



The City is conducting this public meeting using a hybrid model. The public is welcome to attend tonight's meeting in-person at Sumner City Hall Council Chambers (1104 Maple Street) or virtually by using the meeting access link below:

<https://sumnerwa-gov.zoom.us/j/85115707843>

Or by phone: 253 215 8782 (Tacoma)

Webinar ID: 851 1570 7843

---MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE---

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

Elfers, Fochtman, Isaacs, Locke, Moody, Stoneking

APPROVAL OF MINUTES

None

PUBLIC COMMENT

The public may comment on topics that are not on the meeting agenda, virtually or in person. The public is strongly encouraged to submit comments via email to annsi@sumnerwa.gov no later than 5pm on the day prior to the meeting. Your comments will be read into the record and limited to 3-minutes.

PUBLIC HEARING

None

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Discussion on proposed Critical Areas regulations
2. Discussion on proposed Capital Facilities Element

CORRESPONDENCE

COMMISSION COMMENTS

STAFF COMMENTS

- KnowB4 Training
- Upcoming meeting dates
- New Commissioners
- Election of new Chair on December 7

ADJOURNMENT

SUBJECT: Discussion on proposed Critical Areas regulations

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Staff Memo-Environ-Critical Areas - 092823
2. Sumner Environment/Critical Areas Code - 092823

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

The Planning Commission has been reviewing proposed updates to elements (chapters) of the 2024 Comprehensive Plan (Comp Plan) and related code changes. For this meeting, staff, BERK Consulting and Parametrix consultants will present updates to Sumner's Critical Areas Regulations, which help implement the Environment Element of the Comp Plan..

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

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide comments on the proposed Comprehensive Plan materials to staff and the consultant.

MEMORANDUM

DATE: September 28, 2023
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner, and Parametrix consultant team
RE: **2024 Comp Plan Update – ENVIRONMENT/CRITICAL AREAS ORDINANCE REVISIONS**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The Growth Management Act (GMA) requires all cities and counties to adopt development regulations that protect critical areas. Critical areas are lands with natural hazards or lands that support certain unique, fragile or valuable resources. There are two primary forms of critical areas protections – protection of functions and values of the natural environment, and/or the protection of public health and safety.

Critical areas regulations help to preserve the natural environment, maintain fish and wildlife habitat, and protect drinking water. Protecting critical areas also helps reduce exposure to risks, such as landslides or flooding, and maintains the natural elements of our landscape. It can be costly, or even impossible, to replace critical area functions and values once they are lost. RCW 36.70A.030(5) defines five types of critical areas:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Frequently flooded areas
- Geologically hazardous areas
- Fish and wildlife habitat conservation areas.

All critical areas must be designated, and their functions and values protected using the best available scientific information – known as Best Available Science or BAS. As defined by WAC 365-195-900 through 925, BAS is derived from a process that includes peer-reviewed literature, standard methods, logical conclusions and reasonable inferences, quantitative analysis, and documented references to produce reliable information. The last substantial review of Sumner's regulations for BAS was in 2015. The 2024 updates proposed to Sumner's critical areas regulations are based on current Best Available Science.

II. DESCRIPTION OF PROPOSAL

The proposed amendments to Sumner Municipal Code Title 16 Environment will update regulations related to protection of critical areas. Key changes are:

- Updated critical area section titles to be consistent with current guidelines.
 - For example, changing "Wildlife Habitat Area" to "Fish and Wildlife Habitat Conservation Area."

- Updated definitions and added additional definitions to better address critical areas requirements from the state, agency guidelines and best practices.
 - Adaptive management
 - Best available science
 - Clarifying best management practices (BMPs)
 - Frequently flooded areas
 - Geologically hazardous areas
 - Clarifying that fish and wildlife habitat do not include artificial features
- Added a section for “partial exemptions” for activities that only require a high-level review and do not qualify for an exemption from the CAO regulations. This should facilitate faster processing time for minor projects.
- Added sections addressing functionally disconnected buffers (e.g. bisected by a street), which may reduce the burden on development if there is no impact to the buffer.
- Recommended increase of buffer width for fish-bearing streams from current 100 feet to 150 feet based on discussion with Washington Department of Fish and Wildlife and Best Available Science.

III. STAFF RECOMMENDATION

Review the proposed changes, discuss, and provide comments to staff and the consultants.

IV. EXHIBITS

- A. Critical Areas Regulations showing proposed changes

PROPOSED CODE CHANGES

Title 16 ENVIRONMENT

NOTE: SUMNER MUNICIPAL CODE CONTAINS “CRITICAL AREAS” PROTECTIONS IN TITLE 16 ENVIRONMENT. TITLE 16 IS DIVIDED INTO CHAPTERS THAT COVER TOPICS SUCH AS STATE SEPA ENVIRONMENTAL REVIEW, SHORELINE (RIVERS) MANAGEMENT, FISH AND WILDLIFE HABITAT (E.G. STREAMS, WETLANDS, FLOODPLAINS) AND OTHER CRITICAL AREAS SUCH AS AQUIFER RECHARGE AND STEEP SLOPE AREAS. THE FOCUS OF PROPOSED CODE CHANGES IS ON CHAPTERS RELATED TO FISH AND WILDLIFE HABITAT.

Chapters:

- 16.40** **Resource, Wildlife and Hazard Area Regulation Framework**
- 16.42** ***Repealed***
- 16.43** **Right to Farm**
- 16.44** **Mineral Resource Lands**
- 16.46** **Wetlands ~~Protection~~**
- 16.48** **Critical Aquifer Recharge Area**
- 16.50** **Landslide and Erosion Hazard Area**
- 16.52** **Seismic Hazard Area**
- 16.54** **Volcanic Hazard Area**
- 16.56** **Fish and Wildlife Habitat Conservation Area**
- 16.58** ***Repealed***

Chapter 16.40

RESOURCE, WILDLIFE AND HAZARD AREA REGULATION FRAMEWORK

NOTE: THIS CHAPTER PROVIDES A FRAMEWORK FOR PERMITS AND REVIEWS THAT APPLY TO ALL CRITICAL AREAS.

16.40.010 Short title.

The ordinance codified in this chapter, together with any amendments, shall be known as the “Resource, Wildlife and Hazard Area Regulation Framework Ordinance.” (Ord. 1539 § 1 (part), 1992)

16.40.030 Purpose.

The purpose of this chapter is to regulate the use of land in and around critical areas and; natural resource lands, wildlife habitat, and natural hazard areas lying within the corporate limits of the city, ~~to~~ to bring the city into compliance with the Washington State Growth Management Act (chapter 36.70A RCW). RCW 36.70A requires cities to adopt development regulations to classify, designate, and protect critical areas and to assure the conservation of designated agricultural, forest, and mineral lands of long-term commercial significance. RCW 36.70A.172(1) requires to incorporate appropriate “best available science” be included in policies ~~into the~~ and regulations to protect the functions and values of critical areas and give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries, resource lands, wildlife habitat, and natural hazard areas (RCW 36.70A.172(1)). These regulations are ; and to promote the public health, safety and general welfare in accordance with the standards established by the federal government, state and the city, and to:

- A. Protect areas of land with valuable and nonrenewable resources for future generations...
- B. Regulate development on and around critical areas in order to protect lives, property and public infrastructure;
- C. Prevent development which is incompatible with certain critical areas which are particularly susceptible to water quality, noise, and air quality impacts associated with nearby development;
- D. Establish mechanisms to inform present and future landowners of their location on or near natural resource lands or critical lands areas;
- E. Establish mechanisms to process and review development proposals for consistency with the new regulations...
- ...

NOTE: THESE UPDATED DEFINITIONS ARE RECOMMENDED FOR CLARITY WHEN EVALUATING CRITICAL AREAS AS THEY ARE CONSISTENT WITH AGENCY DEFINITIONS.

16.40.060 Definitions.

For the purpose of this title, the following definitions shall apply:

“Action” means any grading, clearing, filling, construction, dredging, removal of trees or use on a piece of property.

