



CITY COUNCIL MEETING AGENDA

City Hall – 1104 Maple Street

May 17, 2021 6:00 PM

City Hall remains closed during Governor Inslee’s “Healthy Washington - Recovery Roadmap” order, a consequence of the Covid-19 pandemic. The public is invited to attend the meeting virtually by using the ZOOM Meeting access information below -

Please click the link below to join the webinar:

<https://sumnerwa-gov.zoom.us/j/85621359085>

Or One tap mobile :

US: +12532158782,,85621359085# or +16699006833,,85621359085#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 253 215 8782 or +1 669 900 6833 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592
or +1 312 626 6799

Webinar ID: 856 2135 9085

CALL TO ORDER

Pledge of Allegiance

Invocation - Steve Starr

Roll Call: Bitetto, Brown, Hamilton, Hayden, Hochstatter, Neuman and Reed

PROCLAMATION

1. Pierce County Library 75th Anniversary

The following items are distributed to Councilmembers in advance for study and review, and the recommended actions will be accepted in a single motion. Any item may be removed for further discussion if requested by a Councilmember.

CONSENT AGENDA

1. Minutes from the regular council meeting of May 3, 2021 and May 10, 2021 study session.
2. Approval of the checks and electronic payments in the amount of \$1,043,216.27
3. White River Project Property Acquisition: Purchase and Sale Agreement between City and Donald Bushore
4. White River Restoration - Consultant Contract Amendment

PUBLIC HEARING

REGULAR BUSINESS

1. **Unfinished Business**
 - a. Ordinance No. 2773 - 2020 Comprehensive Plan Update 1 of 4 : Map, policies/text updates, East Sumner, EIS

- b. Ordinance No. 2774 - 2020 Comprehensive Plan Update 2 of 4: Citywide Zoning Regulations, Map Changes
- c. Ordinance No. 2775 - 2020 Comprehensive Plan Update 3 of 4: Critical Areas (Wetlands) Regulations
- d. Ordinance No. 2776 - 2020 Comprehensive Plan Update 4 of 4: Planned Action Ordinance for East Sumner

2. Public Comment (Limit 3 minutes)

Members of the community who wish to give public comment are strongly encouraged to join the meeting via the ZOOM link or by telephone. If you are unable to join the meeting, please submit your public comment in writing via email to the City Clerk at Michellec@sumnerwa.gov no later than 5:30pm on May 17, 2021. Any written comments received will be read into the record and provided to the City Council. Please contact the City Clerk at 253-299-5590 with any questions.

3. New Business

- a. Park Master Plan Consultant Services Agreement
- b. Ordinance 2772 - Public Facilities and Parks Rules Update

4. Reports

- a. Council
- b. City Administrator
- c. Mayor

5. Executive Session

6. Adjournment

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



***PROCLAMATION
RECOGNIZING PIERCE COUNTY LIBRARY SYSTEM'S 75 YEARS OF SERVICE***

Whereas, the Pierce County Library System started serving 55,000 people on May 1, 1946, offering 6,385 books, from seven locations, with 1,108 card holders; and

Whereas, today, the Pierce County Library serves 620,000 people, offering nearly 1 million books, movies, and other items, from 20 locations and online, with approximately 360,000 card holders; and

Whereas, the format of books and materials and requests from the public have transformed in the past 75 years, the Library System has reimagined services to meet the public's needs to be a major regional leader to provide learning resources for all ages; deliver books, materials, and classes for enjoyment; and offer welcoming places and spaces for diverse communities to connect; and

Whereas, 1946 Pierce County Library may not recognize 2021 Pierce County Library with computers, printers, online books instantly available on computers, tablets, and phones, and live online classes and events, 1946 Pierce County Library would know 2021 Pierce County Library by its continued commitment to connect people with valued, reliable resources at the right time; and

Whereas, the Library continues to be dedicated stewards of the public's investment to support residents' growth and curiosity, offer excellent reading choices, and work to connect and strengthen growing and changing communities; and

Whereas, the Pierce County Library thanks Pierce County communities for allowing the Library System to be the community's choice for the discovery and exchange of information and ideas and to spark success for residents for 75 years; and

NOW, THEREFORE, be it resolved that the City of Sumner proclaims May 1st through December 31st 2021 be proclaimed as Pierce County Library System's 75th Diamond Anniversary.

William L. Pugh, Mayor

SUBJECT: Minutes from the regular council meeting of May 3, 2021 and May 10, 2021 study session.

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Minutes - May 3, 2021 regular council meeting
2. Minutes - May 10, 2021 Study Session

STAFF CONTACT: Michelle Converse, City Clerk

SUMMARY BACKGROUND:

Council meeting minutes.

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

STAFF RECOMMENDATIONS/MOTION:

Accept the minutes as written.

**CITY OF SUMNER
Council Meeting
Minutes – May 3, 2021**

CALL TO ORDER

The Sumner City Council met in regular session at 6:00pm, with Mayor William L. Pugh presiding. City Hall remains closed during Governor Inslee’s “Healthy Washington – Roadmap to Recovery” order, a consequence of the Covid-19 pandemic. The Mayor, Council and staff members attended through ZOOM either telephonically or through their computer. The public was allowed to attend via ZOOM, PCTV livestream and by telephone.

Staff present via electronic device: City Administrator Jason Wilson, Assistant City Attorney Christy Palmer, City Attorney Andrea Marquez, Development Services Director Doug Beagle, Administrative Services Director Jeff Steffens, Communications Director Carmen Palmer, Community Development Director Ryan Windish, Police Chief Brad Moericke, Associate Planner Scott Waller, Assistant City Engineer Andrew Leach, Chief Financial Officer Kassandra Raymond and City Clerk Michelle Converse

Mayor and Councilmembers present via electronic device: Mayor Bill Pugh, Councilmembers Bitetto, Brown, Hamilton, Hayden, Hochstatter, Neuman and Reed.

CONSENT AGENDA

1. Approval of the minutes from the regular council meeting of April 19, 2021 and April 26, 2021 study session.
2. Approval of the checks and electronic payments in the amount of \$1,125,058.22.
3. Resolution No. 1577 - Interlocal Agreement (WSDOT)
4. Fryar Ave Trail - Consultant Supplement

PUBLIC HEARING

One was not scheduled tonight.

UNFINISHED BUSINESS

There was none tonight.

PUBLIC COMMENT

There were no Public Comment tonight.

NEW BUSINESS

Appointment to the Design Commission – Kirsten Martinson

MOVED BY HOCHSTATTER, SECONDED BY TO AUTHORIZE THE MAYOR TO APPOINT KIRSTEN MARTINSON TO THE DESIGN COMMISSION WITH A TERM ENDING APRIL 2025.

Associate Planner Scott Waller spoke to the Council.

Ms. Martinson is an active member in the community and will be an excellent addition to the commission.

Ms. Martinson was unable to attend the meeting.

PASSED BY VOICE VOTE.

Appointment to the design Commission – Scott Fletcher

MOVED BY HOCHSTATTER, SECONDED BY REED TO APPOINT SCOTT FLETCHER TO THE DESIGN COMMISSION FOR A TERM ENDING IN APRIL 2025.

Associate Planner Scott Waller spoke to the Council.

Mr. Fletcher is an active member in the community and has over 20 years in the construction industry.

Mr. Fletcher was at the meeting and thanked council for the opportunity, he is looking forward to contributing to the commission.

PASSED BY VOICE VOTE.

Resolution No. 1582 – Authorizing the Use of Body Worn Cameras

MOVED BITETTO SECONDED BY TO APPROVE RESOLUTION NO. 1582 – AUTHORIZING THE USE OF BODY WORK CAMERAS.

Police Chief Brad Moericke addressed the Council.

The police department desires to field test and ultimately deploy body worn camera technology. RCW 10.109 strongly encourages local legislative bodies to authorize the use of police body worn cameras by ordinance or resolution. This resolution would authorize members of the Sumner Police Department to use body worn cameras in the performance of their official duties. The resolution also authorizes the police chief to develop policies governing the use of body worn cameras with public input and to start the procurement process.

PASSED BY VOICE VOTE.

American Rescue Plan Council Committee Selectin

MOVED BY HAYDEN, SECONDED BY TO HOCHSTATTER TO SELECT THREE MEMBERS AND ONE ALTERNATE MEMBER TO SERVE ON THE AMERICAN RESCUE PLAN COUNCIL COMMITTEE THROUGH DECEMBER 31, 2021.

City Administrator Jason Wilson addressed the Council.

Last month Congress passed the \$1.9 trillion American Rescue Plan Act (ARPA). Under the plan, U.S. cities and towns will receive \$65.1 billion in direct and flexible funds. The funding will begin to arrive in the next couple of months and will be distributed in two installments, the first in 2021 and the second in 2022. Sumner is anticipated to receive \$2,270,241.

Cities can use the ARPA funding for: 1) Responding to the Covid-19 pandemic, 2) covering costs incurred from the public health emergency, 3) replacing lost, delayed, or decreased revenues due to Covid-19, 4) addressing the negative economic impacts on local businesses and nonprofits, and 5) making necessary investments in water, sewer, and broadband infrastructure.

At the April 19, 2021 council meeting, council adopted Resolution No. 1581 creating a temporary council committee with the purpose of working with staff to review and make formal recommendations to the full council for consideration of ARPA fund allocations. Council must select three members and one

alternate for the committee, with an initial term ending December 31, 2021. The current Council Rules of Procedure (20.2.f) states, "Membership will be determined by deliberation of the full Council and upon reaching consensus or by majority vote." Historically council committees have been chosen by seniority pick. Staff is recommending that council use the same methodology for selecting members for this committee

Councilmembers by seniority: Brown, Hochstatter, Hayden, Reed, Bitetto, Neuman, Hamilton

Councilmembers who volunteered for the committee were: Hochstatter, Hayden and Reed.
Councilmember Bitetto as an alternate.

The term of the committee will be for one year and will be chosen for another year term at the first council meeting in January 2022.

Resolution No. 1583 – 2021 Housing Action Plan

MOVED BY HAYDEN SECONDED BY NEUMAN TO ADOPT RESOLUTION NO. 1583 – 2021 HOUSING ACTION PLAN.

Community Development Director Ryan Windish addressed the Council.

The City of Sumner and City of Bonney Lake have jointly developed a Housing Action Plan (HAP). This is in response to State Growth Management Act requirements to address the need for affordable housing. This project was funded by a grant through the Washington State Department of Commerce. The goal of the project is to identify gaps in access to affordable housing, and to develop strategies to remedy those gaps.

The Planning Commission held a public hearing on the HAP on March 4, 2021 and voted unanimously on a recommendation to approve on April 1, 2021. The Council was briefed on the Housing Action Plan as proposed and recommended on April 12, 2021.

Mr. Clay White, Director of Planning, LDC and the prime consultant thanked the council for the opportunity to work with the City.

PASSED BY VOICE VOTE.

COUNCIL REPORT

Councilmembers Reed and Hochstatter had nothing to report.

Councilmember Neuman thanked staff and the City Administrator Jason Wilson for the very well written explanation of the City's stance on car shows. It helps Council when asked questions by the public.

Deputy Mayor Hayden thanked Mr. Wilson for the car show memo.

Councilmember Hamilton received his second COVID-19 shot today. It was easy and very well organized. If anyone is on the fence about getting their shot because it might take too much time, etc., just do it! There are several vaccine locators on-line.

Councilmember Brown thanked the two newest Design Commissioners for volunteering their time. He also complemented the Housing Action Plan, and called it, “Amazing”!

Councilmember Bitetto was reminded by a Facebook posting of the YMCA groundbreaking. She reminded the council and the public the YMCA is open from 5am to 7pm Monday-Friday and from 6am-1pm on Saturdays.

CITY ADMINISTRATOR

City Administrator Jason Wilson reported to Council the following:

Upcoming Policy Issues:

- Next Week’s Study Session
 - Sumner Main Street Association Update (Jill Starks)
 - Permit Process Review
- Next Regular Council Meeting on May 17th
 - Four Ordinances adopting our 2020 Comprehensive Plan amendments including East Sumner Neighborhood Plan
 - Ordinance amending our Public Facilities and Parks rules

MAYOR REPORT

Mayor Pugh shared his frustration at the lack of people getting the Covid-19 vaccination and the higher rates of infection. We will never get to some type of normal if we don’t get the pandemic under control. Unfortunately, social media is spreading false information about the vaccine and rising rates of infections.

EXECUTIVE SESSION

There was none scheduled.

ADJOURNMENT

With no further business before the Council, the Mayor adjourned the meeting at 7:43pm. Councilmembers concurred.

ATTEST:

William L. Pugh, Mayor

Michelle Converse, CMC City Clerk

SUMNER CITY COUNCIL
Minutes – Study Session
May 10, 2021

As a result of the Governor’s “Healthy Washington-Roadmap to Recovery” order, the Sumner City Council held its study session virtually via ZOOM meetings with Mayor William L. Pugh presiding.

Mayor Pugh called the meeting to order at 6:01pm.

Councilmembers present: Bitetto, Brown, Hamilton, Hayden, Hochstatter, Neuman and Reed.

Staff present: Public Works Director Mike Dahlem, Development Services Director Doug Beagle, Administrative Services Director Jeff Steffens, Communications Director Carmen Palmer, Community Development Director Ryan Windish, City Attorney Andrea Marquez, Associate Planner Scott Waller, Assistant City Attorney Christy Palmer and Chief Financial Officer Kassandra Raymond.

REGULAR BUSINESS

1. Sumner Main Street Association Director Update
2. Permit Process Update

CITY ADMINISTRATOR REPORT

AGENDA SETTING

EXECUTIVE SESSION

ADJOURNMENT

When there was no further business before the Council, the meeting adjourned at 7:36pm.

ATTEST:

City Clerk Michelle Converse, CMC

Mayor William L. Pugh

SUBJECT: Approval of the checks and electronic payments in the amount of
\$1,043,216.27

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. May 17 Council Meeting Voucher - Signature Page

STAFF CONTACT:

SUMMARY BACKGROUND:

Checks and electronic payments.

COUNCIL COMMITTEE/STUDY SESSION:

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Approve as stated.



**CLAIMS VOUCHER
APPROVAL**
City of Sumner Finance
Department

The following check/electronic payments are approved for payment:

Accounts Payable Check #:	From: 25678	To: 25757	\$379,432.90 *
AP Electronic (EFTs) Payments:	From: 233	To: 236	\$140,327.03
AP Wire(s):	From: 15100	To: 15101	\$2,266.24
Payroll DD Numbers:	From: 48337	To: 48459, 3915	\$289,942.48
Payroll Check(s):	From: 46618	To: 46618	\$4,089.50
Payroll Wire(s):	From: 3912, 3914,	To: 3916-3921	\$227,158.12
		TOTAL	\$1,043,216.27

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the service rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against the City of Sumner and I am authorized to authenticate and certify to said claim.

DocuSigned by:

Kassandra Raymond

9A5D5E5E8AEC4A5...

Chief Financial Officer

4/30/2021 | 12:20 AM PDT

Date

We, the undersigned Finance & Personnel Committee of the Sumner City Council, Sumner, Washington, do hereby certify that the check numbers and electronic payments listed above are approved for payment in the amount of \$1,043,216.27 this 3rd day of May 2021.

DocuSigned by:

[Signature]

790BA200DF904E7...

Chair

5/3/2021 | 11:03 AM PDT

Date

DocuSigned by:

Barbara Bitetto

74E2EC02EDD045C...

Member

5/6/2021 | 8:14 AM PDT

Date

Member

Date

* Includes \$125.20 in Use Tax and (\$-0-) in Check Voids

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
6034	RETAIL LOCKBOX INC	25678	4/16/2021	21020003	2/28/2021			Lockbox Agreement: Impl/Prog; Annual PO Box #84973	692.00	40153470-541000	
6034	RETAIL LOCKBOX INC	25678	4/16/2021	21020003	2/28/2021			Lockbox Agreement: Impl/Prog; Annual PO Box #84973	692.00	40253570-541000	
6034	RETAIL LOCKBOX INC	25678	4/16/2021	21020003	2/28/2021			Lockbox Agreement: Impl/Prog; Annual PO Box #84973	692.00	40853170-541000	
								Check 25678 Total	2,076.00		
46	ALPINE PRODUCTS INC	25679	4/28/2021	TM-201140	4/19/2021			Torch Down Stop Bars on 16th	311.10	00154260-531000	
46	ALPINE PRODUCTS INC	25679	4/28/2021	TM-201212	4/20/2021			Paint for Curb & Crosswalks	556.67	00154260-531000	
								Check 25679 Total	867.77		
2691	ARAMARK	25680	4/28/2021	512000026018	3/31/2021			Laundry Service - WWTF	70.48	40253585-541000	
2691	ARAMARK	25680	4/28/2021	512000029107	4/5/2021			Cemetery-Laundry & Mat Service	24.28	41053600-541000	
2691	ARAMARK	25680	4/28/2021	512000032139	4/7/2021			Laundry Service - WWTF	70.48	40253585-541000	
2691	ARAMARK	25680	4/28/2021	512000034791	4/12/2021			Cemetery-Laundry & Mat Service	24.28	41053600-541000	
2691	ARAMARK	25680	4/28/2021	512000036437	4/14/2021				70.78	40253585-541000	
2691	ARAMARK	25680	4/28/2021	512000037456	4/15/2021			Laundry Services - Fleet	16.51	55054830-541000	
2691	ARAMARK	25680	4/28/2021	512000037458	4/15/2021			Laundry Services - Parks & Shops	5.25	00157680-541000	
2691	ARAMARK	25680	4/28/2021	512000037458	4/15/2021			Laundry Services - Parks & Shops	26.22	40253550-541000	
2691	ARAMARK	25680	4/28/2021	512000039786	4/19/2021			Cemetery-Laundry & Mat Service	24.28	41053600-541000	

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
2691	ARAMARK	25680	4/28/2021	512000041046	4/21/2021			Laundry Service - WWTF	70.48	40253585-541000	
2691	ARAMARK	25680	4/28/2021	512000042430	4/22/2021			Laundry Service - Fleet	16.51	55054830-541000	
2691	ARAMARK	25680	4/28/2021	512000042432	4/22/2021			Laundry Service - Parks & Shops	5.25	00157680-541000	
2691	ARAMARK	25680	4/28/2021	512000042432	4/22/2021			Laundry Service - Parks & Shops	24.74	40253550-541000	
								Check 25680 Total	449.54		
70	AWC BENEFIT TRUST	25681	4/28/2021	AWC 05/2021 LEOFF	4/23/2021			May 2021 - Medical Premiums for LEOFF 1 Retirees	5,197.50	00151720-529000	
								Check 25681 Total	5,197.50		
4572	BATTERY SYSTEMS INC	25682	4/28/2021	6579402	4/15/2021			Cyber key access	32.39	00151830-531000	
4572	BATTERY SYSTEMS INC	25682	4/28/2021	6579425	4/15/2021			Cyber key access	-3.00	00151830-531000	
								Check 25682 Total	29.39		
5045	BCRA INC	25683	4/28/2021	27673	4/8/2021		20056	Task Order CIP 20-12 Hubbard Water Main March 2021	4,132.50	40159434-563417	02012-PE-DWAT-
								Check 25683 Total	4,132.50		
4300	CAIRNCROSS & HEMPELMANN	25684	4/28/2021	318187	4/14/2021		19112	CIP 13-05 Golf Course Don Marcy through 3/31/21	722.50	00151541-541000	01305-ADMIN-Admin-
								Check 25684 Total	722.50		
3715	CANON FINANCIAL SERVICES INC	25685	4/28/2021	26574280	4/11/2021			City Hall copier lease and click charges	697.59	55151880-545000	
3715	CANON FINANCIAL SERVICES INC	25685	4/28/2021	26574280	4/11/2021			City Hall copier lease and click charges	1,833.51	55151880-542000	
3715	CANON FINANCIAL SERVICES INC	25685	4/28/2021	26574281	4/11/2021			WWTP Copier Lease	138.95	55151880-545000	

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
3715	CANON FINANCIAL SERVICES INC	25685	4/28/2021	26574282	4/11/2021			MAS Copier Lease	30.35	55151880-545000	
3715	CANON FINANCIAL SERVICES INC	25685	4/28/2021	26574283	4/11/2021			Shops copier lease	138.95	55151880-545000	
								Check 25685 Total	2,839.35		
157	CDW GOVERNMENT, INC.	25686	4/28/2021	B227657	4/1/2021			Patch Cables (10) each	37.82	55151880-535003	
157	CDW GOVERNMENT, INC.	25686	4/28/2021	B421799	4/7/2021			Microphone for Adrienne M	19.25	55151880-535004	
157	CDW GOVERNMENT, INC.	25686	4/28/2021	SE2100460	4/5/2021			Exchange Server rebuild and security review	967.12	55151880-541000	
								Check 25686 Total	1,024.19		
6026	CENTURYLINK	25687	4/28/2021	211323325	3/20/2021			CenturyLink Long Distance	180.94	55151880-542000	
								Check 25687 Total	180.94		
5796	CHICAGO TITLE INSURANCE CO	25688	4/28/2021	211318-TC-1	4/12/2021			CIP 18-03 Subdivision Cert. Parcel 9520000020	385.70	40259435-563429	01803-PE-DSEW-
5796	CHICAGO TITLE INSURANCE CO	25688	4/28/2021	211358-TC-1	4/16/2021			CIP 14-10 Subdivision Cert. Parcel 0420121007	385.70	40859431-561000	01410-ADMIN-LandStorm-
5796	CHICAGO TITLE INSURANCE CO	25688	4/28/2021	211359-TC-1	4/16/2021			CIP 14-10 Subdivision Cert. Parcel 0420121021	385.70	40859431-561000	01410-ADMIN-LandStorm-
								Check 25688 Total	1,157.10		
2325	CHICAGO TITLE OF WASHINGTON	25689	4/28/2021	1313989	4/22/2021			Verification of ownership of stormwater system	41.29	40853110-541000	
								Check 25689 Total	41.29		
4133	CITY OF ENUMCLAW	25690	4/28/2021	06073	4/8/2021		19051	Jail services and prisoner med March 2021	1,050.00	00152360-551003	
								Check 25690 Total	1,050.00		

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
2035	COMCAST	25691	4/28/2021	8498 30 099 0009389	4/12/2021			Comcast monthly bill	1,087.87	55151880-542000	
								Check 25691 Total	1,087.87		
1340	CONLEY ENGINEERING INC	25692	4/28/2021	1902.0321	3/31/2021		20014	W2006 SCADA WWCol HMI & WWTP March 2021	669.00	40253585-541000	W2006-OM-DSEW-Task 2
								Check 25692 Total	669.00		
158	CONSOLIDATED ELECTRICAL DIST	25693	4/28/2021	6028-1002879	4/13/2021			Fleet - Parts for Plasma Cutter	63.43	55054830-531000	
158	CONSOLIDATED ELECTRICAL DIST	25693	4/28/2021	6028-1002894	4/14/2021			Council Chambers update boxes	6.98	32559481-563200	
158	CONSOLIDATED ELECTRICAL DIST	25693	4/28/2021	6028-1003102	4/20/2021			Shops LKG Conn L5-30R	31.74	00151830-531000	
								Check 25693 Total	102.15		
917	CONSOLIDATED SUPPLY CO.	25694	4/28/2021	S010212532.0 01	4/1/2021			Side Sewer Inventory	4,582.82	40253550-534000	
917	CONSOLIDATED SUPPLY CO.	25694	4/28/2021	S010212532.0 02	4/6/2021			Side Sewer Cleanout Castings	438.07	40253550-531015	
								Check 25694 Total	5,020.89		
5469	CORE & MAIN LP	25695	4/28/2021	N920962	4/12/2021	21019		Water Service Inventory	22,052.60	40153450-534002	
5469	CORE & MAIN LP	25695	4/28/2021	N977896	4/8/2021			Water Service Setter	1,005.89	40153450-531023	
5469	CORE & MAIN LP	25695	4/28/2021	N998572	4/6/2021			Water Service Inventory	1,405.71	40153450-534002	
5469	CORE & MAIN LP	25695	4/28/2021	O011826	4/7/2021			Water Chemicals	160.77	40153450-531005	
								Check 25695 Total	24,624.97		
189	CORLISS RESOURCES INC	25696	4/28/2021	311864	4/8/2021			Two way topsoil	32.79	00157680-531000	
								Check 25696 Total	32.79		

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
218	DELL MARKETING L.P.	25697	4/28/2021	10479325673	4/12/2021			Havis car dock and power supply	553.50	55151880-535004	
								Check 25697 Total	553.50		
5385	DIAMOND DETAIL	25698	4/28/2021	11063	4/15/2021			21-024 - SPD Detail	274.75	55054830-541000	
								Check 25698 Total	274.75		
5972	ELM SOLUTIONS CORP	25699	4/28/2021	Pay Estimate #1	4/1/2021		20057	CIP 20-02 SVPBS Electrical Upgrades PE#1	67,117.05	40159434-563438	02002-PE-DWAT-
								Check 25699 Total	67,117.05		
259	ENVIRO-CLEAN EQUIPMENT	25700	4/28/2021	21-54398	4/16/2021			33-123 - PW Hose & Clamps	1,396.65	55054830-531000	
259	ENVIRO-CLEAN EQUIPMENT	25700	4/28/2021	21-54402	4/16/2021			33-123 - PW Hose Clamps	106.00	55054830-531000	
								Check 25700 Total	1,502.65		
2055	ESRI	25701	4/28/2021	94020917	4/8/2021			ArcGIS annual maintenance	2,186.00	55151880-535007	
								Check 25701 Total	2,186.00		
6035	EXELE INFORMATION SYSTEMS INC	25702	4/28/2021	9894	4/9/2021			TopView annual support	509.25	55151880-535007	
								Check 25702 Total	509.25		
290	FEDEX	25703	4/28/2021	7-253-32723	1/22/2021			Mailing plaque to former councilmember	40.49	00151425-542000	
								Check 25703 Total	40.49		
6038	FERRELLGAS LP	25704	4/28/2021	1115566787	4/22/2021			Propane for Tanks	417.03	40253585-532000	
								Check 25704 Total	417.03		

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5901	FOLLETT ENGINEERING PLLC	25705	4/28/2021	2018-2103	4/10/2021		20060	CIP 20-04 LS 2&6 Control Panel March 2021	6,847.00	40259435-563441	02004-CN- -
								Check 25705 Total	6,847.00		
2547	GAMETIME	25706	4/28/2021	PJI-0157142	4/1/2021			Rainier View playground replacement rests/planks	5,120.60	00157680-531000	
								Check 25706 Total	5,120.60		
2979	GENSCO INC.	25707	4/28/2021	851947269	3/25/2021			Service Charge	6.07	00151830-549000	
								Check 25707 Total	6.07		
336	GRAINGER, DEPT 821837135	25708	4/28/2021	9859670045	4/6/2021			Document Holder for SCADA Office	26.41	40253585-531000	
336	GRAINGER, DEPT 821837135	25708	4/28/2021	9867403686	4/13/2021			Lock Pin for Medium Trailer - PW	69.05	55054830-531000	
								Check 25708 Total	95.46		
5304	GULLYWASHER, LLC	25709	4/28/2021	1664	2/1/2021			Storm Water Filters	1,944.83	40853150-531000	
								Check 25709 Total	1,944.83		
344	HACH COMPANY	25710	4/28/2021	12412696	4/15/2021			TNT Test Tubes	368.26	40253585-531006	
								Check 25710 Total	368.26		
5598	INTERMOUNTAIN LOCK & SECURITY	25711	4/28/2021	2823674	4/2/2021			Entry rigid lever	51.66	00151830-531000	
5598	INTERMOUNTAIN LOCK & SECURITY	25711	4/28/2021	2830453	4/9/2021			CH Entry keypad/card reader	1,215.20	00151830-531000	
								Check 25711 Total	1,266.86		

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459	L & L PRINTING INC	25712	4/28/2021	146881	4/20/2021			Temporary Detention triplicate forms for holding	103.45	00152120-549005	
								Check 25712 Total	103.45		
205	L. N. CURTIS & SONS	25713	4/28/2021	INV457285	1/20/2021			Two Hi Vis Safety Vests for Patrol	125.40	00152120-521009	
205	L. N. CURTIS & SONS	25713	4/28/2021	INV477683	4/2/2021			Repair to Ofc Houselog's Ballistic Vest	120.75	00152120-548000	
								Check 25713 Total	246.15		
6027	MCLENDON HARDWARE	25714	4/28/2021	A55980/3	4/9/2021			Storm Small Tools	49.78	40853150-535000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A56078/3	4/9/2021			6" Cap for Sewer on Alder	17.27	40253550-531015	
6027	MCLENDON HARDWARE	25714	4/28/2021	A58665/3	4/12/2021			Parts for Plasma Cutter - Fleet	26.82	55054830-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A58666/3	4/12/2021			BHSC Graffiti spray paint	21.91	00157680-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A58959/3	4/12/2021			Heritage Fountain Repair epoxyrsn, wshr, snapin bs	12.27	00157680-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A59625/3	4/13/2021			Plasma Cutter coupling, bushing, nipple, connector	23.51	00151830-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A59703/3	4/13/2021			SBLSD Volunteer 5 gallon buckets	20.29	00157680-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A59862/3	4/13/2021			Misc. for spraying storm ponds	27.41	40853150-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A60454/3	4/14/2021			Parks screwdriver set	13.20	00157680-535000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A60545/3	4/14/2021			Council Chambers update fasteners	1.53	32559481-563200	
6027	MCLENDON HARDWARE	25714	4/28/2021	A61383/3	4/15/2021			Fitting for Sprayer on Gator	13.71	40853150-531000	

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6027	MCLENDON HARDWARE	25714	4/28/2021	A61444/3	4/15/2021			CH copy room shelving tung oil	12.64	00151830-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A61675/3	4/15/2021			Irrigation - pop up sprinkler	12.19	00157680-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A62398/3	4/16/2021			Gate Valve - Water Service	30.48	40153450-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A62984/3	4/16/2021			Supplies - Crosswalk Signals	61.01	00154260-531014	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66242/3	4/19/2021			WWTF Office bulk fastener	2.54	40253585-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66258/3	4/19/2021			Arbor Day flag tape and stakes	16.01	00155490-541010	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66327/3	4/19/2021			Misc. Electrical for Lighting Project	39.10	40253585-531018	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66460/3	4/19/2021			WWTF Office bulk fastener	38.23	40253585-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66525/3	4/19/2021			WWTF Office deck screws	10.15	40253585-531000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A66617/3	4/19/2021			Tools for Signals	15.65	00154260-535000	
6027	MCLENDON HARDWARE	25714	4/28/2021	A67245/3	4/20/2021			Misc. Plumbing Parts for Central Station	61.04	40253585-531018	
6027	MCLENDON HARDWARE	25714	4/28/2021	A67363/3	4/20/2021			Council Chambers update wall plate	6.09	32559481-563200	
6027	MCLENDON HARDWARE	25714	4/28/2021	A68293/3	4/21/2021			Supplies for Garage Hose Bib	57.35	40253585-531018	
6027	MCLENDON HARDWARE	25714	4/28/2021	A68463/3	4/21/2021			Maintenance Supplies wire nuts	7.10	00151830-531000	
								Check 25714 Total	597.28		
6027	MCLENDON HARDWARE	25715	4/28/2021	A66041/3	4/19/2021			Supplies for Signals	12.18	00154260-531014	
6027	MCLENDON HARDWARE	25715	4/28/2021	A66057/3	4/19/2021			Propane for Torch Down - Train Track Project	13.30	00154260-531000	

