PLANNING COMMISSION AGENDA
CITY HALL – 1104 MAPLE STREET
MAY 2, 2024 6:00 PM

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/88655116217
Or by phone: 253 215 8782 (Tacoma)
Webinar ID: 886 5511 6217
---MEMBERS OF THE PUBLIC: PLEASE REMEMBER TO MUTE YOUR DEVICE---

CALL TO ORDER

Roll Call: Sharon Fochtman, Rob Healy, Mark Isaacs, Kelly Locke, Bill Moody

Pledge of Allegiance

APPROVAL OF MINUTES

1. Minutes from April 4, 2024

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.

1.
    1. **The public may comment on topics that are not on the meeting agenda. Written comments must be submitted via email to annsi@sumnerwa.gov no later than 5:00pm on the day prior to the meeting, or oral comments may be submitted at the meeting. Written comments will be read into the record; all comments are limited to 3 minutes, and the time limit will be strictly enforced.**

PUBLIC HEARING

None.

UNFINISHED BUSINESS

1.
    1. 2024-2030 Sumner Parks & Trails Plan Update – Discussion, Recommendations

NEW BUSINESS

1. Battery Energy Storage Systems - Code Update discussion

CORRESPONDENCE

COMMISSION COMMENTS

STAFF COMMENTS

ADJOURNMENT

SUMNER PLANNING COMMISSION
MINUTES
Thursday, April 4, 2024

CALL TO ORDER

The hybrid meeting was called to order at **6:00** pm by Chair Moody.

ROLL CALL

Commissioners Present (in-person): Isaacs, Moody, Healy
Commissioners Present (virtually): Fochtman Excused Absences: Locke

APPROVAL OF MINUTES

Minutes from January 4, 2024: Motion by Isaacs, second by Fochtman, unanimously approved.

PUBLIC COMMENT

None before the Commission.

PUBLIC HEARING

1. 2024 Sumner Comprehensive Plan Update, related Plans and new regulations

   a. Prior to opening the public hearing, Chair Moody explained the process for the public hearing and taking testimony. The Chair opened the public hearing at 6:06pm.

   b. Staff Report – Staff and Consultants

   Senior Planner Ann Siegenthaler introduced the consultants presenting information on the Comprehensive Plan and EIS. She also provided clarification on the public comment periods for this hearing, that one runs from March 1 to April 30, and a concurrent public comment period for the hearing was from March 12 to March 27.

   Staff presented an overview of the various documents included in the Comprehensive Plan (Comp Plan) update, including the Comp Plan, the Draft EIS, transportation management plan, and draft development regulations. Consultants from BERK Consulting then presented more detailed information on the proposed updates, including the DEIS and growth alternatives being evaluated, proposed housing policies and regulations, and aspects of the Transportation Management Plan and the Capital Facilities Plan. Consultants from Parametrix then presented the proposed updates to the Critical Areas Regulations. There are changes proposed throughout the regulations, but a significant change is an increase in stream buffer width for non-fish-bearing streams, which would increase from 25-50 feet currently to 100 feet. This is based on recommendations from State Fish and Wildlife and Best Available Science. Next, Community and Economic Development Director Ryan Windish spoke, addressing the proposed Historic/Cultural Resources policy changes. Mr. Windish provided background information on the status of the Ryan House, and explanations of policy changes.

DRAFT

c. Public testimony

Chair Moody called upon members of the public to testify, and the Commission took testimony from 9 people. No members of the public testified virtually. Most of the comments focused on concerns about preserving the Ryan House and objecting to proposed policy changes in the Historic/Cultural Resources element. In addition to public testimony at the hearing, the Commission received 33 comment letters, which were included in their packet of materials. One letter was received after the March 27 deadline (but before the April 30 deadline), and staff entered that into the record. Seeing no others present who wished to testify, Chair Moody closed the public hearing at 7:30pm.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

CORRESPONDENCE

None (not hearing testimony).

COMMISSION COMMENTS

None.

STAFF COMMENTS

Staff noted upcoming meeting dates, including the April 18 public hearing on the 2024-2030 Parks and Trails Plan.

ADJOURNMENT

Commissioner Healy motioned to adjourn the meeting; Commissioner Isaacs seconded; all were in favor. With no further business before the Commission, Chair Moody adjourned the meeting at 7:30 pm.

Minutes Submitted by: Ann Siegenthaler

DRAFT

PLANNING COMMISSION MEETING
DATE: May 2, 2024
AGENDA BILL: 24-67

SUBJECT: **CATEGORY:** Motion

1. 2024-2030 Sumner Parks & Trails Plan Update – Discussion, Recommendations

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. PC_PH_041824_All_Comments

STAFF CONTACT: Derek Barry, Community Services Manager

SUMMARY BACKGROUND:
On April 18th, the Planning Commission held a public hearing on the 2024-2030 Parks & Trails Plan. The Plan sets near and long-term goals for improvements to current and future parks and trails. The plan is required to be updated every 6 years to be eligible for state grants for developing and improving parks. This meeting is to receive the Planning Commission's recommendation on the plan as it relates to the Comprehensive Plan. The recommendation will be presented to the City Council for consideration as part of the plan adoption process.

Staff will share current edits, modifications, corrections to the draft plan at the meeting.

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

STAFF RECOMMENDATIONS/MOTION:
Provide a recommendation for City Council consideration as it relates to the 2024-2030 Parks & Trails Plan update for the Comprehensive Plan.

From:	Jamie Hamilton
To:	Derek Barry
Subject:	Official Public Comment Submission
Date:	Thursday, March 28, 2024 7:32:42 PM
Attachments:	IMG_7474.png

****EXTERNAL EMAIL****

Derek, we absolutely love the parks and all the hard work your team does! However there is one issue addressed below.

Please let me know if you need any more information from me or have additional instructions to submit public comment (below).

Official Public Comment:

The city of Sumner installed a “progress pride” flag bench (as it was named in the city’s monthly bulletin) at Loyalty Park. The public had no opportunity to dispute this partisan and anti-religious symbol.

Many disagree with the political, social and anti-religious agenda that the flag represents.

A flag supporting any controversial political agenda on public property is an inappropriate statement and use of tax dollars. The pride flag is a symbol of intolerance and hate towards Christians, Muslims and those who disagree with the pride flag ideology. The city has been made well aware via written and verbal communication that many people feel threatened, unwelcome, and unsafe with a progress pride flag bench at the park.

According to the governor’s recent revision of hate crime laws, “discrete symbols” used to threaten people based on their religious beliefs are punishable by Washington State law.

The flag represents the celebration of gay sexual activity. Since gay sex is an inappropriate topic for children who the playground is intended for (the age limits are listed on the playground equipment), the bench is an inappropriate display. Many perceive the flag as a threat symbol and therefore a hate crime and crime of sexual harassment.

Some elected officials have suggested lying to the children, telling them it’s just a rainbow bench. Lying is against religion and no one should be coerced or bullied into immorality. Children are much smarter than that and many are already aware of what the flag represents.

The call to action is to stop excluding, harassing and threatening those who do not want a partisan and sexually inappropriate display at the public park. Paint the bench a neutral color so that all are included, welcomed and feel safe at the park.

Thank you.

Jamie Hamilton

(360) 325-3469
pseudonym217@yahoo.com

Regarding:

https://sumnerwa.gov/parks-trails-plan-update/?fbclid=IwAR3auJ96xWgd_FGQV6sXDJGRx0YfEa5WGB5j-4uELWUqNFSrreD3wF8JzdA

From: John Neufer
To: Derek Barry
Cc: Ann Siegenthaler
Subject: Public Comment for Upcoming Council Meeting
Date: Friday, March 29, 2024 10:59:30 AM

****EXTERNAL EMAIL****

Hello,

My name is John Neufer, I am a resident in the downtown district of Sumner.

I am emailing to comment on the progress bench in Loyalty Park.

My proposal is to paint the bench a n**eutral color** as opposed to progress flag pattern and colors.

I use this park on a daily basis. This bench makes my family, my friends, and myself feel unsafe, unwelcome, and discriminated against.

Unsafe

The top result on a google search will show the progress flag represents exclusively private sexual preference (lesbian, gay, bisexual, transgener, queer, and intersex).

Why in the world is sexual messaging in **any format** represented in a children's playground?

This is a clear attempt to groom children. Totally inappropriate and nonconsensual, making it unsafe for kids.

Unwelcomed & Discriminated

The progress flag is a political and social statement that directly attacks traditional family values held by a majority of the population who believe in a nuclear family (Muslims, Christians, and the like).

By placing this bench in the park you are telling over 50% of the population their "traditions and values are not welcome here"

The bench is a clear violation of RCW 9A.36.078 considering Hate Crimes stating

> "The legislature also finds that in may cases, certain discrete words or symbols are used to threaten victims"

The symbolism associated with the bench in it's current state is that of Anti-Christian, Anti-Muslim, and Anti-Parental Consent.

It is a clear threat to those who hold traditional family values. The threat being,

> "We will force you and your children to accept our ideology, otherwise, **you are not welcome at the park**."

To restate my proposal. It's pretty simple and non-inflammatory;

Paint the Bench a Plain Neutral Color:

- **White**
- **Black**
- **Brown**
- **Etc.**

Sexual Symbolism is inappropriate in a children's park.

Thank you.

--
John Neufer
O: 425-657-2131
C: 253-719-9385

From: Laurie Carter
To: Derek Barry
Subject: Comp Plan Proposed Amendments-Parks, Trails, Special Facil;ities
Date: Sunday, March 31, 2024 8:40:36 PM

****EXTERNAL EMAIL****

My comments below are referenced by the page on which they appear in the proposal.

Page 15 Special Facilities-Ryan House is listed as Lucy V. Ryan Park, along with Reuben Knoblach Heritage Park because they have a very specific purpose, such as "display garden" or "more of an event space/tourism development aspect, especially in a historical or cultural context."

Page 21 Rueben Knoblach Heritage Park- Citizens, pioneer family members and civic leaders have shared their dismay at council meetings public comments about the uprooting of the bricks bearing the names of their loved ones and pioneer descendants. I understand the gazebo is a replica, but it is the ambiance of history it projects that matters in a town that up until September 2023 considered itself an agri/historic tourism town. Please wait until you get the results of the study the Counsel recently approved to see what the tourism draw is for Sumner (lodging tax).

Page 22 Lucy V Ryan House Park-The gardens have not been kept as they were when the house was deeded to the City by the Ryan Family. The City didn't maintain the Ryan house nor the gardens and trees that Lucy V Ryan so loved since they took possession in 1926. There is no mention of the restoration of the gardens or trees that have been cut down or severely pruned in this proposed park plan update. "The Sumner Story" by Amy M Ryan goes into detail about the gardens and trees. The book is in the process of being reprinted. I love gardening, but there is no plan, list of plants, artists renderings of what would literally be starting from the ground up replicating the garden of Lucy V Ryan.

