



**REPORT TO THE HEARING EXAMINER**  
*From the DEVELOPMENT SERVICES DEPARTMENT*

**Project:** Reuben A. Knoblauch Heritage Park

**Project Number:** CUP-2024-0005

**Applicant:** Drew McCarty  
City of Sumner  
1104 Maple Street  
Sumner WA 98390

**Project Address:** 916 Kincaid, 908 Kincaid and 902 Kincaid Avenue Sumner WA 98390.  
Parcels 7985000603, 7985000604 and 7985000610

**Project Components:** Conditional Use Permit, SEPA, Design Review, ROW vacation  
Civil and Building permits.

**Date of Hearing:** Wednesday September 11<sup>th</sup>, 2024, at 3:00pm. The city is  
conducting this public meeting using a hybrid model. The public  
is welcome to attend this meeting in-person at City Hall Council  
Chambers or virtually by using the meeting access link below.  
<https://sumnerwa-gov.zoom.us/j/87324673366>

**Staff Representative:** Scott Waller, Senior Planner.

**Description:** Proposal to redesign the Heritage Park block as part of the  
Heritage Park Master plan. Project to include a new outdoor park  
space, new three story and approximately 18,000 sf event and  
public facility building and frontage improvements. The park  
space will include walkways, landscaping, playground, synthetic  
grass area, stage, indoor and outdoor restrooms, lighting and  
seating areas.

**Recommendation:**                      **CONDITIONALLY APPROVE**



## 1. BACKGROUND

### a. Site Location

The project occurs over a triangular shaped City block between Kincaid Avenue, Maple Street and Cherry Avenue. The site is comprised of three separate but adjacent parcels, with all three parcels located in the Town Center plan area. The adjacent Hops Alley project is across Kincaid to the east.

### b. Vicinity Description

The site is located in the Town Center Plan area (TCP) just south of Main Street and is in the vicinity of the following land uses:

- \* **North:** Main Street is located at the north end of the park with a variety of commercial establishments within the Town Center Plan area.
- \* **East:** Commercial business establishments within the Town Center Plan area and Hops Alley.
- \* **South:** Single family, multifamily and proposed commercial uses all within the Town Center plan area.
- \* **West:** Commercial business establishments within the Town Center Plan area.

## 2. ENVIRONMENTAL REVIEW

## **State Environmental Policy Act (SEPA) Review**

*SEPA review is currently underway (SEPA-2024-0014). Staff would request that the hearing remain open specifically for the SEPA process to be finished and the SEPA decision to be issued. Once a SEPA decision is issued, it along with any other documents/comments will be forwarded to the Hearing Examiner.*

### **3. PHYSICAL FEATURES**

#### **a. Topography and Hydrology**

The site is predominantly flat and includes remnants of previous development on the south end of the park. The north section of the site has been and is currently used as a park. There are no designated shorelines as defined by the Sumner Shoreline Master Program within 200 feet of the boundaries of the site per Sumner's Shorelines Map. Additionally, there are no wetlands on the site as defined by the National Wetlands Inventory or the 2007 City of Sumner Wetland Inventory Map. The north end of the park does include some contaminated soil that is currently in the process for remediation and will be seeking a no further action determination from Department of Ecology (see Exhibit O and recommended condition of approval #8).

#### **b. Public Access and Utility Features**

The proposed development will not have any driveways or curb cuts since this park does not need or propose any vehicular access. The site does include on street parking along its perimeter in compliance with the frontage requirements in the Town Center Code. A trash enclosure is built into the buildings east side of the south façade and receptacles will be brought out during pick up. Currently refuse is on the west side of the park site in a CMU enclosure. The site will have walkable access from each intersection. The site also has a woonerf along the east and west perimeters of the site which create a safe and walkable environment to and around the park. The City of Sumner provides water, sewer and storm services to the site with PSE providing power.

### **4. NOTICE**

The proposed conditional use permit is classified as a Type V decision in accordance with Sumner Municipal Code (SMC) 18.56.030(H).

#### **a. 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 *Courier Harold* on August 27th, 2024 in accordance with SMC 18.56.

**b. 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 *Courier Harold* on August 27th, 2024 in accordance with SMC 18.56.