“Activity” means any application for the following actions: building permit creating additional habitable space in a residential structure as defined by the International Building Code; building permit for a nonresidential structure; conditional use approval; shoreline permit; rezone; planned residential development; planned mixed-use development; shoreline variance or conditional use; shoreline redesignation; subdivision of land; SEPA review or other similar land use or environmental discretionary review.

"Adaptive management" means using scientific methods to evaluate how well regulatory and nonregulatory actions protect the sensitive area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. Management policy may be adapted based on a periodic review of new information.

"Anadromous fish" means fish species that spend most of their lifecycle in salt water but return to freshwater to reproduce.

“Aquifer recharge area” or “Critical aquifer recharge area” means areas that have a critical recharging effect on ~~groundwaters-aquifers~~ used for potable water, including areas where an aquifer that is a source of drinking water is supplies and/or that demonstrate a high level of susceptibility or vulnerability ~~vulnerable to groundwater-contamination that would affect the potability of the water, or is susceptible to reduced recharge from land use-activities.~~

Examples of aquifer recharge areas include:

1. Wellhead protection areas delineated pursuant to the Federal Safe Drinking Water Act; and
2. Recharge areas for sole source aquifers designated pursuant to the Federal Safe Drinking Water Act;
3. Areas established for special protection pursuant to a groundwater management program, chapters 90.44, 90.48, and 90.54 RCW, and chapters 173-100 and 173-200 WAC;
4. Other areas meeting the definition of "areas with a critical recharging effect on aquifers used for potable water" in WAC 365-190.

~~Other areas with a high level of susceptibility or vulnerability to contamination as demonstrated through the use of the DRASTIC model.~~

"Best available science (BAS)" means information from research, inventory, monitoring, surveys, modeling, synthesis, expert opinion, and assessment that is used to designate, protect, or restore sensitive areas. As defined by WAC 365-195-900 through 925, best available science is derived from a process that includes peer-reviewed literature, standard methods, logical conclusions and reasonable inferences, quantitative analysis, and documented references to produce reliable information.

“Best management practices (BMPs)” mean physical, structural, and/or managerial practices, that when used singly or in combination, ~~prevent or reduce water pollution, erosion, groundwater contamination, slope instability and similar impacts of construction, development and other actions. Source control BMPs include those which keep the pollutant from ever coming in contact with stormwater, and stormwater treatment BMPs include those which consist of various methods of treating stormwater. BMPs could include, but are not limited to, use of hay bales and plastic coverings to reduce erosion, education programs for employees regarding the use and disposal of chemicals, signage for customers regarding use of gasoline fueling facilities, and use of grass lined swales to reduce pollutants in stormwater.~~

(a) Control soil loss and reduce water quality degradation caused by high concentrations of nutrients, animal waste, toxics, or sediment;

(b) Minimize adverse impacts to surface water and ground water flow and circulation patterns and to the chemical, physical, and biological characteristics of wetlands;

(c) Protect trees, vegetation, and soils designated to be retained during and following site construction and use native plant species appropriate to the site for re-vegetation of disturbed areas; and

(d) Provide standards for proper use of chemical herbicides within critical areas.

“Building official” means the city staff person responsible for the administration of the International Building Code or his or her designee.

“Critical areas” are those areas established as ~~wetlands, volcanic hazard areas, wetlands, critical aquifer recharge areas (CARAs), frequently flooded hazard areas (special flood hazard areas), fish and wildlife habitat areas, seismic hazard areas, landslide hazard areas, erosion hazard areas, seismic hazard areas, volcanic hazard areas, and fish and wildlife habitat conservation areas~~ aquifer recharge areas.

Development. Refer to the definition in the zoning code, chapter 18.04 SMC.

“Director” means the development services director or his or her designee.

...

"Frequently flooded areas" means lands in the floodplain subject to a one percent or greater chance of flooding in any given year and those lands that provide important flood storage, conveyance, and attenuation functions, as determined by the city in accordance with WAC 365-190-080(3). Classifications of frequently flooded areas

include, at a minimum, the one hundred (100) year floodplain designations of the Federal Emergency Management Agency and the National Flood Insurance Program. Also known as special flood hazard areas (see SMC 15.52).

“Geologically hazardous areas” means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

...

“Landslide hazard area – Type I” means a slope of 25 percent or greater.

“Landslide hazard area – Type II” means a slope of less than 25 percent and equal to or greater than 15 percent.

...

“Riparian” means adjacent to a water body: stream, river, lake, or pond.

“Riparian management zone” means the regulated buffer area that includes the land from the ordinary high water mark to a specified distance as measured horizontally in each direction.

“Wellhead protection area” (WHPAs) means protective areas associated with public drinking water sources established by water systems and approved or assigned by the state department of health WAC-190-030, WAC 246-290-020, WAC 246-290-135. (Ord. 2788 § 13, 2021; 1Ord. 2439 § 11, 2013; Ord. 2071 § 2, 2003; Ord. 1539 § 1 (part), 1992). They are:

- Group A wells serve 15 or more service connections or 25 or more people at least 60 days per year.
- Group B wells serve fewer than 15 connections and fewer than 25 people per day. ~~means the area within the 10-year time-of-travel zone boundary of a group A public water system well, as delineated by the water system purveyor or its designee, pursuant to WAC 246-290-135. (Ord. 2788 § 13, 2021; 1Ord. 2439 § 11, 2013; Ord. 2071 § 2, 2003; Ord. 1539 § 1 (part), 1992)~~

16.40.070 General application.

A. This division shall apply to all properties which are designated as critical areas or natural resource lands....

...

16.40.090 Permitted uses.

Uses permitted on properties designated as critical areas or natural resource lands shall be the same as those permitted by the underlying zone classification and the Sumner shoreline master program unless specifically regulated by this division. (Ord. 1539 § 1 (part), 1992) See Section 16.40.135 Application and review process for RWHA (Resource, Wildlife, and Hazard) permit.

16.40.100 Exemptions.

The following activities shall be exempt from the application and permit requirements at SMC 16.40.135 unless specifically modified in SMC 16.46.090, SMC 16.56.100 or other sections of this division. All activities in critical areas must comply with SMC 16.40.110, ~~Best-best~~ management practices, regardless of exemption status. These exemptions apply specifically to activities regulated by the ~~city~~ City of Sumner. Other state and federal permits and approvals may still apply.

A. Agricultural activities ...

B. Forest practices regulated and conducted in accordance with the provisions of chapter 76.09 RCW...

C. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;

D. Outdoor recreational activities, including, but not limited to, fishing, birdwatching, hiking, boating, horseback riding, swimming, canoeing, and bicycling;

E. Education, scientific research, and use of nature trails;

F. ~~Operation, m~~Maintenance or ~~reconstruction-repair or improvements~~ of existing structures or infrastructure (e.g. roads, bridges, and associated storm drainage facilities); provided, that ~~reconstruction-activities~~ does not ~~alter or increase impacts to critical areas and there is no increased risk to life or property~~involve expansion of facilities;

G. The following utility line activities, ~~if there is no other practical alternative to the proposed development with less impact on the critical areas; when the proposal is consistent with other applicable regulations and standards; the proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site; and the proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with the best available science:~~

...

NOTE: EXISTING CODE EXEMPTS UTILITY LINE ACTIVITIES, SUCH AS NORMAL REPAIR, RELOCATION OF POLES/APPURTENANCES, ETC. WHEN WITHIN IMPROVED RIGHT OF WAY.

~~H. Reconstruction, remodeling, or maintenance of existing single-family residential structures, accessory structures, where legally preexisting; 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, remodeling, or maintenance of structures, where legally preexisting, other than single-family structures and accessory structures; provided, that such reconstruction, remodeling, or maintenance does not increase the building footprint or height, or increase developed or impervious surface area;~~

NOTE: THE ABOVE "EXEMPTIONS" APPLY TO ALL CRITICAL AREAS, NOT JUST STREAMS AND WETLANDS. THE EXEMPTIONS FOR EXISTING STRUCTURES (SECTIONS H AND I) WERE NOT TECHNICALLY EXEMPTIONS SINCE THEY REQUIRE REVIEW OF SITE PLANS AND SQUARE FOOTAGE. THESE HAVE BEEN MOVED TO A NEW "PARTIAL EXEMPTIONS" SECTION BELOW.

