



**COMMUNITY DEVELOPMENT COMMITTEE
MEETING AGENDA
CITY HALL – 1104 MAPLE STREET
JULY 28, 2021 5:00 PM**

Members:

Staff Liaison:

Join Zoom Meeting

<https://sumnerwa-gov.zoom.us/j/85197720366>

Meeting ID: 851 9772 0366

One tap mobile

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Dial by your location

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+1 301 715 8592 US (Washington DC)

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+1 929 205 6099 US (New York)

Meeting ID: 851 9772 0366

CALL TO ORDER

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

COMMITTEE BUSINESS

1. Interlocal with EPFR for Fire Safety Inspections
2. Ordinance 2787 -- Amending Sumner Municipal Code 12.60-Park Rules
3. Ordinance No. 2788-- Development Services Director Authority Change
4. Pipestem Lot Zoning Code Text Amendments

REPORTS

ADJOURNMENT

SUBJECT: Interlocal with EPFR for Fire Safety Inspections

CATEGORY: Resolution

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Resolution No. XXXX - Interlocal EPFR Fire Inspections
2. ILA EPFR Fire Inspection Services

STAFF CONTACT: Jason Wilson, City Administrator

SUMMARY BACKGROUND:

Fire districts have the authority to conduct fire safety inspections in accordance with the International Fire Code and state law. Fire safety inspections ensure that businesses are complying with all fire codes including but not limited to proper egress, fire extinguishers and electrical hazards. The benefits of a fire safety inspection program include pre-emergency planning, early identification of life-safety hazards and potential improvement of fire insurance ratings.

Historically East Pierce Fire and Rescue (EPFR) has not had the staffing to perform inspections, but is now proposing to do so. State law does, nor city code, provides EPFR with the authority to enforce code violations discovered during the inspections. Based on other communities, the need to take enforcement action is rare due to voluntary compliance. The proposed ILA sets forth the process for conducting inspections and remedying any code violations discovered.

There is no direct cost to the City for these services, and anticipated code enforcement costs are anticipated to be minimal. The term of the agreement is one year, with an auto-renewal each January. Either party may terminate the agreement with 90 days notice.

COUNCIL COMMITTEE/STUDY SESSION: Community Development Committee

MEETING/STUDY SESSION DATE: 7/28/2021

COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Forward to full Council for consideration.

RESOLUTION NO. XXXX

CITY OF SUMNER, WASHINGTON

A RESOLUTION OF THE CITY OF SUMNER, WASHINGTON, AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SUMNER AND EAST PIERCE FIRE AND RESCUE RELATED TO FIRE INSPECTION SERVICES.

WHEREAS, the City has been annexed to the District, and the District provides fire protection to the City, pursuant to chapter 52.04 RCW; and

WHEREAS, the Parties have the authority to contract for the provision of fire inspection services, pursuant to chapter 39.34 RCW and RCW 52.12.031(4); and

WHEREAS, in the District's performance of such Fire Inspection Services, the District is required to use the International Fire Code, as adopted by the City pursuant to RCW 35A.12.140 and the City Municipal Code, 15.24.010;

WHEREAS, the District has the authority to perform fire inspections, pursuant to International Fire Code ("IFC") Section 106.2; and

WHEREAS, the Parties acknowledge that neither state law nor local code confer code enforcement authority upon the District for violations discovered during the District's inspections (see RCW 52.12.031(7)); and

WHEREAS, the City desires to contract with the District for the provision of fire inspection services within the City, for the purpose of promoting fire and life safety education, ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of the International Fire Code, as adopted by the City, and of any other law or standard affecting fire safety; and

WHEREAS, the District desires to provide such fire inspection services for the consideration described herein; and

WHEREAS, the partnership between the Parties for fire inspections creates benefits for the community and the Parties. These benefits include quality fire and life safety inspections, pre-emergency planning, direct access to structures by first responders and other efficiencies.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON:

Section 1. Authorization. That the City Council hereby approves the Interlocal Agreement between the City of Sumner and East Pierce Fire and Rescue related to fire inspection services, a copy of which is attached and incorporated by reference, and authorizes the Mayor to sign said agreement on behalf of the City of Sumner substantially in a form as approved by the City Attorney.

Section 2. Corrections by City Clerk or Code Reviser. Upon approval of the City

Attorney, the city clerk and the code reviser are authorized to make necessary corrections to this resolution, including but not limited to the correction of clerical errors; or references to other local, state, or federal laws, codes, rules, or regulations.

ADOPTED AND APPROVED this 16th day of August, 2021.

Attest:

William L. Pugh, Mayor

Michelle Converse, City Clerk

Approved as to form:

Andrea Marquez, City Attorney

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF SUMNER
AND EAST PIERCE FIRE AND RESCUE RELATED TO FIRE INSPECTION
SERVICES.**

THIS AGREEMENT is made and entered into by and between the City of Sumner, Washington, a Washington municipal corporation (hereinafter the “City”), and East Pierce Fire and Rescue, a Washington municipal corporation (hereinafter the “District”), who shall hereinafter be collectively referred to as the “Parties”, for purposes of setting forth the terms and conditions for the provision of fire inspection services.

WITNESSETH:

WHEREAS, the City has been annexed to the District, and the District provides fire protection to the City, pursuant to chapter 52.04 RCW; and

WHEREAS, the Parties have the authority to contract for the provision of fire inspection services, pursuant to chapter 39.34 RCW and RCW 52.12.031(4); and

WHEREAS, in the District’s performance of such Fire Inspection Services, the District is required to use the International Fire Code, as adopted by the City pursuant to RCW 35A.12.140 and the City Municipal Code, 15.24.010;

WHEREAS, the District has the authority to perform fire inspections, pursuant to International Fire Code (“IFC”) Section 106.2; and

WHEREAS, the Parties acknowledge that neither state law nor local code confer code enforcement authority upon the District for violations discovered during the District’s inspections (see RCW 52.12.031(7)); and

WHEREAS, the City desires to contract with the District for the provision of fire inspection services within the City, for the purpose of promoting fire and life safety education, ascertaining and causing to be corrected any conditions which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of the International Fire Code, as adopted by the City, and of any other law or standard affecting fire safety; and

WHEREAS, the District desires to provide such fire inspection services for the consideration described herein; and

WHEREAS, the partnership between the Parties for fire inspections creates benefits for the community and the Parties. These benefits include quality fire and life safety inspections, pre-emergency planning, direct access to structures by first responders and other efficiencies.

NOW, THEREFORE, the parties hereto agree as follows:

Section 1. Purpose. The purpose of this Agreement is to describe the terms and conditions under which the Parties will cooperate in the provision of fire inspection services within the City.

Section 2. Services to be provided by District. The District agrees to provide the following services, pertaining solely to commercial entities and specifically excluding residential properties, within the City:

Inspections.

