



REPORT TO THE HEARING EXAMINER
From the DEVELOPMENT SERVICES DEPARTMENT

Project: Sumner Public Library

Project Number: CUP-2024-0007

Applicant: Pierce County Rural
Library District –
3005 112th Street E,
Tacoma, WA 98446
- Christina Neville-
Neil
Contact: Ko Wibowo

Project Address: 15216 Main Street E, Sumner, WA 98390.
Parcels 0520193060, 0520197014, 0520197015

Project Components: Conditional Use Permit, SEPA, East Main Modification,
Development Agreement, Lot Line Adjustment/Consolidation
Civil and Building permits.

Date of Hearing: Wednesday November 20th, 2024, at 10AM. 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/82417941607>

Staff Representative: Scott Waller, Senior Planner.

Description: The site is made up of three parcels totaling approximately 1.7 acres, the
parcels will be consolidated into one lot for the new Sumner Public
Library building. The building will be approximately 17,500 SF with
additional associated site development. Site development will include
the East Main Street frontage and on-site parking on the south side of
the site, lighting, landscaping and stormwater management.

Recommendation:

CONDITIONALLY APPROVE



1. BACKGROUND

a. Site Location

The project occurs over three parcels all fronting on East Main Street. The site has previously included residential and commercial uses. The site is relatively flat and does include some contaminated soils. The Library is currently working with Department of Ecology to receive a No Further Action related to the site clean up. All parcels are located in Sunner's East Main Street Design Strategy area. The East Main Street area includes requirements for wider sidewalks and uses cross access connections instead of individual driveways for vehicular access. The project shows site access through the mapped cross access corridor off 153rd; however, there is currently no access easement in place with the property owners between the proposed Library site and 153rd. In the event that an easement is not obtained, the Library would be able to gain access off Main Street through SMC 18.43.140.

b. Vicinity Description

The site is located primarily in the General Commercial zone with a section at the south end of the site within the Low Density Residential 8,500 zone and is in the vicinity of the following land uses:

* **North:** Main Street is located along the north end of the site, across the

street is zoned General Commercial and currently includes a variety of restaurants, retail and multifamily uses.

- * **East:** Zoned General Commercial at the north end of the site and currently includes professional offices and personal service uses. The south end of the property abuts a Low Density Residential zone and currently has single family residential dwellings.
- * **South:** Zoned Low Density Residential and currently has single family residential dwellings.
- * **West:** Zoned General Commercial at the north end of the site and currently includes a funeral chapel. The south end of the property abuts a Low Density Residential zone and currently has single family residential dwellings.

2. ENVIRONMENTAL REVIEW

State Environmental Policy Act (SEPA) Review

SEPA review is currently underway (SEPA-2024-0018). 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. 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. There is 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 recommended condition of approval #13).

b. Public Access and Utility Features

The proposed development does not intend to propose any driveways or curb cuts since this is located in the East Main street area and vehicular access is intended to come from the cross access corridor off 153rd Ave Ct E; however, if an access easement is not obtained from the property owners to the east, a driveway off Main street can be permitted through SMC 18.43.140. 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 November 4th, 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 November 4th, 2024 in accordance with SMC 18.56.

5. COMPREHENSIVE PLAN

The subject site is zoned General Commercial and Low Density Residential and within the East Main Street Design Strategy area. 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.

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.

c. 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.

d. Capital Services and Public Facilities Element

1.4 Through the Pierce County Library District, provide a library and access to library services consistent with the Pierce County Library Systems Capital Facilities Plan.

6. ZONING

SMC 18.16.010 Purpose

B. The commercial districts are established to provide appropriately located areas for office uses, retail stores, service establishments, and wholesale businesses, offering commodities and services required by residents of the city and its surrounding market area. In addition to this purpose, each commercial district has its own specific and unique intent as follows:

2. GC, General Commercial District. The GC district is intended to provide for retailing and other commercial services that serve the large market area surrounding the Sumner community. In this respect, GC district regulations are intended to accommodate conventional commercial development that is typical to urban areas such as shopping centers, commercial malls and office complexes. Such commercial developments usually rely upon the automobile as their principal source of access.

18.16.020 Principal and conditional uses.

The following table details permitted and conditionally permitted uses in the commercial districts. Where a “P” is indicated, the respective use in the same row is permitted in the zone classification in the same column. Where a “CUP” is indicated, the respective use in the same row is conditionally permitted in the zone classification in the same column. A conditional use permit shall be required and in full force and effect in order to establish the conditional uses. Where a “PRD” is indicated, the respective use in the same row is permitted through a planned residential development. A planned residential development shall be required and in full force and effect in order to establish the use.

	<i>NC</i>	<i>GC</i>	<i>IC</i>
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39.	<i>Public facilities</i>	<i>CUP</i>	<i>CUP</i>	<i>CUP</i>
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SMC 18.12.010 Purpose

The purpose of this district is to stabilize and preserve low density residential neighborhoods, to create a stable and satisfying environment for family life and to prevent intrusions by incompatible land uses. (Ord. 1694 § 1, 1995)

18.12.040 Conditional uses.

J. Public facilities;

7. DEPARTMENTAL COMMENTS

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

8. PUBLIC COMMENTS

The below comments have been submitted for the proposed new Sumner Public Library during SEPA and CUP commenting. Any comments that are submitted up to the hearing will be forwarded to the Hearing Examiner and added to the record.

Project Specific Comments (Exhibit L)

- 1. Comment received from Department of Ecology on 10/30/2024, topics of comment included:**
 - a. Toxic clean up**
- 2. Comment received from Charles Bowker on 10/24/2024, topics of comment included:**
 - a. Privacy concerns**
 - b. Lighting impacts**
 - c. Noise impacts**
 - d. Storm drainage**

Staff response to comments received:

Staff Report

Project No: CUP-2024-0007

1. Toxic clean up – the Library is working with the Department of Ecology and intends to receive a no further action determination.
2. Privacy concerns – the Library will be installing an 8’ fence per the request to provide for additional privacy and buffering between the adjacent residential uses.
3. Lighting impacts – the Library has now included a photometric plan showing lighting levels throughout the site. The plan shows the use low height light poles using glare shields and a photometric plan showing low light levels around the site. A condition of approval asks for a photometric plan showing light levels at and beyond the property line with residential uses containing no offsite light spill.
4. Noise impacts – the Library has stated they do not have noise generating equipment proposed onsite that would create noise impacts. If any future above ground or rooftop equipment such as HVAC, mechanical or generator is proposed, it would need to show decibel level compliance with SMC 8.14.
5. Storm drainage – the Library project will need to show compliance with Sumner’s stormwater management during civil permit review.

