



**PLANNING COMMISSION MEETING
AGENDA
CITY HALL – 1104 MAPLE STREET
JANUARY 7, 2021 6:00 PM**

Commissioners: Chair Greg Mintz, Vice Chair Andy Elfers, Cynthia Bush, Lora Butterfield, Josh Hamilton, Sam Suznevich

Copy to: Mayor Pugh, City Administrator Jason Wilson, City Council

Staff: Community Development Director Ryan Windish, Associate Planner Ann Siegenthaler

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<https://sumnerwa-gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873 Or call in by phone: 1 253 215 8782 (Tacoma)

MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE

CALL TO ORDER

ROLL CALL

1. Bush, Butterfield, Elfers, Hamilton, Mintz, Suznevich

APPROVAL OF THE MINUTES

1. Approval of the minutes from the previous meeting.

PUBLIC COMMENT

1. The public may comment on topics that are not on the meeting agenda. Due to the Stay at Home Order, public comments will be accepted via email only. Please submit your comments to annsi@sumnerwa.gov, no later than 5:00pm on January 6, 2021. Your comments will be read into the record and are limited to 3 minutes each.

NEW BUSINESS

OLD BUSINESS

1. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Recommendations

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT



SUMNER PLANNING COMMISSION

Thursday, May 7, 2020
6:00 p.m.
Sumner City Hall
1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:01PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Mintz, Elfers, Suznevich, Butterfield
Commissioners Absent: None

APPROVAL OF MINUTES

Commissioner Suznevich motioned to approve the March 5, 2020 meeting minutes as presented, seconded by Commissioner Elfers. All were in favor.

PUBLIC COMMENT

In person or public comment was not permitted at this meet. Notice prior to the meeting required public comments be submitted via email to the City by 5:00 PM, May 7, 2020. None were received.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update Docket Approval--Action

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

Commissioner Elfers moved to approve the 2020 Annual Comprehensive Plan and East Neighborhood Plan Update Docket, Commissioner Hamilton seconded the motion. The motion passed with a roll call vote 5-1.

b. 2020 Annual Comprehensive Plan update – Public Participation Plan--Action

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

Commissioner Hamilton moved to approve the 2020 Annual Comprehensive Plan Update Public Participation Plan, Commissioner Elfers seconded the motion. The motion passed with a roll call vote 6-0.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff reminded the Commission of a meeting coming up on June 4, 2020 for action on a recommendation on the asphalt batch plant zoning code text amendment. He also encouraged them to review the City's Virtual Open House online.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Hamilton motioned to adjourn, Commissioner Elfers seconded the motion. **MEETING ADJOURNED AT 7:08 P.M.**

Minutes Submitted by: Ryan Windish



SUMNER PLANNING COMMISSION

Thursday, June 18, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Suznevich, Elfers, Butterfield and Mintz

Commissioners Absent: None

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Study Session discussion

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

- Staff discussed the first set of proposals in the 2020 Comprehensive Plan docket, including property owner requests for map changes code updates.

No recommendations were requested nor proposed. Staff asked the Commissioners for general feedback on the direction and concepts in the proposals.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff reminded the Commission of future meetings coming up, and staff and Commission discussed checking their City email on Thursdays when packet posted and letting staff know if they cannot attend.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Hamilton motioned to adjourn, Commissioner Elfers seconded the motion. **MEETING ADJOURNED AT 7:24 P.M.**

Minutes Submitted by: Ann Siegenthaler

DRAFT



SUMNER PLANNING COMMISSION

Thursday, July 16, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Suznevich, Elfers, Butterfield and Mintz

Commissioners Absent: None

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Study Session discussion

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

- Staff informed the Commission that the Knutson Farms proposal has been withdrawn.
- Staff discussed the other proposals in the 2020 Comprehensive Plan update, primarily staff-proposed changes, such as "housekeeping" changes in the Comprehensive Plan and Zoning Code, Innovation District, Sign Code cleanup, etc.

No recommendations were requested nor proposed. Staff asked the Commissioners for general feedback on the direction and concepts in the proposals.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff discussed the schedule for future meetings, including upcoming discussion on East Sumner Neighborhood and on 5G Wireless. Staff and Commission discussed checking their City email account weekly.

ADJOURNMENT

With no further business in front of the Commission, **MEETING ADJOURNED AT 7:44 P.M.**

Minutes Submitted by: Ann Siegenthaler

DRAFT



SUMNER PLANNING COMMISSION

Thursday, July 30, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:10 PM by Chair Greg Mintz. Meeting started late, due to waiting for 1 Commissioner to reach a quorum.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Butterfield, Mintz, Suznevich. Commissioners Absent: Hamilton, Elfers.

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. Zoning Code amendments related to small cell wireless (5G) facilities design standards.

City consultant Daniel Kenny presented the draft ordinance and legal parameters regarding what regulations the City can apply and timeline. Mr. Kenny answered questions from the Commission.

COMMISSION COMMENTS

There were no Commissioner comments.

STAFF COMMENTS

Staff discussed the tentative timeline for a 5G public hearing and future discussions on the Comprehensive Plan amendments.

ADJOURNMENT

With no further business in front of the Commission or discussion, **MEETING ADJOURNED AT 7:27 P.M.**

Minutes Submitted by: Ann Siegenthaler



SUBJECT: 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan
update - Recommendations

CATEGORY: Motion

BUDGET IMPACT: n/a

ATTACHMENTS:

1. 2021-0107-PC-AgendaPacket-repost

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

COUNCIL COMMITTEE/STUDY SESSION: MEETING/STUDY SESSION DATE: COMMITTEE RECOMMENDATION: No

STAFF RECOMMENDATIONS/MOTION:

Recommend motions adopting ordinances as proposed.



SUMNER PLANNING COMMISSION MEETING

City Hall remains closed during Governor Inslee's "Stay Home, Stay Healthy" order, a consequence of the Covid-19 pandemic. Therefore, this meeting will be a VIRTUAL MEETING for Commissioners and the public. See instructions below for attending the meeting virtually.

AGENDA - REGULAR MEETING

January 7, 2021 6:00 p.m.

<u>Planning Commissioners</u> Cynthia Bush Lora Butterfield Andy Elfers, Vice Chair Josh Hamilton Greg Mintz, Chair Sam Suznevich <u>Staff Members</u> Ryan Windish, CD Director Ann Siegenthaler, Associate Planner Cc: Mayor Pugh City Administrator City Council	1. Call to Order	-----
	2. Roll Call Planning Commission: Bush, Butterfield, Elfers, Hamilton, Mintz, Suznevich	-----
	3. Approval of Minutes: Previous meetings	Action
	4. Public Comment The public may comment on topics that are not on the meeting agenda. <i>Due to the Stay at Home Order, public comment will be accepted via email only. Please submit your comments to anns@sumnerwa.gov no later than 5:00pm on January 6, 2021. Your comments will be read into the record and limited to 3 minutes each.</i>	-----
	5. New Business	-----
	6. Old Business a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Recommendations A public hearing on this item was held on August 20, 2020. No public testimony will be accepted for this agenda item.	Action
	7. Commission Comments	-----
	8. Staff Comments	-----
	9. Adjournment	Action

Planning Commissioners and the public can join this meeting remotely by clicking on the link below or calling into the appropriate phone numbers. Staff will be managing the meeting's audio and visual controls.

Join Zoom Meeting

<https://sumnerwa-gov.zoom.us/j/84922454873>

Meeting ID: 849 2245 4873 Or call in by phone: 1 253 215 8782 (Tacoma)

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MEMORANDUM

DATE: December 30, 2020
TO: Planning Commission
FROM: Ann Siegenthaler, Associate Planner
RE: 2020 Comprehensive Plan Update—Proposed Recommendations and Motions

I. BACKGROUND

The Planning Commission held a public hearing on the 2020 Comprehensive Plan Update and East Sumner Neighborhood Plan Update on December 3, 2020. The Commission had a brief discussion afterwards, and further discussion at a study session on December 17, 2020.

The purpose of the January 7 meeting is for the Planning Commission to take action on the proposed amendments. Background materials and public comments have been provided in previous Commission meeting packets. The focus of tonight's meeting is on the Ordinances which are to be adopted. This memo contains: 1) a list of the Ordinances that require action; 2) brief summaries of proposed changes contained in the Ordinances; and 3) Recommended Motions that the Commission can use or modify to take action on the various provisions of the Ordinances.

II. EAST SUMNER NEIGHBORHOOD PLAN - REGULATIONS and ZONING MAP

A. East Sumner Development Regulations

Staff has proposed development regulations to implement the 2020 East Sumner Neighborhood Plan. These are contained in the “**Ordinance Relating to the East Sumner Neighborhood Plan 2020 Zoning Updates.**” Updates recommended are discussed briefly below.

1. Sections 1 through 3: Proposed map changes would apply the Resource Protection District (RES) to the central wetlands area in East Sumner. The purpose of this zone is to protect natural resource areas; however, it currently applies to only one area in the city: A 70-acre portion of the regional White River Restoration site between 24th Street SE and 150th Avenue E (on the west side of the river). Staff proposes updates to allowed uses in RES (Chapter 18.08), to maintain low impact uses and minimize impacts in wetland areas.

2. Section 4: East Sumner Neighborhood regulations - Districts where permitted: In 18.30.020 which lists districts where the East Sumner Urban Village Overlay (ESUV) can be applied, the Resource Protection District was inadvertently omitted. Also, property owner Corliss Resources would like updated language clarifying that the ESUV doesn't preclude industrial districts (but doesn't change zoning). Staff is proposing to add language to Section 4, as clarification.
3. Sections 5, 6, and 7: A number of code changes are recommended for the East Sumner Neighborhood (Chapter 18.30). Sections 5, 6, and 7 of the Ordinance mostly involve clarifications, removing redundancies, and reorganization of code sections.
 - a. Section 6 moves the standards for multi-family uses from 18.30.040 to 18.30.090 Performance Standards. No changes are proposed to lot development standards contained in 18.30.080 (e.g. same dwelling unit densities, same setbacks, etc.).
 - b. Section 7 contains new performance standards related to Design Review in the East Sumner Neighborhood. Subsection C has language creating an incentive for community gathering places; language for creating pedestrian activity nodes; and limiting building height to 4 stories at "pedestrian center" corners.
 - c. Section 7 also removes the prohibition on multifamily development south of 62nd Street East, but keeps the prohibition for the area south of 64th Street East.
4. Section 8: Remaining regulations proposed for East Sumner are focused on Streets and Alleys (Section 8 of the Ordinance). Existing code would be updated to support walkable streets, bike lanes and sidewalks. In addition, Section 8 proposes language to implement the Mid-Block Connections and circulation map proposed in the East Sumner Neighborhood Plan.

Recommended motion: Move to recommend adoption of the development regulations described in the "Ordinance Relating to the East Sumner Neighborhood Plan 2020 Zoning Updates," Exhibit 1, in a final form as approved by the City Attorney.

B. East Sumner Zoning Map Amendments

The East Sumner Neighborhood Plan update includes several proposed Zoning Map changes:

- a. Rezone the central wetlands area to Resource Protection district.
- b. Rezone 2 parcels on 162nd Street East (north of 60th Street East) to Medium Density Residential.
- c. Rezone the northeast corner of the central neighborhood (at 162nd Street and 60th Street East) to High Density Residential.

Recommended motion: Move to recommend approval of the Zoning Map changes for the East Sumner Neighborhood as shown in the "Ordinance Relating to the East Sumner Neighborhood Plan 2020 Zoning Updates," Exhibit 1, in a final form as approved by the City Attorney.

III. EAST SUMNER NEIGHBORHOOD PLAN (ESNP) - COMPREHENSIVE PLAN and ESNP

A. East Sumner - Comprehensive Plan text updates

Staff has proposed updates to policies and text in the Comprehensive Plan to implement the 2020 East Sumner Neighborhood Plan. These are contained in the "**Ordinance Relating to**

the East Sumner Neighborhood Plan 2020 Comprehensive Plan Updates.” Updates recommended are discussed briefly below.

1. Sections 1 through 3 involve updates to the Plan text and adding new policy language. Section 2 in the Ordinance updates a multifamily-related policy to be consistent with what is allowed in the East Sumner Neighborhood. Currently, ground-floor units (apartments) are allowed in multifamily zones in East Sumner. The prohibition in the policy needs to be updated.
2. Sections 3, 4 and 5 update transportation policies as recommended in the 2020 ESNP. Two maps are replaced with new ones that remove the 62nd Street East extension.

Recommended motion: Move to recommend approval of the text updates described in the “Ordinance Relating to the East Sumner Neighborhood Plan 2020 Comprehensive Plan Updates,” Exhibit 2, in a final form as approved by the City Attorney.

- B.** Section 6 of the Ordinance adopts the “East Sumner Neighborhood Plan Update - 2020.” At this time, the Commission will be acting on the draft plan; the final plan will be presented to City Council for approval. The draft ESNP is posted with other Planning Commission materials at the City’s Document Center: <https://sumner.civicweb.net/filepro/documents/21595>, and on City’s website at: <https://connects.sumnerwa.gov/east-sumner-neighborhood-plan>.

Recommended motion: Move to recommend approval of the 2020 East Sumner Neighborhood Plan, as described in the “Ordinance Relating to the East Sumner Neighborhood Plan 2020 Comprehensive Plan Updates,” Exhibit 2, in a final form as approved by the City Attorney.

IV. CRITICAL AREAS ORDINANCE

A. Development Regulations

Staff has proposed several updates to the City’s “wetlands” regulations to implement the 2020 East Sumner Neighborhood Plan and the proposed Resource Protection zone. Most of the updates are clarifications of existing code that staff considers minor. These are contained in the “**Ordinance Updating Critical Areas Regulations Relating to the 2020 East Sumner Neighborhood Plan Update.**” These updates are discussed further below.

1. Section 2 of the ordinance is intended to clarify when a wetland buffer is/or is not required. While a mapped buffer may technically extend past structures (as the 60-foot buffer does in the East Sumner Neighborhood wetland study), a buffer is not typically applied beyond the footprint of a structure.
2. Also in Section 2, new language would clarify that minor development or remodeling would not trigger installation of a buffer, but that “major development” or conversion to a new use would trigger the buffer. This threshold is similar to what is used elsewhere in the zoning code. Note that a code section cross-referenced in the previous ordinance is incorrect. Staff has changed this wording “as defined under 18.30.020(1)” to “as defined under 18.43.020 ‘New Construction, Major’.”

3. Sections 3, 4, 5, 6 and 7 of the ordinance clarify exemptions from permits, such as maintenance and repair, and reorganize code provisions. New language is added to clarify non-conforming uses, and that only “legally pre-existing” structures in a buffer qualify for the non-conforming allowances.
4. Section 8 creates an overarching non-conforming use section, that applies to wetlands and streams. Current non-conforming regulations do not adequately address wetlands/critical areas standards (e.g. paving in a buffer). Further, critical areas standards regarding nonconforming uses are incomplete or unclear for streams and other critical areas. Proposed language would clarify and consolidate critical areas exemptions in one section.

Recommended Motion: Move to recommend approval of the regulations described in the “Ordinance Updating Critical Areas Regulations Relating to the 2020 East Sumner Neighborhood Plan Update,” Exhibit 3, in a final form as approved by the City Attorney.

B. Map Amendments: None

V. EAST SUMNER PLANNED ACTION ORDINANCE

A. Regulations

The Planned Action Ordinance with its Exhibits (PAO) are contained in the “**Ordinance adopting a new East Sumner Neighborhood Planned Action Ordinance.**” The PAO establishes an expedited environmental review process for projects that meet the threshold numbers established in the ordinance (pages 5 and 6). These thresholds are *draft* thresholds and represent a moderate development scenario under the model used in the 2014 Buildable Lands Inventory, which is the typical model. The *final* development thresholds may be revised upward, based on a different approach to the model, that considers:

- The maximum dwelling units per acre allowed in ESNP (revised in 2019).
- Actual capacity for housing units indicated in recent development proposals.
- The possibility of a fairly high amount of growth in ESNP, based on the No Action Alternative (status quo), and using that as the maximum threshold in the PAO.
- Assuming a more likely amount of growth in ESNP under Alternatives 2 and 3, and setting the development thresholds at a level between the “maximum” and “more likely” scenarios.

Staff and the consultant will be evaluating the thresholds and updating the numbers if needed for the final PAO prior to City Council adoption.

Recommended Motion: Move to recommend approval of the East Sumner Planned Action Ordinance, as described in the “Ordinance Adopting a New East Sumner Neighborhood Planned Action Ordinance,” Exhibit 4, with the recommendation that the development thresholds in the final Ordinance be updated as needed to reflect current density allowances, recent development proposals, and other factors that identify development capacity in the neighborhood.

B. Map Amendments: None

VI. CITYWIDE COMPREHENSIVE PLAN TEXT & COMPREHENSIVE PLAN MAP

A. Citywide Text Amendments

There are a number of updates proposed to the City's Comprehensive Plan. In addition to staff proposals, several private property owners/businesses have proposed Comprehensive Plan Map changes and code changes. The updates are contained in the "**Ordinance Adopting the 2020 Comprehensive Plan Amendments and Environmental Impact Statement.**" These updates are discussed further below.

1. Section 1 of the ordinance replaces an old Shoreline Master Program map with an updated map that the City adopted in 2019.
2. Section 3 adopts the Draft Environmental Impact Statement and, later will adopt the Final Environmental Impact Statement.
3. Sections 4 through 11 contain a number of miscellaneous updates, housekeeping text, and clarifications to the Comprehensive Plan text (no changes in policy direction).
4. Sections 12, 13 and 14 update the existing list of land use designations in the Comprehensive Plan and remove references to old designations (e.g. CBD district). Text updates also include text that supports staff's proposal for adding an Innovation District Overlay.
5. Section 15 provides a correction to Map Figure numbers in the existing Plan.

Recommended Motion: Move to recommend approval of the 2020 Comprehensive Plan text amendments described in the "Ordinance Adopting the 2020 Comprehensive Plan Amendments and Environmental Impact Statement," Exhibit 5, in a final form as approved by the City Attorney.

B. Comprehensive Plan Map Amendments

Comprehensive Plan Map amendments are proposed citywide, primarily in the south end of town. Note that the East Sumner Neighborhood Plan involves no change in the Comprehensive Plan Map designation. It is an East Sumner Urban Village Overlay designation, which does not change when underlying zoning changes.

Recommended Motion: Move to recommend approval of the 2020 Comprehensive Plan Map amendments as shown in in the "Ordinance Adopting the 2020 Comprehensive Plan Amendments and Environmental Impact Statement," Exhibit 5, in a final form as approved by the City Attorney.

C. Environmental Impact Statement - Draft EIS

The environmental impact statement for the 2020 Comprehensive Plan update will be issued in two parts. The Draft Environmental Impact Statement, issued November 10, 2020, is recommended for approval at this time. The Final Environmental Impact Statement will be issued in early 2021 and will be part of the amendments proposed for City Council approval. The Planning Commission will only make a recommendation on the Draft. The entire text of

Exhibit C is located at the City's Document Center:
<https://sumner.civicweb.net/filepro/documents/21595>, and on the City's website at:
<https://connects.sumnerwa.gov/comp-plan>

Recommended Motion: Move to recommend approval of the Draft Supplemental Environmental Impact Statement described in the "Ordinance Adopting the 2020 Comprehensive Plan Amendments and Environmental Impact Statement," Exhibit 5, in a final form as approved by the City Attorney.

VII. CITYWIDE ZONING TEXT and ZONING MAP AMENDMENTS

A. Zoning Code and Municipal Code Text Amendments

The 2020 Comprehensive Plan update includes changes to regulations in the Zoning Code, Municipal Code, and changes to the Zoning Map. These code and map changes are intended to implement the 2020 Comprehensive Plan. In addition, the proposal includes a number of "housekeeping" text amendments, such as removing references to the old CBD and MUD zones throughout the Municipal Code, cleanup of Sign code, etc. These proposed updates are contained in the "**Ordinance Amending the Zoning Code, Municipal Code and Zoning Map to Implement the 2020 Comprehensive Plan**," Exhibit 6.

1. Sections 1 through 9 of the Ordinance would accomplish the following: Remove old zoning district references (CBD, MUD) from the Municipal Code; and add and clarify definitions related to craft production businesses (e.g. craft coffee roasting); and add a definition for performing arts uses.
2. Sections 10 and 11: The chart listing allowed commercial uses is would remove old CBD, MUD references, and adds allowances for small commercial uses to the Neighborhood Commercial zone. Section 11 removes and clarifies old CBD and MUD references.
3. Sections 12 through 13: The development standards for lots in the NC zone are updated to ensure old CBD-zoned parcels on Main Street are not made non-conforming. References to Town Center are removed, since these regulations are now in a separate section of the code.
4. Section 14: Language related to drive-through businesses is updated. New code would keep the allowances for drive-thrus in Neighborhood Commercial (but more restrictive on Main Street) and transfer the old CBD drive-thru provisions to the Town Center downtown.
5. Sections 15 and 16: Industrial Zone development standards. The lot development standards and performance standards for M-1 zone would be updated to provide more flexibility for contractor yards in the M-1 zone (in particular, the Houston Road UGA parcels).
6. Section 17: Would add staff's proposed Innovation District chapter to the Zoning Code.
7. Sections 18 through 20 contain housekeeping edits.

8. Section 21 through 23: Proposed language relates to the Town Center Plan area. It would add a provision for drive-through businesses that was intended for the downtown area, and adds the craft coffee roasting allowance.
9. Section 24 through 26: Off-Street Parking and Loading standards are updated to remove old zone references. Also, the current parking waiver for the CBD area downtown would be transferred to businesses in the Town Center Plan area.
10. Section 27: Sign Code updates are proposed to remove old zone references (CBD) and transfer the provisions to the Town Center area. Also, the current Electronic Readerboard Sign allowance for areas west of the White River would be transferred to apply to the same area which is now in the Town Center Plan.
11. Remaining sections are primarily clarification and cleanup of old zoning references in the code.

Recommended motion: Move to recommend approval of the code amendments described in the "Ordinance Amending the Zoning Code, Municipal Code and Zoning Map to Implement the 2020 Comprehensive Plan," Exhibit 6, in a final form as approved by the City Attorney.

B. Zoning Map Amendments

Section 32: Zoning map amendments are also proposed for areas outside of the East Sumner Neighborhood, primarily in the south end of town. (Zoning for the East Sumner Neighborhood Plan is under a separate ordinance). Section 32 would amend the current Zoning Map and replace it with the new 2020 Zoning Map.

Recommended motion: Move to recommend approval of the 2020 Zoning Map for areas outside of East Sumner as shown in the "Ordinance Amending the Zoning Code, Municipal Code and Zoning Map to Implement the 2020 Comprehensive Plan," Exhibit 6, in a final form as approved by the City Attorney.

VIII. NEXT STEPS

The Commission's recommendations will be forwarded to City Council for discussion (tentatively in February 2021) and a future public hearing.

IX. EXHIBITS

1. Ordinance Relating to the East Sumner Neighborhood Plan 2020 Zoning Updates
2. Ordinance Relating to the East Sumner Neighborhood Plan 2020 Comprehensive Plan Updates
3. Ordinance Updating Critical Areas Regulations Relating to the 2020 East Sumner Neighborhood Plan Update
4. Ordinance adopting a new East Sumner Neighborhood Planned Action Ordinance
5. Ordinance Adopting the 2020 Comprehensive Plan Amendments and Environmental Impact Statement
6. Ordinance Amending the Zoning Code, Municipal Code and Zoning Map to Implement the 2020 Comprehensive Plan

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, RELATING TO THE EAST SUMNER NEIGHBORHOOD PLAN 2020 ZONING UPDATES AND 2020 COMPREHENSIVE PLAN UPDATES, AMENDING SUMNER MUNICIPAL CODE CHAPTER 18.08; CHAPTER 18.30; AND AMENDING THE SUMNER ZONING MAP FOR THE EAST SUMNER NEIGHBORHOOD PLAN AREA.

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 2020 comprehensive plan updates contain multiple amendments to different sections of City code, maps and standards. This ordinance relates solely to the adoption of Zoning Code and Zoning Map amendments to the East Sumner Neighborhood Plan portion of the overall comprehensive plan updates. Separate ordinances will be adopting amendments to: 1) Comprehensive Plan and Supplemental Environmental Impact Statement; 2) Critical Areas Ordinances Title 16; 3) East Sumner Neighborhood Plan and ESNP Comprehensive Plan Amendments; 4) Planned Action Ordinance for the East Sumner Neighborhood Plan; 5) Miscellaneous updates to Zoning Code and Sumner Municipal Code; and

WHEREAS, the City has completed a public outreach process including public meetings, website postings and public notices; an optional State Environmental Policy Act (SEPA) scoping notice issued July 2, 2020 providing for public comment until July 23, 2020; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received through December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on (date)XX; and

WHEREAS, on November 10, 2020, 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 December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments contained herein, followed by a Study Session on December 17, 2020; and

WHEREAS, on (date) XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed amendments to the Municipal Code outlined in this ordinance; and adopt Alternative X as set forth in the DSEIS; and

WHEREAS, on (date) XX the City Council held a duly advertised public hearing and subsequent study session(s) to review and discuss the Planning Commission's recommendation,

deliberate and discuss alternatives; and

WHEREAS, the basis for the proposed amendments has been set forth in multiple individual staff reports provided to the Planning Commission and the City Council, including an analysis of the amendments' consistency with the City's adopted policies and regulations; and

WHEREAS, the City Council find that the proposed amendments contained herein are consistent with the Sumner Municipal Code criteria for Comprehensive Plan and Zoning Code amendments, the Growth Management Act, the VISION 2040 Multi-county planning policies, and the Pierce County Countywide Planning Policies;

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

Section 1. That Sumner Municipal Code Section 18.08.020 "Principal uses" is hereby amended to read as follows:

18.08.020 Principal uses.

Permitted principal uses in the RES [Resource Protection] district are as follows:

- A. Agriculture, floriculture, horticulture, general farming, dairying, poultry raising, stock raising, and other agricultural land uses;
- B. The cultivation, harvest and production of forest products or any forest crop, including, but not limited to, timber, ferns, moss, boughs, bark, berries, nuts, tree fruits, nursery stock and Christmas trees;
- C. Minor utility facilities;
- ~~D. Parks and playgrounds;~~ Public nature trails and interpretive facilities;
- E. Streets;
- F. Wetland mitigation banks, and wildlife habitat mitigation and conservation projects;
- G. Wireless communication facilities subject to the standards of chapter 18.37 SMC.

Section 2. That Sumner Municipal Code Section 18.08.030 "Accessory uses" is hereby amended to read as follows:

18.08.030 Accessory uses.

Permitted accessory uses in the RES district are as follows:

- A. ~~Accessory kennels to principal agricultural uses~~ Parking and utilities required for the primary use;
- B. Detached buildings accessory to the permitted uses...

Section 3. That Sumner Municipal Code Section 18.08.040 "Conditional uses" is hereby amended to read as follows:

18.08.040 Conditional uses.

The following uses are permitted on any parcel of land within the resource protection district subject to the issuance of a conditional use permit:

- A. Wireless communication facilities subject to the standards of chapter 18.37 SMC;
- B. Cemeteries;
- C. Commercial recreational fields and/or clubs, such as athletic clubs, baseball fields, golf driving ranges;
- D. Community clubs;
- E. Golf courses;
- ~~F. Kennels as a principal use of property~~ Parks and playgrounds, excluding artificially-surfaced sports fields;
- G. Major utility facilities;
- H. Mineral extraction uses (see performance standards per SMC 18.08.080(A));
- I. Outdoor, uncovered p~~Private recreational facilities, excluding artificially-surfaced sports fields;~~
- J. Public facilities;
- K. Riding stables;
- L. Utility yard;
- M. Water towers and water supply plants.

Section 4. That SMC Section 18.30.020 “Districts where permitted” is hereby amended to read as follows:

18.30.020 Districts where permitted.

The East Sumner urban village overlay may be applied with Resource Protection, LDR, MDR, HDR, NC and GC base designations. ~~It shall not be applied with any industrial base designations.~~ The extent of the urban village overlay district shall be consistent with the comprehensive plan land use map.