J. Minor site investigative work necessary for land use and building application submittals such as surveys...

K. Emergency action necessary to prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, ~~in a timeframe too short to allow for compliance with the requirements of the critical areas regulations.~~ The director shall review all proposed emergency actions to determine the existence of the emergency and reasonableness of the proposed actions taken. ~~The action may require necessary permits after the fact, including any restoration or mitigation;~~

...

N. Projects with the primary purpose of restoring or enhancing wetlands, streams, or fish and wildlife habitat conservation areas; provided, that:

1. Such projects are part of an approved local, state, or federal restoration or enhancement plan; and
2. The project would not result in adverse impacts to any critical area;

...

16.40.105 Partial Exemptions.

The following activities require a RWHA permit processed as a Type 1 decision, pursuant to SMC 18.56.030(B).

NOTE: MOVED SAME WORDING FROM 16.56.100 ABOVE TO THIS SECTION.

1. Reconstruction, remodeling, or maintenance of existing single-family residential structures, accessory structures, where legally preexisting; 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;
2. Reconstruction, remodeling, or maintenance of structures, where legally preexisting, other than single-family structures and accessory structures; provided, that such reconstruction, remodeling, or maintenance does not increase the building footprint or height, or increase developed or impervious surface area;

NOTE: WITHOUT SOME INPUT/OVERVIEW FROM STAFF, THE ACTIVITIES ABOVE HAVE THE POTENTIAL TO CAUSE HARM TO THE RESOURCE. STAFF RECOMMENDS A SIMPLE PERMIT REVIEW PROCESS WITH NO PUBLIC NOTICE DELAYS AND A RELATIVELY FAST DECISION BY THE DIRECTOR.

16.40.120 Variances.

A. The purpose of a variance is strictly limited to granting relief to specific development standards set forth in this division. A variance is also appropriate where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this division would impose unnecessary hardships on the applicant. These provisions should be applied in a manner, which while protecting the environment, will assure that a person will be able to use his/her property in a fair and equitable manner. Other state and federal permits and approvals may still apply.

...

D. Criteria for Granting Variances. Variances for development that will be located landward of the ordinary high water mark, may be authorized provided the applicant can demonstrate all of the following:

...

5. That the public interest will suffer no substantial detrimental effect. The proposal does not pose an unreasonable threat to the public health, safety, or welfare on or off the development proposal site. Variances for development that will be located either waterward of the ordinary high water mark or within regulated wetlands may be authorized provided the applicant can demonstrate all the criteria stated above as well as the following:

- a. That the strict application of the development standards set forth in this division precludes all reasonable use of the property; and
- b. That the proposal is consistent with the criteria established under subsections (D)(1) through (4) of this section.

c. The proposal is consistent with other applicable regulations and standards, at the local, state and federal levels.

...

F. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service shall be sent a notice of application for any variance requesting the reduction of buffer widths on Type ~~III~~F streams. (Ord. 2071 § 4, 2003; Ord. 1695 § 20, 1995; Ord. 1539 § 1 (part), 1992)

...

16.40.135 Application and review process for ~~RH~~WHA permit.

A. Activities which require resource, wildlife and hazard area (RWHA) approval shall be processed as Type I or Type II decisions pursuant to chapter 18.56 SMC, Procedures for Land Use Permits. ...

16.40.150 Relationship to other regulations.

...

D. Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

...

WETLANDS PROTECTION

NOTE: THROUGHOUT THIS CHAPTER, NEW CODE WILL UPDATE TERMS FOR WETLANDS TO REMOVE THE TERM "REGULATED" WETLAND, SINCE ALL WETLANDS DEFINED IN THIS CHAPTER ARE REGULATED.

16.46.030 Definitions.

...

~~22. "Regulated wetlands" means ponds 20 acres or less, including their submerged aquatic beds, and those lands defined as wetlands under the federal Clean Water Act, 33 U.S.C. 1251 et seq., and rules promulgated pursuant thereto, and shall be those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Regulated wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands created as mitigation and wetlands modified for approved land use activities shall be considered as regulated wetlands. Regulated wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities.~~

NOTE: THE TERM "REGULATED" DOES NOT EXPLAIN WHO IS REGULATING. SOME WETLANDS ARE NOT REGULATED FEDERALLY BUT ARE STILL REGULATED BY THE STATE.

...

16.46.060 Mapping.

A. The approximate location and extent of wetlands in the city is displayed on the City of Sumner, WA Public Webmap, the National Wetland Inventory (US Fish and Wildlife Service), and the Priority Habitat and Species Map (Washington Department of Fish and Wildlife Service) map titled "Wetland Inventory Map, 2007." ~~This These maps are inventory is~~ general and not designed to support permit applications and ~~does~~ not establish jurisdictional boundaries. Furthermore, as site conditions change (due to natural and human processes), wetland areas and characteristics may change as well.

...

16.46.070 Wetlands rating.

A. Identification and Delineation. Identification of wetlands and delineation of their boundaries pursuant to this chapter shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplement...

B. Rating. Wetlands shall be rated according to the Washington Department of Ecology wetland rating system, as set forth in the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication No. 14-06-029...

1. Category I. ...

2. Category II. ...

3. Category III. ...

4. Category IV. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that are good candidates for replacement and improvement. ~~However, we should be able to replace, or in some cases to improve. However, experience has shown that replacement cannot be guaranteed in any specific case.~~ These wetlands may provide some important functions and should be protected to some degree.

...

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);
- G. The destruction or alteration of wetlands vegetation through clearing, harvesting, shading, intentional burning, or planting of vegetation within a ~~regulated~~-wetland or its buffer that would alter the character of a regulated wetland...
- H. Activities adjacent to a ~~regulated~~-wetland or its buffer that result in a significant change of water temperature, a significant change of physical or chemical characteristics of wetlands water sources...

16.46.090 Exemptions and allowed uses in wetlands.

A. The following wetlands may be exempt from the requirement to avoid impacts (SMC 16.46.170(A)(1)), and they may be filled if the impacts are fully mitigated based on the remaining actions in SMC 16.46.170(A)(2) through (6)...

1. All isolated Category IV wetlands less than 4,000 square feet that:
 - a. Are not associated with ~~riparian-fish and wildlife habitat conservation~~ areas or their buffers.
 - b. Are not associated with shorelines of the state or their ~~associated~~-buffers.

...

B. In addition to those activities listed in SMC 16.40.100, 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 or have the potential to result in a loss of the functions, values or area of a wetland or wetland buffer:

1. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops...or the wetland by changing existing topography, water conditions or water sources...
 2. Ongoing agricultural activities, provided they implement applicable ~~best management practices (BMPs)~~ contained in the latest editions of the USDA Natural Resources Conservation Service (NRCS) Field Office Technical Guide (FOTG); or develop a farm conservation plan in coordination with the local conservation district, and forest clearing and other forest practices regulated under the State Forest Practices Act,
- ...
3. The maintenance of drainage facilities and new drainage facilities provided they are an integral part of an ongoing agricultural activity and approved by the director;
 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 director; and provided, that wetland impacts are minimized and that disturbed areas are immediately restored:
 - a. Normal maintenance, repair, or operation of existing serviceable legally established structures, facilities, or 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 existing serviceable legally established structures within a wetland buffer ~~zone~~ where modification does not adversely impact wetland functions or increase the size 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; and
- d. Normal and routine maintenance and repair of any legally preexisting public or private facility within an existing improved right-of-way...
- 5. Emergency actions which must be undertaken immediately...
- 6. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer...
- 7. Enhancement of a wetland through the removal of nonnative invasive plant species...
- 8. Normal and routine maintenance and repair of any legally established existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not expand the footprint of the facility or right-of-way; and has no adverse effect on the wetland or buffer.
- 9. Stormwater Management Facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of a LID, runoff treatment or flow control BMP if all of the following criteria are met:
 - ...
 - d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach" (Ecology Publication No. 09-06-032, or as revised and approved by Ecology available here: -
<http://www.ecy.wa.gov/biblio/0906032.html>); or the wetland is part of a priority restoration plan that-
intended to achieves restoration goals identified in a shoreline master program or other local or regional watershed plan; and
 - ...