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 General Commercial and Low Density Residential 8,500. This has been demonstrated and summarized as follows:

1. Landscaping throughout the project site frames in the Library while still providing for visibility and safety. The proposed landscaping provides greenery throughout the site and buffers where adjacent to residential uses.
2. Buffers with residential uses. The proposed Library project exceeds the buffer requirements for commercial and residential properties by including an 8’ fence in conjunction with 10’ of dense landscaping.
3. Attentiveness to site layout. The building and site layout keeps the building towards Main Street and shows a height of 30’ which is lower

- than the maximum height of 35' allowed in the GC zone. This helps the building fit in and transition into the neighboring residential area.
4. Traffic study showing acceptable levels of service at impacted intersections.
 5. Noise impacts –
 - a. Short term noise associated with construction is anticipated and will comply with construction hours and BMP's.
 - b. Any future above ground and rooftop equipment will need to comply with Sumner's noise ordinance in SMC 8.14.
 6. All new exterior lighting is proposed to be low scale in size and includes glare shields. This reduces offsite lighting impacts while still providing for a well lit and safe park space and site.
 7. Environmental –
 - a. This project will be required to comply with its soil remediation plan as overseen by the Department of Ecology.

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 General Commercial and SMC 18.12.080 Low Density zones.

18.16.080 Performance standards.

The following special requirements and performance standards shall apply to properties located in the commercial districts:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet and comfort of neighboring residents. Apparatus needed for the operation of active or passive solar energy systems need not be screened pursuant to this subsection.

Discussion: Any future above ground and rooftop equipment will need to comply with Sumner's noise ordinance in SMC 8.14.

B. Required Open Space and Landscaping. For each development in the NC, IC and GC districts a landscape plan shall be prepared in accordance with chapter 18.41 SMC to address landscaping of yards and screening of parking, and shall be submitted for approval by the development services director. Landscaping shall be provided along blank building facades and property boundaries. Landscaping shall be provided in accordance with the city of Sumner design and development guidelines. Whenever landscaping is required by this title and/or conditions of approval of

discretionary applications required by this title, such landscaping shall be permanently maintained in a neat and orderly manner. In no event shall such landscape areas be used for the storage of materials or parking of automobiles.

Discussion: The project includes a landscape plan in compliance with this requirement.

C. Outdoor Storage of Materials. Outdoor storage is not permitted in the GC and NC zones, except that outdoor storage of materials is permitted in the IC zone as accessory to a contractor business and in conformance with subsection (T) of this section. The storage of vehicles, such as motorcycles, automobiles, boats and farm equipment for retail sale, shall not be subject to the provisions of this subsection.

Discussion: Not applicable, no outdoor storage is proposed.

D. Outdoor Lighting. Outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. The lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise, except governmental flags.

Discussion: All new exterior lighting is proposed to be low scale in size and includes glare shields. This reduces offsite lighting impacts while still providing for a well lit and safe park space and site. A condition of approval requires a photometric plan showing no light spill onto neighboring residential properties.

E. Commercially Zoned Properties Adjacent to Residential Properties. Whenever commercially zoned or mixed-use development abuts any residential district, there shall be:

1. A 10-foot landscaped yard setback and six-foot masonry wall or wood fence established and maintained along the property line that abuts the residential zones, except that fences and walls located within the required front or street side yard shall not exceed a height of three feet.

Discussion: The project exceeds this standard by providing 10' of landscaping and an 8' fence.

F. Swimming Pools. All swimming pools or outdoor bodies of water having a depth of 24 or more inches shall maintain a protective fence, wall or enclosure not less than five feet in height, with no opening greater than four inches wide and equipped with a self-closing gate surrounding the pool or body of water. The provisions of this subsection shall not apply where a swimming pool is accessory to a motel or hotel use where the owner or any employee thereof is on duty on the premises 24 hours each day.

Discussion: Not applicable.

G. Trash Receptacles. Trash receptacles enclosed within gated, solid walls or fences shall be

provided for each property in commercial use. The receptacle shall be set back a minimum of 15 feet from any residentially zoned property boundary and shall be maintained in a neat and sanitary condition.

Discussion: The project shows a trash enclosure located just north of the building, this location puts the enclosure more than 75' from the nearest residential property.

H. Accessory antennas, including satellite dish antennas which are less than or equal to three feet in diameter, shall not be located between the front or street side property lines and a building, and shall be limited to a height of 10 feet in excess of the maximum height required for each zone. Antennas shall be set up so that in case an antenna falls it will fall within the confines of the owner's property. Satellite dish antennas greater than three feet in diameter are regulated below.

1. Ground-mounted satellite dish antennas, up to 12 feet in diameter, are allowed as permitted accessory uses subject to the following requirements:

a. The installation shall not be located between front or street-side property lines and a building.

b. All installations shall meet the height standards of the district, and shall be measured to the highest point of the dish.

c. The minimum setback shall be not closer than three feet to side property lines nor 10 feet to rear property lines.

d. The installation shall comply with the applicable requirements of the International Building Code, as amended.

e. All installations shall be screened from any adjoining residentially zoned land.

2. Roof-mounted satellite dish antennas up to 12 feet in diameter are allowed as accessory structures subject to the following criteria:

a. The height of the proposed installation does not exceed the maximum height restriction imposed for primary uses within the district; except that buildings built up to the maximum height may be permitted a rooftop installation.

b. Installations shall not be visible between ground level and 10 feet above ground level from any street adjoining the lot; except that for buildings on corner lots, the installations shall not be visible between ground level and 10 feet above ground level from the street from which the building takes primary access.