Section 5. That SMC Section 18.30.030 “Principal and conditional uses” is hereby amended to delete and remove subsection C as follows:

18.30.030 Principal and conditional uses

A. Permitted principal, accessory, and conditional uses in the ESUV...

B. [ESUV Allowed Use Table] Those uses below shall govern the uses permitted and conditionally permitted...

~~C. Buildings and developments fronting on Main Street west of 162nd Avenue E and buildings and developments located adjacent to the intersection of the proposed 62nd Street E and 162nd Avenue E shall feature pedestrian-oriented commercial uses or transitional residential to commercial space along the ground floors of the street fronts. The ground floors of these developments must conform to city of Sumner design and development guidelines as required in chapter 18.40 SMC for commercial structures. For the purposes of this provision, pedestrian-oriented commercial uses include retail businesses, eating and drinking establishments, commercial services such as accountants, banks and beauty parlors, health clubs, professional offices, and other similar uses that are frequented by the general public. They do not include uses that provide services oriented to automobiles such as gas stations;~~

~~auto repair, car washes, etc. Uses existing as of the date of the adoption of this provision that are not pedestrian-oriented commercial uses shall be considered conforming uses.~~

Section 6. That Sumner Municipal Code Section 18.30.040 “Residential and mixed uses” is hereby amended to read as follows:

18.30.040 Residential and mixed uses.

~~The development standards for the LDR/ESUV zones are the same as the base zone districts. Multifamily residential uses are allowed in the MDR, HDR, NC and GC districts within the ESUV, subject to performance standards in SMC 18.30.090.~~

~~A. In the NC/ESUV districts multifamily residential uses are allowed up to 26 dwelling units per net acre. Residential dwellings may be part of a mixed-use structure or detached single-use structure located to the side or rear of the mixed-use structure or commercial building(s); provided, that the ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East be occupied by a commercial use or is transitional residential to commercial space. Such multifamily, commercial, and mixed-use development shall conform to the city of Sumner design and development guidelines as required in chapter 18.40 SMC and requirements in SMC 18.30.030(C). Any multifamily development shall be provided with sufficient off street parking at ratios required in chapter 18.42 SMC.~~

~~B. Multifamily residential developments are permitted in the GC/ESUV district as part of a mixed-use development with commercial uses, except in the area south of 62nd Street East where no multifamily residential uses are allowed. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures; provided, that the mixed-use structures shall be completed prior to occupancy of the single-use residential structures.~~

~~1. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street.~~

~~2. Single-use residential structures shall contain only ground-related dwelling units and shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.~~

~~3. The maximum number of dwelling units shall not exceed 40 dwelling units per net acre.~~

~~4. All development must be designed in accordance with the city of Sumner design and development guidelines as required in chapter 18.40 SMC.~~

Section 7. That Sumner Municipal Code Section 18.30.090 “Performance Standards” is hereby amended to read as follows:

18.30.090 Performance standards.

A. Required landscaping...

B. Expansion of specified existing uses. Existing residential dwellings lawfully constructed as of the effective date of this title may be maintained as follows...

C. As applicable, the provisions of the city of Sumner design and development guidelines shall be met for new development, except that the following performance standards shall apply, and the design and development guidelines shall not supersede the standards of this section:

1. Community gathering places provided for public use in private development may count toward the common open space requirement in design guidelines.
2. New development at “pedestrian activity nodes” shown in the East Sumner Neighborhood Plan shall feature pedestrian amenities and shall have building setbacks deep enough to accommodate gathering areas such as plazas.
3. Building height shall be limited to 4 stories at following locations: The blocks adjacent to the corners of Main Street East/60th Street East and 160th Avenue East, Main Street East/60th Street East and Parker Road, Main Street East/60th Street East and 162nd Avenue East; and along 160th Avenue East; and around the central wetlands preserve. The blocks where this applies are generally a depth of 300 feet from the street right of way, as determined by the Director. Building height in these locations shall not be superseded by height exceptions in the design guidelines.

D. Banks, vehicle repair, drive-in businesses, car washes, gas stations, automotive sales, and other auto-oriented uses are not permitted in the ESUV/NC zone...

E. Multifamily residential and mixed uses.

1. NC/ESUV district.

In the NC/ESUV districts multifamily residential uses are allowed as part of a mixed-use structure or detached single-use structure located to the side or rear of the mixed-use structure or commercial building(s); provided, that the ground floor fronting Main Street East, 60th Street East or the portion of 160th Avenue East south of Main Street East be occupied by a commercial use or is transitional residential to commercial space. Transitional residential to commercial space means a space designed with architectural and structural features that facilitate future conversion to commercial space, such as: building setbacks suitable for commercial, first floor ceiling height suitable for retail, modules of doors and windows in a pattern similar to a retail storefront, structural features and materials that allow wall sections to be demolished to accommodate windows and doors.)..

2. GC/ESUV district.

In the GC/ESUV districts multifamily residential developments are permitted as part of a mixed-use development with commercial uses, except in the area south of 64th Street East where no multifamily residential uses are allowed. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures; provided, that the mixed-use structures shall be completed prior to occupancy of the single-use residential structures.

- a. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street.
- b. Single-use residential structures shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.
3. Multifamily development in the ESUV shall comply with the off-street parking

ratios required in 18.42 SMC, except that the number of visitor stalls may be reduced at a 1:1 ratio for each charging station provided for electric bikes and scooters.

Section 8. That Sumner Municipal Code Section 18.30.100 “Streets and alleys” is hereby amended to read as follows:

18.30.100 Streets and alleys.

A. Walkable street grid. The East Sumner Neighborhood Plan Area is intended to contain a gridded street pattern including streets and alleys to increase connectivity and promote walkability; therefore, through streets generally following the established alignment with existing streets shall be required ~~and curvilinear side streets shall be encouraged.~~ These street/alley alignments along with pedestrian and bike corridor connections are shown generally on the circulation improvements map in the East Sumner Neighborhood Plan. The public works director may make alterations to the alignments when:

A1. The affected street or alley sections are contained within one parcel or group of parcels subject to a land use permit; and

B2. The modified alignment does not affect street or alley locations on other parcels; ~~and~~

~~C. At least one north-south collector street between 60th Street East and 64th Street East and one east-west collector street between 160th Avenue East and Sumner-Tapps Highway is retained in a straight line or nearly a straight line.~~

B. Street improvements should include separated sidewalks at least 6 feet wide; street trees; and bicycle lanes on Main Street, 60th Street East, 160th Avenue East, and 64th Street East, where safe and practicable to do so. Midblock connections should include accessible surfacing, landscaping, and pedestrian amenities.

C. Street improvements and multimodal corridors shall comply with city’s adopted cross sections for the ESUV.

D. Pedestrian activity nodes identified in the East Sumner Neighborhood Plan shall feature landscaping, traffic calming, crosswalks and other pedestrian-friendly features, as deemed appropriate by the Public Works Director.

E. Mid-block connections.

The East Sumner Neighborhood Plan Area promotes a pedestrian-friendly environment that encourages multimodal connections throughout the neighborhood. These connections promote a complete street grid, bicycle and pedestrian connections, and a walkable neighborhood. Mid-block connections and multimodal corridors shown in the East Sumner Neighborhood Plan shall be implemented as follows:

1. Multimodal or mid-block connection means a corridor that provides pedestrian/bike and/or vehicular access. These locations are designated generally as “Mid-block connections” in the ESNP circulation improvements map.

2. These mid-block connections shall be provided where feasible when major new construction and minor new construction occurs as defined in 18.43.020 SMC.

3. To provide a mid-block connection, the property owner shall grant an easement, running with the land, allowing public ingress and egress along the corridor. Prior to issuance of a building permit for minor new construction, such easement shall be recorded in the public records of Pierce County and constitute a covenant running with the land.
4. Buildings shall not be located in such a way as to block designated mid-block connections.
5. When major new construction occurs on properties that have designated mid-block connections, such connections shall be constructed as a part of the development.

Section 9. Zoning Map Amended. That Section 2 of Ordinance 2700 approved August 5, 2019 and the official Zoning Map for the City of Sumner is hereby repealed and replaced with an updated and amended zoning map attached hereto as 2020 Zoning Map Update for East Sumner Neighborhood Plan Area as shown in Exhibit “A,” and incorporated by reference as if fully set forth herein.

Section 10. 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 11. 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 12. 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 2021.

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

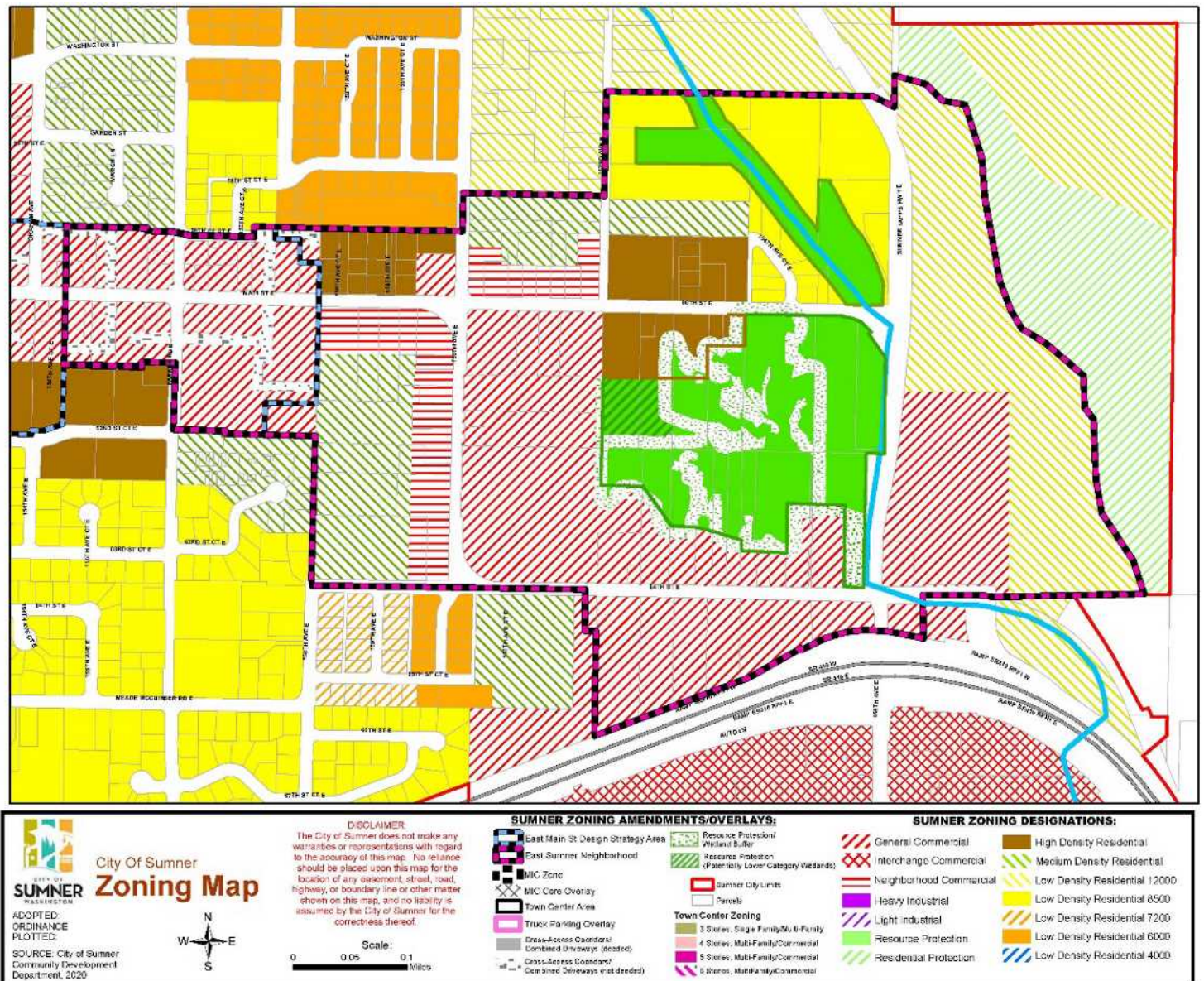
First Reading:

Date Adopted:

Date of Publication:

Effective Date:

EXHIBIT A - 2020 Zoning Map Update for East Sumner Neighborhood Plan Area



ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, RELATING TO THE EAST SUMNER NEIGHBORHOOD PLAN 2020 COMPREHENSIVE PLAN UPDATES AND ADOPTING THE EAST SUMNER NEIGHBORHOOD 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 2020 comprehensive plan updates contain multiple amendments and revisions to different sections of City code, maps and standards. This ordinance relates solely to the adoption of the Comprehensive Plan and Comprehensive Plan Map amendments for the East Sumner Neighborhood Plan portion of the overall comprehensive plan updates. Separate ordinances will be adopting amendments to: 1) Comprehensive Plan and Supplemental Environmental Impact Statement; 2) Critical Areas Ordinances Title 16; 3) East Sumner Neighborhood Plan implementing development regulations; 4) Planned Action Ordinance for the East Sumner Neighborhood Plan; and 5) Miscellaneous updates to Zoning Code and Sumner Municipal Code; 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, addressing land use, community character, transportation, regional planning, the environment, open-space and parks, capital facilities and utilities; and

WHEREAS, the City conducted a public outreach process including public meetings, website postings and public notices; an optional State Environmental Policy Act (SEPA) scoping notice issued July 2, 2020 providing for public comment until July 23, 2020; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on (date)XX; and

WHEREAS, on November 10, 2020, 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 December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on December 17, 2020;

WHEREAS, on (date)XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed amendments to the East Sumner Neighborhood Plan and ESNP-related Comprehensive Plan amendments; and adopt Alternative X as set forth in the DSEIS; and

WHEREAS, on (date)XX, the City Council held a duly advertised public hearing on and subsequent study session(s) to review and discuss the Planning Commission’s recommendation, deliberate and discuss alternatives; and

WHEREAS, the basis for the proposed amendments has been set forth in multiple individual staff reports provided to the Planning Commission and the City Council, including an analysis of the amendments’ consistency with the City’s adopted policies and regulations; and

WHEREAS, the City Council find that the proposed amendments contained herein are consistent with the Sumner Municipal Code criteria for Comprehensive Plan and Zoning Code amendments, Growth Management Act, VISION 2040 Multi-county planning policies, and Pierce County Countywide Planning Policies;

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

Section 1. That the 2018 Comprehensive Plan “Introduction” section, and subsection “Plan Documents” are hereby amended to read as follows:

East Sumner Neighborhood Plan, 2015 and 2020.

The plan was adopted as part of the overall 2015 Update and amends the 2001 Plan and addresses major changes to the area including the construction of a YMCA recreation center that will serve the region. ~~The Plan includes building 62nd St. E from 160th Ave E to Sumner Tapps Hwy; off-site wetland mitigation bank; addressing stormwater needs; rezoning to encourage more intense commercial or mixed-use development and improving pedestrians and bicycling connections.~~ In 2020, the plan was amended to focus on conservation of the central wetland and Salmon Creek corridor, and creating a variety of housing and employment opportunities on less constrained property. The plan also included adoption of a planned action ordinance to further expedite environmental review and encourage development.

Section 2. That the 2018 Comprehensive Plan Housing Element - Goals, Policies and Objectives, Policy 1.6, is hereby amended to read as follows:

Policy 1.6 Multi-family housing outside the Town Center area, and outside the ESUV should be “ground related” ~~where the~~ (individual housing unit entries are close to the ground on the first floor and allows direct access to private ground-level usable open space). Examples of ground-related dwellings include single-family detached, single family semi-attached, cottages, tandem houses, and townhouses. This does not include mixed use commercial/residential buildings or “housing for the aged” such as assisted living facilities, continued care communities, board and care homes, hospices or nursing homes.

Section 3. That the 2018 Comprehensive Plan Transportation Element is hereby amended as follows:

A. Policy 4.0 *Promote use of alternative transportation modes by providing an interconnected system of pedestrian and bicycle facilities.*

[...]

4.5 A system of separated, multi-purpose trails should be constructed to serve transportation and recreation needs of the community. It should also connect with adjacent communities to facilitate regional connectivity. The trail system and connections to the arterial, collector, and other pedestrian and bicycle facilities should be made per the Sumner/Pacific Master Trail Plan.

4.6 Develop street cross-section designs that promote street trees, separated sidewalks, and wide sidewalks along commercial uses; and develop cross-section designs for mid-block pedestrian and bike corridors that encourage non-auto circulation.

B. Policy 5.0 *Develop and expand an integrated system of public transportation alternatives and demand management programs*

5.1 Continue working with ~~Sound Transit~~ transit providers to expand and enhance bus transit service to regional destinations and to serve growing areas of Sumner. Key connections that should be considered for new or expanded service include:

- Between Sumner and Auburn/Kent/Green Valley employment centers;
- To connect Lakeland Hills residential area to Sumner and regional transit service;
- To serve travel between Sumner, Bonney Lake, and ~~Cascadia~~ Tehaleh development area;
- To serve travel within Sumner and connections to the commuter rail station;
- Connections between East Sumner Neighborhood and Downtown Sumner, including the commuter rail station.

5.2 Continue working with Sound Transit, WSDOT, and local agencies to enhance access to the regional commuter rail system and Sumner's commuter rail station, including connections to various Sumner neighborhoods and the Manufacturing Industrial Center.

C. Policy 6.1 *Design transportation facilities within the Sumner UGA minimizing adverse environmental impacts resulting from both their construction and operation. The City of Sumner will fulfill this need by:*

- Considering environmental costs of development and operation of the transportation system;
- Aligning and locating transportation facilities away from environmentally sensitive areas;
- Working with the State to incorporate appropriate structural and vegetative sound abatement as part of highway widening projects;
- Mitigating unavoidable environmental impacts wherever possible; and
- Soliciting and incorporating the concerns and comments of interested parties.
- Considering the social equity and environmental justice impacts of street projects.

Section 4. That the 2018 Comprehensive Plan Transportation Element is hereby further amended as follows:

The “Transportation Improvement Projects Map” is repealed and replaced with new 2020 “Transportation Improvement Projects Map - Figure 13,” as shown in **Exhibit A**, attached hereto and hereby adopted; removing the 3-lane extension of 62nd Street East.

Section 5. That the 2018 Comprehensive Plan Transportation Element is hereby further amended as follows:

The “Major Pedestrian System Plan Map” is repealed and replaced with new 2020 “Major Pedestrian System Plan Map - Figure 14,” as shown in **Exhibit B**, attached hereto and hereby adopted; removing the 62nd Street East extension.

Section 6. That the “East Sumner Neighborhood Plan Update - 2020” as described in **Exhibit C**, is incorporated herein by reference and is 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 2021.

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

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

EXHIBIT A - Transportation Improvement Projects Map - Figure 13

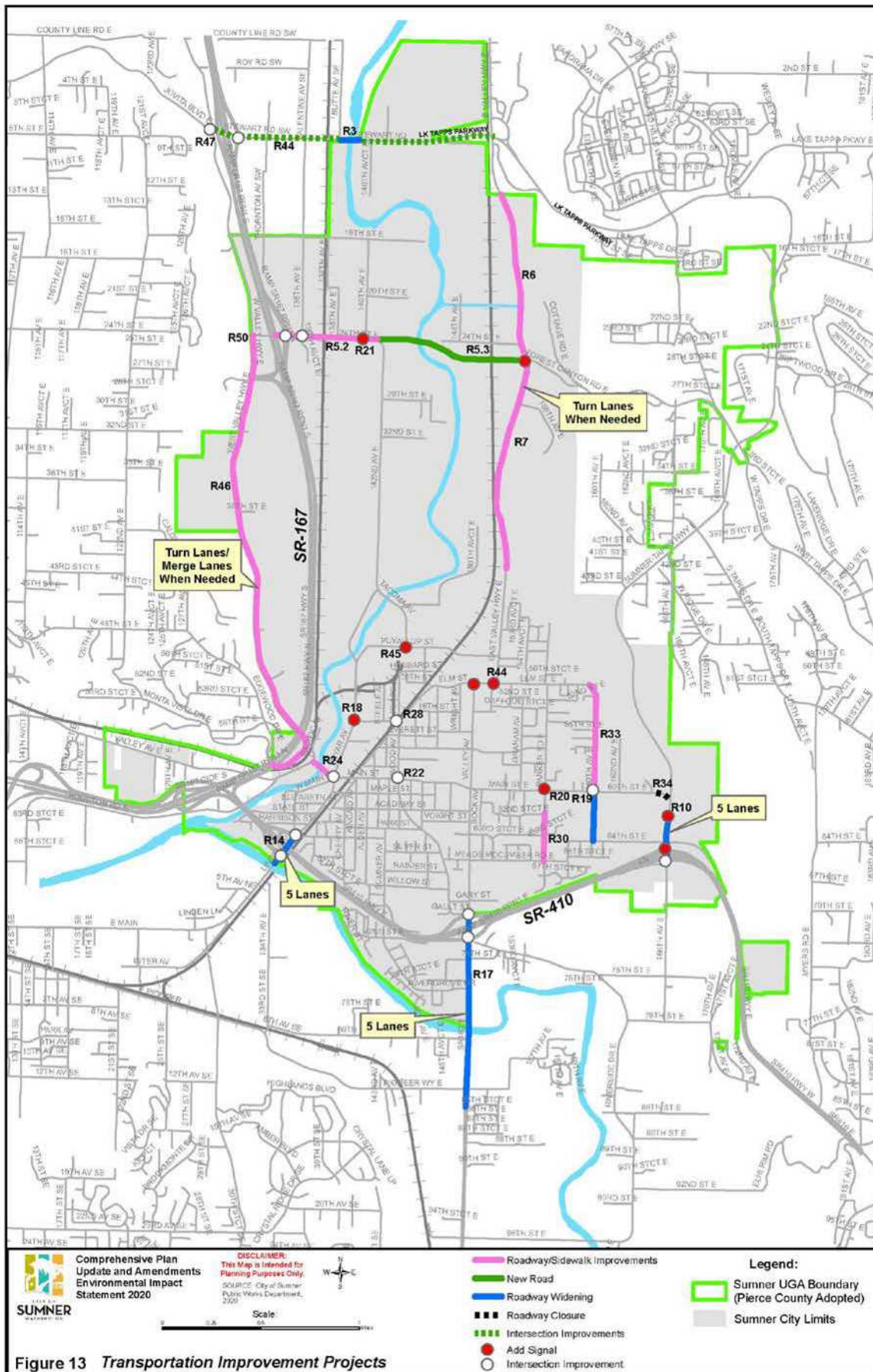


EXHIBIT B - Major Pedestrian System Plan Map - Figure 14

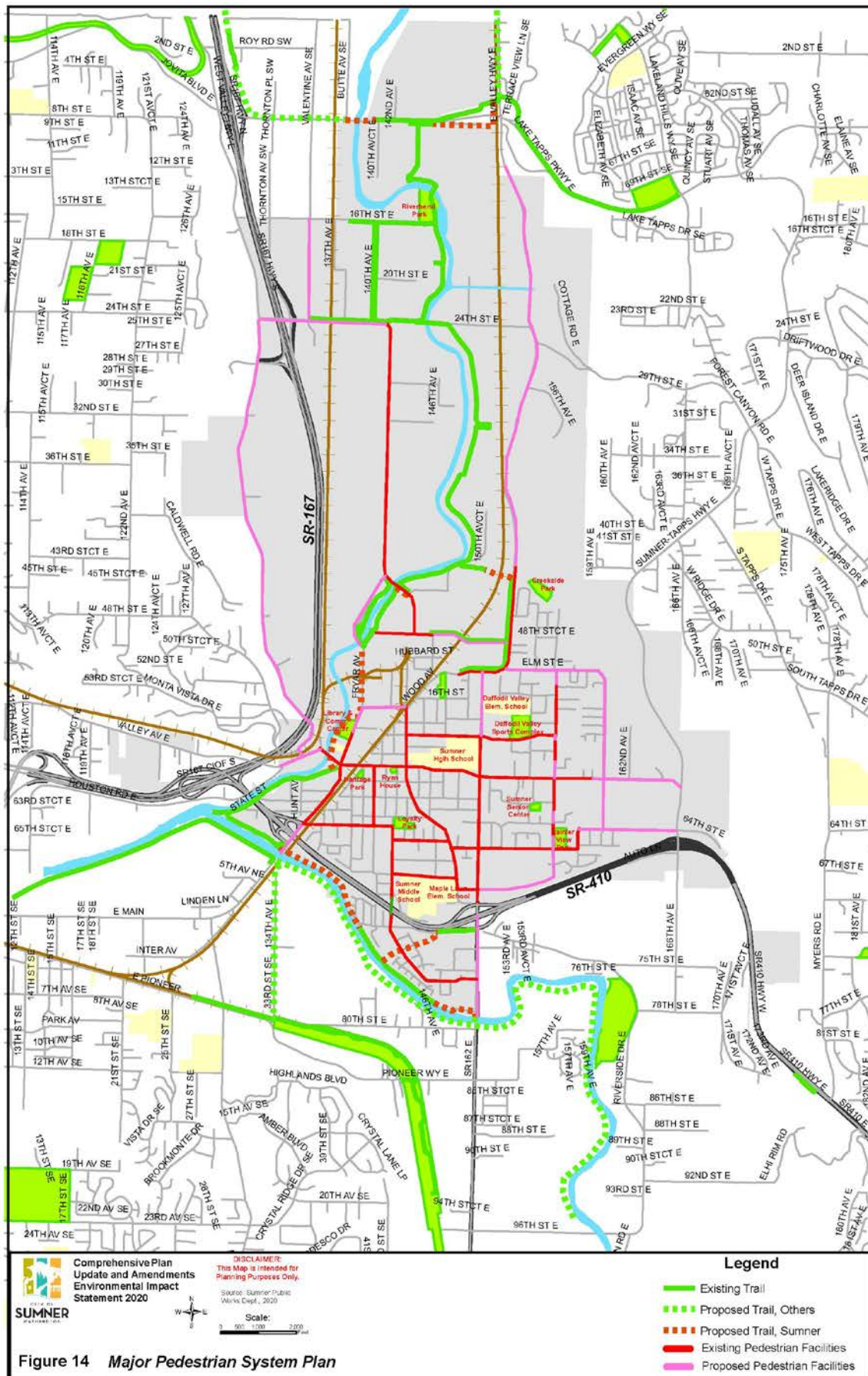


EXHIBIT C - East Sumner Neighborhood Plan Update -2020

The entire text of Exhibit C is located at the City's Document Center:

<https://sumner.civicweb.net/filepro/documents/21595>, and on the City's website at:

<https://connects.sumnerwa.gov/east-sumner-neighborhood-plan>



ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING CRITICAL AREAS REGULATIONS RELATING TO THE 2020 EAST SUMNER NEIGHBORHOOD PLAN UPDATE AND COMPREHENSIVE PLAN UPDATE, UPDATING WETLAND BUFFER REGULATIONS; AND AMENDING SUMNER MUNICIPAL CODE CHAPTER 16.46 AND CHAPTER 16.40.

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 2020 comprehensive plan updates contain multiple amendments to different sections of City code, maps and standards. This ordinance relates solely to the adoption of Title 16 critical areas regulations related to the East Sumner Neighborhood Plan portion of the overall comprehensive plan updates. Separate ordinances will be adopting amendments to: 1) Comprehensive Plan and Supplemental Environmental Impact Statement; 2) Zoning Code Title 18 and other provisions in the Sumner Municipal Code; 3) East Sumner Neighborhood Plan and ESNP Comprehensive Plan Amendments; 4) East Sumner Neighborhood Plan implementing development regulations; and 5) Planned Action Ordinance for the East Sumner Neighborhood Plan;

WHEREAS, the City has completed a public outreach process including public meetings, website postings and public notices; an optional State Environmental Policy Act (SEPA) scoping notice issued July 2, 2020 providing for public comment until July 23, 2020; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on (date)XX; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the mandatory 60-day state review per the Growth Management Act on November 10, 2020; and

WHEREAS, the Planning Commission held a duly-advertised public hearing on December 3, 2020 on the proposed amendments, followed by a Study Session on (date)XX;

WHEREAS, on (date) XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed amendments to the Critical Areas regulations in the Municipal Code as set forth in this ordinance; and

WHEREAS, the City Council held a duly advertised public hearing on (date)XX and subsequent study session(s) to review and discuss the Planning Commission's recommendation,

deliberate and discuss alternatives; and

WHEREAS, the basis for the proposed amendments has been set forth in multiple individual staff reports provided to the Planning Commission and the City Council, including an analysis of the amendments' consistency with the City's adopted policies and regulations; and

WHEREAS, the City Council has found the proposed amendments to be consistent with the Sumner Municipal Code criteria for Comprehensive Plan and Zoning Code amendments, Growth Management Act, VISION 2040 Multi-county planning policies, and Pierce County Countywide Planning Policies;

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

Section 1. That Sumner Municipal Code Section 16.46.030 "Definitions" is hereby amended to read as follows:

16.46.030 Definitions.

29. "Wetland buffer" or "wetland buffer zone" is an area that surrounds and ~~protects and is established to protect~~ a regulated wetland from adverse impacts to the wetland's functions and values."

