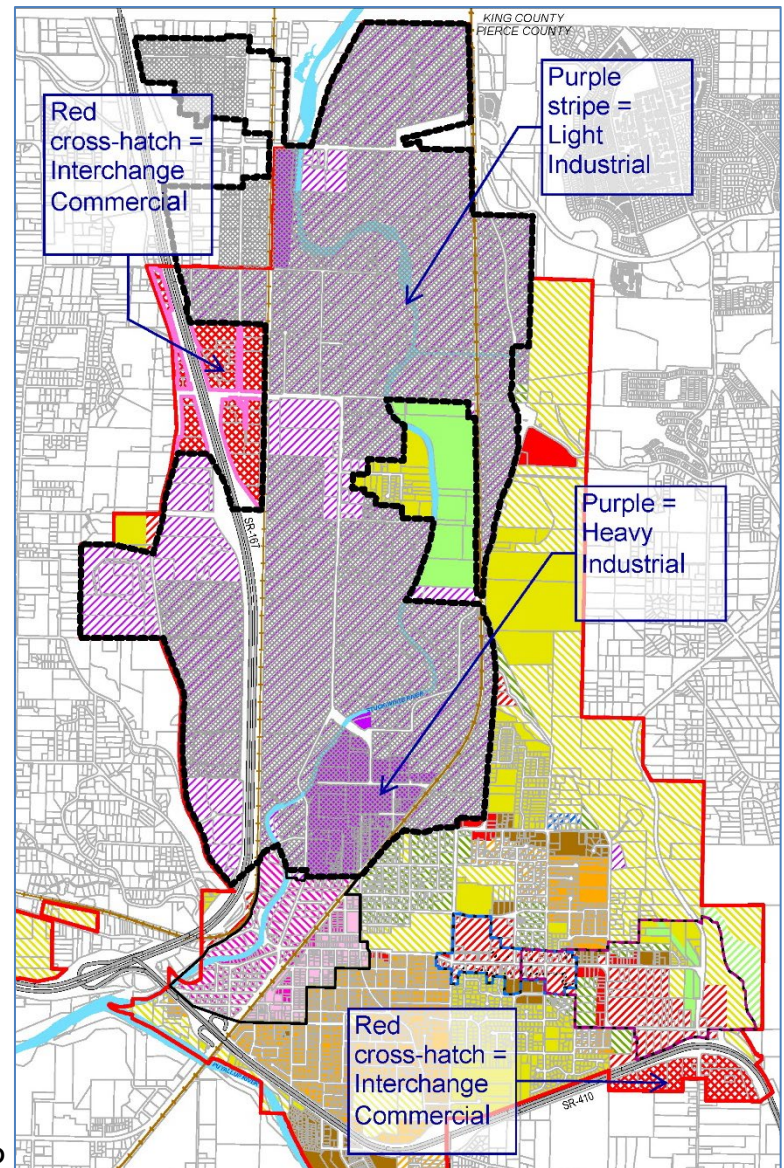


Gas Stations Zones

◆ Still allows Gas Stations in 3 zones:

- Interchange Commercial (IC):
 - SR167 interchange at 24th Street Auto Lane area south of SR410.
- Industrial (M-1 and M-2):
 - Mostly north of downtown, Zehnder Street area, and along 142nd Avenue in MIC.

Sumner Zoning Map

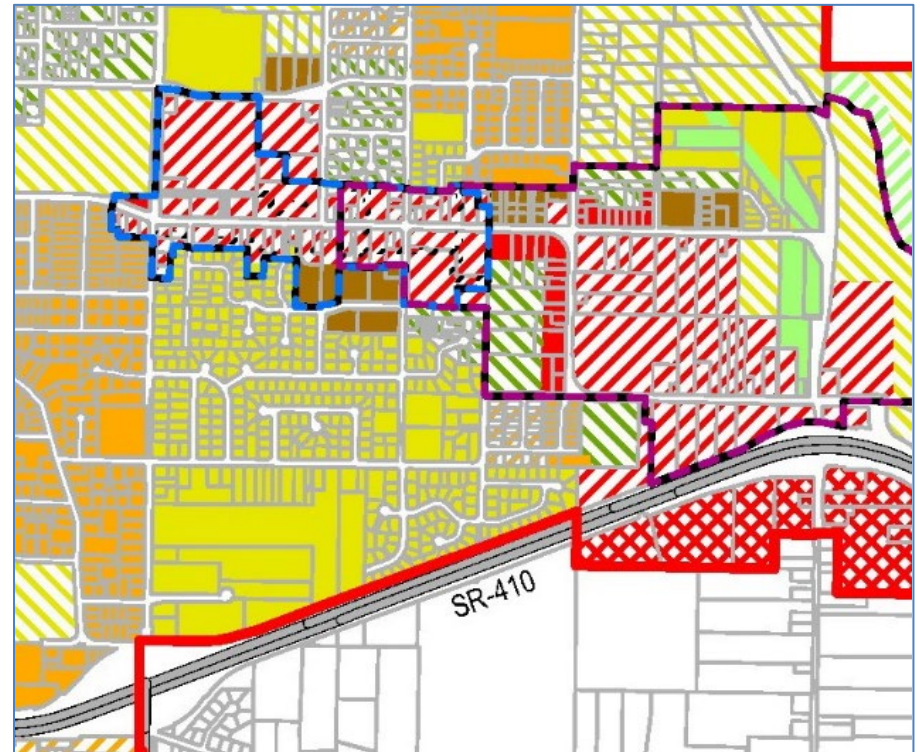


Summary of Proposals

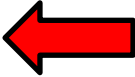
Gas Stations Zones

- ◆ **Creates 3 nonconforming sites:**
 - Fred Meyer fuel station
 - 7-11 Store & Fuel on Valley Ave
 - Pacific Pride on Cannery Way
- ◆ **Update nonconforming regulations.**
 - No fuel expansion allowed.
 - Convenience store can expand; can add EV charging stations.
 - Can upgrade technology.

GC Zone = Red cross-hatch



Next Steps

- ◆ **Planning Commission study & public hearing May 2022**
- ◆ **City Council study session June 13, 2022** 
- ◆ **City Council decision – July 18, 2022**

Questions?

Ann Siegenthaler, City of Sumner Community Development
253-299-5520 annsi@sumnerwa.gov



STAFF REPORT

DATE: June 3, 2022
TO: Mayor Hayden and City Council
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Comprehensive Plan Residential Densities Descriptions**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

The amendment would clarify the range of residential densities anticipated in the Land Use Element of the Comprehensive Plan and to provide consistency between the stated densities in the Plan and the densities that may be allowed through a Planned Residential Development. There are no map changes proposed. The process for amending the City Comprehensive Plan is specified in the Sumner Municipal Code section 18.56.147 and in the state Growth Management Act (GMA) (RCW 36.70A).

II. DESCRIPTION OF PROPOSAL

The proposal would update the language in the Land Use Element of the Comprehensive Plan to clarify the range of residential densities anticipated, and to clarify that a Planned Residential Development permit process may result in higher densities.

- A. Planned Residential Development Overlay. The Planned Residential Development (PRD) overlay is one of the overlay districts adopted in the original Comprehensive Plan. One of its purposes has always been to allow a higher density than what is stated in the base residential zones (in exchange for a public benefit and/or exceptional design). It provides an incentive for developing senior housing and more affordable housing that may require a higher density range. The PRD is not shown on the City zoning map; rather, it is a special permit process that may be allowed in various areas of the city. Therefore, allowances for higher density may not be readily apparent in the standards for residential zones, and densities listed in residential zones do not show what's allowed under a PRD. The proposed text will update the district densities to reflect that there is a PRD overlay that potentially allows additional densities. Existing Comprehensive Plan text describes the PRD (below); no change here is proposed.