NOTE: THE OTHER CRITERIA IN THIS SECTION RELATE TO AREAS WITH LESS HABITAT VALUE AND WHERE WETLAND FUNCTIONS WILL NOT BE IMPAIRED.

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)...

J. Except as otherwise specified, wetland buffer zones shall be retained in their natural condition...

K. Regulated activities as specified in SMC 16.46.080 shall not be allowed in a buffer zone except...

L. A building setback line of 10 feet is required from the edge of any wetland buffer...

M. Buffer Establishment.

N. Functionally Disconnected Buffer Area. Buffers may exclude areas that are functionally and effectively disconnected from the wetland by an improved public street or legally established development, as determined by the director. Functionally and effectively disconnected means that the street or other significant development blocks the protective functions provided by a buffer. The director shall evaluate whether the interruption will affect the entirety of the buffer, considering the following:

- 1. Significant development includes public streets and railroads, and private developments such as homes or commercial structures and parking lots.

2. Linear development extending across a buffer results in a different variation of buffer interruption than isolated features such as houses or accessory structures. Linear development such as roads and continuous parking lots typically result in the greatest interruption of buffer functions.
3. Individual structures, such as a house, often do not fully interrupt buffer functions. In such cases, the allowable buffer exclusion should be limited to just the portion of the buffer that is within the footprint of the isolated structure and its contiguous improvements such as a paved driveway.
4. A critical area report (CAR) shall be submitted to the director, evaluating the buffer functions and impact of intervening structures. If the CAR demonstrates that functions are greatly reduced by the intervening structure, the director may waive or reduce the required buffer width based on the information provided in the CAR.
5. Any future modifications to buffers shall be consistent with regulations outlined in SMC 16.46.150(A).

...

H. Wetland Mitigation Ratios.¹

Category and Type of Wetland	Creation or Reestablishment	Rehabilitation	<u>Preservation^a or Enhancement</u>
Category I: Bog, natural heritage site ^a	<u>Case by case^b Not considered possible</u>	Case by case ^b	Case by case ^b
Category I: Mature forested	6:1	12:1	24:1
Category I: Based on functions	4:1	8:1	16:1
Category II	3:1	6:1	12:1
Category III	2:1	4:1	8:1
Category IV	1.5:1	3:1	6:1

1 Ratios for rehabilitation and enhancement may be reduced when combined with 1:1 replacement through creation or reestablishment. See Table 1a, *Wetland Mitigation in Washington State – Part I: Agency Policies and Guidance – Version 1* (Ecology Publication No. 06-06-011a, Olympia, WA, March 2006 or as revised). See also subsection (C)(4) of this section for more information on using preservation as compensation.

a Areas proposed for preservation must be unique, high quality wetlands systems such as bogs, meeting criteria found in *Wetland Mitigation in Washington State Part I (version 2) and II* (Ecology Publication No. 21-06-003 and 06-06-011b, or as revised)

b Complete avoidance of bogs and natural heritage sites is required unless overriding project need and lack of practicable options results in unavoidable impacts. In those cases, the proposed mitigation must include 24:1 preservation of the same wetland type (e.g., bog) at a minimum of a 24:1 ratio, plus protective buffer of sufficient width to protect the unique water quality conditions that support these unique wetlands. Additional wetland creation, rehabilitation and enhancement would be considered in determining the final mitigation ratios.

I. Credit/Debit Method. To more fully protect functions and values, and as an alternative to the mitigation ratios found in the joint guidance *Wetland Mitigation in Washington State Part I (version 2) and II* (Ecology Publication No. 21-06-003 and 06-06-011a-b, ~~Olympia, WA, March 2006 or as revised~~), the administrator may allow mitigation based on the “credit/debit” method developed by the Department of Ecology in *Calculating Credits and Debits for Compensatory Mitigation in Wetlands of Western Washington: Final Report* (Ecology Publication No. 10-06-011, Olympia, WA, March 2012, or as revised).

...

K. Advance Mitigation. Mitigation for projects with pre-identified impacts to wetlands may be constructed in advance of the impacts if the mitigation is implemented according to federal rules, state policy on advance mitigation, and state water quality regulations consistent with *Interagency Regulatory Guide: Advance Permittee-Responsible Mitigation* (Ecology Publication No. 12-06-015, ~~Olympia, WA, December 2012~~ or as revised).

L. Alternative Mitigation Plans. The administrator may approve alternative wetland mitigation plans that are based on best available science...

The administrator shall consider the following for approval of an alternative mitigation proposal:

- G. The proposal uses a watershed approach consistent with *Selecting Wetland Mitigation Sites Using a Watershed Approach (Western Washington)* (Ecology Publication No. 09-06-32, ~~Olympia, WA, December 2009~~ or as revised).

...

16.46.180 Mitigation plans.

All wetland and buffer restoration, creation, and/or enhancement projects required pursuant to this chapter either as a permit condition or as the result of an enforcement action shall follow a mitigation plan prepared by qualified wetland professionals...

...

C. Establish specific criteria/~~performance standards~~ (including water quality standards, survival rates of planted vegetation, species abundance and diversity targets, or other ecological, geological or hydrological criteria) for evaluating the mitigation proposal relative to the objectives of this chapter and the goals and objectives of the city's comprehensive plan;

...

2. Monitoring shall begin by the designated consultant with a wetland analysis of the wetland being altered. Consultants will use the same data sheets within this analysis as will be used in the monitoring procedure; and

...

3. Five years of monitoring and maintenance shall be required for mitigation of impacts. Monitoring reports shall be submitted by the qualified wetland professional to the city during the following years: one, three, and five for a five-year monitoring period. Monitoring and maintenance may be extended if performance standards are not met, the applicant remains responsible for managing the mitigation project until the goals of the mitigation plan are achieved. (Ord. 2212 § 14, 2007; Ord. 1542 § 1 (part), 1992)

Chapter 16.50

~~LANDSLIDE AND EROSION~~ GEOLOGICALLY HAZARDOUS AREAS

NOTE: THERE ARE NO CHANGES TO THIS CHAPTER, JUST THE TITLE

Sections:

- 16.50.010 Short title.
- 16.50.020 General authority.
- 16.50.030 Purpose.
- 16.50.035 Exemptions.
- 16.50.040 Relationship to framework ordinance.
- 16.50.050 Applicability.
- 16.50.060 Mapping.
- 16.50.070 Title notification.
- 16.50.080 Plat notification.

16.50.090	Submittal requirements.
16.50.100	Regulations.
16.50.110	Performance standards.
16.50.120	Buffers.
16.50.130	Subdivision regulations.
16.50.140	Erosion control

Chapter 16.56

FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Sections:

- 16.56.010 Short title.
- 16.56.020 General authority.
- 16.56.030 Purpose.
- 16.56.040 Relationship to framework ordinance.
- 16.56.050 Applicability.
- 16.56.060 Mapping and documentation.
- 16.56.070 Habitat assessments.
- 16.56.080 Habitat management plans.
- 16.56.090 Regulations.
- 16.56.100 Buffers.

...

16.56.030 Purpose.

The purpose of this chapter is to regulate development and the use of land in order to preserve and protect areas of critical and endangered fish, including anadromous or resident salmonid species, and wildlife habitat; and to conform with the Washington State Growth Management Act. (Ord. 2071 § 33, 2003: Ord. 1546 § 1 (part), 1992)

...

16.56.050 Applicability.

Fish and wildlife habitat conservation areas are those areas identified as being of critical importance to sustain needed habitats and species for the functional integrity of the ecosystem and which, if altered, may reduce the likelihood that the species will persist over the long term...