Section 2. That Sumner Municipal Code Section 16.46.080 "Regulated activities" is hereby amended to read as follows:

16.46.080 Regulated activities.

A resource, wildlife, and hazard area (RWHA) approval shall be obtained prior to undertaking the following in a regulated wetland or its buffer unless authorized by SMC 16.46.090:

- A. The removal, excavation, grading, or dredging of soil, sand, gravel, minerals, organic matter, or material of any kind;
- B. The dumping, discharging, or filling with any material;
- C. The draining, flooding, or disturbing of the water level or water table;
- D. The driving of pilings;
- E. The placing of obstructions;
- F. The construction, reconstruction, demolition, or expansion of any structure, ~~unless specifically exempted under SMC 16.46.090(B).~~

Section 3. That SMC Section 16.46.090 "Exemptions and allowed uses in wetlands," subsection (B) is hereby amended to read as follows:

16.46.090 Exemptions and allowed uses in wetlands.

B. In addition to those activities listed in SMC 16.40.080~~100~~ Exemptions, the following activities shall be allowed within a wetland or wetland buffer ~~without having to obtain a~~

RWHA permit provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected:

[...]

4. The following uses are allowed within wetlands and/or wetland buffers; provided, that written notice at least 10 days prior to the commencement of such work has been given to the community development director; and provided, that wetland impacts are minimized and that disturbed areas are immediately restored:

a. Normal maintenance, repair, or operation of legally pre-existing serviceable structures, facilities, storage, parking areas or other improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road;

b. Minor modification of legally pre-existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions or increase the size floor area of the structure's ~~footprint~~.

c. Utility line activities listed under SMC 16.40.100(G); provided, that BMPs are used and impacts are mitigated;

d. Normal and routine maintenance and repair of any legally pre-existing public or private facility within an existing improved right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.

Section 4. That Sumner Municipal Code Section 16.46.150 "Buffer requirements" is hereby amended to read as follows:

16.46.150 Buffer requirements.

The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high. Following the department's determination of the category for a wetland associated with a proposal, the department shall determine appropriate buffer widths. Wetland buffer zones shall be evaluated for all development proposals and activities adjacent to wetlands to determine their need to protect the integrity, functions and values of the wetland. Wetland buffer widths are determined by the category of wetland, the intensity of impacts of a land use and the functions or special characteristics of the wetland that need to be protected as determined by the rating system. All wetland buffer zones are measured perpendicular from the wetland boundary as surveyed in the field. Except as otherwise permitted by this chapter, wetland buffers shall consist of a relatively intact native vegetation community adequate to protect the wetland functions and values at the time of proposed activity. If the vegetation is inadequate then the buffer width shall be planted to maintain the buffer width;

subject to the provisions at SMC 16.46.150(M).

Section 5. That SMC Section 16.46.150 “Buffer requirements,” subsection (H) “Allowed buffer uses” is hereby amended to read as follows:

16.46.150 Buffer requirements.

H. Allowed Buffer Uses. The following uses may be allowed within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable law and they are conducted in a manner so as to minimize impacts to the buffer and adjacent wetland:

[...]

~~4. Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way.~~

~~54.~~ The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.

~~65.~~ Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

~~76.~~ Enhancement of a wetland buffer through the removal of nonnative invasive plant species. Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the Washington State Noxious Weed Control Board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

~~8. Repair and maintenance of non-conforming uses or structures, where legally established within the buffer, provided they do not increase the degree of nonconformity.~~

Section 6. That Sumner Municipal Code Section 16.46.150 “Buffer requirements” is hereby amended to add a new subsection (M) as follows:

M. Buffer establishment.

1. A buffer shall be required when:

- a. Major new construction of the structure or use occurs, as defined under 18.43.020 “New construction, major,” or
 - b. New construction results in the conversion of a single family use to another use.
 2. A buffer shall not be required:
 - a. In the area contained within the perimeter of a legally pre-existing structure or use that is authorized to continue under Title 16; or
 - b. Within the footprint of an existing residential dwelling allowed to continue or expand under 18.30.090(B) subject to SMC 16.40.125(2); or
 - c. To extend landward beyond a legally pre-existing structure, including but not limited to, a building, parking lot, stormwater detention facility, or public right-of-way that contains an improved street.

Section 7. That Sumner Municipal Code Section 16.46.200 “Nonconforming activities” is hereby amended to read as follows:

16.46.200 Nonconforming structures, uses and activities:

A regulated structure, use or activity that was approved prior to the passage of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the provisions of SMC 16.40.125 ~~the Sumner zoning code.~~

Section 8. That Sumner Municipal Code Section 16.46.200 “Exemptions” is hereby amended to read as follows:

16.40.100 Exemptions

The following activities shall be exempt from the ~~provisions of this division application and permit requirements at 16.40.135~~ unless specifically modified in other sections of this division. All activities in critical areas must comply with SMC 16.40.110, Best management practices, regardless of exemption status. These exemptions apply specifically to activities regulated by the city of Sumner. Other state and federal permits and approvals may still apply.

[...]

H. Reconstruction, remodel~~l~~ing, or maintenance of existing single-family residential structures ~~and,~~ accessory structures, where legally pre-existing; provided, that a cumulative expansion of the building footprint, developed area and impervious surface area does not increase by more than 25 percent; and provided further, that the new construction or related activity does not further intrude into the critical area;

I. Reconstruction, remodel~~l~~ing, or maintenance of structures, where legally pre-existing, other than single-family structures and accessory structures; provided, that such reconstruction, remodel~~l~~ing, or maintenance does not increase the building footprint or height, or extend beyond the existing ground coverage or increase developed or impervious surface area.

[...]

L. Any change of use entirely within an existing structure, provided no grading or paving will occur which increases the amount of impervious surface on the site;

Section 9. That the section titles within Sumner Municipal Code Title 16 RESOURCE, WILDLIFE AND HAZARD AREA REGULATION FRAMEWORK, Chapter 16.40 are hereby amended to add a new section as follows:

Chapter 16.40 RESOURCE, WILDLIFE AND HAZARD AREA REGULATION FRAMEWORK

Sections:

[...]

16.40.110 Best management practices.

16.40.120 Variances.

16.40.125 Nonconforming uses, structures, activities

16.40.130 *Repealed.*

16.40.135 Application and review process for RWHA permit.

Section 10. That Sumner Municipal Code Chapter 16.40 “RESOURCE, WILDLIFE AND HAZARD AREA REGULATION FRAMEWORK” is hereby amended to add a new section 16.40.125 as follows:

16.40.125 Nonconforming uses, structures, activities.

A. A structure, use or activity legally pre-existing on the effective date of this title or at the time of any amendments thereto that does not conform to this title is considered nonconforming with the provisions of this title.

B. Expansion, reconstruction, or modification of a non-conforming structure, use or activity located in a critical area or its associated buffer may be allowed, provided that the structure, use or activity does not

1. further expand or intensify the building floor area or footprint of activity; or

2.. increase impervious surface area; or

3. remove vegetation;

within the critical area or its associated buffer area.

C. Routine repair and maintenance of non-conforming uses or structures, where legally pre-existing within a critical area or buffer, may be allowed, provided it does not further impact the critical area or increase the degree of nonconformity.

Section 11. 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 12. 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 13. 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 2021.

Mayor William L. Pugh

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

**ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, REPEALING ORDINANCE 2535 AND ADOPTING A NEW EAST SUMNER NEIGHBORHOOD PLANNED ACTION ORDINANCE PURSUANT TO THE STATE ENVIRONMENTAL POLICY ACT AND AMENDING SUMNER MUNICIPAL CODE CHAPTER 16.04.

WHEREAS, the State Environmental Policy Act (SEPA) and its implementing regulations provide for the integration of environmental review with land use planning and project review through the designation of planned actions by jurisdictions planning under the Growth Management Act (GMA), such as the City of Sumner (“City”); and

WHEREAS, Section 43.21C.440 of the Revised Code of Washington (RCW), Sections 197-11-164 through 172 of the Washington Administrative Code (WAC), and Section 16.04.170 of the Sumner Municipal Code (SMC) allow for and govern the adoption and application of a planned action designation under SEPA; and

WHEREAS, the Washington State Department of Commerce (DOC) has studied planned actions in various communities throughout the state and found that predefined mitigation as allowed under a planned action ordinance has resulted in increased certainty and predictability for development, time and cost savings for development project proponents and cities, and increased revenues for cities when used with other economic development tools; and

WHEREAS, the designation of a planned action expedites the permitting process for projects because the impacts have been previously addressed in a supplemental environmental impact statement (SEIS); and

WHEREAS, a subarea of the City commonly referred to as the “East Sumner Neighborhood”, as depicted on the map attached hereto as Exhibit A and incorporated herein by this reference, has been identified as a planned action area for future development (“Planned Action Area”); and

WHEREAS, the City has developed and adopted annual amendments to the Comprehensive Plan and Zoning Code including an update of the East Sumner Neighborhood Plan adopted _____ 2021 complying with the GMA (RCW 36.70A) to guide the development of the Planned Action Area; and

WHEREAS, after extensive public participation and coordination with all affected parties, the City, as lead SEPA agency, issued the 2020 Sumner Comprehensive Plan and Zoning Amendments and East Sumner Neighborhood Plan Update and Planned Action Final Supplemental Environmental Impact Statement (“FSEIS”) dated _____, 2021, which identifies the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Comprehensive Plan; the FSEIS includes by incorporation the associated Draft Supplemental

Environmental Impact Statement (DSEIS) issued on _____, 2020 (collectively referred to herein as the “Planned Action SEIS”); and

WHEREAS, the City desires to designate a planned action under SEPA for the East Sumner Neighborhood (“Planned Action”); and

WHEREAS, repealing and replacing the existing Planned Action for the East Sumner Neighborhood with appropriate updated standards and procedures will help achieve efficient and consistent permit processing and promote environmental quality protection; and

WHEREAS, in conjunction with this Planned Action, the City has adopted development regulations and ordinances that will help protect the environment and will adopt regulations to guide the allocation, form, and quality of development in the East Sumner Neighborhood; and

WHEREAS, the City provided public notice of and held a community meeting on October 22, 2020, consistent with planned action ordinance requirements at RCW 43.21C.440; and no comments were received; and

WHEREAS, additional public notice and an opportunity for public comment on this ordinance were provided consistent with WAC 197-11-168 and SMC 18.56.070 during the DEIS comment period, the Planning Commission public hearing and City Council public hearing; and as appropriate, the City has modified the proposal or mitigation measures in response to comments; and

WHEREAS, the City desires to repeal Ordinance 2535 adopted July 27, 2015, and replace it with this new 2020 Planned Action Ordinance that updates the criteria and thresholds for planned actions consistent with the 2020 Environmental Impact Statement for the 2020 East Sumner Neighborhood Plan; and

WHEREAS, the City Council finds that adopting this Ordinance is in the public interest and will advance the public health, safety, and welfare;

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

Section 1. Repealer. That Ordinance No. 2535 adopted July 27, 2015, is hereby repealed and replaced with this new 2020 Planned Action Ordinance, incorporated herein and hereby adopted together with any and all attachments;

Section 2. Categorical Exemptions Amendment. That Sumner Municipal Code Chapter 16.04.085(C) “Categorical exemptions” is hereby amended to read as follows:

16.04.085 Categorical exemptions.

[...]

C. If the proposal is within the East Sumner Neighborhood Planned Action area and within threshold criteria adopted by ~~Ordinance No. 2035~~ this Ordinance No. XXXX for the East Sumner Neighborhood Plan, the proposal shall be categorically exempt from threshold determination requirements.

Section 3. Purpose. The purpose of this Ordinance is to:

- A. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the Planned Action SEIS to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- B. Designate the East Sumner Neighborhood shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;
- C. Determine that the Planned Action SEIS meets the requirements of a planned action SEIS pursuant to SEPA;
- D. Establish criteria and procedures for the designation of certain projects within the Planned Action Area as “Planned Action Projects” consistent with RCW 43.21C.440;
- E. Provide clear definition as to what constitutes a Planned Action Project within the Planned Action Area, the criteria for Planned Action Project approval, and how development project applications that qualify as Planned Action Projects will be processed by the City;
- F. Streamline and expedite the land use permit review process by relying on the Planned Action SEIS; and
- G. Apply applicable regulations within the City’s development regulations and the mitigation framework contained in this Ordinance for the processing of Planned Action Project applications and to incorporate the applicable mitigation measures into the underlying project permit conditions in order to address the impacts of future development contemplated by this Ordinance.

Section 4. Findings. The City Council finds as follows:

- A. The Recitals above are adopted herein as Findings of the City Council.
- B. The City is subject to the requirements of the Growth Management Act (GMA).
- C. The City has adopted a Comprehensive Plan complying with the GMA and an associated subarea plan with text and policies specific to the East Sumner Neighborhood.
- D. The City is adopting zoning and development regulations concurrent with the Comprehensive Plan to implement said Plan, including this Ordinance.
- E. The Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS together with the SEPA documents it adopts and supplements adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.
- F. The mitigation measures identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS together with the SEPA documents it adopts and supplements, attached to this Ordinance as Exhibit B and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- G. The Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS identifies the location, type, and amount of development that is contemplated by the Planned Action.
- H. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.
- I. The City provided several opportunities for meaningful public involvement and review in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS process, including a community meeting consistent

with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.

- J. Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.
- K. The designated Planned Action Area is located entirely within an urban growth area (UGA).
- L. Implementation of the mitigation measures identified in the Planned Action SEIS and the East Sumner Neighborhood Plan Update, and Comprehensive Plan as amended with the 2020 docket will provide for adequate public services and facilities to serve the proposed Planned Action Area.

Section 5. Procedures and criteria for evaluating and determining Planned Action Projects within the Planned Action Area.

- A. **Planned Action Area.** This “Planned Action” designation shall apply to the area depicted on Exhibit A of this Ordinance.
- B. **Environmental Document.** A Planned Action Project determination for a site-specific project application within the Planned Action Area shall be based on the environmental analysis contained in the 2020 Sumner Comprehensive Plan and Zoning Amendments and East Sumner Neighborhood Plan Update and Planned Action SEIS together with the SEPA documents it adopts and supplements. The mitigation measures contained in Exhibit B of this Ordinance are based upon the findings of the SEIS and shall, along with adopted City regulations, provide the framework the City will use to apply appropriate conditions on qualifying Planned Action Projects within the Planned Action Area.
- C. **Planned Action Project Designated.** Land uses and activities described in the “Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS,” together with the SEPA documents it adopts and supplements, subject to the thresholds described in Subsection 5(D) of this Ordinance and the mitigation measures contained in Exhibit B of this Ordinance, are designated “Planned Action Projects” pursuant to RCW 43.21C.440. A development application for a site-specific project located within the Planned Action Area shall be designated a Planned Action Project if it meets the criteria set forth in Subsection 5(D) of this Ordinance and all other applicable laws, codes, development regulations, and standards of the City, including this Ordinance, are met.
- D. **Planned Action Qualifications.** The following thresholds shall be used to determine if a site-specific development proposed within the Planned Action Area was contemplated as a Planned Action Project and has had its environmental impacts evaluated in the Planned Action SEIS:
 - 1. Qualifying Land Uses.
 - a. A primary land use can qualify as a Planned Action Project land use when:
 - i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;
 - ii. it is consistent with land use categories and activities studied in the SEIS and consistent with zoning classifications applied to properties within the Planned Action Area.

A Planned Action Project may be a single Planned Action land use or a combination of Planned Action land uses together in a mixed-use development. Planned Action land uses may include accessory uses.

- b. Public Services: The following public services, infrastructure, and utilities can also qualify as Planned Actions: onsite roads, utilities, parks, trails, and similar facilities developed consistent with the Planned Action SEIS mitigation measures, City and special district design standards, critical area regulations, and the Sumner Municipal Code. Projects that involve wetland mitigation and are consistent with the impacts and mitigation addressed in the Final SEIS also qualify as Planned Action Projects.

2. Development Thresholds:

- a. Land Use - The following thresholds of new land uses are contemplated by the Planned Action:

Feature	Alternative 2	Alternative 3 (Preferred)
New Housing Units	252	196
New Employment (Jobs)	285	286

- b. Shifting development amounts between land uses in identified in Subsection 4.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS are mitigated consistent with Exhibit B of this Ordinance.
- c. Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Sumner Comprehensive Plan and Municipal Code Update SEIS.

3. Transportation Thresholds:

- a. Trip Ranges & Thresholds. The number of new PM peak hour trips anticipated in the Planned Action Area and reviewed in the Planned Action SEIS for 2035 is as follows:

PM PEAK HOUR TRIPS
Preferred Alternative

Inbound	Outbound	Total
830	840	1,670

Source: Transpo 2020

- b. Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in the Sumner Transportation Plan and implementing code, as appropriate.

- c. **Transportation Impact Mitigation.** Transportation impact fees shall be paid consistent with Chapter 12.36 SMC. Transportation mitigation shall also be provided consistent with mitigation measures in Exhibit B, Attachment B-1 of this Ordinance attached hereto and incorporated by this reference.
 - d. The responsible City official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 4.D(3)(a) are not exceeded, that the project meets the concurrency standards of Subsection 4.D(3)(b), and that the project has mitigated impacts consistent with Subsection 4.D(3)(c).
 - e. **Discretion.**
 - i. The responsible City official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action.
 - ii. The responsible City official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Sumner Municipal Code.
 - iii. The responsible City official shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.
4. **Elements of the Environment and Degree of Impacts.** A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS would not qualify as a Planned Action Project.
5. **Changed Conditions.** Should environmental conditions change significantly from those analyzed in the Planned Action SEIS, the City's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Project Review Criteria.

- 1. The City's SEPA Responsible Official, or designee, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:
 - a. the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;
 - b. the proposed uses and activities are consistent with those described in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS and Subsection 4.D of this Ordinance;
 - c. the project is within the Planned Action thresholds and other criteria of Subsection 4.D of this Ordinance;
 - d. the project is consistent with the Sumner Comprehensive Plan and East Sumner Neighborhood Plan including the regulations of the East Sumner Neighborhood integrated into the Sumner Municipal Code;
 - e. the project's significant adverse environmental impacts have been identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS;

- f. the project's significant impacts have been mitigated by application of the measures identified in Exhibit B of this Ordinance and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
 - g. the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
 - h. the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.
2. The City shall base its decision to qualify a project as a Planned Action Project on review of the Subarea SEPA Checklist form included in Exhibit B to this Ordinance and review of the Planned Action Project submittal and supporting documentation, provided on City required forms.

F. Effect of Planned Action Designation.

- 1. Designation as a Planned Action Project by the City's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action SEIS.
- 2. Upon determination by the City's SEPA Responsible Official that the project application meets the criteria of Subsection 4.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an SEIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable City, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Project Permit Process.

Applications submitted for qualification as a Planned Action Project shall be reviewed pursuant to the following process:

- 1. Development applications shall meet all applicable requirements of the Sumner Municipal Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.
- 2. Applications for Planned Action Projects shall:
 - a. be made on forms provided by the City;
 - b. include the Subarea SEPA checklist included in Exhibit B of this Ordinance;
 - c. provide a conceptual site plan to scale and narrative documenting how the planned action project meets the requirements of this Ordinance and the East Sumner Neighborhood Plan as well as relevant Sumner Municipal Code requirements. The written summary shall in particular identify the consistency of the Planned Action Project application with the East Sumner Neighborhood Plan "Plan Elements" concepts and strategies. and
 - d. meet all applicable requirements of the Sumner Municipal Code and this Ordinance.

3. The City's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
4. Determination of Consistency
 - a. If the City's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.
 - b. Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 18 SMC, except that no SEPA threshold determination, SEIS, or additional SEPA review shall be required.
 - c. The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.
 - d. Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.
5. Determination of Inconsistency
 - a. If the City's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21c.440.
 - b. The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.
 - c. Upon issuance of the Determination of Inconsistency, the City's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City's SEPA regulations and the requirements of state law.
 - d. A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action SEIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The City's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action SEIS.
6. To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.
7. A Determination of Consistency or Inconsistency is a Type II land use decision subject to the procedures established in Title 18 SMC. An appeal of a Determination of Consistency

shall be consolidation with any pre-decision or appeal hearing on the underlying project application where applicable.

Section 6. Monitoring and Review.

- A. The City should monitor the progress of development in the designated Planned Action area as deemed appropriate to ensure that it is consistent with the assumptions of this Ordinance and the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS regarding the type and amount of development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.
- B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five (5) years from its effective date in conjunction with the City's regular Comprehensive Plan review cycle, as applicable. The timing of subsequent reviews after the first review shall be determined with the completion of the first review. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) and Public Agency Actions and Commitments (Exhibit C). Based upon this review, the City may propose amendments to this Ordinance or may supplement or revise the Sumner Comprehensive Plan Update, East Sumner Neighborhood Plan Update, Capital Facility and Transportation Plan Update, Municipal Code Update, and East Sumner Neighborhood Planned Action SEIS.

Section 7. Planned Action Area map adopted. The East Sumner Neighborhood Planned Action Area as shown in Exhibit A attached hereto and incorporated by reference as if fully set forth herein, is hereby adopted.

Section 8. Mitigation Measures. Mitigation Measures applicable to a Planned Action Project are contained in Exhibit B - Mitigation Measures; Attachment B-1 to Exhibit B - Mitigation Required for Development Actions; and Attachment B-2 to Exhibit B - Advisory Notes to Applicants-Applicable Regulations and Commitments. These attachments are incorporated by reference as if fully set forth herein, and hereby adopted.

Section 9. Public Agency Commitments. Actions and commitments by the City and other agencies that further address impacts and mitigation measures as evaluated in the Planned Action SEIS are described in the Exhibit C - Public Agency Actions and Commitments, attached hereto and incorporated by reference.

Section 10. Conflict. In the event of a conflict between this Ordinance or mitigation measures established herein and any ordinance or regulation of the City, the provisions of this Ordinance shall control.

Section 11. 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 12. 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 13. **Effective Date.** This Ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

Section 14.
Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this _____ day of 2021.

ATTEST:

Mayor William L. Pugh

APPROVED AS TO FORM ONLY:

City Clerk Michelle Converse

City Attorney Andrea Marquez

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

EXHIBIT A SUMNER EAST SUMNER NEIGHBORHOOD PLANNED ACTION AREA



The East Sumner Neighborhood Subarea.

EXHIBIT B MITIGATION MEASURES

INTRODUCTION

The State Environmental Policy Act (SEPA) requires environmental review for project and non-project proposals that are likely to have adverse impacts upon the environment. In order to meet SEPA requirements, the City of Sumner issued the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS, as defined in this East Sumner Neighborhood Planned Action Ordinance (“Ordinance”) in which this Exhibit is attached. The Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts.

The City of Sumner has established a Planned Action designation for the East Sumner Neighborhood (see **Exhibit A**) based on the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS. SEPA Rules indicate review of a Planned Action Project is intended to be simpler and more focused than for other projects (WAC 197-11-172). This **Exhibit B** provides a modified checklist form for Planned Action Project applicants to complete, as provided pursuant to RCW 43.21C.440.

MITIGATION DOCUMENT

A Mitigation Document is provided in **Attachment B-1** to this Exhibit B, and is also summarized in the environmental checklist. **Attachment B-1** establishes specific mitigation measures, based upon significant adverse impacts identified in the Planned Action SEIS. These mitigation measures shall apply to future development proposals which are found consistent with the Planned Action thresholds in Subsection 4.D of this Ordinance and the conceptual plans in the East Sumner Neighborhood Plan, and which are located within the Planned Action Area (see **Exhibit A**).

APPLICABLE PLANS AND REGULATIONS

The Planned Action SEIS identifies specific regulations that act as mitigation measures. These are summarized by SEIS topic in **Attachment B-2** to this Exhibit B and are advisory to applicants. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable, including those listed in the Planned Action SEIS and those not included in the Planned Action SEIS.

INSTRUCTIONS TO APPLICANTS

This environmental checklist below asks you to describe some basic information about your proposal. The City will use this checklist to determine whether the project is consistent with the analysis in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS and qualifies as a Planned Action Project, or would otherwise require additional environmental review under SEPA. Answer the questions briefly, with the most precise information known, or give the best description you can. You must answer each question accurately and carefully, to the best of your knowledge. The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The City may ask you to explain your answers or provide additional information.

A. PROPOSAL DESCRIPTION

Date:			
Applicant:	Name/Company:	Phone #:	Cell #:
	Mailing Address:	Email Address:	
Property Owner:	Name/Company:	Phone #:	Cell #:
	Mailing Address:	Email Address:	
Property Address	Street:	City, State, Zip Code:	
Parcel Information	Assessor Parcel Number:	Property Size in Acres:	
Give a brief, complete description of your proposal.			
Property Zoning	District Name:	Building Type:	
Permits Requested (list all that apply)	Land Use:	Engineering:	
	Building:	Other:	
	All Applications Deemed Complete? Yes ___ No ___		
	Explain:		
	Are there pending governmental approvals of other proposals directly affecting the property covered by your proposal?		
	Yes ___ No ___		
	Explain:		

Existing Land Use	Describe Existing Uses on the Site:		
Proposed Land Use – Check and Circle All That Apply	Single Family or Multi-family dwelling units		Open Space, Parks, Plazas, Trails, Gathering Spaces
	Commercial		Other: _____
	Retail		Other: _____
Dwellings	# Existing Dwelling Units: # _____ Dwelling Type _____ # _____ Dwelling Type _____	# Proposed Dwelling Units: # _____ Type _____ # _____ Type _____	Proposed Density (du/ac):
	Dwelling Threshold Total in Ordinance: New Housing Units 196- 252		Dwelling Bank Remainder as of _____ 20__ _____ dwellings
Non-residential Uses: Building Square Feet	Existing Square Feet:		Proposed Square Feet:
	New Employment (Jobs) 285-286		Jobs Remainder as of _____ 20__
	Type of Employment:		_____ jobs
	Retail Square Feet _____ SF _____ Jobs		
	Commercial Office _____ SF _____ Jobs Other (describe): _____ SF _____ Jobs		
Building Height	Existing Stories: Existing Height in feet:		Proposed Stories: Proposed Height in feet:
Parking Spaces	Existing:		Proposed:
PM Peak Hour Weekday Vehicle Trips	Existing Estimated Trips Total:	Future Estimated Trips Total:	Net New Trips:
	Maximum net new primary PM peak hour trips in Ordinance: 1,670		Trip Bank Remainder as of _____ 20__ _____ dwellings
	Source of Trip Rate: ITE Manual ____ Other ____		Transportation Impacts Determined Consistent with Ordinance Subsection 4.D(3): Yes ____ No ____
Proposed timing or schedule (including phasing).			

Describe plans for future additions, expansion, or further activity related to this proposal.	
List any available or pending environmental information directly related to this proposal.	

B. ENVIRONMENTAL CHECKLIST AND MITIGATION MEASURES

Earth Checklist and Mitigation Measures	
Description of Conditions General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____ What is the steepest slope on the site (approximate percent slope)? _____ What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? _____	STAFF COMMENTS:
Describe the purpose, type, total area, and approximate quantities and total affected area of any filling or, excavation, and grading proposed. Indicate source of fill.	
Has any part of the site been classified as a "geologically hazardous" area? (Check all that apply) Landslide Hazards Erosion Hazards Seismic Hazards Liquefaction Hazards Volcanic Hazards Other: _____ Describe: _____	
Are there surface indications or history of problem soils in the immediate vicinity? If so, describe.	
Proposed Measures to control impacts to earth, soils, and geologic hazardous areas: The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time	

of application (check all that apply): Compliance with City Erosion Control Ordinance (SMC 16.05). Compliance with Critical areas regulations within landslide and erosion hazard areas, seismic hazard areas, and volcanic hazard areas (SMC 16.50, 16.52, and 16.54) Pre-loading, foundation and footing system design considerations, parking area asphalt design, and compliance with the International Building Code standards (SMC 15.08.010). Other: _____	
Flooding Checklist and Mitigation Measures	
1. Description of Conditions Is the project site within a designated floodplain? If so, describe the type and extent of the designated floodplain:	STAFF COMMENTS:
2. Is development proposed within the designated floodplain? If so, explain in more detail:	
3. Are there indications of past flooding on the property?	
4. Proposed Measures to control impacts to flooding: The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Compliance with the National Flood Insurance Program (NFIP) Standards. ☐ Compliance with Washington State Department of Ecology Low Impact Development Manual Compliance ☐ Compliance with the Shoreline Master Program and Critical Areas Regulations. ☐ District Stormwater Facilities Constructed. ☐ Implementation of stream conveyance improvements for Salmon Creek..	