Please work with the Washington Trust for Historic Preservation to find contractors familiar with historic homes. They have a variety of creative ideas on how to work together to save Ryan House. They have their pulse on the grants that are available. Let the citizens help, come to the table, explore all options. Please brainstorm with the public.

Page 32 Feedback- One hundred participated in the survey. Heritage Park is 5th most used; Ryan House 7th most used. Even though Ryan House was shutdown early 2020 for the pandemic and never reopened to the public. According to The Sumner Historical Society, nearly 4,000 people visited Ryan House the last year it was open to the public (2019). That's a good chunk of the city's population of 10,595 (US Census). Most visited the museum during special events like Rhubarb Festival.

I'm a member of Foothills Rails to Trails Coalition and I am all for trails. I have worked with Pierce County Conservation District planting trees along your Sumner Link Trail.

Page 42 Gap Analysis - I am one of the 292,000 unique visitors to Sumner, who attend Rhubarb Festival, Bridge Lighting, Santa Parade, Daffodil Parade, and visited the Ryan House Museum. I live in Bonney Lake but I am in Sumner to shop and/or dine at least once a week. I have lived in the Sumner area since the mid-1980s. My daughter attended Sumner High School. I worked in Sumner, too. On this page you also break out how many come to Sumner to:

Travel to Sumner to Work - 17,000
Commute through Sumner - 91,000

Page 45 Ways to pay for parks- B&O tax not being utilized. Grants were obtained for over a million dollars and returned. Private donors have been discouraged. There is no Parks District. There is mention of a decline in residents supporting parks. To me, it boils down to old Sumner vs new Sumner (short time residents vs pioneer and longtime residents)(Main Street quaint downtown vs East Main Street modern). My recent experience seems like it is 50/50 in both camps. This has been created by modern design of apartments on the eastside, density, new retail, the YMCA. And quaint older homes and charming downtown on the west. But I really think the Ryan House can be saved with grants and donations, less emphasis on taxes. You have a list of costs already expended by the City with regards to Ryan House you can offset the cities portion of grant requirements.

Page 47 Costs/Timelines -

Ryan House-You have $310,000 budgeted to demolish the Ryan House and redevelop. Does that include the $60,000 in legal fees already spent by the City? Again, where are the plans for the "redevelopment?" (See page 51-no details).

Heritage Park $2,160,000 budgeted for 2025 to demolish Heritage Park. Then, wait another two years and spend $5,415,000 to develop a park and playground in it's place. And finally, in 2028 spend another $7,000,000 to build a modern building that includes lots of angled rooflines and that depressing black and charcoal gray paint. How does that play homage to the name "Heritage Park?" It doesn't. But a gazebo, historic pavers, and a fountain does. (See page 50 somewhat more details than Ryan House)

Page 49 Hi Westen!

Page 57 Hop Alley- Am I missing something? You're going to remove ingress/egress to parking for downtown businesses that will cost $2,160,000 to do an alley? What are the anchors to

the alley? The map is a small inset and not detailed. Was Ryan House to be an anchor on one end?

Page 59 Public comments timeline- A City Council Study Session presentation was held 3/25/24 and was brief (started 6:57 pm; ended 7:19 pm). A councilmember asked when a building burns down, can we turn that space into a park to make up for the park deficit? The next presentation will be at the 4/14/24 Forestry and Parks Commission meeting. The council is expected to approve it 5/6/24. It states in the plan:

"While the public will have the opportunity to comment on the plan, outreach and feedback happened at the beginning of this process to incorporate many voices and perspectives."

Page 74 Survey- Took place 6/14/19 - 3/17/24. The Ryan House was shut down shortly after the start of the survey for Covid protocols ordered by Governor Inslee. It has basically been inaccessible to the public the entire survey time. There were 100 responses! According to the US Census, there are 4413 households in Sumner. The population of Sumner is 10,595; 100 people completed the survey. Page 42 indicates:

Travel to Sumner to Work - 17,000
Commute through Sumner - 91,000 (daily)
Unique visitors to Sumner, who attend Rhubarb Festival, Bridge Lighting, Santa Parade, Daffodil Parade, and visited the Ryan House Museum - 292,000

Let that sink in. 100 completed the survey these actions are being taken on.

I loved the surveys completed by Daffodil and Maple Lawn Elementary Schools, who I understand had annual walking field trips to Ryan House to learn the history of the area.

Let's keep Downtown Sumner historic! Create a consortium with other local museums for a Naches Trail history tourism plan. Maps of all historical societies/museums in Bonney Lake, Buckley, Enumclaw, Auburn, Puyallup and Sumner. Think historic tourism like Leavenworth or Poulsbo have done.

Thank you for your consideration. You have a hard job to do, as do all City staff. Thank you for your service.

Laurie Carter

Sent from Outlook

From: Amanda Henderson
To: Derek Barry
Subject: Parks and Trail Plan Public Comment
Date: Wednesday, April 3, 2024 4:54:49 PM

****EXTERNAL EMAIL****

Derek,

After looking at the Parks and Trail plan, I am still very concerned about the Ryan House. It is showing in the plan for 2024 as "Demolition of house and initial park design." I would like to see that statement removed and replaced with "Preservation of House". The Ryan House is a very important, if not THEE most important part of Sumner's history that is still standing and can easily be saved if the correct people get involved.

Thank you for your time and honest consideration,

Amanda Henderson

From: Rogue Ronin
To: Derek Barry
Subject: Parks and Trails
Date: Wednesday, April 3, 2024 5:12:30 PM

****EXTERNAL EMAIL****

Hi Derek,

I'm writing in response to the Parks and Trails plan. It's troubling that it says "A form of artwork/signage will commemorate Lucy V. Ryan and the house." Also , it states 2024 as demo of the house and initial park design. Has no one taken the time to do their jobs at planning/finance to see what grants they can get for the Ryan House rebuild? Citizen's opinions matter, so long as it doesn't go against Big Brother's agenda, right? Biermann did their work for them. He found grants FOR THEM, all they have to do is apply.

I don't see how $2 million is too much to spend on the most significant piece of Sumner history, but we'll spend $7 million on trails? This is a blatant slap in the face to the family and the citizens. It seems like people forget who they work for, and that's very sad. I just want to know what the big rush is? Why the council and staff are in such a hurry to demolish that house? I pray the city and commission rethink the Parks and Trails Plan, pump the brakes, downshift, and take a minute to fully understand the scope of damage this will do to the city, and its citizens. Thank you.

Casey Henderson
5908/5912 162nd Ave E
253-508-1337

From: Laura Hendrix
To: Derek Barry; Ryan Windish
Subject: Parks and Trails Plan - comments
Date: Wednesday, April 3, 2024 4:52:29 PM

****EXTERNAL EMAIL****

Dear Mr. Barry, Mr. Windish and City of Sumner Forestry and Parks Commission,

Please accept this email as my written comments to be included and considered as part of the public comment period on the proposed updates to the City of Sumner's Parks and Trails Plan. As a long time resident of Sumner, I appreciate you taking the time to hear my concerns and forwarding my comments to the Forestry and Parks Commissioners and the City Council.

My comments are as follows:

I would like to contest the proposed sections of the Parks and Trails Plan update regarding Lucy V. Ryan Park that specifically states that "A form of artwork/signage will commemorate Lucy V. Ryan and the house." **We do not want a plaque commemorating Lucy V. Ryan or the house she so thoughtfully donated to the City of Sumner for protection and preservation - we do not want the Ryan House to be demolished and replaced with a plaque. We do not want an open space park at the site - we want the Ryan House to be preserved and remain standing on the parcel of land donated to the City of Sumner.**

I would also like to submit that the timeline for 2024 includes "Demolition of house and initial park design" and **as a resident of Sumner I am asking you to keep the Ryan House. Do not demolish the Ryan House as the home holds Sumner's history and legacy on Main Street.**

Please listen to your residents and voting citizens of Sumner - the Ryan House must <u>not</u> be demolished and should be *preserved* for my children and generations to come.

Even though we are a small town - the City of Sumner and the Sumner/Puyallup Valley has the people with the appropriate capabilities (engineers, architects, interior designers, planners, grant writers, building code officials, structural contractors, plumbers, electricians and others) to take on the project of improving the Ryan House for the public benefit. Right now, we just need the City of Sumner's Planning Commission, Forestry and Parks Commission, Staff, City Council and Mayor to hear us, believe us and give us a chance to Save the Ryan House.

I am willing and able to help Save the Ryan House. Please contact me at your earliest convenience.

Thank you,
Laura Hendrix

Downtown Sumner Resident
PO Box 244
Sumner, WA 98390

From: S PARRICK
To: Derek Barry
Subject: The City Parks & Trails Plan Comment
Date: Wednesday, April 3, 2024 1:18:50 PM
Importance: High

****EXTERNAL EMAIL****

Hello -

I would specifically like to address City Parks and Trails Plan that addresses the following items below:

1. The City Parks and Trails Plan specifically states that "A form of artwork/signage will commemorate Lucy V. Ryan and the house."

2. The timeline for 2024 includes "Demolition of house and initial park design."

This being included in the City Parks and Trails plan indicates that the City of Sumner is still fully intent on proceeding with demolition of the Ryan House. I would like my comment to reflect that I specifically contest both these points and insist that **the Ryan House must <u>not</u> be demolished** and should be *preserved* instead. There are many grants out there and I want a pause by the city so the grants can be sought, and we can preserve this piece of our town's history.

Thank you,
Concerned Citizen
Lea Ann Parrick

From: Melody Adams-Forsstrom
To: Derek Barry
Subject: Preserve Ryan House - Do not Demolish
Date: Wednesday, April 3, 2024 11:38:26 PM

****EXTERNAL EMAIL****

Derek,

I'm requesting that Ryan House not be demolished. It should be preserved for historical reasons as well as utilized for educational purposes.

Ryan House can be preserved. The land around it could have the landscaping updated. It would become a beautiful park with a beautiful house that includes shrubs and trees and flowers to become a beautiful arbor that people would want to come and visit.

Kind regards,

Melody Adams-Forsstrom

From: Mike Herbert
To: Derek Barry
Subject: Parks & Trails Plan Update
Date: Wednesday, April 3, 2024 4:59:38 PM

****EXTERNAL EMAIL****

April 4th, 2024

Dear Derek Barry,

I am writing today as a concerned citizen and passionate advocate for the preservation of our community's rich historical heritage. I am deeply troubled by the 2023 decision to demolish the historic Ryan House. I respectfully request that the current Ryan House be included in any park planning in light of a judge's recent decision that the city of Sumner violated specific rules surrounding the comprehensive plan.