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6027	MCLENDON HARDWARE	25715	4/28/2021	A67221/3	4/20/2021			Brass Water Fitting for Street Sweeper	10.45	55054830-531000	
6027	MCLENDON HARDWARE	25715	4/28/2021	A67331/3	4/20/2021			For RRFB - Crosswalk Signals at Valley & Daffodil	12.15	00154260-531014	
6027	MCLENDON HARDWARE	25715	4/28/2021	A70239/3	4/23/2021			PD Doorstop Repair Wall Doorstop	9.14	00151830-531000	
								Check 25715 Total	57.22		
1414	MICROFLEX, INC.	25716	4/28/2021	00022908	4/13/2021			Annual Online Service Fee - 3/1/2021 - 2/28/2022	1,311.60	00151420-541000	
								Check 25716 Total	1,311.60		
3695	MILES RESOURCES LLC	25717	4/28/2021	320195	4/12/2021			Disposal Fee: Waste Concrete for Meter Services	75.45	40153450-541000	
3695	MILES RESOURCES LLC	25717	4/28/2021	320205	4/12/2021			Water Service Patches	579.40	40153450-531000	
3695	MILES RESOURCES LLC	25717	4/28/2021	320279	4/12/2021			Asphalt Patches	1,009.32	00154230-531004	
								Check 25717 Total	1,664.17		
3758	MOTOROLA SOLUTIONS, INC.	25718	4/28/2021	8281137999	3/24/2021			4 Portable Radio Batteries for Patrol	465.97	00152120-531000	
								Check 25718 Total	465.97		
535	MUTUAL MATERIALS COMPANY	25719	4/28/2021	1316363	4/5/2021			Credit: Pallet Return	-20.92	40153450-531023	
535	MUTUAL MATERIALS COMPANY	25719	4/28/2021	2366902	4/5/2021			Meter Blocks	286.89	40153450-531023	
								Check 25719 Total	265.97		
555	NATIONAL SAFETY INC	25720	4/28/2021	0608568-CM	2/24/2021			Credit Memo - Returned Groves from Inv. 606641-IN	-145.37	40253585-531000	
555	NATIONAL SAFETY INC	25720	4/28/2021	0612724-IN	4/7/2021			2021 ANSI Order	931.67	00157680-521009	

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Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
555	NATIONAL SAFETY INC	25720	4/28/2021	0612724-IN	4/7/2021			2021 ANSI Order	1,242.26	40153450-521009	
555	NATIONAL SAFETY INC	25720	4/28/2021	0612724-IN	4/7/2021			2021 ANSI Order	1,242.26	40253550-521009	
555	NATIONAL SAFETY INC	25720	4/28/2021	0612724-IN	4/7/2021			2021 ANSI Order	1,242.29	40853150-521009	
555	NATIONAL SAFETY INC	25720	4/28/2021	0612839-IN	4/7/2021			Gas Cylinder for Test Gas Detectors	240.46	40253585-531000	
								Check 25720 Total	4,753.57		
6039	NATIONWIDE DRAFTING & OFFICE SUPPLY	25721	4/28/2021	21-71458	4/9/2021			WWTF Drafting Table	836.98	40253585-535000	
								Check 25721 Total	836.98		
5144	NATURAL SYSTEMS DESIGN INC	25722	4/28/2021	2021-297	4/16/2021		19045	CIP 14-10 CSUM-004.1 WR Restor. March 2021	39,911.32	40859431-563419	01410-PE-DSTRM-
								Check 25722 Total	39,911.32		
3934	O'REILLY AUTO PARTS	25723	4/28/2021	4478-493223	4/9/2021			Antifreeze for shoring pump	50.26	40253550-531000	
3934	O'REILLY AUTO PARTS	25723	4/28/2021	4478-495061	4/19/2021			21-117 - SPD Battery	146.09	55054830-531000	
3934	O'REILLY AUTO PARTS	25723	4/28/2021	4478-495131	4/19/2021			Radar Trailer Battery - SPD	93.05	55054830-531000	
								Check 25723 Total	289.40		
2852	PACIFIC COAST MEMORIALS INC	25724	4/28/2021	21-01275	3/22/2021			Marker-Morigi	385.25	41053600-534000	
2852	PACIFIC COAST MEMORIALS INC	25724	4/28/2021	21-01546	4/6/2021			Cemetery-Wine mkr.	970.00	41053600-534000	
2852	PACIFIC COAST MEMORIALS INC	25724	4/28/2021	21-01693	4/12/2021			Cemetery-Rice mkr.	245.00	41053600-534000	
								Check 25724 Total	1,600.25		
5902	PAPE MACHINERY INC	25725	4/28/2021	12498681	2/5/2021				-85.57	55054830-531000	

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5902	PAPE MACHINERY INC	25725	4/28/2021	12498707	2/5/2021			Break Pads	85.57	55054830-531000	
5902	PAPE MACHINERY INC	25725	4/28/2021	12624986	4/6/2021			Parks Mower - Belt	82.90	55054830-531000	
5902	PAPE MACHINERY INC	25725	4/28/2021	12627546	4/7/2021			Blades 3qty	59.97	00157680-531000	
								Check 25725 Total	142.87		
3436	PARAMETRIX	25726	4/28/2021	25898	4/9/2021		19053	CIP 15-04 SR410/Traffic Ave CMS 2/28-4/3/2021	17,371.83	32059530-563505	01504-CN-Construct-SCHA
3436	PARAMETRIX	25726	4/28/2021	25901	4/9/2021		20051	Task Order RM012 160th/Elm Emerg. Repair thru 4/3	1,476.25	40853150-548000	RM012-OM- -
								Check 25726 Total	18,848.08		
1093	PARKER'S TRUCK & EQUIP REPAIR	25727	4/28/2021	167620	4/19/2021			33-118 - Vac Truck Work	3,737.80	55054830-548000	
								Check 25727 Total	3,737.80		
1618	PATTERSON VETERINARY SUPPLY	25728	4/28/2021	3011841223	4/12/2021			Vaccines & Supplies	1,042.83	44055430-531000	
								Check 25728 Total	1,042.83		
3606	PETHEALTH SERVICES (USA) INC	25729	4/28/2021	SIUN13876348	4/19/2021			Microchips	873.71	44055430-531000	
								Check 25729 Total	873.71		
627	PIERCE COUNTY BUDGET & FINANCE	25730	4/28/2021	CI-301166	4/22/2021		19075	Jail services and prisoner med - March 2021	9,517.82	00152360-551003	
								Check 25730 Total	9,517.82		
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	0M79728	7/8/2020			Credit Memo - WWTF Divider Clip	-12.78	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1B00799	11/24/2020			Credit Memo - Radio System Conversion	-105.32	40259435-563440	

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4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1I25702	2/25/2021			Council Chambers update light switches	319.81	32559481-563200	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1K12813	3/19/2021			Misc. Electrical for WWTF	58.96	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1L21652	4/14/2021			Replace Heater Bld C Bathroom	356.45	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1L88026	4/9/2021			Plasma Cart	21.45	55054830-531000	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1L94373	4/12/2021			WWTF - LED Lighting	538.75	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1L97319	4/12/2021			Plasma Cart	95.78	55054830-531000	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1M09270	4/13/2021			Credit Memo - WWTF LED Upgrade	-898.13	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1M14174	4/14/2021			Supplies/Parts for Plasma Cart	629.53	55054830-531000	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	1M32457	4/15/2021			WWTF - LED Lighting	74.83	40253585-531018	
4513	PLATT ELECTRIC SUPPLY	25731	4/28/2021	Y372153	3/19/2021			LED Light Upgrade	2,165.37	40253585-531018	
Check 25731 Total									3,244.70		
5792	POLYDYNE INC	25732	4/28/2021	1532377	4/5/2021			Centrifuge Polymer	4,809.20	40253585-531021	
Check 25732 Total									4,809.20		
678	PUGET SOUND ENERGY	25733	4/28/2021	22002402971 6 3-23-21	3/23/2021			14320 29th St E (Shops Satellite Location)	180.09	40853150-547000	
678	PUGET SOUND ENERGY	25733	4/28/2021	22002446813 8 3-23-21	3/23/2021			602 Hunt Ave # Light 2	59.34	00154260-547001	
678	PUGET SOUND ENERGY	25733	4/28/2021	22002446813 8 Nov2020	11/20/2020			602 Hunt Ave # Light 2	14.16	00154260-547001	
Check 25733 Total									253.59		

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678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	4,005.05	00151830-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	447.43	00154230-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	14,764.03	00154260-547001	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	868.99	00154260-547002	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	1,281.21	00156910-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	54.95	00157335-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	420.39	00157680-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	4,245.89	40153450-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	3,148.45	40253550-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	26,915.43	40253585-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	447.44	40853150-547000	
678	PUGET SOUND ENERGY	25734	4/28/2021	April 2021 PSE Accts	4/1/2021			April 2021 Gas & Electric Accounts	438.83	41053600-547000	
Check 25734 Total									57,038.09		
1199	RH2 ENGINEERING, INC.	25735	4/28/2021	81693	4/7/2021		20033	CIP 19-10 S Tank Seismic Retrofit Design 3/28/21	10,842.02	40159434-563407	01910-PE- -
Check 25735 Total									10,842.02		
5518	SHARP BUSINESS SYSTEMS	25736	4/28/2021	9003230287	3/29/2021			WWTP click charges Mailroom	1,084.19	55151880-542000	
Check 25736 Total									1,084.19		
806	SIR SPEEDY	25737	4/28/2021	134263	4/1/2021			SHS Master Plan public noticing signage	537.76	00155850-544000	

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								Check 25737 Total	537.76		
4763	SMART CHOICE TIRE FACTORY	25738	4/28/2021	1090591	4/12/2021			E-4 - PW Tire	143.76	55054830-531000	
								Check 25738 Total	143.76		
816	SNIDER & SON INC	25739	4/28/2021	0424086-IN	3/19/2021			Bulk Gasoline	318.64	55054830-532000	
816	SNIDER & SON INC	25739	4/28/2021	0426096-IN	4/15/2021			Dyed Diesel Fuel	593.02	55054830-532000	
								Check 25739 Total	911.66		
2220	STANDARD PARTS CORP	25740	4/28/2021	150541	4/13/2021			Wrench for water main repairs	45.84	40153450-535000	
								Check 25740 Total	45.84		
3271	STAPLES BUSINESS ADVANTAGE	25741	4/28/2021	3473985691	4/3/2021			Color Printer for Admin Office	141.97	00152120-535000	
3271	STAPLES BUSINESS ADVANTAGE	25741	4/28/2021	3473985693	4/3/2021			Ink for new color printer for Admin office	18.46	00152120-531000	
3271	STAPLES BUSINESS ADVANTAGE	25741	4/28/2021	3474462360	4/10/2021			WWTF - Storage Boxes	47.63	40253585-531000	
3271	STAPLES BUSINESS ADVANTAGE	25741	4/28/2021	3474939554	4/17/2021			CR: Price match on Task Chair-Orig Inv #3474939554	-87.44	40253585-535000	
								Check 25741 Total	120.62		
5232	SUMNER MAIN STREET ASSOC	25742	4/28/2021	1145	4/5/2021			Q2 Sponsorship-Rhubarb Days & Street of Treats	5,625.00	00157335-541000	
5232	SUMNER MAIN STREET ASSOC	25742	4/28/2021	1146	4/5/2021			Q2 Services	3,750.00	00157335-541000	
								Check 25742 Total	9,375.00		
5855	SUMNER LAWN 'N SAW	25743	4/28/2021	71261	4/12/2021			PW Sprayer & Parks Edger Parts	46.15	55054830-531000	
								Check 25743 Total	46.15		

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
5723	SYBIS LLC	25744	4/28/2021	1573	3/12/2021			Tech Troubleshoot, firewall changes shops	259.70	00151830-548000	
								Check 25744 Total	259.70		
3406	SYSTEMS FOR PUBLIC SAFETY INC	25745	4/28/2021	39546	4/2/2021			Seat Covers - Stock & 21-218	416.31	55054830-531000	
								Check 25745 Total	416.31		
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	450.42	40153470-541000	
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	450.41	40253570-541000	
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	450.41	40853170-541000	
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	653.66	40153470-542000	
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	653.66	40253570-542000	
882	TEKS SERVICES,INC	25746	4/28/2021	46269	3/31/2021			April (End of March) 2021 Utility Stmt	653.66	40853170-542000	
882	TEKS SERVICES,INC	25746	4/28/2021	46306	4/2/2021			Noticing - PLN-2021-0012 & PLN-2021-0024	159.64	00155850-544000	
882	TEKS SERVICES,INC	25746	4/28/2021	46306	4/2/2021			Noticing - PLN-2021-0012 & PLN-2021-0024	122.73	00155850-542000	
								Check 25746 Total	3,594.59		
5561	TIERRA RIGHT OF WAY SERVICES	25747	4/28/2021	2100371	4/3/2021		19015	CIP 14-10 Right of Way Services 2/28-4/3/2021	18,560.43	40859431-563419	01410-ROW-ROW-
								Check 25747 Total	18,560.43		

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
913	TRAFFIC SAFETY SUPPLY CO INC	25748	4/28/2021	INV036950	4/8/2021			Replacement Crosswalk Signal- Daffodil Elem. School	9,595.69	00154260- 531014	
								Check 25748 Total	9,595.69		
923	TRANSPO GROUP INC	25749	4/28/2021	26237	4/23/2021		21007	CIP 19-01 Sumner- Tapps Hill Lane Eval thru 4/16/21	1,505.00	32059530- 563517	01901-CN-Construct-
								Check 25749 Total	1,505.00		
260	TYLER TECHNOLOGIES INC	25750	4/28/2021	045-331936	2/28/2021		19151	Munis UB Conversion - SCH B	5,225.00	00159418- 564000	munis-ADMIN-Munis- SCHB
260	TYLER TECHNOLOGIES INC	25750	4/28/2021	045-332240	2/28/2021		19151	Munis UB Conversion - SCH B	875.00	00159418- 564000	munis-ADMIN-Munis- SCHB
260	TYLER TECHNOLOGIES INC	25750	4/28/2021	045-332411	2/28/2021		19151	Munis Custom Report Writing, Add'l Train -SCH F	640.00	00159418- 564000	munis-ADMIN-Munis- SCHF
260	TYLER TECHNOLOGIES INC	25750	4/28/2021	045-332412	2/28/2021		19151	Munis UB Post Go Live Implementation - SCH A	640.00	00159418- 564000	munis-ADMIN-Munis- SCHA
260	TYLER TECHNOLOGIES INC	25750	4/28/2021	045-333178	3/11/2021		19151	Munis Custom Report Writing, Add'l Train -SCH F	1,280.00	00159418- 564000	munis-ADMIN-Munis- SCHF
								Check 25750 Total	8,660.00		
3698	US BANK NA, BC-MN- H18R	25751	4/28/2021	777223928 - Mar 2021	3/31/2021			March 2021 Monthly Maint Fed/Equity Fees	24.00	00151890- 541000	
								Check 25751 Total	24.00		
4933	VAN NESS FELDMAN LLP	25752	4/28/2021	427264	4/13/2021		19010	CIP 14-10 WR Rest. Floodplain Counsel. March 2021	75.00	40859431- 563419	01410-PE-DSTRM-

Sumner, WA Voucher Certification



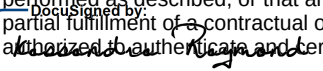
Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
4933	VAN NESS FELDMAN LLP	25752	4/28/2021	427265	4/13/2021		19010	CIP 14-10 WR Rest. consult Golf Course March 2021	5,799.50	40859431-563419	01410-PE-DSTRM-
								Check 25752 Total	5,874.50		
967	VWR INTERNATIONAL, INC.	25753	4/28/2021	8804416015	4/14/2021			Pipet Tips	229.09	40253585-531006	
967	VWR INTERNATIONAL, INC.	25753	4/28/2021	8804424753	4/15/2021			Isopropyl Alcolol	14.46	40253585-531006	
								Check 25753 Total	243.55		
1022	WATER MANAGEMENT LABORATORIES	25754	4/28/2021	192928	4/15/2021			4/07/21 Total Coliform Water Testing (Qty.8)	160.00	40153450-541022	
								Check 25754 Total	160.00		
3099	WAXIE SANITARY SUPPLY	25755	4/28/2021	79940702	4/14/2021			Covid restock hosp spray	50.74	00151835-531000	woeoc-OM-co19-
3099	WAXIE SANITARY SUPPLY	25755	4/28/2021	79947412	4/16/2021			Wypall restock	88.66	00151835-531000	
								Check 25755 Total	139.40		
1016	WILBUR-ELLIS COMPANY LLC	25756	4/28/2021	14090065	3/19/2021			Casoron, ranger pro, herbicide	647.39	00157680-531000	
								Check 25756 Total	647.39		
4743	ZONES INC	25757	4/28/2021	K16954250101	4/8/2021			DOCUSIGN PREMIER ANNUAL CONTRACT	7,012.40	55151880-535014	
4743	ZONES INC	25757	4/28/2021	K16995140101	4/5/2021			IBM MAAS360 ESSENTIALS SUITE	8,131.92	55151880-535014	

Sumner, WA
Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
4743	ZONES INC	25757	4/28/2021	K16995700101	4/5/2021			Acrobat Pro DC for Enterprise	208.26	55151880-535007	
Check 25757 Total									15,352.58		
Grand Total									379,307.70		

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Sumner, and that I am authorized to authenticate and certify to said claim.


9A5D5E5EBAEC4A5...
Signed

4/30/2021 | 12:20 AM PDT
Date

City of Sumner, WA



Use Tax Report 04/15/2021 to 04/29/2021

VENDOR INVOICE	DOCUMENT ACCOUNT	INVOICE	DESCRIPTION	PAID DATE TO BE PAID	RATE FROM	LINE	TAXABLE AMOUNT	USE TAX
6035	16485	9894	TopView annual supp	04/28/2021	9.300	1	509.25	47.36
	55151880-535007-			551-237102-				
6039	16648	21-71458	WWTF Drafting Table	04/28/2021	9.300	1	836.98	77.84
	40253585-535000-			402-237102-				

City of Sumner, WA



Use Tax Account Totals

Account	Amount	Discount Percent	Net Amount
402-237102-	\$ 77.84	0.000 %	\$ 77.84
551-237102-	\$ 47.36	0.000 %	\$ 47.36

Total Use Tax: \$125.20

** END OF REPORT - Generated by Norman Shadlow **

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
2572	HOUSER, JOHN	233	4/28/2021	Houser 04/21 LEOFF 1	4/9/2021			LEOFF 1: Reimburse Medical Exp Not Covered by Ins	4,000.00	00151720- 529000	
								Check 233 Total	4,000.00		
5373	KOSA, MICHAEL	234	4/28/2021	R-0183019	4/13/2021			Michael Kosa PE License Renewal 2021-2023	38.66	40153410- 549004	
5373	KOSA, MICHAEL	234	4/28/2021	R-0183019	4/13/2021			Michael Kosa PE License Renewal 2021-2023	38.66	40253510- 549004	
5373	KOSA, MICHAEL	234	4/28/2021	R-0183019	4/13/2021			Michael Kosa PE License Renewal 2021-2023	38.68	40853110- 549004	
								Check 234 Total	116.00		
2576	KPG INC	235	4/28/2021	3-10621	4/20/2021		19085	CIP 18-03 24th St Util Reloc Design through 3/25	1,551.99	40159434- 563429	01803-PE-DWAT-
2576	KPG INC	235	4/28/2021	3-10621	4/20/2021		19085	CIP 18-03 24th St Util Reloc Design through 3/25	41,716.72	40259435- 563429	01803-PE-DSEW-
2576	KPG INC	235	4/28/2021	3-11321	4/15/2021		20073	CIP 20-08 Academy St Bike Lanes Design thru 3/25	30,101.82	32059562- 563109	02008-PE- -
2576	KPG INC	235	4/28/2021	3-13021	4/10/2021		19131	CIP 13-11 166th Ave E Widen. Design thru 3/25/21	6,614.14	32059530- 563513	01311-PE-DSTRE-
2576	KPG INC	235	4/28/2021	3-13021	4/10/2021		19131	CIP 13-11 166th Ave E Widen. Design thru 3/25/21	6,523.98	40859431- 563446	01311-PE-DSTRM-
								Check 235 Total	86,508.65		
5922	TCF ARCHITECTURE PLLC	236	4/28/2021	20210329	3/31/2021		20032	CIP 17-13 Ops Facility PreDesign March 2021	7,407.50	32559481- 562001	01713-PE-Design-

Sumner, WA
Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
5922	TCF ARCHITECTURE PLLC	236	4/28/2021	20210330	3/31/2021		20032	CIP 17-13 Ops Facility Design March 2021	42,294.88	32559481-562001	01713-PE-Design-
Check 236 Total									49,702.38		
Grand Total									140,327.03		

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Sumner, and that I am authorized to authenticate and certify to said claim.

Kassandra Raymond 4/30/2021 | 12:20 AM PDT
Signed _____ Date _____

Wires

Sumner, WA Voucher Certification



Vendor Number	Vendor Name	Check Number	Check Date	Invoice Number	Invoice Date	PO	Contract Number	Line Description	Line Amount	GL Number	Project Ledger
5539	REDQUOTE INC	15100	4/16/2021	HRA 04/16/2021	4/16/2021			2021 HRA Med/Rx Co-Ins Reimbursements	689.04	00151730- 521020	
								Check 15100 Total	689.04		
5539	REDQUOTE INC	15101	4/23/2021	FSA/HRA 04/23/2021	4/23/2021			2021 HRA/FSA Med/Rx Coins Reimbursements	1,160.54	00151730- 521020	
5539	REDQUOTE INC	15101	4/23/2021	FSA/HRA 04/23/2021	4/23/2021			2021 HRA/FSA Med/Rx Coins Reimbursements	416.66	61551790- 529000	
								Check 15101 Total	1,577.20		
								Grand Total	2,266.24		

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described, or that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Sumner, and that I am authorized to authenticate and certify to said claim.

Kassandra Raymond 4/30/2021 | 12:20 AM PDT

Signed

Date

From: [Chris Jensen](#)
To: [Norman Shadlow](#)
Subject: PPE 04/15/2021
Date: Monday, April 19, 2021 9:11:29 AM

Hi Norm,

Please add the following to the voucher list:

PPE

Check Range: 46618

Amount: \$4,089.50

Direct Deposit Range: 48337-48459, 3915

Amount: \$289,942.48

Wire Range: 3912, 3914, 3916-3921

Amount: \$227,158.12

Total: \$521,190.10

Thanks!

Chris

Christopher Jensen | Finance & Payroll Analyst

City of Sumner

1104 Maple Street

Sumner, WA 98390

Phone: 253-299-5544

www.sumnerwa.gov



Before printing, please think green

SUBJECT: White River Project Property Acquisition: Purchase and Sale Agreement
between City and Donald Bushore

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: \$451,880

Within Budget Allocation: Yes

ATTACHMENTS:

1. Bushore Purchase and Sale Agreement Documents

STAFF CONTACT: Mike Dahlem, Public Works Director

SUMMARY BACKGROUND:

The City desires to acquire the real property located at 14001 16th St. E. in Sumner, Washington for use in the City's anticipated greater white river restoration and mitigation project(s) for a total purchase price of \$451,880.00. Funding will come from the Storm Utility and Pierce County Flood Control Zone District.

COUNCIL COMMITTEE/STUDY SESSION: Public Works Committee

MEETING/STUDY SESSION DATE: 5/4/2021

COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Motion authorizing the Mayor to enter into a purchase and sale agreement with Donald Bushore for the acquisition of the real property addressed 14001 16th St. E for a total purchase price of \$451,880 and authorize the Mayor to execute any and all other documents necessary to effectuate the purchase.

After recording return document to:

City of Sumner
Public Works Department
1104 Maple Street, Ste. 260
Sumner, WA 98390-1423

Document Title: Warranty Deed
Grantors: Donald A. Bushore
Grantee: City of Sumner
Legal Description: Ptn Tract 1, Stuck River Tracts
Assessor's Tax Parcel Number: 7965000011

WARRANTY DEED

White River Restoration Project

The Grantors, **Donald A. Bushore, as his separate estate**, for and in consideration of the sum of TEN AND NO/100 (\$10.00) Dollars, and other valuable consideration, hereby conveys and warrants to **City of Sumner, a municipal corporation**, Grantee, the following described real property situated in Pierce County, in the State of Washington.

The West 75.8 feet of Tract 1, Stuck River Tracts, according to the plat thereof, recorded in volume 25 of plats, page 40, in Pierce County, Washington.

Situate in the City of Sumner, County of Pierce, State of Washington.

It is understood and agreed that delivery of this deed is hereby tendered and that the terms and obligations hereof shall not become binding upon the **City of Sumner, a municipal corporation** unless and until accepted and approved hereon in writing for the **City of Sumner, a municipal corporation**, by its authorized agent.

WARRANTY DEED

Date: April 29, 2021

Donald A. Bushore
Donald A. Bushore

STATE OF WASHINGTON)
) ss.
COUNTY OF Pierce)

I the undersigned, a Notary Public, do hereby certify that on this 29 day of April, 2021, personally appeared before me Donald A. Bushore, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year in this certificate above written.



[Signature]
Notary Public in and for the State of WA,
Printed Name: Cynthia A. Paro
Residing at Everett, WA
My commission expires 04/07/2025

Accepted and Approved City of Sumner:

Approved to as form:

By: _____
Printed Name: _____
Title: CITY ADMINISTRATOR
Date: _____

By: _____
Printed Name: ANDREA MARQUEZ
Title: CITY ATTORNEY
Date: _____

REAL ESTATE PURCHASE AND SALE AGREEMENT

THIS REAL ESTATE PURCHASE AND SALE AGREEMENT (hereinafter "Agreement") is entered into by and between **Donald A. Bushore, as his separate estate**, (hereinafter "Seller") and the **CITY OF SUMNER**, a municipal corporation and political subdivision of the state of Washington (hereinafter "Purchaser"). Seller and Purchaser may hereinafter collectively be referred to as "Parties" or individually as a "Party."

AGREEMENT

FOR AND IN CONSIDERATION of the mutual promises and covenants contained herein, the sufficiency of which is unconditionally acknowledged by Seller and Purchaser, the Parties agree as follows:

1. **The Property.** Seller is the sole owner in fee simple of certain real property located in Pierce County, Washington identified by parcel number 7965000011 and legally described on the attached **Exhibit A (the Property)**.

2. **Purchase and Sale.** Seller shall sell and convey to Purchaser, and Purchaser shall purchase and accept from Seller, upon the terms, covenants, and conditions set forth in this Agreement, all of Seller's right, title, and interest in and to the Property, including all after-acquired property. Seller warrants that Seller has full right, title, authority, and capacity to execute this Agreement and sell the Property. Purchaser warrants that Purchaser has full right, title, authority, and capacity to execute this Agreement and purchase the Property.

3. **Purchase Price and Payment.** The total purchase price for the Property (hereinafter "Purchase Price") is Four Hundred and Fifty-one Thousand Eight Hundred and Eighty dollars NO/100 (\$451,880) Dollars and shall be paid by Purchaser to Seller by cashier's check, certified check, or wire transfer of immediately available funds to Seller at closing.

4. **Conveyance of Title.** Seller shall convey title to the Property legally described on the attached Exhibit A to Purchaser by Warranty Deed (hereinafter "Deed").

5. **Closing; Possession.** Closing shall occur upon payment of the Purchase Price to Seller from Purchaser and delivery of the executed Deed from Seller to Purchaser (hereinafter "Closing Date"), but in no event later than June 30, 2021. The Parties agree to execute any and all documents necessary to effectuate the intent of this Agreement. Purchaser shall be entitled to possession of the Property legally described on the attached Exhibit A as of the Closing Date.

Personal property – The City has agreed to allow 30 days after closing to complete removal of personal property. Any items remaining after this deadline will transfer to the City of Sumner.

6. **Approval by the Sumner City Council.** The Parties acknowledge that this Agreement shall not be deemed accepted by or binding on the Purchaser until approved by the Sumner City Council in an open public meeting.

7. **Risk of Loss.** Risk of loss of or damage to the Property shall be borne by Seller until the Closing Date. Thereafter, Purchaser shall bear the risk of loss. In the event of material loss of or damage to the Property prior to the Closing Date, Seller shall promptly notify Purchaser in writing and Seller shall not be obligated to restore the Property nor pay

damages to Purchaser by reason of such loss or damage. Upon receipt of written notice pursuant to Section 10 below, Purchaser may within five (5) business days terminate this Agreement by giving written notice of such termination to Seller and such termination shall be effective immediately; provided, however, that Purchaser may elect to purchase the Property in the condition then existing; provided that, Purchaser delivers notice of such election pursuant to Section 10 below within five (5) business days of receipt of Seller's notice of a material loss of or damage to the Property as provided for in this Section 8.

8. **Closing Costs & Prorations.** Seller shall pay its own attorney fees. Purchaser shall pay the cost of recording the Deed, its own attorney fees, and all other costs and expenses allocated to Purchaser and Seller pursuant to the terms of this Agreement; excepting only the Seller's payment of its own attorney fees as provided for above in this Section 8 and any prorations for which it is responsible pursuant to the following sentence. Any taxes, liens, assessments, insurance, or charges imposed by law upon the Property shall be prorated as of the Closing Date, with such prorations to be a final settlement between the Parties.

9. **Notices.** Except as specifically set forth herein, any demand, request or notice which either Party desires or may be required to make or deliver to the other shall be in writing and shall be deemed given when personally delivered, or when delivered by private courier service (such as Federal Express), or three days after being deposited in the United States Mail first class, postage prepaid and addressed as follows:

PURCHASER	SELLER
City Administrator City of Sumner 1104 Maple Street Sumner, WA 98390	Donald A. Bushore 14001 16th ST E Sumner, WA 98390-9632

The foregoing addresses may be changed by written notices to the other party as provided herein.

10. **Time.** Time is of the essence in every provision herein contained.

11. **Binding Agreement.** This Agreement shall inure to the benefit of and be binding upon the heirs, personal representative, successors, and assigns of the Parties.

12. **Attorneys' Fees.** In the event of any litigation regarding the rights and obligations of the parties under this Agreement, the prevailing party shall recover its costs and attorneys' fees, including such costs and attorneys' fees for appeals.

13. **Negotiation and Construction.** This Agreement was negotiated by the Parties and shall be construed according to its fair meaning and not strictly for or against either Party.

14. **Entire Agreement.** This Agreement contains the entire understanding between the Parties and supersedes any prior understandings and agreements between them regarding the subject matter hereof. There are no other representations, agreements, or understandings, oral or written, between the Parties relating to the subject matter of this

Agreement. No amendment of, or supplement to, this Agreement shall be valid or effective unless made in writing and executed by the Parties.

15. Counterparts. This Agreement may be signed in two or more counterparts, which taken together shall constitute the complete Agreement.

16. Invalid Provision. If any provision of this Agreement is held to be illegal, invalid or unenforceable under present or future laws, such provision shall be fully severable; this Agreement shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part of this Agreement; and the remaining provisions of this Agreement shall remain in full force and effect and shall not be affected by such illegal, invalid or unenforceable provision or by its severance from this Agreement.