- a) **Schedule.** Qualified District personnel will inspect commercial buildings and structures in the City on a reasonable schedule that endeavors to inspect each commercial building no less than annually. When the District or City deems an inspection necessary based upon receipt of a complaint or otherwise becomes aware of circumstances that require an inspection, the District shall inspect the premises or structure within ten (10) days of receipt of such information or complaint.
- b) **Code Enforcement.** The District shall provide inspection services and provide timely and complete inspection reports to the City for any violations discovered, that are not remedied by the property owner. Thereafter, the City shall be responsible for taking any action to enforce the provisions of the IFC or City code, including bringing any cause of action before any court, hearing examiner, board, committee, or other body empowered to determine responsibility for violations of the IFC and shall be responsible for pursuing and collecting any fines, penalties, compliance, and abatement. The District staff who inspected the property and found it to be in violation shall, upon request by the City, appear before any court, hearing examiner, board, committee, or other body empowered to enforce the provisions of the IFC or applicable City code in order to assist the City with enforcing the IFC or local code.
- c) **Inspection Notices.**

The District shall notify property owners and/or occupants prior to conducting inspections in accordance with Section 104 of the IFC. No inspections will be performed without such consent. If the timing of the inspection is inconvenient for either the property owner or occupant, the inspection can be rescheduled to a mutually agreed time. Furthermore, those owners and/or occupants with a business whose operation may be negatively impacted by an unscheduled inspection may request a scheduled inspection by notifying the District in writing, and the District will try to reasonably accommodate any such requests.

3. Property Owner's Refusal to Allow Inspection. The District shall notify the City's Fire Code Official via email with confirmed receipt of any property owner/occupant

refusal to permit a necessary inspection. The District shall take no action to attempt an inspection without permission of the City, if it receives any refusal from a property owner/occupant for a building/structure inspection.

4. **Correction Notices.** If the District discovers the presence of any condition which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of the IFC, as adopted by the City, the District shall issue a correction notice to the property owner, the occupant of the structure, and provide a courtesy copy to the City. Such correction notice shall be provided to the property owner and the occupant of the structure in writing within seven (7) days after the inspection. The District agrees to notify the City's Fire Code Official in writing when timely compliance with such correction notices is not achieved. If any condition exists, which in the opinion of the District inspector, warrants immediate action to protect the public health and safety, the emergency correction notice shall be provided to the property owner and occupant within 24 hours of the inspection. The District agrees to notify the City's Fire Code Official within 24 hours of any inspection warranting an emergency correction notice.

5. **Noncompliance with Correction Notice.** If violations are noted during the annual inspection, the District shall issue a correction notice (pursuant to the Sumner Municipal Code) shall be presented to the occupant and owner of the premises. At that time, 30 days will be allowed to bring the premises into compliance. If after re-inspection, compliance is not achieved, an additional 15 days may be allowed to bring the premises into compliance. If after initial inspection and/or re-inspection, compliance is not achieved, the District shall notify the City's Fire Code Official via email with confirmed receipt, who will then address the noncompliance through the City's code enforcement process, utilizing the District for information or assistance where necessary. After such notification by the District, the City shall be responsible for taking any further action to enforce the City's code or the IFC related to that property.

Section 3. Reporting. All inspection data, including name of inspector(s), identification of all properties inspected, identification of all Correction Notices issued, and identification of all emergency correction notices issued will be reported in the District's database. The District will provide inspection program information to the City upon request.

Section 4. Coordination Meeting. The District and City's Fire Code Official will meet periodically (no less frequently than quarterly) to evaluate inspections, discuss any ongoing code enforcement and discuss efficiencies. These meetings are also intended to foster the relationship between the District and City.

Section 5. Financial Consideration(s). For the services provided through this Agreement and specified in Section 2 and Exhibit A, the City shall remit no compensation. The services enumerated herein shall be performed at no cost to the City.

Section 6. Term.

- A. This Agreement shall commence upon execution of the last-dated signature below.
- B. **Expiration.** This Agreement shall auto-renew each year on January 1st.
- C. **Termination.** The Parties may terminate this Agreement at any time and for any reason, by providing the other party three (3) months' prior written notice.

Section 7. Relationship of Parties. In contracting for the services described in this Agreement, the Parties are deemed for all purposes to be acting within their governmental capacities. No agent, employee, representative, officer or official of the District shall be or shall be deemed to be the employee, agent, representative, official or officer of the City. None of the benefits the City provides to its employees, including, but not limited to, compensation, insurance and unemployment insurance are available from the City to the employees, agents, representatives, officers or officials of the District. The District will be solely and entirely responsible for its acts and for the acts of its agents, employees, representatives, officials and officers during the performance of this Amendment. This covenant is mutually agreed to and applicable to the City in the same manner as applied the District. No property shall be exchanged between the Parties pursuant to this Agreement.

Section 8. Discrimination. In the hiring of employees for the performance of work under this Agreement or any subcontract hereunder, the District, or any person acting on behalf of the District, shall not, by reason of race, religion, color, sex, marital status, 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. This covenant is mutually agreed to and applicable to the City in the same manner as applied to the District.

Section 9. Indemnification.

The District shall defend, indemnify and hold the City, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries or damages caused by the sole negligence of the City. In the event of liability for negligence for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the District and the City, its officers, officials, employees, agents and volunteers, the District's liability hereunder shall only be to the extent of the District's negligence.

The City shall defend, indemnify and hold the District, its officers, officials, employees, agents and volunteers harmless from any and all claims, injuries, damages, losses or suits, including all legal costs and attorneys' fees, arising out of or in connection with the performance of this Agreement, except for injuries or damages caused by the negligence of the District. In the event of liability for negligence for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the District and the City, its officers, officials, employees, agents and volunteers, the City's liability hereunder shall only be to the extent of the City's negligence.

It is further specifically and expressly understood that the indemnification provided herein constitutes the Parties' waiver of immunity under Industrial Insurance, Title 51 RCW, or any other applicable insurance available to District employees, including, but not limited to LEOFF, chapter 41.26 RCW or PERS, chapter 41.40 RCW, solely for the purposes of this indemnification. The parties further acknowledge that they have mutually negotiated this waiver. The District's waiver of immunity under the provisions of this section does not include, or extend to, any claims by the District's employees made directly against the District. The City's waiver of immunity under the provisions of this section does not include, or extend to, any claims by the City's employees made directly against the City.

The provisions of this section shall survive the expiration or termination of this Agreement.

Section 10. Insurance.

- A. The Parties shall procure and maintain for the duration of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the District's provision of fire inspection services, including the work of the District's employees, agents, officials and officers.
- B. Before beginning work under this Agreement, the Parties shall provide evidence, in the form of a Certificate of Insurance, of the following insurance coverage and limits (at a minimum):
 - 1. Property Damages insurance no less than \$1,000,000 per occurrence with a \$3,000,000 aggregate.
 - 2. Commercial General Liability insurance no less than \$1,000,000 per occurrence with a \$3,000,000 aggregate.
 - 3. Errors and Omissions insurance no less than \$1,000,000 per occurrence with a \$3,000,000 aggregate.
- C. The Parties are responsible for the payment of any deductible or self-insured retention that is required by any of their respective insurance policies.