The Ryan House, an iconic landmark that holds significant historical value, has stood as a testament to our shared past for over a century. Its architectural beauty, historical importance, and cultural significance make it an integral part of Sumner's identity. From the moment one steps foot on the grounds, they are transported back in time to an era that shaped our city and its inhabitants.

Preserving our local history is not a task we can take for granted. Historical sites such as the Ryan House provide us with an opportunity to learn from the past, to understand the challenges and successes of those who came before us, and to foster a sense of pride in our community's unique identity. Once these precious landmarks are lost, they can never be replaced.

The Ryan House has the potential to become a beacon of historical education, community engagement, and cultural tourism, all of which will greatly benefit Sumner's present and future.

I understand the complexities involved in such decisions, but I kindly request that you give due consideration to the hopes and wishes of the community. The cultural and historical identity of Sumner is at stake, and it is our collective responsibility to protect it for generations to come.

Thank you for your time, attention, and thoughtful consideration of this matter. Maintaining the status-quo for the Ryan House is of the utmost importance as the issues surrounding the council's decision is revisited. Keep it included in any upcoming park plan.

Please consider these comments official since they meet the April 3rd deadline for comment related to the parks plan.

Thank you for your time,

Mike R. Herbert
herbermr78@hotmail.com

PO Box 2032/
826 Sumner Avenue
Sumner, WA 98390

From: Nicholas Biermann
To: Derek Barry
Subject: Public comment on Parks and Trails Plan
Date: Wednesday, April 3, 2024 4:50:51 PM

****EXTERNAL EMAIL****

Good afternoon, Derek.

Please accept the following as my input for the public comment period on the Parks and Trails Plan.

I would like to address two specific items in the Plan regarding Lucy V Ryan Park. The current version of the Plan is written as if the City has been granted approval to move forward with demolishing the Ryan House. Instead, the Parks and Trails Plan should take into account the reality that Pierce County Superior Court revoked the previously issued demo permit and has instead ordered the City to return to the process of amending the City Plans with the required public input this time.

In particular, the Parks and Trails Plan specifically states

"A form of artwork/signage will commemorate Lucy V. Ryan and the house."

The future of the Ryan House has not yet been decided, and the Parks and Trails plan must reflect this. Please keep a specific mention of the Ryan House in the area currently designated as Lucy V Ryan Park.

Also, the timeline for 2024 includes

"Demolition of house and initial park design."

This statement implies that demolition has been approved, when in reality the demolition permit has been revoked, and no demolition permit is currently valid for the Ryan House.

Please amend the Parks and Trails Plan to remove such statements about the future of Lucy V Ryan Park until *after* the public input process has been allowed to run to completion.

Thank you for your time.

Sincerely,

Nick Biermann

From:	Randall Adams
To:	Derek Barry; Chrissanda Walker
Subject:	Park Plan Comments against Demolition of the Ryan House
Date:	Wednesday, April 3, 2024 11:53:23 AM
Attachments:	RAA comments on Park Plan.pdf

****EXTERNAL EMAIL****

Please accept my comments into your decision in moving forward with the Park Plan. More face-to-face meetings as to how the Ryan House should/could be saved and our history preserved should be initiated by the Parks Department before moving forward with what this draft presents.

Thank you kindly,

Randall Adams
John L Scott-Enumclaw
randalla@johnlscott.com
253-948-8340

Stop your support of the demolition of the Ryan House and actually listen to citizens who have been fighting against demolition and the city for not following correct procedures when they stopped proclaiming the virtues of the Ryan House and their efforts to have it be more than it has ever been to abruptly move to demo it without proper notification to the citizens. This is why they lost in Superior Court, the Judge admonished them for those actions and canceled their demo permit and required for the city to follow correct timelines. Now, this commission is being used to quickly do the bidding for the city to demolish the Ryan Housse. You note that your presentation to the 3-25-24 Council Study Session as a part of your disclosing to citizens, yet on the city's own web site the video of that meeting did not go live until 4-2-24, a day before comments are required by you to be submitted. I do not think the Judge would look kindly on that being your perception of compliance of proper notice.

Why no Survey Response Report for Ryan House included as is with all the other "Parks") ….Did not want to hear from the citizens that we want to Save the Ryan House & use it better than before

Why accept City story of remodeling structure is outstripping funding when the city had on hand 1.5M in funds; would not finish a cost analysis which caused WJE to increase their anticipated cost estimates from 900k up to 1.4M to cover worst case scenarios; use high end of AKANA interior estimates up to 700k from a low end of 240k; suggested that the "Park" portion of the project would be 600k instead of the 100k you now show?

How can you say demolishing our historic Ryan House will reset the property as an east anchor for downtown? Yet for 6 yrs after proposed demolition you will plant grass and continue to disrespect what this property actually means to the history of our proud town and how properly used it is THE ANCHOR for downtown Sumner

In your report you state "SPECIAL FACILITIES In Sumner: Reuben Knoblach Heritage Park, Lucy V. Ryan Park This classification captures a wide range of facilities designed for very specific purposes, whether a display garden, aquatic center, public plaza or community center. Depending on design and purpose, these facilities may be focused on a specific role or take on more of an event space/tourism development aspect, especially in a historical or cultural context; **Think Ryan House here!**

In the city's design plan that contributed greatly to the costs of remodeling the Ryan House, they wanted to create in the house just that, an event space/tourism development to the Ryan House and there is no better example of a historical site that creates the opportunity for a cultural role for us and visitors. Putting out a couple of plaques because you believe you are required to do so is how you help space/tourism in a historical context. That is a joke and dishonors this important part of Sumner's history.

It is my strongest belief you will take the lead to actually have conversations with citizens toward how can this be done together vs the back & forth that is being done over a tennis net to see who can hit the ball the hardest at the other party.

From: Tessa Naber
To: Derek Barry
Subject: Re: Ryan House
Date: Thursday, April 4, 2024 6:22:08 AM

****EXTERNAL EMAIL****

Hello,

I saw a notice that we can send out comments to you about saving the Ryan House before April 5th, ahead of the 2024-2030 Parks & Trails Plan meeting, so it's intended to be a notice of support for saving Ryan House. It can be used for all 3 formats you listed below if that's what is needed. Note - I have corrected my voice to text errors on the email I sent. Thank you

Please save Ryan House! We as a people need to be better at preserving and saving our history! We are so quick to tear down beautiful architecture and historical homes, when they should be preserved and shared! Take Meeker Mansion for example….they're doing it right. Sumner needs to follow suit!! Please and thank you!

Have a great day,
Tessa Naber

Have a GREAT day!

Tessa Naber

"You can have everything in life you want, if you will just help enough other people get what they want."
~ Zig Zigler

On Wednesday, April 3, 2024 at 03:50:04 PM PDT, Derek Barry <derekb@sumnerwa.gov> wrote:

Tessa,
I received your email and am wondering if it is intended to be an official public comment for the Planning Commissions Public Hearing, a comment for the SEPA comment period or an email to me sharing your opinion?
Please clarify.
Thanks,
Derek Barry
Sent from my iPhone

> On Apr 3, 2024, at 3:30 PM, Tessa Naber <tessa_runny@yahoo.com> wrote:
>
> **EXTERNAL EMAIL**
>

> Please save Ryan House! We as a people need to be better at preserving and saving our history! We are so quick to tear down beautiful architecture and historical homes, when they should be preserved and shared! Take Meeker Mansion for example….they're doing it right. Sumner needs to follow suit!! Please and thank you!
>
>
> Have a great day,
> Tessa Naber

From: Tessa Naber
To: Derek Barry
Subject: Ryan House
Date: Wednesday, April 3, 2024 3:30:47 PM

EXTERNAL EMAIL

Please save Ryan House! We as a people need to be better at preserving and saving our history! We are so quick to tear down beautiful architecture and historical homes, when the should be preserved and shared! Take Meeker Mansion for example….they're doing it right. Dinner needs to follow suit!! Please and thank you!

Have a great day,
Tessa Naber

From: Spencer Gray
To: Derek Barry
Subject: City of Sumner Parks and Trails Plan
Date: Thursday, April 18, 2024 1:02:01 PM

****EXTERNAL EMAIL****

Hello,

We own a home in Sumner and feel that it's vital that the city save and preserve The Ryan House. Any future plans for the Ryan Park should include the Ryan home. The city has taken care of the home for decades and there has been money to keep the home preserved. Bulldozing the home should not be an option.

The Ryan Home should be used and enjoyed by the citizens. I suggest looking at options to lease out the inside for a coffee shop or something similar.

Thank You,

SPENCER GRAY (253) 222-6048 SPENCERGRAY@JOHNLSCOTT.COM
John L. Scott REAL ESTATE GOSPENCER.COM

From: Amie Rang
To: Derek Barry
Subject: Parks & Trails Plan
Date: Thursday, April 18, 2024 2:12:58 PM

EXTERNAL EMAIL

Hi Derek,
I am writing to communicate my support for the Ryan House as part of the parks and trails plan for the city of Sumner. It is very important to me that the structure of the house remain in tact and available for the community to enjoy and engage in our city history through. There are many parks within the city and the Ryan House is a unique place that needs to be preserved. I'm all for the green space and toy structures and courts at other community parks, but fully support this park continuing to be the home of the Ryan House and Sumner Historical Society.
Thank you,
Amie Rang

Sent from my iPhone

From: Tina Burnett
To: Derek Barry
Cc: Nicholas Biermann
Subject: Comments on Parks and Trail plan
Date: Thursday, April 18, 2024 4:06:01 PM

****EXTERNAL EMAIL****

One can look at pictures and videos of the Space Needle, but it is not the same as actually visiting it. Pictures of the Grand Canyon are nice, but it doesn't capture the majesty of actually being there. A plaque about the Ryan House is in no way adequate to represent the House.

The Ryan House should not be demolished. It represents the history of Sumner and it should be renovated and better incorporated into the community. It should be our Visitor Center, our museum, a community center. Ask the people how to use it. There are lots of ideas, if you only ask for input. Once you take the wrecking ball to it, there is no going back.

The Ryan House is only a few blocks from both Liberty Park and the so-called "Heritage"Park. We need the Ryan House, not another small park.
Please retain the Ryan House, not a plaque, in the Plan.

From: Nicholas Biermann
To: Derek Barry
Subject: Public comment on Parks and Trails Plan
Date: Thursday, April 18, 2024 4:34:20 PM

****EXTERNAL EMAIL****

Good afternoon, Community Services Manager Derek Barry.