"...**The Planned Residential Development (PRD)** overlay is similar to a PMUD but for residential developments. The PRD offers greater flexibility to develop a mix of housing types with varying lot sizes and dimensions, *allowances for increased densities and building heights as incentives for needed housing*, adequate open space, and building setbacks and heights that are compatible with adjacent residential uses. The result is a development that allows for a high level of variety in housing and flexibility in site design while remaining compatible with the character of the surrounding neighborhood."

- B. Allowed uses.** There are several policies in the Comprehensive Plan Housing Element regarding accommodating additional housing. These support increased density and infill as approaches to meeting Sumner’s housing targets, and accommodating special housing such as senior housing (e.g. senior apartments and continuing care communities). In addition to policies, the Residential designations established in the Comprehensive Plan allow some intensive uses (e.g. retirement homes and assisted living), but the stated densities do not reflect the likely density and intensity of these uses. The proposed updates to residential district descriptions would help clarify that higher intensity uses may be allowed in certain circumstances.
- C. Allowed densities.** Existing text in the Comprehensive Plan establishes density ranges for residential and commercial zones. However, many of the residential district descriptions elsewhere in the Plan do not reflect the potential for increased density through a PRD or other special permits. Also, some densities allowed in the Zoning Code are higher than what is listed in the Comprehensive Plan. The proposal does not increase the adopted densities, but updates the densities/text to reflect potential higher densities possible through special processes and densities listed in the Zoning Code. These updates would make the anticipated residential densities consistent between the documents, and with the PRD allowable densities.

The proposal includes an update to *Table 1 Land Use Designations*. The densities listed in Table 1 are updated where higher densities were actually adopted in the Zoning Code. An asterisk has been added that references increased density through a PRD. The Floor Area Ratio column is eliminated, since that standard is not used in any of the zones. Note that in the Comprehensive Plan there are 3 classes of Low Density Residential (LDR) Designations. These roughly correspond to the 4 LDR zones in the Zoning Code. Proposed changes are summarized below in red.

COMPREHENSIVE PLAN CATEGORY	COMPREHENSIVE PLAN DENSITY RANGE	CORRESPONDING ZONING CODE DISTRICT & DENSITY ALLOWED
Low Density Residential-1	2.9-5.0 du/ac*	LDR-12 same density
Low Density Residential-2	5.1-6.5 du/ac*	LDR-8.5 same density
Low Density Residential-3	2.9-5.0 7.0-10.0 du/ac*	LDR-4 and LDR-6: Allows 7.2-10.8 du/ac
Medium Density	8.1-15 du/ac*	MDR same density
High Density	12.1-25 du/ac*	HDR same density
General Commercial	12.1- 20-25 du/acre*	GC now allows 25 du/ac
Neighborhood Commercial	12.1- 20-25 du/acre*	NC now allows 25 du/ac
Urban Village	12.1 — 40 du/acre <u>26-40 du/ac*</u>	East Sumner Urban Village now allows 26-40 du/ac
Add new footnote: <u>*Density may be increased to 30-50 du/ac for affordable senior housing through a PRD process.</u>		

The entire text updates to make residential district descriptions, densities and PRD Overlay densities consistent with each other are shown in Ordinance 2822, attached as an Exhibit.

III. COMPREHENSIVE PLAN AMENDMENT CRITERIA

Only those amendments which are found to be in substantial compliance with all criteria listed below shall be approved (SMC 18.56.147(N)):

1. *An amendment is necessary to resolve inconsistencies between the Sumner Comprehensive Plan and other city plans or ordinances; or, to resolve inconsistencies between the Sumner Comprehensive Plan and other jurisdictions' plans or ordinances.*

The proposed amendment would resolve inconsistencies within the Sumner Comprehensive Plan and between the Plan and the Zoning Code. Existing text in the Comprehensive Plan establishes dwelling unit density ranges for residential and commercial zones. However, many of the residential district descriptions elsewhere in the Comprehensive Plan do not reflect the potential for increased density through a Planned Residential Development (PRD) permit or other special permits. Further, some of the residential densities listed in the Comprehensive Plan do not reflect the currently allowed uses and unit densities adopted in the Zoning Code. The proposed text would update the residential district descriptions to better reflect potential intensity and density of allowed uses and allowed unit densities adopted in the Zoning Code.

2. *Conditions have so changed since the adoption of the Sumner Comprehensive Plan that the existing goals, policies, objectives, and/or map classifications are inappropriate.*

Conditions have so changed since the adoption of the Comprehensive Plan that the text updates are needed. In some instances, allowed residential unit densities have been changed in the Zoning Code but not in the Comprehensive Plan (e.g. densities in East Sumner at SMC 18.30.080, and for Neighborhood Commercial and General Commercial at SMC 18.16.040). In other districts, the Zoning Code always allowed unit density to increase through a PRD, and recent updates to the Zoning Code PRD process have further increased allowed density. The proposed update would make the Plan text more consistent with the Zoning Code.

3. *The proposed amendment is consistent with the overall intent of the goals of the Sumner Comprehensive Plan.*

A few goals and policies in the Comprehensive Plan pertain to the proposed text amendment.

Land Use Sub-Element

The Land Use Sub-Element contains goals and policies related to the establishment of appropriate land use patterns, compatible uses, and orderly development. The proposal is consistent with such policies. The text updates provide guidance in implementing the Zoning Code and development regulations. Therefore, the text update is specifically consistent with Policy 1.7 which states: "Ensure new development is consistent with the policies of this Plan through implementation of regulations, programs, and project specific review."

Community Character Element

The Community Character Element contains goals and policies related to the design, quality, and pedestrian scale development within Sumner. A few policies are relevant. The proposal does not change the applicability of existing design guidelines that will govern new housing/mixed-use developments, so is consistent with Policy 1.3, which states: "In concert with the Sumner citizens and business community, maintain design guidelines and a design code, as appropriate, which address streetscape, landscape, and building design..." The proposed text updates would help ensure that the Zoning Code corresponds to the Comprehensive Plan. Therefore, the proposal is consistent with Policy 1.4 which states: "Implement and maintain a Zoning Code which implements the comprehensive plan and community vision." The uses and densities described in the proposal allow the Zoning Code to provide a range of housing types that can help fulfill Policy 2.6, which states: "In recognition of the need for a variety of housing, allow through the Comprehensive Plan and Zoning Code a mix of residential uses as appropriate to the neighborhood character."

Environment Element

The proposal is a non-project proposal so has no impact on the environment. Therefore, it is consistent with policies in the Environment Element.

Housing Element

The proposed text amendments clarify the intent of the Comprehensive Plan land use districts and overlay districts to allow increased dwelling unit density in some districts. Therefore, the proposal is consistent with the Housing Element's primary goal to "Provide a range of housing types for all life stages and economic segments of the Sumner Community "(Goal 2). The proposal also supports Policy 2.1, which states: "Through the Comprehensive Plan, Zoning Code, and Subdivision code, and Design Guidelines allow for a variety of housing types and lot configurations including multi-family housing, mixed use development, cluster development, zero-lot line and similar subdivisions, planned unit development, and non-traditional housing forms such as adult family homes."

4. *The proposed amendment is consistent with chapter 36.70A RCW, the county-wide planning policies for Pierce County, and the applicable multi-county planning policies.*

Consistency with Growth Management Act (RCW 36.70A)

The State Growth Management Act (GMA) identifies planning goals that are intended to be used in the development of local comprehensive plans and development regulations. The GMA goals include goals related to urban growth, sprawl reduction, transportation, housing, environment and others. The GMA also requires “consistency” throughout local plans, such as: consistency of local plans with the GMA, internal consistency between plan elements, and consistency of development regulations (e.g. Sumner Zoning Code) with the adopted comprehensive plan.