Plants and Animals Checklist and Mitigation Measures	
Plants and Habitat Checklist	STAFF COMMENTS:
1. Check or circle types of vegetation found on the site: ☐ Deciduous tree: Alder, maple, aspen, other _____ ☐ Evergreen tree: Fir, cedar, pine, other _____	

☐ Shrubs ☐ Grass ☐ Pasture ☐ Crop or grain ☐ Orchards, vineyards or other permanent crops ☐ Wet soil plants: Cattail, buttercup, bullrush, skunk cabbage, other ☐ Water plants: Water lily, eelgrass, milfoil, other _____ ☐ Other types of vegetation: _____	
2. Are there wetlands on the property? Please describe their acreage and classification.	
3. Is there riparian habitat on the property?	
4. List all noxious weeds and invasive species known to be on or near the site.	
5. What kind and amount of vegetation will be removed or altered?	
6. List threatened and endangered species known to be on or near the site.	
7. Is the proposal consistent with critical area regulations? Please describe.	

8. Proposed landscaping, use of native plants, buffers, or other measures to preserve or enhance vegetation on the site:
The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply):

- ☐ City of Sumner Shoreline Master Program (SMP).
- ☐ National Flood Insurance Program (NFIP) and compliance with the Biological Opinion.
- ☐ Critical Area Regulations that address wetlands, streams and wildlife habitat areas.
- ☐ City of Sumner stormwater regulations and implementation of the National Pollutant Discharge Elimination System (NPDES) requirements.
- ☐ Restoration of select locations along Salmon Creek.
- ☐ Other: _____

STAFF COMMENTS:

Describe:

Fish and Wildlife

1. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:
Birds: Hawk, heron, eagle, songbirds, other: _____
Mammals: Deer, bear, elk, beaver, other: _____
Fish: Bass, salmon, trout, herring, shellfish, other: _____
2. List any threatened and endangered species known to be on or near the site.
3. List any invasive animal species known to be on or near the site.
4. Is the proposal consistent with standard critical area buffers? Please describe.

5. Proposed measures to preserve or enhance fish and wildlife, if any: The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ City of Sumner Shoreline Master Program (SMP). ☐ National Flood Insurance Program (NFIP) and compliance with the Biological Opinion. ☐ Critical Area Regulations that address wetlands, streams and wildlife habitat areas. ☐ City of Sumner stormwater regulations and implementation of the National Pollutant Discharge Elimination System (NPDES) requirements. ☐ Restoration of select locations along Salmon Creek. ☐ Other: _____ Describe:	
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Water Resources	
1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type of surface water body, including their name(s), stream classification, and whether there is a 100-year floodplain. If appropriate, state what stream or river the surface water body flows into.	STAFF COMMENTS:
2. Will the proposal require or result in (check all that apply and describe below): ☐ any work over, in, or adjacent to (within 200 feet) the described waters? ☐ fill and dredge material that would be placed in or removed from surface water or wetlands? ☐ surface water withdrawals or diversions? ☐ discharges of waste materials to surface waters? ☐ groundwater withdrawal or discharge? ☐ waste materials entering ground or surface waters? ☐ alterations of effects upon drainage patterns in the vicinity of the site? Describe:	

3. Describe the source of runoff (including storm water) and method of collection, treatment, and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.	
4. Is the area designated a critical aquifer recharge area? If so, please describe:	
5. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?	
6. What measures are proposed to reduce or control water resources/stormwater impacts? The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Compliance with critical area regulations. ☐ Compliance with SMC 13.48: stormwater management regulations. ☐ 2012 Washington State Department of Ecology Stormwater Management Manual for Western Washington. ☐ NPDES Western Washington Phase II Municipal Stormwater Permit, - Minimum Technical Requirements for New Development and Redevelopment. ☐ 2005 Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound. ☐ Compliance with Shoreline Master Program (SMP). ☐ Other:	

Air Quality Checklist and Greenhouse Gases	
1. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? Please describe and give quantities if known.	STAFF COMMENTS:
2. What measures are proposed to reduce or control air emissions? The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Compliance with Washington Department of Ecology and Puget Sound Clean Air Agency Regulations ☐ Compliance with Commute Trip Reduction Ordinance. ☐ Air quality control plans for construction activities. ☐ Best Management Practices used to control fugitive dust.	

☐ Measures to minimize air quality and odor issues caused by tailpipe emissions mobile construction equipment and portable stationary engines. ☐ Use of Greenhouse Gas Reduction Measures per Municipal Code or Exhibits 3-14 and 3-15 of 2015 Draft SEIS incorporated by reference in Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS. ☐ Other:	
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Land Use and Plans and Policies Checklist	
1. What is the current use of the site and adjacent properties? (Add more explanation as needed beyond description in Part A.)	STAFF COMMENTS:
2. Describe any structures on the site. Will any structures be demolished? If so, what type, dwelling units, square feet?	
3. What is the current comprehensive plan designation of the site?	
4. What is the current zoning classification of the site?	
5. If applicable, what is the current shoreline master program designation of the site?	
6. What is the planned use of the site? List type of use, number of dwelling units and building square feet.	
7. What is the tallest height of any proposed structure(s)?	
8. What are potential sources of light and glare?	
9. Does the proposal have the potential to affect solar access or cause undue shading?	
10. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.	
The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all	

relevant City plans and codes in effect at the time of application (check all that apply):

- ☐ Consistency with Comprehensive Plan and applicable subarea plans, including the East Sumner Neighborhood Plan.
- ☐ Consistency with Shoreline Master Program (SMP).
- ☐ Consistency with applicable zoning standards and design guidelines.
- ☐ Other:

Describe these measures and how they are incorporated into the development:

Population, Employment, and Housing Checklist

1. Approximately how many people would reside or work in the completed project?

2. Approximately how many people would the completed project displace?

3. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

4. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

5. Proposed measures to avoid or reduce displacement or housing impacts, if any.

The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply):

- ☐ Consistency with Comprehensive Plan and applicable subarea plans, including the East Sumner Neighborhood Plan.
- ☐ Consistency with applicable zoning standards and design guidelines.
- ☐ Other:

Describe these measures and how they are incorporated into the development:

STAFF COMMENTS:

Public Services, Capital Facilities, and Utilities Checklist	
1. Police Protection: Would the project increase demand for police services? Can City levels of service be met?	STAFF COMMENTS:
2. Fire and Emergency Services: Would the project increase demand for fire and/or emergency services? Can levels of services be met?	
3. Schools: Would the project result in an increase in demand for school services? Can levels of services be met? Is an impact fee required for this project? (See Attachment B-2 for a description of the fee.)	
4. Parks and Recreation: Would the project require an increase in demand for parks and recreation? Can levels of services be met? Are parks and trails provided consistent with the City's Parks and Trail Plan? Is an impact fee required for this project? (See Attachment B-2 for a description of the fee.)	
5. Wastewater: Would the project result in an increased need for wastewater services? Can levels of service be met?	
6. Water Supply: Would the project result in an increased need for water supply or fire flow pressure? Can levels of service be met?	
7. Would the project impact stormwater quantity or quality? Can levels of service be met? Are City stormwater requirements met?	
8. Other Public Services and Utilities: Would the project require an increase in demand for other services and utilities? Can levels of services be met? Are other impact fees or system development charges required for this project?	
9. Proposed measures to reduce or control direct impacts on public services. The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Police Services: Adequate levels of service available to serve development (verified by levels of service studied in the Planned Action SEIS and City Police Department operations and capital plans). ☐ Fire Services: Mitigation agreement between the developer and Sumner Fire & Rescue. ☐ Schools: Levels of service are adequate. School impact fees are paid. ☐ Parks and Recreation: Park space and trails are provided to be consistent with both the LOS standards of the	

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Parks and Recreation Element of the Comprehensive Plan and this Planned Action Ordinance. Parks impact fees are paid. ☐ Water and Wastewater: Adequate service at the time of development per SMC 13.16 Adequate sewage disposal and SMC 13.24 Adequate water supply. ☐ Compliance with SMC 13.48: stormwater management regulations. ☐ Other Measures to reduce or control public services and utilities impacts: _____ Describe:	
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Parks and Recreation Checklist	
1. What designated and informal recreational opportunities are in the immediate vicinity?	STAFF COMMENTS:
2. Would the proposed project displace any existing recreational uses? If so, describe.	
3. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:	
4. The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Compliance with Parks and Trails Plan. ☐ Payment of a parks and recreation mitigation or impact fee. ☐ Other Measures to reduce or control parks and recreation impacts: _____ Describe:	

Transportation Checklist	
1. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.	STAFF COMMENTS: Verify that: The Planned Action Project applicant has submitted documentation of the trips, required improvements, impact fees and other mitigation in comparison to the Planned Action SEIS and the Planned Action Ordinance.
2. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?	
3. How many parking spaces would the completed project have? How many would the project eliminate?	

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4. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).	The City has verified incremental and total trip generation.
5. How many PM peak hour vehicular trips per day would be generated by the completed project? Attach appropriate documentation.	
6. Proposed measures to reduce or control transportation impacts, if any: The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Trips in Ordinance Subsection 4.D(3)(a) are not exceeded, the project meets the Concurrency and Intersection Standards of Subsection 4.D(3)(b), and that the project has mitigated impacts consistent with Subsection 4.D (3)(c). ☐ Installation of required improvements necessitated by development or that are part of Planned Action. ☐ Fair share contribution to improvements at City concurrency intersections and roads. ☐ Transportation impact fees are paid. (See Attachment B-2 for a description of the fee.) ☐ Other measures to reduce or control transportation impacts: _____ Describe:	

Other Environmental Topics: City of Sumner 2010 Comprehensive Plan Update and Amendments EIS, November 2010	
Environmental Health and Noise Checklist and Mitigation Measures	
1. Describe any known or possible contamination at the site from present or past uses.	STAFF COMMENTS:
2. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.	
3. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.	
4. Describe special emergency services that might be required.	
5. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.	

6. Proposed measures to reduce or control environmental health hazards, if any: The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ SMC Chapter 15.24 Fire Code ☐ SMC Chapter 13.48 Illicit Discharge and/or Dumping Detection and Elimination ☐ Model Toxics Control Act Chapter 70.105D RCW ☐ Uniform Environmental Covenants Act Chapter 64.70 RCW ☐ MTCA Cleanup Regulation Chapter 173-340 WAC ☐ Compliance with SMC Chapter 8.14 Noise Control measures for compatibility. Other:	
Historic and Cultural Preservation	
1. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.	STAFF COMMENTS:
2. Are there any landmarks, features, or other evidence of Indian or historic use or occupation. This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.	
3. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.	
4. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Condition to stop construction if remains of historic or archeological significance are found. ☐ Consultation with the Washington State Department of Archaeology and Historic Preservation. ☐ Where project is proposed on or immediately surrounding a site containing an archaeological resource a study is conducted by a qualified professional archaeologist. Describe:	

C. APPLICANT SIGNATURE. I DECLARE UNDER PENALTY OF THE PERJURY LAWS THAT THE INFORMATION I HAVE PROVIDED ON THIS FORM/APPLICATION IS TRUE CORRECT AND COMPLETE. I UNDERSTAND THAT THE LEAD AGENCY IS RELYING ON THEM TO MAKE ITS DECISION.

Signature:	
Date:	

D. REVIEW CRITERIA

Review Criteria. The City's SEPA Responsible Official may designate Planned Action Projects consistent with Subsection 4.E of this Ordinance, if all of the following criteria are met.

Criteria	Describe how your application and proposed development meets the criteria.
a. The proposal is located within the Planned Action area identified in Exhibit A.	
b. The proposed uses and densities are consistent with those described in the Planned Action SEIS and Subsection 4.D of this Ordinance.	
c. The proposal is within the Planned Action thresholds and other criteria of Subsection 4.D of this Ordinance.	
d. The proposal is consistent with the Sumner Comprehensive Plan.	
e. The proposal's significant adverse environmental impacts were identified in the Planned Action SEIS.	
f. The proposal's significant adverse impacts have been mitigated by the application of the measures identified in this Exhibit B, Subsection 4.D of this Ordinance, and other applicable city regulations, together with any modifications or variances or special permits that may be required.	

Criteria	Describe how your application and proposed development meets the criteria.
g. The proposal complies with all applicable local, state, and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation.	
h. The proposal is not an essential public facility as defined by RCW 36.70A.200(1) unless an essential public facility is accessory to or part of a development that is designated a Planned Action Project under Subsection 4.E of this Ordinance.	

Determination Criteria. Applications for Planned Action Projects shall be reviewed pursuant to the process in Subsection 4.G of this Ordinance.

Requirement	Staff Comments
Applications for Planned Action Projects shall be made on forms provided by the City and shall include the Subarea SEPA checklist included in this Exhibit B.	
The application has been deemed complete in accordance with SMC Title 18 Zoning.	
The application is for a project within the Planned Action Area defined in Exhibit A of this Ordinance.	
The proposed use(s) are listed in Subsection 4.D of this Ordinance and qualify as a Planned Action.	

E. SEPA RESPONSIBLE OFFICIAL DETERMINATION

A. Determination of Consistency - Qualifies as a Planned Action Project: The application is consistent with the criteria set forth in this East Sumner Planned Action Ordinance and has been determined to qualify as a Planned Action Project.

The project and underlying permit(s) review shall proceed in accordance with the applicable permit review procedures specified within SMC Title 18 Zoning, except that no SEPA threshold determination, SEIS, or additional SEPA review shall be required.

Notice of the Planned Action Determination of Consistency shall be made according to the notice requirements of the underlying project permit(s) pursuant to SMC Title 18 Zoning. If notice is not otherwise required for the underlying project permit(s), no special notice is required.

SEPA Responsible Official Signature:

Date:

B. Determination of Inconsistency - Does not Qualify as Planned Action Project: The application is not consistent with the criteria set forth in this East Sumner Planned Action Ordinance and has been determined to not qualify as a Planned Action Project for the following reasons:_____

Projects that fail to qualify as Planned Action Projects may incorporate or otherwise use relevant elements of the Planned Action SEIS, as well as other relevant SEPA documents, to meet their SEPA requirements. The SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action SEIS.

SEPA Process Prescribed: _____

SEPA Responsible Official Signature:	
Date:	

ATTACHMENT B-1

Mitigation Required for Development Applications

INTRODUCTION. The Planned Action SEIS has identified significant beneficial and adverse impacts that are anticipated to occur with the future development of the Planned Action Area, together with a number of possible measures to mitigate those significant adverse impacts. Please see Final SEIS Chapter 1 Summary for a description of impacts, mitigation measures, and significant unavoidable adverse impacts.

A Mitigation Document is provided in this **Attachment B-1** to establish specific mitigation measures based upon significant adverse impacts identified in the Planned Action SEIS. The mitigation measures in this **Attachment B-1** shall apply to Planned Action Project applications that are consistent with the Preferred Alternative reviewed in the Planned Action SEIS and which are located within the Planned Action Area (see **Exhibit A**).

Where a mitigation measure includes the words “shall” or “will,” inclusion of that measure in Planned Action Project application plans is mandatory in order to qualify as a Planned Action Project. Where “should” or “would” appear, the mitigation measure may be considered by the project applicant as a source of additional mitigation, as feasible or necessary, to ensure that a project qualifies as a Planned Action Project. Unless stated specifically otherwise, the mitigation measures that require preparation of plans, conduct of studies, construction of improvements, conduct of maintenance activities, etc., are the responsibility of the applicant or designee to fund and/or perform.

Any and all references to decisions to be made or actions to be taken by the City’s SEPA Responsible Official may also be performed by the City’s SEPA Responsible Official’s authorized designee.

MITIGATION MEASURES

Earth. Conditions of approval for development include pre-loading, foundation and footing system design considerations, parking area asphalt design, low impact development requirements for stormwater treatment, and compliance with the International Building Code standards, among other requirements and considerations.

Air Quality and Greenhouse Gases

- All construction contractors are required to implement air quality control plans for construction activities in the study area. The air quality control plans include Best Management Practices to control fugitive dust and odors emitted by diesel construction equipment.
- The following Best Management Practices shall be used to control fugitive dust:
 - Use water sprays or other non-toxic dust control methods on unpaved roadways.
 - Minimize vehicle speed while traveling on unpaved surfaces.
 - Prevent track-out of mud onto public streets.
 - Cover soil piles when practical.
 - Minimize work during periods of high winds when practical.
- Minimize air quality and odor issues caused by tailpipe emissions maintaining the engines of construction equipment according to manufacturers’ specifications and minimizing idling of equipment while the equipment is not in use
- Burning of slash or demolition debris is not be permitted without express approval from the Puget Sound Clean Air Agency.

- Table B.1.1 *Other Potential GHG Reduction Mitigation Measures* lists a variety of mitigation measures that could reduce GHG emissions caused by transportation facilities, building construction, space heating, and electricity usage (Ecology 2008). The table lists potential GHG reduction measures and indicates where the emission reductions might occur. The City SEPA Responsible Official or his/her designee shall require development applicants to consider the reduction measures shown in in Table B.1-1 *Other Potential GHG Reduction Mitigation Measures* and Table B.1-2 *Emission Reduction Measures* for their projects and identify which measures are feasible and incorporated into their projects, and which measures are infeasible together with a rationale and explanation. The City SEPA Responsible Official or his/her designee may condition development applications to incorporate GHG reduction measures found to be feasible.

Table B-1.1. Other Greenhouse Gases Mitigation Measures for Consideration	
Reduction Measures	Comments
Site Design	
Retain and enhance vegetated open spaces.	Retains or increases sequestration by plants.
Plant trees and vegetation near structures to shade buildings.	Reduces onsite fuel combustion emissions and purchased electricity, and enhances carbon sinks.
Minimize building footprint.	Reduces onsite fuel combustion emissions and purchased electricity consumption, materials used, maintenance, land disturbance, and direct construction emissions.
Design water efficient landscaping.	Minimizes water consumption, purchased energy, and upstream emissions from water management.
Minimize energy use through building orientation.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Building Design and Operations	
Apply LEED standards (or equivalent) for design and operations.	Reduces onsite fuel combustion emissions and offsite/ indirect purchased electricity, water use, waste disposal.
Purchase Energy Star equipment and appliances for public agency use.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Incorporate onsite renewable energy production, including installation of photovoltaic cells or other solar options.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Design street lights to use energy-efficient bulbs and fixtures.	Reduces purchased electricity.
Construct “green roofs” and use high-albedo roofing materials.	Reduces onsite fuel combustion emissions and purchased electricity consumption.
Install high-efficiency HVAC systems.	Minimizes fuel combustion and purchased electricity consumption.
Eliminate or reduce use of refrigerants in HVAC systems.	Reduces fugitive emissions. Compare refrigerant usage before/after to determine GHG reduction.
Maximize interior day lighting through floor plates, increased building perimeter and use of skylights, clerestories, and light wells.	Increases natural/day lighting initiatives and reduces purchased electrical energy consumption.
Incorporate energy efficiency technology such as super insulation motion sensors for lighting and climate-control-efficient, directed exterior lighting.	Reduces fuel combustion and purchased electricity consumption.
Use water-conserving fixtures that surpass building code requirements.	Reduces water consumption.
Reuse gray water and/or collect and reuse rainwater.	Reduces water consumption with its indirect upstream electricity requirements.
Use recycled building materials and products.	Reduces extraction of purchased materials, possibly reduces transportation of materials, encourages recycling and reduction of solid waste disposal.
Use building materials that are extracted and/or manufactured within the region.	Reduces transportation of purchased materials.

Use rapidly renewable building materials.	Reduces emissions from extraction of purchased materials.
Conduct third-party building commissioning to ensure energy performance.	Reduces fuel combustion and purchased electricity consumption.
Track energy performance of building and develop strategy to maintain efficiency.	Reduces fuel combustion and purchased electricity consumption.
Transportation	
Size parking capacity to not exceed local parking requirements and, where possible, seek reductions in parking supply through special permits or waivers.	Reduced parking discourages auto-dependent travel, encouraging alternative modes such as transit, walking, and biking. Reduces direct and indirect VMT.
Develop and implement a marketing/information program that includes posting and distribution of ridesharing/transit information.	Reduces direct and indirect VMT.
Subsidize transit passes. Reduce employee trips during peak periods through alternative work schedules, telecommuting, and/or flex time. Provide a guaranteed-ride-home program.	Reduces employee VMT.
Provide bicycle storage and showers/changing rooms.	Reduces employee VMT.
Use traffic signalization and coordination to improve traffic flow and support pedestrian and bicycle safety.	Reduces transportation emissions and VMT.
Apply advanced technology systems and management strategies to improve operational efficiency of local streets.	Reduces emissions from transportation by minimizing idling and maximizing transportation routes/systems for fuel efficiency.
Develop shuttle systems around business district parking garages to reduce congestion and create shorter commutes.	Reduces idling fuel emissions and direct and indirect VMT.
LEED = Leadership in Energy and Environmental Design; HVAC = heating, ventilation, and air-conditioning	

Source: Ecology, 2008.

- In addition to the representative GHG reduction mitigation measures listed in Table B-1.1, additional GHG reduction measures have been published by the California Air Pollution Control Officers Association (CAPCOA) for purposes of assisting municipalities to develop land-use related GHG reduction measures. Trip reduction measures and GHG emission reduction measures suitable for California will likely also be suitable in Washington. For example, Table B-1.2 lists additional emission reduction measures that could be adopted or incentivized (CAPCOA 2010). The table lists CAPCOA's estimated range of effectiveness for reducing VMT or GHG emissions for each measure.

Table B-1.2 Emission Reduction Measures

Measure Number	Title	Description	Range of Effectiveness
Transportation			
TRT-1	Voluntary Commute Trip Reduction	A successful program will include all of the following: carpooling encouragement; ride-matching assistance; preferential carpool parking; flexible work schedules for carpools; half-time transportation coordinator; vanpool assistance; bicycle end-of-trip facilities.	1.0 – 6.2%
TRT-11	Provide Employer-Sponsored Vanpool/Shuttle	A successful program will entail an employer purchasing or leasing vans for employee use, and often subsidizing the cost of at least program administration, if not more. The driver usually receives personal use of the van, often for a mileage fee.	0.3 – 13.4%
Building Energy			
BE-1	Use Building Insulation Methods That Surpass State Energy Code	Greenhouse gases (GHGs) are emitted as a result of activities in residential and commercial buildings when electricity and natural gas are used as energy sources. New buildings must be designed to meet the building energy efficiency standards of the state energy code, which regulates energy uses including space heating and cooling, hot water heating, and ventilation. By committing to a percent improvement over the state code, a development reduces its energy use and resulting GHG emissions.	0.2 – 5.5% for electricity usage 7-10% for natural gas usage
BE-2	Install Programmable Thermostat Timers	Building management can decrease heating energy use by lowering the wintertime thermostat setting by 10 – 15 degrees for at least eight hours per day (during business/bed time hours). Likewise by increasing the summertime thermostat setting. There is large variability in individual building occupant programming behavior; therefore this mitigation measure is considered a Best Management Practice (BMP) to allow educated occupants to have the most efficient means of controlling their heating/cooling energy use.	BMP – In order to take quantitative credit, the project applicant would need to provide substantial evidence supporting reduction in energy use.

Table B-1.2 Emission Reduction Measures

Measure Number	Title	Description	Range of Effectiveness
BE-4	Install Energy Efficient Appliances	To reduce GHG emissions from electricity use: For residential dwellings, typical builder-supplied appliances include refrigerators and dishwashers and, for commercial land use, energy efficient grocery store refrigerators. Energy use of a building is dependent on building type, size and climate zone but typical reductions with ENERGY STAR refrigerators, clothes washers, dishwashers, and ceiling fans use 15%, 25%, 40%, and 50% less electricity than standard appliances, respectively.	2 – 4% (residential) 17 – 22% (grocery stores)
Alternative Energy			
AE-2	Establish Onsite Renewable Energy Systems – Solar Power	Using electricity generated from photovoltaic (PV) systems displaces electricity demand that would ordinarily be supplied by the local utility. Since zero GHG emissions are associated with electricity provided by PV systems, the GHG emissions reductions are equivalent to the emissions that would have been produced had electricity been supplied by a local utility.	Variable
Water Use			
WUW-3	Design Water Efficient Residential & Commercial Landscapes	As an indirect decrease of GHG emissions through reduced energy consumption for pumping, treating, and distributing water, decrease water use by reducing lawn sizes, planting vegetation with minimal water needs, such as Washington native species, and choosing complimentary plants with similar water needs which can provide each other with shade and/or water.	0 – 70%
WUW-4	Use Water-Efficient landscape Irrigation System	“Smart” irrigation control systems use weather, climate, and/or soil moisture data to automatically adjust watering schedules in response to environmental and climate conditions, such as the change in temperature or levels of precipitation. Expected reductions have been as high as 30% with historical high water users.	1 - 6.1%

Table B-1.2 Emission Reduction Measures

Measure Number	Title	Description	Range of Effectiveness
Vegetation			
V-1	Urban Tree Planting	Planting trees sequesters CO ₂ while the trees are actively growing. The amount of CO ₂ sequestered depends on the type of tree. Typically, the active growing period of a tree is 20 years and after this time the amount of carbon in biomass slows and will be completely offset by losses from clipping, pruning, and occasional death.	Variable by number of trees

Source: California Air Pollution Control Officers Association, 2010.

Public Services, Capital Facilities and Utilities

- The City shall require new development to design street layouts and recreation areas that promote visibility for residents and police. Street and sidewalk lighting and safety measures for vehicles, cyclists, and pedestrians shall be implemented per the Sumner Municipal Code and to meet Crime Prevention through Environmental Design principles.
- To address water quantity the City may choose to implement regional control stormwater facilities that would require applicants to unless determined by the City to be infeasible. Creating a downstream regional flow control facility to serve the study area, if pursued by the City, would require additional study and analysis to verify feasibility, preparation of regional facility basin plan for review by Ecology, environmental analysis and permitting, and final design and construction. If a regional flow control facility is approved by the City, an applicant may request or the City may condition development to pay a fee based on the area of new and replaced impervious surface. If regional facilities are not available then applicants shall comply the City adopted version of the Stormwater Manual for Western Washington. All applicants shall provide on-site facilities to address water quality in accordance with the City adopted version of the Stormwater Manual for Western Washington.
- Applicable impact fees shall be calculated and applied at the time a fully complete building permit application is filed. Applicable impact fees include: School, Parks, Transportation and Stormwater impact fees at pro rata rates established in the Sumner Municipal Code. See Attachment B-2 for additional descriptions.

Transportation. An updated section of the Sumner Municipal Code (18.30.100) addresses future street improvements in the Planned Action Area and applicants must comply with the required standards.

ATTACHMENT B-2

Advisory Notes to Applicants: Applicable Regulations and Commitments. The Planned Action SEIS identifies specific regulations that act as mitigation measures. These are summarized in Table B-2.1 by SEIS topic. All applicable federal, state, and local regulations shall apply to Planned Action Projects. Planned Action Project applicants shall comply with all adopted regulations where applicable including those listed in the Planned Action SEIS and those not included in the Planned Action SEIS.