I would like to submit the following statements as input during the public comment period on the 2024-2030 update to the City of Sumner's Parks and Trails Plan:

1. The current update to the Parks and Trails Plan for 2024-2030 should be written to allow for public input on the future of the space designated as Lucy V Ryan Park. This City space still includes the Ryan House building, and any plans going forward for the park in this space should still include the Ryan House in the future. The wording in the current version of the Parks Plan notes that "A form of artwork/signage will commemorate Lucy V. Ryan and the house." The future of the Ryan House and the Park has not yet been decided, and it is premature to revise the Parks Plan as if the Ryan House were no longer standing. It is imperative that the City retain the specific mention of the Ryan House in the area currently designated as Lucy V Ryan Park. Not only will this mention allow the City to continue to gain further input on the future of the Park, it would also reflect a more accurate view of the current state of the park.

2. Also, the 2024 timeline for Lucy V Ryan Park indicates that "demolition of house and initial park design" are in progress. Again, this statement should be changed to remove any mention of demolition as **there is currently no valid demolition permit for the Ryan House.** I must reiterate this statement. The previously issued demolition permit has been revoked by order of Pierce County Superior Court. Public input must be allowed before any new action can be taken toward demolition. The City's Parks and Trails Plan for 2024-2030 should be modified so that the Plan correctly and accurately depicts the current state of affairs and also allows for public input on the future of both the Ryan House and Lucy V Ryan Park.

I urge the City of Sumner, the Planning Commission, the Forestry and Parks Commission, and the Community Development Department to retain the Ryan House in any statements about the future of Lucy V Ryan Park until *after* the public input process has been allowed to run to completion.

Thank you for your time.

Sincerely,

Nick Biermann

From:	Chris Moore
To:	Derek Barry
Cc:	Moira Nadal
Subject:	City of Sumner 2024-203 Parks and Trails Plan Update
Date:	Thursday, April 18, 2024 4:47:28 PM

****EXTERNAL EMAIL****

Dear Mr. Barry,

Please include these comments in the public record for the Thursday, April 18 meeting of the City of Sumner Planning Commission public hearing on the 2024 – 2030 Parks & Trails Plan Update. These comments are being submitted on behalf of the Washington Trust for Historic Preservation, a statewide, nonprofit advocacy organization dedicated to promoting sustainable and economically viable communities through historic preservation.

Specifically, our comments focus on Lucy V. Ryan Park, and more specifically, on the Ryan House situated within. The proposed Parks and Trails Plan Update classifies Lucy V. Ryan Park as a Special Facilities Park. The proposed Plan Update describes this classification as reserved for a wide range of purpose-specific facilities, including community centers and facilities that may lend themselves toward advancing tourism goals, “especially in a historical or cultural context.” The primary amenity at Lucy V. Ryan Park is the pioneer Ryan House, donated to the city in 1926. The house, listed in the National Register of Historic Places, is significant for both its association with the development of the City of Sumner and as a fine example of a nineteenth-century dwelling. Indeed, there are few examples of residential architecture remaining in the state from this period of history that retain the degree of integrity the Ryan House demonstrates.

Yet the proposed Plan Update notes demolition of the house to be undertaken in 2024. (As a side note, the plan does not mention that demolition of the house is contingent upon the city complying with a recent court ruling that remanded the city-issued demolition permit from late last year. While we understand inclusion of demolition in the Plan Update is part of an effort to comply with this court ruling, it feels worthy of mention within the Plan Update). Demolition of the Ryan House would remove the primary element that gives the park its historical or cultural context. A memorial to Lucy Ryan in lieu of the actual house in which she resided is not an adequate substitute. Rather than concede to demolition within the Plan Update, the Washington Trust encourages the Planning Commission to include the possibility of a rehabilitated Ryan House as an option for the future of Lucy V. Ryan Park. Given the stated public support to retain the Ryan House, and given the time it will take to go through the overall Comprehensive Plan Update process, it is premature to rule out the possibility that a rehabilitated Ryan House can still serve as the centerpiece of Lucy V. Ryan Park, offering facilities that can be utilized and enjoyed by tourists and, perhaps most importantly, by the residents of Sumner as a means to better understand and enjoy this aspect of the city and region’s history.

The city’s decision to demolish the Ryan House prompted the Washington Trust to include the resource in our list of Most Endangered Properties statewide. We continue to work with local advocates interested in a pathway to preservation and remain optimistic a solution can be found. Please do not close the door on the Ryan House so early in the process. Thank you for the opportunity to comment.

Best,
Chris

Chris Moore | Executive Director
he / him / his

Washington Trust for Historic Preservation
1204 Minor Avenue | Seattle, WA 98101
206-624-9449 (o) | 206-930-5067 (c)

preservewa.org

From:	Randall Adams
To:	Derek Barry; Ann Siegenthaler
Subject:	Parks Plan & Comp Plan information
Date:	Thursday, April 18, 2024 4:49:41 PM
Attachments:	2024 04 08 Findings and Conclusions Signed (1).pdf Income & Expenses Ryan House.pdf WA Trust Letter.pdf 4-18-24 Parks comments.docx

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****EXTERNAL EMAIL****

Derek & Ann,

Please make available to the committee the following documents that should help them understand why citizens sued he city, the judge's approval of the agreement between the city and Nancy Ryan Dressel, clarity on funds raised and estimates of expenses per city dispersed information and why projects like this are often done in more than one Phase....like it being done with our new Utility Department complex on 29th St E north of downtown, Also, my own comments are added if I can not be there tonight to read them onto the record.

Thank you kindly,

Randall Adams

23-2-10815-4 59225582 FNFCL 04-10-24

FILED
DEPT 18
IN OPEN COURT
APR - 8 2024
PIERCE COUNTY, Clerk
By BM
DEPUTY

4/10/2024 11:05 0126

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR PIERCE COUNTY

SAVE OUR SUMNER COMMITTEE; and NANCY RYAN DRESSEL, Petitioners, v. CITY OF SUMNER and DREW McCARTY, Respondents.	NO. 23-2-10815-4 STIPULATED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT

1. This case involves the City of Sumner's approval of a demolition permit issued for the demolition of the historic Ryan House (permit number BLDR-2023-0400.) The permit was issued by Allison Judge, Development Services Specialist for the City of Sumner.

2. In 1926, heirs of Lucy V. Ryan donated 1228 Main Street to the City of Sumner, the location of the historic Ryan House.

3. The Ryan House is on the National Register of Historic Places. The Ryan House was built as a one-room cedar pioneer cabin in the 1860s. It is believed to be one of the oldest structures in Sumner. The house was an early location for a small post office with Lucy Ryan as the postmaster. George Ryan was the first mayor of Sumner.

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4. The city's Comprehensive Plan and the Town Center Subarea Plan include numerous provisions to preserve and enhance the Ryan House and public access to it:

- "[P]reserve . . . the historic . . . cultural resources of Sumner."[1]
- "[C]ontinue to support the Sumner Historical Society by providing the use of the Ryan House."[2]
- "[I]mprove the Ryan House and public access to the museum and consider other public uses such as converting to a visitor's center."[3]
- "Recognize the heart and historic meaning of Downtown."[4]
- "Improve the Ryan House."[5]
- "Make improvements to Ryan House."[6]

5. The Ryan House was enlarged and eventually deeded to the city in 1926. It has been owned by the city ever since and used as the town's library and museum.

6. The conveyance deed (Deed) outlines the grantors' wishes for the Ryan House to include ensuring the City uses it "for the use of the public forever as and for a public park and site for a public library."

7. Petitioner Nancy Ryan Dressel is a direct descendent of the original owners of the Ryan House and of the Ryans who deeded the property to the city in 1926. She seeks to assure that

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[1] Comprehensive Plan, The Historic and Cultural Resources Sub-Element, Goals, Policies, and Objectives (GPO) 1.
[2] *Id.*, GPO 1.3.1.
[3] *Id.*, GPO 3.3.
[4] Town Center Plan, Goal TC 3.
[5] Town Center Plan, Policy TC 3.3.
[6] *Id.*, Parks and Recreation Element, Implementation Project I-9.

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0127

her family's historic property is preserved and enhanced by the city as called for in the city's Comprehensive Plan.

8. Petitioner Save Our Sumner Committee seeks to assure that the city abides by the goals, policies, and objectives in its Comprehensive Plan and its Downtown Sumner subarea plan to "preserve" the Ryan House for use by the public.

9. For years, Sumner acted consistently with its Comprehensive Plan and took steps to use, protect and restore the Ryan House. The city's efforts were summarized in a staff presentation to the Council on January 31, 2022. Highlights from the presentation include:

- The city's receipt of a $100,000 grant in 2018 for restoration feasibility and design studies.
- Ryan House renovation incorporated into the city's "Main Street Vision," part of the Comprehensive Planning process.
- Architectural Resource Group (commissioned by the city) completes studies in 2019 and finds Ryan House in "good, strong shape;" "design study outlines ways to improve accessibility;" "quite unique, especially original cedar cabin;" "huge opportunity."
- City Council accepts $25,000 grant for design and cost estimates studies in 2020.
- Planning efforts include the city's Parks Department, the city's Forestry and Parks Commission, the Sumner Historical Society, and the public.
- Ryan House lauded as "authentic and unique" (like Pike Place Market); "economic benefits;" "community connections;" and "common ground."

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0128

- City Council adopts new Comprehensive Plan: "Improve the Ryan House and public access to the museum [in the Ryan House] and consider other public uses such as converting to a visitor center."
- A million-dollar cost estimate for preservation/restoration.

10. In 2022, the City hired an architecture/engineering firm, Wiss, Janney, Elstner Association Inc. ("WJE"), specializing in historic structures to perform a conditional assessment and prepare construction documents.

11. WJE's initial assessments that the house required additional work prompted the City in Spring 2023 to seek an additional $750,000 in grant funding to cover the gap, which was recommended for funding in 2024.

12. WJE's June, 2023 assessment found structural failures making the load carrying capacity of the attic floor and the roof and ceiling completely compromised.

13. WJE's estimated restoration and repair costs exceeded the City's available grant funding.

14. City staff presented Council with four options to consider in the City of Sumner Finance and Personnel Committee meeting on August 15, 2023, the City Council Study Session on September 11, 2023, and then again at the Regular City Council meeting on September 18, 2023.

15. Option 1 was the complete rehabilitation of the Ryan House at a minimum cost of $2.2 million, $1.1 million of which was secured through grant funding and $1.1 million was unfunded.

16. Option 2 was the rehabilitation of a portion of the building and demolishing the structurally compromised portions at a cost of $1.26 million, which was unfunded.

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0129

17. Option 3 was to demolish the entire house and develop the space as an active public park at an estimated cost of $600,000, which was unfunded because the grant funds could not be used for demolition or park construction.

18. Option 4 was to demolish the entire house and to restore the site to an open grassy area at a cost of $100,000, which was unfunded.