NOTE: THESE AREAS INCLUDE CRITICAL HABITAT FOR LISTED FISH, WILDLIFE OR PLANTS.

...

H. Fish and wildlife habitat conservation areas do not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.

NOTE: DEFINITION IS TO BE UPDATED TO BE CONSISTENT WITH NEW STATE RCWs AND WACs.

16.56.060 Mapping and documentation.

Fish and wildlife habitat conservation areas shall be identified in the following documents:

...

16.56.070 Habitat assessments.

A habitat assessment, prepared by a professional fisheries or wildlife biologist, shall be submitted for all nonexempt activities...

16.56.080 Habitat management plans.

...

B. The habitat management plan for sites within 300 feet of documented habitat for threatened, endangered, or sensitive fish or wildlife species (SMC 16.56.070(A)), or sites containing a wetland, wetland buffer, stream, or stream buffer (SMC 16.56.070(B)), shall contain at a minimum:

...

7. A discussion of ongoing management practices which will protect fish and wildlife habitat after the project site has been fully developed, including ~~proposed~~-monitoring, adaptive management, and maintenance programs;
8. An assessment of habitat recommendations proposed by resource agencies...

...

E. Annual monitoring reports shall be provided to the city by the property owner until the mitigation and/or restoration has been in place for at least 10 years and the success standards have been met. Monitoring and maintenance may be extended if performance standards are not met. The applicant remains responsible for managing the mitigation project until the goals of the mitigation plan are achieved. The city shall forward the monitoring reports annually to the federal agencies with expertise regarding the particular fish or wildlife identified in the HMP along with the following:

...

16.56.100 Buffers.

NOTE: THESE BUFFERS DO NOT APPLY TO AREAS SUBJECT TO THE SUMNER SHORELINE MASTER PROGRAM (GENERALLY WITHIN 200 FEET OF THE WATER); SHORELINE BUFFERS ARE ESTABLISHED IN THE SHORELINE MASTER PROGRAM APPROVED BY THE STATE.

...

C. Buffers, consisting of undisturbed native vegetation, shall be required along all streams, lakes and ponds as classified by the DNR water typing classification system (WAC 222-16-030).

1. The buffer shall extend landward from the ordinary high water mark of the water body with the width of the buffer established by the chart below, except as provided in Subsection D below. ~~The buffer shall not extend landward beyond a public right of way that contains an improved street.~~
2. The buffer shall be separated from adjacent private property by a physical barrier such as, but not limited to, a pathway, berm, vegetation, or fence. The barrier shall be designed to allow for the movement of fish, including salmonid habitat, and wildlife and shall be approved by the director.
3. The buffer shall be established by a permanent protective easement, public or private land trust dedication, or similar protective mechanism as approved by the director. An easement shall also be provided by the underlying property owner that grants the city access to the buffer for the placement of further conservation/restoration measures.
4. Buffers shall provide conservation or protection measures necessary to preserve or enhance anadromous fisheries including measures that protect habitat important for all life stages of anadromous fish, including, but not limited to, spawning and incubation, juvenile rearing and adult residence, juvenile migration downstream to the sea, and adult migration upstream to spawning areas. Habitat protection measures should be based on the best available science relevant to stream flows, water quality and temperature, spawning substrates, instream structural diversity, migratory access, estuary and nearshore marine habitat quality, and the maintenance of salmon prey species.

D. Functionally Disconnected Buffer Area. The director may waive or reduce the required buffer due to intervening structures, pursuant to SMC 16.46.150(N).

DNR Water Type	Buffer Width in Feet
F	400-150 <i>(see note below)</i>
Np	50
Ns	25

NOTE: THERE ARE ONGOING DISCUSSIONS IN OUR REGION WITH THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE REGARDING BUFFERS FOR TYPE F (FISH-BEARING) WATERS, RELATED TO

INCREASING THE BUFFER TO REFLECT THE LATEST BEST AVAILABLE SCIENCE. THE BUFFERS RECOMMENDED IN THE WDFW RIPARIAN MANAGEMENT ZONE (RMZ) GUIDANCE ARE BASED ON THE ACCEPTED STANDARD OF "SITE POTENTIAL TREE HEIGHT" WHICH VARIES FROM 105 FEET (RED ALDER) TO 225 FEET (DOUGLAS FIR). STAFF AND CONSULTANTS ARE RECOMMENDING A 150 FOOT BUFFER FOR FISH-BEARING STREAMS. FURTHER DISCUSSION WITH WDFW ON THIS TOPIC IS ANTICIPATED.

~~DE~~. For projects in areas subject to the requirements of the Sumner Shoreline Master Program, the buffer widths and applicable regulations shall be established in the Sumner Shoreline Master Program.

~~EF~~. Buffers for Type Np and Ns streams which are not required by other regulations may be modified by the director upon a showing that the following are satisfied:

...

4. Under no circumstance shall the buffer be reduced below those shown in the table below:

DNR Water Type	Buffer Width in Feet
Np	25 40
Ns	20

...

~~GH~~. Partial Exemptions. The following uses are allowed in fish and wildlife buffers:

1. Activities directly related to the cultural, recreational, scientific and educational aspects of the stream...
2. Public utility corridors and large-scale public recreational facilities such as regional trails and parks may be allowed in buffer areas, through obtaining a RWHA permit, provided that the proposal is subject to review under the State Environmental Policy Act, and that the structure and function of impacted fish and wildlife habitat is replaced and restored and mitigated; and that appropriate federal and state agencies are notified of the project.

SUBJECT: Discussion on proposed Capital Facilities Element

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Staff Memo-Capital Facilities - 092723
 2. Capital Facilities & Public Services Element - 092723
-

STAFF CONTACT: Ann Siegenthaler, Senior Planner

SUMMARY BACKGROUND:

The Planning Commission continues its review of the 2024 Comprehensive Plan (Comp Plan) and related code changes. At this meeting, staff and BERK Consulting will present updates to the Capital Facilities Element policies, and provide background on the upcoming update to the Capital Facilities Plan.

COUNCIL COMMITTEE/STUDY SESSION: n/a
--

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Provide comments on the proposed Comprehensive Plan materials to staff and the consultant.



MEMORANDUM

DATE: September 27, 2023
TO: PLANNING COMMISSION
FROM: Ann Siegenthaler, Senior Planner and BERK Consulting
RE: **2024 Comp Plan Update – CAPITAL FACILITIES ELEMENT POLICIES**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The Capital Facilities and Public Services Element includes policies related to parks, police, fire, library, general facilities, water, sewer, stormwater, solid waste, and schools. This Element addresses the City's capital facility needs that are anticipated to support proposed land use intensities.

The Washington State Growth Management Act (GMA) requires Comprehensive Plans to include a Capital Facilities Element that includes an inventory of capital facilities, projected needs, and a financing plan. Sumner fulfills these requirements through the adoption of the Capital Facilities and Public Services Element (policy focus) and the Capital Facilities Plan (CFP) (analysis and documentation focus). This meeting will focus on the Capital Facilities and Public Services Element, and the draft CFP will be presented to the Planning Commission by early 2024.

II. DESCRIPTION OF PROPOSAL

The proposed amendments will update Comprehensive Plan policies in the Capital Facilities Element (chapter). Key changes are:

- New policies responding to VISION 2050 (Puget Sound Regional Council), Pierce County Countywide Planning Policies, and state requirements (including new state climate change requirements in HB1181)
- Moved some policies from the utilities chapter that are more relevant to Capital Facilities and Public Services
- Consolidation and reorganization of existing policies for clarity
- Updated policies to reflect current conditions and best practices.

III. STAFF RECOMMENDATION

Review the proposed changes, discuss, and provide comments to staff and the consultants.

IV. EXHIBITS

- A. Capital Facilities Element showing proposed changes

CAPITAL FACILITIES AND PUBLIC SERVICES

NOTE TO COMMISSIONERS: SUBSTANTIVE WORDING CHANGES AND POLICY CHANGES ARE SHOWN BELOW IN A DIFFERENT COLOR.