Discussion: Not applicable.

I. Any on-site treatment and storage facilities must meet the Washington State siting criteria as set

forth in the location standards found in WAC 173-303-285.

Discussion: Not applicable.

J. Parking areas and pedestrian walkways shall conform to the city of Sumner design and development guidelines.

Discussion: The project shows a parking lot and walkway in compliance with Sumner’s Design Guidelines. This is accomplished through providing a paved parking lot with perimeter landscaping for screening. The site includes paved connection to the sidewalk along East Main Street and a paved walkway through the parking lot connecting to the building.

K. Businesses selling firearms are prohibited from locating within 500 feet of public or private schools including preschools, elementary, junior high, and high school facilities.

Discussion: Not applicable.

L. Expansion of Specified Existing Uses. Existing residential dwellings lawfully constructed as of the effective date of the ordinance codified in this title may be maintained as follows:

1. The specified uses may expand up to 25 percent of their square footage, except that expansion shall not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage, and building height.
2. No additional dwelling units may be added, except that existing single-family dwellings may add an accessory dwelling unit if the performance standards to establish an accessory dwelling unit as found in chapter 18.12 SMC, Low Density Residential District (LDR-4, LDR-6, LDR-7.2, LDR-8.5, LDR-12), are met.
3. 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.
4. Structures that were destroyed by a fire or other disaster prior to July 1, 2006, may be rebuilt to original dimensions unless a health or safety impact would occur without any limitation on time.

Discussion: Not applicable.

M. Fences – Intent. The intent of this section is to establish minimum requirements and standards for fences in order to promote safety, provide screening, and to protect the aesthetic assets of the community. Fences constructed in commercial zones shall comply with the standards set forth herein:

1. The requirements of this subsection shall apply only to fences built after the adoption date of

the ordinance codified in this section. Fences built before that date shall be considered legal nonconforming fences. Existing fences being replaced after the adoption date of the ordinance codified in this section shall meet the requirements of this section. The construction of any fence, arbor, or trellis requires a building/land use permit.

2. Fences located between the street and the required front yard setback line or street side yard setback line shall not exceed a height of three feet where fences would provide less than 50 percent visibility. Fences providing at least 50 percent visibility shall not exceed a height of four feet within the required front yard or street side yard. Examples of fences that could meet 50 percent visibility include spaced rail fences and spaced picket fences. If the commercially zoned property abuts any residential property the fencing requirements will be those of subsection E of this section.

3. No fence shall exceed a total height of six feet above existing or finished grade in a commercial zone unless the site qualifies for an exception in subsection (M)(8) of this section.

4. Fences utilized to enclose drainage detention ponds or other drainage facilities in any zone shall meet the requirements of the King County Washington Surface Water Design Manual, as well as any other applicable regulations of this section and the Sumner Municipal Code. Chain link fences used to enclose drainage detention ponds or other drainage facilities shall be green or black coated or painted.

5. No barbed wire, razor wire, or electric fence shall be allowed within neighborhood commercial or general commercial zones. An exception may be granted in the interchange commercial zone if the site qualifies for an exception under subsection (M)(8) of this section.

6. Arbors and trellises will be subject to the following:

a. An arbor of up to three additional feet in height to a nine-foot maximum can be constructed over a gate, walkway, or entryway. The maximum width of an arbor shall be eight feet. These requirements apply to arbors sited in the front and side yard and to arbors attached to fences. Arbors shall be of structurally sound design.

b. A trellis of up to two additional feet in height to a maximum of eight feet may be added to a fence as a decorative element. Trellises with a horizontal element shall not encroach onto adjacent properties. Trellises shall be a structurally sound part of the fence design.

7. Chain Link Fencing. Chain link fencing is not allowed within the required front yard or required street side yard. Chain link fencing shall be black or green coated or painted along street fronts.

8. Exceptions to the fencing standards set forth in this subsection may be granted through a city permit, provided the following criteria are met:

- a. The applicant has demonstrated a need for additional safety and security measures to protect the site; and
- b. Reasonable alternatives which result in reduced or no deviation from the code have been considered and the applicant demonstrates that the alternatives are not reasonably feasible; and
- c. The adjustment to the standards is the minimum necessary to accommodate security fencing; and
- d. The exception will not create harmful impacts to public ways, adjacent properties or the safety of the general public; and
- e. The proposed fencing complies with the standards listed in subsections (M)(9) and (M)(10) of this section; and
- f. The applicant has provided sufficient documentation to describe the proposal, such as a cross-section and elevation of the fencing types proposed, and a site plan with the fence location and setbacks; and
- g. For barbed wire fencing or electrified fencing, the owner shall agree in writing to a “hold harmless” agreement indemnifying the city against any claims related to injury from the proposed fencing.

9. Fencing Exceptions Standards – All Commercial Zones.

- a. Public facilities, minor and major utility facilities, and wireless communication facilities may construct fences in accordance to the standards set forth for such facilities.
- b. Fences located around potentially dangerous facilities or equipment on the interior of a site where there is a demonstrated need to provide added security and public safety may exceed the height requirements set forth in this section to a maximum height of eight feet. Examples of a demonstrated need include sites utilizing draining facilities with steep slopes, water tanks, heavy or dangerous machinery or equipment, hazardous substances, hazardous waste, etc.