[SIGNATURES & ACKNOWLEDGEMENTS APPEAR ON FOLLOWING PAGES]

Approved as to legal form only:

Date: _____

Date: _____

William (Bill) L. Pugh, Mayor

STATE OF WASHINGTON)
) ss
COUNTY OF PIERCE)

On this ____ day of _____, 2021, before me, the undersigned, a notary public in and for the state of Washington, duly commissioned and sworn, personally appeared William (Bill) L. Pugh known to me to be the Mayor of the City of Sumner, Washington, a municipal corporation and political subdivision of the state of Washington, who executed the within and foregoing instrument and acknowledged the said instrument to be the free and voluntary act of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

In witness whereof, I have hereunto set my hand and affixed my official seal the day and year first above written.

GIVEN under my hand and official seal the day and year last above written.

(SEAL)

Notary Public in and for the State of
Washington, residing at

My commission expires _____

SELLER'S SIGNATURE PAGE

Donald A. Bushore
Donald A. Bushore

STATE OF WASHINGTON)
) ss.
COUNTY OF Pierce)

I the undersigned, a Notary Public, do hereby certify that on this 29 day of April, 2021, personally appeared before me Donald A. Bushore, to me known to be the individual described in and who executed the within instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal the day and year in this certificate above written.



Cynthia A. Paro

Notary Public in and for the State of WA,
Printed Name: Cynthia A. Paro
Residing
at Everett, WA
My commission expires 04-07-2025

Exhibit A
Legal of Property

PARCEL 7965000011

The West 75.8 feet of Tract 1, Stuck River Tracts, according to the plat thereof, recorded in volume 25 of plats, page 40, in Pierce County, Washington.

Situate in the City of Sumner, County of Pierce, State of Washington.

COPY

REAL PROPERTY VOUCHER

AGENCY NAME City of Sumner 1104 Maple Street Ste. 260 Sumner, WA 98390		I hereby certify under penalty of perjury that the items and amounts listed herein are proper charges against the Agency, that the same or any part thereof has not been paid, and that I am authorized to sign for the claimant. <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">SIGNATURE (IN INK) FOR EACH CLAIMANT</td> <td style="width: 20%;">DATED</td> </tr> <tr> <td style="height: 100px; vertical-align: bottom;"> X Donald A. Bushore </td> <td style="vertical-align: bottom; text-align: center;"> </td> </tr> </table>		SIGNATURE (IN INK) FOR EACH CLAIMANT	DATED	X Donald A. Bushore																																																				
SIGNATURE (IN INK) FOR EACH CLAIMANT	DATED																																																									
X Donald A. Bushore																																																										
GRANTOR OR CLAIMANT (NAME, ADDRESS) Donald A. Bushore 14001 16th ST E Sumner, WA 98390-9632		TIN/SSN: 																																																								
PROJECT NO. AND TITLE White River Restoration Project, Phase 2		X																																																								
FEDERAL AID NO. 		PARCEL NO. 7965000011																																																								
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SUBJECT: White River Restoration - Consultant Contract Amendment

CATEGORY: Consent

BUDGET IMPACT:

Expenditure Required: \$125,000

Within Budget Allocation: Yes

ATTACHMENTS:

1. Consultant Contract Amendment with Scope & Fee

STAFF CONTACT: Doug Beagle, Development Services Director

SUMMARY BACKGROUND:

In 2016, the City entered into a professional services contract with Van Ness Feldman (Mrs. Molly Lawrence) to provide legal consultation and representation on environmental and land use related issues, including: legal advice and strategy for addressing flooding and floodplain regulatory issues in the City, and environmental and land use issues related to the City's Lower White River restoration and habitat improvement project and its various project components. The restoration project is very complex and is not expected to be complete for many years, so Mrs. Lawrence's continued involvement and expertise is essential for the success of this City project.

COUNCIL COMMITTEE/STUDY SESSION: Public Works Committee

MEETING/STUDY SESSION DATE: 5/4/2021

COMMITTEE RECOMMENDATION: do-pass

STAFF RECOMMENDATIONS/MOTION:

A motion approving an amendment to Van Ness Feldman's Consultant Services Contract for the White River Restoration Project (CIP 14-10), increasing the contract amount by \$125,000 to a total authorized amount not-to-exceed \$475,000, and authorizing the Mayor and City Administrator to execute any and all documents necessary to effectuate the amendment, substantially in a form as approved by the City Attorney.

AMENDMENT TO LEGAL SERVICES CONTRACT

THIS AMENDMENT, entered into this day, _____, by and between the **CITY OF SUMNER**, WASHINGTON, a municipal corporation of the State of Washington, hereinafter referred to as "City", and Molly Lawrence of VAN NESS FELDMAN, LLP, hereinafter referred to as "VAN NESS FELDMAN, LLP"

WITNESSETH:

WHEREAS the City has entered into a "Legal Services Contract" with VAN NESS FELDMAN, LLP for legal services; and

WHEREAS the parties to the agreement wish to increase the maximum compensation of the original Agreement and prior Amendments from \$350,000.00 by an additional \$125,000.00 for a total contract amount of \$425,000.00.

WHEREAS, the original scope of work is further refined as set forth in Exhibit A of this Amendment;

NOW, THEREFORE, the parties hereby amend said Contract by revising Section III. (A) - Compensation as follows:

The City shall pay an hourly rate for Molly Lawrence of \$400.00 for legal services provided from the date of this amendment through and including mediation, but in no event shall the compensation amount exceed \$125,000.00 for the services described in Section I of this Contract. This is the maximum amount to be paid under this Contract for the work described in Section I, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed amendment to this Contract.

All other terms and conditions of the Contract remain the same. The parties agree to ratify and confirm any acts consistent with the authority and prior to the final approval of this Amendment.

IN WITNESS WHEREOF the parties hereto have executed this document as of the date first above written.

VAN NESS FELDMAN, LLP:	CITY OF SUMNER:
By: _____ (signature)	By: _____ (signature)
Print Name: _____	Print Name: <u>William L. Pugh</u>
Its _____ (Title)	Its <u>Mayor</u> (Title)
DATE: _____	DATE: _____

	By: _____ (signature) Print Name: <u>Jason Wilson</u> Its <u>City Administrator</u> (Title) DATE: _____ Approved as to Form: Attest: _____ Approved as to form: _____ _____ City Clerk City Attorney DATE: _____ DATE: _____
NOTICES TO BE SENT TO: VAN NESS FELDMAN: Molly Lawrence VAN NESS FELDMAN, LLP 719 – 2ND Ave, Suite 1150 Seattle, WA 98104 206.623.9372 (telephone) 206.626.0765 (facsimile)	NOTICES TO BE SENT TO: CITY OF SUMNER: Andrea Marquez, City Attorney City of Sumner 1104 Maple Street, Suite 242 Sumner, WA 98390 253.299.5611 (telephone) 253.299.5509 (facsimile)

EXHIBIT A

Over the past several years, the City, working with Ms. Lawrence and others, has developed an integrated approach to floodplain management within the City, including a plan to develop several flood reduction/habitat improvement projects along the White River in the City. Moving forward, Ms. Lawrence will assist the City in implementing one or more of the identified projects, including permitting for the redevelopment of the former golf-course property into a multi-purpose flood protection/habitat improvement project. In addition, Ms. Lawrence will continue to assist the City as needed with other floodplain related issues, including coordination with other jurisdictions (e.g., the Pierce County Flood Control Zone District, King County, and the Army Corps of Engineers) and floodplain permitting/regulatory issues. In particular, she is assisting with the following issues/tasks:

- Assisting with project management (e.g., coordinating a diverse mix of public and private parties) and federal, state and local permitting for the City's White River Restoration Project on the east side of the White River south of 8th Street;
- Assisting City Staff in working with the Pierce County Flood Control Zone District and others to secure funding for several of the flood reduction/habitat improvement projects on the White River;
- Providing strategic counsel to City staff as part of the Dialogue Group process with the Muckleshoot and Puyallup Tribes;
- Assisting with discussions with the Army Corps of Engineers regarding the operations of the Mud Mountain Dam and the capacity of the White River;
- Providing strategic legal counsel regarding the permitting and environmental review requirements for the 8th Street Bridge replacement project and
- Assisting in developing a strategy related to the Intercounty Flood Agreement, including potentially working with the City and County on a replacement agreement or other strategies for addressing flood risk.

The primary task contemplated by this scope of work is the project management and permitting for the City's proposed White River Restoration

Project on the east bank of the White River. The City anticipates that permitting and environmental review for this project will continue through the end of 2022, and consequently proposes extending Ms. Lawrence's contract through 2022.

The anticipated level of effort under this contract is 15-20 hours per month. Ms. Lawrence offers the City a significantly discounted rate of \$400/hr. The scope and budget will remain in effect until all the funds are expended or until the services are completed in full, whichever occurs first. The requested contract addition is \$125,000 bringing the contract total to \$425,000.

SUBJECT: Ordinance No. 2773 - 2020 Comprehensive Plan Update 1 of 4 : Map, policies/text updates, East Sumner, EIS

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2773 - Comprehensive Plan Map, Policies, East Sumner, EIS
2. Memo - Comprehensive Plan Map, Policies, East Sumner, EIS

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The item being presented for City Council action is an ordinance to adopt the 2020 Comprehensive Plan; Comprehensive Plan Map amendments, reflecting individual property owner requests; miscellaneous Comprehensive Plan text and policy updates; the 2020 East Sumner Neighborhood Plan update; and to adopt the Environmental Impact Statement. The amendments are part of the 2020 Comprehensive Plan Update.

The 2020 Comprehensive Plan Update is comprised of numerous reports, plans, maps and ordinances. The documents comprising the 2020 update are listed below, and are presented under (4) separate Agenda Bills.

1. Zoning Code and Municipal Code updates, including new regulations and Zoning Map changes.
2. Comprehensive Plan Amendments, including updated policies, new Comprehensive Plan Map, adoption of the 2020 East Sumner Neighborhood Plan, and adoption of the Environmental Impact Statement.
3. Critical Areas Ordinance (wetlands) update.
4. East Sumner Neighborhood Planned Action Ordinance.

COUNCIL COMMITTEE/STUDY SESSION: Study session reviews on June 8, 2020, and on February 8, March 22, April 12, 2021.

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Adopt Ordinance No. 2773 amending the 2020 Comprehensive Plan, East Sumner Neighborhood Plan and Environmental Impact Statement as part of the 2020 Comprehensive Plan Update.

ORDINANCE NO. 2773
CITY OF SUMNER, WASHINGTON

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

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

WHEREAS, the City's 2020 Comprehensive Plan update contains multiple amendments and revisions to different sections of City code, maps and standards. This ordinance relates solely to the adoption of the Comprehensive Plan and Comprehensive Plan Map amendments, the East Sumner Neighborhood Plan, and the Supplemental Environmental Impact Statement. Separate ordinances will be adopting amendments to: 1) Zoning Code Title 18, including East Sumner Urban Village regulations, and other provisions in the Sumner Municipal Code; 2) Critical Areas Ordinances Title 16; and 3) Planned Action Ordinance for the East Sumner Neighborhood Plan; and

WHEREAS, the City of Sumner's Comprehensive Plan was originally adopted by Ordinance No. 1625 on April 4, 1994 to comply with the Growth Management Act, addressing land use, community character, transportation, regional planning, the environment, open-space and parks, capital facilities and utilities; and

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

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Environmental Impact Statement (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on May 7, 2021; and

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

WHEREAS, on December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on December 17, 2020; and on January 7, 2021 voted by a 5-0 vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; to adopt the DSEIS; and adopt Alternative 3 as set forth in the DSEIS; and

WHEREAS, on February 16, 2021, the City Council held a duly advertised public

hearing followed by subsequent study sessions to review the Planning Commission's recommendation(s) and deliberate and discuss alternatives; and on May 17, 2021 voted by a _____ vote to adopt the proposed amendments to the Comprehensive Plan, adopt the FSEIS; and adopt Alternative 3B as set forth in the FSEIS; and

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

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

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

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

Section 2. That the "2020 East Sumner Neighborhood Plan" (updated May 2021) as described in Exhibit B, is incorporated herein by reference and is hereby adopted;

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

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

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

- Prepare a comprehensive plan which must include the following elements: Land Use, Housing, Transportation, Capital Facilities, and Utilities. Parks and Recreation and Economic Development are also identified elements under GMA, that should be incorporated when the state provides funding at least two years ahead of periodic reviews (RCW 36.70A.070 and RCW 36.70A.130). As an option, the comprehensive plans may include elements for Conservation, Solar Energy, ~~Recreation~~, and Sub-Area Plans. The elements must address State Planning Goals identified in the Growth Management Act and Countywide planning policies.
- Adopt regulations consistent with and implement the comprehensive plan (e.g. revise the

zoning ordinance, subdivision ordinance, etc., or prepare new implementation mechanisms).

- Prepare a Shoreline Master Program consistent with RCW 90.58. Its goals and policies are considered an element of the Comprehensive Plan and its regulations are considered part of the City's development regulations (RCW 36.70A.480)

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

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

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

State Goals

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

The goals address the following topics:

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

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

The Draft EIS contains a policy analysis.

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

2015 10-year Update

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

2020 Amendments

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

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

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

- East Sumner Neighborhood Plan, 20152020.
The East Sumner sub-area is approximately 174 acres of lowland located in the eastern portion of the City of Sumner. The core of the area is bordered by 160th Avenue East, 64th Street East, Main Street East, Sumner-Tapps Highway East, and State Route 410. The East Sumner Neighborhood Plan (ESNP) was updated in 2001, 2015, and again in 2020. The plan was adopted as part of the overall 2015 Update and amends the 2001 Plan and addresses major changes to the area including the construction of a YMCA recreation center that will serve the region. The Plan includes building 62nd St. E from 160th Ave E to Sumner Tapps Hwy; off-site wetland mitigation bank; addressing stormwater needs; rezoning to encourage more intense commercial or mixed-use development and improving pedestrians and bicycling connections. In 2020, the plan was amended to focus on conservation of the central wetland and Salmon Creek corridor, and creating a variety of housing and employment opportunities on less constrained property. The plan also included adoption of a planned action ordinance to further expedite environmental review and encourage development.

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

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

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

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

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

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

Design and Development Guidelines, 2008-2018. The design guidelines supplement the zoning code and provide a greater level of detail regarding landscaping, building and architectural treatments and pedestrian friendly amenities. The design guidelines were originally adopted in 1996 and underwent a major rewrite in 2008 ~~and were adopted by the~~

~~City Council on October 6, 2008 per Ordinance No. 2270~~ with minor updates in 2018.

Section 10. That Policy 1.11 of the 2018 Comprehensive Plan Land Use Sub-Element - Goals, Policies and Objectives is hereby amended to read as follows:

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

Section 11. That Policy 1.6 of the 2018 Comprehensive Plan Historic and Cultural Resources Sub-Element is hereby amended to read as follows:

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

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

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

Innovation District and Enterprise Area

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

Planned Mixed Use Development and Planned Residential Development

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

housing types with varying lot sizes and dimensions, increased density as appropriate, adequate open space, and building setbacks and heights that are compatible with adjacent residential uses. The result is a development that allows for a high level of variety in housing and flexibility in site design while remaining compatible with the character of the surrounding neighborhood.

Resource Protection District

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

Central Business District Historic Central Business District (Town Center)

Town Center Plan area

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

Urban Village

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

The urban villages will provide a focus for neighborhoods outside ~~the CBD, but are secondary to the CBD of the downtown area.~~ Urban villages promote pedestrian scale, transit-oriented developments in harmony with the character of the community. Primary uses include retailing and commercial services, banks (with no drive through facilities),

professional offices, bed-and-breakfasts, hotels, civic uses, multi-family dwellings of various types including duplexes, townhouses, condominiums, apartments, etc. Secondary uses can include single-family dwellings, accessory units, adult family homes, day care, public and private educational facilities, utilities subject to compatibility criteria, churches and religious institutions, convalescent care and rest homes. Mixed uses, converted residential buildings, converted commercial buildings, and variable lot sizes are encouraged to ensure pedestrian orientation, visual interest, and historic character protection.

General Commercial

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

Section 13. That the 2018 Comprehensive Plan Table 1 Land Use Designations is hereby amended to read as follows:

Table 1 – LAND USE DESIGNATIONS

CATEGORY	DENSITY	FAR
<u>Residential</u>		
<u>Resource Protection (RES)</u>	<u>1 du/20 acres</u>	--
Residential-Protection (R-P)	1 du/20 acres	--
Low Density Residential-1 (LDR-1)	2.9 -5.0 du/acre	--
Low Density Residential-2 (LDR-2)	5.1-6.5 du/acre	--
Low Density Residential-3 (LDR-3)	6.6-8 du/acre	--

CATEGORY	DENSITY	FAR
Medium Density (MDR)	8.1-15 du/acre	--
High Density (HDR)	12.1-25 du/acre	--
<u>Commercial</u>		
General Commercial (GC)	12.1-20 du/acre	--
Interchange Commercial (IC)	--	.3 - .5
Neighborhood Commercial (NC)	12.1-20 du/acre	.3 - .5
<u>Mixed-Use</u>		
Central Business District (CBD) Town Center Plan area	12.1 – 30 du/acre Unlimited density per TCP Form Based Code	2.0-3.0 .75-6.0
Urban Village (UV)	12.1 - 40 du/acre	1.0 - 2.0
<u>Manufacturing</u>		
Light (M-1)	--	.3 - .8
Heavy (M-2)	--	.3 - .8
<u>Public/Private Facilities & Utilities (P)</u>	--	.3 - .8
<u>Overlay Designations</u>		
Shoreline	Refer to Sumner SMP	Refer to Sumner SMP
<u>Planned Residential Development</u>	<u>Based on underlying zone</u>	<u>n/a</u>
Planned Mixed Use Development	5-37.5 du/acre	.3-.5
Town Center Plan Subarea Sub-Districts	Unlimited if height, open space, setbacks, and parking are met.	.75-6.0
<u>Innovation District & Enterprise Area</u>	<u>Based on underlying zone</u>	<u>n/a</u>

Section 14. That sub-Policy 4.5 of the 2018 Comprehensive Plan Economic Development Sub-Element is hereby amended to read as follows:

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

4.5 Use land use and other regulatory controls to allow for a mix of small businesses, chain and franchises operations, light manufacturing, artisan shops, craft production, small

research and development businesses, and other innovative and emerging trends. Promote "innovation districts" in appropriate locations.

Section 15. That Policy 1.6 of the 2018 Comprehensive Plan Housing Element - Goals, Policies and Objectives, Policy 1.6, is hereby amended to read as follows:

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

Section 16. That the 2018 Comprehensive Plan Transportation Element subsection “Streets and Highways” text is hereby amended to read as follows:

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

Section 17. That the 2018 Comprehensive Plan Transportation Element subsection “Pedestrians and Bicycles” is hereby amended to read as follows:

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

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

[...]

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

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

Section 18. That sub-policy 5.1 and 5.2 of the 2018 Comprehensive Plan Transportation Element subsection “Rail, Transit and Transportation Demand Management” is hereby amended to read as follows:

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

- 5.1 Continue working with ~~Sound Transit~~ transit providers to expand and enhance bus transit service to regional destinations and to serve growing areas of Sumner. Key connections that should be considered for new or expanded service include:
- Between Sumner and Auburn/Kent/Green Valley employment centers;
 - To connect Lakeland Hills residential area to Sumner and regional transit service;
 - To serve travel between Sumner, Bonney Lake, and ~~Casadia~~ Tehaleh development area;
 - To serve travel within Sumner and connections to the commuter rail station;
 - Connections between East Sumner Neighborhood and historic Downtown Sumner, including the commuter rail station.
- 5.2 Continue working with Sound Transit, WSDOT, and local agencies to enhance access to the regional commuter rail system and Sumner’s commuter rail station, including connections to various Sumner neighborhoods and the Manufacturing Industrial Center.

Section 19. That policy 6. 1 of the 2018 Comprehensive Plan Transportation Element subsection “Land Use and Environmental Considerations” is hereby amended to read as follows:

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

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

Section 20. That the 2018 Comprehensive Plan Transportation Element is hereby further amended as follows:

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

Section 21. That the 2018 Comprehensive Plan Transportation Element is hereby further amended as follows:

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

Section 22. That the Comprehensive Plan Shoreline Element “Shoreline Map - Figure 21” dated 2015 is hereby replaced with the “Shoreline Environmental Designations Map” contained in Ordinance No. 2732 adopted June 2019, as shown in Exhibit F attached hereto and incorporated by reference;

Section 23. That the amendments and associated exhibits contained herein shall constitute the 2020 Sumner Comprehensive Plan Update, and are hereby adopted.

Section 24. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 25. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 26. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

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

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

EXHIBIT A - 2020 Comprehensive Plan Map (see Figure A-1 below for detail) (4/9/21)

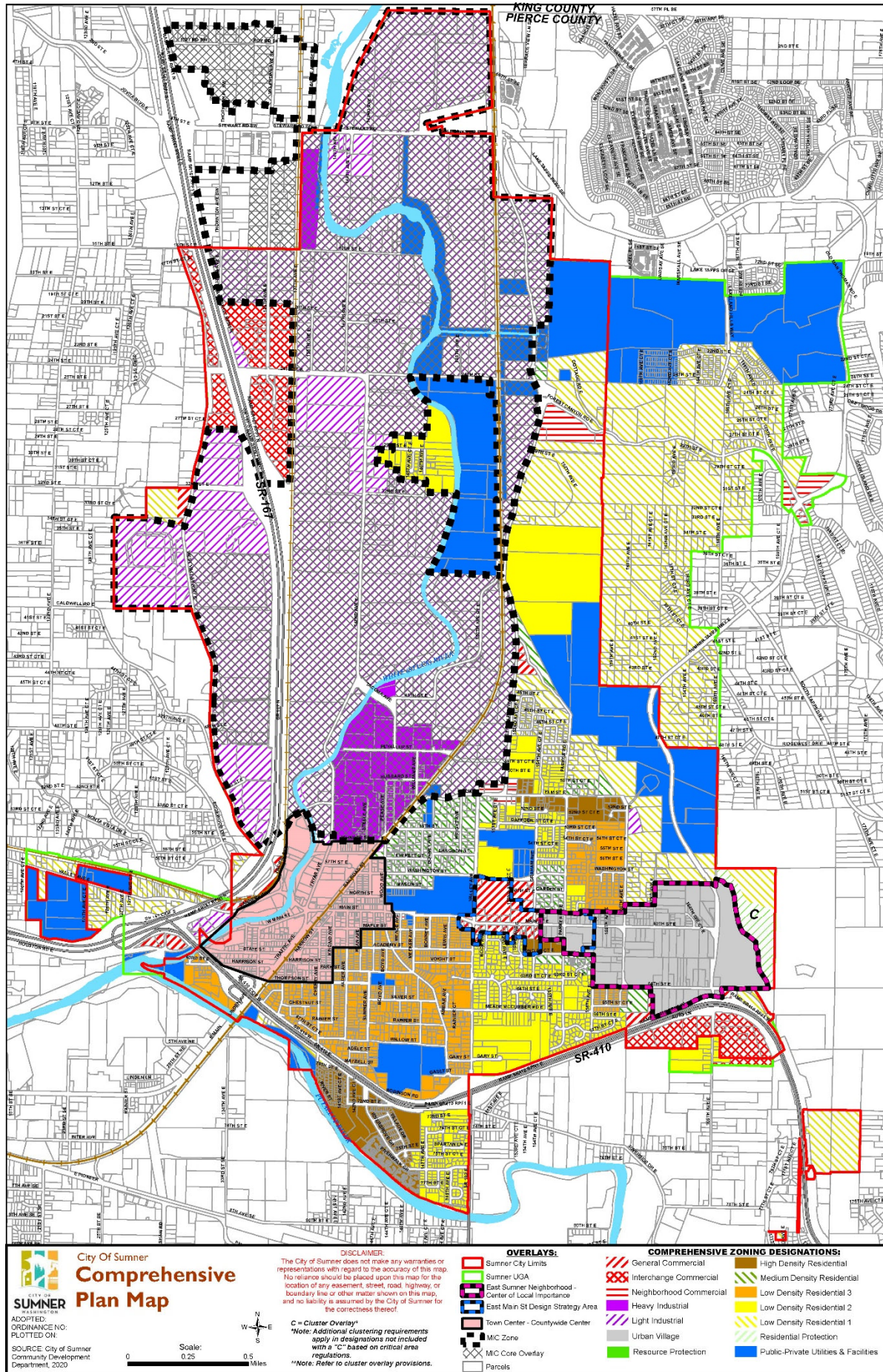


Figure A-1: Enlarged EXHIBIT A to Show Detail (4/9/21)

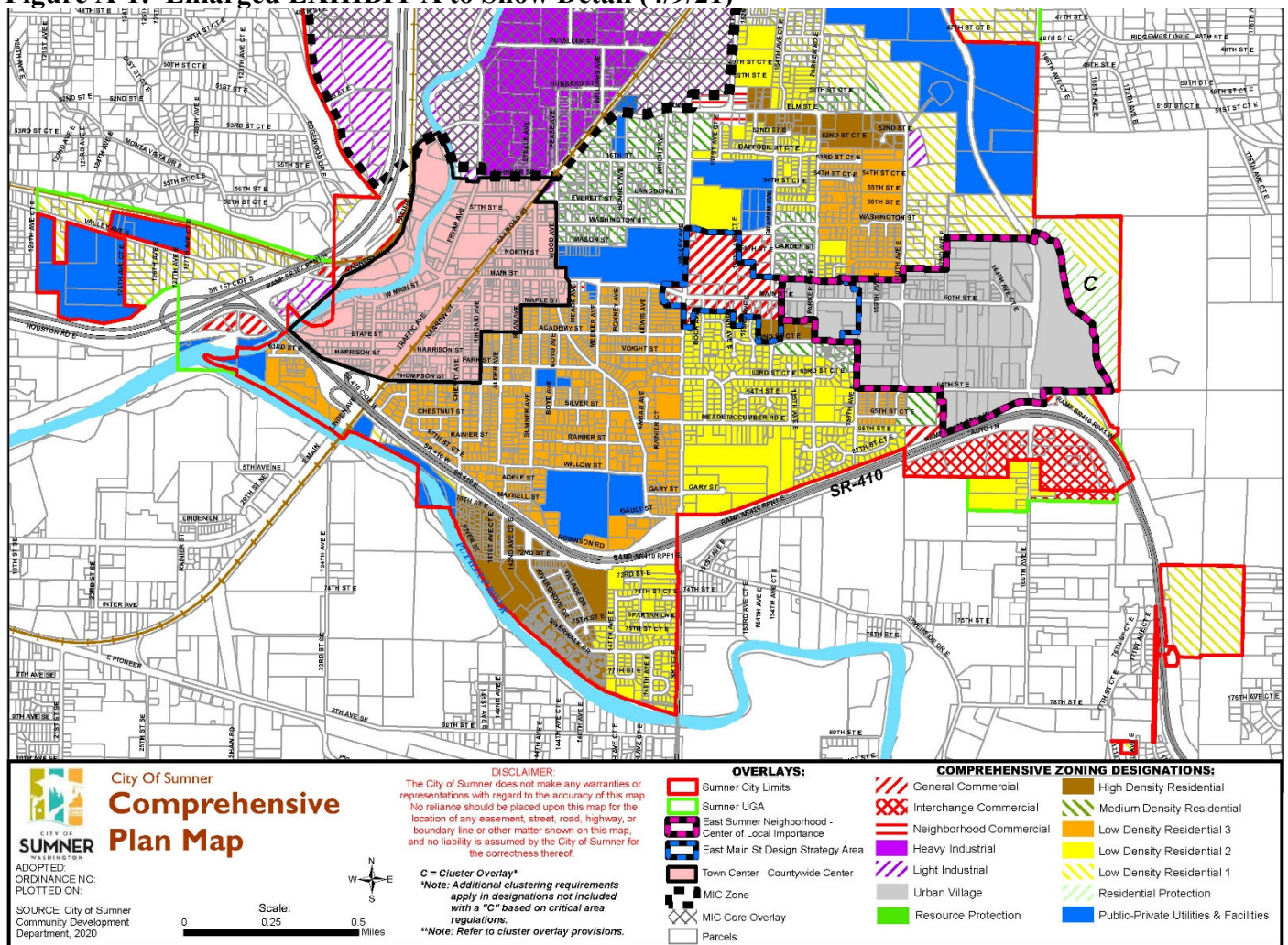


EXHIBIT B – 2020 East Sumner Neighborhood Plan Update (updated May 2021)

The entire text of “2020 East Sumner Neighborhood Plan Update” is located at the City’s Document Center: <https://sumner.civicweb.net/filepro/documents/21595>, and on the City’s website at: <https://connects.sumnerwa.gov/east-sumner-neighborhood-plan>



EXHIBIT C - Environmental Impact Statement (DEIS and FEIS)

“Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action - Final Supplemental Environmental Impact Statement – May 2021”