The insurance policies shall name the other party of this Amendment and its officials, officers, employees, and volunteers, who are acting within the scope of this Agreement additional named insureds for any and all actions taken by each party, its officials, officers, employees, and volunteers in the scope of their duties pursuant to this Agreement. The insurance policy or policies shall have a thirty (30) days prior notice of cancellation clause to be given to the other party, in writing, in the event of termination or material modification of the insurance coverage. The insurance shall be "occurrence based" rather than "claims made." In the alternative, each party may satisfy the requirements of this section by becoming or remaining a participant in an authorized self-insurance pool in the state of Washington with protection equal to or greater than that specified herein.

Section 11. Recitals. The Parties understand that the Recitals set forth in this Agreement are for convenience only.

IN WITNESS WHEREOF, the parties have executed this Interlocal Agreement on the last date indicated below:

THE CITY OF SUMNER

EAST PIERCE FIRE AND RESCUE

By _____
William L. Pugh, Mayor DATE

Chair DATE

Commissioner DATE

Commissioner DATE

Commissioner DATE

Commissioner DATE

Notice shall be sent to:

The City of Sumner
Attn: Doug Beagle, Development Svcs. Director
1104 Maple Street
Sumner, WA 98390

East Pierce Fire and Rescue
Attn: Fire Chief
18421 Veterans Memorial Dr. E.
Bonney Lake, WA 98391

ATTEST:

City Clerk

District Secretary

APPROVED AS TO FORM:

Andrea Marquez, City Attorney

Eric Quinn, District Attorney



COMMUNITY DEVELOPMENT COMMITTEE MEETING

DATE: July 28, 2021

AGENDA BILL: 21-1384

SUBJECT: Ordinance 2787 -- Amending Sumner Municipal Code 12.60-Park Rules

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. Ordinance 2787

STAFF CONTACT: Derek Barry, Community Services Manager

SUMMARY BACKGROUND:

In recognition of several of the 2018 Parks & Trail Plan update's Themes and Guiding Principles of: Fun & Friendly, Beautiful & Clean, Safe & Comfortable, Support of Active, Healthy Lifestyles the Forestry & Parks Commission and staff recommend prohibiting smoking in our parks and trails.

COUNCIL COMMITTEE/STUDY SESSION: Community Development Committee and Public Safety Committee MEETING/STUDY SESSION DATE: 7/28/2021 COMMITTEE RECOMMENDATION:
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STAFF RECOMMENDATIONS/MOTION:

Move to approve Ordinance No 2787 amending Park Rules and Sumner Municipal Code 12.60

ORDINANCE NO. 2787
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, AMENDING SUMNER MUNICIPAL CODE SECTION 12.60.040K “GENERAL PARK, TRAIL, AND FACILITY RULES” RELATING TO THE RULES FOR THE CITY’S PARKS, TRAILS, AND FACILITIES.

WHEREAS, Sumner Municipal Code Chapter 12.60.040, “General park, trail, and facility rules” Section K outline the general rules of Sumner’s parks, trails and facilities; 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 of parks, trails and facilities be updated to more accurately reflect current needs of the community; and

WHEREAS, this Ordinance was presented to the Community Development Committee during the July 28, 2021 meeting, during which the committee gave the ordinance a do-pass; and

WHEREAS, this Ordinance was presented to the Public Safety Committee during the August 18, 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 12.60.040K of the Sumner Municipal Code, “General park, trail, and facility rules” is hereby amended as follows;

K. No person shall possess or open and/or consume any alcoholic beverages or open and/or consume any marijuana, marijuana-infused product, or marijuana concentrates (RCW [69.50.445](#)), or use tobacco products including but not limited to cigarettes, vapor electric cigarettes, cigars, pipes, or any other smoking device, and chewing tobacco in any city park, sports fields, trail or park buildings including picnic shelters.

Section 2. 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 3. 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 4. 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 7th day of September, 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:

SUBJECT: Ordinance No. 2788-- Development Services Director Authority Change

CATEGORY: Ordinance

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 2021-0728_DS_CD_Authority-PC Recommendation
2. ExA_Ordinance_2788_DS_Authority_Draft-061621_PC-Final

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

In fall of 2019, the City of Sumner created a Development Services Department to oversee permitting and code enforcement separate from the Community Development Department. The Community Development Department retains long-range planning, but also has parks, cemetery, facilities, and community events and engagement as well as economic development. In the Sumner Municipal Code there are numerous references to the Community Development Director for decisions and approvals.

The purpose of this ordinance is to transfer most that approval authority to the Development Services Director. The Planning Commission held a public hearing on July 8, 2021 and voted unanimously in favor of a recommendation that the Council approve the ordinance as presented.

COUNCIL COMMITTEE/STUDY SESSION: Community Development
MEETING/STUDY SESSION DATE: 7/28/2021
COMMITTEE RECOMMENDATION:

STAFF RECOMMENDATIONS/MOTION:

Do pass



DATE: July 26, 2021
TO: Community Development Committee
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendment – Director Authority Change from CD to DS Director**

I. BACKGROUND / WHY THE AMENDMENTS ARE BEING PROPOSED

In fall of 2019, the City of Sumner created a Development Services Department to oversee permitting and code enforcement separate from the Community Development Department. The Community Development Department retains long-range planning, but also has parks, cemetery, facilities, and community events and engagement as well as economic development. In the Sumner Municipal Code there are numerous references to the Community Development Director for decisions and approvals.

The purpose of this ordinance is to transfer most that approval authority to the Development Services Director. The Planning Commission held a public hearing on July 8, 2021 and voted unanimously in favor of a recommendation that the Council approve the ordinance as presented.

II. DESCRIPTION

The Ordinance covers a broad range of areas throughout the Sumner Municipal Code with the bulk of signing and approval authority or references to the department in the Zoning Code, Critical Areas Regulations, and the Subdivision Code. In many instances the change is from a reference to the Community Development Department (CD) to the Development Services Department (DS).

This is mostly an administrative exercise and staff does not expect much if any public interest in this topic or concerns.

Finally, there are plans and regulations under separate cover beyond the Sumner Municipal Code that will need to be updated through a separate adoption process and not included in this ordinance and are as follows:

- Sumner Shoreline Master Program
- Town Center Code
- Design and Development Guidelines
- Sumner Comprehensive Plan
- Comprehensive Plan

Below is a summary of the major subject areas that are contained in the ordinance.

A. Environmental: The Development Services Director and the DS Department will take on all the approval authority within the topic area of "environmental" including: Shorelines Administrator (see notes above), Wetland and Resource, Wildlife, and Hazard Area permits/determinations which are all

largely permit related. The one exception is to that the Community Development Director will remain the "Responsible SEPA Official" for the administration of the State Environmental Policy Act (SEPA). The CD Director will sign threshold determinations and be responsible for oversight on Environmental Impact Statements (EIS). This should stay with the CD Director for two reasons: 1) separation of power and review authority for both City projects and private development permits; and 2) level of expertise for the EIS process and State laws involved in SEPA review.