The proposed Comprehensive Plan text amendments are consistent with the GMA. The text updates do not change densities already adopted, so do not directly add development capacity; are not a project (development) proposal, do not affect adopted transportation plans or capital facilities plans, or similar adopted plans. In fact, the text updates will address the consistency requirements of the GMA by better aligning unit densities allowed in the Sumner Zoning Code with unit densities anticipated in the Sumner Comprehensive Plan policies. Based on this, the proposal is consistent with the Growth Management Act.

Consistency with countywide planning policies

The GMA requires the legislative body of the County to adopt countywide planning policies to establish a countywide framework for developing local comprehensive plans. The County-wide planning policies (CPPs) for Pierce County establish goals and policies related to such issues as: siting of countywide essential facilities, siting of countywide transportation facilities, allocation of housing and affordable housing, developing employment targets and employment centers. Another aspect of the CPPs is to establish consistency between and among the plans of cities and the county on regional matters. The proposed Comprehensive Plan text amendments are consistent with the CPPs. The text updates are not a project (development) proposal, and do not change adopted residential densities, or housing or employment allocations, do not affect transportation systems, or have any other effect on the CPPs. Based on this, the proposal is consistent with the CPPs.

Consistency with multi-county planning policies

The Puget Sound Regional Council (PSRC) establishes Multicounty Planning Policies (MPPs) for jurisdictions across the central Puget Sound region. The most recent set of these policies are contained in PSRC’s “VISION 2050” document. The MPPs address land use, transportation, environment, and other topics similar to what each county must address in countywide policies. A main function of VISION 2050 is to provide a regional growth strategy that guides the distribution of future population and employment growth through the year 2050. The MPPs help ensure consistency among county and city comprehensive plans.

The proposed text amendments do not change housing, employment, or transportation capacity, and are a non-project proposal that does not impact the environment, open space or demand for services. Because of this, the proposal would be consistent with the VISION 2050 multi-county planning policies.

5. *Where an amendment to the Comprehensive Plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation, or the subject property is of sufficient size, or other conditions are present.*

This criterion is not applicable, since no map change is proposed.

6. *Environmental impacts have been disclosed, and measures have been included to reduce possible adverse impacts.*

Potential impacts of the proposed 2022 Comprehensive Plan text amendments have been addressed through “Addendum Number 1 to the May 2021 Final Supplemental Environmental Impact Statement (FSEIS),” signed on April 26, 2022, which supplements the FSEIS completed for the 2020 Comprehensive Plan Update. The FSEIS analyzes impacts related to the environment including: earth, water quality, plant and animals, noise, land use, transportation and housing. Given that the 2022 text amendments comprise a non-project action, it is unlikely there will be any impacts or mitigation measures required; any potential effects are already addressed by the earlier FSEIS.

7. *Potential ramifications of the proposed amendment to other Comprehensive Plan elements and supporting plans have been considered and satisfactorily addressed.*

The potential ramifications of the proposed amendments to other Comprehensive Plan elements have been addressed. The applicable Comprehensive Plan elements and Zoning Code have been discussed above, and the proposed text amendments will have a negligible effect.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) and associated State rules establish a process for SEPA review of Comprehensive Plan updates. The proposed amendments are non-project minor text updates. Therefore, the updates are within the scope of the previous 2020 Sumner Comprehensive Plan SEPA documents and environmental analysis. Pursuant to procedures under WAC 197-11-625, an Addendum summarizing the SEPA environmental review for this proposal was signed by the SEPA Official on April 26, 2022 and issued on May 4, 2022.

V. PUBLIC & AGENCY COMMENTS

No public comments were received. The WA Department of Commerce (who reviews proposed amendments to Comprehensive Plans), recommended that staff clarify the text by stating that the potentially significant increase that could occur in residential densities would only occur for affordable senior housing.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission voted 4-0 to recommend approval to the City Council.

VIII. EXHIBITS

- A. Draft Ordinance No. 2822 for adopting amendments

ORDINANCE NO. 2822
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ADOPTING THE 2022 COMPREHENSIVE PLAN AMENDMENTS; AMENDING COMPREHENSIVE PLAN TEXT RELATED TO RESIDENTIAL DENSITIES IN THE LAND USE SUB-ELEMENT OF THE PLAN.

WHEREAS, the Washington State Growth Management Act, per RCW 36.70A.130 allows for annual amendments to City's Comprehensive Plan; and

WHEREAS, the City's 2022 Comprehensive Plan update consists of minor text amendments to the Land Use Sub-Element of the Comprehensive Plan; and

WHEREAS, the City invited public input into the proposed amendments, including public hearings, website postings and public notices; and

WHEREAS, the City of Sumner's Comprehensive Plan was originally adopted by Ordinance No. 1625 on April 4, 1994 to comply with the Growth Management Act; and numerous Plan updates have been adopted since that time, including the 2020 Comprehensive Plan Update adopted in May 2021; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) and pursuant to procedures for SEPA Addenda at WAC 197-11-625, the City of Sumner issued on May 4, 2022 Addendum #1 to the Final Supplemental Environmental Impact Statement (FSEIS) for the 2020 Comprehensive Plan update, which was issued on May 7, 2021; and

WHEREAS, on April 14, 2022, this proposal was forwarded to the Washington State Department of Commerce for the mandatory 60-day state review per the Growth Management Act; and

WHEREAS, on April 7, 2022 the Planning Commission held a study session on the proposed amendments, and a duly-advertised public hearing on the proposed amendments on May 5, 2022; and voted by a 4-0 vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; and

WHEREAS, on _____, the City Council held a study session to review the Planning Commission's recommendation(s); and on _____ voted by a _____ vote to adopt the proposed amendments to the Comprehensive Plan; and

WHEREAS, the basis for the proposed amendments has been set forth in a staff report dated April 11, 2022 that includes an analysis of the amendments' consistency with the City's adopted policies and regulations; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Municipal Code criteria for Comprehensive Plan amendments, Growth Management Act, Pierce County Countywide Planning Policies, and VISION 2050 multi-county planning policies;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. That the 2020 Comprehensive Plan Land Use Element, “Introduction” section is hereby amended to read as follows:

INTRODUCTION

Following are the land use designation categories to be utilized in conjunction with the Land Use Plan Map, shown in Figure 3. Table 1 summarizes the categories, ~~and~~ densities, ~~and floor area ratios~~ of particular zones.

Section 2. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, Low Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - Low Density

“This designation provides for primarily single-family dwellings in areas with current or planned access to City facilities and services. At the higher end of the single family density range (LDR-3), ~~(7 du/acre +) at 7-10 du/ac~~, public transit can more easily be supported. Through a planned residential development permit process, this base density may be increased significantly for affordable senior housing. Low density residential uses provide a transition from rural residential to higher density uses. Primary uses include detached single-family residential dwellings, private garages, and other accessory buildings. Secondary ~~allowed~~-uses allowed typically through a special permit process include, accessory units (“mother-in-law units”), adult family homes, assisted living facilities, senior apartments and retirement homes, hospitals, public and private educational facilities, utilities subject to compatibility criteria, and churches and religious institutions. Many of these secondary uses may bring a higher number of residents, visitors and vehicle trips than normally associated with low density residential areas.”

Section 3. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, Medium Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - Medium Density

“The medium density designation is intended to provide for multi-family living to ensure that opportunities to obtain reasonable-cost housing exist for community residents. Primary uses include multi-family housing of various types including duplexes, zero-lot line structures, townhouses, condominiums, senior apartments and retirement homes, etc., and may also include single-family dwellings. Secondary uses allowed typically through a special permit process can include ~~single-family dwellings,~~ adult family homes, day care, ~~public and private~~ educational facilities, utilities subject to compatibility criteria, churches and religious institutions, ~~convalescent care and rest~~

~~homes~~assisted living facilities, limited office/professional buildings, and manufactured home subdivisions. Through a planned residential development permit process, the base density in Medium Density Residential may be increased significantly for affordable senior housing. Medium density developments may require design review to ensure diversity of building types/avoidance of building form repetition, plan goal consistency, and neighborhood compatibility.”

