

DRAFT Proposed Code Changes - Historic and Cultural Resources

2024 Comprehensive Plan Periodic Update

Draft February 16, 2024

Chapter 18.39: Historic Preservation

1. Update outdated references to Sumner becoming a "Certified local government" in the future to reflect Sumner's current status as a Certified local government (CLG)
 - o Includes 18.39.030 F and 18.39.130 A
 - o "...until city of Sumner becomes a certified local government (CLG). Once a CLG, The class of property eligible to apply for special valuation in Sumner means..."

[Note: Code text below in highlight was revised by staff since last Planning Commission review]

Add a new section to Title 18 (possibly 18.60): Cultural and Historic Resources Review Requirement:

1. Developers of projects on sites Applicants for projects involving demolition of a building or new construction not categorically exempt from SEPA environmental review, on sites located in Town Center, with structures more than 45 years old or identified by the State Department of Archeology and Historic Preservation (DAHP) as potentially eligible for listing, shall request a project review consultation with DAHP to determine whether the property is considered a historic resource. If it is found to be a historic resource, consultation and appropriate mitigation shall be required mitigation measures recommended by DAHP within 28 days of a requested consultation will be considered and implemented only as appropriate.
 - a. The consultation request shall be submitted on form(s) approved by the Director.
 - b. Mitigation measures shall be applied as appropriate to the scale and impact of the project and as appropriate to the significance of the resource(s), as determined by the Director.

NOTE: 45 YEARS IS A STATE GUIDELINE FOR STARTING CONSULTATION WITH DAHP. STAFF RECOMMENDATION IS TO SET A THRESHOLD FOR WHEN DAHP REVIEW IS REQUIRED. THE STATE SEPA ENVIRONMENTAL RULES DISTINGUISH BETWEEN SMALL "EXEMPT" PROJECTS AND LARGER PROJECTS THAT NEED TO GO THROUGH SEPA PERMITS. THIS CODE PROVISION WOULD FOLLOW THOSE THRESHOLDS. "LARGER PROJECTS" INCLUDE CONSTRUCTION OF MORE THAN 4 MULTIFAMILY UNITS, COMMERCIAL SPACE MORE THAN 4,000 S.F., AND GRADE/FILL OF MORE THAN 100 CUBIC YARDS, AS EXAMPLES. THE PROPOSED DAHP REVIEW WOULD NOT APPLY TO DEMOLITION OF A SINGLE-FAMILY HOME (LIKE MOST CITIES, THERE IS NO CURRENT REQUIREMENT FOR PRESERVATION). THE 28-DAY TIMELINE MIRRORS SUMNER'S CODE THAT REQUIRES THE CITY TO DETERMINE A COMPLETE PERMIT APPLICATION WITHIN 28 DAYS.

2. The City shall require Inadvertent Human Remains Discovery Language recommended by DAHP as a condition of project approval consistent with RCWs 68.50.645, 27.44.055, and 68.60.055:
 - o If ground disturbing activities encounter human skeletal remains during the course of construction, then all activity will cease that may cause further disturbance to those remains. The area of the find will be secured and protected from further disturbance until the State provides notice to proceed. The finding of human skeletal remains will be reported to the county medical examiner/coroner and local law enforcement in the most expeditious manner possible. The remains will not be touched, moved, or further disturbed. The county medical examiner/coroner will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are

forensic or non-forensic. If the county medical examiner/coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains. The DAHP will notify any appropriate cemeteries and all affected tribes of the find.

3. All permits and statements of exemption shall contain provisions that require developers to immediately stop work and notify the City of Sumner, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Tribe if any artifacts of possible historic, cultural, or archaeological value are uncovered during site work. In such cases, the developer shall be required to provide for a site inspection and evaluation by a professional archaeologist or historic preservation professional, as applicable, in coordination with the state and/or affected tribes to ensure that all possible valuable historic, cultural, or archaeological artifacts are properly protected or salvaged.

NOTE: THE PROPOSED LANGUAGE ABOUT INADVERTENT DISCOVERY AND POTENTIAL DISTURBANCE IS ACCEPTED STANDARD PRACTICE, BUT NOT CODIFIED IN SUMNER'S CODE.