- B. Subdivisions:** The DS Director would become responsible for signing all short plats, preliminary plats, final plats, boundary line adjustments, and binding site plans. These are processed as permit applications through the DS Department and it makes sense that these would be approved by the DS Director.
- B. Zoning Code:** There are numerous areas within the Zoning Code, as the primary body of development regulations and permit review processes, that provide discretionary authority to the director ranging from fence height exceptions to administrative variances and other deviations from the standards. The DS Director would also be responsible for Director Decisions for Design Review. These are decisions that in most instances would be made in the course of permit reviews and approvals. Giving the DS Director this authority would save staff time in having to coordinate with a second department and retains the decision authority close to the process where those involved are actively engaged with the applicant.
- C. Miscellaneous:** There are also numerous areas within the Sumner Municipal Code that call upon the DS Director for decisions or review authority including: business license applications, adult entertainment license, school impact fees, family wage job credit, retail fireworks stands, unfit buildings and construction hours variances. These will be transferred to the DS Director, as most of these deal with permit review or other approvals.
- D. CD Director Authority:** The CD Director will retain approval authority in a variety of areas that fall within the purview of Community Development such as parks, cemetery, long-range planning and events. The approval authority will include such diverse areas as: Street Tree Permits; Park Impact Fee; Special Events permits; Multi-Family Tax Exemptions; camping permits; and Restricted Parking Zone permits and mapping; and long-range planning such as Zoning Code Text Amendments and Comprehensive Plan amendments and updates.

III. ANALYSIS

The proposed Sumner Municipal Code amendments, and specifically, the development regulations amendments, are consistent with the intent and policies of the Comprehensive Plan, including the policies discussed below.

PERMIT PROCESS SUB-ELEMENT

GOAL 1. Develop and implement a permit process for land use and other local government approvals which is timely and fair to all affected parties.

- 1.1 Strive for communication with developers, business, industry and residents, as appropriate for each, with regard to policies and regulations which could affect development.
 - 1.1.1 Encourage City staff and elected officials to regularly attend civic and community organization meetings.
 - 1.1.2 Working with the Communications Director, provide a regular newsletter to the general public and work with local newspapers and other regularly published periodicals to provide information about policies and regulations.
 - 1.1.3 Seek representation from business, industry and the development community on citizen boards and commissions.
 - 1.1.4 Use other methods of communication, such as focus groups, advisory committees, the City's website, e-media, surveys and consultations to inform the business and development community about regulations, plans and programs to get feedback.

- 1.1.5 Prepare necessary documents based on the level of environmental impacts to allow for “planned action” as allowed by state law to expedite the review of projects in the Town Center and other subareas.
- 1.2 Review development regulations to ensure they are necessary and directly relate to implementation of the Comprehensive Plan and other state and federal mandates.
 - 1.2.1 Eliminate duplicative, unnecessary, and unclear regulations.
 - 1.2.2 Provide procedures to process permits in a timely fashion.
 - 1.2.3 Establish a combined permit process system and uniform application, public notice, permit review and appeal procedures.
 - 1.2.4 Implement an online permit system that provides value and convenience to the applicant.
- 1.3 Provide resources, staffing and procedures sufficient to ensure development permit review is adequate to achieve consistency with adopted City policies and regulations within reasonable timeframes.

CONCLUSION: The proposed amendment is consistent with the intent and vision of the City’s Comprehensive Plan in that the amendments would transfer approval authority from the CD Director to the DS Director thereby eliminating potential redundancy in procedures and oversight, and creating efficiencies with the permit discretionary authority remaining within the DS Department for most decisions.

IV. SEPA ENVIRONMENTAL REVIEW

The process for amending the City Comprehensive Plan is specified in the Sumner Municipal Code section 18.56.147 and in the state Growth Management Act (GMA) (RCW 36.70A) and the State Environmental Policy Act (SEPA). SEPA analysis of the proposed amendment has been completed. A Determination of Non-Significance was issued on June 11, 2021.

V. PUBLIC & AGENCY COMMENT

No public or agency comments have been received since the publication of this report.

VI. STAFF RECOMMENDATION

Staff recommends approval of the proposal.

VII. PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on July 8, 2021 and voted unanimously in favor of a recommendation that the Council approve the ordinance as presented.

VIII. EXHIBITS

- A. Draft ordinance for adopting changes

ORDINANCE NO. 2788
CITY OF SUMNER, WASHINGTON

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, TRANSFERRING SIGNING, APPROVAL AND ENFORCEMENT AUTHORITY FROM THE COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT SERVICES DIRECTOR; AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS, 2.89.050; 3.50.090; 5.04.050; 5.56.150; 5.58.020; 5.58.040; 8.08.100; 12.02.060; 15.14.020; 15.34.010; 15.52.120; 15.52.130; 15.60.050; 16.40.060; 16.46.090; 17.04.060; 17.12.040; 17.16.120; 17.16.130; 17.26.040; 17.26.070; 18.04.0435; 18.10.030; 18.12.030; 18.14.080; 18.16.080; 18.18.025; 18.18.060; 18.20.050; 18.24.070; 18.26.100; 18.29.060; 18.37.100; 18.37.110; 18.38.070; 18.41.030; 18.41.080; 18.42.030; 18.42.055; 18.42.056; 18.43.030; 18.43.090; 18.43.120; 18.43.140; 18.44.060; AND 18.56.147.

WHEREAS, in December 2019 the City reorganized and created a Development Services Department lead by the Development Services Director to oversee current planning and permitting including planning, building, fire, and engineering permit review duties;

WHEREAS, the reorganization in 2019 assigned Community Development Director to oversee and manage economic development; long-range land use and city planning; parks, cemetery, city facilities, and city events and business and community engagement; and

WHEREAS, the Development Services Director has immediate oversight and control and management of the day to day operations of the permit team, projects, and priorities, and the expertise related to planning and permitting, and therefore should have the signing and approval authorities currently assigned to the Community Development Director; and

WHEREAS, such approvals as signing final plat subdivisions, short subdivisions, boundary line adjustments, design director decisions, should all fall under the approval and signing authority of the Development Services Director; and

WHEREAS, the Planning Commission held a study session on June 3, 2021 and a duly-advertised public hearing on July 8, 2021 on the proposed amendments, followed by questions and discussion; and

WHEREAS, on July 8, 2021 the Planning Commission voted by 6-0 vote to recommend adoption by the City Council of the proposed amendments to the Sumner Municipal Code and development regulations transferring signing and approval authority from the Community Development Director to the Development Services Director; and

WHEREAS, this proposal was forwarded to the Washington State Department of Commerce for the Expedited 15-day State review per the Growth Management Act on June 10, 2021; and

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

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

Section 1. That Sumner Municipal Code Section 2.89.050 “Responsibilities” is hereby amended to read as follows:

“2.89.050 Responsibilities.

The responsibilities of the design commission shall be as provided for in the purpose section of this chapter. The actions of the commission shall be governed by all applicable sections of the municipal code. Until such time as the initial appointments to the design commission are completed, the director of ~~community~~ development services shall assume the duties of the commission.”

Section 2. That Sumner Municipal Code Section 3.50.090 “Fee Calculations – Application Fee,” subsection (D) is hereby amended to read as follows:

“3.50.090 Fee calculations – Application fee.

...