INTRODUCTION

The Growth Management Act (GMA) requires that comprehensive plans include a Capital Facilities Element which addresses the capital facility needs sufficient to support the designated land use intensities. The following policies establish the levels of service for the necessary capital facilities and the policy directives which implement the specific capital facility items. Public services have also been included because of their close ties to capital facility plan development. Comprehensive analysis of Sumner's facilities is provided in the city's Capital Facilities Plan, the Draft EIS and Final EIS, and in the various capital facility plans prepared for Sumner addressing sewer, water, and storm water drainage.

GOALS, POLICIES AND OBJECTIVES

OVERALL

1. *Provide effective, efficient, affordable, and quality capital facilities and public services at the level necessary to support a growing community.*

- 1.1 Consider access, as well as economic, social, environmental, and health impacts when locating community facilities and services, including civic places like parks, schools, and other public spaces.
- 1.2 Encourage planning and coordination of emergency management and public safety programs.

NOTE: THESE POLICY UPDATES ARE IN RESPONSE TO THE REQUIRED REGIONAL VISION 2050 POLICIES

2. *Consider present and future impacts of capital facilities and public services decisions on underserved populations to improve quality of life for all Sumner residents and address past inequities.*

- 2.1 Ensure impacts and burdens associated with capital facilities and public services are equitably distributed throughout the City.
- 2.2 Prioritize improvements that will improve public facilities and services in communities where there are lower levels of service, populations with limited incomes, and/or populations at greater risk of disparate impacts, such as poor health outcomes.
 - 2.2.1 Through cooperative and coordinated planning with other jurisdictions and districts, ensure efficient and equitable siting of essential regional capital facilities.
- 2.3 Actively seek input on public facility and service proposals from communities where there are lower levels of service, populations with limited incomes, and/or populations at greater risk of disparate impacts, such as poor health outcomes. Provide engagement materials in the languages most commonly spoken in Sumner.

NOTE: THESE POLICY UPDATES RESPOND TO STATE AND COUNTY REQUIREMENTS TO ADDRESS UNDERSERVED POPULATIONS.

3. *Consider the impacts of climate change and incorporate climate resiliency measures in capital facilities projects.*

- 3.1 ~~Reduce the City's carbon footprint by incorporating~~ Consider the use of green development practices in all buildings the City constructs, remodels and renovates.
- 3.2 The City should meet a LEED® Silver certification for new construction or additions or major renovations of City facilities over 5,000 gross square feet in area only when long term economic benefits may be realized, including the reduction of operating costs, enhanced asset value, optimized building performance and a healthier workplace for its employees.
- 3.3 Implement energy-saving technologies in all City facilities as facilities are built or remodeled, such as energy efficient lighting, water-conserving appliances.
- 3.4 Leverage the City's purchasing power related to capital improvement projects to help expand the markets for green building products, including recycled-content materials and clean, renewable energy technologies.
- 3.5 Initiate programs to replace and upgrade stormwater systems to accommodate future increased conveyance requirements due to climate change and urban flooding.
- 3.6 ~~MOVED FROM UTILITIES CHAPTER~~ Support the planting of trees along street edges and parking lots and large expanses of asphalt to create a pleasing environment and to increase energy efficiency by reducing heat absorbed by asphalt that increases ambient temperatures.
- 3.7 ~~MOVED FROM UTILITIES CHAPTER~~ Facilitate and encourage conservation of resources to delay the need for additional facilities.
- 3.8 ~~MOVED FROM UTILITIES CHAPTER~~ Facilitate the conversion to cost-effective and environmentally sensitive alternative technologies and energy sources.
- 3.9 ~~MOVED FROM UTILITIES CHAPTER~~ Support the development of infrastructure for alternative fuel options that reduce vehicular pollution. One example is conversion of the City's fleet to cleaner fuels.
- 3.10 Install generators for all identified critical facilities without adequate generators.

NOTE: THIS POLICY IS SUGGESTED TO MEET CLIMATE CHANGE RESILIENCE REQUIREMENTS, PER HB1181.
- 3.11 Construct a floodwall or setback levee on the Puyallup River in the Rivergrove Drive neighborhood in order to reduce the flooding on adjacent properties.

NOTE: THIS POLICY IS SUGGESTED TO MEET CLIMATE CHANGE RESILIENCE REQUIREMENTS, PER HB1181.

4. Ensure new public facilities and services to support new development are provided concurrent with the development.

- 4.1 Develop procedures to ensure that public facilities and services necessary to support development and established Levels of Service are available at the time of development.
- 4.2 Work with other service providers and adjacent jurisdictions to coordinate service provision and improvements to capital facilities.
- 4.3 Coordinate with adjacent jurisdictions through joint planning to ensure service provision and development is consistent with the goals of this plan.

- 4.4 Generally make new development responsible for providing the services necessary to support the demands created by the development.
 - 4.5 Encourage infill development which takes advantage of existing public facility capacity.
 - 4.6 Establish and maintain a current 6-year capital improvement plan to finance the necessary capital improvements identified in the applicable capital facility plans.
 - 4.7 Provide for regular monitoring of capital facility and public service needs and make appropriate amendments to capital facility plans.
 - 4.7.1 Update, as necessary, the capital facility plans used in the preparation of the Comprehensive Plan to reflect the final land use designations and assumptions. Utilize the Capital Facilities Plan to make capital budget decisions and development of the city's biennial budget.
 - 4.7.2 Communicate with other service providers on population projections and growth in order to maintain accurate coordination of service provision.
 - 4.7.3 Update the Capital Improvement Program (CIP) periodically at least every two years.
- NOTE: IT IS NOT A REQUIREMENT TO UPDATE CIP EVERY 2 YEARS (UPDATING CFP EVERY 6 YEARS IS OK). CIP IS OFTEN UPDATED WITH THE CITY'S BUDGET. SOME AGENCIES DO A CIP MORE FREQUENTLY THAN EVERY 6 YEARS SO THEY CAN BE RESPONSIVE TO GRANTS, AND ALSO WHEN THEY UPDATE IMPACT FEES.*
- 4.7.4 Monitor implementation of the Capital Facility Plan and Capital Improvement Program against the rate of growth and development to determine if adequate public facilities are being provided. If adequate facilities and services are not available, the land use element shall be adjusted accordingly.

5. Ensure adequate funding is available to meet capital facility and public service needs.

- 5.1 Explore funding from a mix of sources, changes to regulatory, pricing, taxing, and expenditure practices, and other fiscal tools to meet capital facility and public service needs.
- 5.2 Seek broad funding for the construction, maintenance, and replacement of water services and facilities, stormwater system improvements, and sanitary sewer services and facilities, as needed, to ensure reliable service.

NOTE: THESE POLICY UPDATES ARE BASED ON THE REGIONAL VISION 2050 REQUIREMENTS, AND CONSOLIDATE EXISTING POLICIES.

- 5.3 If funding is insufficient, adjustments should be made to the levels of service, Land Use Element, revenue sources, or any combination thereof.

NOTE: STATE DEPT. OF COMMERCE REQUIRES "POLICY OR PROCEDURES TO REASSES THE LAND USE ELEMENT IF PROBABLE FUNDING FALLS SHORT OF EXISTING NEEDS."

PARKS

- 6. Maintain a safe, attractive, equitable, enjoyable, and diverse park system that meets the needs of the City's residents, businesses, and visitors consistent with the City's adopted Parks and Open Space Plan.**

6.1 Implement the facilities and improvements identified in the adopted Parks, Trails & Open Space Plan.

POLICE

7. Provide and maintain a police system sufficient to meet the community's public safety needs. This system may include normal police functions, responding to calls for service, community policing, care and custody of prisoners, and animal control.

7.1 Level of Service:

- i. Maintain a ratio of at least two (2) commissioned officers per 1,000 population.
- ii. ~~Establish and~~ Maintain a ratio of not less than 1 commissioned patrol officer for every 1000 calls for service per year. Patrol Officers should have at least 40% of their patrol shift available for proactive policing activities.
- iii. Provide one sergeant for every ~~6-7~~ 5 commissioned patrol officers.
- iv. Provide and maintain one detective position at a ratio of 1/400 part A offenses.

