



DATE: May 26, 2021  
TO: PLANNING COMMISSION  
FROM: Ryan Windish, Community Development Director  
RE: **Municipal Code Text Amendments—Director Approval Authority**

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## **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 Ordinance covers a broad range of areas, but the bulk of the references are within the Critical Areas Regulations and the Zoning Code.

## **II. NEXT STEPS**

Staff is presenting these amendments to the Planning Commission as an informational item and for discussion and questions.

The Planning Commission will hold a public hearing on July 8, 2021 on this ordinance.

## **III. EXHIBITS**

A. Draft Ordinance

**DRAFT**

**ORDINANCE NO. XXXX  
CITY OF SUMNER, WASHINGTON**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUMNER, WASHINGTON, TRANSFERRING SIGNING, APPROVAL AND ENFORCEMENT AUTHORITY TO FROM THE COMMUNITY DEVELOPMENT DIRECTOR TO THE DEVELOPMENT SERVICES DIRECTOR; AND AMENDING THE SUMNER MUNICIPAL CODE SECTIONS \_\_\_\_\_, AND \_\_\_\_\_.**

**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 the Community Development Department and 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 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, and being the State Environmental Policy Act (SEPA) Official should all fall under the approval and signing authority of the Development Services Director; and

**WHEREAS**, the Planning Commission held a duly-advertised public hearing on \_\_\_\_\_ on the proposed amendments, followed by questions and discussion; and

**WHEREAS**, on \_\_\_\_\_ the Planning Commission voted by a X-X 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 to 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 \_\_\_\_\_; 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 5.04.040 “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, East Pierce fire 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 15.52.130 “Development Permit – Grant or Denial,” is hereby amended to read as follows:

**“15.52.130 Development permit – Grant or denial.**

The ~~building official~~ development services director or designee is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.”

**Section 13.** 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 14.** That SMC Section 16.04.040 “Designation of responsible official,” is hereby amended to read as follows:

**“16.04.040 Designation of responsible official.**

For those proposals for which the city is the lead agency, the responsible official shall be the ~~community~~ development services director.

- A. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead

agency or responsible official by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.

B. The city shall retain all documents required by the SEPA rules (chapter 197-11 WAC) and make them available in accordance with chapter 42.17 RCW.”

**Section 15.** 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 16.** That SMC 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 17.** 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 department or the director’s designee.”

**Section 18.** That SMC Section 17.12.060 “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 19.** 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 20.** Section 17.16.130 “Preparation of Final Plat,” subsection A(5) 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 21.** 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 22.** 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 23.** 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 24.** 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 25.** 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 26.** 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 27.** Section 18.16.080 “Performance Standards,” subsection B is hereby amended to read as follows:

“B. Required Open Space and Landscaping. For each development in the NC, IC, MUD and GC districts a landscape plan shall be prepared in accordance with chapter 18.41 SMC to address landscaping of yards and screening of parking, and shall be submitted for approval by the ~~community~~ development 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. Landscaping requirements shall apply to properties in the CBD which have setbacks or on-site private parking areas. Whenever landscaping is required by this title and/or conditions of approval of discretionary applications required by this title, such landscaping shall be permanently maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles.”

**Section 28.** 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 29.** Section 17.26.070 “Alterations and Vacations,” 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 30.** Section 18.18.080 “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 31.** Section 18.18.080 “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 32.** Section 18.20.050 “No Deadline for Final Decision – Form of Agreement —Term – Recordation,” subsection B 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 33.** 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 34.** 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 35.** Section 18.26.060 “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.** 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 37.** 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 38.** 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 39.** Section 18.26.100 “Regulations on Wireless Communications Facilities by Zone,” subsection C(3)(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 40.** 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 41.** 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 42.** 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 43.** Section 18.42.030 “Design and Construction Standards,” 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 44.** 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 45.** 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 46.** 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 47.** Section 18.43.090 “Coordinated or Joint Parking Design Within the East Main Street Area,” subsection C is hereby amended to read as follows:

**Section 48.** Section 18.42.055 “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 49.** Section 18.43.120 “Where Unified Access and Circulation is not Practical,” subsection C 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 50.** 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 51.** 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 52. 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 53. 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 54. 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:*