D. Effective January 1, 2020, and each January 1st thereafter, said fees shall be adjusted according to the change in the Construction Cost Index (20-City Average) published by the Engineering News Record using February 2017 as the base value or the “net obligation fee,” whichever is less. The most recently published index shall be used to adjust the fee obligation for the following year. Each year, the adjustment shall be administratively implemented by the ~~community~~ development services director or her/his designee.”

Section 3. That Sumner Municipal Code Section 5.04.050 “Application and Renewal,” subsection (B) is hereby amended to read as follows:

“5.04.050 Application and renewal.

...

B. The director shall, when appropriate, refer applications to the ~~community~~ development services department, the police department, or other governmental agencies for their review.”

Section 4. That Sumner Municipal Code Section 5.56.150 “License Applications,” subsection (A), paragraph (8) is hereby amended to read as follows:

“5.56.150 License applications.

A. Adult Entertainment Establishment License.

...

8. Upon receipt of the complete application and fee, the city clerk shall provide copies to the police, fire, and ~~community~~ development services departments for their investigation and review to determine compliance of the proposed adult entertainment establishment with the laws and regulations which each department administers. Each department shall, within 25 days of the date of such application, inspect the application and premises and shall make a written report to the city clerk whether such application and premises complies with the laws administered by each department. No license may be issued unless each department reports that the application and premises comply with the relevant laws. In the event the premises is not yet constructed, the departments shall base their recommendation as to premises compliance on their review of the drawings submitted in the application. Any adult entertainment establishment license approved prior to premises construction shall contain a condition that the premises may not open for business until the premises have been inspected and determined to be in substantial conformance with the drawings submitted with the application. A department shall recommend denial of a license under this subsection if it finds that the proposed adult entertainment establishment is not in conformance with the requirements of this chapter or other law in effect in the city. A recommendation for denial shall cite the specific reason therefor, including applicable laws.”

Section 5. That SMC Section 5.58.020 “Definitions,” and definition of “Credit” is hereby amended to read as follows:

““Credit” means a monetary payment or reduction in present or future balance due to the ~~community~~ development services department of the city.”

Section 6. That SMC Section 5.58.040 “Administration” is hereby amended to read as follows

“The ~~community~~ development services department is responsible for processing applications. The city may require applicants to provide Wage and Hour Reports (Form 5208) as submitted to the Washington State Employment Security Department, less social security numbers, or other information needed to process the application. Applications will be reviewed for completeness prior to acceptance.”

Section 7. That SMC Section 8.08.100 “Retail Fireworks Stands,” subsection (B) is hereby amended to read as follows:

“8.08.100 Retail fireworks stands.

The following requirements shall apply to the operation of retail fireworks stands (hereinafter “stand”):

...

B. Inspections of stands shall not be conducted until the **fire chief or his or her designee** has received the following:

1. A temporary use application;

2. Documentation of approval by the ~~community~~ development services department;
3. A business license;
4. A copy of the state license required by chapter 70.77 RCW; and
5. Proof of insurance as required by SMC 8.08.070.”

Section 8. That SMC Section 12.02.060 “Design Criteria” is hereby amended to read as follows:

“12.02.060 Design criteria.

The city, through its public works and ~~community~~ development services departments, shall maintain design criteria, standards and guidelines based upon recognized best practices in street design, construction and operation as identified in the current City of Sumner Development Specifications and Standard Details. To the greatest extent possible, the city shall adopt the same standards with particular emphasis on pedestrian and bicycle markings and wayfinding signage (as permitted through city of Sumner Municipal Code). Resources to be referenced in developing these standards shall include, but not necessarily be limited to, the latest editions of: American Association of State Highway Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, Washington State Department of Transportation Design Manual, and the Manual on Uniform Traffic Control Devices.”

Section 9. That SMC Section 15.14.020 “Definitions,” subsection (F) is hereby amended to read as follows:

“F. “Director” means the director of ~~community~~ development services, his or her authorized deputies and representatives.”

Section 10. That SMC Section 15.34.010 “Hours of Construction,” subsection (C) is hereby amended to read as follows:

“C. Construction activity may be permitted outside the hourly limits set forth in subsection A of this section only upon application and approval by the ~~community~~ development services director. Criteria for approval shall include project remoteness, undue hardship or other reasonable standards. Approval may only be for specific dates and times and under terms that the approval official deems appropriate under the circumstances.”

Section 11. That SMC Section 15.52.120 “Development Permit - Application,” is hereby amended to read as follows:

“15.52.120 Development permit – Application.

Application for a development permit shall be made on forms furnished by the ~~community~~ development services department and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- B. Elevation in relation to mean sea level to which any structure has been floodproofed;
- C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SMC 15.52.230; and
- D. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.”

Section 12. That SMC Section 15.60.050 “Permits,” is hereby amended to read as follows:

“15.60.050 Permits.

Prior to the location, relocation, establishment, or occupancy of any manufactured home, the owner, or the authorized representative of the owner, shall secure a permit for such action from the ~~community~~ development services department, as follows:

- A. Application for such a permit shall be made on forms prescribed by the ~~community~~ development services department.
...”

Section 13. That SMC Section 16.40.060 “Definitions,” and definition of “Director” is hereby amended to read as follows:

““Director” means the development services director ~~of the Sumner department of community development~~ or his or her designee.”

Section 14. That SMC Section 16.46.090 “Exemptions and Allowed Uses in Wetlands,” subsection B(4), is hereby amended to read as follows:

“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 serviceable structures, facilities, or improved areas. Maintenance and repair does not include any modification that changes the character, scope, or size of the original structure, facility, or improved area and does not include the construction of a maintenance road;
- b. Minor modification of existing serviceable structures within a buffer zone where modification does not adversely impact wetland functions or increase the size of the structure’s footprint; and

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

Section 15. That SMC Section 17.04.060 “Definitions,” and the definition “Director” is hereby amended to read as follows:

““Director”, unless otherwise specified, means the director of the city’s ~~community~~ development services department or the director’s designee.”

Section 16. That SMC Section 17.12.040 “Application Submittal and Contents,” section A is hereby amended to read as follows:

“A. The application for approval of a short subdivision shall be submitted to the department of ~~community~~ development services on forms to be provided by the department along with the appropriate fees established by SMC 18.56.060.”

Section 17. That SMC Section 17.16.120 “Preliminary Plat – Contents ,” subsection A(5) is hereby amended to read as follows:

“5. A form for the endorsement of the director of community development, as follows:

APPROVED BY CITY OF SUMNER

Date

~~Community~~ Development Services Director

Date”

Section 18. That SMC Section 17.16.130 “Preparation of Final Plat,” subsection E(19) is hereby amended to read as follows:

“19. Forms for the appropriate certifications of the administrative services director or designee, city engineer, and director of community development, as follows:

ADMINISTRATIVE DIRECTOR or DESIGNEE’S CERTIFICATE

I hereby certify that there are no delinquent special assessments for which the property subject to this subdivision may be liable to the City, and that all special assessments on any property herein contained dedicated as streets, alleys, or for any other public use, have been duly paid, satisfied or discharged, this ___ day of _____, 20__.