7.2 Provide support to Sumner Schools through the continued School Resource Officer program ~~and instruction of Life Skills curriculum.~~

NOTE: THIS PROGRAM IS NO LONGER OFFERED BY THE SCHOOL DISTRICT.

7.3 Consider including environmental design best practices for safety and vandalism prevention in site design guidelines for new development.

7.3 Maintain public safety staffing to support community events such as parades, festivals, concerts, community gatherings, etc. that promote Sumner's sense of community.

FIRE

8. Through the inter-local agreement with East Pierce Fire and Rescue, provide and maintain suppression, prevention, education, and medical response, including advanced life support (ALS) response system. ~~Refer to the EPFR capital facilities plan for a complete list of levels of service and planning assumptions.~~

- 8.1 Support implementation of the EPFR capital facilities plan (refer to the plan for a complete list of levels of service and planning assumptions).
- 8.2 East Pierce Fire & Rescue shall strive to maintain sufficient personnel and equipment, strategically located such that the first-due response units arrive at fire and emergency medical incidents in urban areas served by staffed fire stations (as characterized by the City of Sumner) within 8 minutes, 30 seconds 5 minutes to the 90th percentile.
- 8.3 East Pierce Fire & Rescue shall strive to maintain sufficient personnel and equipment, strategically located to provide a minimum acceptable (effective) response force capable of arriving at emergency incidents within 13 minutes, 30 seconds 10 minutes to the 90th percentile. "Sufficient personnel" is further defined in the EPFR Capital Facilities Plan.

NOTE: THE ABOVE BENCHMARKS ARE UPDATED PER EPFR UNIT DATA FOR 2023.

LIBRARY

9. Through the Pierce County Library District, provide a library and access to library

services consistent with the Pierce County Library Systems Capital Facilities Plan.

- 9.1 The City of Sumner adopts by reference the Pierce County Library Systems Capital Facilities Plan as adopted and periodically amended, including any level of service guidelines contained therein.

GENERAL FACILITIES

10. Provide sufficient City facilities to meet the needs of City operations.

- 10.1 Establish and provide the following Level of Service for City government buildings:
- General Government 1.13 s.f./capita
 - Police 0.44 s.f./capita
 - City Shops (buildings only) 1.8 s.f./capita
- 10.2 Seek innovative and shared financing for City facilities, including lease arrangements and impact fees.
- 10.3 Maintain services and a rate structure adequate to keep the cemetery self-sufficient.

WATER, SEWER, AND STORMWATER

11. Maintain an efficient water system to meet the needs of the community's residential, commercial and industrial community as set forth in the City's most recently adopted Water System Plan.

- 11.1 Establish the following Levels of Service for water supply:

Demand:

Residential Demand	-	60.3 gpd/capita¹ 72.73 gpd
Employee Demand	-	58.3 gpd/employee plus 252,000 gpd¹ 25.28 gpd/employee ¹

Fire Flow:

<u>USE</u>	<u>MIN. FLOW (GPM)</u>	<u>REQUIRED DURATION (HOURS)</u>
<u>Medium and low density residential</u>	<u>1,000</u>	<u>2</u>
<u>High density residential and commercial</u>	<u>1,500</u>	<u>2</u>
<u>Industrial</u>	<u>3,500</u>	<u>3</u>
<u>Several existing buildings</u>	<u>4,500</u>	<u>4</u>

USE ——— MIN. FLOW (GPM) ——— REQUIRED DURATION (HOURS)

Medium and low
density residential ——— 1,000 ——— 2

High density

¹ Per the Sumner Water System Plan.

residential and commercial	1,500	2
Industrial	3,500	3
Several existing buildings	4,500	4

Reliability:

WATER SYSTEM - RELIABILITY LOS

Criteria	<u>Level of Service</u>			
	A	B	C	E
Conveyance Reliability; Loop (min. 6" pipe) System	95% + of services on loop lines	90% + of services on loop lines	80% + of services on loop lines	Less than 80% of services on loop lines
Source Reliability;	Meets peak day w/largest supply out	Meets peak day w/all supplies on	Meets 95% of peak day - use storage	Water restriction required
Distribution System Reliability; Isolation valves a min of 660 ft.	95% + of services meet this these criteria	90% + of services meet this these criteria	80% + of services meet this these criteria	<80% of services meet this these criteria
Power Backup for Supply Pumps;(standby generators)	100% of pumps with backup gen.	Sufficient backup for meeting MMADF	Sufficient backup for avg. daily flow	Less backup than needed for ADF
Emergency Response by Repair Crew	< 4 hrs. on 24-7 basis	< 8 hrs. on 24-7 basis	< 24 hrs. on a 24-7 basis	> 24 hrs on a 24-7 basis

The minimum LOS for reliability is "B" as outlined above.

- 11.2 Deliver a high degree of water quality which satisfies federal, state and local regulations as follows:

LOS "A": Water quality meets both Primary and Secondary Public Health Standards

LOS "B": Water quality meets only Primary Drinking Water Standards

For water quality, Sumner chooses a LOS "A".

- 11.3 Require sanitary sewer services for new development, unless otherwise allowed by state or county regulations.

NOTE: POLICY ADDED TO COMPLY WITH VISION 2050 GUIDELINES

- 11.3.1 Encourage the design, siting, construction, operation, and relocation or closure of

water infrastructure in a manner that is cost effective, environmentally sensitive, appropriate to the location and need, minimizes and mitigates impacts on adjacent land uses, and prioritizes action to protect vulnerable populations.

NOTE: RECOMMENDED POLICY BASED ON BEST PRACTICES

11.3.2 Require all new development to avoid or mitigate adverse impacts to functioning water, sanitary sewer, or septic systems.

11.4 ~~1.6.3~~—Implement water conservation programs ~~for residential, commercial, and industrial users~~ consistent with the Sumner Water Plan.

11.4.1 Require new and existing businesses to use water at or below the average per capita employee level and businesses that use higher than average rates of water ~~shall be required~~ to mitigate their impacts.

NOTE: POLICY IS REVISED FROM PREVIOUS CITY POLICY

11.4.2 Implement water service technologies, such as “smart meters,” that assist customers in monitoring and reducing water usage.

11.4.3 Support existing public education and outreach campaigns to address and promote water conservation.

NOTE: RECOMMENDED POLICY TO BE PROACTIVE IN CONSERVATION, AS CONSERVATION PLAN AND GENERAL WATER SYSTEM PLAN COVERS OUTREACH DURING WATER SHORTAGES.

~~1.6.4—Seek to expand the City watershed protection by acquiring additional land around the existing watershed.~~

NOTE: DELETED, AS THIS POLICY IS MORE FITTING IN SURFACE WATER POLICIES.

~~1.6.5—Require new and existing businesses to use water at or below the average per capita employee level. Businesses which utilize higher than average rates of water usage shall be required to mitigate their impacts. Those businesses not able to meet the goal shall be encouraged to conserve, re-use water, or develop new water sources.~~

NOTE: DELETED AND INCLUDED ABOVE UNDER CONSERVATION POLICY.

~~1.6.6—In conjunction with developing additional water sources, develop a well head and groundwater protection program.~~

NOTE: RECOMMEND DELETING - WATER SOURCES CANNOT BE DEVELOPED AND THE WELL HEAD AND GROUNDWATER PROTECTION PROGRAMS ARE REQUIRED BY DOH AND INCLUDED IN THE CITY'S GENERAL WATER PLAN.

~~1.6.7—Provide broad funding for water services and facilities.~~

NOTE: MOVED TO NEW FUNDING GOAL #5.

12. Provide a sanitary sewer system adequate to meet the demands of the community, that ensures public health and safety, and protects the environment.

NOTE: MOVED SANITARY SEWER UP IN ORDER TO WRITE WATER AND SEWER POLICIES TOGETHER.