Section 4. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Residential, High Density” is hereby amended to read as follows:

LAND USE DESIGNATIONS – RESIDENTIAL - High Density

“This designation allows for higher density multi-family developments to allow for a broad range of housing choices in areas with existing and planned infrastructure, and to allow for infill development and the reduction of sprawl. Primary uses include multi-family housing of various types including townhouses, condominiums, apartments, etc. Secondary uses can include low and moderate density residential developments, adult family homes, day care, ~~public and private~~ educational facilities, utilities subject to compatibility criteria, churches and religious institutions, ~~convalescent care and rest homes~~and assisted living facilities. ~~This designation primarily applies to existing development that already is developed to this density level.~~ Through a planned residential development permit process, the base density in High Density Residential may be increased significantly for affordable senior housing. This designation may be applied in new areas as appropriate to the neighborhood's character (e.g. near commercial areas and transit). ~~Proposed high~~High density developments may occur where the following conditions exist:

- An over-concentration of multi-family dwellings in a single area is avoided.
- A repetition of building forms is avoided in the proposed development.
- Design review will be required.
- Adequate public and community facilities exist to support the density.”

Section 5. That the 2020 Comprehensive Plan Land Use Element, “Land Use Designations” section, subsection “Table 1 – Land Use Designations” is hereby amended to read as follows:

TABLE 1 – LAND USE DESIGNATIONS

CATEGORY	DENSITY	FAR
<u>Residential</u>		
Resource Protection (RES)	1 du/20 acres	--
Residential-Protection (R-P)	1 du/20 acres	--
Low Density Residential-1 (LDR-1)	2.9 -5.0 du/acre *	--

CATEGORY	DENSITY	FAR
Low Density Residential-2 (LDR-2)	5.1-6.5 du/acre*	--
Low Density Residential-3 (LDR-3)	6.6-8 7.0-10.0 du/acre*	--
Medium Density (MDR)	8.1-15 du/acre*	--
High Density (HDR)	12.1-25 du/acre*	--
<u>Commercial</u>		
General Commercial (GC)	12.1- 20-25 du/acre*	--
Interchange Commercial (IC)	--	.3-.5
Neighborhood Commercial (NC)	12.1- 20-25 du/acre*	.3-.5
Town Center Plan area	Unlimited density per TCP Form Based Code	.75-6.0
Urban Village (UV)	12.1-40 du/acre 26-40 du/ac*	1.0-2.0
<u>Manufacturing</u>		
Light (M-1)	--	.3-.8
Heavy (M-2)	--	.3-.8
<u>Public/Private Facilities & Utilities (P)</u>	--	.3-.8
<u>Overlay Designations</u>		
Shoreline	Refer to Sumner SMP	Refer to Sumner SMP
Planned Residential Development (PRD)	Based on underlying zone	n/a
Planned Mixed Use Development (PMUD)	5-37.5 du/acre	.3-.5
Town Center Plan Subarea Sub-Districts	Unlimited if height, open space, setbacks, and parking are met.	.75-6.0
Innovation District & Enterprise Area	Based on underlying zone	n/a

Source: Sumner Community Development Department

Notes: du = dwelling unit

~~FAR~~ = ~~floor area ratio~~

SMP = Shoreline Master Program

*Density may be increased to 30-50 du/ac for affordable senior housing through a PRD process.

Section 6. That the amendments contained herein shall constitute the 2022 Sumner Comprehensive Plan Update, and are hereby adopted.

Section 7. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 8. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 9. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:
Date Adopted:
Date of Publication:
Effective Date:



STAFF REPORT

DATE: June 3, 2022
TO: Mayor Hayden and City Council
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Electronic Reader Board Signs Code Amendments**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

This amendment is proposed by staff to expand allowances in the Sign Code (SMC 18.46) for Electronic Reader Board Signs (ERBS). The City Council has expressed an interest in allowing City- and library district-sponsored ERBS at the future library site downtown, and the proposed code amendments expand and clarify regulations to allow such signs. In addition, the ERBS provision would be expanded to allow an ERBS at the high school on Main Street. There are no map changes proposed, and there is no current project associated with this code amendment.

II. DESCRIPTION OF PROPOSAL

The proposal is to update the Sumner sign code mainly to allow a City, library district or school district Electronic Reader Board Sign (ERBS) *in limited locations*. An ERBS is a sign that includes arrays of internal light bulbs that convey text and/or graphics through intermediate flashing and animated images. The Old Cannery has an ERBS on its west wall; the Ford dealership on Auto Lane also has a wall-mounted ERBS.

The Sign Code already allows ERBS at the City Hall site and other City facilities (although none exist at present). The proposal would allow certain other public agencies to install an ERBS. An ERBS would be for non-commercial, non-advertising purposes; the intent is to use it to display information related to public events and meetings, special events, and agency information. Changes are summarized below.

A. Update provisions related to ERBS

- The main revision is to update what entities are allowed to have an ERBS. Currently, an ERBS is only allowed at City facilities (outside of the 2 commercial sites where allowed). The Council has expressed an interest in allowing the library district facility to also have an ERBS. Staff also recommends that an ERBS be allowed for the school district, which was not included in the ordinance reviewed by the Planning Commission. Because of the potential impacts of ERBS, the proposed code intentionally limits the locations of these signs to just a few sites. Code would allow an ERBS at City Hall, the new library site, and the high school on Main Street.
- Since these signs display animated images, the proposed code includes additional criteria to minimize impacts and glare.
- The proposal would also add a definition for “public agency informational sign” which would allow a library district and school district ERBS.

B. Clarify that ERBS are not generally allowed in Town Center

The Sign Code allowed ERBS in the former General Commercial zone west of the river (e.g. where Old Cannery ERBS is located). When that area became Town Center zone, the ERBS allowance was carried over to the area and is now allowed in Town Center. However, the detail under “prohibited signs” in the Sign Code was not corrected. The proposal ensures that there’s no conflicting language for the currently allowed ERBS west of the White River (e.g. Old Cannery sign).

C. Add performance standards for non-commercial signs

The Sign Code allows a variety of non-commercial signs to be located in any zone. These include neighborhood bulletin boards, informational signs (e.g. a wetland interpretive sign), public agency sign (e.g. City ERBS). Since these types of signs are allowed in any zone, performance standards are proposed to limit impacts, such as size limits on informational signs, text clarifying that digital message signs are for schools and government only, and establishing standards for a public agency ERBS.

D. Update allowance for Digital Message Signs

The current code allows a Digital Message Sign (DMS) in Neighborhood Commercial zones, which allowed the YMCA sign. However, the zoning for that site changed some time ago to General Commercial where a DMS is not allowed. The proposed code would fix that by allowing a DMS in any zone for regional community centers (i.e. YMCA). The proposed code would also affect existing signs at schools. The current code allows a DMS for schools in Neighborhood Commercial zone. Currently the high school and middle school have DMS signs that are nonconforming signs, since they are not located in the NC zone. The code change would allow a DMS for schools in any zone. Existing school signs would still be nonconforming to the DMS standards, but the code would allow a DMS at school sites where they are currently not allowed at all.

E. General cleanup of conflicting terms and redundant sections

The proposal includes several additional “cleanup” revisions. The Sign Code has several definitions related to lighted/animated signs. The proposal will eliminate redundant or confusing definitions, clarify language related to non-commercial signs and definitions, and clarify more specifically which types of signs are allowed.

The specific proposed code updates are shown in Ordinance 2823, attached as an Exhibit.

III. ANALYSIS

The proposed Zoning Code amendments are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below. Further, the proposal is consistent with the purpose of the Sumner Sign Code (Chapter 18.44) in striking a balance between allowing signs and minimizing potential impacts. The Sign Code regulates signs and street graphics “...while recognizing the needs of businesses and convenience of pedestrians and motorists; to encourage creative and innovative design; to maintain and enhance the aesthetic environment and the city’s ability to attract sources of economic development and growth; to reduce traffic hazards caused by unregulated signs which may distract, confuse, and impair the visibility of motorists and pedestrians...”