Sumner Administrative Services Director or Designee

CITY ENGINEER'S CERTIFICATE

I hereby certify that this final plat is in compliance with the certificate of improvements issued pursuant to SMC 17.16.130, and is consistent with all applicable City improvement standards and requirements in force on the date of preliminary plat approval, this _____ day of _____, 20__.

Sumner City Engineer

~~COMMUNITY-DEVELOPMENT~~ SERVICES DIRECTOR'S CERTIFICATE

I hereby certify that on this ____ day of _____, 20__, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by the City of Sumner Hearing Examiner on the ____ day of _____, 20__.

~~Sumner-Community~~ Development Services Director

Section 19. That SMC Section 17.26.040 "Application Submittal," subsection B is hereby amended to read as follows:

"B. A binding site plan shall be submitted along with an application form provided by the ~~community~~ development services department along with applicable application fees as indicated in chapter 18.56 SMC."

Section 20. That SMC Section 17.26.070 "Alterations and Vacations," subsection B is hereby amended to read as follows:

"B. A binding site plan may be vacated as a whole only. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated with the submission to the community development department of a letter of intent to vacate. The letter shall become binding upon its acceptance by the ~~community~~-development services department."

Section 21. That SMC Section 18.04.0435 "Director," is hereby amended to read as follows:

"“Director” means the director of the city’s ~~community~~ development services department or the director’s designee.”

Section 22. That SMC Section 18.10.030 "Accessory Uses," subsection A(2) is hereby amended to read as follows

"2. Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be

recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the ~~community~~ development services department;”

Section 23. That SMC Section 18.12.030 “Accessory Uses,” subsection A(2) is hereby amended to read as follows:

“2. Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building, except in accordance with subsections (A)(14), (15), (16) and (17) of this section. The owners shall sign an affidavit affirming that the owners will occupy the main building or the accessory dwelling unit as their principal residence for at least six months of every year. The owners shall sign a covenant agreeing to the conditions of this section which shall be recorded with the Pierce County auditor. The form of the affidavit and covenant shall be specified by the ~~community~~ development services department;”

Section 24. That SMC Section 18.14.080 “Performance Standards,” subsection B is hereby amended to read as follows:

“B. Landscaping Required. In all MDR and HDR zones landscaping and open space shall be provided. All required landscaping shall be permanently maintained in a neat and orderly condition. For new developments, a landscape plan shall be submitted for review by the ~~community~~ development services director. Proposals requiring design review shall comply with the city of Sumner design and development guidelines.”

Section 25. That SMC Section 18.16.080 “Commercial Districts - Performance Standards,” subsection B is hereby amended to read as follows:

“B. Required Open Space and Landscaping. For each development in the NC, IC 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 services 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. 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.”

Section 26. That SMC Section 18.18.025 “Buffer Criteria—M-1 Zone,” subsection B is hereby amended to read as follows:

“B. A landscape and fencing plan shall be submitted for review and approval by the ~~community~~ development services director.”

Section 27. That SMC Section 18.18.060 “Performance Standards,” subsection B is hereby amended to read as follows:

“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. Wherever landscaping is required by this title and/or by 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. For new developments a landscape plan shall be prepared and submitted for review by the ~~community~~ development services director as per the requirements in chapter 18.41 SMC.”

Section 28. That SMC Section 18.18.060 “Performance Standards,” subsection D(2) is hereby amended to read as follows:

“2. M-1 Zone Energy Efficient Outdoor Lighting. Development in the M-1 zone that provides outdoor lighting shall install energy efficient lights. Examples include but are not limited to: metal halide post top lights, metal halide cobrahead or cutoff lights, and high pressure sodium cutoff lights. The applicant shall submit documentation of the proposed light fixtures and their energy efficiency to the director of ~~community~~ development services.”

Section 29. That SMC Section 18.18.060 “Performance Standards,” subsection U is hereby amended to read as follows:

“U. Incentives for Energy Conservation and Greenhouse Gas Emission Reductions in M-1 Zone. An applicant may request and the director of ~~community~~ development services may approve a building height increase to a maximum of 55 feet when greater than 100 feet from any street right-of-way or residentially or commercially zoned property and when providing one or more of the following features:

1. Construct to a LEED certified building.
2. Provide end-of-trip bicycle facilities including installing showers, securing bicycle lockers, and changing spaces. The director shall determine the ratio of facilities to the size of the workforce or building space.
3. Participate in Puget Sound Energy’s Green Power Program or an equivalent program. The applicant shall submit documentation of a long-term commitment to such a program, for example, a fully executed binding agreement. Participation shall be for a period of no less than five years.”

Section 30. That SMC Section 18.20.050 “No Deadline for Final Decision – Form of Agreement —Term –Recordation,” subsection C(3) is hereby amended to read as follows:

“3. Extensions. If extensions are authorized in a development agreement, an applicant must request the extension at least 60 days prior to expiration. For development agreements associated with project permit applications, the ~~community~~ development services director may grant an extension for up to five years if the applicant can satisfactorily show that, for a residential project, at least 50 percent of the residential units are constructed, or for nonresidential and mixed use projects, at least 50 percent of the gross floor area is constructed. All other requests for extensions shall be reviewed by the city council, unless another process is expressly provided for in the development agreement. In no case shall an extension be granted which would allow a development agreement to exceed 20 years.”

Section 31. That SMC Section 18.24.070 “Approval – Procedure,” subsection B is hereby amended to read as follows:

“B. Filing of Application. Application for approval of the PRD shall be made on forms prescribed by the department of ~~community~~ development services and which shall be accompanied by a filing fee as required.”

Section 32. That SMC Section 18.26.100 “Approval,” subsection B is hereby amended to read as follows:

“B. Filing of Application. Application for approval of the PMUD shall be made on forms prescribed by the department of ~~community~~ development services and which shall be accompanied by a filing fee as required.”

Section 33. That SMC Section 18.26.100 “Approval,” subsection H is hereby amended to read as follows:

“H. Modifications of PMUD Plan. Requests for modifications of a PMUD shall be made in writing and shall be submitted to the ~~community~~ development services director in the manner and form prescribed by the ~~community~~ development services director. The determination of whether a proposed modification is minor or major shall be made at the sole discretion of the ~~community~~ development services director; provided, the criteria stated in subsections (H)(1) and (2) of this section are met. The criteria for determining minor and major modifications in all other cases shall be as stated in subsections (H)(1) and (2) of this section. The criteria for approval of a request for a major modification shall be those criteria covering original approval of the permit which is the subject of the proposed modification.”

Section 34. That SMC Section 18.26.100 “Approval,” subsection H(2) is hereby amended to read as follows:

“2. Major Modifications. Major adjustments are those which, as determined by the ~~community~~ development services director, substantially change the basic design, density,

open space, or other similar requirements or provisions. Major adjustments to the development plans shall be reviewed by the design commission and hearing examiner. The hearing examiner may review such adjustments at a regular public hearing. The hearing examiner shall issue a written decision to approve, deny, or modify the request. Such a decision shall be final. Any appeals of this decision shall be in accordance with SMC 18.56.180.”