19. On September 11, 2023, the Council held a Study Session on the Ryan House. In a shift that was unexpected by most of the public, City Staff recommended Option number 4.

20. During that Study Session, staff and city council members acknowledged that the public would be surprised by this shift. Staff acknowledged that "the last they [the public] heard was this vision of rehabilitation." Sept. 11 TR at 36:09. *See also id.* at 19:30 (staff describing the "beautiful vision to do a full rehabilitation"). Councilmember Reed noted that "this will be a big surprise for a lot of people." *Id.* at 39:11.

21. Seven days later, following some public comment during the intervening week on the proposed resolution, the Council adopted Resolution 1663 that directed City Staff to apply for and process a demolition permit to demolish the Ryan House. AR 526.

22. City engineer Drew McCarty filed an application for the demolition permit the very next day. AR 935–936. She also prepared an environmental checklist. AR 559–574. On October 9, 2023, a city planner, Ryan Windish, filed a "SEPA Notice of Consistency," asserting that the demolition met all the criteria for a planned action. AR 931–932. On October 16, 2023, Allison Judge issued the demolition permit. AR 937–938.

23. As a result, years of planning for preservation of the Ryan House were displaced with a permit for its demolition.

24. As part of its required periodic update pursuant to the Growth Management Act, in February 2024 the city commenced its process for reviewing and amending its Comprehensive

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0130

Plan. Among the proposed amendments are certain amendments to the Historic and Cultural Resources Element which would eliminate specific mandates about the preservation of and improvements to the Ryan House.

CONCLUSIONS OF LAW

1. The land use decision challenged here is the issuance of a demolition permit. A demolition permit is a type of "land use decision," as that term is defined in the Land Use Petition Act. RCW 36.70C.020(2). Judicial review of land use decisions is exclusively pursuant to LUPA. RCW 36.70C.030(1). This Court has jurisdiction over challenges to this land use permit under both the State Environmental Policy Act and the Growth Management Act.

2. LUPA sets the standards of review this Court must apply to the challenged permit. *See* RCW 36.70C.130. Review is appellate review on the city's administrative record. RCW 36.70C.120. The Court may rescind the permit if any of the following is true:

> ...
>
> (b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;
>
> (c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;
>
> (d) The land use decision is a clearly erroneous application of the law to the facts;
>
> ...

RCW 36.70C.130(1).

3. Under the first standard, questions of law are interpreted *de novo*. RCW 36.70C.130(1)(b); *Families of Manito v. City of Spokane*, 172 Wn. App 727, 736 (2013); *Cingular Wireless, LLC v. Thurston County*, 131 Wn. App. 756, 768 (2006).

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0131

4. Factual determinations are reviewed for "substantial evidence," requiring a sufficient quantum to persuade a fair-minded person of the truth or correctness of the finding. RCW 36.70C.130(1)(c); *Thornton Creek Legal Def. Fund v. City of Seattle*, 113 Wn. App. 34, 61 (2002).

5. The application of fact to law is reviewed under the "clearly erroneous" standard. RCW 36.70C.130(1)(c). A decision is clearly erroneous when the Court is left with a definite and firm conviction that a mistake was committed even if some evidence supports the decision. *Norway Hill,* 87 Wn.2d 267, 274 (1976).

6. The Court finds that it has jurisdiction under the Growth Management Act and whether the issuance of a demolition permit was consistent with provisions in the City's Comprehensive Plan.

7. The Comprehensive Plan amendment process requires "early and continuous" public involvement, not just during preparation of the original comprehensive plan, but also whenever amendments are being considered. Public participation is one of the GMA's mandatory planning goals. RCW 36.70A.020(11). Proposed amendments are to be "broad[ly] disseminated, notice must be "effective," and the process must allow for "open discussion." The agency must not just give "consideration" to public comment; it must also provide a "response" to public comment. RCW 36.70A.140 (emphasis supplied).

8. Sumner has a detailed public participation plan for proposed comprehensive plan amendments. The process includes ample public notice and public participation. It mandates notice to the Department of Commerce and precludes final action until after that agency's comments are considered. The notice requirements assure the public receives ample notice early in the process and throughout the process. The required notice includes publication once a week for two consecutive weeks, on the same day of the week, using two electronic methods, established by the

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0132

director, and posting at public information centers and on the city's official website. SMC 18.56.070.

9. The City's comprehensive plan contains specific provisions about preservation and restoration of the Ryan House. The GMA precludes the city from pursuing activities that do not conform with its Comprehensive Plan. The permit authorizing demolition of the Ryan House is revoked.

10. Sumner has already begun the process of its periodic Comprehensive Plan update. That process, as explained above, requires mandatory public engagement. The City must first provide the public with notice and an opportunity for public comment and update it Comprehensive Plan before processing SEPA and a demolition permit.

11. The Court finds that it has jurisdiction over SEPA and whether the City's Planned Action Ordinance was followed or appropriate.

12. A shortened alternative to the standard SEPA process exists. If certain conditions are met, an agency may evaluate environmental impacts when adopting a comprehensive plan or subarea and then skip environmental review for individual projects (so-called "planned actions"). Among other conditions, to qualify as a "planned action," the project must be identified as a planned action in the city's planned action ordinance; it must have had its environmental impacts analyzed in an earlier EIS: and the project must be consistent with the comprehensive plan. RCW 43.21C.440(1); WAC 197-11-164(1)(f).

13. The statute defines a planned action by reference to seven conjunctive requirements. RCW 43.21C.440(1)(a)–(g). Three are relevant here. Subparagraph (1)(a) requires that the project is described as a "planned action" in the city's planned action ordinance. Subparagraph (1)(c) requires that the project's impacts were adequately addressed in an EIS for the comprehensive plan

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0133

or subarea plan. Subparagraph (1)(g) requires that the project is consistent with the comprehensive plan or subarea plan. RCW 43.21C.440(1).

14. To implement the planned action process, a county or city must adopt a planned action ordinance that "define[s] the types of development included in the planned action." RCW 43.21C.440(2). The planned action ordinance may include geographic and temporal limits. *Id.* Thereafter, the county or city implements the planned action ordinance during the review of individual projects by making a determination that the project is consistent with the planned action ordinance. RCW 43.21C.440(3).

15. Sumner adopted its planned action ordinance in 2018. AR 575. It mirrors SEPA's requirements. Among other things, to qualify as a planned action, a project must be consistent with the SEIS for the applicable subarea plan (the Town Center Plan); its environmental impacts must have been adequately addressed in that SEIS; and the project must comply with all local regulations. AR 579 (Sumner Ord. 2668, §III.E (1)(b), (e), & (g)).

16. The City's Comprehensive Plan contains both specific provisions about restoration and preservation of the Ryan House, and general provisions encouraging new parks and the provision of green space. The plan mentions nothing about demolition of the Ryan House. The Court finds that the specific provisions govern over the general.

17. SEPA's "planned action" process cannot be used for projects that are not consistent with the City's comprehensive plan. Because of the inconsistency between the City's current Comprehensive Plan and the demolition permit, the City's use of the planned action process as part of its demolition permit process violated SEPA.

18. Because the city failed to comply with SEPA before approving the demolition permit, the demolition permit is rescinded for this reason, too, and the matter is remanded to the City to follow

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0134

proper SEPA process and the Comprehensive Plan amendment process before making any decision about the demolition of the Ryan House.

19. The GMA requires the City to "[1] perform its activities and [2] make capital budget decisions in conformity with its comprehensive plan." RCW 36.70A.120. The specific provisions in the City's current Comprehensive Plan related to the restoration of the Ryan House are not consistent with issuance of a demolition permit. The demolition permit (BLDR 2023-0400) is revoked for this reason, too, and the matter is remanded to the City.

20. The Court finds that the city's public safety concerns are adequately addressed in the interim by the fencing the city has installed around the Ryan House.

21. Until and unless the comprehensive plan is amended to eliminate the specific provisions about preservation and restoration of the Ryan House, following compliance with the public notice and engagement provisions outlined in the GMA, SEPA, and city regulations, the City may not issue a permit for demolition of the Ryan House and may not use SEPA's planned action process for the demolition.

Dated this 8th day of April, 2024.

THE HONORABLE STANLEY J. RUMBAUGH

FILED
DEPT 18
IN OPEN COURT
APR - 8 2024
PIERCE COUNTY, Clerk
By _____
DEPUTY

Brickin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0135

Presented by:

BRICKLIN & NEWMAN, LLP

By: *s/David A. Bricklin*
David A. Bricklin, WSBA No. 7583
123 NW 36th Street, Suite 205
Seattle, WA 98107
bricklin@bnd-law.com
Attorneys for Petitioner
Save Our Sumner and Nancy Ryan Dressel

AGREED BY:

CITY OF SUMNER

By: _____

Andrea Marquez, WSBA No. 45670
City Attorney
City of Sumner
1104 Maple St.
Sumner, WA 98390
(253) 299-5612

Bricklin & Newman, LLP
Attorneys at Law
123 NW 36th Street, Suite 205
Seattle WA 98107
Tel. (206) 264-8600

4/10/2024 11:05 0136

1

Carmen Palmer

Communications Director

Phone 253-299-5503

Email carmenp@sumnerwa.gov

Funding

Pierce County Lodging Tax

- 2019 - $100,000 used for Feasibility & Design Studies
- 2020 - $25,000 used for cost estimate & exterior design
- 2023 - $400,000 for construction (not used, to be returned)
- 2024 - recommended $750,000 for construction (not used, to be returned)

Port of Tacoma Community Fund - $7,500 for construction (not used, to be returned)

City of Sumner Lodging Tax - $125,000 used for structural assessment, final design

State of Washington Heritage Capital Projects - 2023-2025 $304,000 for construction (not used, to be returned)

The house did not qualify for national heritage grants because it's listing is on the National Register for Local Significance. Only properties listed at National Significance qualified for Federal funding.

