

October 23, 2017

Sumner School District
1202 Wood Avenue
Sumner, WA 98390

RE: PLN-2017-0002
Conditional Use Permit, SEPA, Height
Exception, Civil and Building Permits

Dear Applicant:

Transmitted herewith is the Report and Decision of the City of Sumner Hearing Examiner relating to the above-entitled matter.

Very truly yours,

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jjp
cc: Parties of Record

OFFICE OF THE HEARING EXAMINER

CITY OF SUMNER

REPORT AND DECISION

PROJECT NO.: **PLN-2017-0002**
Conditional Use Permit, SEPA, Height
Exception, Civil and Building Permits

APPLICANT: Sumner School District
1202 Wood Avenue
Sumner, WA 98390

PROJECT BLRB Architects
REPRESENTATIVE: Attn: Robert Lindstrom
1250 Pacific Avenue, Suite 700
Tacoma, WA 98402

PLANNER: Ryan Windish, Community Development Director

SUMMARY OF REQUEST:

Construct a two story, 35,290 square foot building for use as an Early Learning Center on approximately 3.65 acres of the westerly portion of the Sumner Middle School Campus; a height exception to allow portions of the building to extend above 36 feet in height; and relocation and installation of a new track, field, and athletic amenities including artificial turf grass and rubberized track. The project includes a new driveway from Gault Street that will be used by school buses, as well as associated parking, landscaping, fencing, and storm drainage at a site located at 1508 Willow Street and 230 Wood Avenue, Sumner.

SUMMARY OF DECISION: Request granted, subject to conditions.

PUBLIC HEARING:

After reviewing Community Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on September 21, 2017, at 9:00 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

- EXHIBIT "1A" - Community Development Department Staff Report**
- EXHIBIT "B" - ELC Floor Plans**
- EXHIBIT "C" - ELC Rendering**
- EXHIBIT "D" - Geotechnical Report**
- EXHIBIT "E" - Landscape Drawings**
- EXHIBIT "F" - Migizi Group Geotech Report**
- EXHIBIT "G" - Neighborhood Group Agreement**
- EXHIBIT "H" - Height Exception Letter**
- EXHIBIT "I" - Revised Color Site Plan**
- EXHIBIT "J" - Revised CUP Criteria Letter**
- EXHIBIT "K" - Revised Lighting Report**
- EXHIBIT "L" - Revised TIA Appendix**
- EXHIBIT "M" - Revised TIA**
- EXHIBIT "N" - Revised CUP Site Plan**
- EXHIBIT "O" - Sewer Analysis**
- EXHIBIT "P" - Updated Noise Study**
- EXHIBIT "Q" - Revised SEPA Checklist**
- EXHIBIT "R" - SEPA MDNS**
- EXHIBIT "S" - Public Comments for Notice of Application**
- EXHIBIT "T" - Public Comments for Revised Notice of Application**
- EXHIBIT "2" - Condition 5 Memo**
- EXHIBIT "3" - Email from Amanda Robbert dated September 14, 2017**
- EXHIBIT "4" - Mary Urback's Brief**
- EXHIBIT "5" - Landscape Plan Enlargement**
- EXHIBIT "6A" - Landscape Plan Enlargement**
- EXHIBIT "6B" - Parking Plan**
- EXHIBIT "7" - MDNS**
- EXHIBIT "8" - Walk Route**
- EXHIBIT "9" - Transpo Excerpt-Chapter 4**
- EXHIBIT "10" - Transpo Excerpt-Chapter 5**
- EXHIBIT "11" - Letter from City to School District dated January 27, 2017**
- EXHIBIT "12" - Rendering**
- EXHIBIT "13" - Building Height**
- EXHIBIT "14" - Site Plan**
- EXHIBIT "15" - Building Height (blue)**
- EXHIBIT "16" - Doreen Gavin CV**
- EXHIBIT "17" - Photograph**
- EXHIBIT "18" - Close Up Photograph**
- EXHIBIT "19" - Photograph-Pole with Lines**
- EXHIBIT "20" - Hendricks Letter**
- EXHIBIT "21" - Settlement Agreement**

The Minutes of the Public Hearing set forth below are not the official record and are

provided for the convenience of the parties. The official record is the recording of the hearing that can be transcribed for purposes of appeal.