Section 35. That SMC Section 18.29.060 “Performance Standards,” subsection A is hereby amended to read as follows:

“A. Required Landscaping. For each development in the Town Center, a landscape plan shall be submitted for approval by the ~~community~~ development services director. The requirements of the city of Sumner design and development guidelines shall be met. Landscape plans shall be prepared and submitted in accordance with chapter 18.41 SMC.”

Section 36. That SMC Section 18.37.100 “Performance Standards,” subsection G is hereby amended to read as follows:

“G. Minor Modifications. Minor modifications to existing wireless communication facilities, including the installation of additional antenna, for which a valid conditional use permit exists may be approved by the ~~community~~ development services director, provided it is determined there is minimal or no change in the visual appearance and said modifications comply with the performance standards set forth in this chapter.”

Section 37. That SMC Section 18.37.110 “Regulations on Wireless Communications Facilities by Zone,” subsection C(3)(b)(i) is hereby amended to read as follows:

“i. If associated support structure can be screened from view from public rights-of-way and residential zones by existing buildings or vegetation as determined by the ~~community~~ development services director, the corresponding setback may be reduced; or”

Section 38. That SMC Section 18.38.070 “Amortization,” subsection D is hereby amended to read as follows:

“D. Upon annexation, all nonconforming adult entertainment businesses shall provide the director of ~~community~~ development services with copies of their current leasehold document(s) which sets forth their existing leasehold time period, or, in the case of a nonleasehold interest, the director of ~~community~~ development services shall be provided with other documents which show record of ownership.”

Section 39. That SMC Section 18.41.030 “Site Landscaping Required Review,” is hereby amended to read as follows:

“18.41.030 Site landscaping required review.

The ~~community~~ development services staff, director, and Sumner design commission shall use the Sumner design and development guidelines landscaping section as it pertains to that zone as a guide for design and layout when reviewing applications.

- A. The ~~community~~ development services department shall review the proposed landscape development with each application within the applicability of this document.
- B. The public works department shall review all landscape and irrigation system designs.
- C. The design commission shall review landscape plans with each application within the context of the design guidelines and surrounding existing landscaping styles in relation to the site for developments exceeding thresholds as listed in SMC 18.40.020(C)."

Section 40. That SMC Section 18.41.080 "Low Impact Development Option," is hereby amended to read as follows:

"18.41.080 Low impact development option.

The purpose of this option is to provide an additional landscaping option that has the potential to reduce impacts on the existing stormwater drainage infrastructure, and aid in meeting Endangered Species Act requirements. Low impact development strives to protect or restore the natural hydrology of the site so that the overall integrity of the watershed is protected. Low impact development:

- A. Protects the environment;
- B. Reduces costs to developers;
- C. Makes communities more attractive;
- D. Uses vegetation and small-scale hydrolic controls to capture, treat and infiltrate stormwater on site.

More specific information about low impact development will be available as requested through the ~~community~~ development services department."

Section 41. That SMC Section 18.42.030 "Design and Construction Standards," subsection K is hereby amended to read as follows:

"K. Landscaping plans for parking lot shall be submitted for approval by the ~~community~~ development services ~~director~~. Landscaping shall buffer the perimeter of the parking lot. Landscape materials shall be chosen which enhance safety of parking lot users and pedestrians on the public rights-of-way. Landscaping shall be provided in accordance with the city of Sumner design and development guidelines."

Section 42. That SMC Section 18.42.055 “Coordinated or Joint Parking Design within the East Main Street Area,” subsection C is hereby amended to read as follows:

“C. In the event that a building site abuts an existing developed property, it shall be so designed as to tie into the abutting parking, access and circulation to create a unified system unless the ~~community~~ development services director finds that this would be impractical.”

Section 43. That SMC Section 18.42.056 “Dedication of Joint Parking within the East Main Street Area,” subsection B is hereby amended to read as follows:

“B. When joint parking areas within the cross-access corridor are dedicated in fee to the city the ~~community~~ development services director may waive any one of the following requirements:

1. Allow up to a 35 percent reduction in parking requirements established in SMC 18.42.040 or allow up to a 50 percent increase in the parking requirements established in SMC 18.42.043; or
2. Allow up to a 10 percent increase in the maximum building coverage established in SMC 18.16.070; provided, that the minimum parking requirements are met; or
3. Allow any on-street parking spaces abutting and along the frontage of the property to be counted toward required off-street parking spaces.”

Section 44. That SMC Section 18.43.030 “Combined Driveways Designated,” is hereby amended to read as follows:

“18.43.030 Combined driveways designated.

Combined driveway locations shall be indicated on the official zoning map. This indication shall distinguish those portions of the combined driveways that have been dedicated to the city. Where more than one alternative exists for the future location of a combined driveway, at the time of application for new construction, the ~~community~~ development services director, in consultation with the public works director, shall determine, based on the extent and size of the proposed development and the East Main Street design strategy, which alternative or combination of alternatives are best suitable to accommodate future development throughout the city.”

Section 45. That SMC Section 18.43.090 “Cross-access Corridors Designated,” is hereby amended to read as follows:

“18.43.090 Cross-access corridors designated.

A. The general location of cross-access corridors shall be indicated on the official zoning map by means of dashed or dotted lines or other suitable symbols. This designation shall be used to show what properties are required to provide a cross-access corridor and not its exact location. This indication shall distinguish those portions of the designated corridor for which easements have been granted from those that have not been granted.

B. At the time of major or minor new construction, the ~~community~~ development services director, in coordination with the public works director, shall be authorized to designate the exact location of cross-access corridors on properties within the East Main Street area.”

Section 46. That SMC Section 18.43.120 “Where Unified Access and Circulation is not Practical,” is hereby amended to read as follows:

“18.43.120 Where unified access and circulation is not practical.

A. The ~~community~~ development services director shall be authorized to modify the requirements for cross-access corridors in of this chapter where he/she finds:

1. That abutting properties have been so developed that it is clearly impractical to create a unified access and circulation system within part or all of the affected area;
2. It is reasonable and necessary for the development of the property;
3. It will result in a more efficient access to and circulation within the property; and
4. It will not create a hazardous condition for motorists or pedestrians.

B. The decision of the ~~community~~ development services director may be appealed by the applicant to the hearing examiner, pursuant to SMC 18.56.070.”

Section 47. That SMC Section 18.43.140 “Modified Approvals,” is hereby amended to read as follows:

“18.43.140 Modified approvals.

The requirements of this chapter may be modified by the ~~community~~ development services director in consultation with the public works director and following a recommendation from the design commission if the modification:

- A. Is reasonable and necessary for the development of the property; and
- B. Will result in a more efficient access to and circulation within the property; and
- C. Will not create a hazardous condition for motorists or pedestrians.
- D. The decision of the ~~community~~ development services director may be appealed by the applicant to the hearing examiner, pursuant to SMC 18.56.170.”

Section 48. That SMC Section 18.44.160 “Temporary Signs,” subsection G is hereby amended to read as follows:

“G. Streamers.

1. Streamers may be used to outline property lines and areas on a lot which display merchandise outdoors.
2. Streamers shall be replaced or removed when torn or faded.
3. Since the primary purpose of streamers is to make display areas more attractive, for those uses displaying streamers for more than 90 days in a calendar year, landscaping must be combined with streamer usage. Plans are to be approved by the ~~community~~ development services department with the intent being to provide planting areas with street trees or continuous areas with ground cover, particularly, but not limited to the area along property lines.”