TOTAL $1,711,500
+ 2018 PCLT GRANT 100,000
+ 2023 SUMNER LTAC 40,000
$1,851,500 TOTAL AVAILABLE FUND
WJE ESTIMATE 1,459,228
$392,272 TO PAY COSTS INCURRED TO DATE (ABATEMENT + DESIGN

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Ryan House Rehabilitation

Sumner, WA

SCHEMATIC DESIGN - REV. 1

OCMI JOB #: 221440.000 | 22 June 2023

DETAILED PROJECT SUMMARY

ELEMENT	TOTAL COST	GFA	$/SF AREA
01. HOME REHABILITATION	$935,711	4,200	$222.79

TOTAL NET DIRECT COST	**$935,711**

GENERAL MARKUPS

DESIGN CONTINGENCY	15.00%	$140,357
ESCALATION TO MIDPOINT 11/2023	2.08%	$22,418
GENERAL CONDITIONS/REQUIREMENTS	20.00%	$219,697
CONTRACTOR OVERHEAD AND PROFIT	8.00%	$105,455
INSURANCE	2.50%	$35,591

TOTAL CONSTRUCTION COST	**$1,459,228**

$1,459,228 TOTAL COST
935,711 HOME REHABILITATION
−
$523,517 CONTINGENCY FUNDS

3

Ryan House Rehabilitation
HOME REHABILITATION
Sumner, WA

SCHEMATIC DESIGN - REV. 1

OCMI JOB #: 221440.000 | 22 June 2023

BUILDING SUMMARY

ELEMENT		TOTAL COST	$/SF AREA
A. SUBSTRUCTURE		$146,628	$34.91
B. SHELL		$487,033	$115.96
C. INTERIORS		$5,566	$1.33
D. SERVICES			
E. EQUIPMENT AND FURNISHINGS			
F. SPECIAL CONSTRUCTION AND DEMOLITION		$254,818	$60.67
G. BUILDING SITEWORK		$41,666	$9.92
NET DIRECT BUILDING COST		$935,711	$222.79
DESIGN CONTINGENCY	15.00%	$140,357	$33.42
SUBTOTAL		$1,076,068	$256.21
ESCALATION TO MIDPOINT 11/2023	2.08%	$22,418	$5.34
SUBTOTAL		$1,098,486	$261.54
GENERAL CONDITIONS/REQUIREMENTS	20.00%	$219,697	$52.31
SUBTOTAL		$1,318,183	$313.85
CONTRACTOR OVERHEAD AND PROFIT	8.00%	$105,455	$25.11
SUBTOTAL		$1,423,638	$338.96
INSURANCE	2.50%	$35,591	$8.47
TOTAL BUILDING COST		**$1,459,228**	**$347.44**

GROSS FLOOR AREA: 4,200 SF

$1,459,228 / 935,711 EST. = 55.95% CONTINGENCY
TOTAL COST
($523,517) FUNDS ABOVE ESTIMATE

Ryan House Rehabilitation

Sumner, WA

SCHEMATIC DESIGN - REV. 1

OCMI JOB #: 221440.000 | 22 June 2023

PROJECT SUMMARY

ELEMENT	TOTAL COST	GFA	$/SF AREA
01. HOME REHABILITATION	$1,459,228	4,200	$347.44
TOTAL CONSTRUCTION COST	$1,459,228		

ALTERNATES	TOTAL COST	GFA	$/SF AREA
01. ALT. ADD - KITCHEN RESTORATION	$304,791	504	$604.74
02. ALT 1A: WOOD SHINGLES	$42,379	3,300	$12.84
03. ALT 1B: SYNTHETIC WOOD SHINGLES	$37,426	3,300	$11.34
04. ALT 1C: STANDING SEAM ROOFING	$15,537	440	$35.31

COST ESTIMATE

INTRODUCTORY NOTES

This estimate is based on verbal direction from the client and the following items, received May 3 through June 19, 2023:

General	G001 through G003 (3 sheets)
Architectural	A101D through A602 (16 sheets)
Structural	S101 through S702 (15 sheets)
Specifications and Reports	The Ryan House - Condition Assessment and Structural Review, prepared by WJE, dated May 1, 2023 Ryan House Feasibility - Kitchen As-Built and New Layout (2 sheets)

The following items are excluded from this estimate:

- Professional fees.
- Building permits and fees.
- Inspections and tests.
- Furniture, fixtures & equipment, except as noted.
- Installation of owner furnished equipment.
- Construction change order contingency.
- Overtime.
- Hazardous material abatement/removal.
- Items referenced as NOT INCLUDED or NIC in estimate.

The midpoint of construction of November 2023 is based on:

- Construction start date of September 2023
- Estimated construction duration of 04 months

- This estimate is based on a Design-Bid-Build delivery method.
- This estimate is based on prevailing wage labor rates.
- This estimate is based on a detailed measurement of quantities. We have made allowances for items that were not clearly defined in the drawings. The client should verify these allowances.
- This estimate is based on a minimum of four competitive bids and a stable bidding market.
- This estimate should be updated if more definitive information becomes available, or if there is any change in scope.
- We strongly advise the client to review this estimate in detail. If any interpretations in this estimate appear to differ from those intended by the design documents, they should be addressed immediately.

OPTION I - FULL HOUSE REHABILITATION

PHASE	ITEM	RYAN HOUSE COST OVERVIEW COST		NOTES	
Design	WJE - Phase 1 - Exterior	$ 99,900.00	Contracted	Contracted February 2023	
Design	WJE - Phase 1 (additional strucutral scope)	$ 48,053.00	Estimated	2023	
Construction	Phase 1	$ 823,196.00	Estimated	Estimated June 2023	
Construction	Kitchen	$ 304,791.00	Estimated	Estimated May 2023	
Design	WJE - Phase 2 - Interior	$ 158,000.00	Estimated	Estimated January 2023	
Construction	Phase 2 - Interior	$ 507,650.00	Estimated	From AKANA Estimate 2021. Took out $100k for the kitchen, added 10% escalation	
Design	WJE - Phase 3 - Landscape	$ 30,000.00	Estimated	Estimated January 2023	Change to an allowance of $30,000 (WAS 44,900)
Construction	Phase 3 - Landscaping	$ 100,000.00	Estimated	MIG Estimate from 2021, added 10% escalation ($536,800)	Change to an allowance of $100,000 (WAS 536,800)
Construction	Construction Contingency	$ 147,179.40	Estimated	15% contingency of Phase 1 + Phase 2 construction	
	Design	$ 335,953.00		WJE	?
	Construction	$ 1,882,816.40		Phase 1 + Phase 2 + Phase 3	
	Project Total	$ 2,218,769.40		Project $ needed to date	

USE BY	GRANT	GRANT FUNDING AMOUNT	AWARDED	NOTES
2023	Sumner Lodging Tax	$ 125,000.00	Yes	WJE Phase 1 + Abatement
2023	LTAC	$ 400,000.00	Not Calculated	Unsure if we will get money back - Structural + Exterior Upgrades
2023	Port of Tacoma	$ 7,500.00	Yes	ADA upgrades
2024	State Heritage Grant	$ 304,000.00	Yes	Interior Upgrades
2024	LTAC	$ 750,000.00	Yes	

Additional Sumner Lodging Tax	$ 40,000.00	Pending	WJE Phase 1 Design
Planning & Design	$ 290,000.00	— ? WJE ? 335,953 IN COSTS ABOVE	
Construction	$ 1,061,500.00		
Total Project Grant Funds	$ 1,351,500.00		
Total Available Grant Funds	$ 1,117,485.00		
City Funding Needed	$ 1,101,284.40		

125,000 — WJE + ABATEMENT - SPENT
400,000 FUNDED
7,500
304,000
750,000
40,000
1,626,500
100,000 PCLT GRANT
+2018 125,000 PCLT GRANT
+2019
1,851,500 TOTAL AVAILABLE BEFORE COSTS DEDUCTED IE ABATEMENT + PHASE I WJE ++

AKANA pg. 2 SUMMARY

	ADA	$ 5,000.00	$ 8,000.00	$ 10,000.00	Use	Add ramps, cost of material is unknown. Depends on material chosen and final requirements from building permit. Variable would be requirements for full accessibility and not just minor improvements (e.g. ramps, doorways, hardware, egress/ingress, door pressure, signage, railings, etc.)
Part 4	**Interior**					
	Mechanical, Electrical, Plumbing	$ 20,000.00	$ 30,000.00	$ 50,000.00	*Preservation/Use*	Update to code, replace boiler, add AC new ducts, fire suppression, recommend a full investigation behind the walls prior to full design. We believe even to preserve the house a updated HVAC and electrical system should be considered to ensure proper ventilation and prevent fire hazardous.
	Kitchen	$ 35,000.00	$ 55,000.00	$ 100,000.00	Use	Depends on finishes and appliances, final design, ADA. Given observed condition, all elements will need to be removed and replaced to some degree. However, a full gut job is not the intent. We don't find it appropriate to assume residential remodel rates or commercial/public.
	Bathroom	$ 25,000.00	$ 45,000.00	$ 45,000.00	Use	Depends on finishes, final design, ADA improvements required. Need more design.
	Finishes & fixtures	$ 20,000.00	$ 30,000.00	$ 30,000.00	Use	Depends on sourcing and historically accurate needs, includes strip and restain interior woodwork throughout, stair railing replace to meet current codes, wainscotting, shelving update in the library.
	Floors	$8,000	$ 20,000.00	$35,000.00	Use	Repair, refinish, clean; depends on other improvements, full replacement on first floor was not estimated, cleaning of the second floor is contemplated, old carpets removed and solid flooring installed. (variable, full replacement)
	Repairs	$ 12,000.00	$ 20,000.00	$30,000.00	Use	Includes fireplace, plaster, paint and/or wall paper; addressing lath and plaster and/or drywall throughout (old bedrooms), if required repairing lath and plaster on the main level may cost more. Address doors. (variable includes new fire place and full new drywall.)
	Cleaning	$ 1,500.00	$ 2,500.00	$ 2,500.00	Use	General cleaning, readying for use, does not include removing or organizing files and items stored in the second floor.
	Estimate Subtotal	$ 229,500.00	$ 390,500.00	$ 561,500.00		
Part 5	**Permits and Contingency**					
	Permits*	$ 10,000.00	$ 35,000.00	$ 50,000.00	Required	*fire, building (variable, full building, city recommend to coordinate with the building department)
	Contingency (15%)	$ 34,425.00	$ 58,575.00	$ 152,875.00	Risk	(need to add A/E, variable 25% A/E and continued volatile supply and labor market, time, unknowns)
	Rehabilitation Estimate*	$ 273,925.00	$ 484,075.00	$ 714,375.00		*Variable column is to alert that there is several areas of uncertainty, unable to be estimated by Akana.*