10. Fencing Exceptions Standards – Interchange Commercial Zone.

- a. Maximum height of a chain link fence is six feet with an additional two feet of barbed wire allowed only along the top; or eight feet total maximum height with no barbed wire.
- b. Any barbed wire shall be coated or painted black or green along street fronts to match the chain link.
- c. Chain link with barbed wire and electrified fencing shall be set back a minimum of 15 feet from the front lot line and any side street lot line. On existing developed sites, the director may approve

reduced fence setbacks.

d. Security fencing shall be designed and located to minimize conflicts with required landscaping, and interference with canopies of required trees.

e. Minimum Landscaping. Installation of security fencing shall not reduce the required minimum landscaping. On existing developed sites, the director may approve a reduction in landscaping.

f. Electrified fencing may be allowed, subject to the following additional standards:

i. Maximum height is 10 feet.

ii. Must be located behind a nonelectrified fence or wall that is at least six feet tall.

iii. Electrified fencing located adjacent to public trails, public parking lots, public parks and other public facilities must be located behind a nonelectrified fence at a sufficient distance to prevent the public and pets from coming in contact with electrified elements, or must be located behind a wall or fence with a solid surface or closed weave, or must have other treatment designed to restrict public contact with electrified elements.

iv. Electrified fencing shall meet or exceed the following industry safety standards:

(A) Electrified fences shall be constructed and installed in conformance with the most current specifications established by the International Electrotechnical Commission (IEC).

(B) The energizer for electrified fences must be driven by a commercial storage battery not to exceed 12 volts DC.

(C) The electric charge produced by the fence upon contact shall not exceed the most current standards for energizer characteristics established by the International Electrotechnical Commission (IEC).

(D) Warning Signs. Electrified fences shall be clearly identified with warning signs that read: "Warning – Electric Fence," at intervals of not less than 30 feet; or with otherwise adequate wording and spacing as recommended by the IEC.

Discussion: The project complies with the fence standards and is allowed up to 8' under subsection 9a and 9b.

N. Repealed by Ord. 2624.

O. Outdoor sales shall be allowed for espresso/coffee businesses, taverns, micro-breweries, brewpubs, bars and restaurants provided the following are met:

1. Temporary outdoor sales:

- a. The outdoor area shall be set back, at a minimum, 50 feet from any residentially zoned lot.
- b. The outdoor area shall be located on an impervious surface or on wood decks.
- c. Outdoor sales may include alcoholic beverages provided the business is in compliance with all state regulations.
- d. The outdoor area may have background music provided the volume is not audible greater than 50 feet from the source.
- e. The outdoor area may be revoked or suspended by the director per SMC 18.56.230.
- f. Outdoor sales on public sidewalks shall also meet the requirements under SMC 12.28.090.

2. Permanent outdoor sales standards:

- a. The outdoor area shall be part of the total floor area calculation for minimum parking requirements.
- b. The outdoor area shall be set back, at a minimum, 50 feet from any residentially zoned lot.
- c. The outdoor area shall be located on an impervious surface or on wood decks.
- d. Outdoor sales may include alcoholic beverages.
- e. The outdoor area may have background music provided the volume is not audible greater than 50 feet from the source.
- f. The outdoor area may be revoked or suspended by the director per SMC 18.56.230.
- g. Outdoor sales on public sidewalks shall also meet the requirements under SMC 12.28.090.

Discussion: Not applicable.

P. For properties located within the area defined as East Main Street in SMC 18.43.020, the setback may be increased to 15 feet when the area between the sidewalk and the building:

- 1. Is utilized as usable pedestrian space such as a plaza, outdoor seating, or public art (fountain, etc.); or
- 2. Is used for outdoor displays of merchandise or when the displays are an intrinsic part of the

nature of the business or it provides a pedestrian amenity. Examples include, but are not limited to, the display of motorized vehicles that are offered for sale, nurseries, outdoor monuments, etc. Additional landscaping may be required that is a minimum five feet wide as measured from the front property line and running parallel to the street for the entire frontage of the property, except for driveways, and meets the city of Sumner design and development guidelines.

Discussion: The proposed building is 15' from the Main Street property line and includes landscaping and pedestrian spaces.

Q. All development is subject to applicable Sumner design and development guidelines.

Discussion: The project has been designed to meet the design and development guidelines through building location, landscaping, parking located behind the building, large window banks, building and roofline modulation and articulation, utility location, trash enclosure location and pedestrian space.

R. Drive-through businesses and drive-through espresso/coffee businesses located within the neighborhood commercial district (except on Main Street) or East Main Street area shall be subject to the following:

1. The drive-up service windows and queuing for cars shall not be located between the building and any street and shall be obscured from the street; and
2. The drive-through business shall have a minimum gross floor area of 500 square feet and indoor seating for at least 12 persons; and
3. The drive-through business shall have a pedestrian entrance located on the street edge with pedestrian amenities such as seating benches and tables.

Discussion: Not applicable.

S. A light manufacturing, fabrication, assembling and repairing use within the neighborhood commercial or general commercial zone may be allowed as an accessory use to a retail business, provided it meets all the following performance standards:

1. Be contained within a fully enclosed structure;
2. The operation shall not create noise, light, glare, vibration, or odor that would disturb the peace, quiet, and comfort of neighboring residents, retail uses, lodging and restaurant uses; and
3. Must have a retail component that represents at least 15 percent of the total floor area.

Discussion: Not applicable.

T. A contractor business shall be permitted an outside storage yard for materials, vehicles and equipment as an accessory use; provided, that the outside storage yard:

1. Shall not be located within the required front and side yard setbacks or approved off-street parking and loading areas; and
2. Shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, and, in the case of a corner lot, the outside storage yard shall not be located between a building and a side street lot line; and
3. Shall not occupy more than 40 percent of the lot area; and
4. Shall be screened from view of an abutting public right-of-way or from future or present bicycle or pedestrian paths by a minimum of a six-foot solid fence or masonry wall and a fully landscaped 15-foot buffer. The buffer shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. All trees shall be planted no less than 20 feet apart on-center. For every 100 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting. The director may modify the requirements for spacing, number and size of plantings and berm height only upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals. Buffers should include plantings that are low maintenance and/or drought tolerant species. The director may require irrigation for buffer areas if it is necessary to ensure the long-term success of the landscaping as a buffer. The director may waive buffering requirements for the rear yard where a natural or manmade topographical feature exists that screens the outdoor storage yard.
5. At least 50 percent of the structures on site, within 150 feet of the front lot line, shall be available for retail or office uses beyond that which is required for the contractor business. Structures within 150 feet of the front lot line shall contain a minimum combined total floor area of 5,000 square feet.