**5. COMPREHENSIVE PLAN**

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

**Town Center Plan Area** *The Town Center Plan covers an area within approximately one-half mile radius of the Sumner commuter rail station. This is an area that is targeted for future residential and mixed use development that would take advantage of being near transit and amenities and conveniences in the downtown core. The increased population in the downtown would add to the market for maintaining an “everyday” downtown and further strengthen the economic vitality of Main Street. The Town Center Plan also envisions a mixed of uses along Main Street, Traffic and Fryar Avenues and Activity Nodes. The Town Center Plan area has greater increase in heights and residential densities than other areas of the city. The Town Center Plan Subarea is implemented through design standards, and a “form based code.” The Town Center is also a “Countywide Growth*

*Center.” There are four districts within the Town Center Plan subarea: • Historic Central Business District(HCBD) • Station District (SD) • West Sumner District (WSD) • Riverfront District (RD)*

The Sumner Comprehensive Plan includes numerous policy statements related to this proposal.

**a. Land Use Sub-Element**

- Policy 1.1      Ensure that appropriate transitions so that more intensive uses do not adversely impact adjacent uses.
  - 1.1.1            Maintain the design guidelines and ordinances to achieve compatible and attractive new residential, commercial, and industrial uses.
  - 1.1.2            Maintain zoning and subdivision regulations to ensure adequate setbacks, landscaping, and buffering are required where land use conflicts and impacts may occur.
  
- Policy 1.3      Through the Land Use Plan and Community Character Element, strive to balance residential, commercial, industrial and public land uses.
  
- Policy 1.7      Ensure new development is consistent with the policies of this Plan through implementation of regulations, programs, and project specific review.

**b. Economic Development Element**

- Policy 1.1      Provide adequate land for different kinds of businesses and development to support this element.
  
- Policy 1.3      Work with the Sumner Downtown Association, Chamber of Commerce, Tacoma Regional Convention & Visitor Bureau, Port of Tacoma, and the Economic Development Board to promote and market the economic development potential and amenities of the City and recruit new businesses
  
- Policy 1.34.5    Use land use and other regulatory controls to allow for a mix of small businesses, chain and franchises operations, light manufacturing, artisan shops, and other innovative and emerging trends.

**c. Community Character Element**

- Policy 1.1 Encourage development which enhances the human, pedestrian scale, creating a sense of community and place.
- Policy 1.2: Endeavor to maintain a complete community, consistent and compatible in character and design, containing housing, shops, work places, schools, parks, civic facilities, and community services essential to the daily life of residents.
- Policy 5.1 In reviewing plans and development proposals, consider both long and short term environmental impacts and encourage design which complements the area's natural and cultural features. Natural and significant cultural features should be integrated into the design of the community.
- Policy 5.3 Provide appropriate infrastructure to ensure environmental quality.
- Policy 5.4 Promote the efficient use of renewable resources, water and energy through the use of natural drainage, indigenous landscaping, energy efficient siting and building construction, and recycling.
- Policy 5.7 Expand Heritage Park to a full block.

**d. Parks and Open Space Element**

- 1.1.1 Use equipment, landscaping, and design which reduces long-term maintenance costs and increases safety for park users.
- 1.3.1 Provide park facilities, including trails, picnic areas, play equipment and recreation facilities which are accessible to the disabled.
- 1.3.4 Make a wide variety of park and recreation facilities available to meet the desires of special needs and interest populations.
- 1.7 Do not provide general on-site parking at community parks. These park facilities should be primarily resources to the neighborhood and should promote people walking to them. Limited parking for the disabled or for loading could be provided.

- 1.9.2 Encourage public participation in designing new parks, reviewing park rules, updating the Parks Plan, and monitoring the public's desires about parks facilities.
- 2.7 Retain, whenever financially feasible, City owned lands, including excess rights-of way for open space purposes.
- 2.8 Implement flexible zoning and land use regulation techniques to encourage creative development which maximizes protection of critical areas, habitat, water quality, and open space.
- 2.10 Establish an open space standard of 35% for the entire City. Land use regulations and other programs should be developed to maintain this standard on a city-wide level. Open space includes areas that are public parks, cemeteries, critical areas and buffer areas, restricted steep slope areas, public lands such as watersheds, excess right-of-way, floodway, and river and buffers.
- 2.12 Through land use development standards and design of public facilities and improvements, establish attractive and signature gateways at the City entrances.