AKANA
Plan - Design - Engineer - Manage

		Estimate			Priority	
		Low	High	Variable	Category	Notes
Part 1	**Demolition**					
	Salvage, haul and waste	$ 10,000.00	$ 20,000.00	$ 20,000.00	Preservation	*removing the cabin and rebuilding, depends on what material is salvageable
	Hazardous Material Testing	$ -	$ -	$ 10,000.00	Preservation	ARG is confident there is no concerns. So not factored into the estimate. Variable signals that testing and remediation is generally recommended by contractors.
Part 2	**Structural and Foundation**					
	Reinforcement	$ 10,000.00	$ 20,000.00	$ 50,000.00	Preservation	*need more analysis to determine if there is water intrusion or settling repair needs * roof appears to be sagging this is cause an engineer to further investigate to understand true need and cost. This could go as high as $50,000 depending on the actual conclusion and structural needs.
Part 3	**Exterior**					
	Roof	$ 25,000.00	$ 35,000.00	$ 55,000.00	Preservation	Remove dormers, high assumes new headers, unknown condition of underlayment or if decking needs to be replaced. Replace composite with cedar shingles. Replace flashing. (variable includes removing dormers and tearing down kitchen, full roof replacement with new underlayment.)
	Joist	$ 8,000.00	$ 20,000.00	$ 20,000.00	Preservation	May need to replace joist. Ceiling is sagging, won't know for sure until it is fully opened and we have more structural review.
	Siding, Trim, Gutters	$ 15,000.00	$ 25,000.00	$ 36,000.00	Preservation	Several areas that will have to be replaced, depends on how well it cleans and if there are other issues behind the replaced siding, etc. Material matching might be an issue. ($12 a sqft installed) (Variable full replacement, during site observation there appears to be reusable parts with a good cleaning)
	Paint	$ 5,000.00	$ 8,000.00	$ 8,000.00	Preservation	Recommendation is pressure wash and repaint, tied to the siding approach.
	Windows	$ 20,000.00	$ 30,000.00	$ 30,000.00	Preservation	Reglass and repair/clean vs. full replacement with wood (replacement approximately $700 per installed window), restore and replace glass approximately $300 per window.
	Doors	$ 5,000.00	$ 10,000.00	$ 10,000.00	Preservation	All exterior doors and frames will need to be repaired/replaced due to weather damage, does depend on products selected. ($1500 per installed door average)
	Decks and porches	$ 5,000.00	$ 12,000.00	$ 20,000.00	Use	Replace rotting boards and supports, pressure wash, refinish or repaint. Depends on choice of material (wood or synthetic). Wood costs unknown, suitable material to match unknown. Address roof, trim and skirt, stairs and handrails. (variable is continued high pricing and full replacement, no reuse).

27 of 39 50%

OPTION OVERVIEW

	STATE	COUNTY	BALANCE	TOTAL PROJECT COST	CONSTRUCTION RISK LEVEL	FINANCE RISK LEVEL	MAINTENANCE COST
1	$304,000	$798,000	$1.1 Million (City/County)	$2.2 Million	[illegible]	[illegible]	[illegible]
2	X	$0 to $798,000	$463,000 to $1.26 Million (City/County/State)	$1.26 Million	MEDIUM	[illegible]	MEDIUM
3	X	X	$600,000 (City only)	$600,000	MEDIUM	LOW	LOW
4	X	X	$100,000 (City only)	$100,000	LOW	LOW	LOW

Notes:
1. If any existing grants are returned – They cannot be used for any other Sumner project
2. Cost includes basic park development only, upgraded development is an additional $400,000

OPTION #3

Funding

Options	State	County	City	Total Project Cost	Cost to the City	Construction Risk level	Financial Risk Level	Maintenance Cost
1 - Rehabilitate Ryan House	x	x	x	$ 2,218,769.40	$ 1,101,284.40	High	High	High
2 - Demo Kitchen + Cabin & Rehabilitate Farmhouse	N/A	???	x	$ 1,260,964.24	$67,000 to 1.26 Million	High	Medium	Medium
3 - Demo Ryan House & Park Development	N/A	N/A	x	$ 598,181.33	$ 598,181.33	Medium	Low	Low
4 - Demo Ryan House & Convert to Open Park	N/A	N/A	x	$ 101,381.34	$ 101,381.34	Low	Low	Low

WASHINGTON TRUST FOR HISTORIC PRESERVATION

February 2, 2024

City of Sumner Washington
ATTN: Carmen Palmer, Communications Director
1104 Maple Street, Sumner WA 98390
carmenp@sumnerwa.gov

Dear Ms. Palmer,

I'm writing to let you know that the Washington Trust for Historic Preservation is including the Ryan House in our listing of the state's Most Endangered Historic Places. Inclusion in our Most Endangered List is not intended to lay blame or point fingers. We recognize the city's efforts to date toward rehabilitation and were happy to work with city staff last year to help secure state grant funds. Rather, our hope in highlighting the Ryan House as an Endangered Property is to encourage the City of Sumner to reconsider the current course of action and engage in exploration of alternatives to demolition. To that end, we are happy to work with city officials, convene stakeholder meetings, gather community input, and work through city concerns.

We were encouraged by the City of Sumner's initial commitment to rehabilitating this historic property and continuing its role as a meaningful resource for use and enjoyment by future generations of Sumner Residents. We were impressed by the thought, effort, and fundraising that were undertaken. It came as a surprise when the City changed course and began pursuing demolition.

Changing costs and scopes of work are standard for most rehabilitation projects. Even with the increased cost from the latest estimates presented by Wiss, Janney, Elstner Associates, Inc., the city nonetheless had secured a majority of the estimated needed funding. Preservation projects like this are often separated into phases, value engineered, and used as a vehicle for future fundraising. As such, the quick pivot in changing course from dedicated rehabilitation to demolition felt rushed. We do appreciate the safety concerns the property poses. But again, with significant funding having been secured for the project, stabilizing the structure from a safety standpoint could have been implemented as an initial course of action, with planning and consideration made for future rehabilitation phases.

The Ryan House is a rare remaining example of nineteenth century residential architecture. Along with many in the community, we believe a full vetting of other options should be pursued before moving forward with demolition. Once the house is gone, it is gone forever, taking with it a tangible piece of Sumner's heritage. We

appreciate the city's past stewardship of the Ryan House and look forward to a dialogue focused on future preservation.

Sincerely,

Chris Moore
Executive Director
Washington Trust for Historic Preservation

Let me start by again thanking the Committee Members for your efforts and time spent representing the interests of the citizens of Sumner. It is very much appreciated as only your time is on a volunteer basis. I hope to help add some clarity to you why we have been opposing removing of the Ryan House. I attached a few pdf's in an email earlier today for you to read, including the court Findings of Fact and Conclusions, my compilation of the city published income and costs related to the Ryan House, and the letter from the Washington Trust For Historic Preservation to help you have a more rounded view of what is now required for the Ryan House, what actual cost estimates and income levels looked like and the Letter from Chris Moore from the Washington Trust for Historic Preservation in going over how projects such as the Ryan House are often done. I am sure some of the current projects you are currently overseeing will be using the more than 1 Phase, which is what he highlights in his letter to the city is often done.

The agreed to Findings of Fact and Conclusions that are a result of the Superior Court case that states the city did not follow their own Comp Plan in moving so quickly to demolish the Ryan House. Even more important, is that there wasn't proper notice given for the actions taken and that a new Comp Plan would be needed that would include mandatory public engagement. The Judge is saying in the compilation of the plan is when public engagement should be allowed, not after preliminary decisions have already been made.

In the pdf going over the financial disclosures made by the city, it shows the stated income obtained by the city, the bump by WJE from 936k up to 1,459M as they allowed 523k for contingency funds because they were not allowed to finish their estimates and complete floor plan documents. Then, on page 6 the estimates of costs show more than enough funds to complete phase 1 of the project, though 336k is added for WJE design expense. On page 7, an additional 290k design costs are deducted from funds available. Which if these 2 figures are correct? This suggests 626k for design expenses on what is suggested to be a 2.2M project! On page 8, it shows AKANA for interior upgrades range from 274k up to 714k. This all shows with is the 523k contingency funds for WJE plus the 440k range for AKANA adds up to 963K of added costs on unknown expenses….not including the double dip in design costs, which could be an accounting error and would reduce the cost/income difference by 300k more. Then, add the additional 400k that the Heritage Capital Projects have available that Nick Bierman found and add the 310K you show to demo +, there was more than 2.2M available.

If costs go higher, that is where the Phase Approach works as it allows for more funds to be found as we move forward. This is exactly what the attached letter from the Washington Trust for Historic Preservation states, that if costs are higher, then we go to new sources of funds the next year to finish the project. It is also what is happening right now with the new Utility Department complex north of downtown and can be used with the Ryan House.

One additional thing to remember. This project is to make the Ryan House more than it has ever been, adding a large kitchen for hosting events with and even ADA restrooms, which could be outside and save more money. Please take the first step in starting a city & community effort together to Save the Ryan House and give the city true bookends for historic downtown to market itself with in our efforts to bring even more folks here to shop/eat.

PLANNING COMMISSION MEETING
DATE: May 2, 2024
AGENDA BILL: 24-86

SUBJECT: Battery Energy Storage Systems - Code Update discussion **CATEGORY:** Information Only

BUDGET IMPACT:
Expenditure Required: None Within Budget Allocation: N/A

ATTACHMENTS:
1. Staff Memo BESS - 042424
2. Ordinance No. XXXX - BESS Amendments Draft-042424

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:
This agenda item is for discussion of proposed Sumner Zoning Code regulations for Battery Energy Storage Systems (BESS). BESS are made up of "modules" that contain banks of large lithium iron phosphate batteries that store enough energy to run a city for hours or days. BESS are an important component of renewable energy systems, because they supplement the power capacity of the electrical grid and provide back-up power. However, these large battery storage facilities have associated potential impacts, such as increased risk of extreme fires and environmental contamination.

The intent of the proposed code is to accommodate BESS as part of the energy grid, while minimizing potential impacts. Proposed code updates include:

- Add a definition for "Battery Energy Storage Systems (BESS)" to the Zoning Code.
- Amend related definitions as needed for clarifications.
- Allow BESS only in industrial zones.
- Require a Conditional Use Permit.
- Prohibit BESS within 1,000 feet of residentially zoned parcels.
- Require BESS to meet certain performance standards such as screening the site, and other standards for light and glare, noise, vibrations, etc.

More background is provided in the attached Staff Memo.

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

STAFF RECOMMENDATIONS/MOTION:
Review the proposed changes, discuss, and provide comments to staff.

CITY OF SUMNER WASHINGTON

MEMORANDUM

DATE: April 24, 2024
TO: PLANNING COMMISSION
FROM: Ryan Windish, Community & Economic Development Director
RE: **Zoning Code Amendments - Battery Energy Storage System (BESS)**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

The City of Sumner is currently in the process of permitting an industrial-scale Battery Energy Storage Systems (BESS) that will have the capacity for 200-800 Megawatt Hours of electrical energy storage. As a component of renewable energy systems, BESS supplement the power capacity of the electrical grid, manage the intermittent aspects of alternative energy sources like solar and wind, and provide back-up power in the case of a power failure.

The proposed BESS facility will be located on the East Valley Highway near the Puget Sound Energy power substation and will have a "gen-tie" powerline constructed from the facility at the bottom of the hill to the substation at the top of the hill. The Zoning Code allows this proposed project, because of its association with Puget Sound Energy, to be permitted as a "major utility facility," which is outright permitted in Industrial zones and does not require a Conditional Use Permit. However, through the permit process it has become clear that these large "grid-scale" BESS should be regulated as a conditional use permit to better manage potential impacts, and should only allowed in industrial/manufacturing zones with distance requirements to separate these facilities from residential uses.