RYAN WINDISH appeared, presented the City Staff Report, and used a power point presentation to describe the site. Following the original submittal, the City received numerous comments expressing concerns with traffic, noise, and lighting. The School District then revised the proposal and made numerous changes. The present site plan was formalized by an agreement between the District and abutting/nearby neighbors. A new, internal circulation route will reduce the congestion on Willow Street and will eliminate lighting on the track. The applicant prepared a noise study that proposes mitigating measures. The area is located within the LDR-6 classification, but the school district parcel is within the LDR-12 zone. The City served as lead agency for SEPA review and issued a MDNS. Sewer and water are available to the site. The City provided two notices of application to include a second notice for the revisions. The Comprehensive Plan supports the improvement of school facilities and walking access thereto. The LDR-12 zone allows school educational facilities subject to a conditional use permit. The conditional use procedure allows imposition of conditions to mitigate impacts of the project. He then reviewed the conditional use criteria and noted that the results of many studies as implemented by conditions will reduce the impacts on the overall area. The project will meet all performance criteria that includes significant landscaping of the west property line. Bus parking will occur on the south side and drivers will shut off the engines. The City has concerns about connectivity to Sumner Avenue. Sidewalks exist throughout the site. Queuing of cars during parent drop-offs and pickups will not occur on the street. The City wants a sidewalk connection for Sumner Avenue into the site. The request is supported by numerous Comprehensive Plan policies. The applicant also requests a height exception as they need the roof six feet higher to allow an inside space for a physical exercise area. They need an open area, and the portion of the building proposed for such is a substantial distance from residential homes and will create no view impacts. The roof peak will measure 45 feet and the City has no view protection ordinance. Staff recommends approval subject to four conditions and recognizes the applicant disputes Condition 4. This condition requires a five foot wide, concrete sidewalk on Sumner Avenue. He then proposed a new Condition 5 that he introduced as Exhibit 2 that also addresses the sidewalk. The Sumner Avenue access will be gated. Good walking access extends to the campus from the street along the north side of the parking lot. The new sidewalk would extend along the east side of Sumner Avenue from the entrance to Willow Street. The sidewalk would connect to the existing sidewalk along the north side of the parking lot. He introduced a public comment letter as Exhibit 3.

MARY URBACK, attorney at law representing the school district, appeared and testified that the District had engaged significantly with the neighborhood, which resulted in the resubmitted site plan. The District does not agree with Conditions 4 and 5 and she introduced her brief in opposition to said conditions as Exhibit 4.

BRETT VINSON, city attorney, appeared and requested that the record remain open for one week for the City to provide a response to Ms. Urback's brief. The Examiner left the

record open one week for Mr. Vinson and an additional week for Ms. Urback to respond.