Table B-2.1 Applicable Regulations and Commitments	
Topic	Regulation/Commitment
Earth	The City has adopted the International Building Code (SMC 15.08.010) and a City Erosion Control Ordinance (SMC 16.05) to reduce impacts caused by earthquakes, soil instability and erosion. Critical areas ordinances provide restrictions and regulations on certain types of development, and provides notices and reporting requirements for development within landslide and erosion hazard areas, seismic hazard areas, and volcanic hazard areas (SMC 16.50, 16.52, and 16.54.)
Flooding	The City implements requirements of the National Flood Insurance Program to protect new and existing development in and near floodplains (SMC 15.52). The City adopted the 2005 Washington State Department of Ecology Low Impact Development Manual (LID) and a requirement for LID approaches to stormwater management for new development. The City enforces the Shoreline Master Program (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36) and critical area regulations (SMC 16.05, 16.46 and 16.48).
Plants and Animals	City of Sumner Shoreline Master Program (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36). National Flood Insurance Program and compliance with the National Marine Fisheries Service 2008 Biological Opinion for Puget Sound. Critical Area Regulations address wetlands, streams and wildlife habitat areas (SMC 16.05, 16.46, and 16.56). City of Sumner stormwater regulations and implementation of the National Pollutant Discharge Elimination System requirements.
Water Resources	Critical Areas Regulations. The City's critical area regulations provide provisions for the protection of wetlands, aquifer recharge areas, and buffer zones around local rivers and streams. SMC 16.05 regulates erosion and sedimentation to reduce sediment pollution from construction activity. SMC 16.48 regulates development and land use in aquifer recharge areas. SMC 16.46 regulates development in or near wetlands and mitigation for wetland filling. Stormwater Management. Water quality protection is enacted by SMC 13.48. These regulations "establish minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff and water quality degradation for all sites located within the city..." These regulations also adopt use of the 2012 Ecology Stormwater Management Manual for Western Washington, the NPDES Western Washington Phase II Municipal Stormwater Permit, - Minimum Technical Requirements for New Development and Redevelopment, and the 2005 Puget Sound Partnership Low Impact Development Technical Guidance Manual for Puget Sound. Shoreline Master Program. The City of Sumner updated and adopted a revised Shoreline Master Program in December 2014 (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36). The revised SMP regulates approximately six miles of the White River and 1.5 miles of the Puyallup River. Safe Drinking Water Act. Requires public water system wells be protected from potential sources of contamination. The EPA authorized the Washington State Department of Health to implement this rule by establishing a Wellhead Protection Program for all current wellhead sources (such as the South Well, Sumner, Weber/Crystal, and County springs). The wellhead protection zones are the 10-year time travel boundary that represents the maximum distance around a pumping well from which a hypothetical contaminant in the groundwater could travel to the well in a 10-year period. Development regulations limit lot coverage, establishing minimum landscaping and open space areas,

Table B-2.1 Applicable Regulations and Commitments	
Topic	Regulation/Commitment
	street tree planting, and similar standards in Titles 16 and 18.
Air Quality and Greenhouse Gases	National Ambient Air Quality Standards (NAAQS). The EPA establishes NAAQS and specifies dates for states to develop and implement plans to achieve these standards. State Ambient Air Quality Standards. The Washington State Department of Ecology establishes state ambient air quality standards for the same six pollutants that are as stringent as the national standards; in the case of SO ₂ , state standards are more stringent. Indoor Burning Smoke Reduction Zone. PSCAA and Ecology’s regulatory framework for wood smoke includes: more stringent emission standards for new wood burning devices than the federal EPA standards; opacity standards for wood-burning appliances; prohibitions on burning of certain materials or non-certified wood stoves; burn ban curtailment program; and special attainment area provisions. Outdoor Burning. Burning yard waste and land-clearing debris is not allowed in the City of Sumner or in Pierce County. PSCAA enforces state outdoor burning regulations required by RCW 70.94.743. Puget Sound Clean Air Agency Regulations. All construction sites in the Puget Sound region are required to implement rigorous emission controls to minimize fugitive dust and odors during construction, as required by PSCAA Regulation 1, Section 9.15: Fugitive Dust Control Measures. All industrial and commercial air pollutant sources in the Puget Sound region are required to register with PSCAA. Facilities with substantial emissions are required to obtain a Notice of Construction air quality permit before construction is allowed to begin. State of Washington GHG Laws. Washington enacted a new law establishing GHG reduction limits. City of Sumner Ordinance 1587. This ordinance requires affected employers (employers with 100 employees or more at a single worksite) to implement a Commute Trip Reduction program for their employees. (SMC 16.06)
Land Use Plans & Policies	Design review is required for all new multifamily, commercial, and industrial developments; the review must consider the context of the site and potential for incompatibility. (SMC 18.40). City of Sumner’s Zoning Code (Title 18): development is subject to setback, buffer and landscaping requirements to minimize impacts on adjacent land uses, particularly between commercial/industrial and residential development. Certain land uses are subject to conditional use review, which includes a more detailed review of land use compatibility. (SMC 18.48). The Sumner Zoning Code (Title 18) includes zoning and design standards intended to allow for compatible development. The Sumner Environment Regulations (Title 16) address environmental review, shoreline use and development, and natural resource and critical areas to ensure development is planned and designed to minimize impacts on the environment. The Sumner Subdivision Regulations (Title 17) include standards for land division to ensure development is supported by adequate infrastructure and public facilities and consistent with the City’s plans and policies. The Town Center Plan guides development in the downtown. The Design and Development Guidelines ensure detailed site, building, and parking design is consistent with the City’s vision. (SMC 18.40). The Shoreline Master Program addresses development and land use within 200’ of shorelines of the state (SMC 16.08, 16.12, 16.14, 16.16, 16.20, 16.24, 16.28, 16.30, 16.32, and 16.36).
Population, Employment and Housing	Zoning regulations implement the City Comprehensive Plan to further its policies for business development, population and residential growth, and community character. (SMC Title 18). The City’s zoning code furthers Comprehensive Plan policies for housing density, types of housing, and character. (SMC Title 18)
Public Services and Utilities:	

Table B-2.1 Applicable Regulations and Commitments	
Topic	Regulation/Commitment
Law Enforcement	The Sumner Police department enforces various City regulations such as Title 9 Criminal Code and Title 10 Vehicles and Traffic.
Fire and Emergency Medical Services	EPF&R has adopted response time objectives and prepares regular reports. The City and EPF&R will continue to work with mutual aid partners for backup response to emergency incidents. All new development is required to meet City development regulations as well as the International Building Code and International Fire Code. National and state industry standards address fire district response times and staffing minimums (Fire Protection Association Standard 1710 and State’s Labor & Industries safety requirements (WAC 296-305-05001).
Schools	The Sumner School District has established impact fees. (SMC 3.50), to be applied at the time of a complete building permit.
Sewer	The U.S. Environmental Protection Agency (EPA) regulates wastewater discharge under the Federal Water Pollution Control Act and the Clean Water Act. EPA administers the National Pollutant Discharge Elimination System, which requires permits for various types of discharge to streams and rivers, including treated wastewater effluent. In Washington State, EPA delegates its permitting authority to the Washington State Department of Ecology. Public sanitary sewer system operations in Washington State are regulated under Chapters 35.67 and 36.94 of the Revised Code of Washington (RCW), as well as RCW Title 57. The City manages its sewer system under Sumner Municipal Code Title 13, Public Services.
Water	The Washington State Department of Health requires water systems with 1,000 or more connections to submit water system plan updates every six years. Ecology regulations apply to water rights and source development, including rules for the appropriate treatment of groundwater. The City has adopted the 2009 Water System Plan Update and 2010 Water System Plan Revisions.
Stormwater	Washington State Hydraulic Permit Approval requirements apply to City outfalls and secondary standards also apply to new development utilizing those outfalls. The City has adopted stormwater standards requiring, among other things, 25-year storage with the 2-year predevelopment release rate. Through Chapter 13.48 SMC, the City applies 2012 Ecology stormwater standards to new development of public and private improvements. The City states that stormwater site plans shall be prepared with a requirement for LID practices over standard retention/detention facilities. The City requires documentation of LID practices in each project subject to stormwater requirements. The City should implement the capital improvement projects described in the 2011 Stormwater Comprehensive Plan. The City is required to comply with the National Pollution Discharge Elimination System (NPDES) permit program. Stormwater system development charges or fees are applied at the time of a complete building permit.
Solid Waste	The City participates in an interlocal agreement with Pierce County for solid waste and recycling services.
Utilities	The City should continue to implement the Washington State Energy Code.
Parks and Recreation	The City collects a park and trail impact fee in Chapter 12.38), to be applied at the time of a complete building permit.
Transportation	SMC Chapter 12.36 addresses Transportation Impact Fees. This ordinance will be updated to require concurrency of improvements at the time of development or within six years. The City implements Chapter 16.06 Commute Trip Reduction. The

Table B-2.1 Applicable Regulations and Commitments	
Topic	Regulation/Commitment
	Transportation Plan Update will expand on Transportation Demand Management Measures. The City applies standards for streets and sidewalks in Title 12 Streets, Sidewalks and Public Places. Transportation impact fees are applied at the time of a complete building permit.

EXHIBIT C

INTRODUCTION

Under some elements of the Planned Action SEIS, specific City or other agency actions are identified. Generally, incorporation of these actions is intended to provide for consistency within the City's Comprehensive Plan and implementing regulations; to document pending City actions; to establish a protocol for long-term measures to provide for coordination with other agencies; or to identify optional actions that the City may take to reduce impacts. These actions are listed below in Table C.1.

Actions identified as "Proposed Concurrent Actions" refer to legislative actions proposed for adoption together with the Comprehensive Plan and Municipal Code Update. Actions identified as short term are currently underway and expected to be adopted in the next five years. Longer term and other agency actions will occur in the future, depending on need. The projected timeframe and responsible departments are identified and will be used in monitoring the implementation of this Ordinance.

This Exhibit C will be used in the monitoring process established in Section IV of this Ordinance.

Table C.1. Public Agency Mitigation Measures

Mitigation Measures	Proposed Synchronous Amendments	Short Term: Within 5 years	Long Term	Other Agency	Responsible Department
Earth:					
The City could continue to maintain an emergency management ordinance for the reduction of risk from situations like earthquakes and volcanic eruptions or mudflows as part of the Pierce County Emergency Management System.			X Ongoing		Community Development, Public Works
The City could pursue implementation of mitigation measures outlined in the Pierce County Natural Hazard Mitigation Plan.		X			Public Works, Community Development
Flooding:					
The City should implement a zero-rise policy for development in floodways and floodplains.		X			Community Development
The City should add new Comprehensive Plan policies to further support Low Impact Development.		X			Community Development
The City should consider district stormwater treatment facilities in East Sumner.		X			Public Works
The City should consider other options for complying with the National Marine Fisheries Service 2008 Biological Opinion, including: restricting development in the 100-year floodplain; adopting the model ordinance; and submitting City regulations and a checklist to document compliance under existing regulations.		X			

Table C.1. Public Agency Mitigation Measures

Mitigation Measures	Proposed Synchronous Amendments	Short Term: Within 5 years	Long Term	Other Agency	Responsible Department
Conceptual floodplain enhancements are modeled to prevent a net rise in surface water elevations if the assumed developments occur. If any other developments occur that are not included in the model, additional analysis and mitigation strategies would need to be conducted to meet City requirements.		X			Public Works
Implement stream conveyance improvements for Salmon Creek---		X Ongoing			Public Works
Plants and Animals:					
Restore select locations along Salmon Creek. These improvements would involve the removal of invasive species (reed canary grass), planting of native riparian vegetation, and installation of habitat features (i.e. large woody debris and large boulders.)		X			Public Works
Water Resources:					
Air Quality and Greenhouse Gases:					

Table C.1. Public Agency Mitigation Measures

Mitigation Measures	Proposed Synchronous Amendments	Short Term: Within 5 years	Long Term	Other Agency	Responsible Department
The City could expand the zones to which incentives and standards are applied to reduce GHG emissions beyond the M-1 zone; the commercial and heavy industrial zones could be included. For example, the City could allow greater building heights or relaxed parking standards for new non-residential construction if the owner or operator adopts one or more of the following mitigation measures: Provide end-of-trip bicycle facilities to employees. Construct LEED-certified buildings. Participate in the PSE Green Power Program.		X			Community Development
The City could require the use of energy-efficient outdoor lighting for all new non-residential construction in all commercial and industrial zones and not just the M-1 zone.		X			Community Development
Land Use:					
Plans and Policies					
The East Sumner Neighborhood Plan Update will guide development and public investments in the East Sumner Neighborhood	X				

Table C.1. Public Agency Mitigation Measures

Mitigation Measures	Proposed Synchronous Amendments	Short Term: Within 5 years	Long Term	Other Agency	Responsible Department
The City could improve coordination with Pierce Transit to provide increased transit service to the East Sumner Neighborhood as it develops into an urban village as well as other areas of the city or consider developing a long-term community transit system.		X			Public Works
Public Facilities					
The City could identify additional improvements for the 20-year planning period to address deficiencies projected in the long-term.		X			Public Works
The City could coordinate and cooperate with other jurisdictions in the implementation of multi-jurisdictional electric utility facility additions and improvements		X			Public Works
The City could implement Crime Prevention through Environmental Design principles to allow for appropriate lighting, landscaping, and visibility.		X			Community Development
Transportation					
Amend City impact fee to remove 62nd Street improvement and adjust fee basis.		X			Public Works

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, ADOPTING THE 2020 COMPREHENSIVE PLAN AMENDMENTS AND ENVIRONMENTAL IMPACT STATEMENT; AMENDING COMPREHENSIVE PLAN POLICIES AND TEXT; AND AMENDING THE COMPREHENSIVE PLAN MAP; AS A PART OF THE 2020 COMPREHENSIVE PLAN UPDATE.

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 2020 Comprehensive Plan update contains multiple amendments and revisions to different sections of City code, maps and standards. This ordinance relates solely to the adoption of the Comprehensive Plan and Comprehensive Plan Map amendments and the Supplemental Environmental Impact Statement. Separate ordinances will be adopting amendments to: 1) Zoning Code Title 18 and other provisions in the Sumner Municipal Code; 2) Critical Areas Ordinances Title 16; 3) East Sumner Neighborhood Plan (subarea) and East Sumner Neighborhood Plan implementing development regulations; and 4) Planned Action Ordinance for the East Sumner Neighborhood Plan; 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, addressing land use, community character, transportation, regional planning, the environment, open-space and parks, capital facilities and utilities; and

WHEREAS, the City conducted a public outreach process including public meetings, website postings and public notices; an optional State Environmental Policy Act (SEPA) scoping notice issued July 2, 2020 providing for public comment until July 23, 2020; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Environmental Impact Statement (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on (date)XX; and

WHEREAS, on November 10, 2020, 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 December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on (date)XX;

WHEREAS, on (date)XX the Planning Commission voted by a X-X vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; to adopt the DSEIS; and adopt Alternative X as set forth in the DSEIS and

WHEREAS, the City Council held a duly advertised public hearing on (date)XX and subsequent study session(s) to review the Planning Commission's recommendation(s) and deliberate and discuss alternatives; and

WHEREAS, the basis for the proposed amendments has been set forth in multiple individual staff reports, including 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 and Zoning Code amendments, Growth Management Act, VISION 2040 Multi-county planning policies, and Pierce County Countywide Planning Policies;

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

Section 1. That the Sumner 2020 Comprehensive Plan Map, **Exhibit "A,"** attached hereto and incorporated by reference is hereby adopted;

Section 2. That the Comprehensive Plan Shoreline Element "Shoreline Map - Figure 21" dated 2015 is hereby replaced with the "Shoreline Environmental Designations Map" contained in Ordinance No. 2732 adopted June 2019, as shown in **Exhibit "B"** attached hereto and incorporated by reference;

Section 3. Adoption of the Environmental Impact Statement. That the following environmental documents in **Exhibit "C"** are incorporated herein by reference and hereby adopted: The "Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action Final Supplemental Environmental Impact Statement - (date)XX 2021" (FSEIS), including by incorporation the associated "Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action Draft Supplemental Environmental Impact Statement - November 2020" (DSEIS);

Section 4. That the 2018 Comprehensive Plan "Introduction" subsection "Growth Management Act" is hereby amended to read as follows:

The GMA requires urban counties and cities within the counties to do the following:

- Prepare a comprehensive plan which must include the following elements: Land Use, Housing, Transportation, Capital Facilities, and Utilities. Parks and Recreation and Economic Development are also identified elements under GMA, that should be incorporated when the state provides funding at least two years ahead of periodic reviews

(RCW 36.70A.070 and RCW 36.70A.130). As an option, the comprehensive plans may include elements for Conservation, Solar Energy, ~~Recreation~~, and Sub-Area Plans. The elements must address State Planning Goals identified in the Growth Management Act and Countywide planning policies.

- Adopt regulations consistent with and implement the comprehensive plan (e.g. revise the zoning ordinance, subdivision ordinance, etc., or prepare new implementation mechanisms).
- Prepare a Shoreline Master Program consistent with RCW 90.58. Its goals and policies are considered an element of the Comprehensive Plan and its regulations are considered part of the City's development regulations (RCW 36.70A.480)

The City has chosen, over the years, to implement the GMA in a number of ways with additional planning and guidance as follows:

- 1994—Community Character Strategy
- 1996—Design and Development Guidelines
- 2001—East Sumner Neighborhood Plan
- 2002—East Main Street Design Strategy
- 2015—East Sumner Neighborhood Plan Update
- 2018—Sumner -Pacific Manufacturing Industrial Center Subarea Plan
- 2018—Town Center Plan
- 2020 – East Sumner Neighborhood Plan Update

Section 5. That the 2018 Comprehensive Plan “Introduction” subsection, “Coordination with State and Regional Goals and Policies - State Goals” is hereby amended to read as follows:

State Goals

Section RCW 36.70A.020 of the Growth Management Act lists the 13 planning goals which are to guide the preparation of a community's comprehensive plan and development regulations. A fourteenth goal was added to address the State's shoreline policy of appropriate shoreline uses, public access, and ecological conservation.

The goals address the following topics:

- Urban Growth
- Reduce Sprawl
- Transportation
- Housing
- Economic Development
- Property Rights
- Permits
- Natural Resource Industries
- Open Space and Recreation
- Environment
- Citizen Participation and Coordination
- Public Facilities and Services
- Historic Preservation
- ~~Shoreline Master Program~~

◆ Shorelines

Each comprehensive plan should consider and be consistent with the State goals. The state goals were reviewed by staff and decisionmakers as this Comprehensive Plan was prepared. The Draft EIS contains a policy analysis.

Section 6. That the 2018 Comprehensive Plan “Introduction” subsection, “Amendments to the 2004 Comprehensive Plan” is hereby amended to read as follows:

2015 10-year Update

In 2015 the City underwent a major 10-year update to the Comprehensive Plan as mandated by GMA. The Update included adopting updates to the East Sumner Neighborhood plan, adopting and updated Transportation Plan and Capital Facilities Plan, six Comprehensive Plan Map amendments including rezoning Agricultural lands to Residential Protection along with numerous minor text amendments. The Amendments were adopted on July 27, 2015, Ordinance No. 2530. Through Ordinance 2530, a Planned Action Ordinance was also adopted pursuant to RCW 43.21C.440 following completion of a Supplemental Environmental Impact Statement.

2020 Amendments

Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action Ordinance XXX amended the Comprehensive Plan and zoning addressing annual map and text amendments across the city, with a particular focus on East Sumner Neighborhood Plan. A Supplemental EIS was prepared and the 2015 Planned Action Ordinance was updated.

Section 7. That the 2018 Comprehensive Plan “Introduction” subsection, “Plan Documents” is hereby amended to read as follows:

As adopted by Ordinance No. 2530, the Sumner Comprehensive Plan consists of this Comprehensive Plan document and the Draft and Final Supplemental EIS as described below:

- East Sumner Neighborhood Plan, 20152020.

The East Sumner sub-area is approximately 174 acres of lowland located in the eastern portion of the City of Sumner. The core of the area is bordered by 160th Avenue East, 64th Street East, Main Street East, Sumner-Tapps Highway East, and State Route 410. The East Sumner Neighborhood Plan (ESNP) was updated in 2001, 2015, and again in 2020. The plan was adopted as part of the overall 2015 Update and amends the 2001 Plan and addresses major changes to the area including the construction of a YMCA recreation center that will serve the region. The Plan includes building 62nd St. E from 160th Ave E to Sumner Tapps Hwy; off-site wetland mitigation bank; addressing stormwater needs; rezoning to encourage more intense commercial or mixed-use development and improving pedestrians and bicycling connections. In 2020, the plan was amended to focus on conservation of the central wetland and Salmon Creek corridor, and creating a variety of housing and employment opportunities on less constrained property. The plan also included adoption of a planned action ordinance to further expedite environmental review

and encourage development.

Section 8. That the 2018 Comprehensive Plan “Introduction” subsection, “Related Documents” is hereby amended to read as follows:

The following documents support the Comprehensive Plan and should be consulted for more detailed information on strategies, planned facilities, financing, etc.:

- Sumner Parks and Open Space Plan. This plan, ~~adopted April 4, 1994, and amended in 2001–February 2018,~~ presents the recommendations of the Sumner Parks Board and Planning Commission. The plan includes an inventory of parks and facilities, recommended levels of service, open space programs, proposed park improvements, funding, a 20-year facility plan and a detailed 6-year capital improvement program, and goals, policies and objectives which have been incorporated in this Comprehensive Plan. ~~The plan will undergo a significant update in 2015–2016 addressing, among other things, the fact the City has surplused the Sumner Meadows Golf Course.~~
- General Water System Plan, 2009 Update, 2020. Prepared by ~~Parametrix–BHC Consultants~~ for City of Sumner, the Water System Plan details current water system facilities, water supply, water storage, water quality, and other issues for the City and future service area. A list of proposed capital facilities and funding mechanisms are included.
- Sumner Shoreline Master Program, 2014 and Periodic Review 2020. This document was updated and approved by the Department of Ecology 2014. Its purpose is to protect the shoreline and increase public access. The plan includes five shoreline designations (urban, shoreline residential, urban conservancy, natural and aquatic) along the Puyallup and White Rivers and policy and development standards for each category. A periodic review was completed in 2020 to refresh the plan to address changed conditions including the Town Center Plan and associated building heights as well as updates to the Shoreline Management Act and implementing rules.

Section 9. That the 2018 Comprehensive Plan “Introduction” subsection “Implementing Plans and Strategies” is hereby amended to read as follows:

To implement the Sumner Comprehensive Plan, the following plans and strategies have been completed:

Sumner ~~Trail Master~~Parks and Trails Plan, 2008–2018. This Plan provides the location, standards, and cost estimates for the trail system which extends from the King County Interurban Trail in the City of Algona to the Pierce County Foothills Trail in the City of Puyallup. The plan was originally adopted June 2, 2008 ~~by Sumner Resolution No. 1240 and updated in 2018.~~

Design and Development Guidelines, 2008–2018. The design guidelines supplement the

zoning code and provide a greater level of detail regarding landscaping, building and architectural treatments and pedestrian friendly amenities. The design guidelines were originally adopted in 1996 and underwent a major rewrite in 2008 ~~and were adopted by the City Council on October 6, 2008 per Ordinance No. 2270~~ with minor updates in 2018.

Section 10. That the 2018 Comprehensive Plan Land Use Sub-Element - Goals, Policies and Objectives is hereby amended to read as follows:

Policy 1.11 ~~In coordination with Pierce County and other jurisdictions designate Support~~ the Town Center Plan area as a “~~center of local importance~~Countywide Center” as it relates to transportation funding.

Section 11. That the 2018 Comprehensive Plan Historic and Cultural Resources Sub-Element is hereby amended to read as follows:

Policy 1.6 Analyze and consider a historic overlay zone in the ~~Central Business District~~Downtown area as a tool for preserving the character of Main Street.

Section 12. That the 2018 Comprehensive Plan Land Use Designations Sub-Element is hereby amended as follows:

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, densities, and floor area ratios of particular zones.

Innovation District and Enterprise Area

The Innovation District and Enterprise Area (IDEA District) is a flexible overlay designation that may be applied to non-residential areas at the request of a property owner. An IDEA overlay provides greater flexibility in the allowable uses and development standards than the underlying zone, in order to encourage and to expand economic opportunities for innovative, small-scale businesses to locate in Sumner. The IDEA District could contain a combination of office, retail, residential, co-working spaces, a makerspace and entrepreneur support services.

Planned Mixed Use Development and Planned Residential Development

The **Planned Mixed Use Development (PMUD)** overlay area requires a mix of commercial and residential development that will undergo extensive public process including design review, hearing examiner recommendation, and City Council approval. The PMUD offers greater flexibility to develop a mix of ground floor commercial, walkable neighborhoods, increased density as appropriate, adequate open space, complete street designs and opportunities for green and environmentally friendly development. The result is a development that fits the character of the surrounding neighborhood as a whole and is an asset to the community. A PMUD may have a mix of commercial, mixed use structures, and stand-alone multi-family residential in a variety of configurations from live/work units, residential over ground floor commercial, to townhouses, and cottages. Buffer areas can also be configured within a PMUD to minimize conflicts between uses such as agriculture and

large-lot single-family or, between more intense uses such as industrial, depending on the neighborhood. 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, increased density as appropriate, 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.

Resource Protection District

The Resource Protection District applies to areas that have significant natural resources or potential for small- to -moderate-scale agricultural uses. The district's purpose is to: Protect natural resources such as agricultural, mineral resource, fish and wildlife habitat areas from the intrusion of non-resource based development; to promote the conservation of natural resource lands and related activities or operations; and to maintain large areas free of impervious surfaces in order to increase the potential for natural infiltration of rainfall and the retention of natural drainage water patterns, minimizing the need for storm water facilities and increasing the protection of ground water resources.

Central Business District Historic Central Business District (Town Center) Town Center Plan area

The 2018 Town Center Plan update re-designated the Central Business District to the Historic Central Business District which provides a focal point for the City and allows for retailing and other commercial services in a fashion that preserves and enhances the pedestrian scale and character of development in the Town Center area. Small and medium independent shops and offices are typical to this district. Primary uses include retail businesses, professional offices, hospitals, medical clinics, hotels, theaters, restaurants, personal service shops, multi-family dwellings above ground floor commercial uses, and public/semi-public buildings. Secondary uses include, convenience stores, utilities subject to compatibility criteria, and small scale light manufacturing associated with artisan or craft production. The Historic Central Business District also functions as a "town center" because of its central location as a transit hub, the pedestrian scale and character, and the types of services provided. ~~A small portion of land remains zoned "Central Business District" in the vicinity of Valley Avenue and Main Street.~~ The Town Center Plan district includes several sub-districts: the West Sumner district, riverside district, station district and the historic central business district. Each district has its own unique characteristics, and development requirements.

Urban Village

Urban villages are self-contained, tightly gridded, mixed use areas with a seamless mix of residential, commercial, and civic uses. An urban village in Sumner would be different than an urban village in Seattle. In Sumner, an urban village would be something like a "mini-Downtown" and would respect the "small town character" of Sumner by ensuring buildings are of appropriate height and scale.

The urban villages will provide a focus for neighborhoods outside ~~the CBD, but are~~

~~secondary to the CBD of the downtown area.~~ Urban villages promote pedestrian scale, transit-oriented developments in harmony with the character of the community. Primary uses include retailing and commercial services, banks (with no drive through facilities), professional offices, bed-and-breakfasts, hotels, civic uses, multi-family dwellings of various types including duplexes, townhouses, condominiums, apartments, etc. Secondary uses can include single-family dwellings, accessory units, adult family homes, day care, public and private educational facilities, utilities subject to compatibility criteria, churches and religious institutions, convalescent care and rest homes. Mixed uses, converted residential buildings, converted commercial buildings, and variable lot sizes are encouraged to ensure pedestrian orientation, visual interest, and historic character protection.

General Commercial

This designation is applied to areas outside ~~the CBD of the downtown area~~ and urban villages where retailing, commercial, and office uses serving a larger market are promoted. While the uses accommodate automobiles to a greater degree, buildings with a street orientation, screened parking, and ample landscaping ensure more attractive centers. Primary uses include retail businesses, automotive sales, professional offices, hospitals, medical clinics, hotels, theaters, restaurants, personal service shops. Secondary uses include automotive service stations, convenience stores, utilities subject to compatibility criteria, and light manufacturing, assembling, and repairing. General commercial uses may occur in different forms to encourage specific uses. For example, areas around hospitals may have provisions encouraging medical service and pedestrian access; or retail or commercial uses near large employment centers may be limited to commercial uses to support workers. Limited multi-family residential uses may be incorporated (e.g. on second floors above retail) where it can be integrated into the proposed development and is compatible with the surrounding neighborhood. Existing general commercial areas will be encouraged to incorporate pedestrian-oriented elements and positive design features such as additional landscaping, reduced front setbacks, screened parking, and pedestrian scale lighting and signage. New development in general commercial areas will require design review to ensure these goals are met and a balance in the accommodation of all transportation modes including transit and pedestrians is achieved.

Section 13. That the 2018 Comprehensive Plan 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	--
Low Density Residential-2 (LDR-2)	5.1-6.5 du/acre	--

CATEGORY	DENSITY	FAR
Low Density Residential-3 (LDR-3)	6.6-8 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 du/acre	--
Interchange Commercial (IC)	--	.3 - .5
Neighborhood Commercial (NC)	12.1-20 du/acre	.3 - .5
<u>Mixed-Use</u>		
Central Business District (CBD) <u>Town Center Plan area</u>	12.1 - 30 du/acre <u>Unlimited if height, open space, setbacks, and parking are met.</u>	2.0-3.0 <u>.75-6.0</u>
Urban Village (UV)	12.1 - 40 du/acre	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
<u>Planned Residential Development</u>	<u>Based on underlying zone</u>	<u>n/a</u>
Planned Mixed Use Development	5-37.5 du/acre	.3-.5
Town Center Plan Subarea <u>Sub-Districts</u>	Unlimited if height, open space, setbacks, and parking are met.	.75-6.0
<u>Innovation District & Enterprise Area</u>	<u>Based on underlying zone</u>	<u>n/a</u>

Section 14. That the 2018 Comprehensive Plan Economic Development Sub-Element is hereby amended to read as follows:

Policy 4. Encourage small businesses as a vital part of the City's economic framework.

4.5 Use land use and other regulatory controls to allow for a mix of small businesses, chain and franchises operations, light manufacturing, artisan shops, craft production, small research and development businesses, and other innovative and emerging trends. Promote "innovation districts" in appropriate locations.