Discussion: Not applicable.

U. Truck parking in the IC zone shall be screened from view of an abutting public right-of-way or from future or present bicycle or pedestrian paths. Such screening may be accomplished by either placing the truck parking behind buildings on the site, providing a landscape buffer as described herein or a combination of these methods. Landscape buffers shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper measured three feet from the ground. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub of a minimum size of two feet shall be provided. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area

within three years of planting. The director may modify the requirements for spacing, number and size of plantings and berm height only upon a satisfactory showing by a licensed landscape architect that an alternate proposal will accomplish the same buffering goals. Buffers should include plantings that are low maintenance and/or drought tolerant species. The director may require irrigation for buffer areas if it is necessary to ensure the long-term success of the landscaping as a buffer. The director may waive buffering requirements for the rear yard where a natural or manmade topographical feature exists that screens the truck parking area. Light standards, above ground utility pipes and other structures that may be subject to damage from maneuvering trucks may be placed in the landscaped area but shall be protected by bollards, concrete barriers, or other structures capable of preventing damage.

Discussion: Not applicable.

V. Drive-through businesses and drive-through espresso/coffee businesses located within the Town Center area or located within a neighborhood commercial district on Main Street shall be subject to the following:

1. Be located in a multistory building; and
2. The drive-up service windows and queuing for cars shall not be located between the building and any street and shall be obscured from the street; and
3. The drive-through business shall have a minimum total floor area of 500 square feet and indoor seating for at least 12 persons; and
4. A building containing a drive-through business of any type shall not be located adjacent to another building containing a drive-through business of any type either on the same or an adjacent parcel.

Discussion: Not applicable.

W. Indoor emergency shelters and indoor emergency housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Be limited to no more than five families or 20 occupants, whichever is fewer;
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.

X. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in the zone;
2. Comply with the maximum residential density and mixed use requirements for the zone as specified in SMC 18.16.040, except that in no case shall density exceed 25 dwelling units per acre; and
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.

Y. Vehicle Repair, Automotive Collision.

1. All reconditioning, body work, painting, dismantling and similar repair shall be conducted indoors. No outdoor storage of vehicles in disrepair is allowed, except temporary staging of a reasonable duration while awaiting repair.
2. Outdoor staging of vehicles awaiting repair is allowed, provided staging area does not exceed 200 percent of indoor repair floor area or one acre, whichever is less; and provided staging area is screened in accordance with subsection (Y)(4) of this section.
3. Outdoor staging shall only be allowed between the rear lot line and the extension of the front facade of the principal structure, provided no outdoor staging is allowed between a building and a side street lot line;
4. Outdoor staging areas shall be screened from view of adjacent commercial properties, public right-of-way and public bicycle or pedestrian paths.
 - a. Such screening may be accomplished by blocking sight lines with building walls, tall opaque fencing, or similar tall structures; or providing a landscape buffer as described herein; or a combination of these methods.
 - b. Landscape buffers shall be a minimum of 10 feet wide, shall include at least a three-foot-high earth berm and at least 50 percent evergreen trees at least six feet in height at planting. Deciduous trees shall be a minimum of two-and-one-half-inch caliper at time of planting. All trees shall be planted no less than 20 feet on-center. For every 100 square feet of buffer area, at least one evergreen shrub shall be planted, that reaches a mature size of three feet tall. Ground cover of a minimum two-gallon size shall be planted in the buffer area sufficient to cover the area within three years of planting.
5. The director may modify the requirements for screening, spacing, number and size of plantings, and berms upon a satisfactory showing by a licensed landscape architect that an alternate proposal

will accomplish the same buffering goals.

Discussion: Not applicable.

Z. Odor and Emissions. Gas stations shall not create odor in such quantities as to be readily detectable beyond the boundaries of the site, or produce air emissions that are not compliant with regional, state, and federal emission standards, and shall utilize best available control technologies to reduce odors and emissions. (Ord. 2824 § 3, 2022; Ord. 2798 § 9, 2021; Ord. 2794 § 12, 2021; Ord. 2778 § 25, 2021; Ord. 2774 § 15, 2021; Ord. 2770 § 2, 2021; Ord. 2690 § 2, 2019; Ord. 2656 §§ 7, 8, 2018; Ord. 2624 § 1, 2018; Ord. 2606 § 2, 2017; Ord. 2556 § 7, 2016; Ord. 2394 § 7, 2012; Ord. 2253 § 5, 2008; Ord. 2207 §§ 3, 4, 2007; Ord. 2196 § 5, 2007; Ord. 2195 § 1, 2007; Ord. 2167 §§ 3, 4, 2006; Ord. 2147 § 11, 2005; Ord. 2134 § 25, 2005; Ord. 2088 § 9, 2004; Ord. 2040 § 4, 2003; Ord. 2022 § 4, 2003; Ord. 2015 §§ 5, 14, 2002; Ord. 1903 § 3, 1999; Ord. 1694 § 1, 1995)

Discussion: Not applicable.

18.12.080 Performance standards.

The following special performance standards shall apply to properties located in the LDR district:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet and comfort of the neighboring residents. Apparatus needed for the operation of solar energy systems need not be screened pursuant to this section.

Discussion: Any mechanical device will need to show compliance with this requirement and Sumner's noise code in SMC 8.14.

B. Required Landscaping. Required front and street side yards shall be landscaped except for necessary walks, drives and fences.

Discussion: The project includes landscaping and walkways/plaza along its frontage.

C. Outdoor Storage and Parking of Vehicles. Storage or parking of any motor vehicle or vehicle accessory such as camper shells, boats, trailers, motorbikes or other wheeled accessory or conveyance shall not be allowed except as follows:

1. Storage of such vehicles and vehicle accessories is permitted within the paved areas and driveways located in the front and street side yard; and rear and interior side yards; provided, that such vehicles and accessories are screened from neighboring properties and

public rights-of-way by a six-foot-high solid fence or landscaped screen. For purposes of this subsection “storage” means the keeping of such vehicles and accessories on any portion of any parcel of property for a period of 120 continuous hours.