STEVE SJOLUND, Executive Director of Operations for the District, appeared and testified that this project started in the fall of 2014 when concerned citizens sponsored a bond proposal that passed. One aspect of the bond was an early learning center, and a second aspect was the upgrading of athletic fields. The upgrades would allow year around use. The improvements would also reduce the costs of maintenance. The early learning center is the first of three that the District will construct. Its purpose is to provide a transition for children from family life to a formal, structured, school setting. The ELC will focus on preschool and kindergarten that are now located in portables on the school campus. They engaged with homeowners in the area and identified issues that included lights on the athletic field, use of the portables, a new access from Gault, hours of use, and parking lots. In questioning by Ms. Urback, Mr. Sjolund responded by testifying that Exhibit 5 is the original site plan that did include a direct access to Sumner Avenue for vehicles. Based upon neighborhood negotiations, they eliminated said vehicular access. They also relocated both bus and parent access as well. In 2009 the middle school was remodeled pursuant to the conditional use process. The City sought no condition requiring a sidewalk on Sumner Avenue. They changed the use of the area near Sumner Avenue. He reviewed the conditional use permit application and the SEPA checklist before submittal. Exhibits 6A and B are the revised site plan with an enlargement of the driveway area. It is also Exhibit E to the Staff Report. Exhibit 6B shows no pedestrian access to Sumner Avenue. A sidewalk exists on the north side of the parking lot for people accessing the school from the parking lot. However, to the west a fence is shown, and it consists of an eight foot tall, solid board structure. The fence will have an opening for a vehicle gate only. It is an EVA gate located in the center of the lot. At the south of the gate the fence picks up again and returns to the east along the property line. It is also an eight foot tall fence. He doesn't believe the City submitted comments on 6A and 6B. The City made comments to the original checklist that showed a vehicular access from Sumner Avenue. The MDNS was then issued by the District. He noted Finding of Fact 35 and Condition 9 from the MDNS that he read into the record. He then noted that no plan shows a sidewalk connection to Sumner Avenue, and he received no comments from the City. The District has identified plans for safe walking locations, but such routes are not established for the early learning center at present. They have safe walking routes for the elementary and junior high school. Exhibit 8 shows the safe walking paths for high school and middle school students. No safe walking areas are shown south of Willow Street on Sumner Avenue, and they do not intend to do so. The intent is for children to walk on Willow Street to the school. BLRB Architects showed walking routes to the Tacoma-Pierce County Health Department as required. 600 plus students attend Maple Lawn, but only five kindergarten students are in the questioned catchment area. They learned for the first time last week that the City would require a sidewalk. Upon questioning by Mr. Vinson, Mr. Sjolund testified that he reviewed the TIA in June, 2017, on behalf of the school district. He agrees that the TIA statements are generally binding on the applicant, and that errors should be corrected. Page 25 of the TIA provides that the District would provide a sidewalk connection to Sumner Avenue. Excerpts of the TIA were admitted as Exhibit 9. Exhibit 8 does not include the early learning center. The map used for planning would not know

where walking routes would be established, but he thinks they were submitted and verified. Children living to the south would have to walk along Sumner Avenue to Willow. He then read from excerpts of the TIA that were admitted as Exhibit 10. He then referred to the City letter of January 17, 2017, and the last sentence that required adequate curbs, gutters, and sidewalks. Two items in the City's letter would be consistent with a sidewalk extending to the entrance on Sumner Avenue. Upon further questioning by Ms. Urback, Mr. Sjolund testified that Exhibit 11 is a letter that was sent as a comment to SEPA. The revised project did not include an access onto Sumner Avenue. It shows a fence along Sumner Avenue in the location of the sidewalk. The City provided no comments on the revised site plan nor did it provide comments in any meetings with the neighborhood group. The City was involved with most discussions with the neighborhood group as was John Galle, City Administrator. He was aware of the removal of the access. The City provided no response to the checklist or to the MDNS that showed no sidewalk connection. People make mistakes on certain items, as Mr. Windish hadn't noticed the fence along Sumner Avenue. It was an oversight the same as the TIA statements. If he was aware of the sidewalk requirement, he would have directed a change to the landscape plan, but he did not do so. The walking routes were prepared for the middle school campus. The west-east route is along Willow. The School District has not identified Sumner Avenue as a safe walking route. Many streets are not on their safe walking routes. Some of their safe walking routes do not have sidewalks. Upon further questioning by Mr. Vinson, Mr. Sjolund stated that Exhibit 6B shows the sidewalk going to the fence. The District has no intent to connect the sidewalk to Sumner Avenue.