**e. Transportation Element**

Policy 3.6 Provide a highly interconnected network of streets, sidewalks, bicycle lanes, and trails for ease and variety of travel.

To achieve an interconnected street network, the City should:

- Require new development to provide full or partial street improvements, where such streets will expand, complement or improve access to the larger street network, consistent with existing development patterns and environmental constraints;

Goal 4 Promote use of alternative transportation modes by providing an interconnected system of pedestrian and bicycle facilities.

Policy 4.3 Sidewalks will be provided on both sides of all City streets unless special circumstances, such as topography or environmental constraints, make it cost prohibitive as determined by the Public Works Director.

## 6. **Parks, Trails and Open Space Plan Update 2024-2030**

SPECIAL FACILITIES In Sumner: Reuben Knoblach Heritage Park...

This classification captures a wide range of facilities designed for very specific purposes, whether a display garden, aquatic center, public plaza or community center. Depending on design and purpose, these facilities may be focused on a specific role or take on more of an event space/tourism development aspect, especially in a historical or cultural context.

### **Objective 2.3-provide spaces to build community**

2.3.2 Strategies to foster personal meetings/celebrations (i.e. birthday parties)

- Move gazebo to...
- Heritage Park building

2.3.3 Strategies to foster/support community events

- Resign Heritage Park—new stage area & building
- Activate Hops Alley

### **Objective 2.4-provide spaces that foster art and culture**

2.4.2 Redesign Heritage Park stage for better entertainment options

## 7. **ZONING**

The site is within the Town Center Zone (TCP).

**SMC 18.29.010** states: *The Town Center district is intended to be a transit-oriented development area with a mix of residential, commercial, retail and civic uses that serve the neighborhood and the larger region with goods and services. The Town Center features a wide range of types of uses, from multifamily to townhouse and commercial buildings. Motor vehicles are accommodated in the street designs and parking areas, yet the Town Center district strongly promotes a pedestrian scale through building form and connections to the streetscape. The connectivity is accomplished with sidewalks, landscaping, building locations, signage and pedestrian-oriented development. An improved street grid system provides efficient circulation and supports transit.*

#### **18.29.020 Districts in the Town Center.**

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



## 7. DEPARTMENTAL COMMENTS

*Comments have been solicited from the applicable City departments and integrated into this staff report.*

## 8. PUBLIC COMMENTS

**Currently, no written comments have been submitted to the City for the CUP. As comments are received during the comment period or during the hearing, they will be submitted into the record.**

### **Project Specific Comments**

- A. Public Comments received during SEPA will be forwarded to the Hearing Examiner.
- B. Public Comments received during CUP NOA/NOH. None currently.

### **Planning Phase Public Engagement and Comments**

- C. Public survey responses during the Parks, Trails and Open Space Plan Update 2024-2030 (see exhibit N, starting on pg. 144)

Park needs/requests from the survey can be summarized as follows:

- Playground for kids
- Better seating
- Firepits
- Restrooms
- Complete parka and alley project
- More Trees
- Placemaking features
- Art
- Landscaping
- Hardscape
- Vendors
- Food trucks
- Sound buffer from train
- More native plants
- Water consciences

**Staff Response** – Many of the above requested items have been incorporated into the Heritage Park plans. A playground has been added in the south east corner of the site, seating options will be vastly improved and located throughout the site, a firepit is proposed with access inside and outside the building, restrooms are included inside and

outside the building at the south east corner, large and intentional trees are proposed along the park perimeter and throughout the project, the park design and building will create strong placemaking features, art has been incorporated into the building design and there are opportunities for future art to be incorporated, landscaping and hardscape are meshed together throughout the site to provide intentional greenery and walkways, vendor and food truck hook ups are included in the site design and the site will be water consciences with its landscape design and use of synthetic grass.