2. Parking for any length of time of such vehicles and vehicle accessories is prohibited within any landscaped area of the front or street side yard, except for parking for the washing of vehicles and not to exceed two hours.

Discussion: The parking lot is located behind the Library building and is contained within a fenced and landscape perimeter.

D. Detached Accessory Structures. Detached accessory structures, except for detached accessory dwelling units, are permitted not closer than three feet to rear or interior side property lines if located in the rear 33 percent of the lot, or in back of the front 75 feet of the lot. The maximum building height for a detached accessory structure, except for an accessory dwelling unit, shall be 16 feet for gabled, hipped and gambrel roofs and 12 feet for flat and mansard roofs.

Discussion: Not applicable.

E. Setbacks From Alleys. Garage structures which are directly attached to a principal structure or attached with no greater than an enclosed breezeway, and have vehicular access from an adjacent alley, may reduce the rear yard setback such that the total of the alley width and setback from the alley is equal to a setback of no less than 24 feet. In such case, only a garage attached to the principal structure by no greater than a breezeway may exceed a height of one story.

Discussion: Not applicable.

F. Yard Projections. Every required front, rear and side yard shall be open and unobstructed from the ground to the sky unless otherwise provided:

1. Fences and walls as specified and limited under subsection (J) of this section may project into a required yard.
2. Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part may project into a required yard by not more than 30 inches.
3. Cornices, sills, eave projections, and awnings without enclosing walls or screening may project into a required yard by not more than 30 inches.
4. Open, unenclosed, unroofed decks, providing, however, that said decks are constructed at grade elevations, or in no event exceed 30 inches above grade and not over any basement or story below.

Staff

Project No: CUP-2024-0007

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5. Bay windows and garden windows which do not require a foundation may project into a required front, rear, or street side yard by not more than 30 inches; provided, that the width of any required interior side yard is not reduced to less than two feet, six inches and any yard abutting a street is not reduced to less than five feet.

6. Additions of accessory structures such as stairs or balconies, or covered porches which have no more than 200 square feet, provided lot coverage is not exceeded, may project into a required front or rear yard.

Discussion: Not applicable.

G. Residential Antennas. Residential antennas, including satellite dish antennas less than or equal to three feet in diameter, shall not be located between the front or street side property lines and a building, and shall be limited to a height of 10 feet in excess of the maximum height required for each zone. Antennas shall be set up so that in case an antenna falls it will fall within the confines of the owner's property. Satellite dish antennas greater than three feet in diameter, and amateur radio towers and associated antennas are regulated below.

1. Satellite Dish Antennas, Ground-Mounted. Ground-mounted, satellite dish antennas are allowed as permitted accessory uses subject to the following requirements:

- a. The antenna shall not be located between the front property line or street-side property line and a building; such antennas may be located in a rear or interior side yard.
- b. The maximum diameter shall be 12 feet.
- c. The maximum height shall be 15 feet in height above the existing grade to the highest point of the dish.
- d. The minimum setback shall be no less than three feet to rear or side property lines as measured when the dish is in a horizontal position.
- e. Satellite dish antennas shall be located to prevent obstruction of the antenna's reception window from potential permitted development on adjoining properties.
- f. Satellite dish antennas shall be constructed of transparent material such as wire mesh; and shall be finished in a dark color and a non-light-reflective surface.
- g. All installations shall include screening treatments located along the antenna's nonreception window axes and low-level ornamental landscape treatments along the reception window axes of the antenna's base. Such treatments should completely

enclose the antenna and consist of no less than three landscape elements which provide year- round screening. Landscape plans shall be reviewed by the director.

h. Dish antennas shall be installed and maintained in compliance with the applicable requirements of the Uniform Building Code, as amended.

i. Only one dish antenna shall be permitted on any residential lot.

j. Dish antennas shall not be installed on a portable or movable device, such as a trailer.

k. The antenna shall be set up so that in case an antenna falls it will fall within the confines of the owner's property.

2. Satellite Dish Antennas, Roof-Mounted. Roof-mounted satellite dish antennas which have a maximum of 12 feet in diameter may only be allowed upon approval of a variance application in accordance with chapter [18.50](#) SMC. In addition to the review criteria of SMC [18.50.030](#), the following criteria shall be met:

a. Demonstration by the applicant that compliance with subdivision 1 of this subsection would result in the obstruction of the antenna's reception window, prohibiting a usable signal; furthermore, such obstruction involves factors beyond the control of the applicant.

3. Amateur radio towers and antennas for use by a noncommercial, licensed amateur operator shall be allowed if such facilities:

a. Are not located between the front or street-side property line and a building.

b. Are limited to a height of 10 feet in excess of the maximum height required for each zone.

c. Are installed with a reasonable effort to minimize visibility from adjacent properties while still permitting effective operation.

d. Are located and constructed in a manner that will prevent the installation from falling onto adjoining properties.

e. Do not interfere with nearby utility lines, etc.

f. Such installations which propose to exceed the maximum height restrictions, but which meet all of the above criteria (a through e), may only be allowed upon approval of a variance application in accordance with chapter [18.50](#) SMC.

Discussion: Not applicable.

H. Swimming Pools. For all swimming pools having a depth of 24 or more inches there shall be maintained a protective fence, wall or enclosure not less than five feet in height, with no opening greater than four inches wide and equipped with a self-closing gate surrounding said pool. This requirement shall also apply to other outdoor bodies of water having a depth greater than 24 inches, excluding natural lakes, streams, rivers, or drainage ditches.

Discussion: Not applicable.

I. Building Height Exceptions. Chimneys and vents, and church steeples and church spires, may be erected to a height greater than the permitted building height.

Discussion: Not applicable, the proposed Library is within the GC zone and could be up to 35' in height and proposes a 30' high structure.