12.1 Establish and provide for a Level of Service as defined in the adopted Sanitary Sewer Plan.

12.2 Require sanitary sewer services for new development, unless otherwise allowed by state or county regulations.

NOTE: POLICY ADDED TO COMPLY WITH VISION 2050 GUIDELINES.

12.2.1 Encourage the design, siting, construction, operation, and relocation or closure of sanitary sewer infrastructure in a manner that is cost effective, environmentally sensitive,

appropriate to the location and need, minimizes and mitigates impacts on adjacent land uses, and prioritizes action to protect vulnerable populations.

NOTE: POLICY ADDED BASED ON BEST PRACTICES.

12.2.2 Require all new development to avoid or mitigate adverse impacts to functioning water, sanitary sewer, or septic systems.

- 12.3 SEPTIC SYSTEMS. Ensure existing on-site septic systems may continue to serve existing residents as long as they are properly functioning, well maintained, and remain in compliance with Tacoma-Pierce County Health Department requirements.

NOTE: POLICY ADDED TO COMPLY WITH VISION 2050 GUIDELINES.

12.3.1 Allow interim onsite Tacoma-Pierce County Health Department approved septic systems where sewer facilities are not available, but prohibit on-site treatment in new development.

12.3.2 Encourage homeowners to connect to the sanitary sewer system where available.

12.3.3 Require homeowners to connect to the sanitary sewer system if existing onsite septic systems fail to maintain compliance with Tacoma-Pierce County Health Department requirements.

- ~~1.8.2 Work with the Tacoma-Pierce County Health Department to eliminate the development of new residential and commercial uses on-site and community sewage systems within the Planning Area. The intent would be the elimination of all new permanent septic systems, but would allow for interim on-site approved septic systems where sewer facilities are not available. NOTE: DELETED – SUMMARIZED AND COVERED IN 9.2.1~~

- ~~1.8.3 Prohibit on-site or community sewage systems supporting new industrial development. Recreational uses may be exempt from this policy.~~

~~NOTE: DELETED – SUMMARIZED AND COVERED IN 9.2.1~~

- ~~1.8.4 Seek broad funding for providing sanitary sewer services and facilities.~~

~~NOTE: MOVED TO NEW FUNDING GOAL #5.~~

13. Seek cooperative planning approaches among jurisdictions, agencies, federally recognized tribes, adjacent regions, and special purpose districts to address regional issues of water and sanitary sewer, future development needs, regional issues, and emergency response.

NOTE: POLICY ADDED TO COMPLY WITH VISION 2050. NOTE THAT THESE POLICIES ARE EDITED FROM THE UTILITIES SECTION OF THE PLAN.

- 13.1 Coordinate emergency response across jurisdictions to ensure adequate water and sanitary sewer service, with priority given to minimal service disruptions for historically underserved populations.

- 13.2 Ensure that the City's Emergency Response Plan is coordinated with regional jurisdictions and the City's Public Works Department to include local measures for communicating and addressing emergencies.

- 13.3 Coordinate and prioritize messaging that is in plain language, short, culturally appropriate, in language prevalent in the area, and in multiple formats, such as audio, large print and captioning.

14. Implement strategies, appropriate regulations, and new technologies that balance cost and benefits for the City, health and safety, and promote affordability and equitable access to water and sanitary sewer services to all communities.

NOTE: POLICY ADDED TO COMPLY WITH VISION 2050 GUIDELINES. NOTE THAT THESE

POLICIES ARE EDITED FROM THE UTILITIES SECTION OF THE PLAN.

- 14.1 Promote incentive programs, strategies, and appropriate regulations to provide equitable access of water and sanitary sewer services to underserved areas, with particular priority investments to address disparities in underserved communities.
- 14.2 Provide utility bill or deposit assistance or subsidies to supplement tenant-based rental assistance to increase protection for vulnerable households.
- 14.3 Prioritize use of new technologies, programs, and applications that increase the reliability, affordability, and accessibility of water and sanitary sewer services and pay options.

815. In conjunction with existing system providers, provide surface and storm drainage collection and discharge systems to protect water quality, public and private property, and the natural environment.

- 15.1 Establish and maintain the Level of Service as the 25-year storm event, except in those areas where the 100-year storm design is appropriate to protect the natural environment.
- 15.2 Require new development to provide for facilities to reduce water quantity and quality impacts associated with new development.
 - 15.2.1 Encourage the design, siting, construction, operation, and relocation or closure of storm drainage infrastructure in a manner that is cost effective, environmentally sensitive, appropriate to the location and need, minimizes and mitigates impacts on adjacent land uses, and prioritizes action to protect vulnerable populations.
NOTE: RECOMMENDED POLICY BASED ON BEST PRACTICE
 - 15.2.2 Encourage the use of low impact development (LID) and stormwater best management practices to manage stormwater runoff where feasible.
- 15.3 ~~Seek broad funding for stormwater system improvements.~~
NOTE: MOVED TO NEW FUNDING GOAL #5.
- 15.4 ~~Coordinate with Pierce County on stormwater matters of common interest such as protection and preservation of water quality and resources in watersheds shared by both the City and County. Participate in coordinated regional watershed-based efforts with goals of achieving local drainage health, protection, preservation of water quality, and resources in watersheds.~~
NOTE: RECOMMEND REVISING TO INCLUDE MORE GENERAL REGIONAL PLANNING EFFORTS FOR WATERSHED HEALTH.
- 15.5 ~~Continue to implement storm drainage, erosion control and critical area ordinances to help reduce off-site impacts of development and protect stream channels, aquatic resources, habitat and wetlands. The regulations shall reflect the requirements and manuals of state and federal agencies as appropriate. Review, develop, and implement design and development standards to meet the City's goals to improve water quality and reduce flooding, as well as reflect the requirements and manuals of state and federal agencies, as appropriate.~~
NOTE: RECOMMENDED POLICY UPDATE, AS CITY'S GOAL/FOCUS OR STATE/FEDERAL REQUIREMENTS MAY CHANGE
- ~~1.7.6 Ensure that existing and future public and private stormwater and other water quality protection infrastructure is properly maintained and operated.~~
NOTE: RECOMMEND DELETING – THIS IS MORE OF AN OPERATIONAL PRACTICE WITHIN THE PUBLIC WORKS DEPT.

- ~~1.7.7 Identify locations for regional surface water facilities in areas of anticipated redevelopment in Downtown. Promote the establishment of regional surface water management facilities to support infill development and preclude the need for individual on-site ponds and facilities, provide development incentives, encourage efficient use of land, and reduce overall facility maintenance costs. NOTE: RECOMMEND DELETING – THIS POLICY IS TOO SPECIFIC FOR THE COMPREHENSIVE PLAN UPDATE AND CAN BE COVERED IN REGULATIONS AND OPERATIONS.~~

SOLID WASTE

16. Consistent with adopted Solid Waste Management Plans, provide solid waste collection and disposal services to the community.

- 16.1 Support recycling within the community through a curb-side program, education and using recycled products for City purposes wherever feasible.
- 16.2 Implement programs for waste reduction in accordance with the adopted Solid Waste Plan.

SCHOOLS

17. Support the Sumner-Bonney Lake and Dieringer School Districts in providing the best education for all students in the Districts.

- 17.1 Coordinate and communicate with the appropriate school districts on issues of mutual interest, including school facility location, impacts of new development, impacts of school facilities and activities on the community, parks and recreation programs, population and growth projections, and school involvement in the community.
- 17.2 Based on the Sumner-Bonney Lake School District Capital Facilities Plan establish impact fees to mitigate the demands on the school systems of new development.
- 17.3 Promote working with school districts on school siting and design to support safe, walkable access, including strategies to provide adequate urban capacity for new schools and to avoid serving urban students with schools in the rural area.

NOTE: ABOVE POLICY BASED ON VISION 2050 GUIDELINES. ALSO, ADOPTED GOAL AND POLICIES ON CONCURRENCY MOVED TO TOP OF ELEMENT (GOAL 4 AND SUPPORTING POLICIES).