Section 15. That the 2018 Comprehensive Plan Transportation Element Section “Streets and Highways” text is hereby amended to read as follows:

Streets and highways provide the basic framework for the City of Sumner transportation system. The system is comprised of freeways, arterials, collectors, and local streets. These facilities serve private vehicles, commercial trucks, public bus transit, and much of the bicycle and pedestrian travel (through adjacent sidewalks). Therefore, developing and maintaining an operationally efficient and safe street and highway system is important in meeting the overall transportation goal. Future transportation improvement plans for the street system are summarized on Figures 13 through 15.

Pedestrian

The City of Sumner in 2014 completed The Sumner Link Trail, connecting the trail to the Puyallup Riverbend Trail, Foothills Trail and the future connection to the City of Pacific's portion of the Interurban Trail. See Figures XX-XX14-15 for trail locations. Future plans for the trail include enhancing the trail with amenities. Other pedestrian connections through the city include five-foot sidewalks on all-XXX-minor streets, ten-foot sidewalks along most of East Main Street, with plans to continue sidewalks throughout the city. See Figure 14X-XX for sidewalk map. The City of Sumner has very flat topography which allows for a very comfortable, easy and enjoyable walk through town.

Section 16. That the amendments and associated exhibits contained herein shall constitute the 2020 Sumner Comprehensive Plan Update, and are hereby adopted.

Section 17. 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 18. 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 19. 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 2021.

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

EXHIBIT A - 2020 Comprehensive Plan Map (see Figure A-1 below for detail)

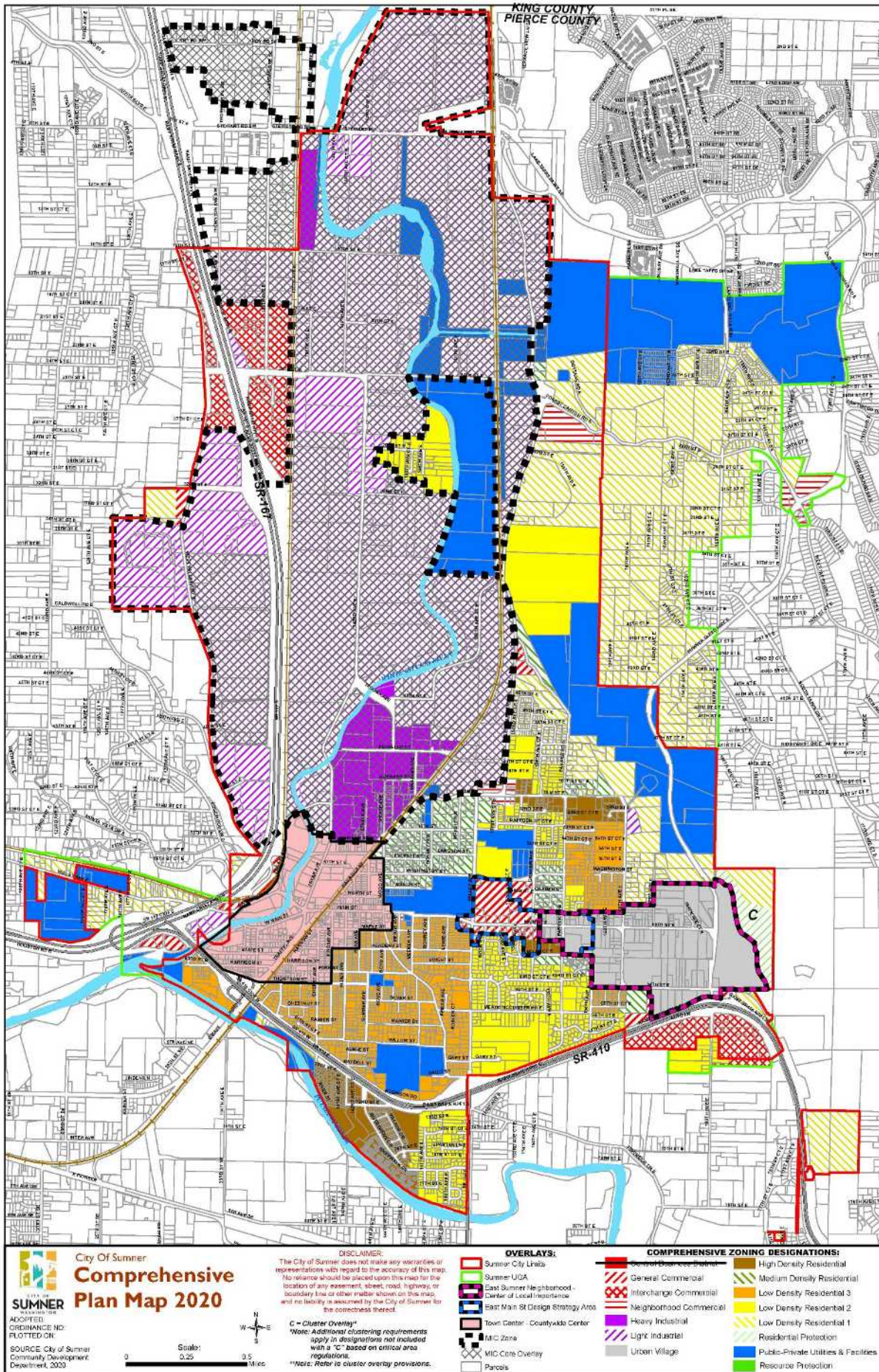


Figure A-1: Enlarged EXHIBIT A to Show Detail

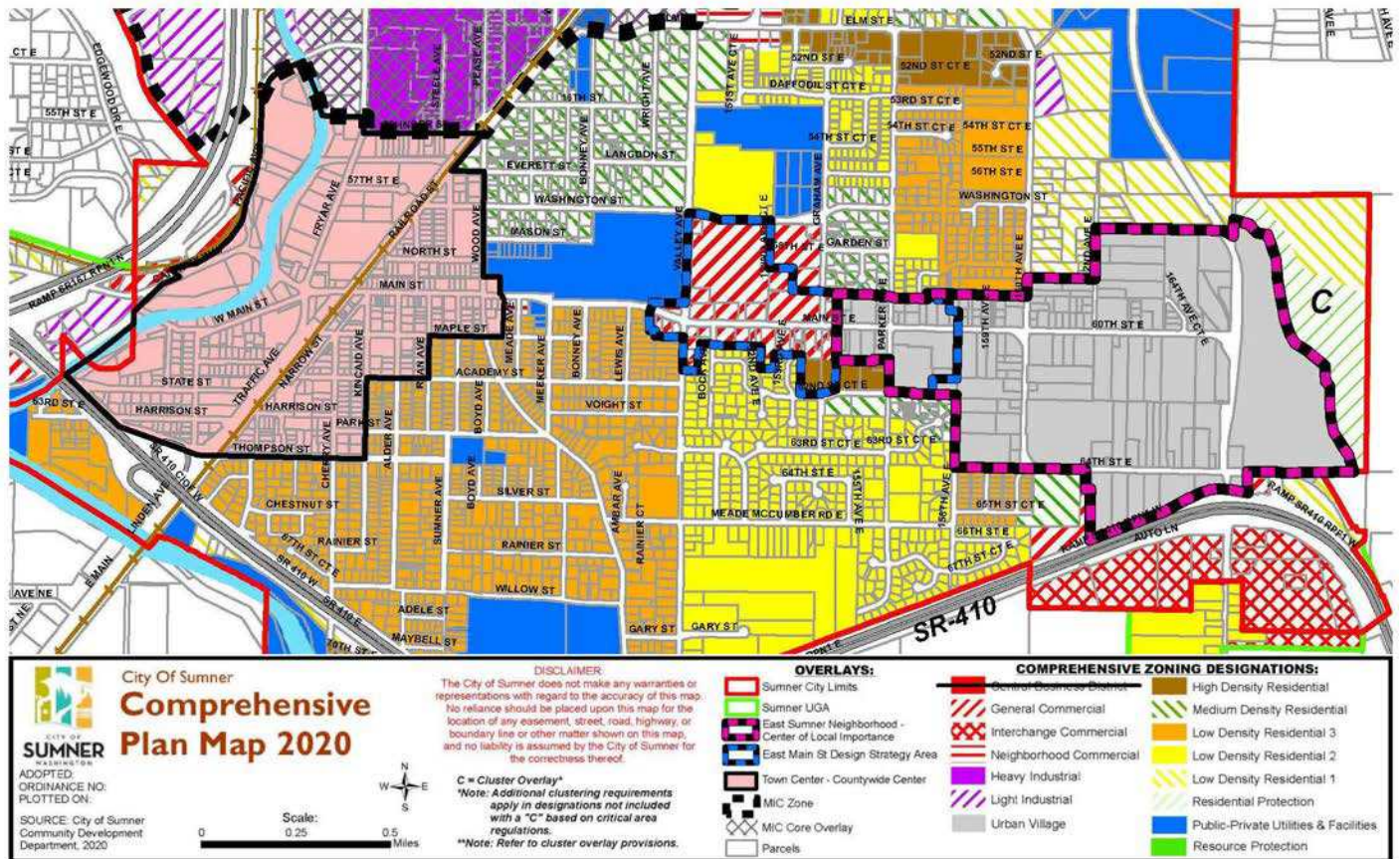


EXHIBIT B - Shoreline Environmental Designations Map (from Ordinance # 2732, adopted June 2019)

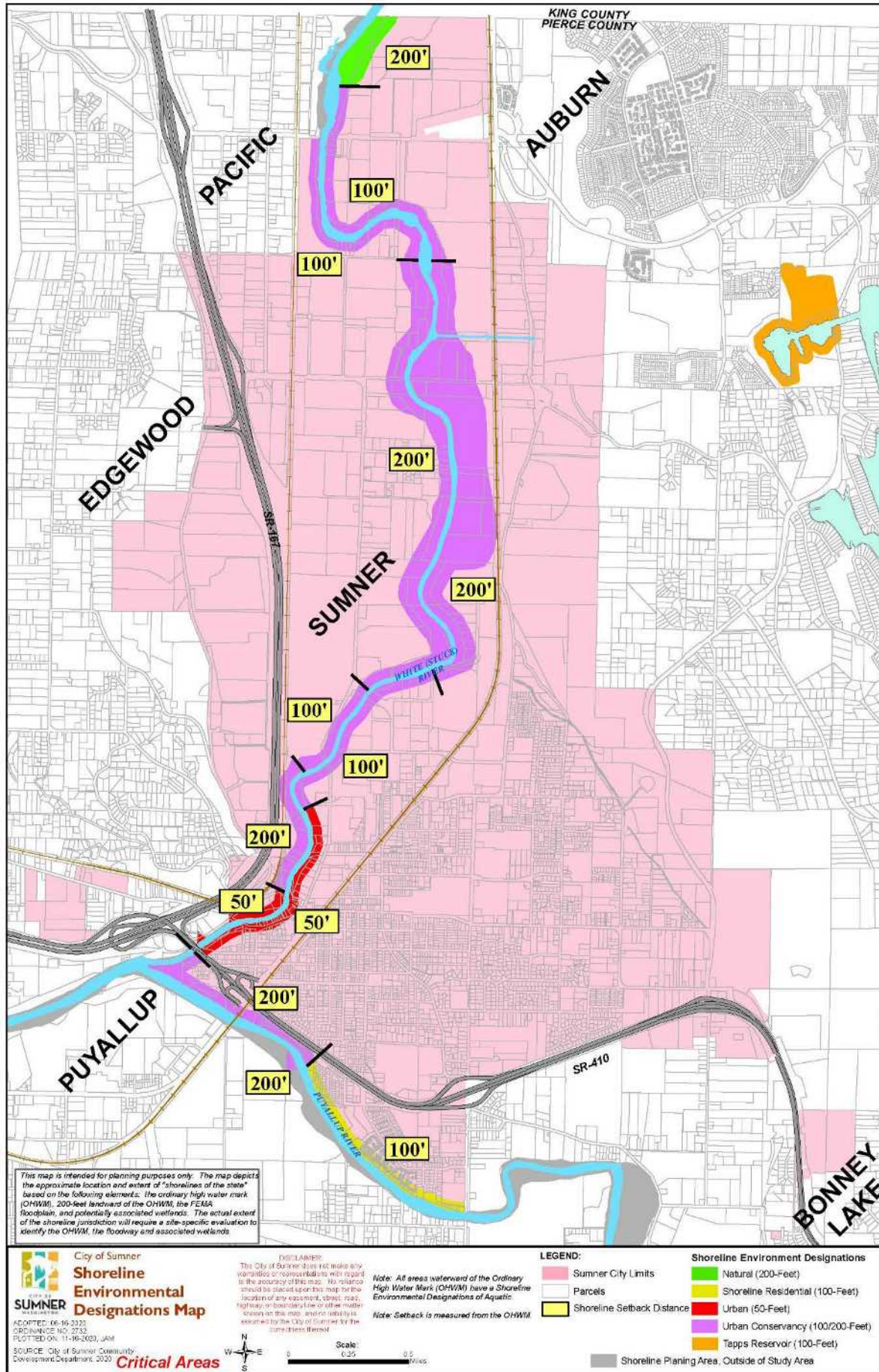


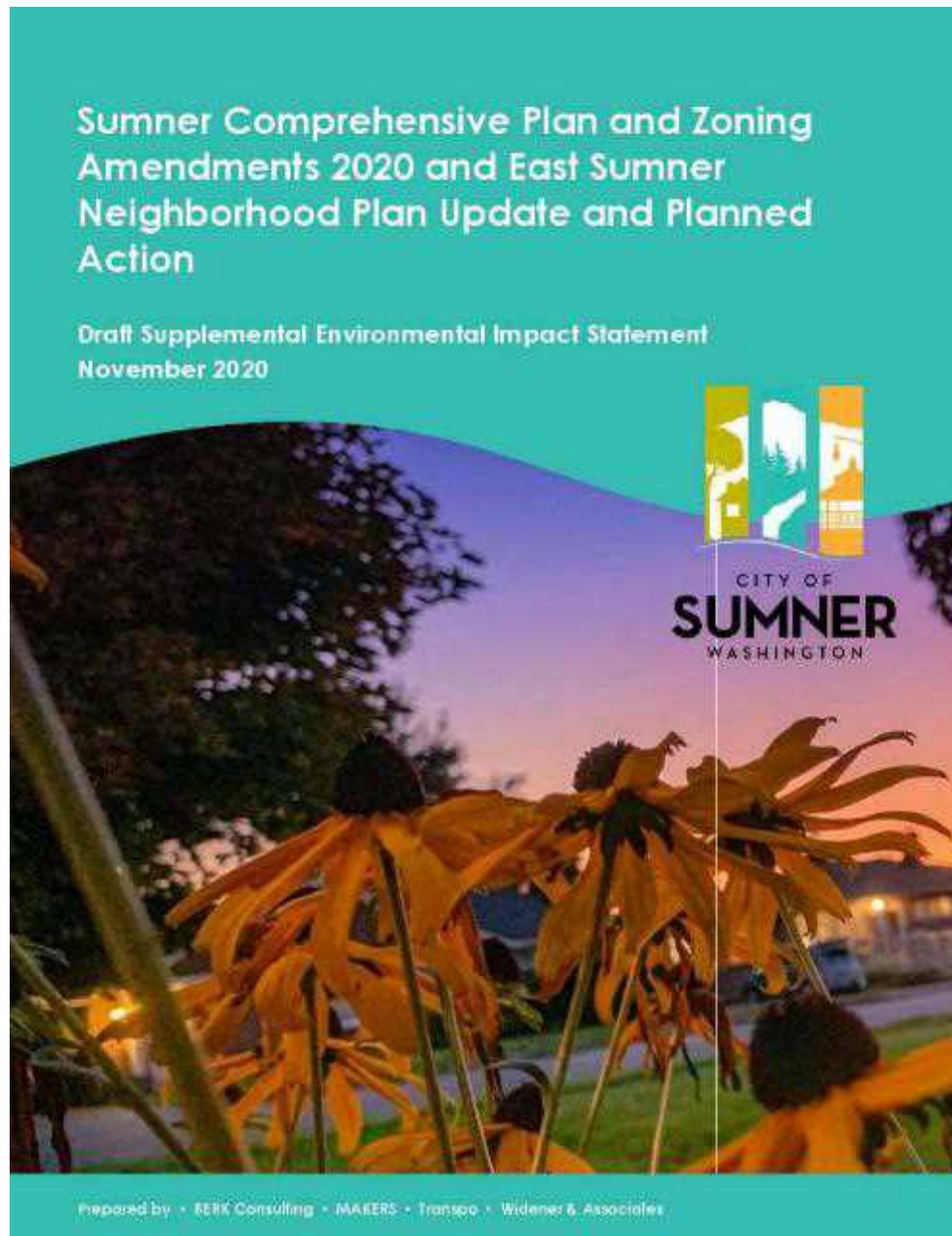
EXHIBIT C - Environmental Impact Statement (DEIS and FEIS):

“Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action Draft Supplemental Environmental Impact Statement - November 2020” (DSEIS)

The entire text of Exhibit C is located at the City’s Document Center:

<https://sumner.civicweb.net/filepro/documents/21595>, and on the City’s website at:

<https://connects.sumnerwa.gov/comp-plan>



ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE SUMNER ZONING CODE, MUNICIPAL CODE AND ZONING MAP TO IMPLEMENT THE 2020 COMPREHENSIVE PLAN; AND AMENDING THE FOLLOWING MUNICIPAL CODE SECTIONS: 8.14; 10.58; 18.03; 18.04; 18.06; 18.14; 18.16; 18.18; 18.26; 18.29; 18.42; 18.44; 18.46; 18.56; AND ADDING A NEW CHAPTER 18.22 ENTITLED INNOVATION DISTRICT.

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 2020 comprehensive plan updates contain multiple amendments and revisions to different sections of City code, maps and standards. This ordinance relates solely to the zoning code cleanup and updates portions of the overall comprehensive plan updates. Separate ordinances will be adopting amendments to: 1) Comprehensive Plan and Supplemental Environmental Impact Statement; 2) Critical Areas Ordinances Title 16; 3) East Sumner Neighborhood Plan and ESNP Comprehensive Plan Amendments; 4) East Sumner Neighborhood Plan implementing development regulations; and 5) Planned Action Ordinance for the East Sumner Neighborhood Plan; and

WHEREAS, the City concluded a public outreach process including public meetings, website postings and public notices; an optional State Environmental Policy Act (SEPA) scoping notice issued July 2, 2020 providing for public comment until July 23, 2020; and

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on [\(date\)XX](#); and

WHEREAS, on November 10, 2020, 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 December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on December 17, 2020; and

WHEREAS, on DATE XX, the Planning Commission voted by a XX vote to recommend adoption by the City Council of the proposed amendments to the Municipal Code; and adopt [Alternative X](#) as set forth in the DSEIS; and

WHEREAS, the City Council held a duly advertised public hearing on [\(date\)XX](#) and subsequent study session(s) to review the Planning Commission’s recommendation(s) and deliberate and discuss alternatives; and

WHEREAS, the basis for the proposed amendments has been set forth in multiple individual staff reports provided to the Planning Commission and the City Council, including an analysis of the amendments’ consistency with the City’s adopted policies and regulations; and

WHEREAS, the City Council has found the proposed amendments to be consistent with the Sumner Municipal Code criteria for Comprehensive Plan and Zoning Code amendments, Growth Management Act, VISION 2040 Multi-county planning policies, and Pierce County Countywide Planning Policies;

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

Section 1. That Sumner Municipal Code Title 8 HEALTH AND SAFETY Chapter 8.14 “Noise control” is hereby amended as follows:

8.14.070 Zoning classification for EDNA.

A. The following land use zoning classifications as found in the zoning code are assigned the EDNA classification below:

Zone	EDNA
LDR-4; LDR-6; LDR-7.2; LDR 8.5; LDR-12; MDR; HDR; RP; MUD	Class A
NC; CBD ; Town Center Plan ; GC; IC	Class B
M-1; M-2; AG	Class C

The EDNA Class A, B, or C assigned to each zoning district shall be used to determine receiving property maximum permissible noise levels.

Section 2. That Sumner Municipal Code **Title 10 VEHICLES AND TRAFFIC Chapter 10.58 “Coasters, Roller Skates, Roller Blades and Skateboards”** is hereby amended to remove outdated references to the central business district as follows:

Chapter 10.58

COASTERS, ROLLER SKATES, ROLLER BLADES AND SKATEBOARDS

Sections:

~~10.58.010 — Central business district.~~ [Town Center Plan area.](#)

10.58.020 Operation prohibited.

10.58.030 Parental responsibility.

10.58.040 Violation – Penalty.

10.58.010 ~~Central business district~~ Town Center Plan area.

It is unlawful for any person to use or operate a coaster or skateboard in the ~~area known as the central business district~~ Town Center Plan area of the city of Sumner, except upon private property with the permission of the owner or person in control.

The ~~central business district of the city of Sumner~~ Town Center Plan area is defined as ~~described on the map attached to the ordinance codified in this chapter~~ in SMC Title 18.

Section 3. That the chapter titles within Sumner Municipal Code Title 18 ZONING are hereby amended as follows:

Title 18 ZONING

Chapters:

18.02 General Provisions

18.03 Prohibited Uses

18.04 Definitions

18.06 Districts Established – Map

18.08 Resource Protection District (RES)

18.10 Residential-Protection District (RP)

18.12 Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12)

18.14 Medium and High Density Residential Districts (MDR, HDR)

18.16 Commercial Districts (NC, ~~CBD~~, GC, IC, ~~MUD~~)

18.18 Manufacturing Districts (M-1, M-2)

18.20 Development Agreements

18.22 ~~(Reserved)~~ Innovation District and Enterprise Area (IDEA)

18.24 Planned Residential Development (PRD)

18.26 Planned Mixed-Use Development (PMUD)

Section 4. That Sumner Municipal Code Section 18.03.020 “Prohibited Uses” is hereby amended to read as follows:

18.03.020 Prohibited Uses.

A. Collective gardens, as defined in SMC 18.04.0247, are prohibited in the following zoning districts:

1. Resource protection district;
2. All residential districts, including: residential protection, low density residential, medium density residential, high density residential, cluster overlay, and East Sumner urban village overlay;
3. All commercial/office districts, including: general commercial, neighborhood commercial, ~~central business district~~ Town Center Plan area, interchange commercial, ~~mixed use development~~, East Sumner urban village overlay, and cluster overlay;

Section 5. That Sumner Municipal Code Chapter 18.04 “Definitions” is hereby amended with the addition of new sections to read as follows:

18.04.0312 Craft production

A. “Craft production” means a commercial use that involves the production of arts, crafts, foods, beverages or other product with on-site production and assembly of goods in small batches, primarily involving the use of hand tools and/or small-scale equipment. Due to the limited scale of the activities and small boutique nature of craft production establishments, they are compatible, and are often co-located with, retail sales and service uses. This use category includes but is not limited to ceramic art, glass art, candle-making, custom jewelry manufacture, hand-made bakery and confections, specialty beverages; and micro-breweries and micro-distilleries co-located with a retail use.

B. “Craft coffee roasting” means a type of craft production that involves the roasting of small batches of coffee utilizing primarily manually operated, small-scale equipment, where such roasting is incidental and accessory to a primary retail use on the premises. Roasted or packaged coffee may be sold on the premises directly to consumers, but craft roasting does not include wholesale distribution.

18.04.0346 Distillery, micro

“Micro-distillery” or “craft distillery” means a producer of alcohol spirits that produces fewer than 50,000 gallons per year; is independently owned and operated, and is transparent regarding its ingredients, its distilling and bottling location; its distilling and bottling process, and its aging process.

18.04.0542 Live-work unit.

“Live-work unit” means a structure that predominantly functions as a work space and secondarily as a residence, and:

A. Combines a commercial or light manufacturing activity that is allowed in the zone or overlay zone with a residential living space for the owner of the business activity, or the owner’s employee, and that person’s household;

B. The resident owner or employee of the business is responsible for the commercial or light manufacturing activity performed; and

C. The commercial or light manufacturing activity conducted takes place subject to a valid business license associated with the premises.

18.04.0790-0787 Pedestrian walkway.

“Pedestrian walkway” means a walkway used exclusively as a pedestrian trafficway.

18.04.0790 Performing and cultural arts uses, minor

“Performing and cultural arts uses, minor” means an interior space designated for live performing and entertainment presented to the general public primarily from the local rather than regional area, such as a community theater, dance studio, library space for live readings, and similar venues not exceeding 5,000 square feet of total floor area as defined by 18.04.0385 SMC.

18.04.1105.2 Winery, craft

“Winery, craft” means a producer of wine up to 125,500 liters or 30,000 gallons per year primarily of products produced on site, typically pressed in small batches, and typically including a wine tasting area open to the public. A craft winery is independently owned and operated.

Section 6. That Sumner Municipal Code Section 18.06.010 “Use districts designated” is hereby amended to read as follows:

18.06.010 Use districts designated.

In order to classify, segregate and regulate the uses of land, buildings and structures, the city is divided into the following use districts:

Abbreviation	District	Minimum Size Lot (sq. ft.)
RES	Resource protection	871,200
RP	Residential-protection	871,200
LDR-4	Low density residential	4,000
LDR-6	Low density residential	6,000
LDR-7.2	Low density residential	7,200
LDR-8.5	Low density residential	8,500
LDR-12	Low density residential	12,000
MDR	Medium-density multifamily residential	7,500
HDR	High-density multifamily residential	7,500
NC	Neighborhood commercial	15,000
CBD <u>TCP</u>	Central business <u>Town Center Plan area</u>	5,000 <u>n/a</u>
GC	General commercial	5,000
IC	Interchange commercial	5,000
MUD	Mixed-use development	5,000
M-1	Light manufacturing	10,000
M-2	Heavy manufacturing	6,000

Section 7. That SMC Section 18.14.020 “Principal permitted uses” is hereby amended to read as follows:

18.14.020 Principal permitted uses.

The following uses are permitted in all MDR and HDR districts unless otherwise specified:
[...]

K. Expansion of existing automotive and motorized vehicle sales and rental agencies lawfully operating as of June 1, 2000; provided, that:

1. The required 10-foot landscaped yard setback shall include a solid, commercial grade, masonry wall; wood fence with minimum six-inch by six-inch posts; a vinyl fence; or equivalent...
2. The required 10-foot landscaped yard setback shall include evergreen trees with a minimum height at planting of five feet and caliper of two inches at time of planting...
3. The use of an outdoor public address (PA) system shall comply with the noise control regulations per chapter 8.14 SMC.
- ~~4. Such use shall not occur more than 180 feet from the boundary of an MUD zone as exists on or before August 1, 2013.~~

Section 8. That the chapter title and section titles of SMC Chapter 18.16 “Commercial Districts (NC, CBD, GC, IC, MUD)” are hereby amended to read as follows:

Chapter 18.16 COMMERCIAL DISTRICTS (NC, ~~CBD~~, GC, IC, ~~MUD~~)

- 18.16.010 Purpose.**
- 18.16.020 Principal and conditional uses.**
- 18.16.025 Family day care provisions.**
- 18.16.030 Accessory residential uses.**
- 18.16.040 Residential uses.**
- 18.16.050 Prohibited uses.**
- 18.16.060 Off-street parking and loading.**
- 18.16.070 Property development standards.**
- ~~18.16.075 Height exception in the central business district zone.~~
- 18.16.080 Performance standards.**

Section 9. That SMC Section 18.16.010 “Purpose” is hereby amended to read as follows:.

18.16.010 Purpose.

A. The following commercial districts are established; properties so designated shall be subject to the provisions contained in this chapter:

1. NC, neighborhood commercial district;
- ~~2. CBD, central business district;~~
- ~~3. GC, general commercial district;~~
- ~~4. IC, interchange commercial district;~~
- ~~5. MUD, mixed-use development district.~~

B. The commercial districts are established to provide appropriately located areas for office uses, retail stores, service establishments, and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area. In addition to this purpose, each commercial district has its own specific and unique intent as follows:

1. NC, Neighborhood Commercial District. The NC district is intended to provide for convenient retailing and other commercial services principally oriented to adjacent residential areas and neighborhoods.
- ~~2. CBD, Central Business District. The CBD district is intended to provide for retailing and other commercial services in a fashion that preserves and enhances the pedestrian scale and~~

~~character of development in Sumner's downtown area. Small, independent shops and offices are typical to this district.~~

~~3. 2.~~ GC, General Commercial District. The GC district is intended to provide for retailing and other commercial services that serve the large market area surrounding the Sumner community. In this respect, GC district regulations are intended to accommodate conventional commercial development that is typical to urban areas such as shopping centers, commercial malls and office complexes. Such commercial developments usually rely upon the automobile as their principal source of access.

~~4.3.~~ IC, Interchange Commercial District. The IC district is intended to provide for retailing and other commercial services that are easily accessible from the freeway, yet are not located near residential districts. Such commercial developments primarily rely on the automobile as their principal source of access.