Section 49. That SMC Section 18.56.147 “Comprehensive Plan Amendments,” is hereby amended to read as follows:

“18.56.147 Comprehensive plan amendments.

A. Amendments to the comprehensive plan may be proposed to any element including goals, policies, objectives, or plan maps. In some cases, amendments to the plan may necessitate and, as such, incorporate amendments to supporting documents such as capital facility plans.

B. In addition to the parties listed in SMC 18.56.050(A), amendments to the comprehensive plan may be proposed by the hearing examiner, any member of the city council, any governmental commission or committee, any neighborhood or community council or other neighborhood or special purpose group, department or office, agency, official or employee of the city of Sumner, or any other general or special purpose government.

C. By April 1st of each year, the city council shall determine whether a plan amendment cycle will be conducted during that year. Amendment cycles shall be no less frequent than every other year and no more frequent than once per year, except that amendments may be considered more frequently for the following:

1. The initial adoption of a subarea plan;
2. The adoption or amendment of a shoreline master program under procedures of chapter 90.58 RCW.

D. The community development director shall broadly disseminate to the public a notice giving the procedures and timeline for proposing amendments or revisions to the comprehensive plan through the execution of Class H notice. The community development director shall allow for a reasonable time for requests to be submitted.

E. Applications for comprehensive plan amendments shall be submitted in writing and include the following:

1. The appropriate fee, except that there shall be no charge for a request made by a city department or a majority of the city council by resolution or any governmental entity. All applicants shall be responsible for the costs of any specialized studies including, but not

limited to, traffic and transportation, critical areas, and environmental impact statements associated with their request. Payment of such costs shall be consistent with SMC 18.56.060(G).

2. Responses to the following:

- a. Description of the requested plan amendment;
- b. An explanation of why the amendment is being proposed including specific areas needing change;
- c. If appropriate, the proposed amendment should include amendatory language; and
- d. An explanation of how the criteria of subsection N of this section are satisfied.

3. A mailing list per SMC 18.56.070(C).

F. A proposed amendment shall be submitted to the community development department prior to the deadline established per subsection D of this section.

G. Subsequent to the application deadline, the community development director shall provide recommendations concerning all proposed amendments and forward proposed amendment requests with recommendations to the planning commission. The planning commission shall decide which amendments shall be considered. Applications which are not timely, are incomplete, are substantially similar to a request which was denied in the previous cycle, or on their face do not satisfy the criteria of subsection N of this section shall not be considered.

H. The amendment shall be accompanied by the necessary documents for compliance with the State Environmental Policy Act. If an environmental impact statement is required, the preparation of the statement and plan amendments shall be integrated to the extent possible.

I. Following the completion of the public comment period for the notice of application, the community development director shall prepare staff report(s) evaluating the amendments selected for consideration. Staff reports shall include data, analysis, public and agency comments, and staff recommendations.

J. The planning commission shall hold at least one public hearing on the amendment(s). Class G notice shall be provided for hearings involving comprehensive plan amendments. Where an amendment to the plan map is not areawide, but is site-specific, Class D notice shall also be provided.

K. The city council shall consider the recommendations of the planning commission. The city council may hold a public hearing prior to issuing a preliminary decision on the proposed amendments.

L. Upon selection of a preliminary decision on all proposed amendments, the community development director shall transmit the proposed amendments to the state of Washington in accordance with chapter 36.70A RCW.

M. The city council shall adopt by ordinance amendments to the comprehensive plan after consideration of comments from the state of Washington. The city council may hold an additional public hearing(s) prior to adoption of amendments. Adopted amendments shall be transmitted to the state of Washington per chapter 36.70A RCW.

N. The following criteria shall be evaluated when considering plan amendments. Only those amendments which are found to be in substantial compliance with all criteria shall be approved.

1. An amendment is necessary to resolve inconsistencies between the Sumner comprehensive plan and other city plans or ordinances; or to resolve inconsistencies between the Sumner comprehensive plan and other jurisdictions' plans or ordinances.
2. Conditions have so changed since the adoption of the Sumner comprehensive plan that the existing goals, policies, objectives, and/or map classifications are inappropriate.
3. The proposed amendment is consistent with the overall intent of the goals of the Sumner comprehensive plan.
4. The proposed amendment is consistent with chapter 36.70A RCW, the county-wide planning policies for Pierce County, and the applicable multicounty planning policies.
5. Where an amendment to the comprehensive plan map is proposed, the proposed designation is adjacent to property having a similar and compatible designation, or the subject property is of sufficient size, or other conditions are present.
6. Environmental impacts have been disclosed, and measures have been included to reduce possible adverse impacts.
7. Potential ramifications of the proposed amendment to other comprehensive plan elements and supporting plans have been considered and satisfactorily addressed.

O. As appropriate, where an amendment of the comprehensive plan is granted by the city council and a subsequent rezone or amendment to development regulations is required, the planning commission may consider them and make recommendations to the city council for consideration concurrent with the final approval of the comprehensive plan.”

Section 50. 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 51. 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 52. 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:



SUBJECT: Pipestem Lot Zoning Code Text Amendments

CATEGORY: Information Only

BUDGET IMPACT:

Expenditure Required: None

Within Budget Allocation: N/A

ATTACHMENTS:

1. 20210728_CDC_Pipestem_Lots

STAFF CONTACT: Ryan Windish, Community Development Director

SUMMARY BACKGROUND:

Staff has had requests from property owners in unique situation for exceptions to the pipestem lot regulations, particularly the access limitation to only one lot not fronting a public street. Staff would like to provide the CD Committee with these unique situations and see if there is interest in pursuing a zoning code text amendment to resolve or provide exceptions.

COUNCIL COMMITTEE/STUDY SESSION: CD Committee

MEETING/STUDY SESSION DATE: 7/28/2021

COMMITTEE RECOMMENDATION: N/A

STAFF RECOMMENDATIONS/MOTION:

N/A



1104 Maple Street, Sumner WA 98390

COMMUNITY DEVELOPMENT DEPARTMENT

253-299-5520

DATE: July 28, 2021
TO: Council Community Development Committee
FROM: Ryan Windish, Community Development Director
RE: **Zoning Code Text Amendments—Pipestem Lots**

Background

The City of Sumner allows for “pipestem lots” (also called “flag lots,” or “panhandle lots”) that are lots that do not front directly on a public street, but are behind one or two lots and are connected to the street by a narrow extension of the lot to allow for a driveway or by an easement across a lot that fronts on the street. Pipestem lots are a method for in-filling development where a larger lot exists and it has the room to be subdivided further. Over the years there has been amendments to the regulations limiting the number of pipestems in a development, the size, and setbacks.

Staff has had requests from property owners in unique situation for exceptions to the pipestem lot regulations, particularly the access limitation to only one lot not fronting a public street.

Staff would like to provide the CD Committee with these unique situations and see if there is interest in pursuing a zoning code text amendments to resolve or provide exceptions.