LEE FENTON, BLRB Architects, appeared and testified that he worked with the school district to prepare the early learning center and believes it fits with the existing campus. It will provide 16 classroom spaces, 12 of which will be used for kindergartners. They will have an interactive playroom inside and an exterior playroom outside. They want to create only a modest impact on the surrounding area. The two-story portion of the building is well removed from neighbors, and they are requesting a six foot height exemption. The building will be consistent with architecture both on and off the site. They also need to install HVAC and other mechanical equipment. The height exemption will provide screening for the mechanical equipment area. They will substantially reduce the impact of the lighting by utilizing lower poles. Zero lighting will extend beyond the property lines, and they will provide a solid board fence along portions of the west property line. He then introduced Exhibits 12-15.

ANDY RASMUSSEN appeared and testified that he was responsible for the landscape plan and design of the sports area. They will upgrade the existing sports field, and to accommodate a new Gault Street access, they have rotated the track. They can no longer use the track for meets, and the sports field is now in the southwest corner. They have moved the ball field into the elementary school area. The designated parking area for the ELC is on the west side of the property, and the sidewalk on the north side of the stalls is for staff to access the balance of the campus. The school building is at the other end of the sidewalk. Upon questioning by Mr. Vinson, Mr. Rasmussen testified that he submitted nothing other than the drawings. He did not correct the traffic study as he did not review it.

DOREEN GAVIN, AHBL, appeared and testified that she has worked as a civil engineer for the past 30 years. She introduced Exhibit 16, her CV. She was asked to evaluate Condition 4. She reviewed the record for the right-of-way, visited the site, and examined a survey of the school district property. The right-of-way measures 30 feet in width, and the asphalt road constructed thereon is 20 feet in width. The road measures 300 feet in length from the north property line of the school access road to Willow Street. Two utility poles located within the right-of-way would need to be relocated in the event a sidewalk is constructed. She does not believe adequate right-of-way exists to build the improvements required in Condition 4. She then introduced three photographs of the road as 17, 18, and 19. The conditions along the street are accurate as shown on the photographs. She then described the images on the exhibits. With an 18 inch wedge curb and five foot wide sidewalk, no room exists for a utility pole. The sidewalk also needs to meet ADA standards that require a four foot wide, clear space from the edge of the sidewalk to any obstruction. The sidewalk would cross two driveways and must also meet ADA standards. The lack of ADA improvements at Adele Street will require relocation of the utility pole. The City will need to adjust the storm drain catch basin grate. She does not have sufficient detail to determine if the sidewalk could be built, but it will cost in excess of \$200,000. Upon questioning by Mr. Vinson, Ms. Gavin testified that it is difficult, but not impossible to construct the sidewalk. They would need additional right-of-way, an easement for the pole, and a temporary easement for construction. Construction would also require vegetation removal and restoration.

KYLE HARDTKE appeared and testified that he is the parent of a child and supports the project and knows the importance of the facility in helping with learning. It is hard to hear that a minority of people were able to change the sports field to eliminate its lighting and the track meets. However, he wants the project to move forward as soon as possible.

RICHARD LAWSON appeared and testified that he resides on Wood Avenue adjacent to Maple Lawn Elementary. He is not opposed to the early learning center, but noted that traffic begins at 6:00 a.m. for the commuter train and at 8:00 a.m. for Maple Lawn school. People park all day on the streets and no one has talked about the impacts to property owners on the east side of the school property. He does not believe staff will walk the distance from the new parking lot, but will continue to park on the street. He requests restricted parking on Wood, Gary, and other streets. Residents now have no place to park. He could agree with the project subject to imposition of restrictive parking by the City. The area is residential and the District is trying to shove in another school. He then questioned why he had not received notice of the hearing even though he lives across the street.

JOE FESSLER, project engineer, appeared and testified that Sumner Avenue is a 20 foot wide road constructed within a 30 foot wide right-of-way. Until a survey is accomplished he would not know whether the pavement is located in the center of the right-of-way. However, sidewalks have been constructed on Sumner Avenue to the south, and he therefore believes it possible to construct sidewalks to the north. The power poles are on the edge of the sidewalk where they do not have sufficient right-of-way. He does not have

sufficient information to determine whether or not sidewalks can be built.