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

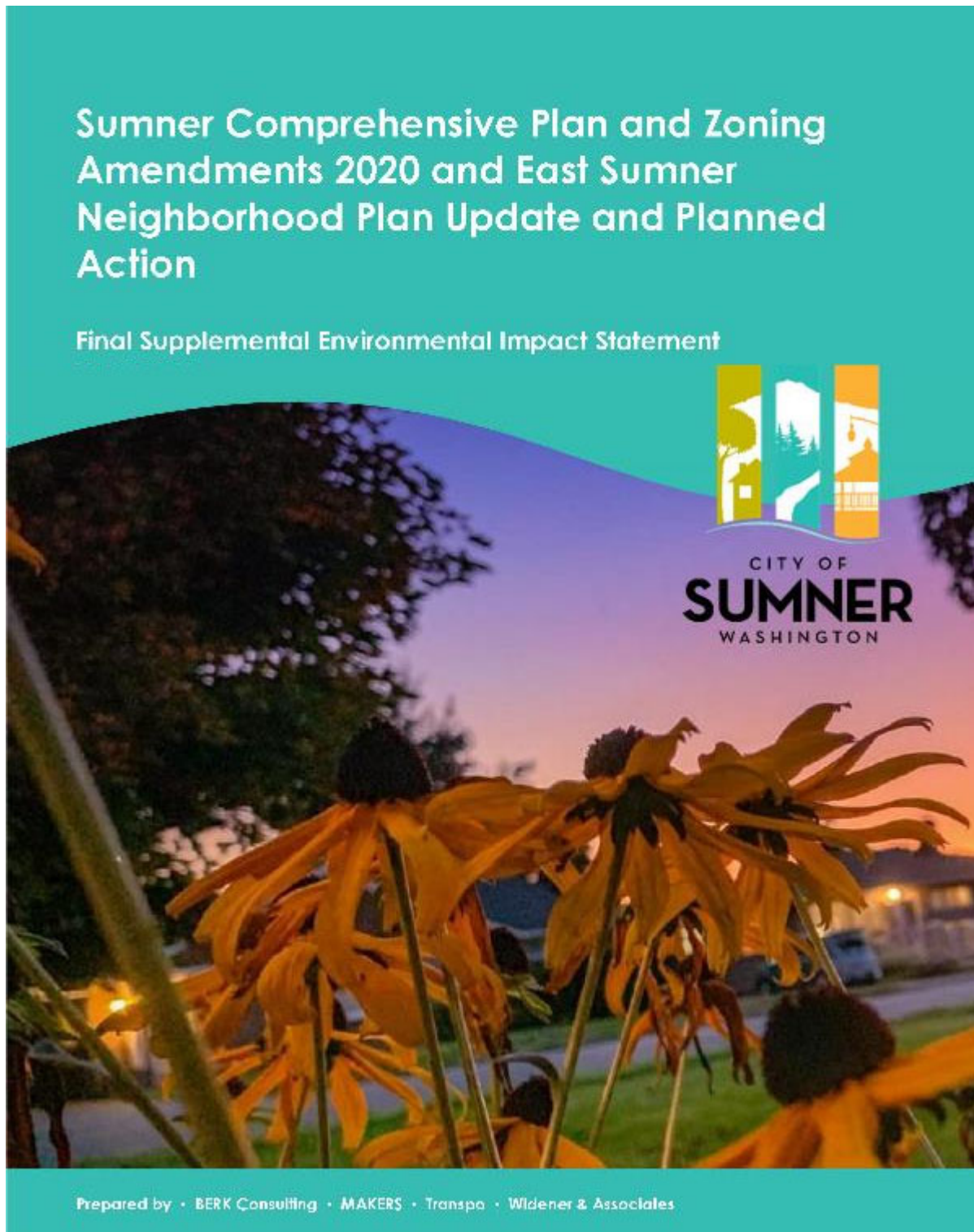


EXHIBIT D - Transportation Improvement Projects Map - Figure 13

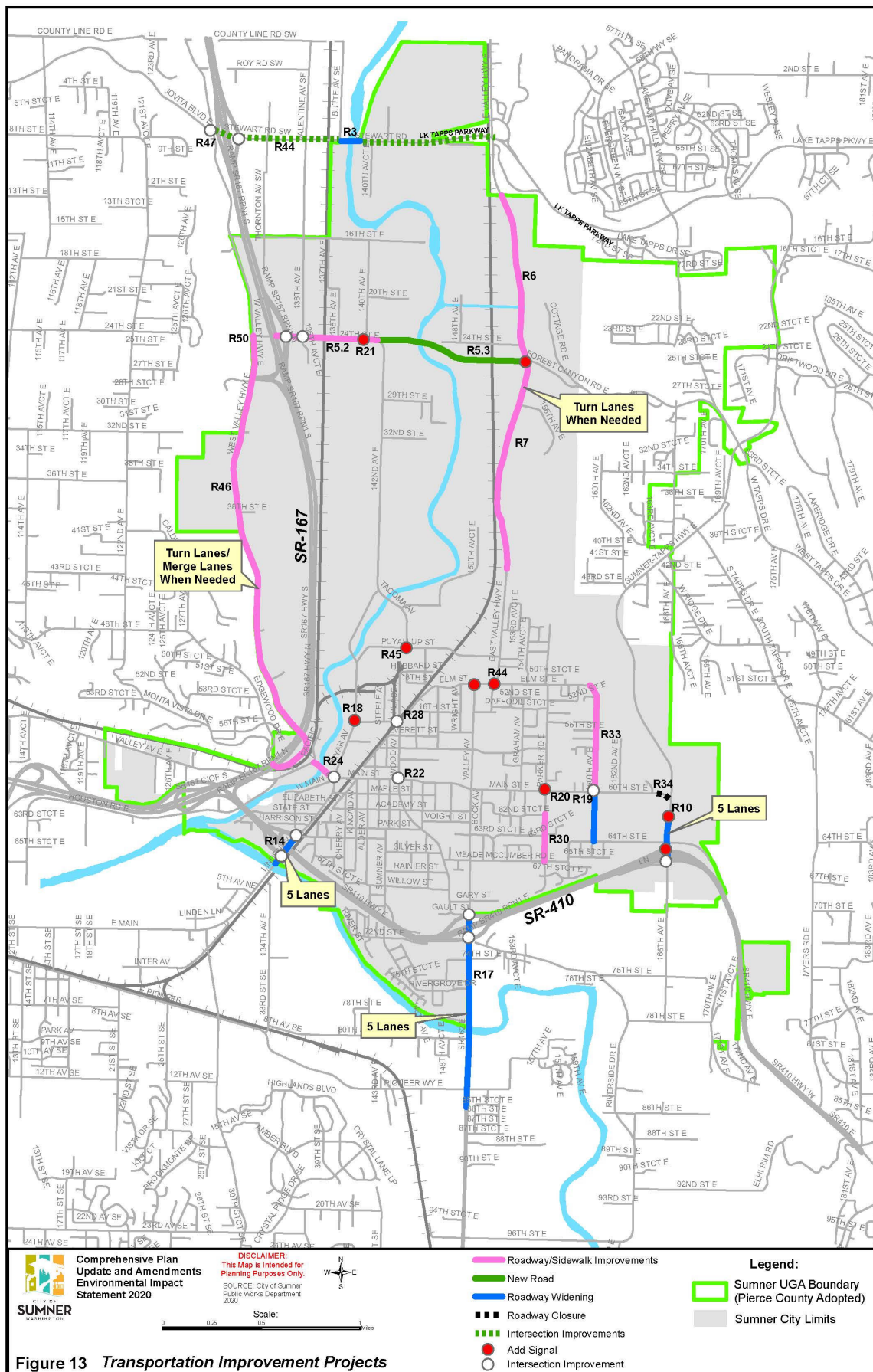


EXHIBIT E - Major Pedestrian System Plan Map - Figure 14

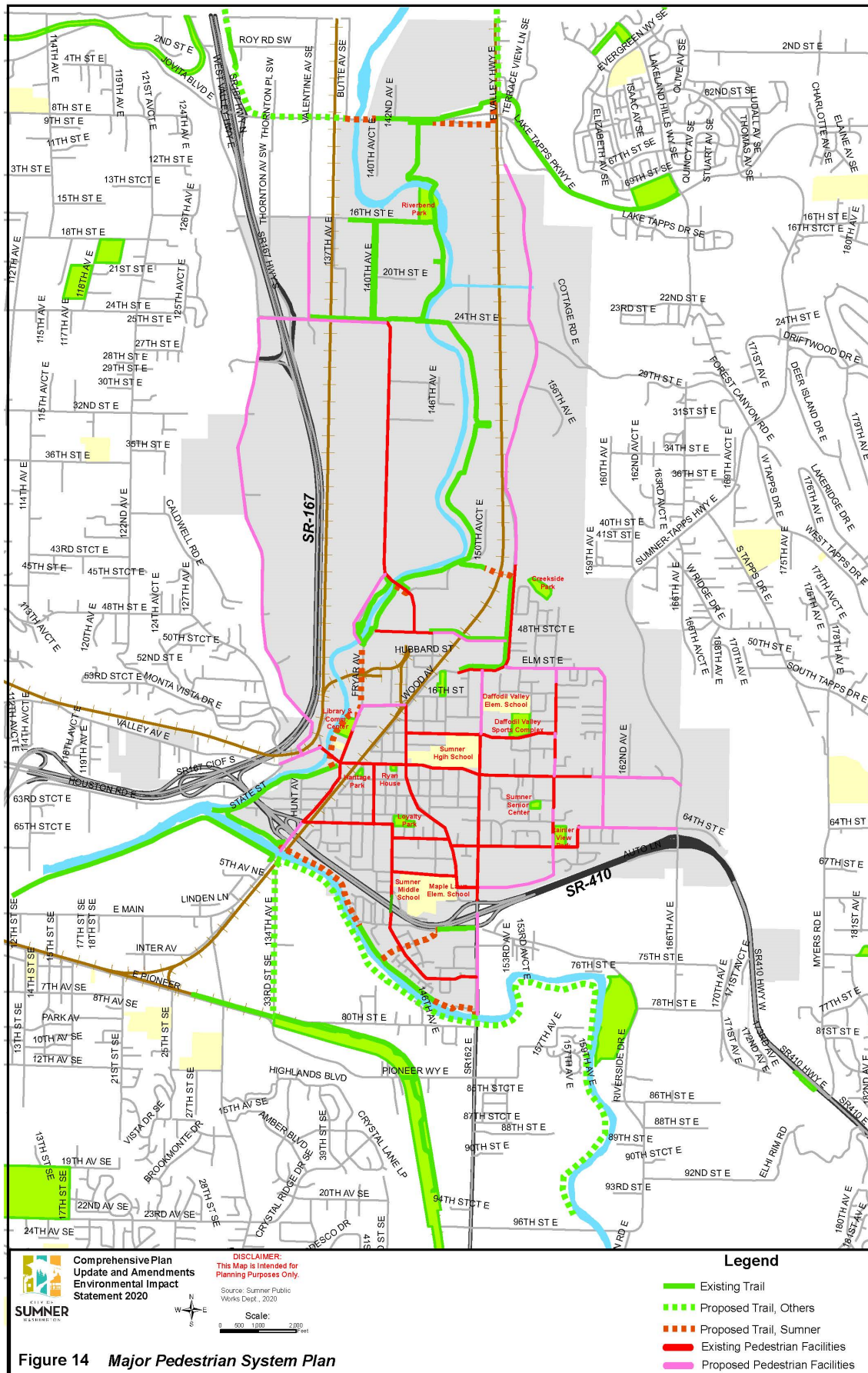
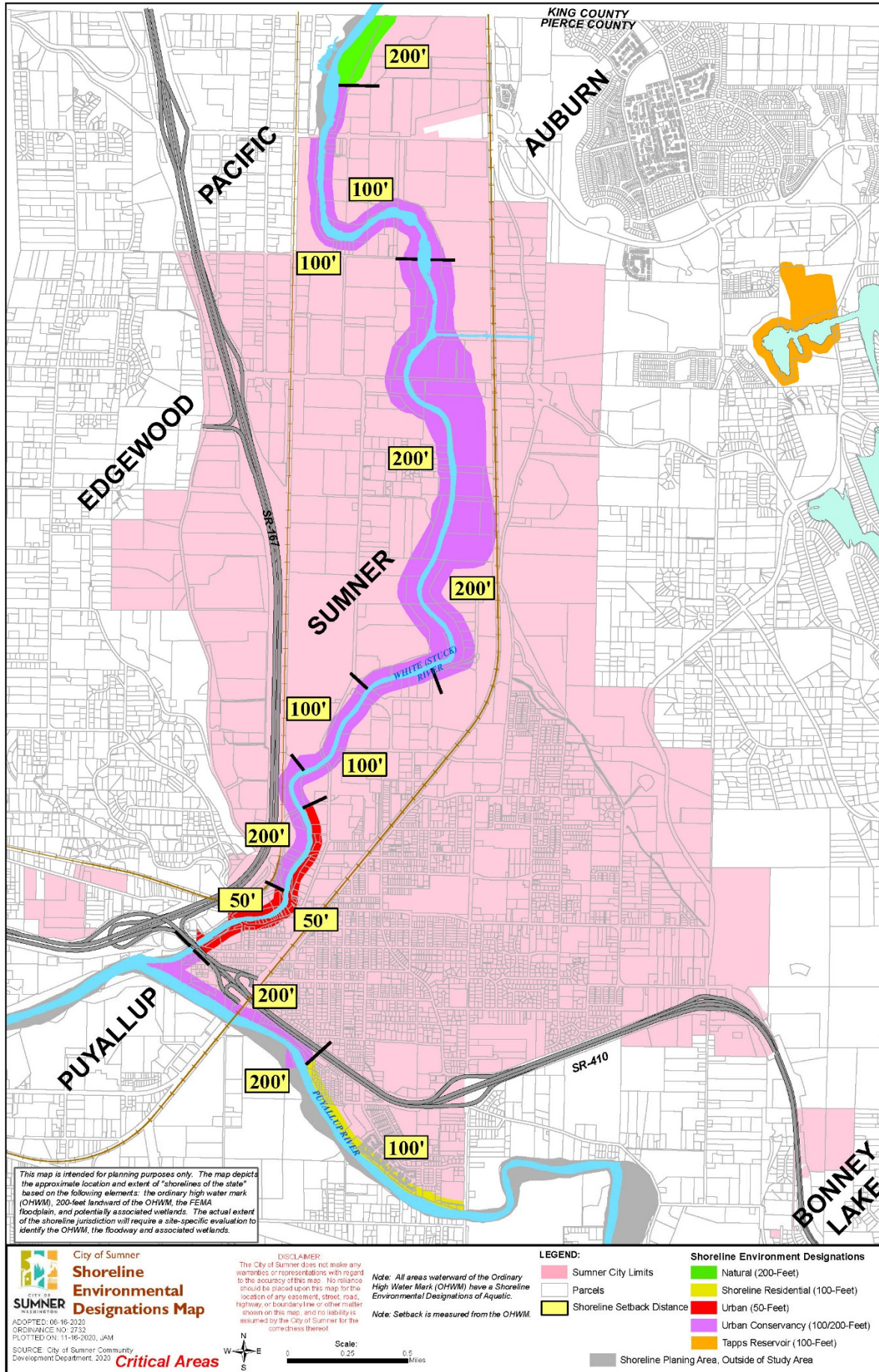


EXHIBIT F - Shoreline Environmental Designations Map (from Ordinance # 2732, adopted June 2019)





MEMORANDUM

DATE: May 3, 2021
TO: Mayor Pugh and City Council
FROM: Ann Siegenthaler, Associate Planner
RE: 2020 Comprehensive Plan Update – **Ordinance 2773 Comprehensive Plan, ESNP, EIS – Overview**

I. BACKGROUND

The item being presented for City Council action is the ordinance for adoption of the Comprehensive Plan, the 2020 East Sumner Neighborhood Plan and adoption of the Environmental Impact Statement. The text, maps and documents in the ordinance are part of the 2020 Comprehensive Plan Update. Amendments include updating text, policies and map designations in the Comprehensive Plan, updates to implement the 2020 East Sumner Neighborhood Plan, and “housekeeping” updates to the Comprehensive Plan.

II. SUMMARY OF PROPOSED MAP UPDATES

A. Amend Comprehensive Plan Map at individual parcels

The ordinance includes amendments to the Comprehensive Plan Map which will also become changes to the Zoning Map. The proposals have been explained in individual staff reports with the required analysis of approval criteria. (See the maps in the Ordinance Exhibits for the parcels.) Below is a summary of the Comprehensive Plan map changes.

1. Houston Road UGA parcels:
Located near Old Cannery on Valley Avenue, this is primarily changing maps from General Commercial to a Light Industrial zone. Light industrial is consistent with nearby uses.
2. CBD parcels downtown:
This map change involves changing 5 parcels on Main Street from the obsolete Central Business District zone to a Neighborhood Commercial designation.
3. School District parcels downtown:
This is primarily changing map designations to Public-Private Utilities & Facilities. The proposed change is consistent with the existing and planned uses by the School District.

III. SUMMARY OF PROPOSED TEXT UPDATES

A. Update Comprehensive Plan Miscellaneous Text

Proposed amendments are primarily minor updates to the text regarding State Growth Management Act requirements; the list of Plan documents; list of documents that implement the Plan, such as the Parks and Trails Plan. Also, there are maps and text with incorrect Figure numbers, and the old Shorelines Map in the Comprehensive Plan will be updated to the current Shorelines Map adopted by the City in

2019. Various tables are updated to include zoning districts and overlays noted in the Zoning Cod but missing from the Comprehensive Plan list of districts.

B. Minor policy updates

Part of the proposal is for housekeeping updates to two policies: 1) Remove references to obsolete CBD zone. 2) Update existing policy for Town Center Plan to clarify that Sumner's Town Center Plan Area (TCP) was designated in 2019 as a center of countywide significance.

C. Remove obsolete CBD and MUD zoning references and miscellaneous updates

This proposal is a "cleanup" of the now obsolete Central Business District (CBD) and Mixed Use Development District (MUD), which involves removing various references to these old zones in the Comprehensive Plan and Zoning Code. The 2018 Town Center Plan (TCP) replaced most of the CBD zone with TCP zone.

- Table 1- Land Use Designations: Remove CBD references, and designations that are adopted in the code but missing from Table 1.
- Descriptions of Land Use Designations and a policy: Remove CBD references; and add missing Resource Protection District and add Planned Residential Development from the Zoning Code.

D. Add Innovation District Overlay description to Comprehensive Plan

- Add a new Land Use Designation and description to the Land Use Element and Table 1.
- Add policy language to the Economic Element in Comprehensive Plan to support Innovation Districts and "craft production."

E. Add policies to support the East Sumner Neighborhood Plan (ESNP) update

- Policy updates would clarify that ESNP should have pedestrian-oriented street cross-sections; encourage transit connections between ESNP and downtown; and allow ground-related multi-family dwellings in ESNP.

F. Adopt the 2020 East Sumner Neighborhood Plan

This is a 35-page document containing recommendations for the area related to land uses, circulation, community design character and environmental management. A separate wetlands report was prepared by the City to inform zoning recommendations, but is background only, not for adoption. Note that the April 2021 ESNP revisions remove the Resource Protection Zone from private parcels in the central neighborhood per public comments and Council direction. The Comprehensive Plan Map does not change, since ESNP area is designated as a general overlay district.

G. Adopt the 2020 Supplemental Environmental Impact Statement

The Council will also need to adopt the 2020 EIS, which evaluates the environmental impacts and mitigation measures for all the alternatives that were evaluated in the process.

IV. STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

VI. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the ordinance as proposed, January 7, 2021.

VII. EXHIBITS

- A. Ordinance 2773 - Proposed Comprehensive Plan amendments, East Sumner Neighborhood Plan, and EIS

SUBJECT: Ordinance No. 2774 - 2020 Comprehensive Plan Update 2 of 4: Citywide Zoning Regulations, Map Changes

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2774 - Citywide Zoning Regulations & Map Changes
2. Memo - Citywide Zoning Regulations & Map Changes

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The item being presented for City Council action is an ordinance to adopt Citywide zoning code and municipal code regulations, and amendments to the Zoning Map. The revised regulations in the ordinance are part of the 2020 Comprehensive Plan Update.

Amendments include: New regulations for contractor yards in Light Industrial zones, craft coffee roasting, and innovation district; general “housekeeping” updates; and a new Zoning Map for East Sumner, and Zoning Map changes reflecting individual proposals for map changes.

This ordinance is one of four presented for adopting the 2020 Comprehensive Plan Update and various components.

COUNCIL COMMITTEE/STUDY SESSION: Study session reviews on June 8, 2020, and on February 8, March 22, April 12, 2021.

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Adopt Ordinance No. 2774 updating citywide zoning and municipal code regulations and amendments to the Zoning Map, as part of the 2020 Comprehensive Plan Update.

ORDINANCE NO. 2774
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING THE SUMNER ZONING CODE, THE EAST SUMNER URBAN VILLAGE OVERLAY CODE; MUNICIPAL CODE AND ZONING MAP TO IMPLEMENT THE 2020 COMPREHENSIVE PLAN; AND AMENDING THE FOLLOWING MUNICIPAL CODE SECTIONS: 8.14; 10.58; 18.03; 18.04; 18.06; 18.14; 18.16; 18.18; 18.26; 18.29; 18.30; 18.42; 18.44; 18.46; 18.56; AND ADDING A NEW CHAPTER 18.22 ENTITLED INNOVATION DISTRICT.

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

WHEREAS, the City's 2020 comprehensive plan updates contain multiple amendments and revisions to different sections of City code, maps and standards. This ordinance relates solely to the amendments to Zoning Code and Zoning Map, Municipal Code, and East Sumner Urban Village regulations portions of the overall comprehensive plan updates. Separate ordinances will be adopting amendments to: 1) Comprehensive Plan, East Sumner Neighborhood Plan, and Supplemental Environmental Impact Statement; 2) Critical Areas Ordinances Title 16; and 3) Planned Action Ordinance for the East Sumner Neighborhood Plan; and

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

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on May 7, 2021; and

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

WHEREAS, on December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on December 17, 2020; and on January 7, 2021 voted by a 5-0 vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; to adopt the DSEIS; and adopt Alternative 3 as set forth in the DSEIS; and

WHEREAS, on February 16, 2021, the City Council held a duly advertised public hearing followed by subsequent study sessions to review the Planning Commission's recommendation(s) and deliberate and discuss alternatives; and on May 17, 2021 voted by a _____ vote to adopt the proposed amendments to the Comprehensive Plan, adopt the FSEIS; and adopt Alternative 3B as set forth in the FSEIS; and

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

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

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

Section 1. That Sumner Municipal Code Title 8 HEALTH AND SAFETY Chapter 8.14 "Noise control," section 8.14.070 "Zoning Classification for EDNA" is hereby amended as follows:

8.14.070 Zoning classification for EDNA.

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

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

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

Section 2. That Sumner Municipal Code Title 10 VEHICLES AND TRAFFIC Chapter 10.58 "Coasters, Roller Skates, Roller Blades and Skateboards," Section 10.58.010 "Central Business District" is hereby amended to reads as follows:

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

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

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

Section 3. That Sumner Municipal Code Section 18.03.020 "Prohibited Uses" is hereby amended to read as follows:

18.03.020 Prohibited Uses.

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

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

Section 4. That Sumner Municipal Code Chapter 18.04 “Definitions” is hereby amended with the addition of new sections to read as follows:

Craft Production.

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

Craft Coffee Roasting.

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

Distillery, micro.

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

Live-work unit.

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

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

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

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

Performing and cultural arts uses, minor

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

Winery, craft

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

Section 5. That Sumner Municipal Code Section 18.06.010 “Use districts designated” is hereby amended to read as follows:

18.06.010 Use districts designated.

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

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

Abbreviation	District	Minimum Size Lot (sq. ft.)
MUD	Mixed-use development	5,000
M-1	Light manufacturing	10,000
M-2	Heavy manufacturing	6,000

Section 6. That Sumner Municipal Code Section 18.08 .020 “Principal uses” in the Resource Protection district is hereby amended to read as follows:

18.08.020 Principal uses.

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

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

Section 7. That Sumner Municipal Code Section 18.08.030 “Accessory uses” is hereby amended to read as follows:

18.08.030 Accessory uses.

Permitted accessory uses in the RES district are as follows:

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

Section 8. That Sumner Municipal Code Section 18.08.040 “Conditional uses” is hereby amended to read as follows:

18.08.040 Conditional uses.

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

- A. Wireless communication facilities subject to the standards of chapter 18.37 SMC;
- B. Cemeteries;
- C. Commercial recreational fields and/or clubs, such as athletic clubs, baseball fields, golf driving ranges;
- D. Community clubs;
- E. Golf courses;

- ~~F. Kennels as a principal use of property~~Parks and playgrounds, excluding artificially-surfaced sports fields;
- G. Major utility facilities;
- H. Mineral extraction uses (see performance standards per SMC 18.08.080(A));
- I. ~~Outdoor, uncovered p~~Private recreational facilities, ~~excluding artificially-surfaced sports fields~~;
- J. Public facilities;
- K. Riding stables;
- L. Utility yard;
- M. Water towers and water supply plants.

Section 9. That Sumner Municipal Code Section 18.14.020 “Principal permitted uses” in MDR and HDR districts is hereby amended to read as follows:

18.14.020 Principal permitted uses.

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

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

1. The required 10-foot landscaped yard setback shall include a solid, commercial grade, masonry wall; wood fence with minimum six-inch by six-inch posts; a vinyl fence; or equivalent...

[...]

2. The required 10-foot landscaped yard setback shall include evergreen trees with a minimum height at planting of five feet and caliper of two inches at time of planting...

[...]

3. The use of an outdoor public address (PA) system shall comply with the noise control regulations per chapter 8.14 SMC.

~~4. Such use shall not occur more than 180 feet from the boundary of an MUD zone as exists on or before August 1, 2013.~~

Section 10. That Sumner Municipal Code Section 18.16.010 “Purpose” is hereby amended to read as follows:

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

1. NC, neighborhood commercial district;

~~2. CBD, central business district;~~

~~3. GC, general commercial district;~~

~~4. IC, interchange commercial district;~~

~~5. MUD, mixed-use development district.~~

B. The commercial districts are established to provide appropriately located areas for office uses, retail stores, service establishments, and wholesale businesses, offering commodities

and services required by residents of the city and its surrounding market area. In addition to this purpose, each commercial district has its own specific and unique intent as follows:

1. NC, Neighborhood Commercial District. The NC district is intended to provide for convenient retailing and other commercial services principally oriented to adjacent residential areas and neighborhoods.

~~2. CBD, Central Business District. The CBD district is intended to provide for retailing and other commercial services in a fashion that preserves and enhances the pedestrian scale and character of development in Sumner's downtown area. Small, independent shops and offices are typical to this district.~~

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

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

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

Section 11. That Sumner Municipal Code Section 18.16.020 “Principal and conditional uses” is hereby amended to read as follows:

18.16.020 Principal and conditional uses.

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

[...]

		NC	CBD	MUD	GC	IC
1.	Accessory parks and recreation facilities for use by on-site employees or residents	P	P	P	P	P
2.	Adult entertainment businesses subject to chapter 18.38 SMC	–	–	–	P	P
3.	Artist's studio and workshop having a retail component <u>comprising at least 15% of the total floor area</u>	– P	P	P ⁴	P	P
4.	Automotive and motorized vehicle sales	–	–	– ⁸	P	P ⁹
5.	Banks, business and professional offices and drive-up banking	CUP	P	P	P	P
6.	Business and consumer services, <u>including advertising, property management, and consulting services</u> ⁹	CUP P	P	P	P	P
7.	Car wash ⁹	–	–	–	P	P
8.	Wireless communication facilities	See chapter 18.37 SMC				
9.	Cemeteries	–	CUP	CUP	CUP	CUP

		NC	CBD	MUD	GC	IC
10.	Churches	P	P	P	P	P
11.	Contractor business ⁶	–	–	–	–	P
12.	Convenience store ⁹	CUP	P	P	P	P
13.	Dancehalls	–	CUP	–	CUP	P
14.	Drive-through businesses, <u>subject to performance standards at SMC 18.16.080</u> ^{4,5,9}	–	P	–	P	P
15.	Drive-through espresso/coffee business, <u>subject to performance standards at SMC 18.16.080</u> . ^{4,5,14}	CUP	P	–	P	P
16.	Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title	P	P	P	P	P
17.	Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers	P	P	P	P	P
18.	Gasoline service stations and convenience stores with gasoline sales ⁹	–	CUP	–	CUP	P
19.	Hazardous waste on-site treatment and storage facilities	–	–	–	CUP	–
20.	Health and fitness club ⁹	P ⁷	P	P	P	P
21.	Heavy equipment and/or boat repair, accessory to a permitted use ⁹	–	–	–	–	P
22.	Heavy equipment and/or boat sales	–	–	–	–	CUP
23.	Hospitals	CUP	CUP	–	CUP	CUP
24.	Hotels, bed and breakfasts and tourist homes ^{2,9}	P	P	CUP	P	P
25.	Light manufacturing, fabrication, assembling and repairing, <u>excluding vehicle repair, subject to SMC 18.16.080(S)</u> ¹⁰	–	–	–	CUP	–
26.	Light-medium equipment sales	–	–	–	–	P
27.	Major utility facility	CUP	CUP	CUP	CUP	–
28.	Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots	CUP	CUP	CUP	CUP	P
29.	Medical and dental services ⁹	P	P	P	P	P
30.	Miniwarehouses	–	–	–	–	–
31.	Existing miniwarehouses ¹²	–	–	–	P	P
32.	Minor utility facility	P	P	P	P	P
33.	Motels ⁹	CUP	–	–	P	P
34.	Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes except on the ground floor, or in accordance with the city of Sumner design and development guidelines, and subject to density maximums and locations as applicable in SMC 18.16.040	P	P ³	P ³	P ³	–
35.	Outdoor storage	–	–	–	–	–

		NC	CBD	MUD	GC	IC
36.	Public parks and public recreation facilities	CUP	CUP	CUP	CUP	CUP
37.	Personal services including barber and beauty shops, <u>salons/spas</u> , photographic studios, tailor-dressmaking shops ⁹	P	P	P	P	P
<u>38.a.</u>	<u>Performing and cultural arts uses, minor</u>	CUP	=	=	P	P
<u>38.b.</u>	Private clubs, lodges, fraternal organizations, union halls and social halls	CUP	P	P	P	P
39.	Public facilities	CUP	CUP	CUP	CUP	CUP
40.	Private off-street parking lots	P	P	-	P	-
41.	Private off-street parking lots, paid	-	-	-	-	-
42.	Public off-street parking lots	P	P	P	P	-
43.	Public off-street parking lots, paid	-	CUP	-	-	-
44.	Public garage	-	CUP	CUP	CUP	CUP
45.	Recycling collection station	-	-	-	P	P
46.	Restaurants ⁹	CUP P	P	P	P	P
47.	Retail business ⁹	P	P	P	P	P
<u>48.a.</u>	Schools, colleges and universities	CUP	CUP	CUP	CUP	CUP
<u>48.b.</u>	<u>Schools for instruction in fine arts, crafts, dance, martial arts, languages and office technology not exceeding a total of 5,000 square feet floor area</u>	CUP	=	=	P	P
49.	Storage/warehouse and distribution facilities	-	-	-	-	-
50.	Streets	P	P	P	P	P
51.	Taverns, micro-breweries, brewpubs, and bars	-	CUP	CUP	CUP	P
52.	Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades; <u>except in NC allowed up to 5,000 square feet floor area.</u>	- CUP	P	CUP	P	P
53.	Truck-related retail and services ⁹	-	-	-	-	P
54.	Truck stops	-	-	-	-	-
55.	Truck terminals	-	-	-	-	-
56.	Unenclosed commercial recreation establishments such as driving ranges, miniature golf, miniature airplane field ⁹	-	CUP	-	CUP	P
57.	Utility yard	CUP	CUP	-	CUP	-
58.	Vehicle repair, minor ⁹	-	CUP	-	P	P
59.	Veterinary clinics, excluding outdoor boarding kennels ⁹	-	-	-	P	P
60.	Vocational or fine arts school; <u>except in CBD-NC allowed up to 5,000 square feet floor area except on ground floor</u>	- CUP	P	P	P	P
61.	Water towers and water supply plants	CUP	CUP	CUP	CUP	CUP
62.	Car rental agency	-	-	-	P	P

		NC	CBD	MUD	GC	IC
63.	Temporary homeless encampments in accordance with SMC 18.36.060	CUP	CUP	CUP	CUP	CUP
64.	Funeral homes, mortuaries, and funeral parlors	P	P	—	P	P
65.	Truck sales with 10,000 square feet associated professional offices	—	—	—	—	P

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

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

³Reserved.