D. Overview of Heritage Park Planning process – (see exhibit M, PDF pg. 3, Document pg. 4-5).

## 9. REVIEW CRITERIA AND DISCUSSION

In accordance with SMC 18.56, a Conditional Use Permit requires a public hearing before the Hearing Examiner followed by written findings and a decision appealable through the judicial system. The Hearing Examiner shall be guided by the following criteria in granting a conditional use permit:

### A. SMC 18.48.050. (Conditional Use – Zoning)

A. *The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the proposed use or in the district in which the subject property is situated;*

**Discussion:** The project has, using consultants, architects, studies, and reports shown that the project will mitigate those impacts that would be materially detrimental to the public welfare or injurious to properties or improvements in the vicinity of the proposed use in the Town Center area. This has been demonstrated and summarized as follows:

1. Landscaping throughout the project site frames in the park space while still providing for visibility and safety. The proposed landscaping, both natural and synthetic provide greenery throughout the park space will also limiting the amount of water and maintenance needed.
2. Attentiveness to site layout. The park and building have been designed to provide a location that will accommodate a variety of scheduled and unscheduled events and uses constant with how the park currently operates. The building will create a backdrop to the park from Main street and provide some buffer to the south where existing and future mixed use/residential developments are located.
3. Noise impacts –
  - a. Short term noise associated with construction is anticipated and will comply with construction hours and BMP's.

- b. The site will continue to operate as a park with a similar mix of scheduled events and unscheduled use.
- 4. All new exterior lighting is proposed to be pedestrian scale in size. This reduces offsite lighting impacts while still providing for a well lit and safe park space.
- 5. Transportation – transportation impacts are not anticipated from this proposal. Phases 1-3 will continue operating in a very similar manner as the current park use with the overall addition of 7 new on street parking stalls. The building could generate additional parking during its peak demands; however, these are anticipated to be during non-peak traffic demands such as evenings and weekends. Sumner’s comprehensive plan states that parks should not include onsite parking and many commercial uses in the Town Center can utilize existing City parking lots and street parking. A condition of approval for the building does require it to have a parking agreement in place to show how it will be supported through offsite parking lots as allowed under SMC 18.42.060.
- 6. Environmental –
  - a. This project will be required to comply with its soil remediation plan as overseen by the Department of Ecology.
- 7. The proposed building has met Sumner’s Design Guidelines for a Town Center project. This ensures that the site includes visual aesthetics that match its surroundings. Sumner’s Design Commission reviewed the proposed building for compliance with Sumner’s Design and Development Guidelines.

*B. The proposed use shall meet or exceed the performance standards that are required in the district it will occupy;*

**Discussion:** The proposal meets with criteria set forth in SMC 18.16.080 for performance standards in the Town Center Zone.

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

**Discussion:** While the landscape calculations provided by the applicant show a small amount of landscaping, it doesn’t show the green roof, tree canopy coverage, modified property lines or the synthetic grass area. All which substantially increase the greenery of the site. The site would need 3,220sf to meet the 10% requirement and currently shows 2,344sf;

however, the below additions would put this site well over the required minimum.

- a. Tree Canopy and adjusted property line – approximately 2,000sf
- b. Green roof – 2,137sf

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

- 1. Within 10 years of December 3, 2018, residential uses within the residential zone may expand no more than 75 percent of their existing square footage. After 10 years of December 3, 2018, residential uses within the residential zone may expand no more than 25 percent of their existing square footage as of December 3, 2018. In no event shall an expansion under this section exceed 75 percent of the existing square footage on December 3, 2018, and in no event shall an expansion under this section be permitted if said expansion requires the acquisition of additional property. The expansion shall meet all the development standards of the zoning regulations in place on the date of the permit application, including, but not limited to, setbacks, lot coverage, and building height;*
- 2. Residential uses within commercially zoned properties may expand no more than 25 percent of their existing square footage. The expansion shall meet all the development standards of the zoning regulations in place on the date of the permit application, including, but not limited to, setbacks, lot coverage, and building height;*
- 3. No additional dwelling units may be added;*
- 4. Structures may be rebuilt after a fire or other disaster to original dimensions unless a health or safety impact would occur, provided a complete building permit application has been submitted within three years;*
- 5. Structures that were destroyed by a fire or other disaster prior to December 3, 2018, may be rebuilt to original dimensions unless a health or safety impact would occur without any limitation on time.*

**Discussion:** Not applicable.

*C. As applicable, the provisions of the city of Sumner design and development guidelines per chapter [18.40](#) SMC shall be met for new development, except that open space requirements for senior housing shall be provided in accordance with SMC [18.41.200](#).*

**Discussion:** The proposed project has been designed in compliance with Sumner’s Design and Development Guidelines. The project went before the Design Commission and has received a Design Review Directors Decision approving the design.