What are Battery Energy Storage Systems?

In order to meet the future demand for energy, to transition from a carbon-based economy to a carbon neutral economy, support electric vehicles (EV) and alternative energy sources (e.g. wind and solar) these BESS are necessary. These facilities are large lithium iron phosphate (LFP) batteries that store enough energy to run a city for hours if not days depending on demand. BESS are made up of "modules" that contain banks of batteries that are separated across the site. As the technology has matured over the last decade there have been instances of fires in these facilities and coordination with the local fire departments for proper design and training is critical to their safety and success. There are also cooling systems, including fans and pumps, that are used to manage the temperature of each module that can create noise impacts to adjacent properties.

II. DESCRIPTION OF PROPOSAL

The proposed amendments to Sumner Municipal Code Title 18, Zoning Code will update regulations related to BESS facilities including adding a definition and limiting locations to industrial/manufacturing areas and distance from residentially zoned properties. **See EXHIBIT A**.

Key changes are:

A. New and Amended Definitions:

- Adds a definition for "Battery Energy Storage Systems (BESS)" to the Zoning Code

- Amends the definitions of "major utility facility" and "minor utility facility" to exclude BESS.
- Amends the definition of "battery storage, distribution, and processing business" to distinguish from BESS.

B. Conditional Use Permit (CUP):

- BESS will only be allowed in industrial zones and will require a Conditional Use Permit (CUP)
- BESS will be prohibited within 1,000 feet of residentially zoned parcels.

C. Performance Standards

- BESS will be required to meet certain performance standards such as screening requirements
- BESS will be required to meet fencing requirements
- All other performance standards must be met for light and glare, noise, vibrations, etc.

D. Distance From Residential Zones:

- BESS will be required to be located at least 1,000 feet away from residentially zoned parcels.

III. STAFF RECOMMENDATION

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

IV. NEXT STEPS

Staff and the Planning Commission will determine a date for holding a public hearing. It is likely this will be in late June or July 2024.

V. EXHIBITS

A. Draft Ordinance No. XXXX - Code Changes for Battery Energy Storage Systems

DRAFT for Planning Commission Discussion

ORDINANCE NO. XXXX
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE FOLLOWING SECTIONS OF THE ZONING CODE: CHAPTER 18.04 DEFINITIONS, CHAPTER… [to be added into final ordinance]

WHEREAS, technological progress and innovation have fueled a surge in the development of battery storage facilities, widely known as BESS (Battery Energy Storage Systems), marking a significant leap forward in renewable energy storage solutions; and

WHEREAS, BESS can offer benefits compared to other energy storage solutions, such as improved efficiency and adaptability, quicker reaction times for energizing equipment or devices, and overall reduced expenses; and

WHEREAS, the intent of the City, by making these modifications is to ensure that this new technology is clearly defined and allowed in the municipal code, and that all large, grid-scale, BESS facilities are processed through a Conditional Use Permit to better address potential impacts to the surrounding area, including the heightened risk of fire and environmental contamination, and to provide a flexible process for permitting facilities improvements as technology changes or operational needs change.

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

Section 1. **Amended Section.** Sumner Municipal Code Section 18.04.0162 is hereby amended as follows:

> **18.04.0162 Battery ~~storage,~~ distribution, and processing business.**
> "Battery ~~storage,~~ distribution, and processing business" means a retail or wholesale business engaged in any one or more of the following activities: importation of prepared batteries from either a foreign or domestic source; repackaging, relabeling, or other cosmetic alteration of batteries; shipping, reselling, or otherwise distributing batteries to retail or wholesale customers; minor additions of fluids to batteries to restore their electrical properties; storage of batteries incidental to on-site retail or wholesale operations, related office activities.
>
> *NOTE: THIS DEFINITION TO BE UPDATED TO DISTINGUISH BATTERY PROCESSING & SALES FROM BATTERY ENERGY STORAGE.*

Section 2. **New Section.** Sumner Municipal Code Section 18.04 Definitions is hereby amended to add a new definition, as follows:

> **18.04.0163 Battery Energy Storage Systems (BESS)**
> "Battery energy storage systems" or BESS is a facility consisting of any combination of electrochemical storage batteries, battery chargers, controls, power conditioning systems and/or

associated electrical equipment, including transmission lines, whether assembled together or separately, capable of storing at least 200 megawatt hours of electrical energy in order to supply energy at a future time to the electrical grid of a public utility provider(s).

NOTE: THIS DEFINITION IS BASED ON INDUSTRY DEFINITIONS AND STANDARDS, AND LIMITS ALLOWED FACILITIES TO THOSE THAT SUPPORT THE PUBLIC ENERGY GRID (PUBLIC BENEFIT).

Section 3. Amended Section. Sumner Municipal Code Sections 18.04.1065 and 18.04.1070 are hereby amended as follows:

18.04.1065 Utility facility, major.
"Major utility facility" is a facility for providing service to an area including~~, but not limited to~~:
A. Telephone exchanges;
B. Electrical switching substations;
C. Natural gas gate stations and regulating stations;
D. Propane, compressed natural gas and liquefied natural gas storage tanks serving multiple lots or uses from which fuel is directly distributed to individual users, but does not include the storage and distribution by truck or rail transport;
E. Natural gas transmission pipelines;
F. ~~Sewage~~ Wastewater treatment plant; and
G. Utility facilities that are not minor utility facilities.

For the purposes of this title, "major utility facility" does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, "Battery Energy Storage Systems," or uses included in the definition of "public facilities~~.~~" or "essential public facilities."

18.04.1070 Utility facility, minor.
"Minor utility facility" means:
A. Natural gas distribution lines, not located in a street right-of-way.
B. Developments within the confines of any electric substation, telephone exchange buildings, reservoir, pump station, well and similar.
C. Electrical facilities, lines, equipment or appurtenances with an associated voltage of 55,000 volts or less.
D. Upgrade of existing electrical transmission lines in commercial and industrial districts.
E. Detention ponds and other similar tracts dedicated to the city.
F. Wastewater pump or lift stations.
For the purposes of this title, "minor utility facility" does not include utility lines, distribution pipelines, and other related facilities commonly found in street rights-of-way, or uses included in the definition of "public facilities~~.~~" "Battery Energy Storage Systems," or "essential public facilities."

Section 4. Amended Section. That Sumner Municipal Code 18.18 "Manufacturing Districts (M-1, M-2)," 18.18.020 "Principal, Administrative, and Conditional Uses," is hereby amended to read as follows:

"**18.18.020 Principal, administrative, and conditional uses.**"

A. The following table details permitted and conditionally permitted uses in the manufacturing districts. Where a "P" is indicated, the respective use in the same row is permitted in the zone classifications in the same column. Where an "A" is indicated or SMC 18.48.020(B) applies, the respective use in the same row is allowed through an administrative use permit. An administrative use permit shall be required and in full force and effect in order to establish said administrative uses. Where a "CUP" is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish said conditional uses. Where "--" is indicated, the respective use is not allowed. Where a "1" or "2" is indicated, there are different or supplemental regulations for that particular use within the Sumner manufacturing/industrial core overlay (MICO) pursuant to the notes at the bottom of this table.

		M-1	**M-2**	**MICO (M-1/M-2)**
1.	Accessory parks and recreation facilities for use by on-site employees	P	P	P
	[…]			
6.	Battery ~~storage,~~ distribution~~,~~ and processing business	P	P	P
	[…]			
19.	Food manufacturing, processing or package plants, excluding slaughtering facilities	CUP[1]	P	CUP[1]/P
	[…]			
72.	Essential public facilities not otherwise listed above	CUP	CUP	CUP
73.	Battery Energy Storage Systems[9]	CUP[1]	CUP[1]	CUP[1]

[1]Prohibited within 1,000 feet of residentially zoned lands.
[…]

[8]See performance standards in SMC 18.18.060(W).
[9]See performance standards in SMC 18.18.060(X).

NOTE: THE REQUIREMENT FOR A 1,000-FOOT DISTANCE BETWEEN A BESS FACILITY AND RESIDENTIAL ZONES IS SIMILAR TO CURRENT STANDARDS FOR CERTAIN INDUSTRIAL USES. ALSO, THERE ARE POTENTIAL FIRE HAZARDS ASSOCIATED WITH BESS; SO THE USE SEPARATION IS NEEDED.

Section 5. Amended section. That Sumner Municipal Code section 18.18.060 Performance Standards is hereby amended to add new performance standards for Battery Energy Storage Systems, as follows:

18.18.060 Performance Standards.
The following special requirements and performance standards shall apply to properties located in the manufacturing districts:
[…]

X. Battery Energy Storage Facilities.

1. The site shall be screened from adjacent properties except those zoned M-2 with at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting.

2. Outdoor lighting shall comply with SMC 18.18.060(D).

3. Fencing shall comply with SMC 18.18.060(S).

4. The facility shall not create odor, noise, or vibrations that are readily detectable by the human senses beyond the boundaries of the site.

5. Building and equipment surfaces shall have cladding or coating that provides a durable and non-glare surface, such as galvanized metal or powder-coated paint.

NOTE: THE ABOVE STANDARDS ARE SIMILAR TO EXISTING STANDARDS IN THE CODE FOR INDUSTRIAL USES. SCREENING THE MODULAR BATTERY BUILDINGS IS POSSIBLE, BUT IS NOT FEASIBLE FOR THE TALLER TRANSMISSION LINES.

6. An emergency management plan shall be developed for each facility in coordination with the local fire district.

7. Applicants for a proposed facility shall evaluate the overall distribution of other BESS facilities within the county and city, and demonstrate how the proposed facility avoids placing an undue burden on the city over other cities and on any one neighborhood within the city.

NOTE: THE DISTRIBUTION OF THESE FACILITIES IS A CONCERN, GIVEN THAT THESE HAVE LIMITED DIRECT BENEFIT TO THE COMMUNITY AND POTENTIAL DIRECT IMPACTS (SUCH AS AESTHETICS AND FIRE RISK). THE STANDARD ABOVE IS BASED ON CURRENT CODE CRITERION FOR ESSENTIAL PUBLIC FACILITIES.

Section 6. **Severability.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Sumner Municipal Code, this ordinance is deemed to control.

Section 7. **Effective date.** This ordinance shall take effect five (5) days from the date of publication in the City's official newspaper.

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.

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

_____

Mayor Kathy Hayden

ATTEST:

APPROVED AS TO FORM:

_____
City Clerk Michelle Converse, CMC

_____
Andrea Marquez, City Attorney

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