J. Fences – Intent. The intent of this subsection is to establish minimum requirements and standards for fences in order to provide screening and to protect the aesthetic assets of the community. Fences, except as regulated under subsection (J)(8) of this section, constructed within residential zones shall not exceed a maximum height above the adjacent grade as set forth herein:

1. The requirements of this subsection shall apply only to fences built after the effective date of the ordinance codified in this section. Fences built before that date shall be considered legal nonconforming fences. Existing fences being replaced after this adoption date shall meet the requirements of this subsection. The construction of any fence, arbor, or trellis requires a building/land use permit.
2. Fences, located within the required front yard or within a five-foot setback from the street side property line, shall not exceed a height of three feet where fences would provide less than 50 percent visibility. Fences providing at least 50 percent visibility shall not exceed a height of four feet within the required front yard or within a five-foot setback from the street side property line. Examples of fences that could meet the 50 percent visibility include spaced rail fences, spaced picket fences, and chain link fences.
3. Corner lots located along minor arterials may construct a fence to the maximum height with a zero side yard setback along the minor arterial; provided, that all sight distance requirements are met.
4. No fence shall exceed a total height of six feet above existing or finished grade in a residential zone, unless exceptions of subsection (J)(8) of this section apply.
5. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the requirements of the King County Washington Surface Water Design Manual, as well as

any other applicable regulations of this section and the Summer Municipal Code. Chain link fences used to enclose drainage detention ponds or other drainage facilities shall be green or black coated or painted.

6. No barbed wire, razor wire, or electric fence shall be allowed within residential zones, unless exceptions of subsection (J)(8) of this section apply.

7. Arbors and trellises will be subject to the following:

a. An arbor of up to three additional feet in height to a nine-foot maximum can be constructed over a gate, walkway, or entryway. The maximum width of an arbor shall be eight feet. These requirements apply to arbors sited in the front and side yard and to arbors attached to fences. Arbors shall be of structurally sound design.

b. A trellis of up to two additional feet in height to a maximum of eight feet may be added to a fence as a decorative element. Trellises with a horizontal element shall not encroach onto adjacent properties. Trellises shall be a structurally sound part of the fence design.

8. Exceptions to the standards set forth in this subsection are listed as follows: public facilities, minor and major utility facilities, schools, and wireless communication facilities may have fences higher than the required six-foot maximum for safety and security reasons, and are not subject to the requirements of this subsection. Such facilities needing added public safety and security shall construct fences in accordance to the standards set forth for such facilities.

9. Through lots with frontage along minor arterials may construct a fence to the maximum height with a zero setback along the minor arterial; provided, that all sight distance requirements are met.

Discussion: The Library will include a 8' fence to provide the best buffer available between the parking and adjacent residential uses. This is permitted under fence section subsection J(8) as a public facility.

K. Sight Distance Requirements. At all intersections there shall be a triangular yard area within which no tree, fence, shrub or other physical obstruction shall be permitted higher than three feet above the adjacent grade where fences, walls and hedges would provide less than 50 percent visibility. Fences, walls, and hedges providing at least 50 percent visibility shall not exceed a height of four feet. Examples of fences that could meet the 50 percent visibility include spaced rail fences, spaced picket fences, and chain link fences. This triangular area shall measure as follows:

1. Street Intersections. At any intersection of two street rights-of-way, two sides of the triangular area shall extend 20 feet along both shoulder or curblines of the improved portion of the rights-of-way, measured from their point of intersection. For the purpose of this paragraph an alley shall be considered as a street.

2. Street and Driveway Intersections. At any intersection of street right-of-way and a driveway, two sides of the triangular area shall extend 20 feet along the edge of the driveway and 10 feet along the shoulder or curbline of the improved portion of the right-of-way. Such triangular area shall be applied to both sides of the driveway.

3. Fences utilized to enclose drainage detention ponds or other drainage facilities shall meet the above regulations, as well as any other applicable regulations of the Sumner Municipal Code.

Discussion: Not applicable.

L. School and Church 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 and church uses may exceed building height requirements to a maximum of 50 feet in the LDR zone 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.

M. Expansion of Specified Existing Uses. Existing automotive and motorized vehicle sales and rental agencies lawfully operating as of June 1, 2000, may be maintained as follows:

1. The specified uses may expand, except that expansion shall not occur if it is necessary to purchase additional property. The expansion shall meet the development standards of the zone such as setbacks, lot coverage, and building height.
2. Structures may be rebuilt after a fire or other disaster to original dimensions, or expanded per requirements in this section, unless a health or safety impact would occur.
3. If expansion requires any increase in impervious surface, a 10-foot landscaped yard setback shall be created and solid six-foot masonry wall or wood fence established and maintained along the property line that abuts residential properties, except that fences and walls located within the required front or street side yard shall not exceed a height of three feet. The landscape buffer shall contain a planting of trees with a minimum of eight feet in height at planting and a minimum of 20 feet at maturity. Trees shall be a mix of 50 percent deciduous and coniferous and planted 15 feet on center.

4. Any expansion shall meet the performance standards set forth in SMC [18.16.080](#) and design review standards per chapter [18.40](#) SMC.

Discussion: Not applicable.

N. Manufactured homes shall meet all of the following conditions:

1. Manufactured homes shall be new;
2. Manufactured homes shall be set upon a permanent foundation and the space from the bottom of the home to the ground shall be enclosed by concrete or an approved concrete product which can be either load-bearing or decorative;
3. Manufactured homes shall be thermally equivalent to the State Energy Code;
4. Manufactured homes shall have exterior siding similar in appearance to siding materials commonly used on site built single-family homes;
5. The roofs of manufactured homes shall be constructed with a shake or shingle, coated metal, or similar material with a nominal roof pitch of 3:12; and
6. Manufactured homes shall be comprised of at least two fully enclosed parallel sections each of not less than 12 feet wide by 36 feet long.

Discussion: Not applicable.

O. A minimum of 50 percent of the area of front and street side yards shall be landscaped with vegetation or other landscaped features other than paving, gravel, or hard surfaces.