~~5. MUD, Mixed-Use Development District. The MUD district is intended to provide for a mix of residential and appropriate commercial services within close proximity to the historic central business district and increased housing density near regional transit centers.~~

Section 10. That SMC Section 18.16.020 “Principal and conditional uses” is hereby amended to read as follows:

18.16.020 Principal and conditional uses.

The following table details permitted and conditionally permitted uses in the commercial districts...

		NC	CBD	MUD	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	—	—	—	P	P
3.	Artist's studio and workshop having a retail component comprising at least 15% of the total floor area	— P	P	P ¹	P	P
4.	Automotive and motorized vehicle sales	—	—	— ⁸	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer services, including advertising, property management, and consulting services ⁹	CUP P	P	P	P	P
7.	Car wash ⁹	—	—	—	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC				
9.	Cemeteries	—	CUP	CUP	CUP	CUP
10.	Churches	P	P	P	P	P
11.	Contractor business ⁶	—	—	—	—	P
12.	Convenience store ⁹	CUP	P	P	P	P
13.	Dancehalls	—	CUP	—	CUP	P
14.	Drive-through businesses, subject to performance standards at SMC 18.16.080 ^{4,5,9}	—	P	—	P	P

		NC	CBD	MUD	GC	IC
15.	Drive-through espresso/coffee business, subject to performance standards at SMC 18.16.080.4,5,11	CUP	P	—	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P	P	P
17.	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	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	—	CUP	—	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	—	—	—	CUP	—
20.	Health and fitness club ⁹	P ⁷	P	P	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use ⁹	—	—	—	—	P
22.	Heavy equipment and/or boat sales	—	—	—	—	CUP
23.	Hospitals	CUP	CUP	—	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ^{2,9}	P	P	CUP	P	P
25.	Light manufacturing, fabrication, assembling and repairing, excluding vehicle repair, subject to SMC 18.16.080(S)¹⁰	—	—	—	CUP	—
26.	Light-medium equipment sales	—	—	—	—	P
27.	Major utility facility	CUP	CUP	CUP	CUP	—
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P	P	P
30.	Miniwarehouses	—	—	—	—	—
31.	Existing miniwarehouses ¹²	—	—	—	P	P
32.	Minor utility facility	P	P	P	P	P
33.	Motels ⁹	CUP	—	—	P	P
34.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040	P	P ³	P ³	P ³	—
35.	Outdoor storage	—	—	—	—	—
36.	Public parks and public recreation facilities	CUP	CUP	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, salons/spas , photographic studios, tailor-dressmaking shops ⁹	P	P	P	P	P
38.a.	Performing and cultural arts uses, minor	CUP	—	—	P	P
38.b.	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P	P	P

		NC	CBD	MUD	GC	IC
39.	Public facilities	CUP	CUP	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	—	P	—
41.	Private off-street parking lots, paid	—	—	—	—	—
42.	Public off-street parking lots	P	P	P	P	—
43.	Public off-street parking lots, paid	—	CUP	—	—	—
44.	Public garage	—	CUP	CUP	CUP	CUP
45.	Recycling collection station	—	—	—	P	P
46.	Restaurants ⁹	CUP P	P	P	P	P
47.	Retail business ⁹	P	P	P	P	P
48.a.	Schools, colleges and universities	CUP	CUP	CUP	CUP	CUP
48.b.	<u>Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area</u>	CUP	=	=	P	P
49.	Storage/warehouse and distribution facilities	—	—	—	—	—
50.	Streets	P	P	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	—	CUP	CUP	CUP	P
52.	Theaters <u>over 5,000 square feet in floor area</u> and other enclosed commercial recreation establishments such as bowling alleys and arcades	— CUP	P	CUP	P	P
53.	Truck-related retail and services ⁹	—	—	—	—	P
54.	Truck stops	—	—	—	—	—
55.	Truck terminals	—	—	—	—	—
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	—	CUP	—	CUP	P
57.	Utility yard	CUP	CUP	—	CUP	—
58.	Vehicle repair, minor ⁹	—	CUP	—	P	P
59.	Veterinary clinics, excluding outdoor boarding kennels ⁹	—	—	—	P	P
60.	Vocational or fine arts school; <u>except in CBD-NC allowed up to 5,000 square feet floor area except on ground floor</u>	— CUP	P	P	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP
62.	Car rental agency	—	—	—	P	P
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	— P	P	—	P	P
65.	Truck sales with 10,000 square feet associated professional offices	—	—	—	—	P

⁹Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

~~2 Reserved. Hotels may be stand-alone developments within the MUD zone and are not required to contain other commercial or residential uses.~~

~~3 Reserved.~~

~~4 Reserved. See performance standards per SMC 18.16.080(T).~~

~~5 Reserved. See performance standards per SMC 18.16.080(Y).~~

~~6 Contractor businesses are only permitted on lots within the IC zoning district in the vicinity of 24th Street East that abut industrial-zoned land on two sides. Contractor businesses shall meet the performance standards in SMC 18.16.080(WT) and are a prohibited use in the IC zoning district in the vicinity of 166th Avenue East as depicted on the zoning map.~~

~~7 Health and fitness clubs in the neighborhood commercial district shall not exceed 3,000 square feet in gross total floor area.~~

~~8 Existing permitted automotive and motorized vehicle sales and rental dealerships operating as of November 1, 2010, are allowed as a permitted use in the MUD zone. Existing dealerships may be sold, but must continue primarily as a new car dealership.~~

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

~~10 Must have a retail component that represents at least 15 percent of the gross floor area.~~

~~11 Reserved. See performance standards per SMC 18.16.080(O).~~

~~12 No expansion of use or structure(s) allowed.~~

Section 11. That SMC Section 18.16.040 “Residential uses” is hereby amended to read as follows:

18.16.040 Residential uses.

A. In the NC districts, only floor area above the first story commercial uses may be used for residential purposes; provided, that the maximum number of dwelling units shall not exceed a ratio of 25 dwelling units per net acre; and provided, that the dwelling units shall be provided with sufficient off-street parking at ratios required in chapter 18.42 SMC. Residential dwellings may be attached or included to the side or rear of the main commercial building. Such mixed use may be attached or included to the side or rear of the main commercial building. Such mixed-use development shall conform to the city of Sumner design and development guidelines.

B. ~~In the GC district, M~~multifamily residential developments are permitted ~~in the GC and CBD districts~~ as part of a mixed-use development with commercial uses. A mixed-use development shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures. Except within the East Sumner urban village overlay district, a mixed-use structure is not required for a pipestem lot with street frontage that is less than 60 feet in width; instead the development may contain only single-use residential structures. Development shall occur such that:

1. Mixed-use structures shall have direct pedestrian access to the primary street and shall have ground floor building area designed to accommodate commercial uses along the entire length of the building facing the primary street. Ground floor building areas are intended for commercial use but may be improved as residential use and converted over time when economically viable.

2. ~~Outside the Town Center Plan area single~~Single-use residential structures shall contain only ground-related dwelling units and shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

3. ~~Outside the Town Center Plan area the~~ The maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district ~~and in the central business district.~~
4. ~~Inside the Town Center Plan area the maximum number of dwelling units shall not exceed 30 dwelling units per net acre in the general commercial district and in the central business district.~~
5. ~~All development must be designed in accordance with the city of Sumner design and development guidelines.~~
- C. ~~A mix of residential and commercial uses is permitted in the MUD zone. Residential uses are required at the minimum densities listed in subsection (C)(3) of this section and commercial uses on the ground floor are optional. Mixed-use developments shall have mixed-use structures and may have a combination of mixed-use and single-use residential structures such that:~~
 1. ~~Mixed-use structures shall be adjacent to and have direct pedestrian access to the primary street and shall have ground floor commercial uses along the entire length of the building facing the primary street;~~
 2. ~~Single-use residential structures shall be located to the side or rear of the mixed-use structures, otherwise the single-use residential structures may be located along the primary street;~~
 3. ~~The maximum number of dwellings shall not exceed a ratio of 40 dwelling units per net acre and contain at least a minimum ratio of 15 dwelling units per net acre;~~
 4. ~~Dwelling units shall be provided sufficient off-street parking ratios as required in chapter 18.42 SMC;~~
 5. ~~A minimum of 80 percent of the area of the first floor shall be covered by a second story for mixed-use structures; and~~
 6. ~~Mixed-use development shall conform to the city of Sumner design and development guidelines and SMC 18.16.080(S).~~

Section 12. That SMC Section 18.16.070 “Property development standards” is hereby amended to read as follows:

18.16.070 Property development standards.

The following table sets forth the required development standards applicable to properties located in commercial districts:

		NC	CBD	MUD	GC	IC
1.	Minimum lot area per building site in square feet	4,500	5,000	5,000	5,000	5,000
2.	Minimum lot width in feet	50	50	50	50	50
3.	Lot depth in feet	100	80	100	100	100
4.	Front yard setback in feet, in accordance with the Sumner design and development guidelines (minimum front yard setback required for properties located on arterials or collectors)	min. 0 max. 25	0	min. 0 max. 15 ¹	General zoning: min. 5 max. 50 max. 25 on corner <u>Town Center:</u>	min. 15 no max.

					min. 0 max. 25 East Main Street area: max. 0 ³	
5.	Rear yard setback in feet	20	0	0²	General zoning: 20 Town Center: 0, unless abutting residential zone, then 20	20
6.	a. Interior side yard setback in feet b. Interior side yard setback in feet within NC zone along Main Street west of Valley Avenue:	10⁴ 0	0	0²	General zoning: 5 Town Center: 0, unless abutting residential zone, then 15 -- East Main Street area: 0 when property abuts East Main Street; and 5 when property not abutting East Main Street ³	15 --
7.	a. Street side yard setback in feet b. Street side yard setback in feet within NC zone along Main Street west of Valley Avenue:	10 0	0	5	5 --	15 --
8.	Required landscaped setback along any common boundary with residentially zoned property	10	10	10	10	10
9.	Minimum street frontage in feet	35	35	35	35	35
10.	Maximum lot coverage	75%	100%	80%	75%	80%
11.	Maximum building height in feet	35	35⁵⁻⁶	35	35	45
12.	Maximum building height in feet in the Town Center Plan area for a structure with at least 50% of the ground floor occupied by underbuilding parking			45	45	
13.	Town Center Plan area: maximum floor area ratio		-	2.4	2.25	
14.	Town Center Plan area: maximum floor area ratio for structures with underbuilding parking			3.2	3	

~~¹See SMC 18.16.080(S).~~

~~²Setback shall be a minimum of 15 feet where abutting residentially zoned property and not separated by an alley or street.~~

~~³East Main Street per SMC 18.43.020. Also see design and development guidelines, general commercial.~~

~~⁴Or where abutting property zoned NC.~~

~~⁵See SMC 18.16.075.~~

~~⁶For a public garage the maximum height is 45 feet.~~

Section 13. That SMC Section 18.16.075 “Height exception in the central business district zone” is hereby deleted as follows:

~~**18.16.075 Height exception in the central business district zone.**~~

~~The maximum building height listed in SMC 18.16.070 for the central business district (CBD) zone may be increased to 49 feet under the following conditions:~~

~~A. Portions of structures or additions to structures that exceed 35 feet in height shall not be within 40 feet of Main Street nor readily visible from the sidewalk on either side of Main Street.~~

~~B. Rehabilitation and/or restoration of a structure on the Sumner Historic Register.~~

~~C. Additions to structures, any portion of which exceed 35 feet in height, and associated restoration of existing structures on the site, shall be designed and constructed as per plans that have been reviewed by the Sumner historic commission and received a certificate of appropriateness per SMC 18.39.070.~~

~~D. Portions of structures or additions to structures that exceed 35 feet in height shall not be within 100 feet of a single family residence.~~

~~E. Height exception in the central business district zone shall be a Type V decision per chapter 18.56 SMC.~~

Section 14. That SMC Section 18.16.080 “Performance standards” is hereby amended as follows:

18.16.080 Commercial districts - Performance standards.

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

[...]

B. Required Open Space and Landscaping. For each development in the NC, IC, ~~MUD~~ and GC districts a landscape plan shall be prepared in accordance with chapter 18.41 SMC to address landscaping of yards and screening of parking, and shall be submitted for approval by the community development director. Landscaping shall be provided along blank building facades and property boundaries. Landscaping shall be provided in accordance with the city of Sumner design and development guidelines. ~~Landscaping requirements shall apply to properties in the CBD which have setbacks or on-site private parking areas.~~ Whenever landscaping is required by this title and/or conditions of approval of discretionary applications required by this title, such landscaping shall be permanently maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles.

C. Outdoor Storage of Materials. Outdoor storage is not permitted in the ~~CBD~~, GC, ~~MUD~~, and NC zones, except that outdoor storage of materials is permitted in the IC zone as accessory to a contractor business and in conformance with subsection (W) of this section. The storage of vehicles, such as motorcycles, automobiles, boats and farm equipment for retail sale, shall not be subject to the provisions of this subsection.

[...]

E. Commercially Zoned Properties Adjacent to Residential Properties. Whenever commercially zoned or mixed-use zoned property development abuts any residential district, there shall be:

~~1.~~A 10-foot landscaped yard setback and six-foot masonry wall or wood fence established and maintained along the property line that abuts the residential zones, except that fences and walls located within the required front or street side yard shall not exceed a height of three feet; ~~and.~~

~~2. Within the Town Center Plan area, portions of structures within 30 feet of the side or rear property line abutting a residentially zoned district shall not exceed a height of 35 feet.~~

[...]

O. Outdoor sales shall be allowed for espresso/coffee businesses, taverns, micro-breweries, brewpubs, bars and restaurants provided the following are met:

[...]

2. Permanent outdoor sales standards:

a. The outdoor area shall be part of the total ~~gross~~ floor area calculation for minimum parking requirements.

[...]

~~P. Drive-in espresso/coffee businesses located within a neighborhood commercial district shall have a minimum gross floor area of 500 square feet and indoor seating for a minimum of 12 persons.~~

~~Q. P.~~ For properties located within the area defined as East Main Street in SMC 18.43.020, the setback may be increased to 15 feet when the area between the sidewalk and the building:
[...]

~~R. Q.~~ All development is subject to applicable Sumner design and development guidelines.
~~S. For properties located within the MUD zone, the setback may be increased to 15 feet when the area between the sidewalk and the building:~~

~~1. Is utilized as usable pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.); or~~

~~2. Is used for outdoor displays of merchandise or when the displays are an intrinsic part of the nature of the business or it provides a pedestrian amenity. Examples include, but are not limited to, nurseries, outdoor monuments, etc. Additional landscaping may be required that is a minimum five feet wide as measured from the front property line and running parallel to the street for the entire frontage of the property, except for driveways, and meets the city of Sumner design and development guidelines.~~

~~TR.~~ Drive-through businesses and drive-through espresso/coffee businesses located within the neighborhood commercial district (except on Main Street) or East Main Street area shall be subject to the following:

1. The drive-up service windows and queuing for cars shall not be located between the building and any street and shall be obscured from the street; and

2. The drive-through business shall have a minimum gross floor area of 500 square feet and indoor seating for at least 12 persons; and

3. The drive-through business shall have a pedestrian entrance located on the street edge with pedestrian amenities such as seating benches and tables.

~~US.~~ A light manufacturing, fabrication, assembling and repairing use within the neighborhood commercial or general commercial zone may be allowed as an accessory use to a retail business, provided it meets all the following performance standards:

1. Be contained within a fully enclosed structure; and

2. The operation shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses.

3. Must have a retail component that represents at least 15 percent of the total floor area.

~~V. A light manufacturing, fabrication, assembling and repairing use may be allowed as an accessory use to a retail business, provided it meets all the performance standards in subsection (U)(1) and (2) of this section.~~

~~WT.~~ A contractor business shall be permitted an outside storage yard for materials, vehicles and equipment as an accessory use; provided that the storage yard:

[...]

~~XU.~~ Truck parking in the IC zone shall be screened from view of an abutting public right-of-way or from future or present bicycle or pedestrian paths.

[...]

~~YV.~~ Drive-through businesses and drive-through espresso/coffee businesses located within the ~~central business district~~ Town Center area or located within a neighborhood commercial district on Main Street shall be subject to the following:

1. Be located in a multistory building; and
2. The drive-up service windows and queuing for cars shall not be located between the building and any street and shall be obscured from the street; and
3. The drive-through business shall have a minimum gross-total floor area of 500 square feet and indoor seating for at least 12 persons; and
4. A building containing a drive-through business of any type shall not be located adjacent to another building containing a drive-through business of any type either on the same or an adjacent parcel.

Section 15. That Section 18.18.050 “Property development standards” is hereby amended to read as follows:

18.18.050 Property development standards.

The following table sets forth the required development standards applicable to properties located in the manufacturing districts:

		M-1	M-2
1.	Minimum lot area per building site.	10,000	6,000
2.	Lot width in feet	75	50
3.	Lot depth in feet	100	75
4.	Front yard setback in feet	20*	10
5.	Rear yard setback in feet	20	0
6.	<u>a. Interior side yard setback in feet, adjacent to industrial zones</u> b. Interior side yard setback	<u>10</u> 20	0 0
7.	Setback from state-highway <u>freeway right of way</u>	10 <u>5</u>	10 <u>5</u>
8.	Street side yard setback in feet	20	10
9.	Required landscaped setback along any common boundary with residentially zoned property	25	35

		M-1	M-2
10.	Required building setback along any common boundary with residentially zoned property	50	50
11.	Required landscaped setback along any common boundary with commercially zoned property	10	15
<u>12.</u>	<u>a. Minimum street front landscaping for semi-truck/trailer storage, in feet</u>	<u>25</u>	<u>12</u>
	<u>b. Minimum street frontage landscaping for other uses, in feet</u>	<u>12</u>	<u>12</u>
<u>13.</u>	Minimum street frontage in feet	25	25
<u>14.</u>	Maximum lot coverage (per 18.04.0570)	70%	80%
<u>15.</u>	Maximum building height in feet within 100 feet of any street right-of-way, or residentially or commercially zoned property	35*	35*
<u>16.</u>	Maximum building height in feet when greater than 100 feet from any street right-of-way or residentially or commercially zoned property	45**	45
<u>17.</u>	Minimum setback from principal or minor arterial as designated in the comprehensive plan	25	25
**M-1 zone properties <u>located within the MICO</u> meeting height incentive criteria in SMC 18.18.060(U) may increase their maximum height to 55 feet. *A special exception per SMC 18.50.040 may be granted <u>for buildings within the MICO</u> to allow the building height to increase up to a maximum of 45 feet for buildings located between 50 and 100 feet of any street right-of-way, or residentially or commercially zoned property			

Section 16. That Section 18.18.060 “Performance standards” is hereby amended to read as follows:

18.18.060 Performance standards.

The following special requirements and performance standards shall apply to properties located in the manufacturing districts:

A. Exterior Mechanical Devices...

B. Required Landscaping. All required yards adjacent to the street shall be landscaped except for driveways and sidewalks, as per the requirements in the Sumner design and development guidelines....

C. Outdoor Storage of Materials.

1. In the M-1 zone outdoor storage is allowed as an accessory use to another principal use provided it meets the standards of SMC 18.18.060(C)(2).
2. The following standards apply to **accessory outdoor storage in M-1 zones**:
 - a. The material(s) being stored shall not exceed 12 feet in height; and
 - b. The material(s) being stored shall be wrapped or enclosed to prevent wind blown debris; and
 - c. The outdoor storage area shall not exceed 40 percent of the building footprint or 15 percent of the lot area, whichever is less. Outside storage accessory to a contractor business shall not exceed 75% of the lot area; and

- d. The outdoor storage is screened from adjacent public streets or from future or present bicycle or pedestrian paths, as follows:
 - i. For semi-truck and trailer storage, by a minimum of a six-foot fence or masonry wall and a fully landscaped buffer the width of the applicable required setback.
 - ii. For other storage, a fully landscaped buffer a minimum 12-foot wide where storage is visible. A landscaped buffer is not required adjacent to freeway right-of-way.
 - iii. All buffers~~The buffer~~ shall include at least a ~~five-three~~ foot high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. All trees shall be planted no less than 20 feet apart on-center. For every 100 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting; and
- e. Outdoor storage shall be screened from adjacent properties, except those properties zoned M-2, as follows:
 - i. Adjacent to properties zoned M-1: No buffer required where storage is not visible from a public street or trail.
 - ii. Adjacent to other properties: by a 12-foot landscaped buffer.
 - iii. This buffer shall contain at least 50 percent evergreen trees of a minimum size of six feet at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. No less than one tree per 30 linear foot of buffer shall be provided. This landscaping shall not substitute for the required setbacks of the underlying zoning; and
- f. Outdoor storage shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor storage is allowed between a building and a side street lot line;
- g. Buffer plantings should include low maintenance and/or drought tolerant species. The director may require irrigation for buffer areas if it is necessary to ensure the long-term success of the landscaping as a buffer;
- h. The director may modify the requirements for spacing, number and size of plantings and berms only upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals.

Section 17. That Title 18 ZONING is hereby amended to include a new chapter adding an overlay district as follows:

Chapter 18.22 Innovation District and Enterprise Area (IDEA)

18.22.010 Purpose and intent.

The purpose and intent of this chapter is:

- A. Encourage innovative businesses, small incubator businesses, and research and development start-ups, within the city that attract young talent to the community and help build the city's future work force.

- B. Encourage thoughtfully designed sites and buildings that provide a collaborative social environment with spaces for living, working, designing, inventing, playing, and learning.
- C. Enable small-scale business enterprises to locate in a wider range of suitable locations, while minimizing impacts on residential neighborhoods.
- D. Encourage infill in commercial and industrial districts to promote use of underutilized sites and efficient use of land, and to promote economic activity near downtown.
- E. Accommodate a range of enterprises in a manner that is flexible and responsive to changing uses, trends and innovations.
- F. Provide live/work uses in close proximity to each other to reduce reliance on auto trips. Within the overlay, limited residential uses may be allowed in commercial and industrial zones where associated with workspaces.
- G. Provide affordable housing units and affordable workspaces.

18.22.020 Districts – Where permitted.

An IDEA overlay may be applied to the following districts and areas: May be applied to any commercial or industrial zone.

18.22.030 (reserved)

18.22.040 Permitted uses.

- A. Restaurants, cafes, coffee houses, bakeries, and similar food services.
- B. Retail services, offices shared workspaces, and live/work spaces that support incubator businesses.
- C. Residential units provided that residential uses are limited to 50 percent of total floor area.
- D. Bars and brew pubs.
- E. Farmers markets.
- F. Artist studio, blacksmith shop, glassblowing, and similar artisan enterprises.
- G. Craft brewing (micro-brewery, micro-distillery, craft winery).
- H. Artisanal food products production.
- I. Museums, libraries, art galleries.
- J. Public post-secondary educational institutions, such as a university branch or community college.
- K. Light fabrication of metal products, clothing products, small electronics, machine prototypes and similar small-scale light industrial uses; provided all operations are conducted indoors, no noise, odor or vibrations are noticeable beyond the property lines; and provided fabrication area is limited to 5,000 square feet floor area.

18.22.050 (reserved)

18.22.060 Development standards:

The director shall be guided by the following criteria in applying the IDEA overlay:

- A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;

B. The proposed use and development on the premises:

1. Shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses.
2. Shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
3. Shall be in keeping with the goals and policies of the Sumner comprehensive plan; and
4. May be permitted exterior changes, subject to the Sumner Design Guidelines, and administrative approval by the Director.

18.22.070 Approval process

The Director may approve application of the overlay through an administrative use permit as a Type III decision, pursuant to SMC 18.56.030(D).

Section 18. That SMC Section 18.26.020 “Districts - Where permitted” is hereby amended to read as follows:

18.26.020 Districts – Where permitted.

Planned mixed-use developments (PMUD) may be permitted in the following districts:

- A. NC, neighborhood commercial district;
- B. ~~CBD, central business district~~ GC general commercial district;
- C. ~~GC, general commercial district.~~

Section 19. That SMC Section 18.26.050 “PMUD prohibited” is hereby deleted in its entirety.

18.26.050 PMUD prohibited.

~~A planned mixed-use development shall be prohibited in the mixed-use development (MUD) district.~~

Section 20. That SMC Section 18.29.020 “Districts in the Town Center” is hereby amended to read as follows:

18.29.020 Districts in the Town Center.

The Town Center includes the West Sumner district, riverside district, station district and the historic central business district (mapped as Historic District). Each district has its own unique characteristics, whether it is the increased heights allowed in the West Sumner district, or the connection to the White River in the riverfront district, or the proximity to the Sounder Station of the station district, or the historic character of the historic central business district. These characteristics are a primary focus in the Town Center Code.

Section 21. That SMC Section 18.29.030 “Principal uses” is hereby amended to read as follows:

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

- A. Accessory parks and recreation facilities for use by on-site employees or residents.
- B. Adult entertainment businesses subject to chapter 18.38 SMC.

- C. Artist's studio and workshop having a retail component.
- D. Automotive and motorized vehicle sales.
- E. Wireless communication facilities¹.
- F. Churches.
- G. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codifying this title.
- H. 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.
- I. Health and fitness club.
- J. Hospitals.
- K. Hotels, bed and breakfasts and tourist homes.
- L. Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes.
- M. Private clubs, lodges, fraternal organizations, union halls and social halls.
- N. Professional offices.
- O. Public off-street parking lots.
- P. Restaurants.
- Q. Retail.
- R. Streets.
- S. Taverns, micro-breweries, brewpubs, and bars.
- T. Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades.
- U. Vocational or fine arts school.
- V. Funeral homes, mortuaries, and funeral parlors.
- W. Drive thru businesses. Drive-through businesses located in the Town Center Historic Central Business District (Historic District on map) are subject to performance standards at SMC 18.16.080(V).

¹ Not involving operations or equipment that would cause excess noise, vibration, light, glare, or odor.

Section 22. That SMC Section 18.29.040 "Conditional uses" is hereby amended to read as follows:

18.29.040 Conditional uses.

Conditional uses allowed in the Town Center districts are as follows:

- A. Churches.
- B. Cemeteries.
- C. Major utility facility.
- D. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots.
- E. Public parks and public recreational facilities.
- F. Public facilities.
- G. Public off-street parking lots, paid.
- H. Public garage.
- I. Schools, colleges and universities.
- J. Temporary homeless encampments in accordance with SMC 18.36.060.

K. Water towers and water supply plants.

L. Craft coffee roasting in the Historic District, subject to the standards at 18.29.060(F).

Section 23. That SMC Section 18.29.060 “Performance standards” is hereby amended to read as follows:

18.29.060 Performance standards.

A. Required Landscaping. For each development in the Town Center, a landscape plan shall be submitted...

B. Expansion of Specified Existing Uses. Existing residential dwellings lawfully constructed as of the effective date of this title may be maintained as follows...

C. As applicable, the provisions of the city of Sumner design and development guidelines per chapter 18.40 SMC shall be met for new development.

D. As applicable, the provisions of the Town Center Code shall be met for new development.

E. School, Church and Public Parking Facility Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses...

F. Craft coffee roasting shall comply with the following performance standards:

1. Roasting is permitted to occur only during the hours of 5:00am-7:00am and 11:00pm-1:00am, unless the hearing examiner through the conditional use permit finds that other hours will have minimal impact on neighboring properties.
2. Volume of each roast shall not exceed 11 pounds of coffee beans, but may be increased through the conditional use permit, provided roasting occurs within the same time window allowed under Subsection (1).
3. Roasting operations shall comply with Puget Sound Clean Air Agency (PSCAA) regulations for emissions. In addition, at a minimum, roasting equipment shall be fitted with a roaster afterburner or similar infrared clean-burn technology designed to minimize the release of odors and smoke.
4. Exterior mechanical equipment shall be maintained and operated in a manner so as not to exceed 57 dBA, or the maximum permissible noise levels allowed from a Class B EDNA to a Class A EDNA, as defined in SMC 8.14.060.
5. Exterior mechanical equipment and refuse containers shall be screened from neighboring streets and sidewalks. To the extent practicable, screening shall be architecturally compatible with the historic character of the Town Center Historic Central Business District (Historic District), as determined by the hearing examiner through the conditional use permit.
7. Roasting operations shall remain incidental and accessory to the on-site retail use and shall not involve wholesale distribution.
8. The hearing examiner through the conditional use permit may modify the above standards, provided the applicant demonstrates that alternative measures can be put in place that will provide an equivalent or higher level of odor and noise control.