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

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

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

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

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

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

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

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

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

Section 12. That Sumner Municipal Code Section 18.16.040 “Residential uses” is hereby amended to read as follows:

18.16.040 Residential uses.

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

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

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

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

3. ~~Outside the Town Center Plan area the~~The maximum number of dwelling units shall not exceed 25 dwelling units per net acre in the general commercial district ~~and in the central business district.~~

4. ~~Inside the Town Center Plan area the maximum number of dwelling units shall not exceed 30 dwelling units per net acre in the general commercial district and in the central business district.~~

5. ~~All development must be designed in accordance with the city of Sumner design and development guidelines.~~

~~C. A mix of residential and commercial uses is permitted in the MUD zone. Residential uses are required at the minimum densities listed in subsection (C)(3) of this section and commercial uses on the ground floor are optional. Mixed use developments shall have mixed use structures and may have a combination of mixed use and single use residential structures such that:~~

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

~~2. Single-use residential structures shall be located to the side or rear of the mixed-use structures, otherwise the single-use residential structures may be located along the primary street;~~

~~3. The maximum number of dwellings shall not exceed a ratio of 40 dwelling units per net acre and contain at least a minimum ratio of 15 dwelling units per net acre;~~

~~4. Dwelling units shall be provided sufficient off-street parking ratios as required in chapter 18.42 SMC;~~

~~5. A minimum of 80 percent of the area of the first floor shall be covered by a second story for mixed-use structures; and~~

~~6. Mixed-use development shall conform to the city of Sumner design and development guidelines and SMC 18.16.080(S).~~

Section 13. That Sumner Municipal Code Section 18.16.070 “Property development standards” is hereby amended to read as follows:

18.16.070 Property development standards.

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

		NC	CBD	MUD	GC	IC
1.	Minimum lot area per building site in square feet	4,500	5,000	5,000	5,000	5,000

2.	Minimum lot width in feet	50	50	50	50	50
3.	Lot depth in feet	100	80	100	100	100
4.	Front yard setback in feet, in accordance with the Sumner design and development guidelines (minimum front yard setback required for properties located on arterials or collectors)	min. 0 max. 25	0	min. 0 max. 15⁴	General zoning: min. 5 max. 50 max. 25 on corner Town Center: min. 0 max. 25 East Main Street area: max. 0 ³	min. 15 no max.
5.	Rear yard setback in feet	20	0	0²	General zoning: 20 Town Center: 0, unless abutting residential zone, then 20	20
6.	a. Interior side yard setback in feet b. Interior side yard setback in feet within NC zone along Main Street west of Valley Avenue:	10 ⁴ 0	0	0²	General zoning: 5 Town Center: 0, unless abutting residential zone, then 15 -- East Main Street area: 0 when property abuts East Main Street; and 5 when property not abutting East Main Street ³	15 --
7.	a. Street side yard setback in feet b. Street side yard setback in feet within NC zone along Main Street west of Valley Avenue:	10 0	0	5	5 --	15 --
8.	Required landscaped setback along any common boundary with residentially zoned property	10	10	10	10	10
9.	Minimum street frontage in feet	35	35	35	35	35
10.	Maximum lot coverage	75%	100%	80%	75%	80%
11.	Maximum building height in feet	35	35⁵⁻⁶	35	35	45
12.	Maximum building height in feet in the Town Center Plan area for a structure with at least 50% of the ground floor occupied by underbuilding parking			45	45	
13.	Town Center Plan area: maximum floor area ratio		-	2.4	2.25	
14.	Town Center Plan area: maximum floor area ratio for structures with underbuilding parking			3.2	3	

~~¹See SMC 18.16.080(S).~~

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

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

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

~~⁵See SMC 18.16.075.~~

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

Section 14. That Sumner Municipal Code Section 18.16.075 “Height exception in the central business district zone” is hereby deleted as follows:

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

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

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

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

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

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

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

Section 15. That Sumner Municipal Code Section 18.16.080 “Performance standards” is hereby amended as follows:

18.16.080 Commercial districts - Performance standards.

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

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and...

B. Required Open Space and Landscaping. For each development in the NC, IC, ~~MUD~~ and GC districts a landscape plan shall be prepared in accordance with chapter 18.41 SMC to address landscaping of yards and screening of parking, and shall be submitted for approval by the community development director. Landscaping shall be provided along blank building facades and property boundaries. Landscaping shall be provided in accordance with the city of Sumner design and development guidelines. ~~Landscaping requirements shall apply to properties in the CBD which have setbacks or on-site private parking areas.~~ Whenever landscaping is required by this title and/or conditions of approval of discretionary applications required by this title, such landscaping shall be permanently maintained in a

neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles.

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

D. Outdoor Lighting. Outdoor lighting and aerial-mounted floodlighting shall be shielded...

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

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

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

F. Swimming Pools. All swimming pools or outdoor bodies of water having a depth of 24 or more inches...

[...]

G. Trash Receptacles. Trash receptacles enclosed within gated, solid walls or fences shall be provided...

[...]

H. Accessory antennas, including satellite dish antennas which are less than or equal to three feet...

[...]

I. Any on-site treatment and storage facilities must meet the Washington State siting criteria...

[...]

J. Parking areas and pedestrian walkways shall conform to the city of Sumner design and development...

[...]

K. Businesses selling firearms are prohibited from locating within 500 feet of public or private schools...

[...]

L. Expansion of Specified Existing Uses. Existing residential dwellings lawfully constructed...

[...]

M. Fences – Intent. The intent of this section is to establish minimum requirements and standards...

[...]

N. *Repealed by Ord. 2624.*

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

1. Temporary outdoor sales:

2. Permanent outdoor sales standards:

- a. The outdoor area shall be part of the total ~~gross~~ floor area calculation for minimum parking requirements.
- b. The outdoor area shall be set back, at a minimum, 50 feet from any residentially zoned lot...

[...]

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

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

[...]

~~R. Q.~~ All development is subject to applicable Sumner design and development guidelines.

~~S. For properties located within the MUD zone, the setback may be increased to 15 feet when the area between the sidewalk and the building:~~

- ~~1. Is utilized as usable pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.); or~~
- ~~2. Is used for outdoor displays of merchandise or when the displays are an intrinsic part of the nature of the business or it provides a pedestrian amenity. Examples include, but are not limited to, nurseries, outdoor monuments, etc. Additional landscaping may be required that is a minimum five feet wide as measured from the front property line and running parallel to the street for the entire frontage of the property, except for driveways, and meets the city of Sumner design and development guidelines.~~

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

1. The drive-up service windows and queuing for cars shall not be located between the building and any street and shall be obscured from the street; and
2. The drive-through business shall have a minimum gross floor area of 500 square feet and indoor seating for at least 12 persons; and
3. The drive-through business shall have a pedestrian entrance located on the street edge with pedestrian amenities such as seating benches and tables.

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

1. Be contained within a fully enclosed structure; and
2. The operation shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses.

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

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

~~WT.~~ A contractor business shall be permitted an outside storage yard for materials, vehicles and equipment...

[...]

~~XU.~~ Truck parking in the IC zone shall be screened from view of an abutting public right-of-way...

[...]

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

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

Section 16. That Section 18.18.050 “Property development standards” is hereby amended to read as follows:

18.18.050 Property development standards.

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

		M-1	M-2
1.	Minimum lot area per building site.	10,000	6,000
2.	Lot width in feet	75	50
3.	Lot depth in feet	100	75
4.	Front yard setback in feet	20*	10
5.	Rear yard setback in feet	20	0
6.	<u>a. Interior side yard setback in feet, adjacent to industrial zones</u> b. Interior side yard setback	<u>10</u> 20	0 0
7.	Setback from state-highway <u>freeway right of way</u>	<u>40</u> <u>5</u>	<u>40</u> <u>5</u>
8.	Street side yard setback in feet	20	10
9.	Required landscaped setback along any common boundary with residentially zoned property	25	35
10.	Required building setback along any common boundary with residentially zoned property	50	50
11.	Required landscaped setback along any common boundary with commercially zoned property	10	15
<u>12.</u>	<u>a. Minimum street front landscaping for semi-truck/trailer storage, in feet</u> <u>b. Minimum street frontage landscaping for other uses, in feet</u>	<u>20</u> <u>12</u>	<u>12</u> <u>12</u>

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

Section 17. That Sumner Municipal Code Section 18.18.060 “Performance standards” is hereby amended to read as follows:

18.18.060 Performance standards.

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

A. Exterior Mechanical Devices...

[...]

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

[...]

C. Outdoor Storage of Materials.

1. In the M-1 zone outdoor storage is allowed ~~as an accessory use to another principal use~~ provided it meets the standards of SMC 18.18.060(C)(2).
2. The following standards apply to ~~accessory~~ outdoor storage in M-1 zones:
 - a. The material(s) being stored shall not exceed 12 feet in height; and
 - b. The material(s) being stored shall be wrapped or enclosed to prevent wind blown debris; and
 - c. The outdoor storage area shall not exceed 40 percent of the building footprint or 15 percent of the lot area, whichever is less. Outside storage accessory to a contractor business shall not exceed 75% of the lot area; and
 - d. Adjacent to public ways: The outdoor storage is screened from adjacent public streets or from future or present bicycle or pedestrian paths, as follows:
 - i. For semi-truck and trailer storage, by a minimum of a six-foot fence or masonry wall and a fully landscaped buffer meeting the requirements in subsection (iii) and at least the width of the applicable required setback.

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

Section 18. New Chapter. That Title 18 ZONING is hereby amended to include a new Chapter 18.22 “Innovation Districts and Enterprise Area (IDEA) to read as follows:

Chapter 18.22 Innovation District and Enterprise Area (IDEA)

18.22.010 Purpose and intent.

The purpose and intent of this chapter is:

- A. Encourage innovative businesses, small incubator businesses, and research and development start-ups, within the city that attract young talent to the community and help build the city’s future work force.
- B. Encourage thoughtfully designed sites and buildings that provide a collaborative social environment with spaces for living, working, designing, inventing, playing, and learning.
- C. Enable small-scale business enterprises to locate in a wider range of suitable locations, while minimizing impacts on residential neighborhoods.
- D. Encourage infill in commercial and industrial districts to promote use of underutilized sites and efficient use of land, and to promote economic activity near downtown.

- E. Accommodate a range of enterprises in a manner that is flexible and responsive to changing uses, trends and innovations.
- F. Provide live/work uses in close proximity to each other to reduce reliance on auto trips. Within the overlay, limited residential uses may be allowed in commercial and industrial zones where associated with workspaces.
- G. Provide affordable housing units and affordable workspaces.

18.22.020 Districts – Where permitted.

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

18.22.030 (reserved)

18.22.040 Permitted uses.

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

18.22.050 (reserved)

18.22.060 Development standards:

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

- A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;
 - B. The proposed use and development on the premises:
 - 1. Shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses.
 - 2. Shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - 3. Shall be in keeping with the goals and policies of the Sumner comprehensive plan;
- and

4. May be permitted exterior changes, subject to the Sumner Design Guidelines, and administrative approval by the Director.

18.22.070 Approval process

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

Section 19. That Sumner Municipal Code Section 18.26.020 “Districts - Where permitted” is hereby amended to read as follows:

18.26.020 Districts – Where permitted.

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

A. NC, neighborhood commercial district;

~~B. CBD, central business district;~~

~~C. B.~~ GC, general commercial district.

Section 20. That Sumner Municipal Code Section 18.26.050 “PMUD prohibited” is hereby deleted in its entirety.

~~**18.26.050 PMUD prohibited.**~~

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

Section 21. That Sumner Municipal Code Section 18.29.020 “Districts in the Town Center” is hereby amended to read as follows:

18.29.020 Districts in the Town Center.

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

Section 22. That Sumner Municipal Code Section 18.29.030 “Principal uses” is hereby amended to read as follows:

18.29.030 Principal uses.

Permitted uses in the Town Center districts are as follows:

- A. Accessory parks and recreation facilities for use by on-site employees or residents.
- B. Adult entertainment businesses subject to chapter 18.38 SMC.
- C. Artist’s studio and workshop having a retail component.
- D. Automotive and motorized vehicle sales.
- E. Wireless communication facilities¹.
- F. Churches.

- G. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codifying this title.
- H. Family child care home or family child day care home in accordance with the provisions of SMC 18.16.025; and child day care centers.
- I. Health and fitness club.
- J. Hospitals.
- K. Hotels, bed and breakfasts and tourist homes.
- L. Multifamily dwellings, rooming houses and boarding houses, retirement homes, assisted living facilities, continuing care communities, board and care homes, hospices, or nursing homes.
- M. Private clubs, lodges, fraternal organizations, union halls and social halls.
- N. Professional offices.
- O. Public off-street parking lots.
- P. Restaurants.
- Q. Retail.
- R. Streets.
- S. Taverns, micro-breweries, brewpubs, and bars.
- T. Theaters and other enclosed commercial recreation establishments such as bowling alleys and arcades.
- U. Vocational or fine arts school.
- V. Funeral homes, mortuaries, and funeral parlors.
- W. Drive thru businesses. Drive-through businesses located in the Town Center Historic Central Business District (Historic District on map) are subject to performance standards at SMC 18.16.080(V).

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

Section 23. That Sumner Municipal Code Section 18.29.040 “Conditional uses” is hereby amended to read as follows:

18.29.040 Conditional uses.

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

- A. Churches.
- B. Cemeteries.
- C. Major utility facility.
- D. Mass transit systems including, but not limited to, bus stations, train stations, transit shelter stations, and park and ride lots.
- E. Public parks and public recreational facilities.
- F. Public facilities.
- G. Public off-street parking lots, paid.
- H. Public garage.
- I. Schools, colleges and universities.
- J. Temporary homeless encampments in accordance with SMC 18.36.060.
- K. Water towers and water supply plants.
- L. Craft coffee roasting in the Historic District, subject to the standards at 18.29.060(F).

Section 24. That Sumner Municipal Code Section 18.29.060 “Performance standards” is hereby amended to read as follows:

18.29.060 Performance standards.

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

[...]

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

[...]

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

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

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

[...]

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

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

Section 25. That Sumner Municipal Code Section 18.30.020 “Districts where permitted” is hereby amended to read as follows:

18.30.020 Districts where permitted.

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

Section 26. That Sumner Municipal Code Section 18.30.030 “Principal and conditional uses” is hereby amended to delete and remove subsection C as follows:

18.30.030 Principal and conditional uses

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

[...]

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

[...]

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

Section 27. That Sumner Municipal Code Section 18.30.040 “Residential and mixed uses” is hereby amended to read as follows:

18.30.040 Residential and mixed uses.

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

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

~~multifamily development shall be provided with sufficient off-street parking at ratios required in chapter 18.42 SMC.~~

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

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

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

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

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

Section 28. That Sumner Municipal Code Section 18.30.090 “Performance Standards” is hereby amended to read as follows:

18.30.090 Performance standards.

A. Required landscaping...

[...]

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

[...]

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

1. Community gathering places provided for public use in private development may count toward the common open space requirement in design guidelines.

2. New development at “pedestrian activity nodes” shown in the East Sumner Neighborhood Plan shall feature pedestrian amenities and shall have building setbacks deep enough to accommodate gathering areas such as plazas.

3. Building height shall be limited to 4 stories at following locations: The blocks adjacent to the corners of Main Street East/60th Street East and 160th Avenue East, Main Street East/60th Street East and Parker Road, Main Street East/60th Street East and 162nd Avenue East; and along 160th Avenue East; and around the central wetlands preserve. The blocks where this applies are generally a depth of 300 feet from the street right of way, as determined by the Director. Building height in these locations shall not be superseded by height exceptions in the design guidelines.

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

E. Multifamily residential and mixed uses.

1. NC/ESUV district.

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

2. GC/ESUV district.

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

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

b. Single-use residential structures shall be located to the side or rear of mixed-use structures and not adjacent to the primary street.

3. Multifamily development in the ESUV shall comply with the off-street parking ratios required in 18.42 SMC, except that the number of visitor stalls may be reduced at a 1:1 ratio for each charging station provided for electric vehicles, electric bikes and scooters.

Section 29. That Sumner Municipal Code Section 18.30.100 “Streets and alleys” is hereby amended to read as follows:

18.30.100 Streets and alleys.

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

- ~~A1.~~ The affected street or alley sections are contained within one parcel or group of parcels subject to a land use permit; and
- ~~B2.~~ The modified alignment does not affect street or alley locations on other parcels;
and
- ~~C.~~ ~~At least one north-south collector street between 60th Street East and 64th Street East and one east-west collector street between 160th Avenue East and Sumner-Tapps Highway is retained in a straight line or nearly a straight line.~~
- ~~B.~~ Street improvements should include separated sidewalks at least 6 feet wide; street trees; and bicycle lanes on Main Street, 60th Street East, 160th Avenue East, and 64th Street East, where safe and practicable to do so. Midblock connections should include accessible surfacing, landscaping, and pedestrian amenities.
- ~~C.~~ Street improvements and multimodal corridors shall comply with city's adopted cross sections for the ESUV.
- ~~D.~~ Pedestrian activity nodes identified in the East Sumner Neighborhood Plan shall feature landscaping, traffic calming, crosswalks and other pedestrian-friendly features, as deemed appropriate by the Public Works Director.
- ~~E.~~ Mid-block connections.
The East Sumner Neighborhood Plan Area promotes a pedestrian-friendly environment that encourages multimodal connections throughout the neighborhood. These connections promote a complete street grid, bicycle and pedestrian connections, and a walkable neighborhood. Mid-block connections and multimodal corridors shown in the East Sumner Neighborhood Plan shall be implemented as follows:
 - 1. Multimodal or mid-block connection means a corridor that provides pedestrian/bike and/or vehicular access. These locations are designated generally as "Mid-block connections" in the ESNP circulation improvements map.
 - 2. These mid-block connections shall be provided where feasible when major new construction and minor new construction occurs as defined in 18.43.020 SMC.
 - 3. To provide a mid-block connection, the property owner shall grant an easement, running with the land, allowing public ingress and egress along the corridor. Prior to issuance of a building permit for minor new construction, such easement shall be recorded in the public records of Pierce County and constitute a covenant running with the land.
 - 4. Buildings shall not be located in such a way as to block designated mid-block connections.
 - 5. When major new construction occurs on properties that have designated mid-block connections, such connections shall be constructed as a part of the development.

Section 30. That Sumner Municipal Code 18.42.045 "Parking in Central Business District parking area" is hereby deleted in its entirety.

18.42.045 Parking in Central Business District parking area.

- ~~A.~~ The boundaries of the central business district parking area shall be defined as any area

~~with a central business district designation and west of Meade Avenue.~~

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

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

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

- ~~1. In determining whether to grant a proposed conditional use for certain uses without all or a portion of the parking in the central business district parking area, the hearing examiner and city council shall consider the general conditional use criteria and the specific criteria listed below:~~
 - ~~a. Uses which have peak parking demands during times of low parking demand for other uses in the central business district parking area shall be preferred.~~
 - ~~b. Uses with documented clientele which would complement and support other uses in the central business district parking area are preferred.~~
 - ~~c. Projects which are in close proximity to existing public parking lots with capacity to accommodate additional parking during periods of peak demand from the proposed uses are preferred.~~
 - ~~d. Projects which provide a portion of their required parking or directly create new public parking are preferred over those which provide no parking.~~
 - ~~e. Projects whose overall design and use complement the downtown and further the goals of the comprehensive plan shall be preferred.~~
- ~~2. Based on the review of the proposal, the hearing examiner and city council may deny the proposal, if it does not sufficiently satisfy the above criteria. A proposal must satisfy criterion (e) of the previous sub-section and at least three of criteria (a) through (d) of the previous subsection.~~
- ~~3. When considering a conditional use permit for a use subject to the provisions of this section, the hearing examiner or city council may, as a condition to the granting thereof, require the applicant make other necessary improvements to improve parking and access.~~

~~D. Developments which would result in the removal of required private parking within the boundaries of the central business district parking area may apply for conditional use approval to allow such development pursuant to the criteria and standards of SMC 18.42.045 (C).~~

~~E. When determining the amount of contribution of a particular project towards providing parking through a future local improvement district, the demand created by the new use and any resulting loss of existing parking shall be considered. An applicant may credit~~

~~towards this obligation, any new public parking within the central business district parking area towards which they directly provide or contribute. For purposes of this credit, one public parking space shall be credited as two required private spaces. In order to qualify as public parking, it must be dedicated to the city or occur on city owned property, and be available at all times for public parking.~~

~~F. Any proposal for a conditional use permit to waive all or a portion of the parking shall be accompanied with an agreement to not protest a future local improvement district for parking.~~

Section 31. That Sumner Municipal Code 18.42.047 “Parking in Town Center Plan area” is hereby amended to read as follows:

18.42.047 Parking in Town Center Plan area.

A. The boundaries of the Town Center Plan area shall be defined by the comprehensive plan.
B. Within the Town Center Plan area, new and expanding uses are allowed an administrative waiver to allow on-street parking units to be counted towards the minimum parking requirements, provided all of the following are satisfied:

1. The proposed use is a retail, business or commercial use; business or professional office; restaurant; not automotive vehicle sales; and
2. The property owner enters into an agreement to not protest the formation of a future local improvement district to provide additional parking; and
3. Only parking units along the property frontage may be applied; and
4. The proposal will not result in the displacement of existing private parking established as accessory to an existing structure. The required parking may only be removed if such structure is similarly removed or a conditional use approval is granted.

C. Within the Town Center Plan area, new and expanding uses are allowed an administrative reduction of required parking stalls, provided all of the following are satisfied:

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

Section 32. That Sumner Municipal Code Section 18.44.220 “Signs permitted in the central business district” is hereby amended to read as follows:

18.44.220 Signs permitted in the ~~central business district~~ Town Center Plan area.

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

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

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

a. Freestanding Sign.

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

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

a. Freestanding signs are prohibited.

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

- c. Window Signs. Sign area shall not exceed 20 percent of the total window area of any facade. Window signs shall meet the standards in SMC 18.44.030(D).
- d. Projecting Signs. Projecting signs are prohibited on Main Street between Traffic Avenue and Wood Avenue. Projecting where allowed signs shall meet the standards set forth in SMC 18.44.180.
- e. Awning or Canopy Signs. Sign area shall be calculated as part of total allowed area for a wall sign. No canopy sign shall extend above the top of the canopy.
- f. Roof signs are prohibited.
- g. Suspended Signs. Suspended signs shall meet the standards set forth in SMC 18.44.170.

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

1. Freestanding Sign.

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

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

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

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

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

6. Roof signs are prohibited.

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

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

- a. ERBS shall not display more than one message per eight seconds.
- b. Animation between messages shall not be allowed.
- c. ERBS are allowed only on wall signs in lieu of a wall sign allowed in subsection (C)(2) of this section. An ERBS shall not exceed 75 percent of the allowed sign square footage, or 125 square feet, whichever is less. Freestanding ERBS are not allowed.
- d. Only one ERBS is allowed per site and parcel.
- e. The difference between the off and solid-message measurement using the ERBS measurement criteria shall not exceed 0.3 foot-candles over ambient lighting conditions when measured at the recommended distance, based on the ERBS size. The measurement distance shall be calculated by using the following formula: $\text{measurement distance} = \text{the square root of the (area of the sign square feet} \times 100)$.
- f. ERBS shall be programmed to automatically adjust illumination for all times of day and night based on ambient light conditions using photocell technology.

D. Other Signs Allowed.

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

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

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

Section 33. That Sumner Municipal Code Section 18.44.230 “Signs permitted in in neighborhood commercial district and mixed-use developments in the central business district, general commercial district and in the mixed-use development district” is hereby amended to read as follows:

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

A. Aggregate Sign Area. The aggregate sign area for the premises shall not exceed one and one-half square feet for each foot of street frontage. The aggregate sign area for corner lots

shall not exceed one square foot for each foot of street frontage. Signs permitted in accordance with this section are subject to the aggregate sign area.

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

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

a. Freestanding Signs.

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

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

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

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

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

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

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

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

f. Roof signs are prohibited.

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

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

a. Freestanding signs are prohibited.

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

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

d. Projecting Signs. Projecting signs are prohibited on ~~Main Street between Traffic Avenue and Wood Avenue and~~ the north side of Main Street between Lewis Avenue

and Valley Avenue. Projecting signs where allowed shall be erected in accordance with SMC 18.44.170.

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

f. Roof signs are prohibited.

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

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

1. Freestanding Signs.

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

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

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

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

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

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

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

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

6. Roof signs are prohibited.

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

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

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

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

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

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

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

1. Neighborhood identification sign per SMC 18.44.150.
2. Sandwich board/sidewalk sign per SMC 18.44.120.
3. Rear Entrance Signs. Any building with a rear entrance from a public or private parking lot or alley may have a rear entrance sign which shall be either a wall sign or a marquee or awning sign. Said sign shall not exceed 10 percent of the facade to which it is attached.

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

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

Section 34. That Sumner Municipal Code Section 18.46.040 “Nonconforming uses” is hereby amended to read as follows:

18.46.040 Nonconforming Uses.

[...]

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

1. Nonconforming multifamily and commercial and professional service uses may expand up to 25 percent of their square footage by conditional use permit; except that expansion may not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage and building height;
2. No additional dwelling units may be added, except that dwelling units may be added to a nonconforming commercial use ~~in the MUD zone~~;
3. Structures may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur;
4. When a nonconforming commercial or professional service business ceases and a change of use is proposed, the site shall be treated as nonconforming and shall follow the nonconforming provisions indicated above and other portions of this chapter.

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

- ~~1. Nonconforming uses may expand up to 25 percent of their square footage by conditional use permit; except that expansion may not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage and building height;~~
- ~~2. If the structure containing a nonconforming use is destroyed by any means to an extent of more than 100 percent of its replacement cost at the time of destruction it shall not be reconstructed except in conforming with the use and other provisions of this title.~~

Section 35. That Sumner Municipal Code Section 18.56.030 “Land use permits required” is hereby amended to read as follows.

18.56.030 Land use permits required.

[...]

G. The following decisions are Type III.d decisions which shall require public notice and be reviewed administratively and are appealable to the hearing examiner:

1. Administrative use permit;
2. Administrative variance;
3. Application of IDEIA district overlay.

[...]

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

1. Conditional use;
2. Shoreline conditional use; provided, that supplemental procedures for shoreline decisions are provided in SMC 18.56.150;
3. Subdivision preliminary plats; provided, that supplemental procedures for subdivision approval are established in SMC Title 17;
4. Binding site plans;
5. Shoreline substantial development permits and shoreline variances; provided, that supplemental procedures for shoreline decisions are provided in SMC 18.56.150;
- ~~6. Height exception in the central business district per SMC 18.16.075.~~

Section 36. Zoning Map Amended. That Section 2 of Ordinance 2700 approved August 5, 2019 and the official Zoning Map for the City of Sumner is hereby amended and adopted as shown in Exhibit “A” attached hereto and incorporated by reference.

Section 37. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 38. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 39. Effective Date. This ordinance shall become effective five (5) days after its passage, approval and publication as provided by law.

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

Mayor William L. Pugh

Attest:

Approved as to form only:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

EXHIBIT A - 2020 Proposed ZONING MAP (4/9/21)

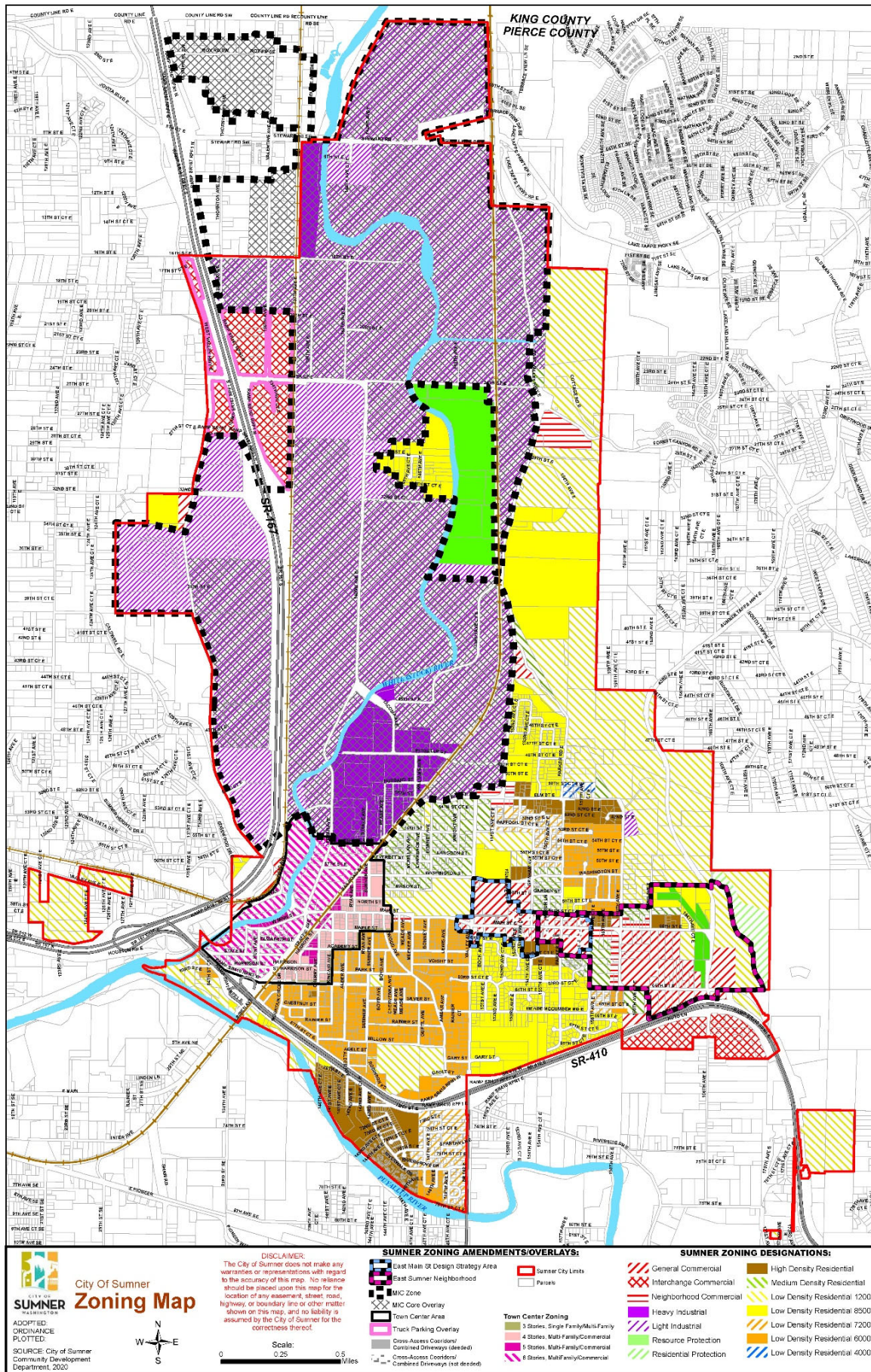


Figure A-1: Enlarged EXHIBIT A to Show Detail (4/9/21)