Land Use Element

The proposal is consistent with Comprehensive Plan policies and goals for establishing land uses in appropriate areas and managing incompatible uses. The proposal would allow ERBS in targeted areas only, and establishes performance standards to minimize impacts. Further, the proposal is consistent with the following specific policies:

- 1.1 *Ensure... appropriate transitions so that more intensive uses do not adversely impact adjacent uses.*
 - 1.1.1 *Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.*
 - 1.1.2 *Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.*

Economic Development Element

The proposal is consistent with the overall intent of the Economic Development Element as it would support community engagement in civic functions and community events, by communicating event information to the public. Further, the proposal is consistent with the following specific policies:

- 5.0 Promote downtown as the town's cultural, historic and activity center of the entire community.*
- 5.1 Invest adequate resources in ways which strengthen downtown. Whenever possible, these monies shall be used to leverage additional dollars from public and private sources for improvements.*
- 5.3 Promote a diversity of uses within the downtown, which support the activity base by providing employment, recreational, residential, and a variety of commercial activities.*
- 5.4 Give downtown locations highest priority when siting city and government facilities such as libraries and administration offices, which have significant employment or destination potential.*
- 5.7 Work with other organizations to promote civic and community events which foster community pride and promote the downtown and other critical commercial areas.*

Community Character Element

The proposal is consistent with the overall intent of the Community Character Element as it would allow ERBS to display messages to the public about community events and community meetings, in support of civic facilities and community services. It also includes performance standards to minimize incompatibility between land use types and to maintain community character. Further, the proposal is consistent with the following specific policies:

- 1.2 Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 3.0 Reinforce the downtown as the town center and commercial and cultural center of Sumner.*
- 3.1 Plan for the downtown as Town Center and the community core encouraging a combination of commercial, civic, cultural, recreational, and residential uses.*
- 3.11 Provide for community festivals, outdoor markets, performing arts, or other community events for all ages to promote business and activities in the Downtown.*

CONCLUSION: The proposed amendment is consistent with the stated purpose of the Sign Code. It is also consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would provide a means of sharing information about community events, thereby promoting the economic vitality of the community; and would establish standards to minimize the potential impacts of electronic reader board signs, thereby protecting the streetscape and community character.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment, including review of the environmental checklist, has been completed. A SEPA Determination of Non-Significance was issued April 11, 2022.

V. PUBLIC & AGENCY COMMENTS

No public or agency comments have been received since the opening of the public comment period.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission voted 4-0 to recommend approval to the City Council.

VIII. EXHIBITS

- A. Ordinance No. 2823 for adopting changes

ORDINANCE NO. 2823
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR ELECTRONIC READER BOARD SIGNS IN CHAPTER 18.44 SIGN CODE; AMENDING 18.44.040 DEFINITIONS OF TYPES OF SIGNS; AMENDING ARTICLE II GENERAL RESTRICTIONS AND LIMITATIONS SECTIONS 18.44.110, 18.44.130, AND 18.44.140; AMENDING 18.44.180 ADDING STANDARDS FOR DIGITAL MESSAGE SIGNS; AMENDING SECTION 18.44.185 STANDARDS FOR PUBLIC AGENCY INFORMATIONAL SIGNS; AMENDING SECTION 18.44.200 SIGNS PERMITTED IN ALL DISTRICTS; AND AMENDING SECTION 18.44.230 REMOVING STANDARD FOR DIGITAL MESSAGE SIGNS IN NEIGHBORHOOD COMMERCIAL ZONE.

WHEREAS, the City Council has expressed a desire to expand allowances for Electronic Reader Board Signs for public agencies; and

WHEREAS, the City Council finds that allowing the Library District or the City an Electronic Reader Board Sign at the new library facility in downtown Sumner provides a valuable community service by providing information to the public regarding City and Library District meetings and community events; and

WHEREAS, on April 7, 2022 the Planning Commission held study session on the proposed amendments, and a duly-advertised public hearing on May 5, 2022; and

WHEREAS, on May 5, 2022 the Planning Commission voted by a 4-0 vote to recommend adoption by the City Council of the proposed zoning regulations updates as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on April 14, 2022; and

WHEREAS, on _____, the City Council held a study session to review the Planning Commission's recommendation(s); and on _____ voted by a _____ vote to adopt the proposed amendments; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. That Sumner Municipal Code Chapter 18.44 Sign Code, Section 18.44.040 Definitions is hereby amended to remove definition as follows:

~~**18.44.040 Changing message center**~~

~~“Changing message center” means an electronically or electrically controlled public service time, temperature and date sign, message center or readerboard where different copy changes of a public service or commercial nature are shown on the same lamp bank.~~

Section 2. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to read as follows:

~~“Informational or nonadvertising sign” means a sign intended to provide containing only noncommercial, site-specific environmental or interpretive information, or similar non-promotional messages intended as a public service to the community, erected by public service clubs, historic societies, utility or service districts, or similar nonprofit organizations. This does not include “public agency informational signs,” “digital message centers” or identification signs for facilities which require a conditional use permit in residential zones.~~

Section 3. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Low monument sign” means a monument sign no greater than 7 feet in height.**~~

Section 4. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Neighborhood community bulletin board” means a monument sign or wall sign with public service messages intended for the benefit of the immediate neighborhood, where text does not change electronically.**~~

Section 5. That Sumner Municipal Code Section 18.44.040 Definitions is hereby amended to add a definition as follows:

~~**“Public agency informational sign” means a sign sponsored and controlled by the city, library district, school district or similar public agency containing only public service information and messages with no commercial content. Public agency informational sign does not include digital message sign.**~~

Section 6. That Sumner Municipal Code Section 18.44.110 is hereby amended as follows:

18.44.110 Prohibited signs.

N. Electronic reader board signs, except in the interchange commercial zone south of SR-410 as permitted under SMC 18.44.245, the general commercial zone as permitted under SMC 18.44.240, the Town Center Plan area as permitted under

SMC 18.44.220, and ~~city~~public agency informational signs as permitted under SMC 18.44.185.

Section 7. That Sumner Municipal Code Chapter Section 18.44.130 is hereby amended to read as follows:

18.44.130 Neighborhood ~~C~~community bulletin board.

If approved by the director, a **neighborhood** may be allowed to erect a permanent structure as a community bulletin board; provided, that it does not exceed a sign area of 30 square feet per face.

Section 8. That Sumner Municipal Code Section 18.44.140 is hereby amended to read as follows:

18.44.140 Informational or N~~on~~advertising ~~or nonpromotional~~ signs.

- A. Informational or N~~on~~advertising signs may be erected as a public service to the community ~~by public service clubs or other nonprofit organizations.~~
- B. Such signs may be located in any zone upon approval by the director.
- ~~B. Informational signs may be erected in any zone subject to approval by the director.~~
- C. There shall be no fee for signs allowed by this section.
- D. Such signs shall not include electronic reader board signs or digital message centers.
- E. Such signs shall not exceed 20 square feet per face and 15 feet in height.

Section 9. That Sumner Municipal Code Section 18.44.180 is hereby amended as follows:

~~18.44.180 Informational signs.~~

~~Informational signs intended to be viewed from a public street or pedestrian way shall meet the standards set forth for signs established in the respective zoning districts.~~

18.44.180. Digital Message Signs.

Digital message signs shall be allowed only for public schools, government facilities, or regional community centers subject to the following standards:

- a. One digital message sign shall be allowed per street frontage up to a maximum of two signs.
- b. The digital message sign shall not exceed a height of seven feet.
- c. The digital message sign shall not exceed 64 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.
- d. The digital message sign shall be a monument sign.

Section 10. That Sumner Municipal Code Section 18.44.185 is hereby amended to read as follows:

18.44.185 ~~City~~ Public agency informational signs.