Section 24. That the section titles of Chapter 18.42 “Off street parking and loading” are hereby amended to read as follows:

Chapter 18.42 OFF STREET PARKING AND LOADING

Sections:

18.42.010 Applicability.

18.42.020 Reduction of existing parking spaces.

18.42.030 Design and construction standards.

18.42.040 Required number of parking spaces.

18.42.043 Maximum number of parking spaces.

~~18.42.045 Parking in Central Business District parking area.~~

18.42.046 Truck-related parking in interchange commercial truck parking overlay area.

18.42.047 Parking in Town Center Plan area.

Section 25. That SMC 18.42.045 “Parking in Central Business District parking area” is hereby deleted in its entirety.

~~18.42.045 Parking in Central Business District parking area.~~

~~A. The boundaries of the central business district parking area shall be defined as any area with a central business district designation and west of Meade Avenue.~~

~~B. Within the central business district parking area, certain new and expanding uses are allowed an administrative waiver from the parking requirements, provided all of the following are satisfied:~~

- ~~1. The proposed use is a retail, business or commercial use; business or professional office; restaurant not exceeding 3,000 gross square feet; assembly use not exceeding an occupancy of 50; or a food store or market not exceeding 2,500 square feet.~~
- ~~2. The property owner enters into an agreement to not protest the formation of a future local improvement district to provide additional parking.~~
- ~~3. The proposal will not result in the displacement of existing private parking established as accessory to an existing structure. The required parking may only be removed if such structure is similarly removed or a conditional use approval is granted as provided below.~~

~~C. A use which is not allowed an administrative waiver from the parking requirements in the central business district parking area, may apply to the hearing examiner for conditional use approval to allow such use without all or a portion of the required parking.~~

- ~~1. In determining whether to grant a proposed conditional use for certain uses without all or a portion of the parking in the central business district parking area, the hearing examiner and city council shall consider the general conditional use criteria and the specific criteria listed below:~~
 - ~~a. Uses which have peak parking demands during times of low parking demand for other uses in the central business district parking area shall be preferred.~~
 - ~~b. Uses with documented clientele which would complement and support other uses in the central business district parking area are preferred.~~
 - ~~c. Projects which are in close proximity to existing public parking lots with capacity to accommodate additional parking during periods of peak demand from the proposed uses are preferred.~~
 - ~~d. Projects which provide a portion of their required parking or directly create new public parking are preferred over those which provide no parking.~~

- ~~e. Projects whose overall design and use complement the downtown and further the goals of the comprehensive plan shall be preferred.~~
- ~~2. Based on the review of the proposal, the hearing examiner and city council may deny the proposal, if it does not sufficiently satisfy the above criteria. A proposal must satisfy criterion (e) of the previous sub-section and at least three of criteria (a) through (d) of the previous subsection.~~
- ~~3. When considering a conditional use permit for a use subject to the provisions of this section, the hearing examiner or city council may, as a condition to the granting thereof, require the applicant make other necessary improvements to improve parking and access.~~
- ~~D. Developments which would result in the removal of required private parking within the boundaries of the central business district parking area may apply for conditional use approval to allow such development pursuant to the criteria and standards of SMC 18.42.045 (C).~~
- ~~E. When determining the amount of contribution of a particular project towards providing parking through a future local improvement district, the demand created by the new use and any resulting loss of existing parking shall be considered. An applicant may credit towards this obligation, any new public parking within the central business district parking area towards which they directly provide or contribute. For purposes of this credit, one public parking space shall be credited as two required private spaces. In order to qualify as public parking, it must be dedicated to the city or occur on city owned property, and be available at all times for public parking.~~
- ~~F. Any proposal for a conditional use permit to waive all or a portion of the parking shall be accompanied with an agreement to not protest a future local improvement district for parking.~~

Section 26. That SMC 18.42.047 “Parking in Town Center Plan area” is hereby amended to read as follows:

18.42.047 Parking in Town Center Plan area.

- A. The boundaries of the Town Center Plan area shall be defined by the comprehensive plan.
- B. Within the Town Center Plan area, new and expanding uses are allowed an administrative waiver to allow on-street parking units to be counted towards the minimum parking requirements, provided all of the following are satisfied:
 - 1. The proposed use is a retail, business or commercial use; business or professional office; restaurant; not automotive vehicle sales; and
 - 2. The property owner enters into an agreement to not protest the formation of a future local improvement district to provide additional parking; and
 - 3. Only parking units along the property frontage may be applied; and
 - 4. The proposal will not result in the displacement of existing private parking established as accessory to an existing structure. The required parking may only be removed if such structure is similarly removed or a conditional use approval is granted.
- C. Within the Town Center Plan area, new and expanding uses are allowed an administrative reduction of required parking stalls, provided all of the following are satisfied:

1. [The proposed use is a retail, business or commercial use; business or professional office; restaurant not exceeding 3,000 gross square feet; assembly use not exceeding an occupancy of 50; or a food store or market not exceeding 2,500 square feet.](#)
2. [The property owner enters into an agreement to not protest the formation of a future local improvement district to provide additional parking.](#)
3. [The proposal will not result in the displacement of existing private parking established as accessory to an existing structure.](#)
4. [The use will have peak parking demands during times of low parking demand for adjacent uses.](#)
5. [The use is within 500 feet of an existing public parking lot with capacity to accommodate additional parking during periods of peak demand.](#)
6. [Projects which provide a portion of their required parking are preferred over those which provide no parking.](#)

Section 27. That the section titles in Chapter 18.44 SIGN CODE are hereby amended to read as follows:

Chapter 18.44 SIGN CODE

Sections:

Article IV. Regulations by District

18.44.200 Signs permitted in all districts.

18.44.210 Signs permitted in residential districts.

~~**18.44.220 Signs permitted in the central business district.**~~ **[Town Center Plan area.](#)**

~~**18.44.230 Signs permitted in neighborhood commercial district and mixed-use developments in the central business district, general commercial district and in the mixed-use development district.**~~

18.44.240 Signs permitted in the general commercial district.

18.44.245 Signs permitted in the interchange commercial district.

18.44.250 Signs permitted in industrial districts.

18.44.260 Maintenance of signs.

Section 28. That SMC Section 18.44.220 “Signs permitted in the central business district” is hereby amended to read as follows:

18.44.220 Signs permitted in the ~~central business district~~ [Town Center Plan area.](#)

A. Aggregate Sign Area. The aggregate sign area for any premises shall not exceed one and one-half square feet for each foot of street frontage. The aggregate sign area for corner lots shall not exceed one square foot for each foot of street frontage. Unless otherwise exempt, signs permitted in accordance with this section are subject to the total aggregate sign area.

B. Multiestablishment Buildings. [A multiestablishment building is a](#) single building that contains more than one [commercial or mixed use](#) establishment. [A multiestablishment building](#) may erect the following signs up to the maximum aggregate sign area:

1. Building Identification Sign. Sign(s) identifying the name and/or address of the building are allowed as follows. The names of individual establishments in the building may be placed on up to 70 percent of the sign area.

a. Freestanding Sign.

- i. Freestanding signs are prohibited ~~in the central business district~~ along Main Street between Wood Avenue and the Burlington Northern Railroad right-of-way.
 - ii. One wall sign or freestanding sign is allowed for each street frontage not to exceed a total of two signs on the premises.
 - iii. The maximum sign area permitted is 150 square feet. No one face shall exceed 75 square feet. The freestanding sign shall not exceed a height of 15 feet within 15 feet of any lot line abutting a public street right-of-way. For each additional one-foot setback beyond 15 feet the sign height may be increased by two feet to a maximum height of 35 feet.
 - iv. Low, horizontal monument signs are preferred.
- b. Wall Signs. One wall sign or freestanding sign is allowed for each street frontage not to exceed a total of two signs on the premises. The maximum sign area permitted for a building identification wall sign is equal to five percent of the facade to which it is attached, or 150 square feet, whichever is less.
- c. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).
- d. Projecting Signs. Projecting signs are prohibited on Main Street between Traffic Avenue and Wood Avenue ~~and the north side of Main Street between Lewis Avenue and Valley Avenue~~. Projecting signs where allowed shall be erected in accordance with SMC 18.44.180.
- e. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.
- f. Roof signs are prohibited.
- g. Suspended Signs. Suspended signs shall meet the standards set forth in SMC 18.44.170.

2. Individual Establishment Identification Signs. Each individual establishment in a multiestablishment building is allowed a minimum of 30 square feet of signage as set forth below. Aggregate sign area shall not apply to signs for individual establishments.

- a. Freestanding signs are prohibited.
- b. Wall Signs. A maximum of two wall signs are allowed, except that an establishment on a building corner is allowed one additional wall sign on the ground floor up to 10 square feet. The maximum sign area permitted is equal to five percent of the facade to which it is attached, or 150 square feet, whichever is less.
- c. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).
- d. Projecting Signs. Projecting signs are prohibited on Main Street between Traffic Avenue and Wood Avenue. Projecting where allowed signs shall meet the standards set forth in SMC 18.44.180.
- e. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.
- f. Roof signs are prohibited.
- g. Suspended Signs. Suspended signs shall meet the standards set forth in SMC 18.44.170.

C. Single Establishment Buildings. Any commercial building [or multifamily development site](#) occupied by a single establishment may erect signs as follows up to the maximum aggregate sign area:

1. Freestanding Sign.

- a. Freestanding signs are prohibited [in the central business district](#) along Main Street between Wood Avenue and the Burlington Northern Railroad right-of-way.
- b. One freestanding sign is allowed per street frontage of the premises up to a maximum of two signs. The maximum sign area permitted is 150 square feet. No one face shall exceed 75 square feet.
- c. The freestanding sign shall not exceed a height of 15 feet within 15 feet of any lot line abutting a public street right-of-way. For each additional one-foot setback beyond 15 feet the sign height may be increased by two feet to a maximum height of 35 feet.
- d. Low, monument signs are preferred.

2. Wall Signs. A maximum of two wall signs are allowed on the premises, except that an establishment on a corner is allowed one additional wall sign on the ground floor up to 10 square feet. Sign area shall not exceed five percent of the area of the building facade to which it is attached, or 150 square feet, whichever is less. A single establishment building is allowed a minimum of 30 square feet of total signage.

3. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).

4. Projecting Signs. Projecting signs are prohibited on Main Street between Traffic Avenue and Wood Avenue [and the north side of Main Street between Lewis Avenue and Valley Avenue](#). Projecting signs [where allowed](#) shall be erected in accordance with SMC 18.44.170.

5. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.

6. Roof signs are prohibited.

7. Suspended Signs. Suspended signs shall meet the standards in SMC 18.44.170.

[8. Electronic reader board signs \(ERBS\).](#) [ERBS are allowed west of the White River for single-establishment retail buildings with a total floor area greater than 40,000 square feet, as follows:](#)

- [a. ERBS shall not display more than one message per eight seconds.](#)
- [b. Animation between messages shall not be allowed.](#)
- [c. ERBS are allowed only on wall signs in lieu of a wall sign allowed in subsection \(C\)\(2\) of this section. An ERBS shall not exceed 75 percent of the allowed sign square footage, or 125 square feet, whichever is less. Freestanding ERBS are not allowed.](#)
- [d. Only one ERBS 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.

D. Other Signs Allowed.

1. Sandwich board/sidewalk signs are allowed subject to the provisions SMC 18.44.120.
2. Rear Entrance Signs. Any building with a rear entrance from a public or private parking lot or alley may have a rear entrance sign which shall be either a wall sign or a marquee or awning sign. Said sign shall not exceed 10 percent of the facade to which it is attached.

E. General Standards. Signs as may be allowed per this section shall be subject to the following standards:

1. Signs may be attached flush to the building so long as they do not obscure historic building details.
2. All new signs, except for neon tube signs, are to be surface lit by external light sources rather than illuminated from inside.
3. Businesses are to create individual styled signage which distinguishes their establishment. The use of icons and symbols are ways to demonstrate the product or service provided.
4. Signs which relate to pedestrian eye level may be painted on the storefront glass.
5. Decorative motifs are allowed if they are consistent with the character, integrated with the building architecture, and are not used as advertising for the business.

Section 29. That SMC Section 18.44.230 “Signs permitted in in neighborhood commercial district and mixed-use developments in the central business district, general commercial district and in the mixed-use development district” is hereby amended to read as follows:

18.44.230 Signs permitted in neighborhood commercial district ~~and mixed-use developments in the central business district, general commercial district and in the mixed-use development district.~~

A. Aggregate Sign Area. The aggregate sign area for the premises shall not exceed one and one-half square feet for each foot of street frontage. The aggregate sign area for corner lots shall not exceed one square foot for each foot of street frontage. Signs permitted in accordance with this section are subject to the aggregate sign area.

B. Multi-Establishment Buildings. A single building that contains more than one establishment may erect the following signs up to the maximum aggregate sign area:

1. Building Identification Sign. Sign(s) identifying the name and/or address of the building are allowed as follows. Said sign(s) may contain the names of individual establishments in the building on up to 70 percent of the sign area.

a. Freestanding Signs.

~~i. Freestanding signs are prohibited in the central business district along Main Street between Wood Avenue and the Burlington Northern Railroad right-of-way and in the mixed-use development district.~~

~~iii.~~ One wall sign or freestanding sign is allowed for each street frontage not to exceed a total of two signs.

~~iiii.~~ The maximum sign area permitted is 150 square feet. No one face shall exceed 75 square feet. The freestanding sign shall not exceed a height of 15 feet within 15 feet of any lot line abutting a public street right-of-way. For each additional one-foot setback beyond 15 feet the sign height may be increased by two feet to a maximum height of 35 feet.

~~viii.~~ Low, horizontal monument signs are preferred.

b. Wall Signs. One wall sign or freestanding sign is allowed for each street frontage not to exceed a total of two signs. The maximum sign area permitted for a building identification wall sign is equal to five percent of the facade to which it is attached, or 150 square feet, whichever is less.

c. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).

d. Projecting Signs. Projecting signs are prohibited on ~~Main Street between Traffic Avenue and Wood Avenue and~~ the north side of Main Street between Lewis Avenue and Valley Avenue ~~and in the mixed-use development district~~. Projecting signs where allowed shall be erected in accordance with SMC 18.44.170.

e. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.

f. Roof signs are prohibited.

g. Suspended Signs. Suspended signs shall meet the standards in SMC 18.44.170.

2. Individual Establishment Identification Signs. Each individual establishment in a multi-establishment building is allowed a minimum of 30 square feet of signage as set forth below. Aggregate sign area shall not apply to signs for individual establishments.

a. Freestanding signs are prohibited.

b. Wall Signs. A maximum of two wall signs are allowed, except that an establishment on a building corner is allowed one additional wall sign on the ground floor, up to 10 square feet. The maximum sign area permitted is equal to five percent of the facade to which it is attached, or 150 square feet, whichever is less.

c. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).

d. Projecting Signs. Projecting signs are prohibited on ~~Main Street between Traffic Avenue and Wood Avenue and~~ the north side of Main Street between Lewis Avenue and Valley Avenue. Projecting signs where allowed shall be erected in accordance with SMC 18.44.170.

e. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.

f. Roof signs are prohibited.

g. Suspended Signs. Suspended signs shall meet the standards in SMC 18.44.170.

C. Single Establishment Buildings. Any commercial building occupied by a single establishment may erect signs as follows up to the maximum aggregate sign area:

1. Freestanding Signs.

~~a. Freestanding signs are prohibited in the central business district along Main Street between Wood Avenue and the Burlington Northern Railroad right-of-way.~~

~~ba.~~ One freestanding sign is allowed per street frontage of the premises up to a maximum of two signs. The maximum sign area permitted is 150 square feet. No one face shall exceed 75 square feet.

~~eb.~~ The freestanding sign shall not exceed a height of 15 feet within 15 feet of any lot line abutting a public street right-of-way. For each additional one-foot setback beyond 15 feet, the sign height may be increased by two feet to a maximum height of 35 feet.

~~ec.~~ Low, monument signs are preferred.

2. Wall Signs. A maximum of two wall signs are allowed on the premises, except that an establishment on a corner is allowed one additional wall sign on the ground floor up to 10 square feet. Sign area shall not exceed five percent of the area of the building facade to which it is attached, or 150 square feet, whichever is less. A single establishment building is allowed a minimum of 30 square feet of total wall signage.

3. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).

4. Projecting Signs. Projecting signs are prohibited on ~~Main Street between Traffic Avenue and Wood Avenue~~ and the north side of Main Street between Lewis Avenue and Valley Avenue. Projecting signs where allowed shall be erected in accordance with SMC 18.44.170.

5. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.

6. Roof signs are prohibited.

7. Suspended Signs. Suspended signs shall meet the standards in SMC 18.44.170.

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.

D. Other Signs Allowed. The following signs are allowed subject to the provisions of Article III of this chapter:

1. Neighborhood identification sign per SMC 18.44.150.

2. Sandwich board/sidewalk sign per SMC 18.44.120.

3. Rear Entrance Signs. Any building with a rear entrance from a public or private parking lot or alley may have a rear entrance sign which shall be either a wall sign or a marquee or awning sign. Said sign shall not exceed 10 percent of the facade to which it is attached.

E. General Standards. Signs allowed in this section shall be subject to the following:

1. Signs may be attached flush to the building so long as they do not obscure historic building details.
2. All new signs, except for neon tube signs and digital message signs allowed under subsection (C)(8) of this section, are to be surface-lit by external light sources rather than illuminated from inside.
3. Businesses are to create individual styled signage which distinguishes their establishment. The use of icons and symbols are ways to demonstrate the product or service provided.
4. Signs which relate to pedestrian eye level may be painted on the storefront glass.
5. Decorative motifs are allowed if they are consistent with the character, integrated with the building architecture, and are not used as advertising for the business.

Section 30. That SMC Section 18.46.040 “Nonconforming uses” is hereby amended to read as follows:

18.46.040 Nonconforming Uses.

[...]

G. The following provisions shall apply to nonconforming multifamily uses and nonconforming commercial and professional service uses outside the MUD zone:

1. Nonconforming multifamily and commercial and professional service uses may expand up to 25 percent of their square footage 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 in the MUD zone;
3. Structures 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.

H. Nonconforming uses in the Town Center Plan area are subject to the provisions in the Town Center Code at 18.29.060 Performance standards. The following provisions shall apply to nonconforming uses in the MUD zone:

1. Nonconforming uses may expand up to 25 percent of their square footage 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. If the structure containing a nonconforming use is destroyed by any means to an extent of more than 100 percent of its replacement cost at the time of destruction it shall not be reconstructed except in conforming with the use and other provisions of this title.

Section 31. That SMC Section 18.56.030 “Land use permits required” is hereby amended to read as follows.

18.56.030 Land use permits required.

[...]

D. The following decisions are Type III.a decisions which require no public notice and are appealable to the hearing examiner:and are appealable to the hearing examiner:

1. Short subdivisions;
2. Revocation of a land use permit pursuant to SMC 18.56.230;
3. Approvals pursuant to the resource, wildlife and hazard areas, chapter 16.40 SMC;
4. Zoning code interpretation;
5. Renewal of a land use permit pursuant to SMC 18.56.220;
6. Temporary caretaker's quarters;
7. Temporary continuing care quarters;
8. Final subdivisions.

9. Application of IDEA district overlay.

[...]

I. The following decisions are Type V decisions which require a public hearing and decision by the hearing examiner, and are appealable only through the judicial system:

1. Conditional use;
2. Shoreline conditional use; provided, that supplemental procedures for shoreline decisions are provided in SMC 18.56.150;
3. Subdivision preliminary plats; provided, that supplemental procedures for subdivision approval are established in SMC Title 17;
4. Binding site plans;
5. Shoreline substantial development permits and shoreline variances; provided, that supplemental procedures for shoreline decisions are provided in SMC 18.56.150;

6. Height exception in the central business district per SMC 18.16.075.

Section 32. Zoning Map Amended. That Section 2 of Ordinance 2700 approved August 5, 2019 and the official Zoning Map for the City of Sumner is hereby amended and adopted as shown in **Exhibit "A"** attached hereto and incorporated by reference.

Section 33. 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 34. 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 35. 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 2021.

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

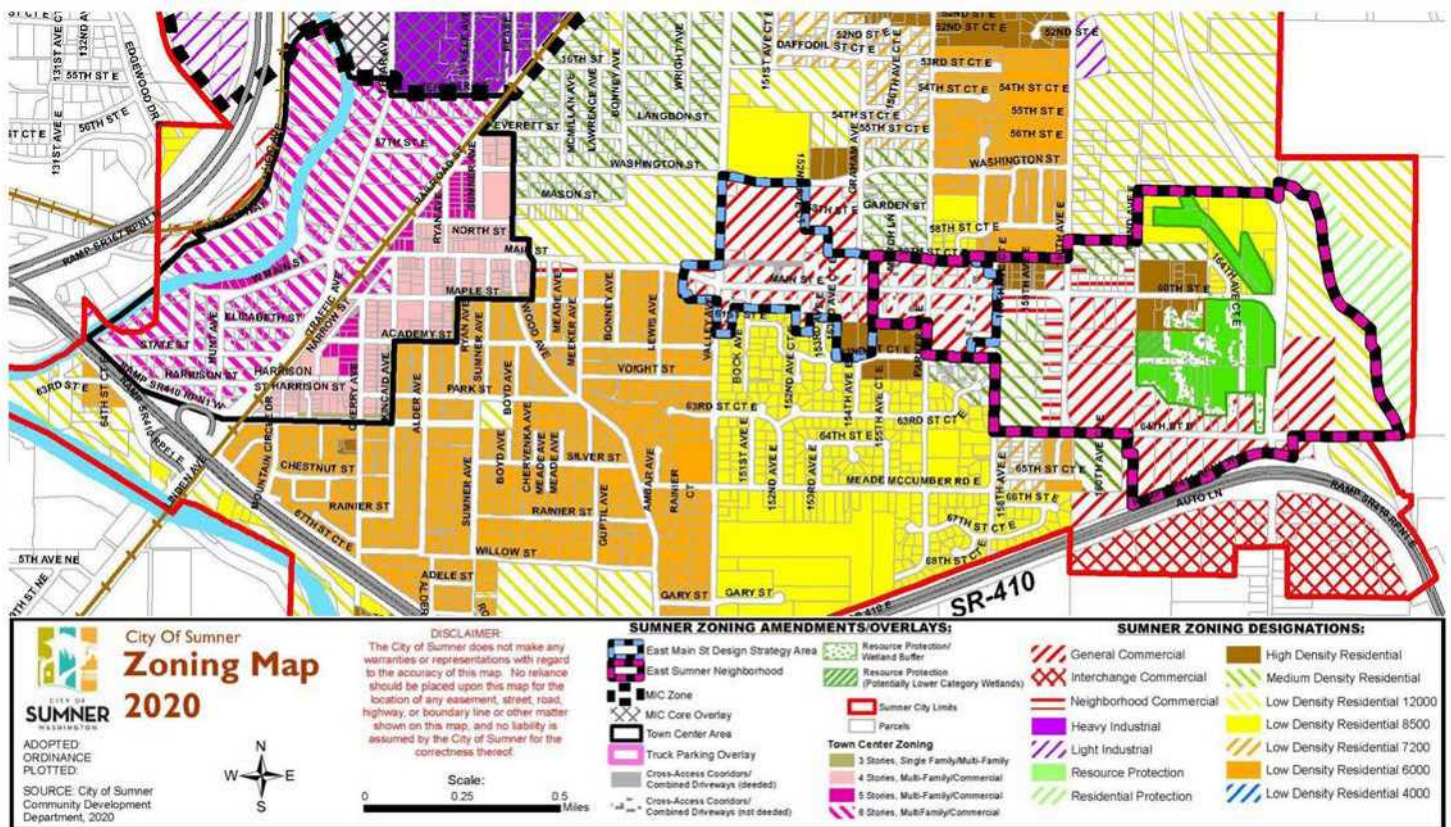
First Reading:

Date Adopted:

Date of Publication:

Effective Date:

Figure A-1: Enlarged EXHIBIT A to Show Detail





SUMNER PLANNING COMMISSION

Thursday, May 7, 2020
6:00 p.m.
Sumner City Hall
1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:01PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Mintz, Elfers, Suznevich, Butterfield
Commissioners Absent: None

APPROVAL OF MINUTES

Commissioner Suznevich motioned to approve the March 5, 2020 meeting minutes as presented, seconded by Commissioner Elfers. All were in favor.

PUBLIC COMMENT

In person or public comment was not permitted at this meet. Notice prior to the meeting required public comments be submitted via email to the City by 5:00 PM, May 7, 2020. None were received.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update Docket Approval--Action

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

Commissioner Elfers moved to approve the 2020 Annual Comprehensive Plan and East Neighborhood Plan Update Docket, Commissioner Hamilton seconded the motion. The motion passed with a roll call vote 5-1.

b. 2020 Annual Comprehensive Plan update – Public Participation Plan--Action

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

Commissioner Hamilton moved to approve the 2020 Annual Comprehensive Plan Update Public Participation Plan, Commissioner Elfers seconded the motion. The motion passed with a roll call vote 6-0.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff reminded the Commission of a meeting coming up on June 4, 2020 for action on a recommendation on the asphalt batch plant zoning code text amendment. He also encouraged them to review the City's Virtual Open House online.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Hamilton motioned to adjourn, Commissioner Elfers seconded the motion. **MEETING ADJOURNED AT 7:08 P.M.**

Minutes Submitted by: Ryan Windish



SUMNER PLANNING COMMISSION

Thursday, June 18, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Suznevich, Elfers, Butterfield and Mintz

Commissioners Absent: None

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Study Session discussion

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

- Staff discussed the first set of proposals in the 2020 Comprehensive Plan docket, including property owner requests for map changes code updates.

No recommendations were requested nor proposed. Staff asked the Commissioners for general feedback on the direction and concepts in the proposals.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff reminded the Commission of future meetings coming up, and staff and Commission discussed checking their City email on Thursdays when packet posted and letting staff know if they cannot attend.

ADJOURNMENT

With no further business in front of the Commission, Commissioner Hamilton motioned to adjourn, Commissioner Elfers seconded the motion. **MEETING ADJOURNED AT 7:24 P.M.**

Minutes Submitted by: Ann Siegenthaler

DRAFT



SUMNER PLANNING COMMISSION

Thursday, July 16, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:00 PM by Chair Greg Mintz.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Hamilton, Suznevich, Elfers, Butterfield and Mintz

Commissioners Absent: None

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. 2020 Annual Comprehensive Plan and East Sumner Neighborhood Plan update - Study Session discussion

Associate Planner Ann Siegenthaler presented the staff memo and discussion ensued and questions were taken from the Planning Commission on the reports.

- Staff informed the Commission that the Knutson Farms proposal has been withdrawn.
- Staff discussed the other proposals in the 2020 Comprehensive Plan update, primarily staff-proposed changes, such as "housekeeping" changes in the Comprehensive Plan and Zoning Code, Innovation District, Sign Code cleanup, etc.

No recommendations were requested nor proposed. Staff asked the Commissioners for general feedback on the direction and concepts in the proposals.

COMMISSION COMMENTS

Commissioners offered comments.

STAFF COMMENTS

Staff discussed the schedule for future meetings, including upcoming discussion on East Sumner Neighborhood and on 5G Wireless. Staff and Commission discussed checking their City email account weekly.

ADJOURNMENT

With no further business in front of the Commission, **MEETING ADJOURNED AT 7:44 P.M.**

Minutes Submitted by: Ann Siegenthaler

DRAFT



SUMNER PLANNING COMMISSION

Thursday, July 30, 2020

6:00 p.m.

STUDY SESSION

Sumner City Hall

1104 Maple Street

NOTE: DUE TO THE COVID-19 PANDEMIC AND GOVERNOR'S STAY HOME ORDER, THIS MEETING WAS HELD VIA THE INTERNET AND USING VIRTUAL MEETING TECHNOLOGY.

CALL TO ORDER

The meeting was called to order at 6:10 PM by Chair Greg Mintz. Meeting started late, due to waiting for 1 Commissioner to reach a quorum.

FLAG SALUTE

No Flag Salute.

ROLL CALL

Commissioners Present: Bush, Butterfield, Mintz, Suznevich. Commissioners Absent: Hamilton, Elfers.

PUBLIC COMMENT

In person or public comment was not permitted at this meeting, due to virtual format and study session format.

NEW BUSINESS

a. Zoning Code amendments related to small cell wireless (5G) facilities design standards.

City consultant Daniel Kenny presented the draft ordinance and legal parameters regarding what regulations the City can apply and timeline. Mr. Kenny answered questions from the Commission.

COMMISSION COMMENTS

There were no Commissioner comments.

STAFF COMMENTS

Staff discussed the tentative timeline for a 5G public hearing and future discussions on the Comprehensive Plan amendments.

ADJOURNMENT

With no further business in front of the Commission or discussion, **MEETING ADJOURNED AT 7:27 P.M.**

Minutes Submitted by: Ann Siegenthaler