P. Professional offices are permitted as a conditional use; provided, that:

1. The use creates minimal customer service demands on site;
2. The use shall only be allowed within structures existing as of the effective date of the ordinance codified in this section and the structure shall not be expanded by more than 50 percent of its gross floor area;
3. The use has a street address and primary vehicle access from a minor or principal arterial as identified in the city's comprehensive transportation plan; the use is located within one block or 500 feet, whichever is less, of a freeway interchange as measured from the right-of-way boundary nearest to the property; and the property is north of the freeway;

4. The appearance of the structures shall not be altered to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, exhausts, or vibrations that carry beyond the premises;
5. Off-street parking and access shall be provided per chapter [18.42](#) SMC;
6. Any development shall be subject to the applicable design and development guidelines per chapter [18.40](#) SMC;
7. Signs shall be subject to SMC [18.44.210](#);
8. All fees associated with conversion of a residence to a professional office use shall be charged under commercial rates; and
9. Lots may not be consolidated to accommodate a professional office use or required parking.

Discussion: Not applicable.

Q. A mineral extraction use shall:

1. Comply with the noise control code in chapter [8.14](#) SMC;
2. Not produce light, glare or vibration in any amount determined to constitute a public or private nuisance under local or state laws or to disturb the peace, quiet, and comfort of neighboring residents, businesses or other property owners;
3. Meet or exceed regional, state, and federal air and emission levels;
4. Screen all mechanical devices from surrounding properties and public streets;
5. Be consistent with the city's comprehensive plan maps;
6. Utilize best available control technologies;
7. Only be permitted on property that is designated as mineral resource land pursuant to chapter [16.44](#) SMC; and
8. Require loaded trucks leaving the site to be covered, using best available technology.

Discussion: Not applicable.

R. Permanent supportive housing and transitional housing shall:

1. Comply with all applicable setbacks, height and other dimensional standards as required in this chapter;
2. Be limited to occupancy by one family per dwelling unit;
3. Comply with the maximum housing density for the zone, except that in no case shall density exceed a maximum of 10 housing units on any single parcel of land; and
4. Where the number of housing units exceeds one unit per lot, such housing shall 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. (Ord. 2830 § 4, 2022; Ord. 2794 § 8, 2021; Ord. 2737 § 7, 2020; Ord. 2499 § 3, 2014; Ord. 2301 §§ 1, 2, 2009; Ord. 2247 § 2, 2008; Ord. 2194 § 1, 2007; Ord. 2193 § 3, 2007; Ord. 2135 § 4 (part), 2005; Ord. 2022 § 2, 2003; Ord. 1944 § 2, 2001; Ord. 1786 § 2, 1997; Ord. 1694 § 1, 1995)

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 site falls primarily in the General Commercial zone which would allow for a variety of commercial uses. The proposed Library project has been designed and laid out generally in compliance with Sumner's Design Guidelines. Proposed uses in the General Commercial zone range from multifamily, a variety of commercial uses, mixed use projects and public facility uses. Therefore, a building such as a Library is compatible with the surrounding developments and will generate similar traffic flow as other commercial uses would. The project also through its site design fits within the Low Density Residential zone as public facilities are anticipated to be located within or near the residential areas they serve.

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.

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.
- Lighting is required to be on low poles and down shielded and ensure lighting does not trespass on to adjacent sites. Preliminary lighting details and designs look to be in compliance with this, however; a photometric plan will be needed showing the site lighting ending on the Library site.
- Building designed in compliance with the zoning
- Soil remediation is in the works and will be performed in compliance with Department of Ecology standards.

10. STAFF RECOMMENDATION

Proposal CUP-2024-0007 for a conditional use permit for the new Sumner Public Library should be APPROVED with the following conditions by the Sumner Hearing Examiner. All conditions are based on the documentation included as exhibits for this project.

1. Any proposed above ground or rooftop equipment such as HVAC, mechanical or generators must show decibel level compliance with SMC 8.14.
2. An updated lighting photometric plan shall be submitted prior to issuance of a building permit and shall show compliance with SMC 18.42.030(G) ensuring that no light trespass occurs offsite into the residential properties.
3. The project shall generally comply with the design and layout shown, provided an access easement connecting to 153rd Ave Ct E is obtained from the property owners of parcels 0520193076 and 7001640060. In the event an access easement to 153rd Ave Ct East is not obtained, a driveway connection from Main Street would be permitted though the process in SMC 18.43.140. Final building design materials and elements will be reviewed and approved by staff.
4. The Library shall install an 8' solid fence around the perimeter of the parking lot in all areas adjacent to residential lots.
5. Where feasible, measures should be implemented on benches and other seating to deter persons from sleeping on them.
6. A boundary line adjustment/lot line consolidation shall be completed prior to the Library buildings certificate of occupancy. The Change in lot line(s) shall be such that the Library building complies with all applicable development standards.

7. This project will include full frontage improvements to Main street as necessary to bring this roadway up to current standards. This will include removing unused driveway approaches, sidewalks, street trees in planters or approved tree grates and replaced street lighting to meet current standards.
8. This project must meet all stormwater design regulations as set forth in the Sumner Municipal Code. Any stormwater design concept or ideas shown in the SEPA documentation submitted by the applicant must be revised to comply with the Sumner Municipal Code.
9. This project must meet all design regulations as set forth in the Sumner Municipal Code. Any design concept or ideas shown in the SEPA documentation submitted by the applicant must be revised to comply with the Sumner Municipal Code.
10. 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.
11. 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.
12. The property shall record on the title the following hazard area notifications:
 - a. Aquifer recharge area,
 - b. Seismic hazard area,
 - c. Volcanic hazard area
13. 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 Library 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 site 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.

14. The Project shall abide by all local, State and Federal regulations and receive necessary approvals prior to and during 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.

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

Exhibits:

- A. Staff report
- B. CUP Cover Letter
- C. Site Plan
- D. Landscape Plan
- E. Architectural Plans
- F. Lighting and Photometric plan
- G. CUP Application
- H. CUP Notice of Application and Hearing
- I. Zoning Map
- J. Traffic Study
- K. SEPA Checklist
- L. Public Comments