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

**Discussion:** The proposed project has been designed in compliance with the Town Center code and meets the height and location requirements for structures. As shown in the Design Review Decision the building location includes some allowance for deviation from the standard 10’ maximum setback due to the angled design of the structure. The project will complete frontage improvements in compliance with the Town Center.

*E. School, Church and Public Parking Facility Height Exceptions. When applicable, a height exception shall be applied for as part of a conditional use permit application to establish such uses or expansion of such uses. Conditionally permitted, school, church and public parking facility uses may exceed building height requirements to a maximum of five stories in the Town Center zones upon approval of such height exception by the hearing examiner. A height exception does not require separate application for a special exception or variance.*

**Discussion:** Not applicable.

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

*1. Roasting is permitted to occur only during the hours of 5:00 a.m. to 7:00 a.m. and 11:00 p.m. to 1:00 a.m., unless the hearing examiner through the conditional use permit finds that other hours will have minimal impact on neighboring properties.*

*2. Volume of each roast shall not exceed 11 pounds of coffee beans, but may be increased through the conditional use permit, provided roasting occurs within the same time window allowed under subsection (F)(1) of this section.*

*3. Roasting operations shall comply with Puget Sound Clean Air Agency (PSCAA) regulations for emissions. In addition, at a minimum, roasting equipment shall be fitted with a roaster afterburner or similar infrared clean-burn technology designed to minimize the release of odors and smoke.*

*4. Exterior mechanical equipment shall be maintained and operated in a manner so as not to exceed 57 dBA, or the maximum permissible noise levels allowed from a Class B EDNA to a Class A EDNA, as defined in SMC [8.14.060](#).*

5. *Exterior mechanical equipment and refuse containers shall be screened from neighboring streets and sidewalks. To the extent practicable, screening shall be architecturally compatible with the historic character of the Town Center historic central business district (historic district), as determined by the hearing examiner through the conditional use permit.*

6. *Roasting operations shall remain incidental and accessory to the on-site retail use and shall not involve wholesale distribution.*

7. *The hearing examiner through the conditional use permit may modify the above standards, provided the applicant demonstrates that alternative measures can be put in place that will provide an equivalent or higher level of odor and noise control.*

**Discussion:** Not applicable.

*G. Indoor emergency shelters and indoor emergency housing shall:*

*1. Comply with all applicable setbacks, height and other dimensional standards as required in the district;*

*2. Be limited to no more than five families or 20 occupants, whichever is fewer; and*

*3. Not be located within one-half mile of any other emergency shelter or emergency housing use; or any permanent supportive housing or transitional housing use.*

**Discussion:** Not applicable.

*H. Permanent supportive housing and transitional housing shall:*

*1. Comply with all applicable setbacks, height and other dimensional standards as required in the district;*

*2. Not exceed a maximum housing density of 25 dwelling units per acre;*

*3. Not be located within one-half mile of any emergency shelter or emergency housing use; or any other permanent supportive housing or transitional housing use.*

**Discussion:** Not applicable.

*C. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;*

**Discussion:** The proposed development will be compatible generally with the surrounding land uses in terms of traffic, building and site design. Limited traffic impact is anticipated since the use is continuing as a park. The section of the site being developed with a building will be consistent with the Town Center code and Design guidelines. Sumner’s Design Commission reviewed and recommended approval on the buildings design. The Town Center code would allow for a three story building such as this proposal and would permit up to six stories in certain locations. Proposed uses in the Town Center range from multifamily, a variety of commercial uses and mixed use projects. Therefore, a building such as this with a variety of different uses and spaces is consistent with the surrounding area.