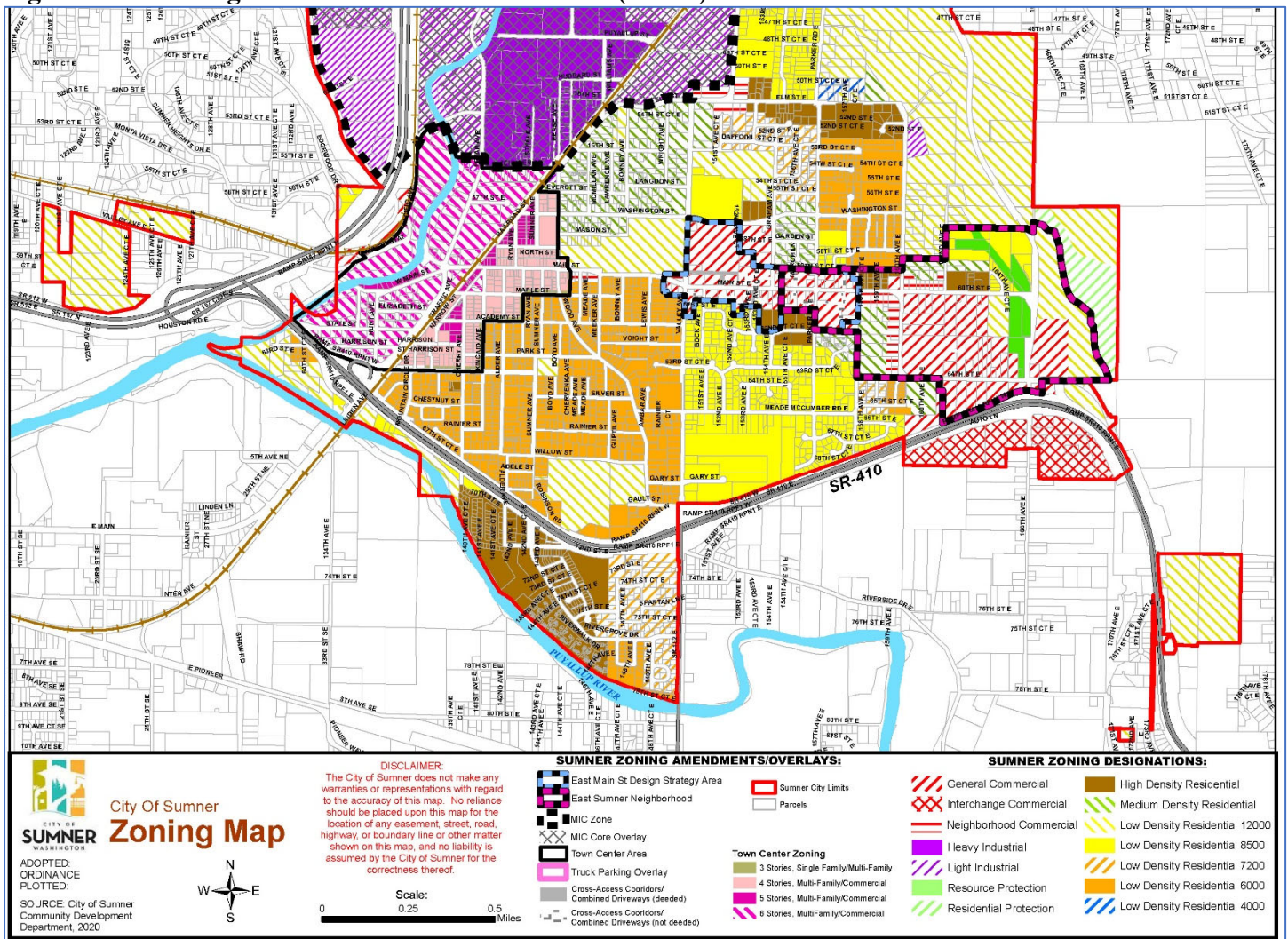
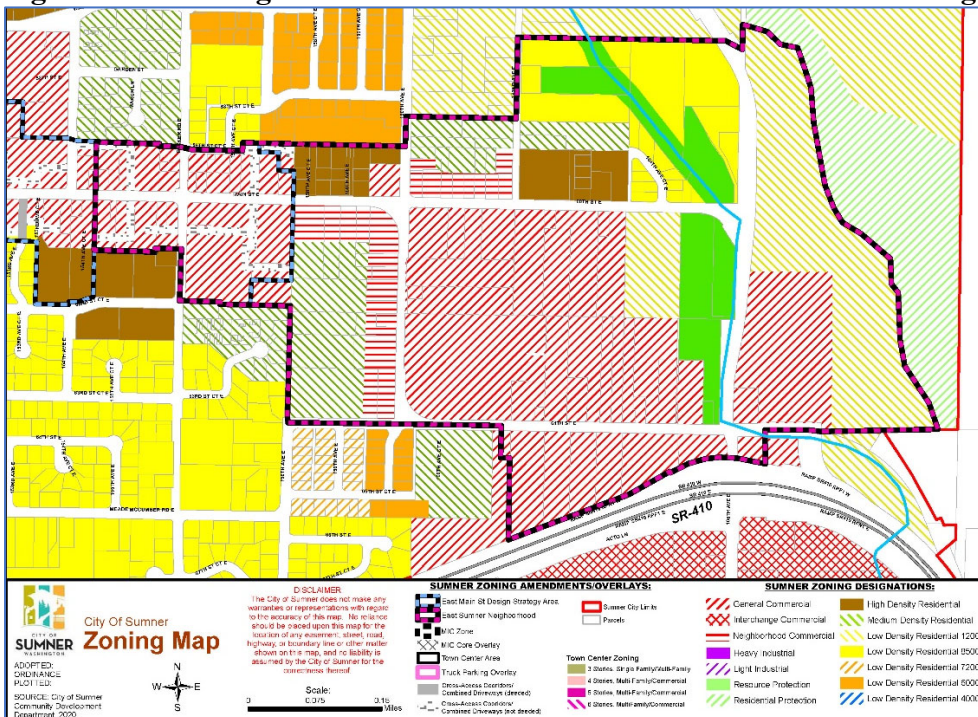


Figure A-2: Enlarged EXHIBIT A to Show Detail of East Sumner Neighborhood Plan Area (4/9/21)





MEMORANDUM

DATE: May 3, 2021
TO: Mayor Pugh and City Council
FROM: Ann Siegenthaler, Associate Planner
RE: 2020 Comprehensive Plan Update – **Ordinance 2774 Citywide Regulations and Zoning – Overview**

I. BACKGROUND

The item being presented for City Council action is the ordinance for revisions to Citywide zoning code and municipal code regulations, and Zoning Map changes. The revised regulations in the ordinance are part of the 2020 Comprehensive Plan Update. Amendments include, among other changes: New regulations for contractor yards in Light Industrial zones, craft coffee roasting, and innovation district; East Sumner regulations and Zoning Map updates; general “housekeeping” updates; and Zoning Map updates reflecting individual proposals for map changes.

II. SUMMARY OF PROPOSED MAP UPDATES

A. Amend Zoning Map at individual parcels

The ordinance includes amendments to the Comprehensive Plan Map and Zoning Map. The proposals have been explained in individual staff reports with the required analysis of approval criteria. (See the maps in the Ordinance Exhibits for the parcels.) Below is a summary of the map changes.

1. Houston Road UGA parcels:

This proposal would change parcels within city limits from General Commercial to a Light Industrial zone. The proposed change is consistent with the existing and surrounding uses.

2. CBD parcels downtown:

This map change involves changing 5 parcels on Main Street from the obsolete Central Business District zone to Neighborhood Commercial zoning. Associated updates to regulations avoid non-conforming use issues.

3. School District parcels downtown:

This is primarily changing map designations to Public-Private Utilities & Facilities. The proposed change is consistent with the existing and planned uses by the School District.

B. Amend Zoning Map for East Sumner Neighborhood

The ordinance includes amendments to the Zoning Map within the East Sumner Neighborhood Plan (ESNP) boundary. The proposed zoning updated April 2021 removes the Resource Protection Zone from private parcels within the central wetlands area, but maintains other proposed zoning. These changes are consistent with public comments and City Council direction. The updated zoning is shown in the ordinance as an exhibit.

III. SUMMARY OF PROPOSED TEXT UPDATES

A. Update obsolete CBD and MUD zoning references and miscellaneous updates.

The ordinance includes revisions to the Zoning Code and Municipal Code, primarily as a “cleanup” of the now obsolete Central Business District (CBD) and Mixed Use Development District (MUD). The 2018 Town Center Plan (TCP) replaced most of the CBD zone. For the MUD zone, the Zoning Map has no locations mapped as MUD, and MUD text in the code is not applicable.

1. Noise Ordinance SMC 8.14: Removes CBD and MUD; replace CBD with Town Center Plan.
2. Vehicles and Traffic - Coasters & skateboards SMC 10.58.010: Replaces CBD with Town Center Plan.
3. Prohibited Uses – Collective gardens & marijuana SMC 18.03.020: Removes CBD & MUD.
4. Zoning Districts list of districts SMC 18.06: Removes CBD & MUD, adds missing Town Center Plan.
5. Medium Density Residential & High Density Residential zones SMC 18.14.020(K)(4): Removes reference to MUD zone.
6. Planned Mixed Use Development SMC 18.26: Removes references to CBD and MUD.
8. Town Center Code SMC 18.29:
 - Clarifies replacement of CBD with Historic CBD district in Town Center Plan area.
 - Transfers old CBD allowance for drive-throughs to Town Center. Intent was to allow drive-throughs to continue in TCP, but to ensure they have compatible design features.
9. Nonconforming uses SMC 18.46.040:
 - Removes references to MUD.
 - Clarifies that additional nonconforming provisions in the Town Center Plan area apply.
10. Procedures for permits SMC 18.56.030(I): Removes reference to CBD height exception.
11. Off-street parking regulations SMC 18.42:
 - Replaces CBD with Town Center Plan (TCP).
 - Transfers the existing CBD parking waiver to TCP for small commercial uses within 500 feet of a public parking lot (and other criteria). The existing CBD parking waiver allows commercial uses in the downtown to use public parking areas instead of installing their own parking stalls.
12. Sign Code (Chapter 18.44):
 - Changes CBD references to TCP. There is no corresponding Town Center Plan section in the Sign Code. Staff’s intent when TCP was adopted was to remove CBD and apply the existing CBD sign regulations to the TCP zone.
 - Parcels along Main Street that are to be rezoned from CBD to NC would be required to comply with the NC sign regulations, which have the same allowances as the CBD regulations.
 - Transfers of an existing Electronic Readerboard Signs (ERBS) allowance from General Commercial to Town Center district, west of the White River.

B. Add Craft coffee roasting in Town Center Plan area.

This code amendment would allow small “craft” coffee roasting in the Town Center Plan (TCP) area through a conditional use permit. This would:

1. Adds a definition at SMC 18.04 to the zoning code for craft coffee roasting.
2. Adds to Town Center Code at SMC 18.29 an allowance for craft coffee roasting in the Historic CBD, as a Conditional Use Permit. Establish standards to minimize noise and odor.

C. Add Innovation District chapter to the Zoning Code.

This would create a new "Innovation District Overlay" in the Zoning Code. The intent is to promote innovative commercial endeavors and incubator businesses that may not fit well into the standard zoning district regulations. Revisions include:

1. Adds related definitions to the Zoning Code, such as "micro-distillery" and "craft winery."
2. Adds a list of uses allowed in the Overlay, such as craft businesses, light manufacturing for artisans.
3. Allows only in non-residential zones, and applied only if property owner requests the overlay.

D. Revise the Light Industrial (M-1) regulations to address contractor yards.

This would revise the development standards for contractor yards in M-1 zone, such as:

1. Creates more lenient standards to increase available lot area for contractors' use near freeways.
2. Maintains screening from public streets.
3. Reduces building setbacks when next to other industrial zones or freeways.

E. Revise the commercial zone chapter to update the CBD, NC and MUD zones.

In addition to removing old CBD & MUD zones, this would update zoning regulations for the CBD and NC zones. This would combine most of the old CBD regulations into NC regulations, and clarify allowances for professional and medical offices, banks, artist studios and restaurants to ensure that existing businesses can continue to operate. Proposed changes include:

1. Zoning Code Definitions: Adds a definition for small-scale performing arts spaces, such as small theaters or dance studios, subject to a Conditional Use Permit (CUP). The goal is to add to the range of uses to NC that might be compatible with neighborhoods.
2. Commercial Districts Chapter 18.16: Removes references to now-obsolete CBD and MUD zones.
3. Allowed Uses Table:
 - Clarifies that uses like artists' studios and light fabrication must have a retail component.
 - Adds allowances for other small commercial businesses that may draw local visitors.
 - Footnotes removed or added to performance standards section as "cleanup" of code.
4. Residential Uses in commercial zones:
 - These are housekeeping changes that remove obsolete zones.
 - Standards for Town Center Plan are now in separate chapter, so those references are removed.
5. Property Development Standards 18.16.070: Minor changes are proposed to the NC development standards. This avoids making 5 parcels along Main Street non-conforming.
 - Allows 5 parcels on Main Street being rezoned to NC to continue with CBD standards.
 - Removes Town Center references, since these are in the TCP code section.
6. Performance Standards 18.16.080: Primarily housekeeping changes proposed.
 - Removes obsolete zoning districts.
 - Transfers drive-through standards from obsolete CBD to Town Center Plan area and Neighborhood Commercial.

F. Revise East Sumner Neighborhood Regulations.

To implement the East Sumner Neighborhood Plan (ESNP), updates to regulations are proposed as well as "housekeeping" amendments. These are summarized below.

1. Resource Protection District - Chapter 18.08: The proposed ESNP will place City parcels and the Salmon Creek buffer into the Resource Protection District (RES zone). The RES zone establishes allowed uses (where wetlands can be avoided), and proposed revision:
 - Allows parks and trails, but more intense recreation such as sports fields would require a conditional use permit.
 - Removes allowance for kennels due to noise impacts. ("Kennel" means a business engaged in boarding, breeding, training for a fee, selling of domesticated animals.)
 - Note that updates to wetland regulations are included under a separate ordinance.
2. East Sumner Urban Village (ESUV) - Chapter 18.30: The ESUV regulations govern uses in the East Sumner Neighborhood Plan area. Section 18.30.020 is proposed to be revised:
 - Allows Resource Protection zoning in the ESUV area (a "housekeeping" update).
 - Removes language referring to "industrial base designations." This responds to a public comment and avoids confusion regarding an allowed industrial use (mining operation).
3. ESUV Allowed uses - 18.30.030: This is primarily a code cleanup. Language that requires pedestrian-oriented commercial uses in certain locations is removed, since the zoning district and use table already govern pedestrian-oriented locations.
4. ESUV Residential and mixed uses -18.30.040: This is a re-organization and cleanup. The language in this section is moved to "performance standards" section. Also, redundant requirements are removed.
5. ESUV Performance standards -18.30.090:
 - New text is added to implement ESNP recommendations for community gathering places, "pedestrian nodes," and building height limits at key intersections.
 - Text is added to clarify what is allowed on ground floor in Neighborhood Commercial.
 - Revised text will allow multifamily residential south of 60th Street East but will not allow multifamily south of 64th Street East to preserve commercial sites.
 - Requirement for "ground-related" dwellings is removed (apartments became allowed in 2019).
 - Redundant text covered elsewhere in the code is deleted.
 - New text is added to provide an incentive for developments to provide electric charging stations in lieu of a parking space.
6. ESUV Streets and alleys -18.30.100: New text is added to support the ESNP recommendations for completing mid-block connections and pedestrian/bike improvements.
 - Adds requirement to include wider sidewalks, street trees, bike lanes on primary streets.
 - Adds requirement for pedestrian-oriented features at key intersections.
 - Adds requirements to support the mid-block connections shown in the ESNP. Implements the ESNP recommendations for mid-block connections and pedestrian/bike corridors.
 - New text is added to require major redevelopment to provide the mid-block connections. These requirements are similar to existing "cross access corridor" requirements adopted in the existing East Main Street Design Strategy document.

IV. STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

VI. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the ordinance as proposed, January 7, 2021.

VII. EXHIBITS

- A. Ordinance 2774 - Proposed Zoning Code & Municipal Code Text and Map Amendments

SUBJECT: Ordinance No. 2775 - 2020 Comprehensive Plan Update 3 of 4: Critical Areas (Wetlands) Regulations

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2775 - Critical Areas/Wetlands Regulations
2. Memo - Critical Areas/Wetlands Regulations

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The item being presented to City Council for action is an updated Critical Areas Ordinance (wetland regulations). These updated wetland regulations are part of the 2020 Comprehensive Plan update. A new wetlands study completed in 2020 for the East Sumner Neighborhood Plan showed extensive wetlands/buffers on private properties, and prompted staff to review existing regulations relative to developed sites. To address gaps and discrepancies in how current regulations are applied, staff has proposed minor updates regarding non-conforming uses, definitions, requirements for buffers in developed areas, etc., in SMC Chapter 16.40 and Chapter 16.46.

This ordinance is one of four presented for adopting the entire 2020 Comprehensive Plan Updates and various components.

COUNCIL COMMITTEE/STUDY SESSION: Study session reviews on June 8, 2020, and on February 8, March 22, April 12, 2021.

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Adopt Ordinance No. 2775 updating critical areas regulations as part of the 2020 Comprehensive Plan Update.

ORDINANCE NO. 2775
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, UPDATING CRITICAL AREAS REGULATIONS RELATING TO THE 2020 EAST SUMNER NEIGHBORHOOD PLAN UPDATE AND COMPREHENSIVE PLAN UPDATE, UPDATING WETLAND BUFFER REGULATIONS; AND AMENDING SUMNER MUNICIPAL CODE CHAPTER 16.46 AND CHAPTER 16.40 AND SECTIONS 16.46.030, 16.46.090, 16.46.150, 16.46.200, 16.40.100, and 16.40.125.

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

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

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

WHEREAS, in compliance with the State Environmental Policy Act (SEPA) the City of Sumner issued a Draft Supplemental Determination of Significance (DSEIS) on this proposal on November 10, 2020 and comments were received until December 10, 2020; and a Final Supplemental Environmental Impact Statement (FSEIS) was issued on May 7, 2021; and

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

WHEREAS, on December 3, 2020, the Planning Commission held a duly-advertised public hearing on the proposed amendments, followed by a Study Session on December 17, 2020; and on January 7, 2021 voted by a 5-0 vote to recommend adoption by the City Council of the proposed amendments to the Comprehensive Plan; to adopt the DSEIS; and adopt Alternative 3 as set forth in the DSEIS; and

WHEREAS, on February 16, 2021, the City Council held a duly advertised public hearing followed by subsequent study sessions to review the Planning Commission's recommendation(s) and deliberate and discuss alternatives; and on May 17, 2021 voted by a

_____ vote to adopt the proposed amendments to the Comprehensive Plan, adopt the FSEIS; and adopt Alternative 3B as set forth in the FSEIS; and

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

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

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

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

16.46.030 Definitions.

[...]

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

[...]

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

16.46.080 Regulated activities.

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

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

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

16.46.090 Exemptions and allowed uses in wetlands.

[...]

B. In addition to those activities listed in SMC 16.40.~~080~~100, the following activities shall be allowed within a wetland or wetland buffer without having to obtain a RWHA permit provided they are conducted using best management practices, except where such activities result in the conversion of a regulated wetland or wetland buffer to a use to which it was not previously subjected:

[...]

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

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

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

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

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

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

16.46.150 Buffer requirements.

The following buffer widths have been established in accordance with the best available science. They are based on the category of wetland and the habitat score as determined by a qualified wetland professional using the *Washington State Wetland Rating System for Western Washington: 2014 Update* (Ecology Publication No. 14-06-029, or as revised and approved by Ecology). The adjacent land use intensity is assumed to be high. Following the department’s determination of the category for a wetland associated with a proposal, the department shall determine appropriate buffer widths. Wetland buffer zones shall be evaluated for all development proposals and activities adjacent to wetlands to determine

their need to protect the integrity, functions and values of the wetland. Wetland buffer widths are determined by the category of wetland, the intensity of impacts of a land use and the functions or special characteristics of the wetland that need to be protected as determined by the rating system. All wetland buffer zones are measured perpendicular from the wetland boundary as surveyed in the field. Except as otherwise permitted by this chapter, wetland buffers shall consist of a relatively intact native vegetation community adequate to protect the wetland functions and values at the time of proposed activity. If the vegetation is inadequate then the buffer width shall be planted to maintain the buffer width; subject to the provisions at SMC 16.46.150(M).

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

16.46.150 Buffer requirements.

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

[...]

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

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

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

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

~~8. Repair and maintenance of non-conforming uses or structures, where legally~~

~~established within the buffer, provided they do not increase the degree of nonconformity.~~

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

M. Buffer establishment.

1. A buffer shall be required when:

- a. Major new construction of the structure or use occurs, as defined under 18.43.020 “New construction, major,” or**
- b. New construction results in the conversion of a single family use to another use.**

2. A buffer shall not be required:

- a. In the area contained within the perimeter of a legally pre-existing structure or use that is authorized to continue under Title 16; or**
- b. Within the footprint of an existing residential dwelling allowed to continue or expand under 18.30.090(B) subject to SMC 16.40.125(2); or**
- c. To extend landward beyond a legally pre-existing structure, pavement or other facility, including but not limited to, a building, parking lot, stormwater detention facility, or public right-of-way that contains an improved street.**

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

16.46.200 Nonconforming structures, uses and activities:

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

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

16.40.100 Exemptions

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

[...]

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

I. Reconstruction, remodeling, or maintenance of structures, where legally pre-existing, other than single-family structures and accessory structures; provided, that

such reconstruction, remodeling, or maintenance does not increase the building footprint or height, or extend beyond the existing ground coverage or increase developed or impervious surface area.

[...]

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

Section 9. That Sumner Municipal Code Chapter 16.40 “RESOURCE, WILDLIFE AND HAZARD AREA REGULATION FRAMEWORK” is hereby amended to add a new section 16.40.125 as follows:

16.40.125 Nonconforming uses, structures, activities.

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

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

1. further expand or intensify the footprint of activity; or

2.. increase impervious surface area; or

3. remove vegetation;

within the critical area or its associated buffer area.

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

Section 10. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 11. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

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

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

Mayor William L. Pugh

Attest:

Approved as to form:

City Clerk Michelle Converse

City Attorney Andrea Marquez

First Reading:

Date Adopted:

Date of Publication:

Effective Date:

MEMORANDUM

DATE: May 3, 2021
TO: Mayor Pugh and City Council
FROM: Ann Siegenthaler, Associate Planner
RE: 2020 Comprehensive Plan Update – **Ordinance 2775 Critical Areas Ordinance – Overview**

I. BACKGROUND

The item being presented for City Council action is the ordinance for revisions to Critical Areas (wetlands) Regulations. The revised regulations are part of the 2020 Comprehensive Plan Update, and are prompted by the 2020 East Sumner Neighborhood Plan update (ESNP). The ESNP review included a City wetlands study and buffer map completed in 2020 that showed a more detailed picture of the extent of wetlands in the central neighborhood. The potential impacts of these extensive wetlands/buffers on private properties prompted staff to review existing regulations relative to such issues as non-conforming uses, definitions, application of buffers in developed areas, etc. To address potential gaps and discrepancies in how the current regulations are applied, staff has proposed updates concurrent with the ESNP adoption.

Proposed amendments are to Chapter 16.40 Wetlands, Streams and Resource/Wildlife/Hazard Area Regulation Framework; and to Chapter 16.46 Wetlands Protection. These are summarized below. No map changes are proposed as part of this ordinance.

II. SUMMARY OF PROPOSED TEXT UPDATES

- A. Several updates to the City's "wetlands regulations" (SMC Title 16) are recommended. These updates are considered minor, but important clarifications to address buffer measurement, illegal fill, and nonconforming uses. There are updates to Chapter 16.40 "Resource, Wildlife and Hazard Area Regulation Framework" (RWHA) which establishes standards that apply to all critical areas, and updates to Chapter 16.46 "Wetlands Protections." The updates are summarized below.
1. Wetland buffer definitions: Clarify that a buffer is regulated, even if not currently planted as a buffer; but that buffers do not extend past large structures like streets.
 2. Wetlands exemptions/regulated activities: Clarify when certain work and normal maintenance is exempt from getting permits; but clarify that exemptions apply to only to legally pre-existing uses.
 3. Wetland buffer uses: For clarity, some text is moved to Exemptions and some to Nonconforming Uses.
 4. Wetlands nonconforming uses: This is a proposed cleanup of code. Structures and activities that are nonconforming to environmental regulations of Title 16, should be regulated by the nonconforming provisions of Title 16, not the zoning code which has different standards. A separate section (below) provides nonconforming regulations.
 5. RWHA exemptions: Clarify that certain activities in critical areas are exempt only if legally pre-existing, and only then could be expanded.

- Section 16.40.100 “Exemptions” maintains the current exemption for single family dwellings (up to 25% expansion).
6. RWHA nonconforming uses: This is a new section, proposed in order to address a gap in the City’s environmental regulations.
- The Planning Commission indicated a desire to ensure that existing uses could continue. There are several regulations that already apply:
 - The Zoning Code’s nonconforming provisions (Chapter 18.46) are applicable city-wide and currently address this.
 - The East Sumner regulations (Chapter 18.30) currently allow single family dwellings to expand (up to 25%).
 - While the Zoning Code addresses nonconforming uses/structures relative to zoning standards (e.g. building height) it does not address critical areas standards (e.g. paving in a buffer).
 - The proposal is to add a new Section 16.40.125 “Nonconforming uses” to critical areas/buffers. This does not change the current exemption for single family dwellings but clarifies that uses cannot expand further into buffers. Proposed language would also clarify exemptions for all critical areas exemptions and consolidate into one section.

III. STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the ordinance as proposed, January 7, 2021.

V. EXHIBITS

- A. Ordinance 2775 - Proposed Title 16 Environment Regulations Amendments

SUBJECT: Ordinance No. 2776 - 2020 Comprehensive Plan Update 4 of 4: Planned Action Ordinance for East Sumner

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2776 - East Sumner Planned Action Ordinance & Exhibits
2. Memo - Planned Action Ordinance for ESNP

STAFF CONTACT: Ann Siegenthaler, Associate Planner

SUMMARY BACKGROUND:

The item being presented for City Council action is a new Planned Action Ordinance for the East Sumner Neighborhood Plan area. A Planned Action Ordinance (PAO) is an alternative process under the State Environmental Policy Act (SEPA) that allows for environmental impacts of development to be analyzed in the early neighborhood planning stage with the intent of streamlining permit review when development occurs. After potential impacts are identified, the PAO establishes development thresholds, such as maximum number of housing units and maximum vehicle trips, that future development projects cannot exceed. If a project meets those thresholds, no further SEPA review is needed, which greatly streamlines permitting. The proposed ordinance would replace the 2015 Planned Action Ordinance (PAO). Note that it includes several exhibits that guide applicants through the process, similar to the 2015 ordinance exhibits.

This ordinance is one of four presented for adopting the 2020 Comprehensive Plan Update and various components.

COUNCIL COMMITTEE/STUDY SESSION: Study session reviews on June 8, 2020, and on February 8, March 22, April 12, 2021.

MEETING/STUDY SESSION DATE:

COMMITTEE RECOMMENDATION: n/a

STAFF RECOMMENDATIONS/MOTION:

Adopt Ordinance No. 2776 replacing the Planned Action Ordinance for the East Sumner Neighborhood as part of the 2020 Comprehensive Plan Update.

ORDINANCE NO. 2776
CITY OF SUMNER, WASHINGTON

**AN ORDINANCE OF THE CITY OF SUMNER, WASHINGTON, REPEALING
ORDINANCE NO. 2535 AND ADOPTING A NEW EAST SUMNER NEIGHBORHOOD
PLANNED ACTION ORDINANCE PURSUANT TO THE STATE ENVIRONMENTAL
POLICY ACT AND AMENDING SUMNER MUNICIPAL CODE CHAPTER 16.04.**

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

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

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

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

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

WHEREAS, the City has developed and adopted annual amendments to the Comprehensive Plan and Zoning Code including adopting the 2020 East Sumner Neighborhood Plan (updated May 2021) complying with the GMA (RCW 36.70A) to guide the development of the East Sumner Neighborhood Planned Action Area; and

WHEREAS, after extensive public participation and coordination with all affected parties, the City, as lead SEPA agency, issued the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action Final Supplemental Environmental Impact Statement (“FSEIS”) issued May 7, 2021, which identifies the impacts and mitigation measures associated with planned development in the Planned Action Area as identified in the Comprehensive Plan; the FSEIS includes by incorporation the associated Draft Supplemental Environmental Impact Statement (DSEIS) issued on November 10, 2020 (collectively referred to herein as the “Planned Action SEIS”); and

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

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

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

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

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

WHEREAS, the City desires to repeal the Planned Action Ordinance, Ordinance No. 2535 adopted July 27, 2015, and replace it with a new 2021 Planned Action Ordinance that updates the criteria and thresholds for planned actions consistent with the 2020 Environmental Impact Statement (FSEIS issued May 7, 2021) for the 2020 East Sumner Neighborhood Plan; and

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

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

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

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

16.04.085 Categorical exemptions.

C. If the proposal is within the East Sumner Neighborhood Planned Action area and within threshold criteria adopted by this Ordinance for the East Sumner Neighborhood Plan, the proposal shall be categorically exempt from threshold determination requirements.

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

- A. Combine environmental analysis, land use plans, development regulations, and City codes and ordinances together with the mitigation measures in the Planned Action SEIS to mitigate environmental impacts and process Planned Action development applications in the Planned Action Area;
- B. Designate the East Sumner Neighborhood shown in Exhibit A as a Planned Action Area for purposes of environmental review and permitting of designated Planned Action Projects pursuant RCW 43.21C.440;

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

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

- A. The Recitals above are adopted herein as Findings of the City Council.
- B. The City is subject to the requirements of the Growth Management Act (GMA).
- C. The City has adopted a Comprehensive Plan complying with the GMA and an associated subarea plan with text and policies specific to the East Sumner Neighborhood.
- D. The City is adopting zoning and development regulations concurrent with the Comprehensive Plan to implement said Plan, including this Ordinance.
- E. The Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS together with the SEPA documents it adopts and supplements adequately identifies and addresses the probable significant environmental impacts associated with the type and amount of development planned to occur in the designated Planned Action Area.
- F. The mitigation measures identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS together with the SEPA documents it adopts and supplements, attached to this Ordinance as Exhibit B and incorporated herein by reference, together with adopted City development regulations are adequate to mitigate significant adverse impacts from development within the Planned Action Area.
- G. The Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS identifies the location, type, and amount of development that is contemplated by the Planned Action.
- H. Future projects that are implemented consistent with the Planned Action will protect the environment, benefit the public, and enhance economic development.
- I. The City provided several opportunities for meaningful public involvement and review in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS process, including a virtual community meeting consistent with RCW 43.21C.440; has considered all comments received; and, as appropriate, has modified the proposal or mitigation measures in response to comments.
- J. Essential public facilities as defined in RCW 36.70A.200 are excluded from the Planned Action as designated herein and are not eligible for review or permitting as Planned Action Projects unless they are accessory to or part of a project that otherwise qualifies as a Planned Action Project.
- K. The designated Planned Action Area is located entirely within an urban growth area (UGA).

- L. Implementation of the mitigation measures identified in the Planned Action SEIS and the East Sumner Neighborhood Plan Update, and Comprehensive Plan as amended with the 2020 docket will provide for adequate public services and facilities to serve the proposed Planned Action Area.

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

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

1. Qualifying Land Uses.

- a. A primary land use can qualify as a Planned Action Project land use when:
 - i. it is within the Planned Action Area as shown in Exhibit A of this Ordinance;
 - ii. it is consistent with land use categories and activities studied in the SEIS and consistent with zoning classifications applied to properties within the Planned Action Area.

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

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

Code. Projects that involve wetland mitigation and are consistent with the impacts and mitigation addressed in the Final SEIS also qualify as Planned Action Projects.

2. Development Thresholds:

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

Feature	Final Preferred Alternative (Alt 3B)
New Housing Units	439
New Employment (Jobs)	413

- b. Shifting development amounts between land uses in identified in Subsection 5.D(2)(a) may be permitted when the total build-out is less than the aggregate amount of development reviewed in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS; the traffic trips for the preferred alternative are not exceeded; and, the development impacts identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS are mitigated consistent with Exhibit B of this Ordinance.
- c. Further environmental review may be required pursuant to WAC 197-11-172, if any individual Planned Action Project or combination of Planned Action Projects exceeds the development thresholds specified in this Ordinance and/or alter the assumptions and analysis in the Sumner Comprehensive Plan and Municipal Code Update SEIS.