MS. URBACK and MR. VINSON then presented closing arguments.

MR. LAWSON reappeared and testified that if the City would install curbs on Wood Avenue it would prohibit people from parking on the sidewalk and off the street.

No one spoke further in this matter and the Examiner then left the record open for one week for Mr. Vinson to respond to Ms. Urback's brief and another week for Ms. Urback to respond to Mr. Vinson's brief.

The hearing concluded at 11:46 a.m.

Following conclusion of the hearing the City determined that property owners to the east along Wood Avenue did not receive notice of the public hearing and therefore rescheduled the matter for a subsequent public hearing for those residents to the east. The hearing was opened at 4:00 p.m., Monday, October 16, 2017.

RYAN WINDISH appeared, presented the Community Development Department Staff Report, and reviewed the site plan on a power point presentation. He referred to the early learning center and other amenities on the site plan. The project will now include a pedestrian access to Sumner Avenue. The surrounding area is located in the LDR-6 zone classification and the school site itself is within the LDR-12 zone. Both zones are single-family and schools are allowed as a conditional use. No hydrology exists on the site and the topography is flat. Following the original notice the District and neighbors reached agreement and the conditions of that agreement are incorporated into conditions. Staff finds the project consistent with the Comprehensive Plan and also finds that it provides safe walking conditions. Staff finds that the project meets all criteria for a conditional use permit and that the District has minimized impacts to surrounding residents to include the new Gault access. This access will remove significant traffic from Willow Street. The TIA shows no significant delays at existing intersections and the District has agreed to further mitigation by limiting large groups and excessive weekend use. Landscape screening is provided to mitigate noise and visual issues. The reduced height standards will reduce light spillage onto adjoining properties. The project meets all performance standards and is compatible with surrounding uses. No vehicle queuing on Willow Street will occur during parental pick-up and drop-off. The height exception requests an increase from 30 feet to 36 feet. The portion of the building subject to the increased height is as far east as possible from the east property line and thus will protect views as much as possible. They looked at a lesser pitch, but found that the roof could not be lowered and still cover mechanical equipment. They will also use the upper area for an inside play area. He introduced the revised, agreed upon Condition 4.

BRETT VINSON, City attorney, appeared and testified that the City will enter a voluntary mitigation agreement with the District concerning the cost of the sidewalk. The District will

pay \$35,000.00 towards the construction and they will submit an agreement into the record. He then introduced the Hendricks' letter into the record as Exhibit 20. The Hendricks request a cost comparison of the extension of Gault Street.

MARY URBACK, attorney at law representing the District, testified that the District would not represent its case from the previous hearing, but did have its staff and experts available to answer questions. They reached agreement with the City regarding the sidewalk and she introduced the settlement as Exhibit 21. Paragraph 7 provides a substitute for Condition 4. The sidewalk will extend from the north property line of the access north to Willow Street. Concerning the Examiner's questions, the gate on Sumner Avenue will consist of bollards whereat gates would swing to either side. Mitigation Measure 14 relates to the gate that will remain locked.

STEVE SJOLUND appeared and testified that the gate will consist of two posts and two bars that will swing together. Just to the north of the gate they will provide a connection to the sidewalk that will be constructed on Sumner Avenue.

MS. URBACK reappeared and testified that the District acted as the lead agency for SEPA review and that the appeal period for the threshold determination expired October 5, and not appeals were filed. She testified that the District will provide the Posting of Notice of Action Certificate as Exhibit 22.

RICHARD LAWSON appeared and referred to an approved preliminary plat that abuts the south property line of the school parcel and noted that it will add traffic from nine additional homes onto Wood Avenue. He then ascertained from the City that the fire department had approved the new driveway.

STEVE ALLSOP appeared and testified that he was part of the community group that negotiated with the school district and supports the application as long as the agreement is fulfilled.

DAVE NUTTALL appeared and also supports the overall project.

No one spoke further in this matter and the Examiner took the request under advisement and the hearing was concluded at 4:30 p.m.

NOTE: A complete record of this hearing is available in the office of the City of Sumner Community Development Department.

FINDINGS, CONCLUSIONS, AND DECISION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, previously viewed the property, heard testimony, and taken this matter under advisement.
2. The Sumner School District served as lead agency and issued a Mitigated Determination of Nonsignificance (MDNS) on August 16, 2017, following review pursuant to the State Environmental Policy Act (SEPA). No appeals were filed.
3. Notice of Application:
The Notice of Application was posted on site, posted at Sumner City Hall, mailed to all property owners within 500 feet, posted on Sumner's website and published in the official city newspaper, the Tacoma News Tribune on February 15, 2017 in accordance with SMC 18.56.075 and 18.56.110(B). Significant changes were made to the proposal and the application and a Revised Notice of Application was completed again on July 26, 2017 that summarized the changes from the original application and indicated that revised and updated documents were available for viewing by the public.

Notice of Public Hearing:

The Notice of Public Hearing was posted on site, posted at Sumner City Hall, mailed to property owners within 500 feet, posted on Sumner's website and published in the official city newspaper, the Tacoma News Tribune on September 8, 2017 in accordance with SMC 18.56.075 and 18.56.110(B).

4. Sumner School District #320 (applicant) has a possessory ownership interest in an irregularly shaped, approximately 21 acre parcel of property located north of SR-410 within the City of Sumner. The parcel is abutted by Willow Street on the north; Sumner Avenue on the west; Wood Avenue on the east; and Gault Street, single-family residential homes, and SR-410 on the south. The applicant has improved the parcel with the Sumner Middle School (SMS), Maple Lawn Elementary School, a track, athletic fields, play fields, and four tennis courts. The applicant requests a conditional use permit to allow construction of a 35,290 square foot early learning center (ELC) on approximately 3.65 acres in the western portion of the site. The applicant also requests a height exception that would allow the building to exceed the 30 foot height limitation of the applicable Low Density Residential (LDR-12) zone classification by six feet for a total height of 36 feet.
5. In addition to construction of the ELC the project includes elimination of the four, existing, tennis courts, a small grass field, and the softball field on the SMS site. The applicant will relocate the softball field to an improved field on the Maple Lawn Elementary School site, will reconfigure and upgrade the baseball field, and relocate it to the southwesterly area of the campus. The applicant will also install a football/soccer field overlay on the outfield portion of the baseball field. The project also includes replacement of the cinder track and turf field with a 400 meter, eight

lane, paved track surrounding a synthetic turf field that will accommodate football, soccer, lacrosse and other field games. The applicant will relocate the track adjacent to the baseball outfield. However, no track meets will occur on the new track and it will not be lighted. Use of the facilities will be in accordance with Exhibit B to an Agreement reached by the applicant and a neighborhood group.

6. Abutting parcels in all directions are located within the LDR-6,000 (LDR-6) zone classification and improved with single-family residential homes. Section 18.12.040(K) of the Sumner Municipal Code (SMC) authorizes schools within both the LDR-6 and LDR-12 zone classifications subject to acquisition of a conditional use permit. The school site is also located within the Public/Private Utilities and Facilities designation of the City of Sumner Comprehensive Plan that likewise authorizes educational facilities. The Comprehensive Plan contains numerous policies that support the use of the site for an ELC as set forth on pages 5-8 of the Staff Report.
7. The site plan (Exhibit 14) and the MDNS issued by the applicant's responsible official set forth changes to school bus and private vehicle circulation on the site. The applicant will close the existing Sumner Avenue access and limit said access to emergency vehicles only. The applicant will provide multiple pick-up/drop-off locations at the ELC and will also separate school buses from vehicular traffic by providing a separate bus loop. The site plan shows a new driveway access to the SMS campus from the westerly terminus of Gault Street.
8. The storm drainage system will comply with City standards and will infiltrate all stormwater onsite, and no stormwater will flow to abutting parcels or roadside ditches. The project also addresses emissions related to school buses. Upon arrival bus drivers will turn off their engines, and buses will remain on the site until subsequent departures at school dismissal. The applicant will provide buffering and screening from adjacent single-family dwellings to the west by installation of an eight foot tall, solid board fence and a mix of evergreen trees, shrubs, and columnar trees. The screening will continue along the bus loop and around the perimeter of the westerly parking area of the ELC. The applicant has designed the parking lot such that stalls are directed toward the interior of the parking area to prevent headlight glare from abutting parcels. The applicant and the neighborhood group agreed upon lighting on the site to include the parking lot, bus loop, and central area of the campus. The applicant will comply with the terms of said agreement. The applicant conducted a noise study and will conduct a post-occupancy sound level evaluation of equipment during the spring and summer.
9. Concerning traffic impacts, the applicant must pay the City of Sumner Transportation Impact Fee at the time of building permit issuance. The applicant also submitted a Transportation Impact Analysis (TIA) as well as a revised TIA. In accordance with City requirements, the TIA collected data from and analyzed 18 off-

site intersections and 11 campus access intersections. The TIA determined that the proposed enrollment of 250 students plus 36 staff will generate 174 a.m. peak hour trips and 134 school dismissal peak hour trips. The revised TIA found no decrease in the Level of Service (LOS) operation of any intersection, and that all campus access points will operate at LOS B or better. Queuing of vehicles will now occur onsite and not on Willow Street. Such will significantly improve traffic thereon. The site plan shows 500 linear feet of onsite queue length to accommodate parents students at the ELC.

10. Prior to obtaining a conditional use permit the applicant must show that the request satisfies the criteria set forth in SMC 18.48.050. Findings on each criterion are hereby made as follows:
 - A. The proposed ELC will not materially, detrimentally impact the public welfare nor will it injure property or improvements in the vicinity. The applicant has shown that the project will mitigate all impacts that could materially, detrimentally impact the public welfare as set forth above and as set forth in the Agreement with the neighborhood group and subsequent agreement entered with the City of Sumner regarding a sidewalk on Sumner Avenue. The applicant has agreed to contribute the sum of \$35,000.00 to the City for construction of a sidewalk that will extend from the north side of the applicant's parcel to the Willow Street sidewalk. The applicant will also extend a sidewalk from the school parcel to the Sumner Avenue right-of-way.
 - B. The ELC will meet or exceed all performance standards required by the LDR-12 zone classification. Said criteria are set forth in SMC 18.16.080. These criteria are discussed by staff on pages 10-11 of the Staff Report and the Examiner hereby adopts said discussion by this reference as if set forth in full.
 - C. The ELC is compatible generally with surrounding land uses (single-family dwellings) in terms of traffic and pedestrian circulation, building, and site design. As set forth above the applicant provided a TIA and revised TIA that show no adverse impacts to City intersections. The City and the applicant have also reached agreement regarding construction of a sidewalk along the east side of Sumner Avenue. Finally, all queuing of vehicles will occur on the applicant's property, and such will eliminate queuing on Willow Street. Sidewalks presently exist on Willow Street and Gault Street.
 - D. As found above the ELC is in keeping with the goals and policies of the Comprehensive Plan.
 - E. The applicant has taken all measures to minimize possible adverse impacts that the proposed use may have on the area as described above and assuming compliance with the Agreement with the neighborhood group.

11. The applicant proposes to extend the height of the ELC structure to 36 feet, six feet above the 30 foot limit of the LDR-12 zone classification. Section 18.12.080(L) SMC authorizes height exemptions as part of a conditional use permit for schools and churches. Building heights for such structures may extend to a maximum of 50 feet in the LDR-12 zone upon approval of a height exception. Prior to obtaining such exception for the 36 foot tall structure, the applicant must show that the request satisfies the four criteria set forth therein. Findings on each criterion are hereby made as follows:
 - A. The requested deviation from the 30 foot height limit is necessary for the successful physical function of the ELC. The additional height will provide indoor play area for students during inclement weather and a cover for all mechanical infrastructure necessary to support a learning environment. A building constructed to the 30 foot limit would reduce necessary play area and could not screen mechanical structures. Furthermore, the proposed roof provides a more residential appearance to the building that increases its compatibility with the area.
 - B. The applicant considered reasonable alternatives that would result in a reduced or no deviation from the height standard. Alternatives included a mono-slope with a 1:12 roof pitch starting from the back of the building to the front, but such still extended the roof to 36 feet in height. Furthermore, the mono-slope would not cover the mechanical equipment and would be less aesthetically pleasing to the neighborhood.
 - C. Granting the height deviation will not materially, detrimentally impact the public welfare nor will it injure property or improvements in the vicinity. The design of the building locates the increased height area as far to the east as possible from abutting residential properties. The building will create no interference with views and will be screened by fencing and vegetation.
 - D. The special height exception is consistent with the Comprehensive Plan that encourages neighborhood schools. In the present case the height exception optimizes the physical function of the ELC and will benefit residents by hiding mechanical equipment.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown that the request for a conditional use permit satisfies all criteria set forth in EMC 18.48.050. The applicant has also shown that the request for a height exception satisfies all criteria set forth in SMC 18.12.080(L). Therefore,

the conditional use permit and height exception should be granted subject to the following conditions:

1. This project shall comply with all of the terms of the Sumner School District--Neighborhood Group Early Learning Center and Athletic Field Upgrade Project Conditional Use Permit Settlement dated May 18, 2017, attached hereto as Exhibit G, and incorporated herein as if set forth in full.
2. The applicant shall provide landscape screening or fencing along Sumner Avenue for the new parking lot to screen car headlights from neighboring residences.
3. The project shall comply with all conditions set forth in the Mitigated Determination of Nonsignificance (MDNS) issued by the Sumner School District on August 16, 2017, attached hereto as Exhibit R.
4. The project shall comply with the terms and conditions of the Settlement Agreement by and between the City of Sumner and Sumner School District No. 320.
5. The walkway lying east and west on the north side of the proposed parking lot as shown on the site plan (Exhibit I) shall be connected to the sidewalk on Sumner Avenue to allow for a safe pedestrian connection from Sumner Avenue to the Early Learning Center.

DECISION:

The request for a conditional use permit and height exception for the Sumner School District's early learning center on the Sumner Middle School campus located at 1508 Willow Street and 230 Wood Avenue, Sumner, is hereby granted subject to the conditions contained in the conclusions above.

ORDERED this 23rd day of October, 2017.

STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

TRANSMITTED this 23rd day of October, 2017, to the following:

APPLICANT: Sumner School District
1202 Wood Avenue
Sumner, WA 98390

PROJECT

REPRESENTATIVE:

BLRB Architects
Attn: Robert Lindstrom
1250 Pacific Avenue, Suite 700
Tacoma, WA 98402

OTHERS:

Steve Allsop
1427 Willow Street
Sumner, WA 98390

Kurt Boehm
105 Sumner Avenue
Sumner, WA 98390

Jeff and Candy Morrison
312 Sumner Avenue
Sumner, WA 98390

Dave Nuttall
209 Sumner Avenue
Sumner, WA 98390

Dian Lord
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412 Sumner Avenue
Sumner, WA 98390

George and Irene Theissing
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Sumner, WA 98390

Dan And Trisha Maygra
229 Sumner Avenue
Sumner, WA 98390

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Jean Engelhardt
208 Sumner Avenue
Sumner, WA 98390

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413 Guptil Avenue
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Richard Lawson
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Steve and Andrea Pankonin

Cathy Peck

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CITY OF SUMNER

RECONSIDERATION AND APPEAL NOTICE

Reconsideration and Appeal Rights are set forth in Chapter 18.56 of the Sumner Municipal Code.