D. *The proposed use shall be in keeping with the goals and policies of the Sumner comprehensive plan;*

**Discussion:** The Comprehensive Plan includes numerous statements in support of this development, excerpts of the Comprehensive Plan have been included in this report under section #5. The project also includes more detailed specifics under Sumner’s Parks, Trails and Open Space Update 2024-2030 plan under section #6 of this report.

E. *All measures have been taken to minimize the possible adverse impacts which the proposed use may have on the area in which it is located.*

**Discussion:** The proposed park and event building has been designed in such a way to limit impacts to the surrounding area. These measures include:

- Building location to buffer park from residential developments.
- Noise impact analysis
- Lighting is required to be on low poles and down shielded and ensure lighting does not trespass on to adjacent sites.
- Building designed in compliance with the zoning
- Soil remediation

**10. Expiration and timing of land use permits -** Land use permit decisions shall abide by and are regulated under SMC 18.56.220.

## **10. STAFF RECOMMENDATION**

*Proposal CUP-2024-0005 for a conditional use permit for a redesign of Heritage Park along with an event and public building should be APPROVED with the following conditions by the Sumner Hearing Examiner.*

1. Noise –
  - a. Prior to issuance of the event space building, the noise monitoring study shall be submitted to the City along with proposed measures to ensure that any equipment will operate in compliance with noise levels in SMC 8.14.
  - b. Food trucks shall operate without the use of generators, unless they receive prior approval from City event staff after showing that proposed generator use will operate in compliance with SMC 8.14.
2. The project shall generally comply with the design and layout shown and approved under Design Review DR-2024-0006.
3. Prior to issuance of a building permit for the event building, a Right of Way vacation shall be completed. The ROW vacation shall ensure that the building footprint is located entirely within the parcel's boundaries, with the exception of permitted overhangs allowed in the code such as awnings and balconies.
4. A boundary line adjustment/lot line consolidation shall be completed prior to the event buildings certificate of occupancy. The Change in lot line shall be such that the event building and parcel(s) comply with all applicable development standards.
5. 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. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.
6. Work shall immediately stop and the City of Sumner, the State Department of Archaeology and Historic Preservation (DAHP), the Puyallup Tribe of Indians, and the Muckleshoot Tribe shall be immediately notified if any artifacts of possible historic, cultural, or archaeological value are uncovered during excavation. 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 is properly protected or salvaged.
7. The property shall record on the title the following hazard area notifications:



- a. Aquifer recharge area,
  - b. Seismic hazard area,
  - c. Volcanic hazard area
8. Environmental Remediation shall be completed, consistent with any approved Ecology clean-up plan and schedule, concurrent with or consecutive to the project's development and shall include cleanup of the entire Site (as that term is defined in the approved clean-up plan) sufficient to obtain a No Further Action (NFA) determination. Work associated with the park and building may occur at the applicant's own risk prior to issuance of a NFA or NFA likely by the Department of Ecology. No Certificate of Occupancy shall be granted until a NFA is issued unless the circumstances in the following sentence are present. If the approved clean-up plan requires long-term compliance monitoring to be conducted prior to Ecology issuing a No Further Action determination, a demonstration that exposure pathways are incomplete for building occupants or park users, and written Ecology concurrence, is sufficient to allow for use of the occupation of the building through a temporary certificate of occupancy. All current and future permits must comply with Ecology clean up regulations and any issued NFA and its conditions.
9. The Project shall abide by all local, State and Federal regulations and receive necessary approvals prior to commencement of work.

## **11. APPEALS**

An appeal of the CUP decision may be filed pursuant to Sumner Municipal Code (SMC) Section 18.56.030 for Type V decisions through the judicial system within 21 days of the date of decision.

### **Exhibits:**

- A. Staff report
- B. CUP Application
- C. CUP Criteria Cover Letter/Narrative
- D. Site Plan Interim Park
- E. Landscape/Site Plan
- F. Floor Plans
- G. Event Building 50% Design Plans
- H. Design Review Packet
- I. Design Review Director's Decision
- J. SEPA Checklist
- K. CUP Notice of Application and Hearing
- L. Zoning Map
- M. Heritage Park Master Plan
- N. Parks, Trails and Open Space Plan Update 2024-2030
- O. Revised Remedial Investigation Report
- P. Public Comments