3. Transportation Thresholds:

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

PM PEAK HOUR TRIPS

Alternative	Inbound	Outbound	Total
No Action	830	840	1,670
Final Preferred	790	800	1,590

Source: Transpo 2021

- b. Concurrency. All Planned Action Projects shall meet the transportation concurrency requirements and the Level of Service (LOS) thresholds established in the Sumner Transportation Plan and implementing code, as appropriate.
- c. Transportation Impact Mitigation. Transportation impact fees shall be paid consistent with Chapter 12.36 SMC. Transportation mitigation shall also be provided consistent with mitigation measures in Exhibit B, Attachment B-1 of this Ordinance attached hereto and incorporated by this reference.
- d. The responsible City official shall require documentation by Planned Action Project applicants demonstrating that the total trips identified in Subsection 5.D(3)(a) are not exceeded, that the project meets the concurrency standards of Subsection 5.D(3)(b), and that the project has mitigated impacts consistent with Subsection 5.D(3)(c).

- e. Discretion.
 - i. The responsible City official shall have discretion to determine incremental and total trip generation, consistent with the Institute of Traffic Engineers (ITE) Trip Generation Manual (latest edition) or an alternative manual accepted by the City's Public Works Director at his or her sole discretion, for each project permit application proposed under this Planned Action.
 - ii. The responsible City official shall have discretion to condition Planned Action Project applications to meet the provisions of this Planned Action Ordinance and the Sumner Municipal Code.
 - iii. The responsible City official shall have the discretion to adjust the allocation of responsibility for required improvements between individual Planned Action Projects based upon their identified impacts.
- 4. Elements of the Environment and Degree of Impacts. A proposed project that would result in a significant change in the type or degree of adverse impacts to any element(s) of the environment analyzed in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS would not qualify as a Planned Action Project.
- 5. Changed Conditions. Should environmental conditions change significantly from those analyzed in the Planned Action SEIS, the City's SEPA Responsible Official may determine that the Planned Action Project designation is no longer applicable until supplemental environmental review is conducted.

E. Planned Action Project Review Criteria.

- 1. The City's SEPA Responsible Official, or authorized representative, may designate as a Planned Action Project, pursuant to RCW 43.21C.440, a project application that meets all of the following conditions:
 - a. the project is located within the Planned Action Area identified in Exhibit A of this Ordinance;
 - b. the proposed uses and activities are consistent with those described in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS and Subsection 5.D of this Ordinance;
 - c. the project is within the Planned Action thresholds and other criteria of Subsection 5.D of this Ordinance;
 - d. the project is consistent with the Sumner Comprehensive Plan and East Sumner Neighborhood Plan including the regulations of the East Sumner Neighborhood integrated into the Sumner Municipal Code;
 - e. the project's significant adverse environmental impacts have been identified in the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS;
 - f. the project's significant impacts have been mitigated by application of the measures identified in Exhibit B of this Ordinance and other applicable City regulations, together with any conditions, modifications, variances, or special permits that may be required;
 - g. the project complies with all applicable local, state and/or federal laws and regulations and the SEPA Responsible Official determines that these constitute adequate mitigation; and
 - h. the project is not an essential public facility as defined by RCW 36.70A.200, unless the essential public facility is accessory to or part of a development that is designated as a Planned Action Project under this Ordinance.

2. The City shall base its decision to qualify a project as a Planned Action Project on review of the Subarea SEPA Checklist form included in Exhibit B to this Ordinance and review of the Planned Action Project submittal and supporting documentation, provided on City required forms.

F. Effect of Planned Action Designation.

1. Designation as a Planned Action Project by the City's SEPA Responsible Official means that a qualifying project application has been reviewed in accordance with this Ordinance and found to be consistent with the development parameters and thresholds established herein and with the environmental analysis contained in the Planned Action SEIS.
2. Upon determination by the City's SEPA Responsible Official that the project application meets the criteria of Subsection 5.D and qualifies as a Planned Action Project, the project shall not require a SEPA threshold determination, preparation of an SEIS, or be subject to further review pursuant to SEPA. Planned Action Projects will still be subject to all other applicable City, state, and federal regulatory requirements. The Planned Action Project designation shall not excuse a project from meeting the City's code and ordinance requirements apart from the SEPA process.

G. Planned Action Project Permit Process.

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

1. Development applications shall meet all applicable requirements of the Sumner Municipal Code and this Ordinance in place at the time of the Planned Action Project application. Planned Action Projects shall not vest to regulations required to protect public health and safety.
2. Applications for Planned Action Projects shall:
 - a. be made on forms provided by the City;
 - b. include the Subarea SEPA checklist included in Exhibit B of this Ordinance;
 - c. provide a conceptual site plan to scale and narrative documenting how the planned action project meets the requirements of this Ordinance and the East Sumner Neighborhood Plan as well as relevant Sumner Municipal Code requirements. The written summary shall in particular identify the consistency of the Planned Action Project application with the East Sumner Neighborhood Plan "Plan Elements" concepts and strategies. and
 - d. meet all applicable requirements of the Sumner Municipal Code and this Ordinance.
3. The City's SEPA Responsible Official shall determine whether the application is complete and shall review the application to determine if it is consistent with and meets all of the criteria for qualification as a Planned Action Project as set forth in this Ordinance.
4. Determination of Consistency
 - a. If the City's SEPA Responsible Official determines that a proposed project qualifies as a Planned Action Project, he/she shall issue a "Determination of Consistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of

the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21C.440.

- b. Upon issuance of the Determination of Consistency, the review of the underlying project permit(s) shall proceed in accordance with the applicable permit review procedures specified in Title 18 SMC, except that no SEPA threshold determination, SEIS, or additional SEPA review shall be required.
- c. The Determination of Consistency shall remain valid and in effect as long as the underlying project application approval is also in effect.
- d. Public notice and review for qualified Planned Action Projects shall be tied to the underlying project permit(s). If notice is otherwise required for the underlying permit(s), the notice shall state that the project qualifies as a Planned Action Project. If notice is not otherwise required for the underlying project permit(s), no special notice is required by this Ordinance.

5. Determination of Inconsistency

- a. If the City's SEPA Responsible Official determines that a proposed project does not qualify as a Planned Action Project, he/she shall issue a "Determination of Inconsistency" and shall mail or otherwise verifiably deliver said Determination to the applicant; the owner of the property as listed on the application; and federally recognized tribal governments and agencies with jurisdiction over the Planned Action Project, pursuant to RCW 43.21c.440.
 - b. The Determination of Inconsistency shall describe the elements of the Planned Action Project application that result in failure to qualify as a Planned Action Project.
 - c. Upon issuance of the Determination of Inconsistency, the City's SEPA Responsible Official shall prescribe a SEPA review procedure for the non-qualifying project that is consistent with the City's SEPA regulations and the requirements of state law.
 - d. A project that fails to qualify as a Planned Action Project may incorporate or otherwise use relevant elements of the Planned Action SEIS, as well as other relevant SEPA documents, to meet the non-qualifying project's SEPA requirements. The City's SEPA Responsible Official may limit the scope of SEPA review for the non-qualifying project to those issues and environmental impacts not previously addressed in the Planned Action SEIS.
6. To provide additional certainty about applicable requirements, the City or applicant may request consideration and execution of a development agreement for a Planned Action Project, consistent with RCW 36.70B.170 et seq.
7. A Determination of Consistency or Inconsistency is a Type II land use decision subject to the procedures established in Title 18 SMC. An appeal of a Determination of Consistency shall be consolidation with any pre-decision or appeal hearing on the underlying project application where applicable.

Section 6. Monitoring and Review.

- A. The City should monitor the progress of development in the designated Planned Action area as deemed appropriate to ensure that it is consistent with the assumptions of this Ordinance and the Sumner Comprehensive Plan and Zoning Amendments 2020 and East Sumner Neighborhood Plan Update and Planned Action SEIS regarding the type and amount of

development and associated impacts and with the mitigation measures and improvements planned for the Planned Action Area.

- B. This Planned Action Ordinance shall be reviewed by the SEPA Responsible Official no later than five (5) years from its effective date in conjunction with the City's regular Comprehensive Plan review cycle, as applicable. The timing of subsequent reviews after the first review shall be determined with the completion of the first review. The review shall determine the continuing relevance of the Planned Action assumptions and findings with respect to environmental conditions in the Planned Action Area, the impacts of development, and required mitigation measures (Exhibit B) and Public Agency Actions and Commitments (Exhibit C). Based upon this review, the City may propose amendments to this Ordinance or may supplement or revise the Sumner Comprehensive Plan Update, East Sumner Neighborhood Plan Update, Capital Facility and Transportation Plan Update, Municipal Code Update, and East Sumner Neighborhood Planned Action SEIS.

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

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

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

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

Section 11. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid such decision shall not affect the validity of the remaining portions of this Ordinance and the same shall remain in full force and effect.

Section 12. Corrections by City Clerk or Code Reviser. Upon approval of the city attorney, the city clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 13. Effective Date. This Ordinance shall take effect and be in force ten (10) days after publication as provided by law.

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

Mayor William L. Pugh

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse

City Attorney Andrea Marquez

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

EXHIBIT A SUMNER EAST SUMNER NEIGHBORHOOD PLANNED ACTION AREA



The East Sumner Neighborhood Subarea.

July 27, 2010

EXHIBIT B MITIGATION MEASURES INTRODUCTION

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

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

MITIGATION DOCUMENT

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

APPLICABLE PLANS AND REGULATIONS

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

INSTRUCTIONS TO APPLICANTS

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

A. PROPOSAL DESCRIPTION

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

Existing Land Use	Describe Existing Uses on the Site:		
Proposed Land Use – Check and Circle All That Apply	Single Family or Multi-family dwelling units Commercial Retail		Open Space, Parks, Plazas, Trails, Gathering Spaces Other: _____ Other: _____
Dwellings	# Existing Dwelling Units: # _____ Dwelling Type _____ # _____ Dwelling Type _____	# Proposed Dwelling Units: # _____ Type _____ # _____ Type _____	Proposed Density (du/ac):
	Dwelling Threshold Total in Ordinance: New Housing Units 439		Dwelling Bank Remainder as of _____ 20____ _____ dwellings
Non-residential Uses: Building Square Feet	Existing Square Feet: New Employment (Jobs) 413 Type of Employment: Retail Square Feet _____ SF _____ Jobs Commercial Office _____ SF _____ Jobs Other (describe): _____ SF _____ Jobs		Proposed Square Feet: Jobs Remainder as of _____ 20____ _____ jobs
	Building Height Existing Stories: Existing Height in feet:		Proposed Stories: Proposed Height in feet:
Parking Spaces	Existing:		Proposed:
PM Peak Hour Weekday Vehicle Trips	Existing Estimated Trips Total:	Future Estimated Trips Total:	Net New Trips:
	Maximum net new primary PM peak hour trips in Ordinance: 1,590		Trip Bank Remainder as of _____ 20____ _____ dwellings
	Source of Trip Rate: ITE Manual ____ Other ____		Transportation Impacts Determined Consistent with Ordinance Subsection 4.D(3): Yes ____ No ____
Proposed timing or schedule (including phasing).			

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

B. ENVIRONMENTAL CHECKLIST AND MITIGATION MEASURES

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

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

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

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

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

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

STAFF COMMENTS:

Describe:

Fish and Wildlife

1. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:
Birds: Hawk, heron, eagle, songbirds, other: _____
Mammals: Deer, bear, elk, beaver, other: _____
Fish: Bass, salmon, trout, herring, shellfish, other: _____

2. List any threatened and endangered species known to be on or near the site.

3. List any invasive animal species known to be on or near the site.

4. Is the proposal consistent with standard critical area buffers? Please describe.

5. Proposed measures to preserve or enhance fish and wildlife, if any:

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

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

Describe:

Water Resources

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)?

If yes, describe type of surface water body, including their name(s), stream classification, and whether there is a 100-year floodplain.

If appropriate, state what stream or river the surface water body flows into.

2. Will the proposal require or result in (check all that apply and describe below):

- ☐ any work over, in, or adjacent to (within 200 feet) the described waters?
- ☐ fill and dredge material that would be placed in or removed from surface water or wetlands?
- ☐ surface water withdrawals or diversions?
- ☐ discharges of waste materials to surface waters?
- ☐ groundwater withdrawal or discharge?
- ☐ waste materials entering ground or surface waters?
- ☐ alterations of effects upon drainage patterns in the vicinity of the site?

Describe:

STAFF COMMENTS:

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

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

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

relevant City plans and codes in effect at the time of application (check all that apply): ☐ Consistency with Comprehensive Plan and applicable subarea plans, including the East Sumner Neighborhood Plan. ☐ Consistency with Shoreline Master Program (SMP). ☐ Consistency with applicable zoning standards and design guidelines. ☐ Other: Describe these measures and how they are incorporated into the development:	
Population, Employment, and Housing Checklist	
1. Approximately how many people would reside or work in the completed project?	STAFF COMMENTS:
2. Approximately how many people would the completed project displace?	
3. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.	
4. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.	
5. Proposed measures to avoid or reduce displacement or housing impacts, if any. The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Consistency with Comprehensive Plan and applicable subarea plans, including the East Sumner Neighborhood Plan. ☐ Consistency with applicable zoning standards and design guidelines. ☐ Other: Describe these measures and how they are incorporated into the development:	

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

CITY OF SUMNER – EAST SUMNER PLANNED ACTION ORDINANCE

Parks and Recreation Element of the Comprehensive Plan and this Planned Action Ordinance. Parks impact fees are paid. ☐ Water and Wastewater: Adequate service at the time of development per SMC 13.16 Adequate sewage disposal and SMC 13.24 Adequate water supply. ☐ Compliance with SMC 13.48: stormwater management regulations. ☐ Other Measures to reduce or control public services and utilities impacts: _____ Describe:	
---	--

Parks and Recreation Checklist	
1. What designated and informal recreational opportunities are in the immediate vicinity?	STAFF COMMENTS:
2. Would the proposed project displace any existing recreational uses? If so, describe.	
3. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:	
4. The application includes mitigation measures as required in Attachment B-1 Mitigation Required for Development Applications, and Attachment B-2 Applicable Regulations and Commitments, including all relevant City plans and codes in effect at the time of application (check all that apply): ☐ Compliance with Parks and Trails Plan. ☐ Payment of a parks and recreation mitigation or impact fee. ☐ Other Measures to reduce or control parks and recreation impacts: _____ Describe:	

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

CITY OF SUMNER – EAST SUMNER PLANNED ACTION ORDINANCE

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

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

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

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

Signature:	
Date:	

D. REVIEW CRITERIA

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

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

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

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

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

E. SEPA RESPONSIBLE OFFICIAL DETERMINATION

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

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

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

SEPA Responsible Official Signature:

Date:

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

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

SEPA Process Prescribed: _____

SEPA Responsible Official Signature:	
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Date:	
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ATTACHMENT B-1

Mitigation Required for Development Applications

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

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

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

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

MITIGATION MEASURES

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

Air Quality and Greenhouse Gases

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

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

Table B-1.1. Other Greenhouse Gases Mitigation Measures for Consideration

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

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

Source: Ecology, 2008.

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

Table B-1.2 Emission Reduction Measures

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

Table B-1.2 Emission Reduction Measures

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

Table B-1.2 Emission Reduction Measures

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

Source: California Air Pollution Control Officers Association, 2010.

Public Services, Capital Facilities and Utilities

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

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

ATTACHMENT B-2

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

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

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

Public Services and Utilities:

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

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

EXHIBIT C

INTRODUCTION

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

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

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

Table C.1. Public Agency Mitigation Measures

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

Table C.1. Public Agency Mitigation Measures

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

Table C.1. Public Agency Mitigation Measures

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

Table C.1. Public Agency Mitigation Measures

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



MEMORANDUM

DATE: May 3, 2021
TO: Mayor Pugh and City Council
FROM: Ann Siegenthaler, Associate Planner
RE: 2020 Comprehensive Plan Update – **Ordinance 2776 Planned Action Ordinance – Overview**

I. BACKGROUND

The item being presented for City Council action is a new Planned Action Ordinance for the East Sumner Neighborhood Plan area, as part of the 2020 Comprehensive Plan Update.

A Planned Action Ordinance (PAO) is a tool in the State Environmental Policy Act (SEPA) that allows for environmental impacts of development in a subarea to be analyzed at the planning stage rather than at the time of development. The Supplemental Environmental Impact Statement ("EIS") prepared during the 2020 Comprehensive Plan update analyzed potential impacts and proposed mitigation in sufficient detail to apply to future individual development projects in the East Sumner Neighborhood Plan area. Therefore, if a future project falls within the parameters analyzed in the EIS, extensive SEPA review of that project would not be required and could speed up the permitting and development process. Faster permit review times adds certainty and predictability to the process, and this can be a major incentive for facilitating public and private investment in the area. Key aspects of the PAO are summarized below.

II. SUMMARY OF PROPOSED TEXT UPDATES

A. Planned Action Area

The Planned Action would only apply to the East Sumner Neighborhood plan area. (Note that the City has adopted a similar Planned Action Ordinance for the Town Center Plan area.)

B. Qualifying Projects—Criteria

A "Planned Action Project" can only qualify for this special SEPA review if it is consistent with the land use categories, activities and thresholds studied in the EIS. If the proposed project is deemed inconsistent then it would require normal SEPA review and noticing. Certain public infrastructure improvements can also qualify as Planned Action Projects, saving time and expenses for the City when doing infrastructure improvements.

C. Development Thresholds

There are certain development thresholds that the Planned Action Project must meet or it would not be allowed the streamlined planned action approval. These thresholds are being updated slightly in the 2021 PAO. For example, if a project produced more than 439 dwelling units (same as 2015 threshold) or more than 413 jobs (was 529 in 2015) it would have to be individually reviewed for environmental impacts. Likewise, the ordinance establishes "PM Peak Hour limits" for vehicle trips generated that, if exceeded, would require individual review. The number of allowable vehicle trips established in the 2021

ordinance (1,590 trips) will be similar to the number of trips in the “No Action” Alternative (1,670) and 2015 threshold. Thresholds are similar because there are only slight differences in anticipated housing and employment amounts in the 2020 ESNP.

D. Planned Action Permit Process

The Planned Action Ordinance establishes a permit review process for applying, reviewing, and issuing a determination that a project does or does not qualify as a Planned Action. The project is evaluated for consistency with the criteria in the Planned Action Ordinance. If it is consistent, the City’s SEPA Official would issue a “Determination of Consistency” and no further SEPA review would be required. If the project is not consistent then a “Determination of Inconsistency” is issued. The applicant will then have to address any areas of the project that are inconsistent with the EIS.

III. STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

IV. PLANNING COMMISSION RECOMMENDATION

Planning Commission recommended approval of the ordinance as proposed, January 7, 2021.

V. EXHIBITS

A. Ordinance 2776 - Proposed Planned Action Ordinance for East Sumner Neighborhood

SUBJECT: Park Master Plan Consultant Services Agreement

CATEGORY: Motion

BUDGET IMPACT:

Expenditure Required: \$169,409

Within Budget Allocation: Yes

ATTACHMENTS:

1. Contract with Scope and Fee
-

STAFF CONTACT: Derek Barry, Community Services Manager

SUMMARY BACKGROUND:

These Parks Master Plans are for the Bennett property and Seibenthaler Park. The plans will have a phased approach of priority improvements to seek funding opportunities.

Hough Beck & Baird, Inc (HBB Landscape Architecture) was selected to provide consulting services for this project through a qualification-based selection process. The scope includes, but is not limited to, public outreach, development of engineering drawings, specifications, and cost estimates. Once the Parks Master Plans are complete and grant funding is secured for construction it is possible that this consultant will provide final design for phase 1 and future phases as well as construction management services under a future supplement.

COUNCIL COMMITTEE/STUDY SESSION: Public Works Committee

MEETING/STUDY SESSION DATE: 5/4/2021
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COMMITTEE RECOMMENDATION: Do-Pass

STAFF RECOMMENDATIONS/MOTION:

A motion authorizing the Mayor and City Administrator to execute all necessary contract documents with Hough Beck & Baird, Inc (HBB Landscape Architecture), in an amount not-to-exceed \$169,409 for the Parks Master Plans, substantially in a form approved by the City Attorney.

PROFESSIONAL/CONSULTANT SERVICES CONTRACT between the CITY OF SUMNER and

Hough Beck & Baird, Inc (HBB Landscape Architecture)

THIS CONTRACT is made between the CITY OF SUMNER, a Washington municipal corporation (hereinafter the "City"), and Hough Beck & Baird, Inc (HBB Landscape Architecture), organized under the laws of the State of Washington, located and doing business at 2101 Fourth Ave, Suite 1800, Seattle, WA 98121, 206-682-3051, Juliet Vong (hereinafter the "Consultant")(collectively, the "Parties").

I. DESCRIPTION OF WORK.

Consultant shall perform the following services for the City in accordance with the attached scope of work/engagement letter:

See Exhibit A. Should any provision of Consultant's scope of work/engagement letter conflict with any provision of this agreement, this agreement shall govern.

The Consultant further represents that the services furnished under this Contract will be performed in accordance with generally accepted professional practices within the Puget Sound region in effect at the time those services are performed.

II. TIME OF COMPLETION. The Parties agree that work will begin on the tasks described in Section I above immediately upon the effective date of this Contract. Upon the effective date of this Contract, Consultant shall complete the work described in Section I by March 31, 2022.

III. COMPENSATION.

- A. The City shall pay the Consultant a fee not to exceed \$169,409.00 for the services described in this Contract. This is the maximum amount to be paid under this Contract for the work described in Section I above, and shall not be exceeded without the prior written authorization of the City in the form of a negotiated and executed amendment to this Contract.
- B. The Consultant shall submit monthly invoices, unless otherwise agreed in writing by the City. The City shall, upon receipt of Consultant's monthly invoice, process payment in accordance with the City's standard payment schedules, but in no event less than forty-five (45) days after receipt of monthly invoice, unless it has provided a written dispute of the invoice (in whole or part) to the Consultant in a timely manner.

IV. INDEPENDENT CONTRACTOR. The Parties intend that an Independent Contractor-Employer Relationship will be created by this Contract and that the Consultant has the ability to

control and direct the performance and details of its work, the City being interested only in the results obtained under this Contract.

V. TERMINATION. Either party may terminate this Contract, with or without cause, upon providing the other party thirty (30) days written notice at its address set forth on the signature block of this Contract. After termination, the City may take possession of all records and data within the Consultant's possession pertaining to this project, which may be used by the City without restriction; provided, however, that the Consultant may retain copies of records and data for business records purposes. If the City's use of the Consultant's records or data is not related to this project, it shall be without liability or legal exposure to the Consultant.

VI. DISCRIMINATION. In the hiring of employees for the performance of work under this Contract or any subcontract, the Consultant, its subcontractors, or any person acting on behalf of the Consultant or subcontractor shall not, by reason of race, religion, color, sex, age, sexual orientation, national origin, or the presence of any sensory, mental, or physical disability, discriminate against any person who is qualified and available to perform the work to which the employment relates.

VII. INDEMNIFICATION. Consultant shall defend, indemnify and hold the City, its officers, officials, employees, and volunteers harmless from any and all claims, injuries, damages, losses or suits, including attorney fees, arising out of or in connection with the Consultant's intentionally damaging, reckless or negligent performance of this Contract, except for injuries and damages caused by the sole negligence of the City.

Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the Consultant and the City, its officers, officials, employees, agents and volunteers, the Consultant's liability hereunder shall be only to the extent of the Consultant's negligence.

IT IS FURTHER SPECIFICALLY AND EXPRESSLY UNDERSTOOD THAT THE INDEMNIFICATION PROVIDED HEREIN CONSTITUTES THE CONSULTANT'S WAIVER OF IMMUNITY UNDER INDUSTRIAL INSURANCE, TITLE 51 RCW, SOLELY FOR THE PURPOSES OF THIS INDEMNIFICATION. THE PARTIES FURTHER ACKNOWLEDGE THAT THEY HAVE MUTUALLY NEGOTIATED THIS WAIVER.

The provisions of this section shall survive the expiration or termination of this Contract.

VIII. INSURANCE. The Consultant shall procure and maintain for the duration of this Contract, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the Consultant, and/or its agents, representatives, or employees.

No Limitation. The Consultant's maintenance of insurance as required by this Contract shall not be construed to limit the liability of the Consultant to the coverage provided by such insurance, or otherwise limit the City's recourse to any remedy available at law or in equity.

A. Minimum Scope of Insurance. The Consultant shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The City shall be named as an additional insured under the Consultant's Commercial General Liability insurance policy with respect to the work performed for the City.
3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.
4. Professional Liability insurance appropriate to the Consultant's profession in the legal services industry.

Minimum Amounts of Insurance: The Consultant shall maintain the following insurance limits during the entire duration of this Contract:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of \$1,000,000 per accident.
2. Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$2,000,000 general aggregate.
3. Professional Liability insurance shall be written with limits no less than \$1,000,000 per claim and \$1,000,000 policy aggregate limit.

B. Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The Consultant's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be excess of the Consultant's insurance and shall not contribute with it.
2. The Consultant's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the City.

C. Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.

D. Verification of Coverage The Consultant shall furnish the City with original certificates and a copy of the amendatory endorsements, including but not necessarily limited to the additional insured endorsement, evidencing the insurance requirements of the Consultant before commencement of the work hereunder.

IX. EXCHANGE OF INFORMATION. The City will provide its best efforts to provide reasonable accuracy of any information supplied by it to the Consultant for the purpose of completion of the work under this Contract.

X. OWNERSHIP AND USE OF RECORDS AND DOCUMENTS. Original documents, drawings, designs, reports, or any other records developed or created under this Contract shall belong to and become the property of the City; provided, however, the Consultant has the right, subject to confidentiality, to use the Consultant's work product for internal instructional and other purposes (including as an anonymized template for subsequent work product for the City or other clients). All records submitted by the City to the Consultant will be safeguarded by the Consultant. The Consultant shall make such data, documents, and files available to the City

upon the City's request. The City's use or reuse of any of the documents, data and files created by the Consultant for this project by anyone other than the Consultant on any other project shall be without liability or legal exposure to the Consultant.

XI. CITY'S RIGHT OF INSPECTION. Even though the Consultant is an independent contractor with the authority to control and direct the performance and details of the work authorized under this Contract, the work must meet the approval of the City and shall be subject to the City's general right of inspection to secure satisfactory completion.

XII. PUBLIC RECORDS ACT. The City is required to comply with the Public Records Act, codified in Chapter 42.56 RCW. From time to time, the City will receive requests for public records regarding City business. When a public records request is made regarding work performed or documents created under this Contract, Consultant shall conduct a thorough search of any and all potentially responsive public records created or maintained in the course of completing this Contract, shall provide those documents to the City in a timely manner following the request for search, and shall retain all records in accordance with the retainage schedule as published by the Washington Secretary of State. Following completion of the work pursuant to this contract, Consultant shall provide to the City any and all documents prepared, created or maintained in the course of completing this contract.

XIII. WORK PERFORMED AT THE CONSULTANT'S RISK. The Consultant shall take all necessary precautions and shall be responsible for the safety of its employees, agents, and subcontractors in the performance of the contract work and shall utilize all protection necessary for that purpose. All work shall be done at the Consultant's own risk, and the Consultant shall be responsible for any loss of or damage to materials, tools, or other articles used or held for use in connection with the work.

XIV. MISCELLANEOUS PROVISIONS.

A. Non-Waiver of Breach. The failure of the City to insist upon strict performance of any of the covenants and agreements contained in this Contract, or to exercise any option conferred by this Contract in one or more instances shall not be construed to be a waiver or relinquishment of those covenants, agreements or options, and the same shall be and remain in full force and effect.

B. Resolution of Disputes and Governing Law.

1. **Alternative Dispute Resolution.** If a dispute arises from or relates to this Contract or the breach thereof and if the dispute cannot be resolved through direct discussions, the parties agree to endeavor first to settle the dispute in an amicable manner by mediation administered by a mediator under JAMS Alternative Dispute Resolution service rules or policies before resorting to arbitration. The mediator may be selected by agreement of the parties or through JAMS. Following mediation, or upon written agreement of the parties to waive mediation, any unresolved controversy or claim arising from or relating to this Contract or breach thereof shall be settled through arbitration which shall be conducted under JAMS rules or policies. The arbitrator may be selected by agreement of the parties or through JAMS. All fees and expenses for mediation or arbitration shall be borne by the parties equally. However, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence. Notwithstanding, the foregoing, any claims alleging professional negligence are not subject to arbitration and shall be commenced exclusively in the Pierce County Superior Court or the United States District Court, Western District of Washington as appropriate.

2. Applicable Law and Jurisdiction. This Contract shall be governed by the laws of the State of Washington. Although the agreed to and designated primary dispute resolution method as set forth above, in the event any claim, dispute or action arising from or relating to this Contract cannot be submitted to arbitration, then it shall be commenced exclusively in the Pierce County Superior Court or the United States District Court, Western District of Washington as appropriate. In any claim or lawsuit for damages arising from the parties' performance of this Agreement, each party shall pay all its legal costs and attorney's fees incurred in defending or bringing such claim or lawsuit, in addition to any other recovery or award provided by law; provided, however, nothing in this paragraph shall be construed to limit the City's right to indemnification under Section VII of this Contract.

C. Written Notice. All communications regarding this Contract shall be sent to the parties at the addresses listed on the signature page of this Contract, unless notified to the contrary. Any written notice hereunder shall become effective three (3) business days after the date of mailing by registered or certified mail, and shall be deemed sufficiently given if sent to the addressee at the address stated in this Contract or such other address as may be hereafter specified in writing.

D. Assignment. Any assignment of this Contract by either party without the written consent of the non-assigning party shall be void. If the non-assigning party gives its consent to any assignment, the terms of this Contract shall continue in full force and effect and no further assignment shall be made without additional written consent.

E. Modification. No waiver, alteration, or modification of any of the provisions of this Contract shall be binding unless in writing and signed by a duly authorized representative of the City and the Consultant.

F. Entire Contract. The written provisions and terms of this Contract, together with any Exhibits attached hereto, shall supersede all prior verbal statements of any officer or other representative of the City, and such statements shall not be effective or be construed as entering into or forming a part of or altering in any manner this Contract. All of the above documents are hereby made a part of this Contract. However, should any language in any of the Exhibits to this Contract conflict with any language contained in this Contract, the terms of this Contract shall prevail.

G. Compliance with Laws. The Consultant agrees to comply with all applicable federal, state, and municipal laws, rules, and regulations that are now effective or in the future become applicable to the Consultant's business, equipment, and personnel engaged in operations covered by this Contract or accruing out of the performance of those operations.

H. Counterparts. This Contract may be executed in any number of counterparts, each of which shall constitute an original, and all of which will together constitute this one Contract.

I. Ratification. The parties agree to ratify and confirm any acts consistent with the authority and prior to the final approval of this contract.

J. Consultant's Employees – Employment Eligibility Requirements (E-Verify).
The Consultant and any subcontractors shall comply with E-Verify as set forth in Sumner Municipal Code Chapter 3.30. E-Verify is an Internet-based system operated by United States Citizenship and Immigration Services in partnership with the Social Security Administration. E-Verify is free to employers and is available in all 50 states. E-Verify provides an automated link to federal databases to help employers determine employment eligibility of new hires and the validity of their Social Security numbers. The Consultant shall enroll in, participate in and document use of E-

Verify as a condition of the award of this contract. The Consultant shall continue participation in E-Verify throughout the course of the Consultant's contractual relationship with the City. If the Consultant uses or employs any subcontractor in the performance of work under this contract, or any subsequent renewals, modifications or extension of this contract, the subcontractor shall register in and participate in E-Verify and certify such participation to the Consultant. Upon execution of this Contract, the Consultant shall provide proof of compliance with this section by filling out and signing the attached Certification of Compliance with Sumner's Municipal Code 3.30 "E-Verify" attached hereto as Exhibit B.