~~City~~In lieu of one permitted digital message sign, a public agency informational signs may be erected on ~~city~~ property owned or controlled by the city, library district or school district for the purpose of informing the public of ~~city agency~~-sponsored events, meetings, and information associated with city or district business, subject to the location restrictions below. ~~City~~Such agency informational signs shall contain no commercial advertising. ~~City informational signs~~ Signs may be monument, freestanding or wall signs,. Height of a freestanding sign shall not exceed 15 feet, except that in the East Main Street Design area signs shall be either low monument signs or wall signs. Sign area and shall not exceed a total of 75 square feet and 37.5 square feet per side. ~~City~~informational signs may include digital messaging signs or an electronic reader board sign (ERBS), provided:

- A. ERBS shall not display more than one message per eight seconds.
- B. Animation between messages shall not be allowed.
- C. The digital message and ERBS portion cannot exceed 75 percent of the square footage of the sign.
- D. Only one ERBSpublic agency informational sign is allowed per site and parcel.
- E. The difference between the off and solid-message measurement using the ERBS measurement criteria shall not exceed 0.3 foot-candles over ambient lighting conditions when measured at the recommended distance, based on the ERBS size. The measurement distance shall be calculated by using the following formula: measurement distance = the square root of the (area of the sign square feet x 100).
- F. ERBS shall be programmed to automatically adjust illumination for all times of day and night based on ambient light conditions using photocell technology.
- G. Public agency informational signs are not allowed in residential zones, and not allowed at city parks and trails; except that one is allowed at the high school site on Main Street.
- H. ERBS shall be programmed to operate only during the hours of 6am-9pm.

Section 11. That Sumner Municipal Code Section 18.44.200 is hereby amended to read as follows:

18.44.200 Signs permitted in all districts. The following signs are permitted in all zoning districts within the city subject to the provisions of Articles II and III of this chapter:

- A. City entrance sign;
- B. Construction sign;
- C. Nonpolitical sign;
- D. Political sign
- E. Real estate sign;
- F. Public agency informational sign~~and city informational sign~~;
- G. Temporary signs;
- H. Incidental sign;
- I. Neighborhood Community bulletin board;
- J. Informational or Nonadvertising~~or nonpromotional sign~~;
- K. Digital message sign.

Section 12. That Sumner Municipal Code Section 18.44.230(C)(8) is deleted, as follows:

18.44.230(C)(8) Digital Message Signs.

~~Digital message signs in the neighborhood commercial zone shall be allowed only for schools, or regional community centers subject to the following standards:~~

~~a. The digital message sign shall be considered a freestanding sign as per subsection (C)(1)(b) of this section.~~

~~b. The digital message sign shall not exceed a height of seven feet.~~

~~c. The digital message sign shall not exceed 63 square feet in area. The electronic portion shall not exceed more than 60 percent of the total sign area.~~

~~d. The digital message sign shall be a monument sign.~~

Section 13. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 14. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 15. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:



STAFF REPORT

DATE: June 3, 2022
TO: Mayor Hayden and City Council
FROM: Ann Siegenthaler, Senior Planner
RE: 2022 Comprehensive Plan Update – **Gas Stations Code Amendments**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In February 2022, the City Council opened the application process to accept applications for amending the Comprehensive Land Use Plan and Zoning Code. No applications from the public were received; City staff have proposed one amendment to the Comprehensive Plan text (no map change) and two updates to the Zoning Code regulations, including the proposal described below. The Planning Commission determined in April 2022 that these changes were eligible for consideration during the 2022 amendment process.

The purpose of this amendment is to limit the areas where gas stations are allowed within the city. These restrictions are needed to address: 1) concern from neighborhoods about impacts such as noise, glare, odors/emissions; and 2) concern that gas stations are not a compatible use in the downtown or in prime commercial core areas in Sumner.

II. DESCRIPTION OF PROPOSAL

The proposed zoning code amendments would limit the areas where gas stations are allowed within the City. The code will also restrict the ability of existing gas stations in most commercial zones to expand. Currently, gas stations are allowed in two commercial zones and in both industrial zones; the proposal would prohibit gas stations in the General Commercial zone. The code will also restrict the ability of existing gas stations in the General Commercial zone to expand. The proposal will also update definitions for clarity, and update the nonconforming use provisions in the code.

A. Update definition related to gas stations

Gas stations are considered commercial uses that provide retail sales of fuel. The definition does not include wholesale or private fuel companies that distribute fuels to retailers or serve on-site fleets. Proposal would clarify the terms in this definition. Proposal would also update the permitted use tables to consistently use the term “gas stations” versus service stations.

B. Limit zones where gas stations are allowed

Currently, gas stations are not allowed in Residential zones, Neighborhood Commercial (NC, ESUV/NC) zones, and Town Center Plan (TCP) area. They are allowed in General Commercial (GC), East Sumner General Commercial (ESUV/GC), Interchange Commercial (IC), and Industrial zones.

Proposed code would allow gas stations only in these areas:

- Interchange Commercial (IC) zone – Examples: South of SR410, SR167 interchange at 24th Street.
- Industrial (M1/M2/MICO) zones – Examples: Along 142nd Ave East, along West Valley Hwy.

C. Nonconforming uses

By prohibiting gas stations in certain areas, the proposal will create a nonconforming use status for a few existing gas stations. There are currently 4 gas stations that are or will become nonconforming:

- | | |
|--|---|
| • Fred Meyer fuel station (Valley Ave) | GC zone, will become nonconforming |
| • Pacific Pride (at Snider Petroleum, Cannery Way) | GC zone, will become nonconforming |
| • 7-11 and gas station (Valley Ave/East Main) | GC zone, will become nonconforming |
| • Arco gas & store (Main/Traffic) | TCP, nonconforming since 2018 TCP rezoning. |

Current code greatly limits alterations or expansion of nonconforming uses (typical at most cities). Allowances/restrictions in current code are, generally:

- Use may continue.
- Limited expansion of area or buildings, up to 25 percent.
- Limited structural alterations.
- May be rebuilt after a fire/disaster to original dimensions.

Proposed code would apply these restrictions to nonconforming gas stations, but **would not allow them to expand**. Gas stations are not considered compatible uses in the downtown or prime commercial areas; therefore, staff recommends that no expansion should be allowed. However, proposed code would allow minor alterations/upgrades to gas station equipment, to allow for compliance with new laws and changing technology. Note that there are at least 4 existing gas stations located in Interchange Commercial or Industrial zones that will not be affected by this code change. The specific proposed code updates are shown in Ordinance 2824, attached as an Exhibit.

III. ANALYSIS

The proposed amendments to the Zoning Code are consistent with the intent and policies of the Comprehensive Plan including the policies below.

Land Use Sub-Element

The proposal is consistent with the overall intent of the Land Use Sub-Element as it is intended to promote compatibility of land uses in commercial areas, particularly in the downtown and along primary arterials. Further, the proposal is consistent with the following specific policies:

- 1.1 *Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.*
- 1.1.1 *Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.*

Economic Development Element

The proposal is consistent with the overall intent of the Economic Development Element as it would allow gas stations as providing an important service to the community, while limiting locations in order to support pedestrian-friendly commercial areas and minimize impacts on other types of commercial services. Further, the proposal is consistent with the following specific policies:

- 5.14 *Promote businesses that meet the daily needs of residents – markets, dry cleaners, laundromats, eateries, pharmacies, banks, pet stores, beauty salons/barbershops, etc.*
- 5.6 *In conjunction with interested parties, improve the visual appearance of downtown through public and private measures for beautification, facade improvements, and preservation of historic properties, design strategies, maintenance, and streetscape improvements.*

Community Character Element

The proposal supports goals in the Community Character Element to maintain pedestrian-friendly streetscapes and promote uses that rely less on the automobile, while allowing for a mix of uses. Further, the proposal is consistent with the following specific policies:

- 1.1 *Encourage development which enhances the human, pedestrian scale, creating a sense of community and place.*

- 1.2 *Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.*
- 2.0 *The Sumner community should be designed so that housing, jobs, daily needs, and other activities are within easy walking distance of each other.*
- 2.4 *Through the use of form-based code, street and design standards promote pedestrian and bicycle friendly streets with trees and other amenities that enhance the streetscape.*
- 3.7 *The City should, in partnership with the Sumner Downtown Promotion Association, actively recruit and promote pedestrian-oriented retail, service, and mixed uses. Uses that require outdoor storage, provide offsite services, or have little walk-in trade as primary parts of their businesses should be oriented to secondary locations in Downtown away from Main Street and Alder Avenue and designated Activity Centers.*

Environment Element

The proposal is consistent with the goals in the Environment Element to maintain air and water quality. While the proposal does not directly impact air and water, reducing the number of gas stations within city limits may reduce the potential for adverse impacts to air quality and water quality. The proposal is consistent with the policies below.

- 1.1 *Protect air quality from adverse impacts.*
- 1.4 *Protect surface water quality and quantity from significant degradation as required by state and federal law.*
- 1.5 *Protect groundwater quality within the aquifer recharge area from substantial degradation.*

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City's Comprehensive Plan in that the amendments would promote the economic vitality and prosperity of Sumner. The amendment would allow gas stations to remain in Sumner, while restricting them from prime commercial areas where the emphasis is on walkability and attractive community character. Gas stations would be allowed to locate in the Interchange Commercial zone and Industrial zones, thus maintaining a necessary commercial service in Sumner.

IV. SEPA ENVIRONMENTAL REVIEW

The State Environmental Policy Act (SEPA) analysis of the proposed amendment, including review of the environmental checklist, has been completed. A SEPA Determination of Non-Significance was issued April 11, 2022.

V. PUBLIC & AGENCY COMMENTS

Public notice was provided in accordance with Sumner code. No agency comments were received during the public comment period. Notice of the public hearing and comment opportunity was sent to property owners of 4 gas stations in Sumner that would be affected by the proposed restrictions. One public comment was received during the comment period. Ms. Rachel Oberg, Chair of the Sumner Healthy Neighborhoods Alliance, spoke at the hearing and asked the Commission to support the proposed gas station regulations.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

Planning Commission voted 4-0 to recommend approval to the City Council.

VIII. EXHIBITS

- A. Ordinance No. 2824 for adopting changes

ORDINANCE NO. 2824
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING ZONING REGULATIONS FOR GAS STATIONS; AMENDING CHAPTER 18.04 DEFINITIONS; CHAPTER 18.16 TO PROHIBIT GAS STATIONS IN THE GENERAL COMMERCIAL ZONE; CHAPTER 18.18 TO CLARIFY GAS STATIONS AS ALLOWED USE IN INDUSTRIAL ZONES; CHAPTER 18.30 TO PROHIBIT GAS STATIONS IN THE EAST SUMNER GENERAL COMMERCIAL ZONE; AND CHAPTER 18.46 NONCONFORMING USES AND STRUCTURES RELATED TO GAS STATIONS; AND AMENDING SMC SECTIONS 18.04.0415, 18.16.020, 18.16.080, 18.18.020, 18.30.030, 18.46.040, 18.46.050, AND 18.46.070.

WHEREAS, the City Council finds that gas stations are generally not compatible with other uses in the downtown area or in core commercial areas such as the General Commercial zone; and

WHEREAS, the City Council finds that placing limits on locations and expansion of gas stations helps address potential impacts from gas stations such as noise, glare, odors/emissions; and

WHEREAS, the City Council finds that it is in the public interest to limit the locations for gas stations to protect the design character and streetscapes of commercial areas; and

WHEREAS, on April 7, 2022, the Planning Commission held study session on the proposed amendments, followed by a duly-advertised public hearing on May 5, 2022; and

WHEREAS, on May 5, 2022 the Planning Commission voted by a 4-0 vote to recommend adoption by the City Council of the proposed zoning regulations updates as set forth in this ordinance; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on April 14, 2022; and

WHEREAS, on _____, the City Council held a study session to review the Planning Commission's recommendation(s); and on _____ voted by a _____ vote to adopt the proposed amendments; and

WHEREAS, the City Council finds the proposed amendments to be consistent with the Sumner Comprehensive Plan and the Sumner Municipal Code criteria for Zoning Code amendments;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUMNER,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. That Sumner Municipal Code Chapter 18.04 Definitions is hereby amended to read as follows:

18.04.0415 Gasoline service station.

“Gasoline service station or gas station” means an automotive ~~retail sales and service use in which use providing retail sales of~~ fuel for motorized vehicles ~~is sold~~, and in which accessory uses may include, tow trucks, minor vehicle repair, car wash facilities, ~~and a~~ convenience store, and electric vehicle charging stations.

Section 2. That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.020 Principal and conditional uses, is hereby amended to read as follows:

18.16.020 Principal and conditional uses.

		NC	GC	IC
[...]	[...]	[...]	[...]	[...]
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC <u>18.16.025</u> ; and child day care centers	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales⁹	–	CUP –	P
19.	Hazardous waste on-site treatment and storage facilities	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P
21.	Heavy equipment repair, accessory to a permitted use ⁹	–	–	P
22.	Heavy equipment sales	–	–	CUP
23.	Hospitals	CUP	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ⁹	P	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)	–	CUP	–
26.	Light-medium equipment sales	–	–	P
[...]	[...]	[...]	[...]	[...]

[...]

⁹Truck-related parking allowed in the interchange commercial truck parking overlay area zone per SMC 18.42.046.

[...]

Section 3. That Sumner Municipal Code Chapter 18.16 Commercial Districts, Section 18.16.080 Performance standards is hereby amended to add a standard as follows:

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:
[...]

Z. Odor and emissions. Gas stations shall not create odor in such quantities as to be readily detectable beyond the boundaries of the site, or produce air emissions that are not compliant with regional, state, and federal emission standards, and shall utilize best available control technologies to reduce odors and emissions.

Section 4. That Sumner Municipal Code Chapter 18.18 Manufacturing Districts, Section 18.18.020 Principal, administrative and conditional uses, is hereby amended to read as follows:

18.18.020 Principal, administrative and conditional uses.

		M-1	M-2	MICO (M-1/M-2)
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
[...]	[...]	[...]	[...]	[...]
20.	Food manufacturing, processing or package plants, under 10,000 square feet, excluding slaughtering facilities	A ¹	P	A ¹ /P
<u>21.</u>	<u>Gasoline service stations</u>	<u>P</u>	<u>P</u>	<u>P</u>
21,22.	Hazardous waste off-site treatment and storage facilities			
[...]	[...]	[...]	[...]	[...]
50.	Service stations	P	P	P
51.	Soil mixing	P	P	P
[...]	[...]	[...]	[...]	[...]

Section 5. That Sumner Municipal Code Chapter 18.30 East Sumner Urban Village Overlay District, Section 18.30.030 Principal and conditional uses, is hereby amended to read as follows:

18.30.030 Principal and conditional uses.

		NC/ESUV	GC/ESUV
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P

[...]	[...]	[...]	[...]
16.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025, and child day care centers	P	P
17.	Gasoline service stations and convenience stores with gasoline sales	--	CUP --
18.	Health and fitness club	P ³	P
[...]	[...]	[...]	[...]

Section 6. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.040 Nonconforming uses, is hereby amended to read as follows:

18.46.040(G) The following provisions shall apply to nonconforming multifamily uses and nonconforming commercial and professional service uses:

1. Nonconforming multifamily and commercial and professional service uses, excluding gas stations, may expand up to 25 percent of their square footage, including such expansions that consist of structural alterations, by conditional use permit; except that expansion may not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage and building height.
2. No additional dwelling units may be added, except that dwelling units may be added to a nonconforming commercial use;
3. Structures devoted to a nonconforming use may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur;
4. When a nonconforming commercial or professional service business ceases and a change of use is proposed, the site shall be treated as nonconforming and shall follow the nonconforming provisions indicated above and other portions of this chapter.
5. Gas stations that are a nonconforming use are allowed the following upgrades and expansions:
 - a. Upgrades to appurtenances and fuel system components, such as pumps, tanks, vapor recovery systems, and incidental outdoor equipment, to address safety concerns or state or federal regulations, provided that fuel service capacity is not expanded;
 - b. Expansion or upgrades of retail convenience store area and services; and
 - c. Addition or expansion of electric vehicle charging stations.

[...]

Section 7. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.050 is hereby amended to read as follows:

18.46.050 Nonconforming structures.

Where a lawful structure exists at the effective date of adoption of the ordinance codified in this title that could not be built under the terms of this title by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, it may be continued so

long as the structure: 1) is not a structure devoted to a nonconforming use subject to SMC 18.46.040(G); and 2) remains otherwise lawful subject to the following provisions:
[...]

Section 8. That Sumner Municipal Code Chapter 18.46 Nonconforming Use Provisions, Section 18.46.070 is hereby amended to read as follows:

18.46.070 Health or safety improvements.

Nothing in this title shall be deemed to prevent the strengthening or restoring to a safe condition of any nonconforming building or part thereof declared to be unsafe by order of the building official charged with protecting the public safety. Alterations or expansion of a nonconforming use which are required by law or a public agency in order to comply with public health, environmental or safety regulations are the only alterations or expansions allowed.

Section 9. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 10. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 11. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2022.

Mayor Kathy Hayden

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

CA – CONSENT AGENDA	ES – EXECUTIVE SESSION	NB – NEW BUSINESS
UB – UNFINISHED BUSINESS	P – PRESENTATION	PH – PUBLIC HEARING PR - PROCLAMATION

JUNE 21 RCM (Tuesday)

- PH** Multi Family Tax Exemption Target Area
- CA** 24th St Utility Relocation - Construction Contract Award
- CA** 24th St Utility Relocation - Construction Management Services
- CA** Cemetery Facility Consultant Design Contract
- CA** Sumner Texaco Heritage Park Remediation - Consultant Services Agreement
- CA** Town Center: Utility & Woonerf Project - Consultant Amendment CM Services
- CA** Town Center: Utility & Woonerf Project - Construction Contract Award
- CA** Salmon Creek Cutover - Construction Contract Award
- CA** PSA - HAN Wood Avenue Intersection
- CA** Resolution No. XXXX Interlocal Agreement with WSDOT for Gateway Funding
- NB** Ordinance No. XXXX Amending the 2021/2022 Biennial Budget
- NB** Ordinance No. XXXX - Local Source Control Code Update
- NB** Resolution No. XXXX – Set hearing date for Houston Road Annexation

JUNE 27 SS

- Comcast Franchise Agreement Renewal
- YMCA Services Agreement Amendment
- Budget Calendar
- Budget Survey

JULY 5 RCM (Tuesday)

Cancelled

JULY 11 SS

- Sound Transit Presentation – Garage project update
- Parks Funding

JULY 18 RCM

- PH** Houston Road Annexation
- CA** State Homeland Security Program Grant Acceptance for Small Unmanned Aerial System
- UB** Ordinance No. XXXX – Amending the MFTE
- NB** Resolution No. XXXX – Capital Facilities Plan Extension
- NB** Ordinance No. XXXX – Comcast Franchise Agreement (1st reading)
- NB** Ordinance No. XXXX - 2022 Comprehensive Plan Amendments
- NB** Ordinance No. XXXX – Parking Code Amendments

CITY COUNCIL AGENDA CALENDAR**Updated June 7, 2022**

CA – CONSENT AGENDA	ES – EXECUTIVE SESSION	NB – NEW BUSINESS
UB – UNFINISHED BUSINESS	P – PRESENTATION	PH – PUBLIC HEARING PR - PROCLAMATION

JULY 25 SS

- Community Float Discussion
- Accessory Dwelling Units
- DEI Committee Update

AUGUST 1 RCM**UB** Ordinance No. XXXX – Comcast Franchise Agreement (final reading)**AUGUST 8 SS**

- Council Budget Tours

AUGUST 15 RCM**CA** Resolution No. XXXX - RCC Interlocal Agreement**NB** Ordinance No. XXXX - Zoning Code Amendment-Accessory Dwelling Units**AUGUST 22 SS****AUGUST 29 SS (5th Monday)**

- Council Budget Tours

SEPTEMBER 6 RCM (Tuesday)**SEPTEMBER 12 SS**

- Community Projects Budget Presentation

Pending

MISC.	MISC.	WHITE RIVER RESTORATION PROJECT
ROW Vacation Code Amendment	Ordinance – Refuse Collection	PH - Surplus Utility Property South of 24 th Street East
Gateway Funding ILA	Bond Issuance for Operations Facility	UB - Resolution No. XXXX - Surplus Utility Property South of 24 th St E
Ordinance Insurance Requirements	Temporary Use Permit – Food Trucks	
Sign Code Update	Paper of Record	BNSF Agreement
CTR Ordinance Update		CA - Water Rights Acquisition Agreement
Development Agreement Code updates		
PC Solid Waste Plan Adoption		

JUNE 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4
		5:30PM Finance Committee (Virtual/FF Conf Room)	6:00PM Planning Commission (Virtual/Chambers)		
6	7	8	9	10	11
6:00PM Regular Council Meeting (Virtual/Chambers)	4:00 PM Public Works Committee (Virtual/FF Conf Room)	5:30PM American Rescue Plan Committee 6:30PM **Cancelled**Design Commission (Virtual/FF Conf Room)	4:30PM Forestry/Parks Commission (Virtual/FF Conf Room)		
13	14	15	16	17	18
6:00PM Study Session (Virtual/Chambers)		5:30PM Public Safety (Virtual/FF Conf Room)			
20	21	22	23	24	25
RECOGNIZED HOLIDAY CITY HALL CLOSED	6:00PM Regular Council Meeting (Virtual/Chambers)	5:00PM CD Committee (Virtual/FF Conf Room)	5:30PM Arts Commission (Virtual/FF Conf Room)		
27	28	29	30		
6:00PM Study Session (Virtual/Chambers)					

*Meeting dates and times may change. Please contact City Hall to confirm this information prior to any meeting you plan to attend. **These meetings are accessible to persons with disabilities.** For individuals who require special accommodations, please contact City Hall at (253) 299-5500, 24 hours in advance.*

Name: Michelle Converse, CMC

Title: City Clerk

City of Sumner
1104 Maple Street
Sumner, Washington 98390
Ph: (253) 299-5500 Fax: (253) 299-5509
Website: **www.sumnerwa.gov**

JULY 2022

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2
4	5	6	7	8	9
	4:00 PM Public Works Committee (Virtual/FF Conf Room) 6:00PM - **CANCELLED** Regular Council Meeting (Virtual/Chambers)	5:30PM Finance Committee (Virtual/FF Conf Room)	6:00PM Planning Commission (Virtual/Chambers)		
11	12	13	14	15	16
6:00PM Study Session (Virtual/Chambers)		5:30PM American Rescue Plan Committee (Virtual/FF Conf Room) 6:30PM Design Commission (Virtual/Chambers)	4:30PM Forestry/Parks Commission (Virtual/FF Conf Room)		
18	19	20	21	22	23
6:00PM Regular Council Meeting (Virtual/Chambers)		5:30PM Public Safety (Virtual/FF Conf Room)			
25	26	27	28	29	30
6:00PM Study Session (Virtual/Chambers)		5:00PM CD Committee (Virtual/FF Conf Room)	5:30PM Arts Commission (Virtual/FF Conf Room)		

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