K. Debarment. The Consultant must certify that it, and its subcontractors, have not been and are not currently on the Federal or the Washington State Debarment List and if the Consultant or its subcontractors become listed on the Federal or State Debarment List, the City will be notified immediately.

L. Application of Uniform Guidance. If this contract involves the use, in whole or in part, of federal award(s), 29 CFR 5.5 shall apply. See Exhibit C, attached, and its provisions which are incorporated as if fully set forth herein.

IN WITNESS, the parties below execute this Contract, which shall become effective on the last date entered below.

CONSULTANT: By: _____ (signature) Print Name: _____ Title: _____ (Title) DATE: _____	CITY OF SUMNER: By: _____ (signature) Print Name: <u>William Pugh</u> Its <u>Mayor</u> (Title) DATE: _____ By: _____ (signature) Print Name: <u>Jason Wilson</u> Its <u>City Administrator</u> (Title) DATE: _____ Approved as to Form: Attest: _____ Approved as to form: _____ _____ City Clerk City Attorney DATE: _____ DATE: _____
NOTICES TO BE SENT TO: CONSULTANT: Juliet Vong Hough Beck & Baird, Inc (HBB Landscape Architecture) 2101 Fourth Avenue, Suite 1800 Seattle, WA 98121 206-682-3051	NOTICES TO BE SENT TO: CITY OF SUMNER: Derek Barry, Community Services manager City of Sumner 1104 Maple Street Sumner, WA 98390 253-299-5714 derekb@sumnerwa.gov

SCOPE OF WORK

Park Master Plan for Seibenthaler & New Park Sites

Sumner, Washington

23 April 2021

HBB Landscape Architecture (HBB) is pleased to submit this proposal to develop a park master plan for Seibenthaler Park and your New Park site. We understand this project will include a collaborative and engaging public process to develop an overall master plan for each site that reflects your community's identity and the city's overall goals for the project. The master planning process will generally include a review and analysis of the existing site, a public process to gather input and feedback to master plan concepts, cost estimates on the preferred and final master plans, and associated phasing and funding strategies. Optional services have been included and identified as such for your additional consideration.

Based upon our knowledge of this project and previous discussions with you, we are proposing the following professional services for your consideration. Our proposed scope of work will easily permit modification as we progress through the design process. All tasks apply to both sites unless otherwise noted. The tasks that we are proposing for your project include the following:

TASK 1 BACKGROUND INFORMATION / ANALYSIS

- 1.1 *Kick-off Meeting.* Meet with City Staff and hold a visioning workshop to understand current city goals and any potential challenges or opportunities for each site. This could be held virtually or through a small group meeting on site.
- 1.2 *Site Visit.* Attend a separate site visit to evaluate existing conditions and collect soil samples.
- 1.3 *Schedule.* Provide an outline and schedule of the proposed master planning process.
- 1.4 *Background Data.* Review all pertinent City provided data with city staff, including the city's Zoning Code and Development Standards, previous or current planning documents related to the project or each neighborhood, and other applicable federal, state, or local regulations.
- 1.5 *Demographic Analysis.* Develop a demographic analysis for the communities adjacent to the park based on data that is readily available via the US Census Bureau or ESRI Business Analyst and that comparable city-level data is also attainable from similar sources.
- 1.6 *User / Provider Groups.* Review the list of park user groups and other key stakeholders provided by the City. Provide comments, and develop a final stakeholder list to support the public engagement process and potential programming for the park. List should include existing and potential future user groups and key stakeholders.
- 1.7 *Geotechnical Consultation.* Provide "desk review" of existing conditions and offer general recommendations and consulting related to potential subsurface conditions. It is understood that this task does not include any on-site explorations or detailed geotechnical analysis of specific site conditions.
- 1.8 *Site Analysis.* Analyze existing conditions, opportunities and constraints of the sites, including adjacent land use and structures. Document site analysis in plan view (hand sketch, black/white, on aerial or survey). Analysis will generally include views and sight lines, maintenance considerations, accessibility, programming and park use, existing vegetation, and existing soil analysis. Soils samples will be collected and submitted to soil testing laboratory for mechanical and chemical analysis.
- 1.9 *Utilities.* Evaluate and determine feasibility of bringing utilities into each site (water, sewer, power, etc.). Determine current capacity of any existing utilities and feasibility for expanding capacity of utilities based on future programming.

- 1.10 *Topographic Survey.* A field visited Topographic Survey will be performed using conventional total station and terrestrial lidar scanner equipment. Location of boundary monuments at each site area along with sectional monuments will be collected in determination of calculating and researching the property boundaries. Title reports (subdivision guarantee's) will be needed for accurate legal descriptions and any underlying easement encumbrances. Utility locating by Applied Professional Services are suggested for aiding in understanding the connections of the different franchise utility lines. Base Maps will be comprised of both 2D and 3D components. Deliverables will include a 2D planimetric map showing topographical features along with Calculated Parcel and Right of Way lines. Additionally, as-built utilities such as Storm, Sewer, Water, and Gas will be included. A 3D map will show an AutoCAD Civil 3D surface representing 1-foot contours for each site area. Horizontal Datum will be NAD 83-2011, Washington State Plane - North Zone, US Survey foot. Vertical Datum will be NAVD 88 US Survey foot.
- 1.11 *Review Meetings.* Attend up to four (4) team meetings with the City.
- 1.12 *Critical Areas Review (OPTIONAL).* Conduct a critical areas review to identify potential regulated critical areas present on or adjacent the parks, include wetland identification. Analysis will include a high-level evaluation of sensitive areas, including a review of available public databases and a site visit to verify presence or absence of wetland indicators and other potentially regulated habitat features. If present, the location(s) of habitat features and/or wetland boundaries will be estimated based on-site observations and the wetland rating category and applicable regulatory buffers will be estimated based on current regulatory guidance.
- 1.13 *Wetland Delineation and Critical Areas Report (OPTIONAL).* If wetlands or other regulated critical areas are present on either site, a formal Wetland Delineation/Critical Areas Report will be prepared documenting the methods and results of the study. Wetlands, if present, would be delineated according to current methods accepted by regulatory agencies, each wetland will be individually rated according to the current wetland rating system, and regulatory buffers would be identified. Wetland Delineation/Critical Areas Reports are typically valid for five years from the date of completion.
- 1.14 *Cultural Inventory and Analysis (OPTIONAL).* Prepare EZ-1 Form for submittal to Department of Archeological and Historical Preservations (DAHP) to comply with Executive Order 05-05 and RCO requirements. Consult with Tribal Historic Preservation Officer (THPO) for stakeholder Tribes. Compliance with Executive Order 05-05 is required by RCO. This task does not include a formal cultural resource survey. This will be required prior to submitting an RCO grant application.
- 1.15 *Green Infrastructure Recommendations (OPTIONAL).* Research opportunities for green infrastructure at the site as it applies to park planning: an interconnected network of open space consisting of natural areas and other green features that protects ecosystem functions and contribute to clean air and water (e.g. Bioretention, bioswales, constructed wetlands, green roofs, permeable surfaces).
- 1.16 *Field Drainage Recommendations (OPTIONAL).* Based on information from stakeholders and parks operations personnel, determine an appropriate level of performance for any grass playing surfaces programmed. Provide a detailed "pros and cons" analysis of options, including surface-draining soil-based and vertically-draining sand-based field sections. Describe, in detail, requirements for stormwater management infrastructure, grading, and materials specification.
- 1.17 *Geotechnical Analysis (OPTIONAL).* Characterize subsurface conditions by reviewing existing data and completing explorations (e.g., test pits, borings, and/or infiltration testing), as appropriate. Provide geotechnical recommendations for design, such as foundation support, stormwater infiltration, seismic parameters, pavements, site preparation and earthwork.

TASK 2 NEW PARK ACCESS & ROW

- 2.1 *Vehicular Access Alternatives.* Evaluate and determine up to three (3) alternatives for vehicular access and parking to the New Park site. Include the options from East Valley Highway and 46th Street Court East, integrated with pedestrian access from these points, as well as opportunities for agreements with residents along 154 Avenue Court E which border the park. Evaluate the pros/cons of each access alternative and include cost comparison (ROM only).
- 2.2 *ROW Evaluation / Opportunities.* Evaluate opportunities for additional acquisition adjacent to the new park site. Contact current property owners and attend up to three (3) meetings on-site to review opportunities and constraints, gauging interest and feasibility of property acquisition by the City. Up to three adjacent parcels will be considered. Title reports and assessed value of properties, if needed, will be provided by the City. Provide up to three sketches of potential access and circulation if any of the three parcels were eventually included as part of the park.

- 2.3 *Preferred Alternative.* Determine one (1) preferred alternative for vehicular access, parking and utilities based on City staff and/or community outreach process. Update cost estimate for preferred alternative.
- 2.4 *Review Meetings.* Prepare for and attend up to two (2) meetings virtually with city staff to review design alternatives and preferred alternative.

TASK 3 PUBLIC ENGAGEMENT

- 3.1 *Public Engagement Plan and Schedule.* The Public Involvement Plan (PIP) will identify the proposed public engagement process, outreach techniques, and methods to engage with the different users and stakeholders identified above. The Public Involvement Plan is intended to be a living document and will be updated as we progress through the master planning process to include a list of specific materials, facilitation topics, and meeting layout for the different engagement tasks identified below.
- 3.2 *Open House Workshops.* Prepare for and facilitate up to three (3) public open house workshops (virtual or in-person) to determine direction for development of the master plan concepts, preferred master plan alternative, and the final master plan. Corresponding on-line survey will be prepared. Information presented and a summary of comments received will be submitted to City for posting to the City's website. Up to three (3) design team members to attend the open houses.
- 3.3 *Board / Commission Meetings.* Attend up to two (2) meetings with City Park Board. One (1) design team member to attend the meetings. Materials presented will be the same as those developed under other tasks.
- 3.4 *City Council Meetings.* Attend up two (2) meetings or study sessions with City Council. One (1) design team member to attend the meetings. Materials presented will be the same as those developed under other tasks.
- 3.5 *Review Meetings.* Prepare for and attend up to three (3) meetings virtually with city staff to prepare for and review outreach materials and event format, methods and structure.
- 3.6 *Pop-Up Events (OPTIONAL).* Prepare for and facilitate an exhibit and engagement to be displayed, activated, and staffed at up to two (2) events held in the park(s) or at another already scheduled city event. Intercept survey will be prepared and conducted at all pop-up events with corresponding on-line survey prepared for the Open House Workshops above. Up to three (3) design team members to attend each event.
- 3.7 *Focus Group (OPTIONAL).* Prepare for and facilitate one (1) focus group workshop (virtual or in-person) with key stakeholders to develop initial programming and overall goals of the site, and identify initial concepts for park improvements. Up to three (3) design team members to attend each workshop.

TASK 4 MASTER PLANNING

- 4.1 *Vision and Goals.* Develop a draft vision, goals, and design criteria to facilitate master planning process. Vision and goals will be updated up to three (3) times to respond to community outreach results and city review.
- 4.2 *Schematic Design Alternatives.* Develop up to three (3) concept alternatives for the New Park site and two (2) concept alternatives for Seibenthaler Park. Concepts will address access and circulation, active and passive recreation, open space enhancement, entrances and gateways, ADA accessibility, and an assessment of infrastructure needed to support proposed concepts. Concepts will be presented in one plan graphic with select plan enlargements or sections for key areas of the site if needed. Develop a comparison matrix to facilitate evaluation of the concepts. Design concepts will be hand-drawn with photo examples of proposed improvements. Cost comparison will be provided.
- 4.3 *Preferred Master Plan.* Develop a Preferred Master Plan for site improvements based on the feedback received from the City, key stakeholders, elected officials, and the public. Preferred Master Plan will be drawn in AutoCAD with supporting hand-drawn sketches, sections and elevations and color-rendered for presentation purposes. Photo examples of proposed improvements will be revised as needed. Up to two (2) sketches or other renderings of the proposed improvements will be developed (one for each site).
- 4.4 *Phasing and Funding Plan.* Identify potential phasing and grant funding options for the different design features and other elements presented in the Preferred Master Plan.
- 4.5 *Cost Estimate.* Provide a detailed cost estimate based on proposed improvements, broken down by phase. Costs for annual operations and maintenance is provided under the Operational Model task below.

- 4.6 *Final Master Plan*. Finalize the master plan and supporting documents based on comments received during the public engagement process above..
- 4.7 *Review Meetings*. Attend bi-weekly team meetings with the City (duration of 12 months anticipated).
- 4.8 *Operational Model (OPTIONAL)*. Develop an operational model to support overall sustainability goals of the city and identify the long-term maintenance and operations needs of the proposed improvements. Detailed estimate of annual maintenance for park improvements will be limited to Phase 1 limits only. A general ROM cost for long-term maintenance of the remaining phases will be provided on a per acre or per facility type basis from existing park system maintenance costs provided by the City or from data publicly available for other similar facilities.
- 4.9 *Master Plan Report Summary (OPTIONAL)*. Combine all materials from the master planning process into a written Master Plan Report Summary for each site. Report will include a summary of all the public process, written description of final master plan programming and design, and summary of the implementation and funding plan. All of the detailed planning documents will be included as appendices to the report.

TASK 5 ADOPTION (Optional Task)

- 5.1. *Additional Meetings (OPTIONAL)*. Prepare for and attend up to three (3) additional meeting with city staff, Park Board and/or City Council to review draft and final summary. Revise master plan materials based on comments received.
- 5.2. *RCO Grant Application (OPTIONAL)*. Support the City in preparation of RCO grant application, including responses to evaluation questions and preparation of evaluation meeting presentation.

ASSUMPTIONS

- The above fee is an estimate of how we expect to allocate our time. We reserve the right to move time between phases, consultants, and tasks as needed to accomplish the overall goals of the project.
- Meeting locations, public notice, mailing, and copies of any handouts will be provided by the city. HBB will be responsible for presentations and large format boards for each event. Presentations will be developed in InDesign and PDF formats.
- City will provide tent or other weather protection, tables, chairs, refreshments, and other set-up material needed to support the pop-up events, including rental of a space if the pop-up is held outside.
- On-line surveys will be prepared through Survey Monkey or other similar on-line platform. ArchGIS Storyboard format and custom interactive survey formats are not included at this time.
- Project website and all social media posts will be by the City.
- All translation services, if needed, will be by the City.
- Traffic analysis, architecture, and arboricultural services are not included at this time.
- Sensitive areas assessment does not include quantitative assessment of habitat features or biological studies to determine wildlife presence.
- The City will provide and coordinate right-of-entry for required parcels in advance of any survey field work.
- The City will provide the consultant team unrestricted access to the project area for performance of field activities.
- Agency Right-of-Way (ROW) permits and/or outreach notices will be performed by others (if needed).
- Basemapping will be provided in: Civil3D using Agency CAD standards, unless directed otherwise.
- NAD83 (2011) horizontal and NAVD88 vertical datums will be used for the basemapping.
- Manholes over 25 feet deep or full of debris/water may not be as-built. They may require confined space entry to access the manhole in order to accurately measure the depth.
- Trees four (4) inches in diameter and above will be surveyed. Trees will be labeled with trunk and dripline diameter and the species will only be classified as coniferous or deciduous, unless directed otherwise.
- No Parcel/ROW/ALTA maps will be created but can be scoped and budgeted at a later time (if needed).
- No pipe probes or potholing will be performed as part of the scope. If pipe tracing is needed that is over and above the basic conductible locates, this will be considered out of scope work, requiring additional budget.
- No construction control is needed for this scope. If this is needed, it can be covered in an additional amendment.
- Furtado will call One Call (811) and pick-up utilities within ROW that are marked. Furtado expects very little to be marked and will supplement the previously located utilities by One Call with a private locator (APS) to make sure all utilities are located within ROW and City property.
- City will provide title reports for all parcels.

FEE PROPOSAL – See Exhibit A

In consideration of the above services, we are proposing the following estimated fee:

BASE SERVICES

TASK 1. Background Information / Analysis	\$ 37,386.00
TASK 2. New Park Access & ROW	\$ 10,230.00
TASK 3. Public Engagement	\$ 19,794.00
TASK 4. Master Planning	\$ 65,245.00
Expenses (transportation, reproduction, etc.)	<u>\$ 11,552.00</u>

BASE SERVICES TOTAL	\$ 144,207.00
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OPTIONAL SERVICES

1.12 Critical Areas Review	\$ 7,686.00
1.13 Wetland Delineation and Critical Areas Report	\$ 12,370.00
1.14 Cultural Inventory and Analysis	\$ 1,680.00
1.15 Green Infrastructure Recommendations	\$ 1,410.00
1.16 Field Drainage Recommendations	\$ 2,000.00
1.17 Geotechnical Analysis	\$ 17,558.00
3.6 Pop-Up Events	\$ 5,748.00
3.7 Focus Group	\$ 3,268.00
4.8 Operational Model	\$ 5,061.00
4.09 Master Plan Report	\$ 3,466.00
5.1 Additional Meetings	\$ 4,422.00
5.2 RCO Grant Application	<u>\$ 20,508.00</u>

OPTIONAL SERVICES TOTAL	\$ 85,177.00
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TOTAL with OPTIONAL services noted in red above	\$ 169,409.00
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EXHIBIT B
CITY OF SUMNER

CERTIFICATION OF COMPLIANCE WITH SUMNER MUNICIPAL CODE CHAPTER 3.30
"E-VERIFY"

As the person duly authorized to enter into such commitment for

Hough Beck & Baird, Inc (HBB Landscape Architecture)

I hereby certify that the Company or Organization named herein will

(check one box below)

☐ Be in compliance with all of the requirements of City of Sumner Municipal Code Chapter 3.30 for the duration of the contract entered into between the City of Sumner and the Company or Organization.

OR

☐ Hire no employees for the term of the contract between the City and the Company or Organization.

NAME

TITLE

DATE

EXHIBIT C

APPENDIX II TO PART 200---CONTRACT PROVISIONS FOR NON-FEDERAL ENTITY CONTRACTS UNDER FEDERAL AWARDS

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the City of Sumner under federal award(s) are subject to the following provisions, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964- 1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, the following language is hereby incorporated into the contract as if fully set forth therein:

Application of Uniform Guidance. If this contract involves the use, in whole or in part, of federal award(s), the following provisions (29 CFR, Subtitle A Part 5, Subpart A, § 5.5, subsections (a)(1) – (a)(10)) shall apply:

(1) Minimum wages.

(i) All laborers and mechanics employed or working upon the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), will be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by regulations issued by the Secretary of Labor under the Copeland Act (29 CFR part 3)), the full amount of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment computed at rates not less than those contained in the wage determination of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor and such laborers and mechanics. Contributions made or costs reasonably anticipated for bona fide fringe benefits under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of paragraph (a)(1)(iv) of this section; also, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in § 5.5(a)(4). Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein: Provided, That the employer's payroll records accurately set forth the time spent in each classification in which work is performed. The wage determination (including any additional classification and wage rates conformed under paragraph (a)(1)(ii) of this section) and the Davis-Bacon poster (WH-1321) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers.

(ii)

(A) The contracting officer shall require that any class of laborers or mechanics, including helpers, which is not listed in the wage determination and which is to be employed under the contract shall be classified in conformance with the wage determination. The contracting officer shall approve an additional classification and wage rate and fringe benefits therefore only when the following criteria have been met:

- (1) The work to be performed by the classification requested is not performed by a classification in the wage determination; and
- (2) The classification is utilized in the area by the construction industry; and
- (3) The proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination.

(B) If the contractor and the laborers and mechanics to be employed in the classification (if known), or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, DC 20210. The Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(C) In the event the contractor, the laborers or mechanics to be employed in the classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Administrator for determination. The Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

(D) The wage rate (including fringe benefits where appropriate) determined pursuant to paragraphs (a)(1)(ii) (B) or (C) of this section, shall be paid to all workers performing work in the classification under this contract from the first day on which work is performed in the classification.

(iii) Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly cash equivalent thereof.

(iv) If the contractor does not make payments to a trustee or other third person, the contractor may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, Provided, That the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

(2) Withholding. The City of Sumner shall upon its own action or upon written request of an authorized representative of the Department of Labor withhold or cause to be withheld from the contractor under this contract or any other Federal contract with the same prime contractor, or any other federally-assisted contract subject to Davis-Bacon prevailing wage requirements, which is held by the same prime contractor, so much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work (or under the United States Housing Act of 1937 or under the Housing Act of 1949 in the construction or development of the project), all or part of the wages required by the contract, the (Agency) may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

(3) Payrolls and basic records.

(i) Payrolls and basic records relating thereto shall be maintained by the contractor during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics working at the site of the work (or under the United States Housing Act of 1937, or under the Housing Act of 1949, in the construction or development of the project). Such records shall contain the name, address, and social security number of each such worker, his or her correct classification, hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalents thereof of the types described in section 1(b)(2)(B) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made and actual wages paid.

Whenever the Secretary of Labor has found under 29 CFR 5.5(a)(1)(iv) that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in

section 1(b)(2)(B) of the Davis-Bacon Act, the contractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits. Contractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprenticeship programs and certification of trainee programs, the registration of the apprentices and trainees, and the ratios and wage rates prescribed in the applicable programs.

(ii) (A) The contractor shall submit weekly for each week in which any contract work is performed a copy of all payrolls to the City if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit the payrolls to the applicant, sponsor, or owner, as the case may be, for transmission to the City. The payrolls submitted shall set out accurately and completely all of the information required to be maintained under 29 CFR 5.5(a)(3)(i), except that full social security numbers and home addresses shall not be included on weekly transmittals. Instead the payrolls shall only need to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). The required weekly payroll information may be submitted in any form desired. Optional Form WH-347 is available for this purpose from the Wage and Hour Division Web site at <http://www.dol.gov/esa/whd/forms/wh347instr.htm> or its successor site. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors. Contractors and subcontractors shall maintain the full social security number and current address of each covered worker, and shall provide them upon request to the City if the agency is a party to the contract, but if the agency is not such a party, the contractor will submit them to the applicant, sponsor, or owner, as the case may be, for transmission to the City, the contractor, or the Wage and Hour Division of the Department of Labor for purposes of an investigation or audit of compliance with prevailing wage requirements. It is not a violation of this section for a prime contractor to require a subcontractor to provide addresses and social security numbers to the prime contractor for its own records, without weekly submission to the sponsoring government agency (or the applicant, sponsor, or owner).

(B) Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his or her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

- (1) That the payroll for the payroll period contains the information required to be provided under § 5.5 (a)(3)(ii) of Regulations, 29 CFR part 5, the appropriate information is being maintained under § 5.5 (a)(3)(i) of Regulations, 29 CFR part 5, and that such information is correct and complete;
- (2) That each laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in Regulations, 29 CFR part 3;
- (3) That each laborer or mechanic has been paid not less than the applicable wage rates and fringe benefits or cash equivalents for the classification of work performed, as specified in the applicable wage determination incorporated into the contract.

(C) The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph (a)(3)(ii)(B) of this section.

(D) The falsification of any of the above certifications may subject the contractor or subcontractor to civil or criminal prosecution under section 1001 of title 18 and section 231 of title 31 of the United States Code.

(iii) The contractor or subcontractor shall make the records required under paragraph (a)(3)(i) of this section available for inspection, copying, or transcription by authorized representatives of the City or the Department of Labor, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the Federal agency may, after written notice to the contractor, sponsor, applicant, or owner, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

(4) Apprentices and trainees.

(i) Apprentices. Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program

registered with the U.S. Department of Labor, Employment and Training Administration, Office of Apprenticeship Training, Employer and Labor Services, or with a State Apprenticeship Agency recognized by the Office, or if a person is employed in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Office of Apprenticeship Training, Employer and Labor Services or a State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice. The allowable ratio of apprentices to journeymen on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any worker listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman's hourly rate) specified in the contractor's or subcontractor's registered program shall be observed. Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeymen hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination. In the event the Office of Apprenticeship Training, Employer and Labor Services, or a State Apprenticeship Agency recognized by the Office, withdraws approval of an apprenticeship program, the contractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(ii) Trainees. Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the U.S. Department of Labor, Employment and Training Administration. The ratio of trainees to journeymen on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Every trainee must be paid at not less than the rate specified in the approved program for the trainee's level of progress, expressed as a percentage of the journeyman hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman wage rate on the wage determination which provides for less than full fringe benefits for apprentices. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. In the event the Employment and Training Administration withdraws approval of a training program, the contractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

(iii) Equal employment opportunity. The utilization of apprentices, trainees and journeymen under this part shall be in conformity with the equal employment opportunity requirements of Executive Order 11246, as amended, and 29 CFR part 30.

(5) Compliance with Copeland Act requirements. The contractor shall comply with the requirements of 29 CFR part 3, which are incorporated by reference in this contract.

(6) Subcontracts. The contractor or subcontractor shall insert in any subcontracts the clauses contained in 29 CFR 5.5(a)(1) through (10) and such other clauses as the City may by appropriate instructions require, and also a clause requiring the subcontractors to include these clauses in any lower tier subcontracts. The prime contractor shall be responsible for the compliance by any subcontractor or lower tier subcontractor with all the contract clauses in 29 CFR 5.5.

(7) Contract termination; debarment. A breach of the contract clauses in 29 CFR 5.5 may be grounds for termination of the contract, and for debarment as a contractor and a subcontractor as provided in 29 CFR 5.12.

- (8) Compliance with Davis-Bacon and Related Act requirements. All rulings and interpretations of the Davis-Bacon and Related Acts contained in 29 CFR parts 1, 3, and 5 are herein incorporated by reference in this contract.
- (9) Disputes concerning labor standards. Disputes arising out of the labor standards provisions of this contract shall not be subject to the general disputes clause of this contract. Such disputes shall be resolved in accordance with the procedures of the Department of Labor set forth in 29 CFR parts 5, 6, and 7.. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the U.S. Department of Labor, or the employees or their representatives.
- (10) Certification of eligibility.
- (i) By entering into this contract, the contractor certifies that neither it (nor he or she) nor any person or firm who has an interest in the contractor's firm is a person or firm ineligible to be awarded Government contracts by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
 - (ii) No part of this contract shall be subcontracted to any person or firm ineligible for award of a Government contract by virtue of section 3(a) of the Davis-Bacon Act or 29 CFR 5.12(a)(1).
 - (iii) The penalty for making false statements is prescribed in the U.S. Criminal Code, 18 U.S.C. 1001.
- (E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- (F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or sub recipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or sub recipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- (G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended-Contracts and sub grants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- (H) Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (42 U.S.C. 6201).
- (I) Debarment and Suspension (Executive Orders 12549 and 12689)-A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide Excluded Parties List System in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR Part 1986 Comp., p. 189) and 12689 (3 CFR Part 1989 Comp., p. 235), "Debarment and Suspension." The Excluded Parties List System in SAM contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- (J) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)-Contractors that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

SUBJECT: Ordinance 2772 - Public Facilities and Parks Rules Update

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance No. 2772 - Public Facilities and Parks Rules Update

STAFF CONTACT: Derek Barry, Community Services Manager

SUMMARY BACKGROUND:

Staff recognized regulations regarding the rules and hours of parks, trails and facilities needed updating to more accurately reflect current needs of the community and to correct unintended oversights in the way the code is written and interpreted.

COUNCIL COMMITTEE/STUDY SESSION: Community Development Committee
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MEETING/STUDY SESSION DATE: 4/28/2021

COMMITTEE RECOMMENDATION: Committee Do-Pass

STAFF RECOMMENDATIONS/MOTION:

Move to approve Ordinance No. 2772 amending Park Rules and Sumner Municipal Code 12.60.

ORDINANCE NO. 2772
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SUMNER MUNICIPAL CODE SECTION 12.60.040E “GENERAL PARK, TRAIL, AND FACILITY RULES”; SMC 12.60.050 “GENERAL PARK HOURS”; SMC 12.60.060 “BILL HEATH SPORTS COMPLEX”; AND SMC 12.60.065 “SKATEBOARD PARK” RELATING TO THE RULES AND OPERATING HOURS FOR THE CITY’S PARKS, TRAILS, AND FACILITIES.

WHEREAS, Sumner Municipal Code Chapter 12.60.040, “General park, trail, and facility rules” Section E and Sumner Municipal Code Chapter 12.60.050, “General park hours” outline the general rules and hours of Sumner’s parks, trails and facilities; and

WHEREAS, Sumner Municipal Code Sections 12.60.060 and 065 outline specific rules and hours related to the Bill Heath Sports Complex and the SK8 Skateboard Park; and

WHEREAS, from time to time, code provisions are reviewed and updated to refine language and to reflect modifications in policies and practices so as to increase the clarity and effectiveness of the Sumner Municipal Code;

WHEREAS, the City Council desires that the regulations regarding the rules and hours of parks, trails and facilities be updated to more accurately reflect current needs of the community and to correct unintended oversights in the way the code is written and interpreted; and

WHEREAS, this Ordinance was presented to the Community Development Committee during the April 28, 2021 meeting, during which the committee gave the ordinance a do-pass.

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

Section 1. Chapter 12.60.040E of the Sumner Municipal Code, “General park, trail, and facility rules” is hereby amended as follows;

E. No person shall pollute or in any way contaminate by dumping or otherwise depositing ~~therein~~ any waste or refuse of any nature, kind or description, including human waste, ~~urine~~ or ~~other~~ bodily waste, in ~~or on~~ any ~~park, trail, or City facility, or~~ stream, river, lake, or other body of water running in, through, or adjacent to any park, trail, or ~~City~~ facility.

Section 2. Chapter 12.60.050 of the Sumner Municipal Code, “General park hours” is hereby amended as follows;

Unless modified in this chapter, the hours of all parks ~~shall be from 8:00am until sunset, and~~ trails and facilities ~~open~~ for public use shall be 6:00 a.m. to 10:00 p.m. ~~daily.~~ (Ord. 2677 § 1 (part), 2019: Ord. 2569 § 1 (part), 2016: Ord. 2480 § 1 (part), 2014: Ord. 1812 § 5, 1997)

Section 3. Chapter 12.60.060 of the Sumner Municipal Code “Bill Heath Sports Complex” is hereby amended as follows:

...

F. The hours for the Bill Heath Sports Complex shall be 8:00am to sunset daily. The hours may be extended up to 10:00pm when rented by groups utilizing the lights.

Section 4. Chapter 12.60.065A of the Sumner Municipal Code “Skateboard Park (SK8) is hereby amended as follows:

A. The hours for the skateboard park shall be 8:00 a.m. to ~~dark~~sunset daily.

Section 5. Severability – Construction. 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, the provisions of this ordinance shall control.

Section 6. Corrections by City Clerk or Code Reviser. Upon approval of the City Attorney, the City Clerk and the Code Reviser are authorized to make the necessary corrections to this ordinance, including the correction of clerical errors; ordinance, section, or subsection numbering; or references to other local, state, or federal laws, codes, rules, or regulations.

Section 7. Effective Date. This ordinance shall be in full force and effect five (5) days from and after its passage, approval and publication, as provided by law.

Passed by the City Council and approved by the Mayor of the City of Sumner, Washington, at a regular meeting thereof this 17th day of May, 2021.

Mayor William L. Pugh

ATTEST:

APPROVED AS TO FORM:

City Clerk Michelle Converse

City Attorney Andrea Marquez

Date Adopted:

Date of Publication:

Effective Date: